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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our Lord, the majesty of Your Name fills the Earth. We see Your handiwork in the beauty of the sunrise and the majesty of the sunset.

As the world listens to the American political rhetoric and history waits to judge us, guide our lawmakers. Lord, make this upper Chamber of the legislative branch a truly deliberative body. Learning from the lessons of history, may our Senators strive to defend our Constitution against all foreign and domestic enemies. Grant that this defense will involve looking before leaping. May our Senators make decisions that will not seem foolish in the cool light of retrospection.

Arise, O Lord. Remind the nations that they are merely human.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

EVERY STUDENT SUCCEEDS BILL

Mr. MCCONNELL. Mr. President, both parties have long agreed that No Child Left Behind is broken and needs to be fixed. The House of Representatives passed reformist replacements for this law over the past few Congresses, but the Senate didn't consider legislation on the floor for years—until now.

A new majority in Congress thought it was time to finally change that dynamic. So we have demonstrated how a functioning committee process and a functioning Senate could help break through the gridlock. We showed how it could lead to important work across the aisle from a Republican like Senator ALEXANDER and a Democrat like Senator MURRAY, and in so doing, we not only proved that conservative reform was possible, we proved that it could pass by big bipartisan margins.

The version of the Every Student Succeeds Act the Senate considered this summer passed 81 to 17. The Every Student Succeeds Act before us just passed the House 359 to 64, and soon we will have the opportunity to send it to the President for his signature.

The Wall Street Journal dubbed this bill ''the largest devolution of federal control to the States in a quarter-century.'' It will stop Washington from imposing Common Core. It will strengthen the charter school program. It will substitute one-size-fits-all Federal mandates for greater State and local flexibility. In short, the Every Student Succeeds Act will put education back in the hands of those who know our kids best: parents, teachers, States, and school boards. It will help students succeed instead of helping Washington grow. That is something all of us can get behind because all of us represent different States with different children who have different needs.

I know Kentucky's newly appointed education commissioner is enthusiastic about this landmark reform. He wrote me to say that this bill would be good for Kentucky because it would do things such as ensure more flexibility, support rural schools, and help the Commonwealth provide for teacher development.

I thank the senior Senators from Tennessee and Washington for all their hard work on this bill. Some may have questioned whether Washington could ever agree on a replacement for No Child Left Behind, but today we have the Every Student Succeeds Act before us. It is a good replacement. It is a conservative reform with significant bipartisan support and one that will do right by those who matter most in the discussion: our children and our future.

Just days after the President signed an important bipartisan highway bill we passed, we soon expect to send him an important bipartisan education bill to sign as well. We might even pass it as soon as today. Passing either of these bipartisan bills after years of inaction would have represented a very big win for our country. What is more, it is notable that both could now be signed into law within such a short timeframe.

Passage of these bills follows Senate passage of many other achievements for the American people too, on issues ranging from cyber security, to trade, to energy, to entitlement reform, even combatting modern-day slavery.

Sometimes it was assumed that Washington could never come to an agreement on certain issues, but not only did we pass some long-stalled priorities for America, we often did so on a bipartisan basis. The question is, How do you achieve passage of important bills? One way is to foster an atmosphere where both parties can have more of a say on more issues, starting at the committee level. Let me give an example. Consider what the American people saw in the debate over the Education bill. They saw Senators they sent to Washington having their voices heard again, regardless of party. They saw them making meaningful contributions in committee. They saw them working across the aisle. They saw them having more opportunities to offer amendments. The American people actually saw the Senate take more

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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amendment rollcall votes on this single bill than the Senate took all of last year on all bills combined.

This is what Senator MURRAY, a Democrat, said when the Senate first passed this bill in July: ''I am very proud of the bipartisan work we have done on the Senate floor—debating amendments, taking votes, and making this good bill even better.'' I know her Republican counterpart, Senator ALEXANDER, feels exactly the same way, just like Senator INHOFE, a Republican, agrees with Senator BOXER, a Democrat, when she refers to the highway bill as ''a major accomplishment.''

ORDER FOR RECESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. today for the weekly conference meetings and that if cloture is invoked on the conference report to accompany S. 1177, the time during the recess count toward the postcloture time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

PLATFORM OF THE REPUBLICAN PARTY

Mr. REID. Mr. President, Donald Trump is standing on the platform of hate—I am sorry to say hate that the Republican Party has built for him.

It was just last week that I came to the floor of the Senate and said the Republican Party is running on a platform of hate. Yesterday Donald Trump provided the strongest evidence yet that it is true. Trump's proposal to bar Muslims from entering this country is hateful, despicable, and really vile. We are a country founded on religious liberty, not a country that imposes religious tests. Trump's statement is a slap in the face to the millions of peace-loving Muslims living here and to those who want to travel and live here. We welcome them all, and to them I say: Donald Trump is not America.

Sadly, however, Donald Trump has become the Republican Party, because it is just not him—many of the leading candidates for the Republican nomination have said the same hateful things, especially about Muslims. Jeb Bush and TED CRUZ proposed religious tests for refugees. You can't condemn Trump when you want to impose a religious test on women and children fleeing death and persecution. Ben Carson has called Muslims ''rabid dogs.'' Chris Christie said they should be tracked.

Today, Donald Trump offered the only true statement he has made for some time, referring to some of his fellow Republicans, those running against him for President. He said:

> They have been condemning almost everything I say and then they come to my side.

That is disturbing, but it is true. Republican candidates condemn Trump's remarks and then adopt his racist policies as their own.

We shouldn't try to fool ourselves: This sort of racism has been prevalent in Republican politics for decades. Trump is just saying out loud what other Republicans merely suggest.

Political leaders must condemn these hateful, un-American statements with their words and their actions. Silence only empowers bigots.

NOMINATIONS

Mr. REID. Mr. President, as the year draws to an end, Republicans are doing high fives and celebrating as if they hit a home run when they haven't even singled.

Republicans are seeing a distorted image of reality. All their talk of productivity and progress overlooks many facts and ignores their constitutional duty to provide advice and consent on President Obama's nominations—any President's nominations. Republicans are balking at fulfilling their constitutional role.

The job of Congress is to pass laws and to confirm nominations. By that measure, this Congress has been the least productive ever. The total number of bills passed and nominations confirmed this Congress is lower than any Congress in decades. This Republican majority has confirmed fewer nominations than any Congress in decades. Because of Republicans' obstruction, qualified nominees are prevented from serving the American people.

Yesterday the Senate skipped over the confirmation of Judge Luis Felipe Restrepo and confirmed just the 11th judge this session. There are 18 more judicial emergencies than when the Republicans took control of the Senate. What is a judicial emergency? It means they have more work than the judge can do. Instead of making progress in judicial backlogs across the Nation, we are falling even further behind and creating more emergencies. One of those judicial emergencies is Judge Restrepo. He is a talented Federal district judge from the State of Pennsylvania, and he is a talented Latino nominated for the Third Circuit.

The junior Senator from Pennsylvania—who is responsible for delaying this good man for more than 6 months in the committee—finally engaged on the nomination. On Monday the junior Senator said: I am sending a letter to Senator MCCONNELL requesting a vote on his confirmation. I don't know why he couldn't say to the Republican leader: Will you bring this up for a vote? Why the letter? Where has Senator TOOMEY been since July when this nomination was first reported out of the committee 5 months ago? Why has this nomination been pending for more than a year? I wonder if it is because election time is here. Senate Democrats have waited months to confirm this good man. He should be confirmed now, today. Sadly, though, Republicans are blocking every Latino judicial nominee currently being considered.

Here is a partial list: Judge Restrepo—I already talked about him; Armando Bonilla, who is the first Latino ever nominated to the Court of Federal Claims; John Michael Vazquez, nominated to the District of New Jersey; Dax Eric Lopez, nominated to the Northern District of Georgia, who would make history as the first Hispanic appointed Federal judge in that State. Georgia has a large number of Hispanics in that State.

Because of this obstruction, last night the Senate skipped over Judge Restrepo—I mentioned that earlier—leaving another judicial emergency. Instead, the Senate confirmed Travis Randall McDonough as district judge for the Eastern District of Tennessee. After confirming Judge McDonough, 19 judicial nominees remain on the Executive Calendar who were all voted out of committee unanimously.

Yesterday's confirmation marks only the 11th judicial confirmation this entire Congress. At this point in 2007, Democrats worked with President Bush to confirm 36 judicial nominees—11 compared to 36. It is obvious why they are doing it; they hope Donald Trump will be elected President and Hillary Clinton will not be. Yesterday's confirmation marks the 11th judicial confirmation of this Congress. If the Republican Senate keeps up this pace, many of their recommendations—from Tennessee, Iowa, Georgia, and many other States—are at risk of not being confirmed. These are Republican selections. The American people are paying the price.

Since the Republicans took control of the Senate, the number of judicial emergencies around the country has more than doubled. During this session of Congress, we have only confirmed one circuit judge. Because of the Republicans slow-walking, the Senate is currently on pace to confirm the lowest number of judges in a comparable session in half a century.

As William Gladstone said, ''Justice delayed is justice denied.'' That is true. More than 30,000 people across the country have been waiting for more than 3 years for a resolution to their court case.

Judge Lawrence O'Neill, who was nominated by President George W. Bush to the Eastern District of California, is fed up with the staggering delays in his court. Here is what he said:

> Over the years I've received several letters from people indicating, ''Even if I win this case now, my business has failed because of the delay. How is this justice?'' And the simple answer, which I cannot give them, is this: It is not justice. We know it.

The judge is right. What is happening with our judiciary is damaging our

country and the litigants depending on a way to get to court to go to trial.

The Republican leader has the power to alter the destructive path Senate Republicans have charted. Before we leave for the holidays, the Senate should act to schedule votes on the dozens of judges who have been denied a vote. Where we have the judicial emergencies, the criminal cases are allowed to go forward but not the civil cases, involving people's businesses. They can't have their day in court. There are too few judges who have to take care of all of the criminal cases first. The civil cases wait—damaging to our economy and certainly damaging to people's lives. Thousands of Americans waiting for years deserve their day in court without further delay by Republicans, which is outrageous.

Mr. President, I see no one on the floor. Will the Presiding Officer announce to the Senate the work of the day.

RESERVATION OF LEADER TIME

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

STUDENT SUCCESS ACT—CONFERENCE REPORT

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

The senior assistant legislative clerk read as follows:

Conference report to accompany S. 1177, a bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mr. REID. Is the time divided equally on quorums?

The PRESIDING OFFICER. There is no order for division of time.

Mr. REID. I ask unanimous consent that during all quorum calls this morning, the time be equally divided between the two sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

RELIGIOUS FREEDOM

Mr. DURBIN. Mr. President, the Founding Fathers took great care when it came to the issue of religion in our Constitution. Many of the people who had come to the United States and became its earliest White settlers came for religious freedom. They had witnessed discrimination. They had witnessed government religion. They had witnessed the type of conduct which not only offended their conscience but motivated them to come to this great Nation. So when the Founding Fathers sat down to craft our Constitution, they made three hard-and-fast rules when it came to religion in this United States of America. The first was our freedom to believe as we choose or not to believe, a personal freedom when it came to religion embodied in the civil rights. The second was prohibition against any Government of the United States establishing a state or government religion. Third, the prohibition of any litmus test before anyone could run for public office when it came to religion.

For over 200 years now, those fundamental principles have guided the United States and have kept us away from some of the terrible conflicts which have occurred in other nations across history when it came to the clash of religious belief. It is hard to imagine that in this 21st century, more than 200 years after the Constitution was written, that in the midst of this Presidential campaign, we would once again be reflecting on religion in America, but we are.

Statements that were made over the last several months, and especially a statement made yesterday by a Republican candidate for President, have called into question again the policy and values of the United States when it comes to the practice of religion. Mr. Donald Trump, Republican candidate for President, has proposed excluding people of the Muslim religion from the United States. He said we need to do that until our government figures out what to do with terrorism. Mr. Trump's statements have been condemned, roundly condemned by most of the other Republican Presidential nominees, as well as former Vice President Richard Cheney. It is an indication that he has gone too far. I hope it is an indication that we in America will reaffirm fundamental values, when it comes to religious beliefs, that have guided this Nation for more than two centuries. I might add, this is just the latest chapter in this story.

REFUGEES

Mr. President, it was only a few weeks ago when there was a conscious effort promoted by the Republican Presidential candidates to exclude Syrian refugees from the United States. They called it a pause. They said we needed to assess whether or not we ought to change our system for refugees coming to this country, and, in so doing, they required the certification by the heads of our national security agencies of each individual refugee before they could come to the United States.

Each year, the United States allows about 70,000 refugees to come to our shores from all across the world. They come from far-flung nations. The largest contributor last year was Burma—those who were escaping persecution in Burma. The second largest group was those coming from Iraq. They included, incidentally, those Iraqis who had served and helped the United States and its military during our period of occupation. Many of them risked their lives for our soldiers, and now they are worried about retribution and have asked for asylum refuge in the United States.

The proposal was made by the Republican side that we should limit—in fact, should delay and then limit—Syrian and Iraqi refugees. One has to wonder whether or not it has anything to do with the fact that the vast majority of people living in those two countries are of the Muslim faith.

I have met some of these refugees in the city of Chicago. Some of them waited up to 2 years after they were being investigated and interviewed and fingerprinted—up to 2 years—before they could come to the United States. Their stories of what they and their families have been through are tragic. They come here simply to start a new life in a safe place and to raise their children. It truly is what has motivated people across the span of history to come to this great Nation, and these refugees are no different.

The fact that the Republicans would start by excluding refugees—and now, Mr. Trump takes it to the extreme of excluding people of a religious faith, the Muslim religion—is an indication of a conversation in American politics that needs to stop. We need to reflect once again on the fundamental principles of this country and the fundamental values of this country as well. I hope this is the beginning of a reevaluation.

It wasn't but 2 weeks ago that the House of Representatives passed the measure, the so-called pause in accepting refugees. It is interesting what has happened since. More than half of Democrats who voted for this—47 of them—have said they don't want to include this measure in any final appropriations bill considered by Congress. They are obviously having second thoughts about their votes. At least one Republican Congressman from the State of Oklahoma said he made a mistake; he never should have voted for this policy when it came to Syrian refugees. So perhaps, as tempers cool and as we reflect on who we are as a Nation and what we want to be, we will have second thoughts about this question of refugees.

GUN VIOLENCE

Mr. President, there was another vote last week which I noted on the floor yesterday and which I still find hard to believe. A measure was offered by Senator FEINSTEIN of California. What it basically said is: If you are on a no-fly list—if you have been identified by our government as a suspected

terrorist—you cannot purchase firearms. That, to me, is not a radical suggestion. It is a commonsense suggestion. The two killers in San Bernardino had AR–15s, weapons that can be used to fire many rounds in a hurry. The net result: 14 people died and another 18 or so were seriously injured. So when someone is put on the no-fly list, the suspected terrorist list, I don't think it is unreasonable to say: You can't purchase a firearm as long as you are on that list.

Senator FEINSTEIN addressed the question raised by the Republican Senator from Texas: What if the government is wrong? What if your name should not be on the list? She included in her bill a process to challenge any name on the list and to do it in an orderly way with due process. Apparently, Republicans felt that wasn't enough.

Overwhelmingly, Republicans voted against the Feinstein amendment. Overwhelmingly, they voted against a proposal to ban suspected terrorists from buying firearms in America.

Now, I know there are many people who are skeptical—maybe even cynical—when it comes to the role of our government. But if we are not going to take the government's information and advice when it comes to suspected terrorists, where will we be?

Our government—through our military, our intelligence agency, the FBI, and law enforcement—gathers information about individuals and warns us if those individuals could be a danger to our families and to our communities. The vote by the Republicans rejected that warning and said: We will err on the side of giving people firearms even if they are suspected terrorists. That makes no sense whatsoever. It shows you the extremes you can reach when you listen closely to the gun lobby and not to the vast majority of Americans who simply want to live in a safe country. It shows what happens when your opposition to this President and this government has reached the point where you question even the basic conclusion that someone has been engaged in suspicious, if not outright, terrorist activity. That vote was defeated. The amendment by Senator FEINSTEIN was defeated.

She also offered an amendment originally penned by Senator Lautenberg—the late Senator Lautenberg of New Jersey—related to terrorists, but the Senate also considered an amendment that related to background checks for those who want to purchase firearms. That amendment came to the floor under the sponsorship of Senator MANCHIN, a Democrat from West Virginia, and Senator TOOMEY, a Republican from Pennsylvania. What it said is very basic: If we are going to sell firearms in America, we are going to make every reasonable effort not to sell them to convicted felons or people who are mentally unstable. That makes sense. In fact, it should be a standard we all accept. The vast majority of gun owners accept that standard. They don't want guns in the hands of people who would use them in crime or people who are mentally unstable and can't manage a firearm. That amendment came to the floor; again, it was defeated by the Republicans in the Senate. That is unfortunate.

In the State of Illinois, too many crime guns cross the border from northwest Indiana into the city of Chicago, coming into that city where they are traced to gun shows in Indiana where there are no background checks, where people can fill up the trunks of their cars with firearms and ammunition, cross the border into Illinois and into Chicago, and engage in deadly, violent contact. We should have that come to an end.

The people who own and use guns responsibly and legally have no fear. But those who would buy them for criminal purposes or those who would buy them when they don't have the faculties to truly maintain a firearm or use it should be stopped.

The Republicans disagree. They are listening to the gun lobby when they should be listening to the people of this country.

FOR-PROFIT COLLEGES

Mr. President, last month, the Department of Justice, along with the Department of Education and a group of State attorneys general, announced an agreement to settle litigation against Education Management Corporation, the second largest for-profit college chain in America.

EDMC was found to have been engaged in fraud and deception when it told the Federal Government it was complying with Federal laws that prohibited incentive compensation to be paid to recruiters. For EDMC recruiters, students essentially had a bounty on their heads. The more students they signed up for their for-profit colleges, the more bonuses and perks the recruiters could receive, such as trips to places like Cancun and Las Vegas, Starbucks gift cards, expensive candies, and tickets to sporting events.

To tell the whole story, the same EDMC recruiters—as they were recruiting young people to attend these for-profit colleges—needed only to find students with a ''pulse and a Pell'' to sign up. What they are referring to, of course, is low-income students eligible for over $5,000 in Pell grants—$5,000 that would flow to this for-profit college, regardless of whether the students were getting a good education.

U.S. Attorney General Loretta Lynch referred to this school as a ''recruitment mill.'' What was the result of this recruitment mill? While these illegal practices were taking place, EDMC reportedly took in—listen to this—$11 billion in Federal funds, $11 billion in taxpayer funds. Under the settlement, the company was fined $90 million—$11 billion; $90 million.

Well, how about the executives who masterminded the scheme to sign up young people so that their Pell grants and government loans would flow to the for-profit college, regardless of whether they ever finished school or ended up with a diploma that was worth anything? What happened to these people who engineered this scheme that cost Federal taxpayers $11 billion—students almost $11 billion in debt—and a fine by the government of $90 million? So far, they are getting off scot-free.

Todd Nelson, CEO of EDMC until 2012, personally received over $25 million in total compensation during his 5 years. The settlement didn't include any accountability for him. Now Mr. NELSON is the CEO of the Career Education Corporation, another for-profit education company that is under massive State and Federal scrutiny.

What about the students who were lured by EDMC's illegal recruitment mill, pressured by the company's high-pressure, boiler-room tactics into mountains of student debt? They can't find jobs many times, and they certainly can't repay their loans.

Attorney General Lynch called EDMC's tactics a violation of the trust placed in them by the students. More than 40 State attorneys general accused the company of deception and misleading recruitment.

So let's be clear. This was not just a case of EDMC lying to the Federal Government. Students were the victims.

I encourage the Department of Education to use the evidence the Department of Justice and States attorneys general have in this case to provide Federal student loan relief to students who were harmed by Education Management Corporation. But make no mistake. If the students are spared the student debt from these fly-by-night for-profit colleges, ultimately the taxpayers will be the losers as well. We provided the money to the students that flowed to the schools, and now everyone is a loser, including the taxpayers—oh, not the officers of the company. They walked away with millions of dollars in compensation.

There is one thing I always say at this point to make my case, and I have never, ever heard a rebuttal from the for-profit colleges. For-profit colleges educate about 10 percent of all the high school graduates in America. Who are the major for-profit colleges? The biggest one is the University of Phoenix, Kaplan is another large one, and DeVry University is out of the city of Chicago. These are for-profit schools.

About 10 percent of high school grants go to these for-profit colleges. The for-profit colleges as an industry receive 20 percent of all the Federal aid to education—10 percent of the students, 20 percent of the Federal aid. Their tuition is so high that students have to go deeper into debt than if they had chosen a community college or a public university. But here is the No. 1 number: 10 percent of the students—44 percent of student loan defaults occur with students who attend for-profit colleges and universities. Almost half

of the students who end up going to these for-profit schools default on their student loans.

Don't forget that student loans, student debt is not dischargeable in bankruptcy. A 19- or 20-year-old student and their parents who sign up for these student loans have signed up for debt for life. It cannot be discharged. They will take it to the grave. When the student defaults, we actually have seen efforts to secure Social Security payments from the parents who cosigned for these loans. For 10 percent of the students in for-profit schools, there are 44 percent of the student loan defaults.

Well, the EDMC news came on the heels of a major announcement by Westwood College, one of the worst actors in the for-profit college industry. Westwood announced it would stop enrolling students in campuses nationwide, including the four that operate in the Chicago area. Praise the Lord.

Illinois Attorney General Lisa Madigan sued Westwood for engaging in deceptive practices. Madigan's suit focused specifically on Westwood's criminal justice program, one of the first that I have heard about that raised my interest in this for-profit college industry. In order to lure students into their criminal justice program, Westwood College convinced students they could get jobs with the Chicago Police Department and the Illinois State Police. What happened when the students actually graduated from Westwood College, this for-profit school, and took their degrees to the employers? The employers laughed at them. They didn't recognize the Westwood degree. In fact, it reached a point where they told the students they would be better off if they didn't include Westwood College on their resumes. Just say you didn't go to school, and you will have a better chance.

The Attorney General recently reached a settlement with Westwood under which it would forgive $15 million in private student loans for Illinois students. Now it appears the company as a whole may be on its way out. That is the trend in this industry. As students and parents across America are starting to realize these for-profit schools are bad news and State and Federal regulators are shining a light on their illegal tactics, enrollment is declining. At one point, I believe the University of Phoenix had over 500,000 students. Now they are down to less than half of that amount. Along with the decline in enrollment, stock prices on these private corporations are plummeting.

Years of bad behavior is starting to catch up with these companies, but the damage is done for these students. Many of their lives have been harmed, if not ruined, by this debt. And, of course, there has been damage to the Federal Treasury, which shells out billions—that is with a ''b''—of dollars to the for-profit colleges that the taxpayers will never get back. Yet the other party continues to come to the aid of the for-profit college industry, attempting to block any steps to ensure that for-profit colleges are following the law and held accountable. We saw it earlier this year. The junior Senator from Florida came to the aid of the disreputable Corinthian Colleges. While Corinthian was lying to students about its job-placement rates, suckering them into enrolling, and saddling them with debt, the junior Senator from Florida was writing to the Department of Education asking them to demonstrate leniency to Corinthian—leniency to a company that made misrepresentations to the students, lied to the government, and swindled taxpayers out of billions of dollars. That is the answer from the junior Senator from Florida.

If Republicans are willing to defend Corinthian, it shouldn't be a surprise that they want to shield for-profit colleges from what is known as the gainful employment rule. The Department of Education has developed responsible criteria for determining whether career education programs really do prepare students for gainful employment. That is required by law. The gainful employment rule ensures that students who graduate from a covered program of study are able to get a job that allows them to manage the student debt they take on in the process. The point is to protect students from worthless postsecondary programs that leave them saddled with debt and unable to get a good job. The point is to also protect Federal taxpayers by cutting off Federal funding to programs of study that don't really prepare students for a job. But the for-profit college industry and their friends in Congress—they hate this rule. Why? As an industry, for-profit colleges, as I mentioned earlier, enroll 10 percent of the students and account for more than 40 percent of the student loan defaults. They take in $25 billion in title IV dollars annually. If they were a Federal agency, the for-profit colleges and universities would be the ninth largest Federal agency in America.

Is this the private sector, is this the free market, or is this crony capitalism that survives on massive Federal subsidies? The for-profit colleges and universities are the most heavily subsidized private industry in America. Their business model depends on easy access to Federal funds and the ability to spend as little as possible on quality education. They spend more money on advertising than they do on teaching.

Earlier this year, the U.S. District Court for the District of Columbia dealt a devastating blow to this industry's attempt to block the gainful employment rule. The court upheld the rule in its entirety. This was the second U.S. district court to do so. Having been embarrassed in Federal court, the for-profit college industry has turned to my friends on the other side of the aisle to protect them. They attached a rider to the appropriations bills that fund education programs and are pushing to include it in the final spending bill this year to stop the Department of Education from enforcing the existing law on gainful employment.

How can we as Members of Congress block implementation of this commonsense rule in light of what just happened with Corinthian? This company was inflating its job-placement rates to lure students, defrauding the students and taxpayers, and lying to creditors and the Federal Government. When it collapsed, when Corinthian went down, more than 70,000 students were left in peril. Many were left with more debt than they could ever possibly repay and a Corinthian education that is worthless.

Now is not the time for Congress to meddle in the Department of Education's efforts to protect taxpayers, students, and their families, and to prevent another Corinthian collapse. The Department estimates that of the nearly 1,400 programs of study, 99 percent of them at for-profit colleges will fail under this basic rule. That is why the industry is in a mad dash to find political sponsors to save them from accountability. Programs have to fail the rule 2 out of 3 consecutive years to be cut out of Federal funding, so the institutions do have an opportunity to improve. If they don't, we shouldn't just continue to blindly send billions of Federal taxpayer dollars to these companies.

With all we know about the for-profit college industry and their fraudulent and deceptive practices, I can't believe my colleagues on the other side of the aisle are prepared to fight a rule that is nothing more than a way to protect students and taxpayers. But here we are facing the prospect of a policy rider, substantive legislation in a spending bill to shield for-profit colleges from being held accountable and delivering on their promises to students. Well, I am going to resist that, and I hope my colleagues will join me. It isn't just a matter of making certain that these schools follow the law; it is a matter of protecting students and families from being exploited—going in for an education and ending up with nothing other than debt—and protecting taxpayers who are sending $25 billion a year to this industry.

We have had some heated debates on the floor about people receiving food stamps—perhaps $180 a month in food stamps—and whether they are deserving or whether it is a rip-off for taxpayers, but when it comes to $25 billion for an industry that has shown over and over again that it is the source of 44 percent of student loan defaults, to the misery of the students and families who are victims of it, some of these same people who are critical of food stamp fraud turn a blind eye. They say: Oh, this is just business. Don't be afraid of making a profit.

I salute businesses that make a profit if they do it honestly, honorably, and do it with competition. This industry is taking advantage of Federal tax dollars in a way that no other industry is.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TERRORIST WATCH LIST

Mr. COTTON. Madam President, I will be brief. I wish to respond to what I heard earlier this morning from the Democratic leader and what we heard from the President on Sunday night.

The Democrats would have us believe that any person on a watch list can go and buy a firearm without any notice whatsoever. That is simply false. The background check system that federally licensed firearm dealers use includes a terrorist watch list, and the FBI counterterrorism division is notified when that occurs. Of course, the list is notoriously inaccurate. A Department of Justice IG report just a few years ago said half of the names on the list are incorrect. The New York Times, which continues its proselytizing for gun control, used to be strongly opposed to the use of this list. Most famously, Ted Kennedy, a U.S. Senator from America's leading political dynasty, was on the list and couldn't get off for weeks, having his flights disrupted time after time. Stephen Hayes, a well-known conservative journalist who I admit looks a little suspicious, also found himself on the list. It took him months of public commentary, and he was only removed from the list when Secretary of Homeland Security Jeh Johnson was challenged on the news about him being on the list.

If it took Ted Kennedy and Stephen Hayes weeks or months to get off that list, how long would it take the little guy in Arkansas? For that matter, how long do we think it would take patriotic Muslim Americans who are on the list—most likely because of confusion about their names with suspected terrorists—to get off that list?

Moreover, what other rights would Democrats like to deprive American citizens of without notice and due process? Their right to free speech? Their right to practice their religion? Their right to petition their government? Their right to enlist unreasonable search and seizures? Their right to a trial by jury? Their right to confront their accusers? Their right to get just compensation when their property is taken?

Democrats should quit being so politically correct. They should focus on winning the war against radical Islam. If they did, maybe fewer Americans would feel the need to buy firearms to protect themselves from terrorist attacks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, this is a day for opportunity in the Senate. We have an opportunity today to reverse the trend of the last several years toward a national school board. We have an opportunity to make clear that in the future, the path to higher standards, better teaching, and real accountability will be through States, communities, and classrooms and not through Washington, DC.

We have an opportunity to vote in favor of what the Wall Street Journal has called ''the largest devolution of Federal control to States in a quarter century.''

We have an opportunity to inaugurate a new era of innovation and excellence in student achievement by restoring responsibility to States and classroom teachers. Tennessee, after all, was the first State that paid teachers more for teaching well. Minnesota educators created the first charter schools. The real advances in higher standards and accountability and appropriate testing have come from classroom teachers and from Governors, not from Washington, DC, and I believe that is where those advances will come from in the future.

We have an opportunity today to provide much needed stability and certainty to Federal education policy from some very important people who are counting on us: 50 million children, 3.4 million teachers, and 100,000 public schools.

Newsweek magazine recently reminded us what we already know very well: No Child Left Behind is a law everybody wants fixed. Governors, teachers, superintendents, parents, Republicans, Democrats, and students all want the law fixed. There is a consensus about that and fortunately there is a consensus about how to fix it. That consensus is this: continue the law's important measurements of academic progress of students—disaggregate and report the results of those measurements—so teachers, parents, and the community can know what is going on in the schools but restore to States, school districts, classroom teachers, and parents the responsibility for deciding what to do about those tests and about what to do about improving student achievement.

In our Senate hearings, I suppose we heard more about over-testing than any other subject. I believe this new law will result in fewer and better tests because States and classroom teachers will be deciding what to do about the results of the tests.

Building on the consensus I have just described is why the Senate—our Senate education committee—passed our bill 22 to 0 and why it passed on the floor 81 to 17. That is why conferees from the Senate and the House were able to agree 38 to 1, and that is why last Thursday the House of Representatives approved the conference report 359 to 64. That is why the National Governors Association gave our conference report its first full endorsement that the NGA has given to any legislation in nearly 20 years. That is why the Chief State School Officers, the school superintendents, the National Education Association, and the American Federation of Teachers all have supported our result.

This consensus will end the waivers through which the U.S. Department of Education has become in effect a national school board for more than 80,000 schools in 42 States. Governors have been forced to come to Washington, DC, and play ''Mother, May I'' in order for a State to put in a plan to evaluate teachers, for example, or to help a low-performing school.

Our consensus will end the Federal common core mandate. It explicitly prohibits Washington from mandating or even incentivizing common core or any other specific academic standards. That is exclusively the responsibility of the State. It moves decisions about whether schools, teachers, and students are succeeding or failing out of Washington, DC, and back to States and communities and classroom teachers where those decisions belong.

I am grateful to Senator MURRAY, who is here today, and Representatives KLINE and SCOTT, and to all of the members of our Senate education committee, for the leadership they have shown and the bipartisan way in which they have worked on this legislation. I am grateful to both the Democratic and Republican staffs in the Senate and in the House for their ingenuity and hard work. Fixing No Child Left Behind has not been easy. Everyone is an expert on education. This has been a lot like being in a football stadium with 100,000 fans, all of whom know exactly which play to call and usually each one of them says so.

Some Republicans would like even more local control of schools than our consensus provides, and I am one of them, but my Scholarship for Kids proposal, which would have given States the option to allow Federal dollars to follow children to the school their parents choose, only received 45 votes in the Senate. It needed 60.

So I have decided, as a President named Reagan once advised, that I will take 80 percent of what I want and fight for the other 20 percent on another day. Besides, if I were to vote no, I would be voting to leave in place the common core mandate—and I would be voting to leave in place the waivers that permit the U.S. Department of Education to act as a national school board for 80,000 students and 42 states—and I would be voting against the largest step toward locally-controlled schools in 25 years. Let me repeat that. Voting no today is voting to leave in place the common core mandate and the national school board and voting against the largest step toward local control of schools in 25 years.

I say to my friends, especially on the Republican side, many of whom, as I do, would like more local control: That is not the choice. The choice is whether

we want to leave in place common core, the national school board, and the largest step toward local control in 25 years. I don't want to do that.

This law expired 8 years ago. It has become unworkable. If it were strictly applied, it would label nearly every school in America a failing school. So States, teachers, and parents have been waiting 8 years for us to reauthorize this law. If this were homework, they would give Congress an F for being tardy, but I hope they will give us a good grade for the result we have today.

It is a great privilege to serve in the U.S. Senate, but there is no need for us to have that privilege if all we do is announce our different opinions or vote no if we don't get 100 percent of our way. We can do that at home or on the radio or in the newspaper or on a street corner. As U.S. Senators, after we have had our say, our job is to get a principled result. Today we have that opportunity.

I hope today will demonstrate that we understand the privilege we have as Senators and show that we cherish our children by building upon this consensus and vote yes to fix the law that everybody wants fixed and yes for the consensus that restores responsibility for our schools to States, communities, and classroom teachers.

Before Senator MURRAY speaks, I would like to do two things, briefly. The first vote—the vote we are having today at 11:30—is a vote about whether to cut off debate on fixing No Child Left Behind. I hope no Senator thinks we have not had enough debate. We have been at this for 7 years. We failed in the last two Congresses. We have been working in our committee since January. We have had innumerable hearings, more than 50 amendments in committee, more than 70 amendments were dealt with on the floor, a dozen or so amendments in the conference report. Every Senator has had this in his or her office since last Monday—at least for a week. So the question today at 11:30 is, Is it time to cut off debate and move to a final vote? I hope every Senator will vote yes.

Finally, I mentioned Senator MURRAY and her role in this, which has been indispensable in terms of our ability to come to a result. I would like to extend my deep thanks and appreciation to her staff and our staff, the committee staff, that worked on fixing No Child Left Behind. Many of them have been working on this effort for nearly 5 years. They have been ingenious. They have worked hard. They have been understanding, they have been tireless, and they have been indispensable in creating this important bipartisan, bicameral bill. That includes the staffs of Representative KLINE and Representative SCOTT in the House

On Senator MURRAY's exceptional staff I would like to thank especially Evan Schatz, Sarah Bolton, Amanda Beaumont, John Righter, Jake Cornett, Leanne Hotek, Allie Kimmel, and Aissa Canchola. All of those people were very important. For my hardworking and dedicated staff, I would especially like to thank our staff director, David Cleary, Peter Oppenheim, Lindsay Fryer, Bill Knudsen, Jordan Hynes, Hillary Knudson, Jake Baker, Lindsey Seidman, Allison Martin, Bobby McMillan, Jim Jeffries, Liz Wolgemuth, Margaret Atkinson, and Taylor Haulsee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, 50 years ago, President Lyndon Johnson rushed to the old elementary school he had once attended and with him he had a piece of major legislation. At a picnic table on the lawn of the school, President Johnson signed into law the Elementary and Secondary Education Act—or ESEA. He said that with this law, he envisioned ''full educational opportunity as our first national goal.''

Our Nation has always held the ideal of education for all, but in 1965 ESEA put that idea into action. It aimed to close the education gaps between rich and poor, Black and White, kids from rural areas and kids from big cities. In doing so, ESEA took a step forward for civil rights.

Today we have a chance to reauthorize that civil rights law to continue what President Johnson called our ''first national goal.'' We have a chance to finally move away from the No Child Left Behind Act, and we have a chance to send the Every Student Succeeds Act to the President's desk to help ensure all kids have access to a quality education regardless of where they live, how they learn, or how much money their parents make.

I appreciate the tireless work of Chairman JOHN KLINE and Ranking Member BOBBY SCOTT in the House and their staffs. I especially want to thank my partner here in the Senate, the chairman of the HELP Committee and senior Senator from Tennessee, Senator LAMAR ALEXANDER. The chairman had an opportunity to go down a partisan road, but instead he committed to work with me earlier this year to get this important bill done. I was very proud to work with him and with many of our colleagues to break through the gridlock and keep this bill moving forward. Together we passed our bill through the HELP Committee with strong bipartisan support. We passed our bill in the Senate with strong bipartisan support. We got approval from our bicameral conference committee with strong bipartisan support. Last week the House passed this final legislation with strong bipartisan support. And today I hope our colleagues will approve this final bill with the same bipartisan spirit that has guided our progress this far.

Nearly everyone agrees that No Child Left Behind is badly broken. I have heard from parent after parent and teacher after teacher about how the law overemphasized testing and how oftentimes those tests are redundant or unnecessary. I have seen firsthand how this law is not working for my home State of Washington. No Child Left Behind issued one-size-fits-all mandates but failed to give the schools the resources they needed to meet those standards.

These mandates were so unworkable that the Obama administration began giving States waivers from the law's requirements. My State lost its waiver last year. Parents across the State got a letter in the mail saying their child's school was failing, and teachers were left working as hard as ever, knowing their ''failing'' label didn't reflect the reality in their classrooms.

A few months ago, I heard from a teacher in Seattle named Lyon Terry. He has taught school for more than 17 years and pours his energy into engaging with his students. He starts the morning by playing songs on his guitar, keeps his students laughing with jokes, and every day he tries to create an environment where kids want to come to school. Despite Mr. Terry and his fellow teachers' hard work, his school was labeled as failing. That is not fair to teachers like Mr. Terry, it is not fair to the parents who need confidence in the education their kids get at public schools, and it is not fair to students who should never have to bear the consequences of this broken law.

Fixing No Child Left Behind has been one of my top priorities for students, families, and communities back home in Washington State and across the country. Back in January we didn't know there would be a path to compromise on a bill to reauthorize the Nation's K–12 law, but I started out with several principles and Washington State priorities that I would be fighting for.

First, I knew we needed to ensure that schools and States provided a quality education to all our students because we already know what happens when we don't hold them accountable for every child. Inevitably, it is the kids of color or kids with disabilities or kids learning English who too often fall through the cracks. I said back in January and I will repeat that true accountability means holding up our schools to our Nation's promise of equality and justice.

I knew we had to give schools and teachers resources they need so they can help their schools reach full potential because in some schools students don't have the same opportunity to graduate ready for college and careers in the 21st-century economy like other students do.

I knew we should only pass an education bill that would help expand access to early childhood education because giving more students the chance to start kindergarten ready to learn is one of the smartest investments our country can make.

I am proud to report that our bill, the Every Student Succeeds Act, takes major strides on those priorities and

much more. The Every Student Succeeds Act will put an end to the one-size-fits-all mandates of No Child Left Behind. It will end the era of State waivers. That will give teachers and parents in my State of Washington and across the country some much needed certainty.

Our bipartisan bill will also reduce reliance on high-stakes testing so teachers and students can spend less time on test prep and more time on learning. I know that is going to be a major relief for teachers and principals, such as high school principal Lori Wyborney in Spokane, WA. She told me she wants to see some commonsense policies for testing. That is what our bill will help to do.

While the Every Student Succeeds Act gives States more flexibility, it also includes strong Federal guardrails to hold schools and States accountable. Our bill will make sure schools work to close achievement gaps that too often hurt kids from low-income backgrounds, students of color, those learning English, or those with disabilities. For schools that struggle the most to help students succeed and for high schools where more than a third of their students fail to earn a diploma, our bill will take steps to make sure they improve.

A couple of weeks ago, I met a parent named Duncan. He has a son in second grade in the Highland public schools, and Duncan is active in their PTA. Many of the kids in his school district struggle with poverty. Duncan has said he has seen firsthand how, in districts like this, ''every dollar matters.''

In the Every Student Succeeds Act, I fought hard to make sure that Federal resources go to the schools and districts that need them the most by rejecting a proposal known as portability. If enacted, portability would have siphoned off money from the schools with the highest concentration of students in poverty and sent it to more affluent schools. Our bill protects schools with students in low-income areas and upholds our responsibility to invest Federal resources where they are needed the most.

Even so, many schools and districts don't get equal access to the resources they need to help students learn, grow, and thrive. These are things such as offering AP classes, how much funding districts spend on each student, access to preschool, and many more. Our bill will require all schools to report on these issues to help shine a light on resource inequality.

Our bipartisan bill will help improve and expand access to preschool programs. Before I ever thought about running for elected office, I taught preschool in a small community in my home State of Washington. I remember that the first day with new students would always start the same way: Some kids wouldn't know how to hold a pencil or crayon or how to turn a page in a book. But over the first few months, they would start to catch on. They learned how to listen at story time. They learned how to stand in line for recess. By the time they left for kindergarten, they had those basic skills and many more, so they were ready to tackle a full curriculum in school.

I have seen firsthand the kind of transformation early learning can inspire in a child, and I am so glad that for the first time, our Nation's primary education law will invest in early childhood education. I fought hard for this because I know that investing now in preschool will payoff for years to come.

Strong Federal guardrails for accountability, shining a light on resource inequity, reducing the reliance on high-stakes testing, and increasing access to preschool are some of the great things in this bill, but almost as important is what this bill represents. Gridlock and dysfunction have come to define Congress over the past several years, but on an issue as important as education and on a law as broken as No Child Left Behind, we worked together and found a way to find common ground.

It is not the bill I would have written on my own. I know it isn't the bill Republicans would have written on their own. That is the nature of compromise. We put partisanship aside and proved that Congress can get results for the American people, and that kind of bipartisanship is what we need more of here in Congress.

With the legislative process for this bill coming to an end, I am looking ahead to the future. When all students have the chance to learn, we strengthen our workforce, our Nation grows stronger, and our economy grows from the middle out, not from the top down. We empower the next generation of Americans to lead the world.

As proud as I am that we have come this far on the Every Student Succeeds Act, we always have to keep improving educational opportunities. I am going to see to it that this bill is implemented effectively, that schools and teachers get the resources they need, and that students have access to the programs that help them succeed in the classroom and beyond. I am going to keep pushing to build on the progress we have made in this bill and make sure more students start school on a strong footing. I am going to keep fighting to make college more affordable and reduce the crushing burden of student debt. I am going to keep working every single day to make sure our government is doing everything possible to help students in Washington State and across the country. Reauthorizing ESEA isn't the finish line; for me, it is more of a milestone in an ongoing commitment to swing open more doors for Americans.

I am asking all of my colleagues here today to join me. Let's fix this No Child Left Behind law. Let's show teachers and principals that we are on their side. And let's help instill educational opportunity as our first national goal and grow our Nation stronger for generations to come.

In a few minutes, as the chairman said, we will be voting on cloture to end debate so that we can move to passage of this bill. Along with him, I thank all of our staff. When we get to the final bill, I want to name them as well. They have put in an incredible amount of time, work, and hours to help get to this agreement. Again, I thank all of our staffs on both sides of the aisle and in the House. I will say more about that later, but I truly want to thank Chairman ALEXANDER for taking the time to be thoughtful, to work with us, and to find a path forward for compromise on a law that was broken that needed to be fixed and that we are about to pass.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I have said many times but I would like to say again that at the beginning of this discussion, when the Senator from Washington and I talked about how we had been stuck for two Congresses on this, I started in one direction and she suggested a different direction. As it turned out, she gave me good advice. I took it, and as a result, we have a result. So I thank her for that, and I look forward to working with her on other important issues in the same way.

The Senator from Georgia would like to speak before we vote.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, as the last surviving person who served on the committee who wrote the original No Child Left Behind Act for the Congress, I am delighted to be here on this day.

I think this Senator speaks for every superintendent, every Governor, every parent, and every child to say thank you to Senator ALEXANDER and Senator MURRAY. We knew when we wrote No Child Left Behind that if it worked, by the time the sixth year came, we would have to reauthorize it or else it would go from a net positive to a negative. We didn't reauthorize it, and AYP became a problem, good schools became needs-improvement schools, and the law worked backward. In fact, we have run education by waivers the last 6 years.

The leadership of these two great Members of Congress. Seeing this bill through in the committee is a great testimony to working together, to finding common ground, and to our collective purpose of seeing to it that our children are the best educated children in the world.

Senator ALEXANDER, thank you. Senator MURRAY, thank you for what you have done.

To the Members of Congress, the Senate will vote in a few minutes. We need a vote for cloture and a vote for final

passage to see to it that we end a chapter in education and open a new chapter—a chapter that focuses on student improvement, student achievement, leaves No Child Left Behind but also sees that every child can succeed and makes sure we disaggregate so we can focus on children as they perform within their own group and we can focus on every child in every school in America.

I am honored to have been a member of the committee that worked hard on this bill, and I am honored to serve with Senators ALEXANDER and MURRAY.

I appreciate the time to speak on behalf of not just myself but for every student, teacher, and parent in America.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from Georgia, and I salute him. The Senator from Georgia is a former chairman of the Georgia State Board of Education. His experience there, his work with Senator MURRAY on early childhood education, and his insistence on an amendment that gives States the right to allow parents to opt out of federally required tests all were major contributions to this legislation. I think it is fair to say that we could not have fixed No Child Left Behind without JOHNNY ISAKSON's experience and leadership, and I am deeply grateful to him for that.

We yield back all time on our side.

Mrs. MURRAY. Madam President, we yield back all our time as well.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany S. 1177, an act to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mitch McConnell, Lamar Alexander, Mike Rounds, Deb Fischer, Dan Sullivan, Lisa Murkowski, Orrin G. Hatch, Shelley Moore Capito, Pat Roberts, Chuck Grassley, Richard Burr, Cory Gardner, John Hoeven, John Cornyn, David Perdue, Johnny Isakson, Daniel Coats.

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

The question is, Is it the sense of the Senate that debate on the conference report to accompany S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Indiana (Mr. COATS), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 84, nays 12, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—84

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

NAYS—12

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

NOT VOTING—4

Coats	Rubio
Graham	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 12.

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

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, on behalf of the Senator from Washington, Mrs. MURRAY, I ask unanimous consent that notwithstanding the provisions of rule XXII, the vote on adoption of the conference report to accompany S. 1177 occur at 10:45 a.m., on Wednesday, December 9, which is tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, that sets the final vote on our bill to fix No Child Left Behind tomorrow morning at 10:45 a.m. I don't think there is any doubt what the result will be. We have had a series of votes that give a pretty clear indication of where the Senate is. The vote today was 84 to 12 to cut off debate and move to the final vote. Senators who wish to speak between now and then can do that.

Senator MURRAY, in her remarks, mentioned how good this process has been, and I wish to call that to the attention of Senators as well. The Senate can operate pretty well under the rules that it has if Senators will agree to cooperate with one another. I said before that I think one reason Senator MURRAY works so well toward a result, even though she is a partisan leader in the Democratic conference, is because she used to be a preschool teacher, and in kindergarten you learn how to work well with others and that is true in her case. That is actually true with all of the members of our committee. We have as much divergence on our committee, with 22 members, as does any committee. I will not name the names of the Senators, but there is almost no one who can dispute that. Yet we went through a process, which Senator MURRAY and I agreed on at her suggestion, and this is what happened: We had 22 members in the committee vote yes to move the bill to the floor. That is every single member of the committee. Several of those members agreed to withhold amendments that might have been damaging to the bill so we could deal with them on the floor.

In the committee we considered 58 amendments and 29 were adopted. Twenty-four of the adopted amendments were offered by Democrats and five amendments were offered by Republicans. Then we went to the floor. When we moved to the floor, the vote was 81 to 17—not quite as good as today, but it was a very good vote. We had 52 Member priorities incorporated into a substitute amendment. In other words, 52 Senators made suggestions about the final bill. Forty-four of these were priorities requested by Democrats and eight were priorities requested by Republicans. On the Senate floor, 177 amendments were filed and 78 were considered—23 by rollcall vote and 65 amendments were agreed to. Forty of the adopted amendments were offered by Democrats, 25 by Republicans.

Sometimes I have heard it said that we don't have time to deal with amendments. We dealt with 177 amendments on the floor in less than a week. The practice of going around to our colleagues and talking them out of amendments takes more time than it does to actually vote on them and to give them a chance to participate. In conference 17 more amendments were filed, 10 from the House, 7 from the Senate. Of those 17 amendments, 9 were considered and 7 were agreed to—4 Democrats, 3 Republicans.

I suggest to the Senate and President that it is not a secret why we were able to succeed this year in fixing a bill that is very difficult to fix. We know that because we have tried very hard in each of the last two Congresses, working with the Secretary of Education, House Republicans and Democrats, and the Senate Republicans and Democrats. We spent a lot of hours working on a bill, but we failed.

Why did we have more success this time? I think it is because everybody had a part in the process, everybody had a chance to have their say. We had amendments in committee, we had

amendments on the floor, and we had amendments in the conference. If you are convinced that you had a chance to have your say, then it is easier to say: Ok. Let's vote. I might win or lose, but at least I had my say and we need to get a result. I would like to see more of that here. We can do that fairly easily, and the key to it is allowing amendments.

It is possible, under the Senate rules, for Senator MURRAY to offer an amendment and to try to make it pending, and I can object. If I then offer an amendment, she might object, and then the whole process collapses. So any one of us can keep the Senate functioning as it should, but in this case—an issue when there are alligators lurking in every corner of the pond that could have brought this to a halt and nearly did several times—we were able to go through the process and get a result for the benefit of 50 million children and 3.4 million teachers in 100,000 public schools.

Someone asked me earlier yesterday what it would take to have the American people have a higher opinion of the U.S. Congress. My answer is actions such as this, where we take an issue that affects real Americans in the schools they attend, the homes where they are doing their homework, and the teachers who are working every day—this affects every single one of them. This empowers them to do their job. This creates an opportunity for a new era of innovation and excellence in student achievement. When we work together to get this result, I think people think better of the process here.

As I said earlier, it is possible to just stand here and say: Here is my opinion, and if I don't get 100 percent, I will vote no. If that were all I wanted to do, I would stay home. I would stand on the street corner or get my own radio show or column, offer my opinion for about 5 minutes, and then go do something else, but I wouldn't waste my time trying to be a U.S. Senator. It is hard to get here, and then it is hard to stay here. So while you are here, you might as well amount to something, and amounting to something as a U.S. Senator is getting a principled result on issues that are important to the American people.

We have done that this year more than most people might think. Senator MURRAY has a well-known reputation in this body, not just for being a Democratic leader but for being someone who is interested in a result. Senator WYDEN is working with Senator HATCH on tax extenders and Senator UDALL worked with Senator VITTER on chemical safety. The Energy bill that came out of committee depended upon Senator CANTWELL as well as Senator MURKOWSKI. The mental health bill that came out of our committee came from Senators MURRAY and ALEXANDER. The cyber security bill that passed the Senate was the work of Senator FEINSTEIN as well as Senator BURR. The trafficking victims law came from Senators MCCASKILL and CORNYN. The terrorism risk insurance was the result of Senators BROWN and SHELBY working together. The Iran Nuclear Review Act, which is a pretty extraordinary bill, started with Senator MENENDEZ, then Senator CARDIN, along with Senator CORKER. The Veterans Suicide Prevention Act came from Senators DURBIN and MCCAIN.

I haven't even mentioned all of the important legislation that came through the Senate this year. So it is perfectly possible for us to deal with very important pieces of legislation if we work together, and both Democratic and Republican Senators have all shown they can work together.

I look forward to the vote tomorrow at 10:45 a.m.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I ask unanimous consent that for the next 20 minutes I be given 4 minutes, Senator SHAHEEN be given 4 minutes, Senator BLUMENTHAL be given 4 minutes, Senator FEINSTEIN be given 4 minutes, and Senator MURPHY be given 4 minutes, concluding in a unanimous consent request.

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

UNANIMOUS CONSENT REQUEST—S. 551

Mr. SCHUMER. Madam President, like so many Americans, my thoughts are with the families and friends of those affected by the terror in San Bernardino last week. Our hearts go out to the victims and their families.

As we learn more about the suspects, it is becoming clear that San Bernardino will serve as a sad—but also shocking—reminder of what needs to be done to address what has become known as the terror gap.

I rise to support that most commonsense proposal to bar individuals on the terrorist watch list from being able to legally get a gun. The GAO found that between 2004 and 2014 suspected terrorists attempted to exploit this loophole. People say: Well, this never happens. Listen to this. Those on the terror watch list tried to purchase guns 2,233 times and succeeded in 2,043 of those—or 91 percent.

It is absolute insanity that this is not already a restriction we have in place. Given what happened in San Bernardino, it is extra insanity that we are not going to move on this and that we haven't moved on this already. It makes no sense. We can't let a small group—an influential, powerful lobbying group—make America less safe. Yet many of my colleagues on the other side of the aisle are doing just that. Because the NRA says no, they say no, even though terrorism is a scourge that we have to deal with on many fronts.

I appreciate my friend from Texas. He says there are certain people on the terrorist watch list who don't belong there. There are a few, but this newly found sympathy for the civil liberties of those who might be causing trouble is surprising. We don't say abolish the criminal justice system because not every single person we convict is guilty—although 99 percent probably are or some large percentage. Why are we doing it here? Are we saying if there are two or three people on this terrorist watch list—20 or 30 who shouldn't be there and they have the right to appeal and correct it; I have done it for constituents—then we should let the other thousands who belong on that watch list and who present a danger to America buy guns? It makes no sense.

I ask my friends on the other side of the aisle: Why should terrorists like the ones who perpetrated the heinous attack in Paris or the ones who did in San Bernardino be allowed to buy a gun? No red herring argument will work. This is plain common sense at a time when we need common sense, and it should not be a partisan measure. Guess who introduced this idea originally? Not Barack H. Obama but George W. Bush in 2007.

The vast majority of gun owners may have a right to have a gun, and I would protect their right to have a gun if they are not felons or adjudicated mentally ill or spousal abusers; therefore, everyone is for it. The other side says no. So I hope now that it has become—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHUMER. I ask unanimous consent for 30 additional seconds.

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

Mr. SCHUMER. Now that it has become clear since our last vote that the two in San Bernardino have terrorist ties, I hope when Senator MURRAY propounds the unanimous consent request, the other side will support it.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor to join my colleagues because I also believe we should keep guns out of the hands of terrorists. I don't think that applies to law-abiding citizens, but I think it does apply to terrorists.

I have been a strong supporter of the Second Amendment. In New Hampshire, we have a rich tradition of safe and legal firearm ownership. We have a rich tradition of hunting and sportsman's activities. But like most Granite Staters, I also support pragmatic and sensible ways to keep guns out of the hands of dangerous people who would threaten this country, while also protecting the rights of law-abiding citizens. That is what we are discussing here today.

We have put forward commonsense legislation that adheres to a pretty simple principle: If you are not allowed on a plane because you are on a no-fly list, because you are suspected of threatening the country, then you should not be allowed to buy a gun.

I want to repeat what Senator SCHUMER said because I think people don't think that is real. They think: Oh, well, if you are on the no-fly list, you are not going to be able to buy a gun. But according to the Government Accountability Office, between 2004 and 2014, suspected terrorists attempted to purchase guns from American dealers at least 2,233 times that we know of. In 2,043 of those cases—2,043—91 percent of the time, those suspected terrorists succeeded. That is unacceptable, and it is time we close the loophole that allows suspected terrorists to purchase guns.

After the horrific tragedy last week that was carried out by radicalized individuals in San Bernardino, it is clear that we need to be doing more to prevent violent attacks inspired by ISIS here at home. Closing this loophole in our gun laws is a commonsense thing that we can do today.

I have heard concerns that the legislation we have proposed doesn't allow for adequate due process for those on the list, but that is just not correct. The Department of Homeland Security has a process in place for removing a name from the no-fly list. As Senator FEINSTEIN, the author of the legislation, has noted, the FBI office that handles the firearm background check system must provide a reason for a denial upon request. Individuals who are listed then have a right to correct any inaccurate records in the background check system. So there is a process in place for people who are wrongfully on that no-fly list to be able to remove their names.

I would ask those who oppose this bill: If the no-fly list is not good enough for keeping guns out of the hands of terrorists, why is it worthwhile for protecting commercial airline flights from terrorists? The reasoning is inconsistent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. SHAHEEN. Mr. President, it is time to come together in the interests of national security to pass this bill to close this loophole in our Nation's gun laws.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, we talk in this Chamber every day about the threat of terrorism and many associated terrorist threats with airplanes and explosives, but we have seen in recent horrifying events in Paris and in San Bernardino how much tragic carnage can be wrought by a small number of people using firearms designed for war. They are using assault weapons that have the purpose to kill and maim human beings—no other purpose. For me and for the American people, common sense says a person too dangerous to be permitted on a plane is too dangerous to be permitted a gun. No fly, no gun. No check, no gun. That ought to be the rule. It is a commonsense rule.

When I talk to people in Connecticut and they say to me ''Why didn't the Senate approve that rule?'' there is no commonsense explanation. The reason given by colleagues on the other side that there is some due process violation is nonsense. I hesitate to say it is that frivolous, but it is because, No. 1, there is a right to challenge the designation on the no-fly list through the Department of Homeland Security, which has to provide reasons and an opportunity to challenge it. Also, under Senator FEINSTEIN's bill, there is an additional safeguard to constitutional rights because it can be challenged through the Department of Justice, which is required to establish an administrative process and then an appeal—a right of appeal to the Federal courts. Anybody denied permission to buy a gun has a right of appeal. So the rule no-fly, no gun is based on common sense and legal, constitutional rights.

No right, in fact, is absolute. Whether it is the First Amendment or any other right, there is the guarantee in the Constitution that there will be reasonable restrictions, when necessary, to protect the public interests, and here is a case of the public interests clearly deserving this protection. If there are problems with any individual being on the list, challenge it, but clearly having to wait 72 hours for that check and for the denial of permission to go forward is unreasonable.

I urge that we move forward with this commonsense protection for the public. I am hard-pressed to think of a more clear and staggering example of the gun lobby's influence than the defeat of this bill.

Plainly, the vote last week showed that the gun lobby unfortunately still has a staggering stranglehold on this process. When it comes to law enforcement, they are on our side.

I urge our colleagues to heed this reasonable request: No fly, no gun. If you are on that no-fly list, if you are too dangerous to fly and to board a plane, the Constitution says this reasonable restriction should be adopted.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for 7 minutes. I understand that wasn't in the original request.

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

Ms. KLOBUCHAR. Mr. President, when I was a prosecutor, we had one straightforward goal: Convict the guilty and protect the innocent. To me, that simple mission still holds true. We must make our world safer by rooting out evil in our midst, while still protecting the rights of people who mean no harm. Those 14 people in San Bernardino, that American aid worker killed in Mali, those innocent families whose plane exploded over Egypt, and those young people killed and maimed in Paris deserve nothing less.

That means, of course, taking out evil at its roots, increasing our efforts, and leading an international coalition against ISIS, and it means keeping our homeland safe. Part of that is tightening the Visa Waiver Program, and some of it is the work that must be done on encryption. But there is one commonsense way to get at this terror that I join my colleagues in supporting today—commonsense action to close a dangerous loophole that allows suspected terrorists to illegally buy guns in the United States.

Incredibly, current U.S. law does not prevent individuals who are on terror watch lists from purchasing guns. A total of 2,233 people on the watch list tried to buy guns in our country between 2004 and 2014, and more than 2,000—or 91 percent of them—cleared a background check according to the information from the Government Accountability Office.

I am a cosponsor—and have been before these tragic events of the last few weeks—of Senator FEINSTEIN's bill to close this loophole. During last week's budget debate, I joined 25 of my Senate colleagues in offering an amendment that would also have stopped these dangerous individuals from buying firearms and explosives.

Passing legislation to ensure that suspected terrorists cannot buy guns has bipartisan support in the House of Representatives, where Republican Congressman PETER KING of New York has long advocated for this change.

As we work to fight terrorists abroad, as we work to stop the recruitment in our own country—which I know well from my own State of Minnesota, where we have over a dozen cases and indictments against those who were trying to go to fight with ISIS and others who were going to fight with al-Shabaab—we have been very aggressive in going after those cases as well as working to prevent recruitment from occurring in the first place.

This is all a piece of a very difficult puzzle, but to close our eyes and say that people on a terror watch list can go out and buy a gun is wrong. We need to do everything we can to ensure that those suspected of terrorist activities cannot buy guns in the United States. I am hopeful the Senate can come together to advance this commonsense national security measure to keep lethal weapons out of the wrong hands.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I am here to join my colleagues in our call to bring for debate and vote on the Senate floor a measure that is supported, I would argue, by probably 95 to 99 percent of my constituents, and that is the simple idea that if you are on a terrorist watch list, if you are suspected of being involved in terrorist activities, you shouldn't be able to purchase a gun. I will be asking for a unanimous consent agreement in order to move this debate to the floor.

Here is why it matters. What we know right now is that over the last 12

months ISIS has lost about 25 percent of their territory in Iraq and Syria. That is not good enough, and hopefully we will be able to join together to put even more pressure on the so-called caliphate, to shrink it down eventually to elimination. But the growth of ISIS is dependent on two narratives. One is a narrative that the so-called caliphate is growing, and second, the narrative that the East is at war with the West, that the Muslim world is at war with the Christian world. As the first narrative becomes less powerful, the second one becomes even more important. So, as shocking as Paris was, as shocking as San Bernardino was, it is not surprising in the respect that these attacks outside of Syria and Iraq are now becoming more important, more necessary to this terror organization in order to perpetuate this second set of mythology around the Islamic world being at war with the Christian world.

Now is the moment that Republicans and Democrats have to come together around hardening our country from potential attackers and potential attacks and recognize that because these attacks may be more important than ever before to the future expansion of ISIS, we have to take steps to make sure they don't occur. One of the simplest ways we can do that is embodied in Senator FEINSTEIN's piece of legislation. Let's just say together that those who are on the terrorist watch list—and this is a list you get on if you have reason for the FBI or other law enforcement to believe you are affiliated in some way, shape, or form with a terrorist organization. You may not have committed a crime yet, but you have had communications or affiliations with terrorist organizations. Let's just agree that people on that list should by default be prohibited from buying guns.

Importantly, the bill has in it provisions that would allow for those individuals to get off that list, to be able to say that they were put on it mistakenly. But let's say as a default premise that if you are on a terrorist watch list, you shouldn't be able to purchase a gun.

Recent polling tells us that the vast overwhelming majority of Americans support this law. In addition, the vast overwhelming majority of American gun owners support this law, in part because they have seen statistics. It bears repeating. My colleagues have talked about these numbers, but they really are stunning.

Over the last 10 years, someone on the terrorist watch list has attempted to purchase a weapon 2,223 times. In 2,043 of those instances, they were successful in purchasing the weapon, taking it home. That is a 91-percent success rate. It may be that 1 or 2 of those 2,000 shouldn't have been on that list, but this legislation gives them the power to contest that and to get off that list eventually, as it should. But let's not live in a fantasy world in which the majority of people on that list shouldn't be there. The list isn't foolproof, but the vast majority—95 percent, 99 percent—of those on the terrorist watch list are there with reason, and they shouldn't be able to walk out of a store with a weapon. That is why three-quarters of gun owners and 90 percent of Americans support this legislation.

While today it has become partisan—Republicans are standing almost in lockstep against a bill that stops terrorists from getting guns—historically this has been bipartisan. This was initially proposed by President Bush and then-Attorney General Alberto Gonzales. Let's make it bipartisan again. Today on the floor of the Senate, let's decide that we are going to have a debate on this and that we are going to bring it for a vote because that is where the majority of our constituents are. They want us to take steps together to stop terrorists from getting guns.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURPHY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 551 and the Senate proceed to its immediate consideration; I further ask that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. CORNYN. Mr. President, reserving the right to object, would the Senator modify the request to include the Cornyn substitute amendment which is at the desk?

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. MURPHY. Mr. President, reserving the right to object, it is my understanding that this substitute would require the Federal Government to go to court in order to stop someone on the terrorist watch list from purchasing a weapon. As a default, we should all agree that if you are on the terrorist watch list, you can't walk out of a gun store with a gun and that it simply shouldn't be incumbent on the Federal Government to go through a court process in order to stop you from doing that. If you shouldn't be on the list, there are ways you can get off the list. But there is absolutely no reason to delay the process of stopping one of these would-be terrorists from getting a gun by requiring a complicated court process every time someone on the terrorist watch list walks into a gun store. For that reason, Mr. President, I object to the motion to modify.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I am astonished by the proposition of our friend the Senator from Connecticut that you can be on a secret watch list by the Federal Government, and just by virtue of this secret listing of an individual on a government watch list, you can be denied some of your core constitutional rights without any necessity of the government establishing probable cause or producing any evidence that would justify the denial of a core constitutional right. I guess if it is good enough to take the government's word by this list without proof or showing of probable cause to deny a citizen their constitutional rights under the Second Amendment, then I guess that is good enough to deny a citizen's right to worship according to the dictates of their conscience, freedom of speech, freedom of association, and all of the other rights enumerated in the Constitution. It is an outrageous proposition.

I would say to my friend, if these people on this government watch list are truly dangerous, why isn't the Obama administration and the Obama Justice Department indicting them, taking them to court, trying them, and convicting them of crimes? Instead, you have this secret watch list, without any proof, without any evidence.

I would just say that the Senator has mischaracterized the amendment which I proposed last week and which I have now offered by unanimous consent.

What would happen is, if an individual on the watch list goes in to purchase a gun, there would be the National Instant Criminal Background Check System, which would then access the watch list. If the Department of Justice was worried, based on that notice, that somebody was attempting to buy a gun, they could intervene for 72 hours to stop the individual from purchasing the gun. If they were further worried about this individual, they could go to court and, before a Federal judge, produce evidence to justify the detention of that individual to take them off the street. This is a complete response to the concerns raised by our friends across the aisle.

But I will tell you what is really motivating all of this. First of all, the Feinstein amendment which was offered last week was a complete substitute to the ObamaCare repeal bill that we voted on and passed last week. As such, this was a surreptitious means to try to defeat our ability to repeal the abomination known as ObamaCare, which has only a 37-percent approval rating, and our colleagues across the aisle knew that. Under the Senate procedures, a complete substitute to the reconciliation bill that we passed last week would have been accomplished if the Feinstein amendment had been agreed to.

But they went even further and are trying to distract the American people from the fact that the President of the United States and Commander in Chief has absolutely no strategy to deal with the threat of ISIS here in the United States. I presume the immediate motivation was what happened in San Bernardino, the terrible tragedy, but our colleagues across the aisle are trying to capitalize on that particular

tragedy in order to justify this unconstitutional attempt to deny American citizens their core constitutional rights without any proof and without any evidence.

I would just add that if our friends across the aisle think this watch list is so perfect and so infallible, they ought to read an editorial that was produced by the New York Times in 2014 where the American Civil Liberties Union and others objected to the watch list as being a secret government list without any evidence or any proof. They cited a 2007 audit of the 71,000 people on the government watch list and noted that half of those 71,000 were erroneously included in the watch list.

So we all understand what is going on here. This isn't about finding solutions to real problems; this is about trying to change the subject and to distract the American people from the fact that the President and this administration have absolutely no strategy to deal with the threat of ISIS and the President tells us merely to stay the course. So I understand what is going on.

I also would say that the other main purpose of our friends across the aisle, other than to defeat our ability to repeal ObamaCare, which we successfully did in the Senate last week, is to create a ''gotcha'' moment for Senators and candidates who are running in 2016. Already, the Senator from Connecticut has appeared on national news shows, the President of the United States in his weekly speech to the Nation, and the Senate Democratic leader have already misrepresented what was in the Cornyn substitute to the Feinstein amendment last week to suggest that people who voted against the Feinstein amendment really, really wanted to make sure that terrorists got guns. That is an outrageous accusation, and it is as false as it is outrageous.

So I think it is pretty obvious what is going on here. This is an effort to undermine our ability to repeal ObamaCare. It is an effort to distract from the fact that the President of the United States, the Commander in Chief, has no strategy to defeat ISIS. In fact, the Democratic leader said yesterday that really what we need is an ISIS czar. An ISIS czar? I thought that is the job of the Commander in Chief, the President of the United States, to fight and win the Nation's wars and to keep us safe here at home. Give me a break. Then this foolish idea that we ought to simply take the Federal Government's word without any proof or any necessity of producing evidence in a court of law and meeting some basic minimal legal standard before we deny American citizens their core constitutional rights is just outrageous.

So, Mr. President, I think it is pretty obvious what is going on here, and I am happy to have the American people render their judgment. For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

Mr. MURPHY. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MURPHY. Thank you, Mr. President.

The Senator is correct that last week Senate Democrats thought that it was more important to talk about terrorism than it was to talk about the repeal of the Affordable Care Act for the 16th time in the U.S. Senate, 55, 60 times in the House of Representatives. We did think it was more important last week to talk about stopping terrorists from getting weapons. I am sorry we didn't find that bipartisan consensus last week.

What we are talking about here today is a different threat than we have ever seen before, and what we want to do is to stop terrorism before it happens.

The Senator from Texas is right that many of the individuals on the terrorist watch list have not committed a crime, but in order to get on the terrorist watch list, you have to have been in communication with those who are trying to create radical jihad here in the United States. By denying those individuals from getting a weapon, you are serving to prevent a terrorist attack from happening.

Why would we wait until after the terrorist attack has occurred in order to stop that individual from buying a gun? It is too late at that point.

This bill includes provisions to get off that list if you are not on it, so it is perfectly observant of our tradition of supporting the rights of law-abiding citizens to buy and purchase a weapon. But to suggest that the only pathway to stopping an individual from buying a weapon is a criminal prosecution when we know there are people right now in the United States who are in contact with radical ideologies and may be contemplating attacks against the United States misunderstands the way in which we are going to prevent future terrorist attacks from happening in this country.

This notion that those of us who want to change the law in order to better protect Americans are capitalizing on a tragedy is ridiculous and it is insulting, frankly. There are a lot of people who say: Well, when it comes to guns, you can't talk about policy changes right after a mass shooting.

On average, there has been a mass shooting every single day in this country. If you had to wait 24 hours or 48 hours to talk about strategies—such as preventing terrorists from buying guns—that would keep this country safe after a mass shooting, then you would never talk about ways to keep this country safe because every day there are mass shootings separate and aside from the 80 people who die each day from the drip, drip, drip of gun violence all across this country.

I don't think any of us mean to suggest, as the Senator from Texas said, that those who oppose this bill, which is supported by three-quarters of American gun owners and 90 percent of Americans, are rooting for terrorists to get guns. That is not what I am saying. What I am saying is that those who oppose this are more concerned with protecting the rights of potential terrorists than they are with protecting this country. That is what we are talking about.

We are worried about the rights of people on the terrorist watch list more than we are about taking steps to protect this country. What we are talking about is a temporary inconvenience. If somebody is on this watch list who shouldn't be—and it is a very small number—then through this legislation they have a means to get off that list. They have to wait a couple of days, maybe a couple of weeks, in order to buy a weapon. A tiny number of people who are inconvenienced is the cost; protecting the country from a potential terrorist attack is the benefit. That is a trade that my constituents would take in a heartbeat.

I am sorry that we aren't able to proceed with debate on this bill, but I think I can speak for my colleagues that we will be back on the floor in the days, the weeks, and the months to come to continue to ask for a vote on simple legislation to make sure that potential terrorists cannot get their hands on dangerous life-ending weapons.

I yield the floor.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

STUDENT SUCCESS ACT—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to support the passage of the bipartisan Every Student Succeeds Act. I commend Chairman ALEXANDER, Ranking Member MURRAY, and their counterparts in the House, Chairman KLINE and Ranking Member SCOTT, for their commitment to finding common ground and a path forward on this critical legislation.

When President Johnson signed the Elementary and Secondary Education Act into law 50 years ago, he noted that ''from our very beginnings as a nation, we have felt a fierce commitment to the ideal of education for everyone. It fixed itself into our democratic creed.''

Yet many communities today across the Nation, including my home State of Rhode Island, are still wrestling with how to address large achievement

gaps based on wealth, race, ethnicity, and disability status. Underlying the achievement gaps we see are gaps in opportunity. We need to ensure our students have access to critical resources for learning, strong teachers, counselors, and principals, a well-balanced program of study that includes arts, humanities, and environmental education, and safe, healthy schools equipped with libraries, technology, and science labs. We also need to support and promote greater parental engagement. These are the issues I have focused on for many years, and I am very pleased that the Every Student Succeeds Act makes important improvements in all of these areas.

This legislation will replace the badly flawed and increasingly unworkable No Child Left Behind Act with a new framework—one that stays true to the transparency and focus on closing achievement gaps that were the hallmarks of No Child Left Behind while eliminating the one-size-fits-all approach to school improvement and allowing States to develop more holistic and robust accountability systems that move beyond test scores as the sole measure of school success.

Increasing accountability for resource equity was the goal of the first bill I introduced this Congress—the Core Opportunity Resources for Equity and Excellence Act. I worked with Senators BALDWIN, BROWN, and KIRK to push for its provisions on the Senate floor, and I am pleased the conference report includes stronger measures to require that school districts address resource inequities in schools identified for comprehensive support and improvement than were even in the bill we passed initially in the Senate.

The original Elementary and Secondary Education Act recognized the vital role school libraries play in supporting student success, and this is an area I have worked on during several of the past reauthorizations of this law. Senator COCHRAN and I introduced the Strengthening Kids' Interest in Learning and Libraries—or SKILLS—Act to ensure that Federal resources continue to support student access to effective school library programs. The Every Student Succeeds Act includes key provisions from our legislation, including authorizing grants for high-need school districts to support effective school library programs and including support for such programs in school district level title I and professional development plans.

In addition to school libraries, children need to have access to books in their homes from a very early age. Senator GRASSLEY and I introduced the Prescribe A Book Act to help address this issue, and I am glad key provisions of that legislation are included here.

We know teachers and principals are two of the most important in-school factors related to student achievement. It is essential that teachers, principals, and other educators have a comprehensive system that supports their professional growth and development, starting on day one and continuing throughout their careers. Senator CASEY and I introduced the Better Education Support and Training Act to create such a system. Again, I am pleased that the Every Student Succeeds Act includes many of the provisions of our legislation, particularly the focus on equitable access to experienced and effective educators.

However, I remain concerned that the failure in this legislation to define ''inexperienced teacher'' could mask inequities and limit the usefulness of the reporting and that some of the provisions related to educator preparation could lower standards in our highest need schools. Soon I will be introducing legislation to strengthen educator preparation and ensure that teachers in our high-need schools are profession-ready.

The Every Student Succeeds Act also supports access for all children to a well-rounded education, including environmental literacy, as I proposed in the No Child Left Inside Act. Family engagement is another critical area this bill addresses. This legislation will support more meaningful, evidence-based family engagement, encourage school districts to dedicate more resources to these activities, and provide a statewide system of technical assistance for family engagement—similar to the Family Engagement in Education Act I introduced with Senators COONS and WHITEHOUSE.

Chairman ALEXANDER and Senator MURRAY have demonstrated extraordinary leadership in crafting this legislation and steering it through an open and inclusive process. This bill is an important step forward, and I encourage all my colleagues to support it. Moreover, I hope this spirit of bipartisanship and compromise will also translate to the appropriations process and result in robust resources to implement the new and vastly improved law.

Mr. President, I also thank Senator COLLINS for graciously letting me go ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in support of the bipartisan Every Student Succeeds Act. This is landmark legislation that would reform and reauthorize the Elementary and Secondary Education Act, also known as No Child Left Behind. As a member of the Health, Education, Labor, and Pensions Committee, and as a member of the conference committee that resolved the differences between the two bodies' versions of their education reform bills, I want to particularly applaud the leadership of Chairman ALEXANDER and Ranking Member MURRAY for doing a truly extraordinary job in putting together the bipartisan, bicameral reform bill that is before us today.

Congressional action to fix the serious flaws with No Child Left Behind, while preserving the valuable parts of the law, is long overdue, but that day has finally arrived. NCLB was well-intentioned, and its focus on the education of every child and greater transparency in the performance of our schools were welcomed reforms, but some of the law's provisions were simply unachievable and thus discouraging to teachers, parents, administrators, and students alike.

The current system of unattainable standards and a patchwork of State waivers has led to confusion about Federal requirements. High-stakes testing and unrealistic 100 percent proficiency goals do not raise aspirations; instead, they dispirit those who are committed to a high-quality education for our students.

The Every Student Succeeds Act returns much needed flexibility to the State departments of education and to local school districts. The bill would remove the high-stakes accountability system that was simply proven to be unworkable under No Child Left Behind. Instead, the bill would empower States to set the goals for their schools and students and design ways to improve student achievement. The bill would also eliminate the burdensome, overly prescriptive parts of No Child Left Behind, such as the definition of a ''highly qualified teacher,'' which is a perfect example of something that sounds great but in fact proved unworkable in many of the small and rural schools in my State where teachers are called upon to teach a wide range of subjects.

The Every Student Succeeds Act would also reauthorize the Rural Education Achievement Program, known as REAP. I coauthored this law with former Senator Kent Conrad back in 2002. Students in rural America should have the same access to Federal grant dollars as those who attend schools in larger urban and suburban communities. Most Federal competitive grant programs, however, favor larger school districts because they are the ones that have the ability to hire grant writers to apply for those grants, even though that extra money may be needed more by a small rural school. As a result, rural school districts often had to forgo funding because they simply lacked the capacity to apply for the grants. That is the problem the Rural Education Achievement Program Act was intended to solve, and it has provided financial assistance to both schools and districts to help them address their unique local needs.

This program has helped to support new technology in classrooms, distance learning opportunities, and professional development programs, as well as an array of other activities that benefit students and teachers in rural schools. Since the law was enacted in 2002, at least 120 Maine school districts have collectively received more than $42 million from the REAP program. When I talk to those small Maine school districts, they have been enormously creative in using REAP money

to improve the education of their students. They have told me that without the law that Senator Kent Conrad and I authored back in 2002, in many cases they would not have been able to introduce technology into the classroom, to further professional development for their teachers or to provide special enrichment activities for their students. That law has been a real success, and I am delighted that this bill reauthorizes it.

I also want to highlight that the final version retains a Senate provision authorizing a pilot program that I worked on with several of my colleagues to require the Secretary of Education to allow seven States to designate alternative assessment systems based on student proficiency and not just on traditional tests. Such systems can give teachers, parents, and students a much fuller understanding of each student's abilities and better prepares them for the college or career path of their choice. The Federal Government should cooperate with States and school districts that are designing brand new assessment systems, and this pilot program is an important step in that direction.

Providing a good education for every child must remain a national priority so each child fulfills his or her full potential, has a wide range of opportunities, and can succeed in an increasingly competitive economy.

From having visited more than 200 schools in my State, I know this legislation will be welcomed indeed. The Every Student Succeeds Act honors these guiding principles while returning greater control and flexibility to States and local school districts, where it belongs. I urge all of my colleagues to support this landmark legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

WASTEFUL SPENDING

Mr. FLAKE. Mr. President in the opening scene of ''Star Wars: Return of the Jedi,'' Darth Vader pays an unexpected visit to the construction site of the new Death Star. Of course it was behind schedule and probably overbudget. The commander in charge first claimed that there was no delay, and then he said to Darth Vader that it would be impossible to meet the schedule without more resources. Darth Vader warned the commander that the emperor was ''much displeased'' with the apparent lack of progress, noting that ''the emperor is not as forgiving as I am.''

Government projects being overbudget and behind schedule or just out of this world are not just a problem for the emperor in that galaxy far, far away; they are a problem right here on Earth.

Our own space agency, NASA, can no longer even launch astronauts into orbit, yet NASA is spending $1.2 million to study the impact of microgravity on sheep. NASA is also spending $280,000 to develop plans to build a cloud city on Venus. It is strikingly similar to the cloud city that was featured in ''Star Wars: The Emperor Strikes Back'' where Han Solo was captured in carbonite.

The National Science Foundation is spending $2.6 million in part to design sculptures that would raise awareness of drought and harvest dew, much like the moisture vaporizers on Luke Skywalker's home planet of Tatooine.

The Pentagon is spending $2 million to teach robots how to play jazz and $2.5 million in part to create a robot lobby greeter. These are not the droids taxpayers were looking for.

These are just a few of the examples of projects featured in ''Wastebook: The Farce Awakens,'' which I will release today. This is a spoiler alert, so if you don't want the plot to be ruined, you may want to tune out right now.

Let's walk through some of these other ''Wastebook'' entries. They include $1 million to put monkeys in hamster balls on a treadmill. A couple of years ago, Senator Tom Coburn famously found the example of the study of shrimp on treadmills underwater, but I think this outdoes it. Now we have monkeys not only on a treadmill but monkeys in a hamster ball on a treadmill—$1 million for that study.

We are spending $5 million to throw parties for hipsters. These parties for hipsters are an attempt—and how we define a hipster is quite a work of art as well—to try to keep them from smoking. They admit that it didn't succeed very well, so they ended up just giving out cash to try to induce hipsters to stop smoking. Good work if you can get it, I guess.

Another $43 million went to build a single gas station in Afghanistan that dispenses a type of fuel—natural gas in this case—that very few automobiles in the country can even run on.

Despite all of the public ballyhooing over budget austerity, Washington didn't come up short on outlandish ways to spend and waste money in 2015. All of the examples in the ''Wastebook'' we have here had to have money spent during 2015.

Unfortunately, there is a lot of talk about the gridlock in Washington, but no matter how bad the gridlock gets or how bad it appears, there is always one area of agreement here between the parties, and that is to spend more money. For example, at the end of October Congress passed a budget deal that cut $3 billion in taxpayer-funded subsidies to private insurance companies that service Federal crop insurance policies. That deal was sold, in part, on the savings generated through the spending cut. Last week, this body voted overwhelmingly to restore all $3 billion of those crop insurance subsidies, which, again, only go to private insurance companies. This was part of the highway bill that came to the floor. So spending that we had cut just a month ago in the budget deal was reversed 36 days later in an agreement that passed even before we passed the original bill to obliterate these savings. So it took Congress only 36 days to go back on these cuts. I am not sure that the Millennium Falcon can pull a 360 with that kind of ease.

Washington equates caring with the amount of dollars spent, but no amount of dollars and cents can make up for the lack of common sense in how millions of dollars of taxpayer money is being spent.

Consider this: We outline in the ''Wastebook'' more than $2 million spent this year by the Agency for International Development, USAID, to promote tourism in Lebanon. Lebanon is the same country that our State Department has warned American tourists not to go to. We are spending $2 million in one agency to promote tourism to a country that another agency, the State Department, says: Please don't go there for tourism. What kind of sense does that make? Suicide bombers have killed more than 60 people and injured hundreds more in the last 2 years there. It is no wonder the State Department is saying don't go, but the Agency for International Development is spending $2 million to say: Please go there for tourism.

The Department of Homeland Security spent $3 million on party buses and luxury coaches to go to the playground of the rich and famous. Taxpayer money is being spent on buses and luxury coaches to go to the playground of the rich and famous by the Department of Homeland Security. How does that make sense?

This one puzzles me. The Department of Housing and Urban Development is spending more than $104 million a year subsidizing the rent of the well-off, including those who make better than six-figure incomes and have millions of dollars in assets, while 300,000 low-income families are on waiting lists for housing assistance. So we are spending $104 million to subsidize those with six-figure incomes to live in public housing while 300,000 people who are truly low income wait on a waiting list. Somebody at one of the local housing authorities was asked why we don't just kick out the people who have incomes far too high to qualify. The answer was revealing. He said: We can't do that because they serve as role models for those who are truly low income in those facilities. Think about that. Those who are fleecing the taxpayers are role models for those in public housing who actually have low income.

As I mentioned before, the Pentagon is spending $2 million to teach robots how to play jazz music. The Department of Agriculture spent $68,000 in foreign food aid to send a group to the Great American Beer Festival to promote beer in Vietnam. So we spent

$68,000 in foreign food aid to have a bunch of people go to the Great American Beer Festival.

The National Institutes of Health spent about $1 million, as I mentioned, on the monkey-on-a-treadmill study. The purpose of this research was to determine if other studies could be conducted of monkeys on treadmills. I think everybody will have to agree that this is totally bananas. I mean, we can't continue to spend money like this.

Many other taxpayer-funded science projects sounded like they were concocted in a frat house rather than a government research agency, like the next example. The National Science Foundation spent $103 million to study if koozies really keep a cool drink in a can cool or if it is just wishful thinking. I think we have had plenty of studies on evaporation and condensation to know what really happens, but these studies were conducted with a koozie in somebody's bathroom or laundry room somewhere. It doesn't really qualify as serious science. Yet we spent $1.3 million on a grant to do just that. You have to watch the video. You have to see it.

The National Institute for Drug Abuse spent nearly $1 million to prove that pizza is as addictive as crack. The result of the study will be a surprise to no one.

The NSF is spending over $1 million on dating studies, including why attractive people date those who are not attractive and what makes those looking for love online ''swipe right'' and pursue a romantic relationship. Why in the world we are allowing the NSF to spend money on dating studies in order to find out why people, like my wife, would date somebody less attractive, like me—I mean, some of these things we will just have to let go and not spend taxpayer money on them.

These price tags are pocket change to the big spenders in Washington who collectively burn through $7 million a minute, as we all know. Nobody can really keep track of how or why some of this money is spent. The purpose for ''Wastebook'' this year—it was created to do our best to hold those accountable who are spending this money.

In his farewell address a year ago, Senator Tom Coburn, who created ''Wastebook,'' challenged every Member of Congress to produce their own ''Wastebook'' and start a real debate about national spending and budget priorities. While it is impossible to emulate or replace Dr. Coburn, he has given us a great example to follow.

As a longtime admirer, former colleague, and friend of Dr. Coburn, I feel it is a great and heavy responsibility to join others, like Senator JAMES LANKFORD and JOHN MCCAIN, in carrying forward the Coburn legacy of stopping wasteful Washington spending and bringing some kind of oversight to this. Colleagues can find the full list of 100 ''Wastebook'' entries on my Web site as well.

As you glance through it, ask yourself if the Federal Government is really being as frugal and as underfunded as it claims to be. Ask yourself: Are we really cutting to the bone? Is there no more fat left to cut? We hear that continually. Sequester-level spending has brought us to the brink so there is just nowhere else to cut.

It is my hope—my only hope—that this report gives Congress something to Chewie on—and the end of bad puns, too, I hope—before debt- and deficit-saddled taxpayers finally strike back at this lunacy.

I commend this ''Wastebook'' to all who will read it. As I mentioned, you can reach it on our Web site as well.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise in support of the Every Student Succeeds Act. I know we have had one vote on this today already, and we will have another vote tomorrow.

I will begin by applauding Senators MURRAY and ALEXANDER and Congressmen KLEIN and SCOTT for reaching across the aisle and working with their committee colleagues and the Members of both bodies to fixing a long expired and broken law. I think we all understand that education is key to both individual success and to our economic success.

ESSA gives parents, school districts, and States flexibility to close the achievement gaps that the No Child Left Behind helped us explore. ESSA maintains critical assessment requirements, but it also requires schools to track the progress of every child while also allowing States and school districts to set their own goals for improvement and determine what interventions are best when these achievement gaps persist. It invests in early childhood education, it permanently authorizes the Preschool Development Grant Program, and Virginia was one of the first States to receive a challenge grant. The bill recognizes there are factors other than test scores that describe students' success, and that is a significant advance past No Child Left Behind.

I rise particularly because I am proud that a number of provisions that I worked on and that the Presiding Officer worked on were included in the final bill. Let me talk about two of them: Teach safe relationships and career and technical education.

Senator MCCASKILL and I introduced a bill called the Teach Safe Relationships Act that came out of a conversation that I had with students a year ago at the University of Virginia. These students were members of a student organization called One Less, which advocates for survivors of campus rape and sexual assault.

There had been a story in the Rolling Stone magazine about the scourge of campus sexual assault. Many of the statistics were correct, but the story was controversial because it focused on a particular allegation of sexual assault that was later discredited, and Rolling Stone retracted the article.

I sat down with a group of about 30 students—no press, no faculty, no administrators—to talk about the problem of campus sexual assault. It has been a long time since I was a college student, and I wanted to hear them talk about the challenges they face. It was a robust discussion. These students didn't all agree with each other about various points. But the goal was to get a sense from them about what we in Congress could do that would be helpful and what were things that we might want to do that would make us feel good but that wouldn't be helpful.

Many great ideas came out of that discussion, but there was one in particular that grabbed my attention. Students talked about the fact that they wished when they came to college, living away from home for the first time in their lives, that they knew more about issues such as coercion or consent to intimate behavior or especially where to go for help or what to do if you felt like somebody was pressuring you. I kind of naively said to the students: Well, don't you have an orientation about sexual assault? And they said: We do. Here is what it is. It is 15 minutes about campus sexual assault, and it is 15 minutes about not getting too many credit cards, and it is 15 minutes about not drinking too much. Basically, we are new on campus, and it is just not enough.

Then I asked a follow up question: Don't you learn about this in sex ed classes in high school? One of the young ladies in the room said: We get a sex ed curriculum in high school, but it is about reproductive biology, not about behaviors and relationships and strategies and sort of the right and wrong issues. I thought that was really interesting.

So I came back after hearing from them—and, again, I honor these students, because from the idea to the passage, hopefully tomorrow, it has been a year from hearing from them, and now, because of them, there is going to be an important advance in public safety.

What the students basically forced me to do was to come back and analyze the problem of sexual assault. We have been dealing with it in the military. We deal with it on college campuses. We deal with it in the society at large. We can either have strategies that are specific to the military or college campuses or the workplace or society, or we can actually acknowledge campus sexual assault.

Instead of focusing on where it happens, let's focus on when it happens. If you are a young person—let me put it differently. The most likely time in your life when you will be a victim of a sexual assault is age 16 to 24. It doesn't make a difference whether you are in the military or on a college campus or anywhere else. It is at a time in your life when you are kind of new to

adult sexuality issues and kind of grappling with it that you are most likely to be a victim of sexual assaults, and also many perpetrators of sexual assaults are in the same age range.

The students said: What if we had better education in the K–12 space. In February, Senator MCCASKILL and I introduced a bill taking the campus sexual assault problem and trying to do something about it during the K–12 educational timeframe, and we called it the Teach Safe Relationships Act. The bill was rolled into the Senate version of the rewrite of the Elementary and Secondary Education Act, and the final compromise conference report includes it. Provisions are included so that title IV Federal educational funding can now be used specifically for instruction and training on safe relationship behavior among students, and this should help us deal with the issue of sexual assault.

I want to thank the conference committee for including it in the bill. It is my hope that school systems will now take advantage of this title IV funding—most school systems receive it—to prevent sexual assault not just on college campuses but for anybody in that age 16 to 24 age range that is vulnerable.

Second, the Presiding Officer, Senator BALDWIN, and I introduced a number of pieces of legislation dealing with career and technical education that have been included in the bill. The provisions include encouragement to States to use more career readiness indicators in their accountability systems to define what educational success is. This gives the States the opportunity to recognize schools that are successfully preparing students for postsecondary education and workforce tools such as technical skills and college credits. It shouldn't be just about performance on multiple choice tests. If you are getting a validated industry certificate or other measure of success, that should count.

We encourage States and school districts to support the development of a specialized teacher core to help teachers integrate career and technical education into their normal academic subjects. We allow schools to use title IV funds for career counseling, programming, and training on local workforce needs, and for options for postsecondary and career pathways.

Finally, we include CTE in the definition of a well-rounded education. Traditionally, under No Child Left Behind, it was just math, English, social studies, and science. Career and technical education and some other subjects ought to be included in the definition of a well-rounded education.

CTE is an important pathway for students to prepare for the workforce by integrating practical, applied purposes with work-based knowledge and hands-on learning experiences. I am the son of an iron worker and welder. I ran a school in Honduras that taught kids to be carpenters and welders. I believe deeply in the power of CTE. In fact, I see it every day across the Commonwealth of Virginia, just as I know the Presiding Officer sees it every day in the State of Ohio. Carroll County in rural, southern Virginia, right on the border with North Carolina, has a state-of-the-art agriculture CTE program, which I visited this summer, set up with Virginia Tech, as good as any college campus. It not only helps students who want to be farmers, but those students who want to be farmers suddenly find that when they are studying soil chemistry in a CTE lab, their chemistry grades go up as well.

In Ashburn I saw a robotics program in Loudoun County that was successful. In Virginia Beach a CTE program helps students learn how to build houses, training them for construction careers, and the houses they build are pretty impressive.

In closing, this year marks the 50th anniversary that President Johnson signed the Elementary and Secondary Education Act into law. Our Nation's prosperity is dependent upon students' educational success, and this rewrite is incredibly important. I am excited about the reauthorization and these provisions.

Again, I thank Senators MURRAY and ALEXANDER and their staffs, and let me extend thanks to my staff, two of whom are here. Let me extend thanks to my wife, who is the Secretary of Education in Virginia. She sat down with the committee staffs in the Senate to share some Virginia experiences that then factored into the rewrite of the ultimate bill.

It is my hope that this is going to pass with a big bipartisan margin tomorrow. This is a tough, complicated area that was 8 years overdue to be reauthorized because it is so controversial. Yet we found a path forward that is bipartisan, and that tells me we can do it not only on this issue but on other issues as well.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

SENATE ACCOMPLISHMENTS

Mr. CORNYN. Mr. President, yesterday I spent a few minutes talking about the accomplishments of the 114th Congress, and what I have discovered is that if we don't talk about them, nobody else does. People have become so cynical about Washington and very distressed in so many ways—and I can certainly understand why—that it is important for us to point out a few of the simple facts. It is not that we have completely turned this battleship around, but we have made this incremental progress under the leadership the American people put in charge last November—the Republican leadership in the House and in the Senate, obviously, with a President of the opposite party.

Under the Constitution, the President still has a vote, he has a veto pen, and he is not irrelevant. But notwithstanding the fact that we have some well-publicized differences with the President, and even among Republicans and Democrats, I think in fairness we have to acknowledge that we have had a pretty good run in the last 11 months or so. I don't want to make this a partisan issue because frankly you can't get anything done in the U.S. Senate or in the U.S. Congress or in the U.S. Government without bipartisan cooperation.

So on the bill we are working on today, the fix for No Child Left Behind, there is the ranking member of the Senate Health, Education, Labor, and Pensions Committee, Senator MURRAY, who has worked hand-in-glove with the chairman, Senator ALEXANDER. We also had the pleasure of working with Senator MURRAY on trade promotion authority and on the first human trafficking reform we have seen in about a quarter of a century. Those are all important pieces of legislation.

I think about the Intelligence Committee and the work that has been done in this Congress on cyber attacks and cyber protection by Senator FEINSTEIN from California, the ranking member, working hand-in-glove with the chairman, Senator BURR from North Carolina.

On the first multiyear highway bill we have had in 10 years, that would not have happened without the leadership of Chairman INHOFE and Chairman HATCH on the Finance Committee but also, I would say, BARBARA BOXER, the Senator from California, and RON WYDEN, the ranking member on the Finance Committee.

We worked together on a number of other things that have not yet gone to the President's desk, such as criminal justice reform. I was invited to come to the White House, along with an ideological spectrum of Senators from the right to the left, to talk about criminal justice reform and how we can find consensus to deal with our criminal justice system and make our prison system no longer just a warehouse for human beings but, rather, a place where, if people want the chance, want the opportunity to turn their lives around, they can begin that by participating in programs that will help them learn a skill, perhaps deal with their drug or alcohol addiction or otherwise prepare them for reentry into civilized society.

So while leadership is important, and this agenda of trade promotion authority, anti-human trafficking, cyber security, the highway bill, criminal justice reform, and now education reform—none of this would have necessarily been on the agenda if our friends across the aisle had been in charge. The fact is, leadership is important, and thanks to the majority

leader and the leadership he has provided, he has set the agenda. But, again, nothing happens here in Washington on cyber security, on human trafficking, on trade promotion authority, on education, on highways or criminal justice reform without working together to find bipartisan consensus.

So it is important that we acknowledge—and in fairness—what has been accomplished. That is not to say we are breaking our arm by patting ourselves on the back or that we think we have solved all the problems. Certainly many of the major differences that existed last year still exist, and we, frankly, have big disagreements with some of our friends across the aisle and with this President on things such as national security, on the effectiveness—or I should say ineffectiveness of the war to destroy ISIS and to deal with the terror threat both abroad and back home. But we also ought to pause and say that where we can find common ground, we are trying to do this on behalf of the American people.

So tomorrow at about 10:45 a.m. we will be voting on an impressive piece of legislation that will bring effective education reform to help our Nation's children, their parents, and teachers. But it is not just about education; as we frequently like to say, it is about an investment in the future of our country because we are talking about equipping the next generation with what they need to succeed in an ever-changing and ever-challenging world.

Back home in Texas, I have repeatedly seen how schools have created groundbreaking, innovative programs for their students to thrive and benefit everyone involved. I know I mentioned some of these programs before, like a camp for middle school students that focuses on science, technology, engineering, and math—what we frequently refer to as the STEM fields—and it included building robots. In other words, learning science can be fun too. I actually think that is what the best teachers do—they make learning fun.

I saw a cutting-edge program at the United High School in Laredo, TX, which took advantage of the proximity of Laredo to the shale gas plays in South Texas. Actually, ninth grade students who were taking science courses were learning the basics of petroleum geology so they would be equipped after they graduated from high school to get jobs in that field, jobs that pay far more than minimum wage. They do that by starting their education and by exposing them to this field in high school and through internships and other training programs.

These programs are good examples of how the local community and some of the differences in the local economy—for example, the proximity of Laredo to the Eagle Ford Shale—can shape education in a way that benefits students and the community, our States, and our country. The important thing to realize is that not all good ideas emanate from Washington, DC. In fact, the contrary is true.

Louis Brandeis, in an often-quoted statement, once called the States the ''laboratories of democracy.'' The fact is, that is true. The States are the place where innovation can occur. You can succeed or fail, as the case may be, and from that we can learn as a nation what the best practices are in education and a whole raft of subjects.

Actually, the work we are doing in criminal justice reform is based on successful reform done in places such as Texas and other States around the country. To my mind, that is the way we ought to legislate in Washington. We ought to try people's ideas out at the State and local level, and if they work, great. Then we may decide they may need to be scaled up and applied more broadly.

What we have seen and the mistake we have seen in the current administration is to make experiments nationwide with a one-size-fits-all. We have seen that in ObamaCare, for example, where all of a sudden the majority and the administration decided to transform one-sixth of the American economy, of course making extravagant promises on what would work, only to find that it couldn't work and didn't work, and thus those promises and selling points ended up not being true.

Again, on the topic of education, many of the things we realize do work have been created with the help of local teachers, leaders, and parents. These communities were able to create programs that flourished because they weren't operating under a Federal Government mandate. In fact, they were freed of Federal interference in developing that curriculum and coming up with something that works.

The bottom line is that this local ingenuity and response to educational needs can often trump ideas coming out of Washington, DC. Frankly, the ideas emanating from here prove to be impractical or ideological in nature. The bureaucracy in Washington, despite even their best intentions, cannot meet the local educational needs of millions of children across a vast and diverse country such as ours.

Our country is simply too big and too diverse to have a one-size-fits-all approach to anything, including education. That is why I am grateful to Chairman ALEXANDER, Ranking Member MURRAY, and everybody who has participated in producing this conference report to a bill that passed the Senate this summer with more than 80 votes. It is called the Every Student Succeeds Act and returns control of education decisions to States and local communities and to parents and to teachers. It does a pretty good job—not a perfect job but a pretty good job—of keeping the Federal Government out of the way.

I would add parenthetically that I think it is important to make the points I am trying to make in these remarks today because I happen to have a social media habit on Twitter and elsewhere, and I see a lot of information being spread that simply is not true about this legislation and other things. That is why I think it is important to stick with the facts and explain to the American people and my constituents back home why I intend to enthusiastically support this legislation.

First of all, this bill allows States to decide the academic standards and curriculum for their own children. This bill ends Federal test-based accountability. It kills the national school board. It keeps the opinions of the bureaucrats—even the well-meaning opinions that are misguided—out of our children's classrooms. Common core has proved to be a very controversial topic. This legislation ends common core and affirms that the States have the responsibility to decide what academic standards they want to adopt and how to measure success.

By giving responsibility back to local communities and the States and parents and teachers, the Every Student Succeeds Act will allow each State and their school districts the flexibility they need to design and implement their own programs and systems according to the needs of their students and to innovate and to help us and the rest of the country learn from their experience.

States such as Texas can decide how to use federally mandated test results to understand how a student performs. This not only relieves the phenomenon known as teaching to the test, but it gives States the added freedom to provide their students with the well-rounded education they need to compete in an increasingly competitive and globalized world.

Put simply, with this legislation, States can decide for themselves what standards, what curriculum, and what accountability measures they want to adopt. I think we will see, as Justice Brandeis said, how those laboratories of democracy work. I daresay those States, school districts, and students who prosper and do well will raise the bar for everyone else because they will have demonstrated what is possible given the freedom and the flexibility to innovate.

Another important element of this bill is that it rightfully limits the power of the Secretary of Education. With this legislation, a Secretary of Education cannot mandate, cannot direct, and cannot control a State or local education agency or require them to change what they teach in the classroom. That is up to the States and up to local school districts, parents, and teachers.

This bill will replace a law in need of reform, it will stop Washington from imposing common core on our classrooms, and it will let those closest to our country's greatest asset—our children—decide how best to provide for their education.

This bill passed the House of Representatives last week with a tremendous bipartisan vote. I hope to see a similar level of bipartisan enthusiasm here in the Senate as well when we vote to pass this conference report tomorrow morning, and I suspect we will.

As I said, this is the product of a lot of hard work by the chairman of the Health, Education, Labor and Pensions Committee—better known as the HELP Committee—here in the Senate. Senator ALEXANDER, the senior Senator from Tennessee, has been the navigator and leader in this legislation, working closely, as I said earlier, with Senator MURRAY from Washington in a bipartisan way to find consensus on an often contentious subject. I know he looks forward to passage of this legislation tomorrow, as I do too, and to having the President sign it shortly thereafter.

As I said at the beginning, you can't do anything here in Congress or in Washington without bipartisan cooperation, but leadership does matter because leaders set the agenda, they set the tone, and they hold people accountable. I would say that under the leadership of Senator MCCONNELL, the senior Senator from Kentucky, the Senate has been able to begin the process once again of solving real problems for the American people, from dealing with human trafficking, to our children's education. I look forward to continuing this progress for the rest of the week and for the rest of the year as well.

I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I am grateful for this opportunity to offer a few remarks on the Every Student Succeeds Act.

To be honest, I wasn't sure we would ever reach this point, given the often contentious and sensitive nature of the educational debate, but it is only fitting that we have spent so much time and energy trying to get the best bill we can. After all, the future of our Nation depends on it, our States depend on it, our schools depend on it, and our families and children depend on it.

I credit the success of this bill to the diligent work of the chairman and ranking member of the Senate HELP Committee, as well as the chairman and ranking member of the House Education and the Workforce Committee. As a former chairman of this committee myself, I know how difficult it can be to strike a deal that is agreeable to both sides, but our committee leaders have done an outstanding job. I wish to thank them for helping us to reach out and reach a compromise. That is exactly what this bill is, a compromise. While neither side considers it perfect, both parties can agree that this bipartisan legislation will significantly improve the quality of education in our country.

I have met with a wide variety of local education leaders in Utah, and each one I have spoken to supports this bill. This legislation helps fix a broken system that is failing our students. Once we have passed this reauthorization, our work will be far from over, but we will once again be moving in the right direction.

For the past several years, my home State of Utah has sought relief from unworkable provisions in No Child Left Behind through the waiver process, but the waiver process is dysfunctional. It forces States to appeal to the Federal Government to fix a problem created by the Federal Government. As our State superintendent in Utah said, ''Results of the waiver process have not been salutary for education, for developments in administrative law, or for the health of our republic. Reforming and revising this deeply flawed statute has and must be the primary work of our federal delegates with respect to education.'' Today we are answering his plea and the plea of many State and local leaders throughout the country.

I am grateful for the opportunity I have had to work on this bill. I am also grateful for the opportunity I have had to help write many of its provisions, including the Education Innovation and Research Program, which will allow schools, districts, nonprofits, and small businesses to develop proposals based on specific local needs. Funding for this program will be awarded based on demonstrated, successful outcomes flowing from the project. This initiative will help us find other incubators of success. It will also remove limitations on flexibility in exchange for demonstrated outcomes. Money should not be tied to what the Senate or the Federal Department of Energy thinks are good, prescriptive ideas. It should be tied to local innovation and tangible results.

Through this bill, I have also worked to expand technology usage in the classrooms and to equip our teachers with the professional development they need to use technology successfully. Too many of our schools are using outdated or ineffective technological methods and models that are missing critical components of teacher participation and support. Educational technology allows us to personalize learning for students, target where students are struggling, and provide real-time, valuable feedback to teachers so they may adapt their instruction most effectively. I hope we can provide every child access to the same tools and resources and create the individualized learning experiences that we know are critical to success. This bill equips both educators and students with resources they need to succeed.

As the president and CEO of the Salt Lake Chamber of Commerce said, ''This bill empowers willing states to achieve [through] improved early learning and high quality preschool experiences. It also invests in our hardworking teachers with more preparation programs, including those designed to improve literacy, civics education, and STEM education.''

This legislation is a victory both for Utah and for our Nation. The sooner we send this bill to the President and the sooner we can empower our States to help our students achieve their full potential, the better off we are all going to be. I have to say that I think this would be a major watershed bill. Hopefully, we will pass it tomorrow and our elementary and secondary education will greatly benefit from it.

Again, I particularly compliment the distinguished chairman and ranking member for the work they have done on this bill—the hard and effective work they have done on this bill. I am grateful to have the privilege of working with them on the Health, Education, Labor, and Pensions Committee.

I wish to thank everybody who has played a role on this difficult bill. It is difficult for me to see why anybody would vote against this bill because it repairs what has been a very pitiful system under No Child Left Behind.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEE. Mr. President, tomorrow the Senate will vote on the Every Student Succeeds Act—a bill that reauthorizes the Elementary and Secondary Education Act, or ESEA, which is the legislation governing Federal K–12 education policy.

By all accounts, the Senate is expected to pass this bill with a bipartisan majority, and President Obama is of course expected to sign it into law. This would be a serious setback for America's schools, teachers, and students, one that will have sweeping consequences for decades to come, because when we get educational policy wrong, as this bill does and as we have done at the Federal level for so many years, it affects not just the quality of education students receive as children but the quality of life that will be available to them as adults down the road.

The problem is not just the particular provisions of this particular bill but the dysfunctional and outdated model of education on which it is built—a model that concentrates authority over education decisions in the hands of politicians and bureaucrats, instead of in the hands of parents, teachers, principals, local school boards, and State officials.

For the past 50 years, this model has defined and guided the reauthorization of the Elementary and Secondary Education Act, and the bill before us today is unfortunately no exception. Not coincidentally, this central planning model has also failed to produce any meaningful improvements in academic achievement, especially for students from low-income communities. In fact, since 1969, test scores in reading and math have hardly budged for public school students of all ages, even while per-pupil spending has nearly doubled and school staff has increased by more than 80 percent. Yet here we are once again on the verge of passing another ESEA reauthorization bill built on the same K–12 education model that has trapped so many kids across America in failing schools and confined America's education system to a state of stagnant mediocrity for half a century. This is not simply a failure of policy, it is a failure of imagination.

Our 1960s-era, top-down model of elementary and secondary schooling has endured, essentially unchanged and unchallenged, for so many decades that the education establishment has come to take it for granted. For many policymakers and education officials in Washington and in State capitals around this great country, the status quo isn't just seen as the best way but is seen as the only way to design a K–12 education policy today. Even the most creative policy thinking is confined within the narrow boundaries of the centrally planned status quo. The only reform proposals that are given the time of day are those that seek to standardize America's classrooms, enforce uniformity across school districts, and systematize the way teachers teach and the way their students learn in the classroom at every step along the way. So we insist that the most important teaching decisions—about what to teach, when to teach it, and how to assess learning—are made by individuals outside of the classroom and are uniformly applied and reapplied regardless of the particular character and composition of a class in question.

We expect students of the same age to progress through their curriculum and master each subject at exactly the same pace. We assign students to their school according to their ZIP Codes. We allocate public education funds to education agencies and schools—never directly to parents—and manage their use through bureaucratic restrictions and mandates. We evaluate teachers and determine their compensation not on the basis of job performance in the classroom but according to standards that can be quantified, such as the number of years on the job. Student learning is assessed in much the same way, using standardized tests and age-based benchmarks. We never let stagnant educational outcomes or a persistent achievement gap shake our faith in the ability of central planners to engineer and superintend the education of tens of millions of students in America.

These are the fundamental pillars of the status quo model for elementary and secondary education, and the Every Student Succeeds Act leaves them wholly, entirely intact, but schools are not factories, education can't be systematized, and learning can't be centrally planned. Good teachers are successful not because they are following some magic formula concocted by experts in Washington, DC, but because they do what good teachers everywhere have always done in order to advance the learning of their students: They work harder than just about anyone, and they know their class material—the material they teach their students—inside and out. They communicate early and often with each student's parents so they and their students can be held accountable. They observe and they listen to their students in order to understand their unique learning needs and goals and tailor each day's lesson plans accordingly. They evaluate students honestly and comprehensively, assessing whether they have mastered the material, not just figured out how to take a test.

So instead of imposing an obsolete conformity on an invariably varied environment, we should be empowering teachers and parents with the tools they need to meet the unique educational needs of their students and children. Instead of continuing to standardize and systematize education across the entire country, we should be trying to customize and personalize education for every single student.

The good news is, we don't need to start from scratch. We know local control over K–12 and even pre-K education is more effective than the prescriptive, heavy-handed approach of Washington, DC, because we have seen it work in communities all over the country.

For years education entrepreneurs in the States—including my home State of Utah—have been implementing and refining policies that put parents, teachers, principals, and school boards back in charge of education policy, back in charge of curriculum, and back in charge of teaching and testing standards. Perhaps the most popular State-initiated reform is the movement toward school choice, which overturns the embarrassingly outdated and manifestly unfair practice of assigning schools rigidly based on ZIP Codes.

We know a good education starting at a young age is an essential ingredient for economic opportunity and democratic citizenship later in life for each child. We also know America has always aspired to be a place to where the condition of your birth doesn't determine your path in life. So why on Earth would we want to prohibit parents from choosing the school that is best for their children, especially if, as is far too common, their local school is underperforming at the moment.

School choice is one of the most important, locally driven reforms aimed at resolving this fundamental injustice that our current assignment by ZIP Code system has attached to it, but it is not the only one. There are also education savings accounts—or ESAs—which give parents control over the per-pupil education dollars that would have been spent on their child by the school system. There is the recent innovation of course choice, pioneered within my home State of Utah, which brings the same kind of education customization and a la carte choice that have spread on college campuses to elementary and secondary schools. Of course, there is the distinctively American notion that parents, principals, school districts, and State officials have the right and should have the ability to opt out of the most onerous, restrictive, and misguided Federal commands. Whether it is parents who don't want their children wasting dozens of hours each year taking standardized tests or State policymakers who develop local education reforms that are more effective and less expensive than the Federal one-size-fits-all policies, we should support the rights of all Americans to have a say in the education of their children.

The point isn't that there is a better way to improve America's schools, but it is rather that there are 50 better ways or even thousands of better ways. In our increasingly decentralized world, in our increasingly decentralized and complex American economy, there are as many ideal education policies as there are children and teachers, communities and schools. But Washington is standing in the way, inherently, if irrationally, distrustful of any alternative to the top-down education status quo. Under the Every Student Succeeds Act, Washington's outdated, conformist policies will continue to be in the way, which is why I urge all of my colleagues to join me in voting against this bill.

Even if most Senators vote in favor of the failed status quo, I am confident I have the majority of moms and dads in America on my side. I often hear from Utah parents, calling or writing my office to express their support for local control over education. I recently received an email from Kierston, a proud mother of four and the PTA president at her local school, who urged me to vote against this ESEA reauthorization. I thought I would let her have the last word today.

Based on years of experience with the public schools in her community, Kierston warns that maintaining Washington, DC's, monopoly over America's public schools will ''force my three incredibly different children who learn in very different ways into a box where my daughter will be forced to learn things she isn't ready to learn . . . my oldest who is ahead of his peers will be forced to slow down or help teach his peers in a way they don't understand . . . and my third will constantly be in trouble for not sitting still and pestering his peers because he understands quickly and is bored.''

''We need standards, we need benchmarks,'' Kierston wrote, ''but we also need to allow children to learn at their own pace. . . . We need child centered education where children have the ability to go as fast or as slow as they need. . . . Please think about the children of Utah. Vote against [the ESEA reauthorization]. Allow our kids the freedom to learn.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, we have been living under No Child Left Behind, or NCLB, for 13 years, and during that time we have learned what about NCLB works and a lot more about what doesn't work. Students, teachers, and parents across the country have been waiting for a long time for us to fix this law. As a member of the ESEA conference committee, I am proud to work on the legislation before us today, the Every Student Succeeds Act, and to have helped to get it this far. I thank Representatives JOHN KLINE and BOBBY SCOTT and Senators LAMAR ALEXANDER and PATTY MURRAY for building the bipartisan foundation that got this bill done and will help to reform our national education system.

The bill, of course, is not perfect, but it is a huge improvement over NCLB. Over the last 13 years, we learned that the one-size-fits-all approach to fixing failing schools just wasn't working. That is why this bill is designed to find a balance between giving States more flexibility while at the same time still making sure States intervene and fix schools where students are not learning.

Over the last several years, starting when I got here, I have met with principals, teachers, students, parents, school superintendents, and other school administrators in Minnesota. These conversations have helped me to develop my education priorities to help improve our schools, our communities, and our Nation's future because that is what this is about. I worked with colleagues on both sides of the aisle to find common ground.

I am pleased that many of my priorities to improve student outcomes and close the achievement gap are reflected in the legislation that is before us today. These priorities include things such as strengthening STEM education, expanding student mental health services, increasing access to courses that help high school students earn college credit, and improving the preparation and recruitment of principals for high-need schools.

I also successfully fought to renew the 21st Century Community Learning Centers Program, which provides critical afterschool learning activities for students.

Another one of my priorities helps increase the number of counselors and social workers in our schools.

My provision to allow States to use computer adaptive tests will go a long way toward improving the quality of assessments used in our schools, will give teachers and parents more accurate and timely information on their students' progress, and will measure their growth instead of what NCLB did. In the beginning, NCLB just measured the percentage of kids who exceeded a certain arbitrary line of proficiency. This will measure every kid and how far they have come because I always thought that a sixth grade teacher who takes a kid from a third grade level of reading to a fifth grade level of reading is a hero and not a goat, as that teacher was in No Child Left Behind.

I was also able to include a new Native language immersion program because I believe language is critical to maintaining cultural heritage and helping Native American students succeed.

In addition, I wrote a provision to provide foster children who get new foster parents to stay in their same school district, when that is in their best interest, and not have to move to another school because very often the one essential and stable thing in their lives as foster children is their friends and teachers at school.

I am very pleased that these priorities have been included in the legislation we are considering today, and I thank my colleagues for working with me on them. These provisions will help hundreds of thousands of students in Minnesota and millions of students across the country reach their full potential.

At the same time, I do have to express my deep disappointment that my measure to help protect LGBT students from bullying and discrimination was not included in the final bill. I will keep fighting to get this critical measure passed into law because I think it is our responsibility here in the Senate, as adults, to protect children.

Finally, I want to note that the Every Student Succeeds Act makes critical investments in early childhood education, which has been a priority of mine for a long time. A quality early childhood education doesn't just start kids off on the right foot, it is also good for our budget. Study after study has shown that for every $1 we spend, we get up to $16 back in the long run. A kid who has had a quality early childhood education is less likely to be in special education, less likely to be left back a grade, and has better health outcomes. The girls are less likely to get pregnant and more likely to graduate from high school, go to college, and get a good job so they can pay taxes, and are much less likely to go to prison. That is why it is such a great investment. It is also a great investment because a 3-year-old child is a beautiful thing.

After working on a bill to replace NCLB for years, I am very pleased that we have gotten this reform effort finished. I thank my dedicated staff, both present and past, who has worked hard to move education priorities forward—Sherry Lachman, Amanda Beaumont, Gohar Sedighi.

Thanks, Gohar.

Once the President signs the Every Student Succeeds Act into law, I look forward to making sure the new law is implemented in a way that will benefit students, teachers, and parents in Minnesota.

I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ENZI. Mr. President, I rise today to express my strong support for S. 1177, the Every Student Succeeds Act. This legislation sends the responsibility of educating our Nation's students back to where it belongs—with States and local communities.

I wish to commend Chairman ALEXANDER and Ranking Member MURRAY for their work to advance this legislation through a very ideologically diverse HELP Committee, which they did with a unanimous vote. The full Senate then had a vote. That vote was 81 to 17. Then we had a conference committee. We haven't had many conference committees. It was there that we met with the House of Representatives to iron out differences between the two bills, and that passed by a vote of 38 to 1.

It has been a long time since we have had numbers like that record. In fact, it has been a long time since bills went to committee and had the opportunity to be amended in committee, and then went to the floor of the Senate and had the opportunity to be amended on the floor. Of course, it is even more unusual to have a conference committee—because it passed both Chambers—and come up with a 38-to-1 approval of the conference report, which is what is now before us. This is one of those instances where we get to vote for it or we get to vote against it. I am hoping that almost everybody votes for it, just as in these previous votes.

We in Wyoming are very proud of our school system. We are proud of the way we support our students. We are proud of the way we support our educators. We are proud of the way we support our staff. In fact, the Constitution of Wyoming says there will be equal education for every child. We carry that to an extreme. In Wyoming, that means there has to be equal buildings, as well as opportunities, facilities, and teachers. That is run through the courts every once in a while just to make sure it is observed, and it is, and we are proud of our students, our buildings, and the education we provide. We are very proud of the way it helps to prepare our students for what is next and ensures they have the tools necessary to succeed in a rapidly evolving society.

This bill, the Every Student Succeeds Act, ensures that Wyoming teachers and school leaders have the power to

tailor education to meet the needs of all students, even in the most rural and remote communities. Wyoming is the least populated State in the Nation, and we have probably some of the smallest schools. We believe kids shouldn't have to ride a bus to or from school for more than an hour, and as a result, we have some schools that have one student or two students or three students. That is a little different kind of school than most of the Nation has.

For too long now, I have heard stories from teachers, from students, and from parents across Wyoming about the harm inflicted by the prep-for-the-test system that has been in place. That ends with the signing of this bill.

Our Nation's students deserve the opportunity to learn in innovative and creative ways that will stimulate their minds and open their eyes to the countless opportunities we have in this great country. Our Nation's teachers and school leaders deserve the highest levels of support and training to help our students recognize those opportunities and help prepare the next generation. Our Nation's parents deserve the option to choose what educational opportunities are best for their child. This act ensures that all of that can occur by empowering States and local communities to make the decisions they think are best. This is a diverse country. There are a lot of differences among our States. We have some common policies, we have some common laws, but there are still differences.

I am always a little riled when we are compared with some of the other countries around the world on how our students are doing. I have been the Chairman of the Health, Education, Labor, and Pensions Committee before and I did some research into that; I visited some countries to see what their education was like. One of the ways they get better scores on their tests is they kick kids out of school. In India, they guarantee a sixth grade education. They say they guarantee a sixth grade education. They do a cleansing of the schools in fourth grade. They say ''These kids are not participating in their education enough,'' and they kick them out of school. Those kids will make brooms by day and sweep streets at night, and they will earn $1 a day for the rest of their lives. That is it—no opportunity for any advancement. That is in fourth grade, even though they are guaranteed a sixth grade education.

In sixth grade, they have another purge. In fact, those kids will wind up in jobs where they make $2 a day for the rest of their lives, with no opportunity for change. They allow only 7 percent of the kids to go to college. There is tremendous competition that probably makes some difference in their scores. But weeding out kids makes a difference. Thank goodness in this country we don't believe in that. We believe every kid should have an opportunity, and we give them an opportunity as long as we can.

Local school boards are a terrific example of democracy at its finest. In those meetings, individuals in the community can come together to discuss and debate issues related to the education of their youth. It is in those meetings that students can voice their opinions and have a say in their own educational experiences. It is in those meetings that teachers and student leaders can put forth what they think is the best course of action to teach the content in a way that best meets the needs of that community. It is in those meetings that all of those parties can decide how they want to spend educational funds within the budget that the members of that community voted on.

The Every Student Succeeds Act that we will vote on tomorrow gives that power back to the local school boards. It allows issues to be debated and decisions to be made in a room of parents, students, teachers, school leaders, and community members who know best what works for the students. It is one of the purest forms of democracy I can think of, and certainly it is something I think our Founders had in mind in their idea of America and, in particular, their idea of educating our students.

I know there are some people who are going to vote against this bill, and I have asked why. The most common answer is it doesn't go far enough. It goes further than anything that has been done in this Chamber since the Department of Education was founded. This reverses things back to States' rights.

I work around here under the 80-percent rule. I have found that we can talk civilly about 80 percent of the issues. If we stick to that 80 percent, we can be productive. If we go to the other 20 percent—it is 10 percent on each side, Republicans and Democrats—we both have certain things that we would like to see and that we think are right, and we have been fighting over them for decades. But if we stick to that 80 percent, we can be productive. We can find something that we can have some common ground on. I have found that we usually only have 80 percent common ground on any of the issues because, again, there is that 10 percent that each side feels is right and that we would like to do. So the best way to get some legislation done is to leave out some of those things and go ahead and get what we can. This bill does that.

I think it goes beyond 80 percent, incidentally, but we can get the whole 100 percent. The way to do it is to get both sides together and keep them out of the weeds long enough—the old rhetoric they have been arguing about, where they hear a key word and know the answer to it immediately and don't have to listen. If you can get them to sit down and listen and think of a new way to do it, we would get 100 percent because when we come up with that new idea that both sides can grab on to, they both claim it is their idea, and we move on. We are not at that point yet on education.

I commend the Chairman of the committee, Senator ALEXANDER, and the Ranking Member, Senator MURRAY, for coming together on 80 percent of what can get done and working to get it done. The alternative is to get nothing done. We need to get something done. People have been complaining that this law has been unauthorized for years. This is the first chance we have had to actually move forward with education, to move it back to the States where it will be most effective, where those diverse States can make up their minds on what will work best with their students.

Incidentally, most of our States are as big as any of those countries we compete with, with the exception of China, Russia, and India. They are making decisions for their State when they are making their education decisions. That is what this bill will do.

There aren't any perfect bills. I particularly don't like comprehensive bills. ObamaCare was a comprehensive bill. But my idea of a comprehensive bill is that it is so big that people can't understand it, and it is so big that stuff can get shoved in there that nobody will even notice when it is being done. This is one of those bills that has been worked on for a long time. It has been taken carefully in steps and put together so that we can move forward with it.

The question is, Will it work? Yes, it will work. Will it do everything that everybody wants? Hardly anything ever does. This bill will come as close to doing something—as I said, I believe it is the most progress we have had since we got a Department of Education, which is a whole other debate.

I have been proud to support this legislation from its very early stages, and I will continue to support it tomorrow. The responsibility of the education of our Nation's students belongs to States and local communities. The Every Student Succeeds Act ensures that responsibility is given to those entities.

I urge my colleagues to support this legislation, an improvement in education.

Mr. President, I yield the floor.

Mr. ALEXANDER. Mr. President, the conference agreement to replace No Child Left Behind, the Every Student Succeeds Act, takes unprecedented steps to rein in the Secretary of Education and put the power for education decisions back in the hands of parents and State and local officials. By passing this legislation, it clearly becomes Congress' intent that States be solely responsible for the development and implementation of, and decisions regarding, all aspects of their State accountability systems. This is an intentional and deliberate act to eliminate the ability of the Secretary of Education to use regulatory power or guidance to add new requirements or conditions to State systems that are outside of the specific language in statute.

The legislation prevents the Secretary from influencing, forcing, or coercing a State to adopt specific standards in many ways, including the following:

First, officers and employees of the Federal Government—including the Secretary of Education—are prohibited from conditioning the receipt of any funds, through grants, contracts, or agreements on the adoption of any academic standards, including Common Core.

Second, States do not have to submit their standards to the Secretary for review or approval.

Third, the Secretary is prohibited from exercising any direction or supervision over a State's academic standards.

The Secretary is also prevented from using executive authority to create terms and conditions that should be done through the legislative process, including the following:

First, the Secretary is prohibited from adding new requirements through regulations.

Second, the Secretary is prohibited from adding new requirements as a condition of approval of a State plan.

Third, the Secretary is prohibited from dictating what should happen in early education.

Fourth, the Secretary is prohibited from creating new policies through redefining terms or phrases in the law.

Furthermore, the legislation protects States' rights to control their education system by ensuring the Secretary is prohibited from: coercing a State to adopt any particular curriculum or program of instruction; prescribing the long-term goals or measurements of interim progress, or the weights of State-determined indicators, or the methodology for identifying low-performing schools, in the State's accountability system; requiring any specific assessments be used by a State; dictating any particular school support or improvement strategies or interventions; or requiring any measures of teacher, principal, or other school leader effectiveness.

Section 1111(e) clearly states the Secretary may not add any requirements or criteria outside the scope of this act and further says the Secretary may not take any action that would ''be in excess of statutory authority given to the Secretary.'' This section goes on to lay out specific terms the Secretary cannot prescribe, sets clear limits on the guidance the Secretary may offer, and also clearly states that the Secretary is prohibited from defining terms that are inconsistent with or outside the scope of this Act.

There are also provisions in titles I and VIII that ensure standards and curriculum are left to the discretion of States without Federal control or mandates, and the same is true for assessments.

The legislation also clearly lays out congressional intent by including a sense of Congress that States and local educational agencies retain the right and responsibility of determining educational curriculum, programs of instruction, and assessments.

The legislation makes it clear the Secretary is not to put any undue limits on the ability of States to determine their accountability systems, their standards, or what tests they give their students. The clear intent of this legislation restores responsibility for the authority over education decisions back to the States and severely limits the Secretary's ability to interfere in any way.

Ensuring a limited role for the U.S. Secretary of Education was a critically important priority throughout the reauthorization process and this legislation meets that priority. For example, the Secretary may not limit the ability of States to determine how the measures of student performance are weighted within State accountability systems. The legislation does not authorize the Secretary to issue regulations that specify a specific weight or a range of weights that any indicator must fall within when States setting up their system. Any weights or ranges of weight of each indicator will be determined by the State. The Secretary also cannot prescribe school support or improvement strategies, any aspect of a State's teacher evaluation system, or the methodology used to differentiate schools in a State.

Also, the Secretary may not create new policy and requirements by creatively defining terms in the law. Definitively, this new law reins in the Secretary and ensures it is State and local education officials making decisions about their schools.

Under current law, the current Secretary and previous Education officials have exceeded their authority by placing conditions on waivers to States and local educational agencies outside the scope of the legislative language or congressional intent. This legislation prevents the Secretary from applying any new conditions on waivers or the State plans required in the law. The language clearly states the Secretary may not add any new conditions for the approval of waivers or State plans that are outside the scope of the law. This means if the law does not give the Secretary the authority to require something, then the Secretary may not unilaterally create an ability to do that through regulation, approval or disapproval of State plans, binding guidance, or any other means of enforcement.

Finally, this legislation sets up a more inclusive and transparent negotiated rulemaking process, particularly for any regulations related to standards, assessments, or supplement, not supplant requirements in the law. All regulations, if any, issued on these items must adhere to agreements reached by negotiators in negotiated rulemaking. The Secretary may not ignore agreements reached. The legislation also requires an alternative process for regulations if consensus is not reached through negotiated rulemaking, including a review of the time, costs, and paperwork burden of any proposed regulations. Congress will also be given an opportunity to review any proposed regulations for 15 days prior to submission to the Federal Register. Additionally, the public will have 60 days to comment on any proposed regulations. The purpose of these new requirements is for the Department of Education to be more transparent in what burden new regulations will place on States, school districts, and schools. Additionally, by giving Congress and the public the opportunity to explicitly weigh in on proposed regulations, the intent is that the Department will listen to thoughts from people on the ground regarding how they will be impacted.

Mr. LEAHY. Mr. President, tomorrow the Senate will approve landmark legislation to reauthorize the Elementary and Secondary Education Act of 1965.

Since 2001, the failed policies of No Child Left Behind have unfairly burdened students, families, educators, and administrators by holding students accountable for snap-shot academic progress. The overwhelming support in Congress for these reforms will reverse the one-size-fits-all approach to education that did not work for Vermont and so many schools across the Nation. This bill gives States more flexibility to ensure that schools are supporting every student, while maintaining the Federal Government's responsibility to ensure that students everywhere have access to the resources they need for lasting academic success.

Since 2001, I have heard from parents, teachers, students, policymakers, and administrators about the negative impacts of No Child Left Behind. I voted against the legislation as I did not agree—and still do not agree—with a one-size-fits-all approach to education. I was also disappointed with the bill's rigid Federal accountability measures, as I truly believe States and local education agencies deserve flexibility when it comes to how schools operate.

The conference report we will consider today reflects the positive changes to the law that the Senate overwhelmingly supported in July. The agreement restores educational flexibility to the States, while safeguarding student access to resources, regardless of race, gender, financial status, and learning level. I am pleased that the bill takes into account the greater needs of students in rural areas, increases funding for early childhood education programs, and improves school safety measures.

I am especially pleased with the bill's innovative assessment and accountability demonstration authority provision, which will allow Vermont to adopt competency and performance-based assessments that prove far more than how well a student can perform on a test on one given day. And while

States will design their own system to improve struggling schools, the conference agreement also includes Federal safeguards to protect civil rights and to provide resources for students at the greatest risk.

We are 8 years overdue for a rewrite of No Child Left Behind. I am pleased that we have come together, Members on both sides of the aisle, to support the Every Student Succeeds Act. This bill truly reflects the needs of all students, educators, parents, and administrators; and I urge all Senators to support its passage.

Mr. MCCAIN. Mr. President, today I come to the floor to express my strong support for the Every Student Succeeds Act. This legislation is a major step forward in taking the responsibility of educating our children back from Washington and giving it to the States. Senator ALEXANDER and the Republican majorities in Congress have been successful working in with parents, teachers, and school districts in putting together a bipartisan elementary education reform bill that would restore the role of States in creating accountability standards, testing requirements, and other education policies that best fit the needs of students in local public and charter schools.

One of the most important pieces of this bill is that it would effectively end Common Core once and for all by allowing States to develop their own education standards. For far too long, Federal bureaucrats in Washington have tied the hands of States and parents by mandating one-size-fits-all education policies such as Common Core that have failed America's students. Let me be clear: I strongly support education standards that make Arizona students prepared to compete in this global economy. But these standards should be developed by Arizona's State and local education officials in consultation with parents of Arizona schoolchildren. This bill would do just that.

The Every Student Succeeds Act would also end the Federal test-based accountability system that was established by the No Child Left Behind Act. No longer would these required Federal tests be the sole measure of educational success. States will now be allowed to use testing along with other measures of accountability such as attendance, teacher performance, and other student achievement and school performance metrics when developing accountability systems.

In addition to helping take control of elementary education back from Washington, this bill includes provisions that would strengthen charter schools. I am proud of the fact that Arizona is home to some of the best charter schools in the Nation. According to the Arizona Charter School Association, over 190,000 Arizona students have access to more than 600 charter schools, giving Arizona parents more educational choices for their children. I am also proud of the fact that BASIS Charter Schools in Scottsdale and Tucson are the first and third-ranked charter schools in America, according to U.S. News & World Report.

I am also pleased that the Every Student Succeeds Act includes language I offered on the Senate floor in July that would enhance educational choice and expand access to high-performing schools for student in Arizona and across the nation.

Specifically, this provision would let Arizona and other States propose how they could use limited Federal education funds to replicate and expand access to high-performing charter, magnet, and traditional public schools for low-income students—in other words, education options that are proven to provide the best-quality learning environments for Arizona children.

Right now, public funds meant to help low-income students are largely reserved for poor-performing schools, failing the children who are most in need. We must give Arizona and other States the ability to direct these funds to develop high-performing charter, magnet and traditional public schools which have been proven to be successful.

The provisions I offered give Arizona the ability to show how they can do just that, while paving the way to give parents the freedom to choose which schools are best for their kids.

The Every Student Succeeds Act also includes measures that would offer additional support for rural schools in Arizona by providing more flexible use of Federal funding and maintaining the authorization of the Small, Rural School Achievement Program, SRSA, and the Rural and Low Income School, RLIS, program. The bill also helps States support English learners by providing resources to establish strong English proficiency programs to enable these students to meet high education standards.

I am proud of the strong progress that Arizona students are making in the classroom. According to the most recent National Assessment of Educational Progress, NAEP, Arizona students are making significant progress compared to students in other States. In a recent op-ed in the Arizona Republic, former Arizona Superintendent Lisa Graham Keegan and the Foundation for Excellence in Education's Matthew Lander wrote, ''[w]hile the national NAEP news this week was grim, with flat scores in fourth grade reading and declining scores in all three subjects, Arizona students bucked that trend by notching gains in three of the four tests.'' They went on to highlight Arizona's success, stating ''Arizona's charter-school students . . . matched the scores for the highest-scoring states on the 2015 NAEP. On eighth grade mathematics, for instance, Arizona charter students scored in a statistical dead heat with Massachusetts, the highest scoring of the 50 states.''

I am extremely proud of the success we are seeing in Arizona elementary education, but more needs to be done to ensure our students have the best opportunities by increasing educational choice and enabling States and school districts to expand and replicate high-performing schools. Every American has an obligation to help prepare the next generation for the future, and this bill is a step in the right direction. I encourage all of my colleagues to support this bill.

Ms. MIKULSKI. Mr. President, today I wish to talk about the Every Student Succeeds Act.

I want to thank Chairmen KLINE and ALEXANDER and Ranking Members SCOTT and MURRAY for their work in putting together a bipartisan, bicameral framework to reauthorize the Elementary and Secondary Education Act, ESEA. I know that it was not easy, especially in this political climate, but politics were put aside; and children, teachers, and schools were put first.

I am really pleased how this process played out—it was truly a bipartisan effort. I have always believed that one of the pathways to success is restoring regular order, and they did just that. While this bill is not perfect—it is not one that Democrats nor Republicans would have written—it is a step in the right direction towards overhauling and improving the failed tenets of No Child Left Behind.

ESEA was passed 50 years ago to ensure that kids living in poverty would receive the extra help they needed in order to succeed. It was a part of President Lyndon B. Johnson's War on Poverty. It was the first time that the Federal Government really got involved in education. Before then, education was considered a local responsibility, not something for the Feds to meddle in; but President Johnson's vision changed that. He wanted to lift kids out of poverty and give them their fair shot to excel.

Since then, we passed the bipartisan No Child Left Behind Act of 2001, NCLB. While done with the best of intentions, it was deeply flawed. With NCLB, instead of us ''racing to the top,'' we ended up with ''racing to the test'' and excessive testing. NCLB is also bad because it gave us a one-size-fits-all approach out of Washington, despite whether you lived in a big city like Baltimore or in a rural county like Somerset County on the Eastern Shore.

We wanted to get rid of ''race to the test,'' understanding that one size does not fit all, and implement a system that understands we must have Federal guidelines with local solutions and initiatives; then we needed to back up our guidelines with money because school districts were struggling to meet their bottom line.

So I went to work on a bipartisan basis to try and deal with that. My first rule was: do no harm. That is why I beat back the Southern strategy that was going to change the title I formula for funding. Maryland would have lost $40 million—that means every single

school district in Maryland would have lost money. I couldn't let that happen, so I put together a coalition of other Senators to beat that back, and we did just that. Maryland will keep its $40 million. For Baltimore City, they won't lose $6 million. For Baltimore County, they won't lose $6 million. For places like Prince George's County, they won't lose $7 million.

The bill before us—the Every Student Succeeds Act—is good for all of Maryland's 874,514 students. It supports at-risk populations; empowers high quality choice for parents; and strengthens critical programs such as science, technology, engineering, and mathematics, STEM, education, accelerated learning, and afterschool programming.

The Every Student Succeeds Act is good for all of Maryland's 59,315 teachers. Our teachers have to deal with children who have so many problems—whether suffering from a peanut allergy or asthma—and need so much help. That is why I fought to make sure that Federal funds can be used to provide for the coordination of integrated services like vision and hearing screenings and other support services to help improve student academic achievement.

The Every Student Succeeds Act helps all of 1,446 Maryland public schools. While we maintain annual statewide assessments in reading and math, we allow States to develop and implement other mechanisms that reduces overtesting and ''racing to the test.''

In addition to supporting the large-scale changes in the Every Student Succeeds Act, I am especially proud to see that this compromise includes other provisions I fought for. This bill ensures that States continue to measure how students are performing at each level of achievement. This bill will make sure that States find ways to assist school districts in addressing the needs of gifted and talented students. It will also make sure that teachers get the professional development they need and deserve in order to better identify gifted kids.

I am pleased that the bill before us also recognizes the vital role that school nurses play. They truly are a valuable member of a school's education team and should be recognized as such. Because of this bill, schools nurses will now be eligible to receive ESEA professional development funds.

This bill, the Every Student Succeeds Act, ensures that at-risk kids get the support they need in order to succeed. It supports teachers and principals in providing high quality instruction. It supports States and school districts in turning around low-performing schools and closing achievement gaps. This bill is a down payment on our children's future and on our Nation's future.

I urge my colleagues to support the bipartisan progress that has been made here and vote to send a strong bill to the President's desk that will improve our schools and put all of our children on a path to success.

ASSESSMENT SECURITY

Mr. HATCH. Mr. President, I wish to engage in a colloquy with the chairman of the Health, Education, Labor, and Pensions Committee, Senator ALEXANDER, to clarify questions that have arisen since S. 1177 was introduced.

Under the Every Student Succeeds Act, pursuant to section 1201, we authorized Federal funding to provide grant opportunities for States to administer academic assessments and to carry out activities that ensure ''the continued validity and reliability of state assessments.'' Furthermore, under the same provision, we authorized funds to allow States to collaborate with organizations to provide services that will ''improve the quality, reliability, validity, and reliability of State academic assessments.''

I ask the chairman, is it your understanding that the references in section 1201 to activities and services that ensure and improve the ''validity and reliability of state assessments'' were intended to allow funds to be used for test security activities and services designed and utilized to prevent, detect, and respond to testing irregularities and incidents that threaten the validity of assessment results?

Mr. ALEXANDER. Mr. President, the Senator is correct. Student assessments must be designed and administered with a high degree of quality assurance. State assessment results can be used as the basis for critical decisions affecting the lives of students and the funding and operation of schools, and given the significant taxpayer investment for statewide assessments, we must provide States with the flexibility to use funds to preserve and maintain the integrity and validity of these important assessments.

The PRESIDING OFFICER. The Senator from Alaska.

SENATE ACCOMPLISHMENT

Ms. MURKOWSKI. Mr. President, I would like to take a few moments this afternoon to talk about where we are at the end of this year, 2015. There has been a lot of talk about wrap-up, a lot of talk about how we knitted together the outstanding issues before us as a Congress. There is much yet to be done, but I do think it is significant to recognize that there has been good work, there has been substantial and substantive work that has come out of the U.S. Senate this year as the Republicans have led the Senate in the majority.

As we think back at year-end on a series of accomplishments, I think it is important to recognize that the business of the Congress has been productive. Sometimes we get so busy around here that we don't stop to even recall what we did yesterday, much less last week or the week before.

Today we have had an opportunity to almost bring to a close the education reform measure that Senator ALEXANDER from Tennessee and Senator MURRAY from Washington have been working so hard on over this past year. As a member of the HELP Committee, I have been very pleased to work with them as we have attempted to advance meaningful and long-overdue education reforms.

Before I speak specifically to the Every Student Succeeds Act, I would like to rattle off a few of the measures.

Of course we recognize that it was just last week that the highway reauthorization bill moved successfully not only through the Senate but through the House, through the full bodies ready to be signed into law by the President. The 5-year highway reauthorization bill is the longest highway reauthorization bill we have seen in 17 years. That is significant. For a State such as mine that is looking for some level of certainty for projects around the State, that is considerable, and that is a good accomplishment to look back to as a marker of success.

The vote we had last week would roll back some of the many harmful effects of the Affordable Care Act—the Not-So-Affordable Care Act, as I mentioned on the floor last week, saying that for far too many Alaskans, the Affordable Care Act was simply not affordable.

There have been other measures we can look to and acknowledge that we are doing the work of the Congress—moving forward the national defense authorization bill, which the President chose not to deal with the first time around but signed it the second time around.

We were able to move forward several measures related to the regulatory environment we are dealing with, whether it was the Clean Power Plan or the waters of the United States, being able to push back on those very burdensome regulations that I think we recognized—the goals for clean air and clean water are something we all want. We need to make sure that we move in this direction in a way that doesn't burden or weigh down our economy.

The first appropriations stand-alone bill that we have seen move through the Senate in 5 years when we advanced the MILCON appropriations measure—that was also significant.

The committees have been doing great work. In our energy committee, we moved forward an energy reform bill that would help to modernize our energy grid, access to all areas of energy, not only by night but our renewable resources as well. That was an effort which was very bipartisan and enjoyed good, strong support within the committee. We moved it out 18 to 4 and hope to have an energy reform bill before the Senate for consideration early in this next calendar year. We haven't seen energy modernization or an energy reform bill since 2007. Again, it is long overdue but is now teed up.

We have a sportsmen's bill that we moved through committee. The Environment and Public Works Committee is working to advance their portion of those very significant measures that will allow for greater access to our sports men and women and our families

who seek to recreate on our public lands.

These are good things that we are seeing coming out of committees and coming to the floor and moving forward. This is a level of governance that has been good for the body and, even better, will be good for the country.

Mr. President, I would like to speak very briefly about the Every Student Succeeds Act. I know several of my colleagues have come down to the floor. Just a couple minutes ago, the Senator from Wyoming came to talk about the good things we have seen in this education reform bill and celebrate how it ends the national school board by putting more control of our schools in our States' and locals' hands. I think that is worthy of note. For the schools, administrators, teachers, and the parents, that is worthy of celebration.

I am more than pleased that the Every Student Succeeds Act will finally allow our States to judge our schools by more than just the test results and allow our teachers to do what they want to do to teach our kids and engage them in the art and love of learning and not just prepare for tests. We all know our children are more than what can be described in some of these fill-in-the-bubble exercise tests, and our teachers are certainly more than robots that stand in front of a class and follow a script that has been orchestrated from elsewhere.

I tell many Alaskans that I got my political start, if you will, as the president of my son's PTA, our parent teacher association in our local neighborhood school. I came to understand firsthand and in a very upfront and personal way what No Child Left Behind meant not only for my son's school but for the schools across Alaska, an area where you have a lot of geography and not a lot of numbers in terms of population.

NCLB did not work for us as a very rural State. The one-size-fits-all did not work. My son's public school was deemed a failing school in the first year that adequate yearly progress was the standard of measurement. We were dubbed a failing school because we had one subcategory of students where the numbers were so small, but we didn't have enough students show up to take the test on that day. So we all know there were 31 different ways to fail AYP, and little Government Hill Elementary in Anchorage, AK, failed that first year. That is tough as a neighborhood. They were saying: What is wrong with our school? What is wrong with our neighborhood?

Really, there was nothing wrong with our school. There was nothing wrong with our neighborhood. What we had was a directive that came out of Washington, DC—some 4,000 miles away—and it didn't work for us.

I am more than pleased to join with superintendents, principals, and school board members who celebrate Federal bureaucrats being prohibited from dictating standards, assessments, and school ability plans. No more Federal control. No more waivers with strings. No more one-size-fits-all education mandates that never ever fit us in Alaska.

I also place a high value on the fact that this bill recognizes the rights of our American Indian, Alaskan Native, and Native Hawaiian peoples throughout the country. It makes sure they have a greater say in how public schools will serve their children. Also, this bill will support the revitalization of Native languages by supporting Native language immersion schools. This has always been one of my priorities, and I am pleased we see this in the Every Student Succeeds Act.

I am grateful for the support of colleagues on both sides of the aisle. Senator BOXER worked with me on this to make sure we maintained Federal support for afterschool programs that allow parents to remain at work if they need to after the school day ends, knowing their children are going to be safe and engaged in good, enriching activities that help them learn in a fun way. Making sure we had that critical piece in the bill was important.

I am also grateful for the support for the number of Alaska-specific provisions that will ensure that this bill, unlike the No Child Left Behind Act, will truly fit Alaska's needs. I appreciate a great deal the work Senator ALEXANDER put into working through some of these issues with us, understanding the Alaska piece, recognizing that sometimes we have entities that are different from what you have in the lower 48. How you translate that when you are drafting language to make sure it works is key. His staff worked with mine to make sure we didn't drop the ball in these areas.

Those of us who are parents realize that this legislation will give us a stronger voice in our children's education and encourage parents to take the lead in helping our schools communicate better with parents rather than the other way around. Again, coming into the politics of schools, knowing that your parents have a voice in what is happening at the school is critically important.

Over the years, we have all met with teachers, school board members, parents, principals, superintendents, and students from our States who were so discouraged, very discouraged, sometimes just plain old fed up with the No Child Left Behind top-down control over every decision. The Every Student Succeeds Act guarantees that our parents, teachers, tribes, community leaders, and principals have a seat at the table to design how our schools serve our children. It even guarantees our Governors a voice while drastically reducing the role of the Secretary of Education here in Washington, DC.

I want to acknowledge the good work of the members of the Senate HELP Committee and their staffs. We all know their staffs put in amazing hours to get the bill to this point, working together, compromising, negotiating, making their case for the priorities of their constituents.

This bill is one of the great examples—a poster child, if you will—of how Congress should be working around here. It is hard work, but it requires compromise. It requires an open amendment process in committee, which we absolutely had. We had days of process on the committee and then here on the floor but also within the conference committee. We had a real, live, old-fashioned conference committee, and it was an absolute pleasure to be part of a process where you could go in with your colleagues from the House on the other side of the table and go back and forth in further perfecting a bill.

In just a few days, the baton on education reform will be handed off to the people of our States. I look forward to this. I am encouraging folks back home to get involved, be aware, know what is going on. It will be a responsibility every one of our constituents must take seriously. No matter what role they play in a student's life, what happens next in each of our States will be determined by the people who show up, who share their perspectives with their States, with their departments of education, with their school boards. And I believe that coming together in this way at the local and State level—together it will be a good job for Alaska's children and for all of our Nation's children.

With that, Mr. President, I thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. AYOTTE). Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I am so pleased that the Senate is taking the last few legislative steps to reauthorize the Elementary and Secondary Education Act or ESEA.

Our bipartisan bill, the Every Student Succeeds Act, will end the one-size-fits-all mandates of No Child Left Behind. It will reduce reliance on high-stakes testing, and it will help ensure that all students have access to a quality education regardless of where they live, how they learn or how much money their parents make. One of the best ways to help students succeed in school is by offering high-quality early learning opportunities for kids.

I am proud our bipartisan bill will also improve and expand access to preschool programs for more of our Nation's youngest learners. Preschool is actually how I got my start in politics in the mid-1980s. At the time I wasn't thinking about running for the U.S. Senate or even the State legislature in

Washington. I just had one specific goal in mind. The State legislature at the time was going to close down preschools in my small community because of budget cuts. I knew the impact that would have on my own kids and on the kids I saw in the classroom, but when I went to talk to State legislators about it with my kids, they wouldn't listen. They didn't think our voices mattered, and they didn't think preschool should be a priority.

So I picked up the phone and started calling other parents. We held rallies, we wrote letters, and when it was all said and done, we won. The legislature reinstated the funding for the preschool program and more kids in my State were able to finally start school ready to learn.

I still believe early childhood education is one of the best investments we can make in our country. It is why I fought so hard to improve and expand the preschool program throughout this process to fix No Child Left Behind. It is why I worked across the aisle with Senator ISAKSON and many other colleagues in the HELP Committee to design a preschool program in our bipartisan Senate bill, and it is one of the reasons this final legislation that we will vote on tomorrow will be such a strong step for students in the years to come.

I hope our colleagues join me and everyone in passing the Every Student Succeeds Act for students, for parents, for teachers, and for communities across the country. Early childhood education is so important for our children's future and for the future of our country. Let's go through the research.

Before children ever set foot in kindergarten, studies show they have already developed a foundation that will determine all of the learning, health, and behavior that follows. High-quality early learning programs can strengthen that foundation. Preschool is especially important for kids from low-income backgrounds. By the time an average child growing up in poverty turns 3 years old, she will have heard 30 million fewer words compared to a child from a middle-income or high-income family, according to researchers at the University of Kansas. That is a serious disadvantage.

By the time she starts kindergarten a few years later, the deck will already be stacked against her and her future success. Many families across the country don't have the option of sending their youngest learners to preschool. Today, in fact, just 14 percent of 3-year-olds in America are enrolled in federally or State-funded preschool programs and 41 percent of our 4-year-olds are enrolled.

If we are serious about closing the achievement gap in elementary and secondary education and if we are truly committed to making sure every student has the chance to succeed, we have to invest in quality early childhood education.

On the Senate floor in January, I said we should only pass a bill to reauthorize the ESEA if it expands access to preschool programs. I am very pleased our bill follows through on that commitment. The Every Student Succeeds Act will mark the first time that the Nation's primary, elementary, and secondary education law includes dedicated funding to make sure kids start kindergarten ready to learn. It does so by establishing a competitive grant program for States that proposes to improve coordination, quality, and access to early childhood education for kids from low-income and disadvantaged families. Those grants will help States such as Washington build on the progress it has already made to improve quality and increase access to high-quality preschool programs.

I am very proud of the bipartisan bill we have on the floor and all it does to improve and expand access to preschool, but we still have work to do. I will continue to work to do even more for kids and families in Washington State and across the country. I will continue fighting hard to make sure that if a family wants to send their child to a quality preschool program, there will be an open slot for them, because when all students have the chance to learn, we strengthen our future workforce, our Nation grows strong, our economy grows from the middle out, not the top down, and we empower the next generation of Americans to lead the world.

As a former preschool teacher myself, I saw firsthand the kind of transformation that early learning can inspire in a child. It is something I have never forgotten. On my very last day of teaching preschool, before I left to serve in our Washington State Senate, my students gave me this great big, large, blue quilt. Each square was decorated by a student in my preschool class and that quilt now hangs in my U.S. Senate office. It reminds me every single day that investing in young children is one of the most important things we can do to help them succeed.

Tomorrow the Senate will have the chance to vote in favor of helping more kids start school on a strong footing. We have the chance to fix No Child Left Behind with a bill that recognizes the importance of early learning, and we have a chance to make sure one of the smartest investments we can make in our Nation's youngest learners has begun.

I urge my colleagues to pass this bill for their future and the future of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

IRAN

Mr. MENENDEZ. Madam President, I rise to talk about an issue that while we are riveted in our attention, yes, about a good education bill—which I intend to support—and about the challenge of ISIL and terrorism both abroad and at home, I am concerned that in the midst of all of those challenges, Iran is well on its way to once again defy the international community in a way that I think is incredibly dangerous.

We are told that Iran is to be considered a trustworthy member of the international community and that we should be able to count on it to abide by the international commitments they have made and by U.N. Security Council resolutions.

On October 11 of this year, Iran tested a precision-guided, long-range ballistic missile in violation of U.N. Security Council resolutions, and now Iran has carried out a new medium-range ballistic missile test in breach of two U.N. Security Council resolutions. We are told by Western intelligence that test was held November 21. The first one was October 11; now a second one on November 21 near Chabahar, a port city in southeast Iran's Sistan and Baluchestan Province near the border with Pakistan. The launch took place from a known missile test site along the Gulf of Oman. The missile, which is known as a Ghadr-110, has a range of anywhere between 1,800 and 2,000 kilometers or about 1,200 miles and is capable of carrying a nuclear warhead.

The missile fired in November is an improved version of the Shahab-3 and is similar to the precision-guided missile tested by Iran on October 10, which elicited strong condemnation by members of the U.N. Security Council, but those condemnations were in word but not in actions—because what has happened as a result of Iran violating the U.N. Security Council resolutions as it relates to missile testing? Absolutely nothing.

At the Security Council we are still debating how to respond to Iran's last test in October, and I truly believe actions speak louder than words. American and U.N. actions demonstrate to me that with no activity that is visible to anyone as it relates to finding some consequence for Iran violating U.N. Security Council resolutions, Iran can support terror, Iran can develop its nuclear program, Iran can foment sectarian conflict across the Middle East, it can support Assad in its deadly regime against its people, it can test ballistic missiles, it can tell Iraq not to accept U.S. special forces in our fight against ISIL, and yet it will be rewarded with a multimillion-dollar sanctions relief this coming year. Something is wrong because the silence is so deafening.

In October of this year after Iran launched its first missile test in violation of Security Council resolutions, I wrote to the Secretary of State. I wish to read excerpts of that letter because they are still more poignant today in view of the second test that has taken place against international will.

I said:

Dear Mr. Secretary,

The recent test launch of a precision-guided, long-range ballistic missile by Iran was a violation of the United Nations Security Council Resolution (UNSCR) 1929. . . . As we discussed during your July 23 appearance before the Senate Foreign Relations Committee, [that resolution] stipulates that Iran

cannot presently engage in activities related to ballistic missiles.

But, with the October 11 launch, Iran has done so—on several levels—whether it is through research, development, planning, concealing or launching this reportedly new technology. And as some of my colleagues on the Senate Foreign Relations Committee have pointed out in separate correspondence to you, Iran's violations of UNSCR 1929 have become common. The Iranian regime is drawing a line in the sand that demonstrates [I believe] with malice that it will only selectively meet its obligations with respect to internationally sanctioned weapons programs. What meaningful steps will the Administration take to respond to the latest Iranian provocations?

As Iran is prone to do, [I view] this is a test of American commitment and resolve, which, I believe, must be met with a decisive response in the language that Iran understands—for every action there is a consequence.

I went on in that letter to say:

I write to recommend to you that you use the Administration's discretionary authority to tighten the full range of sanctions available to you to penalize Iran for violating UNSCR 1929. From your responses at the July 23 [Senate Foreign Relations Committee] hearing, I understand that tightening sanctions for non-nuclear related infractions would not violate the terms of the Iran Nuclear Agreement, even if it were presently in its full implementation phase.

Which it is not.

The Administration should also encourage P5+1 partners to respond with similar measures. Does the Administration plan to use its current authority to tighten available sanctions against Iran?

Iran is not only testing the Administration, it is also testing our international partners. The launch, coordinated on the same day that Iran's Parliament approved the general outline of the Iran Nuclear Agreement should send a clear signal to the United States, the P5+1, and the United Nations Security Council that Iran's nuclear program and its weapons programs are linked—and that the Iranian regime has every intention of maintaining this status quo. The Administration should lead the P5+1 and the UNSC to respond swiftly, decisively, and unapologetically.

The series of test launches of Iranian ballistic missiles that have led us to this point are part of a larger weapons development program, that when taken together with Iran's history of deception, its opaque nuclear capabilities, past violations of the Nuclear Non Proliferation Treaty, its fiery rhetoric, destabilizing activities throughout the region, and well-documented malign intent, requires a strong international response.

And particularly, I note: The time to act was then and now again—certainly now—before Iran can exploit U.N. Security Council resolution 2231 because that particular resolution failed to incorporate the same mandatory language that U.N. Security Council resolution 1929 has.

In 1929, the world said: You cannot conduct ballistic missile tests and work on the development of ballistic missiles. When we struck the deal with Iran, we went through a different language where we strongly called upon Iran not to do so for the next 8 years. But strongly calling upon a country—from the Security Council—not to do something is not prohibiting those threatening activities.

We do have sanctions that are in place and a Security Council resolution that is in place, because the deal has not gone into full effect until implementation takes place, where Iran is already violating the international will as expressed by those Security Council resolutions.

I would argue that in addition to the fact that they are defying the will of the international community as it relates to their missile weapons program—which can carry a nuclear warhead—I think they are testing the will of the international community when it comes to the question of how serious we will be about violations of the nuclear agreement. And the sooner that we are stronger in our response to their violations of the Security Council resolutions on missile technology and the missile weapons systems, the sooner they will understand we will not allow them to ultimately violate the agreement we struck with them as it relates to their nuclear program, and if they do, there are serious consequences.

Iran has tested the world. I have followed Iran since I first was in the House of Representatives and it came to my knowledge that the United States was sending voluntary contributions to the International Atomic Energy Agency above and beyond our membership dues. When I inquired as to what it was for, it ended up that it was to help the IAEA, help Iran create operational capacity at the Bushehr nuclear facility. Well, that wasn't in the national interests of the United States and certainly not in the national and security interests of our ally the State of Israel. I led a successful drive to stop those voluntary contributions in the House.

From that day, in the beginning of my House career, I followed Iran, because I said: Why does a country that has such huge—I think it is the fourth largest—oil reserves—and right up there as relates to gas reserves—need nuclear power for domestic energy consumption? It doesn't. I have followed Iran since then, and I have seen that by testing the international community's will at every step of the way, they advanced their nuclear program to where it came to the point—almost like our too-big-to-fail banks—well, this was too big to stop, so we tried to manage it. Now they are testing the world as it relates to their missile technology and missile weapons program. Again, we see a lack of response.

My letter to the Secretary of State on October 19—also, separate from that, there was a series of letters from other colleagues about the same issue—has not been responded to. We are going on 2 months since this action took place, and there is silence. As a matter of fact, the only things I have read are press reports about the latest violation, but I haven't seen the administration say a word about it.

So as the Iranians get the sense that they can go ahead and violate the international will as expressed through Security Council resolutions and face no consequence as a result thereof, then based upon history we are going to face an Iran that is going to test the international community as it relates to its commitments in the Iran nuclear program. If we do not send a strong message now, we are only inviting attempts to violate that agreement.

I am very much of the belief that once you violate international agreements, you have to have a consequence just on that basis. When we were having the great debate about the Iran deal, we were told that this is just about the nuclear program; that human rights violations, weapons violations, and violations in terms of their activities to destabilize the region and their hegemonic interests—that we are going to push back on all of those things. Well, I haven't seen that. I haven't seen that. And that, to me, invites a great risk.

So I urge the administration to act decisively, to pursue both in the Security Council and apart from the Security Council, with our P5+1 allies, sanctionable items that can be outside of the nuclear portfolio, that can send a very strong message to Iran that ''Don't think you can get away with these types of actions and have no consequence.''

Secondly, I seriously believe this is another example of why the Iran sanctions act, which I helped author and which was passed overwhelmingly in the Senate and expires this coming year, needs to be reauthorized, because if there is a belief that there will be no sanctions in place as a result of any violations that take place, what are we snapping back to? What are we snapping back to? I believe there is nothing wrong with at least having those sanctions reauthorized and the Iranians having an understanding that if they violate the agreement, there are sanctions to snap back to.

What they are doing in their violations of the Security Council resolutions as it relates to missile weapons programs is already a bellwether of what I believe their actions will be if we cannot ultimately meet the test of their challenge. And they are testing us. This is the same Iran that I saw for years test the international will, being told they cannot advance their nuclear program, to the point that it got to such an extent that we struck a deal. That is the risk we face here.

So I look forward to pursuing a robust response to Iran. For all of my colleagues who supported the agreement, this is actually something we should be in chorus together on to ensure that Iran has a very clear message that ''We intend to push back on you. You cannot violate the international law.'' By doing so, hopefully we will see the performance of an agreement that is supposed to control their nuclear program in a way that does not risk the world security. That is what is at stake in this regard.

I will close by simply saying that if you pass by the Archives Building, over its portal there is this statement: ''What is past is prologue.'' I hope that statement isn't a reality as we face the challenge of an Iran that feels strongly within the region, that creates greater instability through its support of Hezbollah, that supports Assad and continues a civil war in which thousands and thousands are dying, creating the rise of ISIS at the end of the day by a state that is virtually a failed state at this point in time and putting undue influence on its neighbor, Iraq, a country for which we have shed so many lives and national treasure. Something is wrong in that equation, and I hope my colleagues will wake up to it and will join us in an effort to try to make sure we push back in a way that is not only appropriate and within the international order but necessary if we truly do not want Iran to achieve nuclear power for nuclear weapons.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I thank my colleague who just spoke for his vigilance in reminding us how we have to pay attention every single day to what is happening in Iran and to be smart and strategic and let them know we are very serious about pushing back.

RELIGIOUS FREEDOM

Madam President, in this country one of our core values is that you can come here and build a better life for yourself and for your family. That is the American dream. Our Nation was founded by people who had that dream, people who dreamt of religious freedom. Many of our ancestors followed that dream to these shores, from the early Puritans and Quakers, Irish and German immigrants, Italian and Jewish immigrants, and so many others. Life was not easy for them. They faced discrimination and even violence by those who were suspicious of them, who saw them as different, who challenged their right to have the American dream. But those Americans worked very hard and built a life for themselves. They raised families and became successful. They opened small businesses and large businesses. They became doctors and lawyers. They served in our armed services. They served as police officers and firefighters. They ran for office. They made amazing contributions to our Nation's economy and culture. They helped make America great.

That core value, our American dream, is being challenged today. Donald Trump, who is running for President of the United States of America, has suggested that we ban all Muslims from coming into our country based purely on their faith, on their religion. As someone who represents the most densely populated Muslim population in America, I find this suggestion, this statement, to be outrageous and absolutely un-American because I know the rich history that people of Muslim faith have created in my State and the contributions they make every single day to our economy, to our wonderfully diverse culture, and the quality of life in our communities.

Hundreds of thousands of people from Muslim countries came to southeastern Michigan in the early part of the last century, like so many others from the South and around the country and the world, after Henry Ford offered a $5-a-day wage to work in America's first automobile factories. Those Muslim Americans were still working in those plants during World War II, building the so-called arsenal of democracy—the planes, the ships, the tanks that won the war and defeated the enemies of democracy.

Many thousands of Muslim Americans have served our Nation during times of war, and many thousands are serving our country right now, at this very moment. They are putting their lives on the line right now for the freedoms we all hold dear. Take a walk through Arlington National Cemetery, and you will see many graves bearing the crescent and star. How can anyone question the patriotism of those Americans who made the ultimate sacrifice for our country? They helped make America great. Those men and women who defended us in the Armed Forces loved America, and they died for America because America is their home, their family's home. So of course they see ISIS as the enemy, just as every non-Muslim American does as well. Their families are the ones who are on the front lines of the violence in the Middle East. Their families have lost their homes, their businesses, and in many cases their lives because of the brutality and violence of ISIS. Their families are the ones fleeing the violence to save their children. Muslim Americans understand that ISIS does not represent Islam.

Within every religion, there are violent individuals who twist the meaning of sacred texts and symbols to justify acts of violence and murder—every religion. The KKK used blessed symbols of Christianity while terrorizing and murdering African Americans. Just as the Ku Klux Klan does not speak for Christians, ISIS does not speak for Muslims.

Furthermore, we must recognize that our culture of inclusion and our tradition of welcoming people of different faiths since the beginning of our country are our greatest weapons in defeating ISIS.

What ISIS desires more than anything else is to see our country discriminate against Muslim Americans so they can use that as a recruiting tool all over social media, which we know they are very effective at doing. They want Muslim Americans to believe that America is not their home, that we do not value their leadership and contributions in our communities, that America does not welcome their faith, and that America hates them. They want that. That cannot be who we are. That is not who we are.

All of us were shaken by the violence in Paris and San Bernardino, but we know that fear cannot be our guide in America. President Franklin Roosevelt understood that fear makes America weak. America is great when America is united and not pitting neighbor against neighbor, which is happening in too many places in my State and across the country. When we are united and dedicated to our principals of freedom and liberty, we are great. The first liberty of our Constitution's First Amendment is the freedom of worship.

When I think about the Muslim American children in Michigan who were afraid to go to school today because of what might happen to them after hearing what Donald Trump was saying about them and their families, it makes me sick to my stomach. I want those children to know that his words are not what America stands for. It is not what makes America great. It is not. It is those children—Muslim and Christian and Jewish—all of whom are full of hope and promise for the future who will make America great again, and I stand with them.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from South Dakota.

SENATE ACCOMPLISHMENTS

Mr. THUNE. Madam President, just a few days ago on the Senate floor, the Senate Democratic leader said:

> One of the newspapers here has a Pinocchio check, and they look at the facts and analyze them and then they can give up to four Pinocchios meaning people simply didn't tell the truth. . . . So, this is the most unproductive Senate in the history of the country, and there are facts and figures to show that.

That was said by the Senate Democratic leader on December 2 on the floor of the Senate. Well, unfortunately for him, the Washington Post, which runs the fact checker, fact checked his statement and it came back with three Pinocchios. The most you can get is four Pinocchios, and they gave him three Pinocchios. There are degrees of falsehood, and I think three Pinocchios denotes a pretty big whopper. The Senate Democratic leader, by suggesting that this is one of the most unproductive Senates in the history of the country, was busted by the fact checker with three Pinocchios for making what was a false statement.

The truth of the matter is, contrary to the assertions of the Senate Democratic leader, it has been a very busy year here in the Senate—from voting to repeal ObamaCare to passing the first long-term Transportation bill in a decade and, I might add, the first balanced budget bill in 14 years. Republicans have been working hard to fulfill our promise to get Washington working again for American families.

If you listen to the media, sometimes they would have you believe that nothing ever gets done in Washington, but the truth is that we have been able to make progress on a number of important issues this year. One accomplishment I am particularly proud of is the

long-term Transportation bill that Congress passed this last week. It is the first long-term Transportation bill in a decade.

Over the past several years, Congress has made a habit of passing numerous short-term funding extensions for Federal transportation programs. In fact, I think prior to the passage last week of this long-term highway bill, there have been no fewer than 37 short-term extensions. That is an incredibly inefficient way to manage our Nation's infrastructure needs, and it wasted an incredible amount of money. It also put a lot of transportation jobs in jeopardy. Hundreds of thousands of jobs around the country depend on the funding contained in Transportation bills. When Congress fails to provide certainty about the way transportation funding will be allocated, States and local governments are left without the certainty they need to authorize projects or to make long-term plans for addressing various transportation infrastructure needs. That means essential construction projects get deferred, necessary repairs may not get made, and jobs that depend upon transportation get put in jeopardy.

The Transportation bill we passed last week changes all of that. It reauthorizes transportation programs for the long term and provides 5 years of guaranteed funding. That means States and local governments will have the certainty they need to invest in big transportation projects and the jobs that they create, and that in turn means a stronger economy and a more reliable, safe, and effective transportation system.

This new Transportation bill will also provide much needed accountability and transparency about where taxpayer dollars are spent. As chairman of the commerce committee, I spent a lot of time working with committee members on both sides of the aisle to develop the bill's safety provisions.

One portion of the bill includes a host of important safety improvements, including enhancements to the notification process to ensure consumers are informed of auto-related recalls and important reforms of the government agency responsible for overseeing safety in our Nation's cars and trucks.

Another important bill we passed this year is the Cybersecurity Information Sharing Act. Cyber attacks are increasing, and it seems that every week we hear of a new breach putting Americans' private information at risk. According to the security firm Symantec, last year alone more than 300 million new types of malicious software or computer viruses were introduced on the Web. That is nearly 1 million new threats every single day.

In October, the Senate passed the Cybersecurity Information Sharing Act, which will help keep Americans' data safe from hackers by increasing the exchange of cyber threat information between the public and private sectors.

As Members of Congress, we have a responsibility to ensure we are meeting the needs of our men and women in uniform and of our Nation's veterans. This year, under the new Republican majority and the leadership of Chairman ISAKSON, the Senate has worked in a bipartisan manner to advance numerous bills to serve our veterans. We passed the Clay Hunt Suicide Prevention for American Veterans Act, which provides additional resources to help combat the tragedy of veteran suicides.

We have improved the Veterans Choice Act to better realize the intent of Congress, and that was to make sure veterans don't have to face significant wait times or travel distances over 40 miles to receive the care they need. We expanded eligibility to permit more veterans to seek care close to home and increase the number of non-VA providers in our communities that can deliver that care.

Congress also continues to examine the issue of VA accountability to make sure our veterans never again have to suffer delays in treatment, as we saw with the national embarrassment of falsified wait times that the VA revealed last year. I believe this oversight by Congress is an important first step in making sure the VA works for our veterans and not for the VA bureaucracy.

Congress also passed the Defense authorization bill this year, which incorporated a number of critical reforms that will expand the resources available to our military men and women and strengthen our national security.

The National Defense Authorization Act for 2016 tackles waste and inefficiency at the Department of Defense and focuses funding on our war fighters rather than on the Pentagon bureaucracy. This bill also overhauls our military retirement system. Before this bill, the system limited retirement benefits to soldiers who had served for 20 years or more, which means there were huge numbers of soldiers, including many veterans of the wars in Iraq and Afghanistan, who retired after years of service without having accrued any retirement benefits. The National Defense Authorization Act replaces this system with a new retirement system that would ensure the majority of our Nation's soldiers receive retirement benefits for their years of service to our country, even if they have not reached the 20-year mark.

One thing Republicans were determined to do this year as well was to send legislation repealing ObamaCare to the President's desk. Five and a half years after the so-called Affordable Care Act was signed into law, it has become abundantly clear that the law is not working. It is not lowering premiums. Premiums are going up. It is not reducing health care costs. Health care costs are going up dramatically. It costs $4,000 for the average family. It is not protecting access to doctors or to hospitals. In fact, for some Americans, ObamaCare has driven up the cost of health care to unimaginable levels. I heard from 1 constituent in Hill City, SD, whose family's 2016 health care bill will be $25,653—$25,653. In the words of this constituent: How can a yearly bill of $25,653 be affordable to a retired couple? The answer, of course, is that it can't be; $25,653 or $2,137 a month is approximately double the average family's monthly mortgage payment. People are paying twice as much for their health insurance as they are paying for their mortgage.

The ObamaCare repeal bill that the Senate passed last week starts the process of moving away from ObamaCare and toward the kind of real health care reform that Americans are looking for—an affordable, accountable, patient-focused system that gives individuals control of their health care decisions.

I am also pleased that the ObamaCare repeal bill protects unborn Americans by redirecting funding for Planned Parenthood, an organization that performs well over a quarter million abortions each year. It shifts that funding to organizations like community health centers, which provide affordable, essential health services to women across the country, and funding them is a far better use of taxpayer dollars.

In my State of South Dakota, these centers are in more than two dozen rural communities and in towns where there is no Planned Parenthood, so redirecting these funds makes it easier for women across my State to have access to affordable, essential health care services.

While all Americans agree that we should protect our air and water and use our natural resources responsibly, under President Obama the Environmental Protection Agency has run amok. During the course of the Obama administration, this Agency has implemented one damaging rule after another, from a massive national backdoor energy tax that would hurt poor and working families the most to a new rule that would subject ponds and puddles in America's backyards to a complex array of expensive and burdensome regulatory requirements. Containing this out-of-control government bureaucracy is a priority for Republicans, and we have taken up multiple pieces of legislation this year to check the EPA's overreach. While the President may have blocked our efforts for now, we are going to keep working to protect Americans from damaging rules like the waters of the United States rule and the national energy tax.

Over the course of the Obama administration, our national debt has gone from $10.6 trillion to a staggering $18.8 trillion. Meanwhile, entitlement programs like Medicare and Social Security are heading rapidly toward bankruptcy. If action isn't taken soon, our financial situation could end up crippling our economy.

While there is a lot more work left to do, this year's Senate Republicans took steps toward improving our Nation's fiscal health. In the spring, we passed a balanced budget—the first joint House-Senate balanced budget in 14 years. Every American family has to stick to a budget and Congress should be no different. This year's balanced budget needs to be the first of many going forward.

Entitlement reform is also essential if we want to protect Americans' entitlement security. This year we began the process of putting both Social Security and Medicare on a more stable financial footing so these programs will continue to be available to current and future generations of Americans.

I could go on and talk about the Education bill that we are considering right now that will return power to States and local school boards or the legislation that we passed to give law enforcement new tools to fight human trafficking and expand the resources available to victims or the bill that we passed to expand opportunities for American workers and open new markets for goods marked ''Made in the USA.''

I want to stop here and say, while Republicans are proud of what we have accomplished this year, we know there is a lot left to do. Wages are still stagnant, our economy is still sluggish, and too many families are still struggling under huge health care bills.

In addition to the challenges facing Americans at home, we face a number of challenges abroad, foremost among them the threat posed by ISIS, which is responsible for the deadly attacks in Paris last month, as well as a campaign of havoc and bloodshed throughout the Middle East. Even here at home we received a grim reminder of the global influence of ISIS's twisted ideology last week with what appears to be a terrorist-inspired attack that took 14 American lives in San Bernardino. Our thoughts and prayers go out to the victims and the families.

While the President should be playing the leading role in building a coalition to destroy this terrorist organization, unfortunately his speech Sunday night demonstrated that he has little to offer beyond the same failed strategy that has helped us end up where we are right now—with an emboldened terrorist organization carrying out and inspiring mass casualty attacks far beyond Iraq and Syria.

We are at a tipping point in the fight against ISIS, and if we don't come up with an effective political military response in the very near future, we will be facing the prospect of even greater bloodshed in the Middle East and more terrorist attacks here in the homeland.

While we succeeded in having a number of bills become law this year, unfortunately many others were stopped by the President. Still others, such as our efforts to protect unborn children capable of feeling pain from being killed by abortion, were stopped by Democrats in the Senate. While we have temporarily lost some of these battles, the debate will continue. Republicans will not give up. Whether it is protecting families from the President's national energy tax or repealing ObamaCare, we will redouble our efforts to make sure Washington is meeting the needs of American families and addressing the American people's priorities.

We plan to spend the second year of the 114th Congress the way we spent the first: fighting to make our economy stronger, our government more efficient and more accountable, and our Nation and our world safer and more secure.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

PARIS CLIMATE CHANGE TALKS

Mr. MERKLEY. Madam President, I rise to share a little bit of details about the climate talks that are going on in Paris at this very moment. A number of us in the Senate were able to go to Paris last weekend and to be engaged in that dialogue.

What I was terrifically struck by was that 150 heads of state had come together to kick off these climate talks. That is the largest gathering of heads of state in human history. Why did that landmark event occur? It occurred because the challenge of global warming is the most grave concern facing human civilization on this planet, so heads of state wanted to be there to acknowledge the fact that we must come together as a community of nations across this globe and work together to take this on for the good of our stewardship of this planet. A larger number of nations have put forward pledges on the efforts they are going to make to reduce global warming gases, and 186 nations have put forward those pledges.

One of the issues that is embedded in these climate talks is how ambitious the international community should be. There is this broad goal of limiting global warming to 2 degrees centigrade over the course of this century. We have already gone up to 0.9. We are almost halfway to that level that has been identified by scientists as a catastrophic level, but the pledges that are being made in Paris are not sufficient to keep us to 2 degrees. So that is one of the points of discussion—how can the community of nations be more ambitious.

One of the points being made is that we should come back together every 5 years to keep redoubling our efforts; that we know the pledges being made in Paris will not be enough, so we have to keep coming back to this challenge.

We also have observed how dramatically the amount of information has changed over the last 5 years. We know that in another 25 years we will have a lot more information about what is occurring in the world and how successful the initial efforts have been.

Then there is a group that is saying we need to go even further and work to reduce the amount of damage that could be done, and that means limiting global warming to 1.5 degrees, which would take an even faster transition from a fossil fuel energy economy to a renewable energy economy. So that is an area of conversation—how ambitious can we be as an international community at this point and how can we improve on the efforts being put forward in Paris in the years to come.

A second point is that there is a profound need for working together between developed nations and developing nations, between richer nations and poorer nations. Poorer nations are saying: We have a lot of folks who have never had access to electricity, and we need to provide the cheapest pathway to provide that electricity. Often, that is coal. Well, then, how do we make renewable, clean energy as inexpensive as coal energy so that nations can bypass establishing that utility-scale fossil fuel infrastructure. So that is a key piece of conversation.

A third point is about reporting requirements. In order for us to have good policy now and in the future, we have to have good numbers on what is happening around the world, nation to nation. Nations feel a little sensitive about this idea of having an international community kind of working to double check the way they evaluate what is going on at home, but we need to convey the notion that these numbers—good numbers coming from each nation—are essential for nations to be able to participate in this international effort that will lead to success in curbing runaway global warming.

I think it is enormously clear that Paris is a tremendous step forward. The number of heads of state that have attended, the number of nations that have put forward pledges, the intensity of the conversation at this very moment—people are recognizing that we are the first generation that has been impacted by global warming, and we are the last that can do something significant about it because, unfortunately, as we go forward a generation from now, we have not succeeded in curbing global warming gases. The carbon dioxide and methane gas will have such a profound feedback mechanism that it will be much harder to address this issue.

I am pleased the administration has taken this so seriously and that nations throughout the world are taking it so seriously.

H.R. 1599

Also, Madam President, I want to turn to the budget and spending negotiations underway right now. I came to the floor last week to note that there were conversations occurring about possibly taking away States' rights to be able to pass laws labeling food that is GE or GMO food; that is, genetically engineered or genetically modified food. To do so would simply be wrong—wrong in the absence of a cohesive, coherent, easy-to-use system of labeling at the Federal level, which we do not

have. It would be an intrusion on States' rights in one of the most sensitive areas to citizens, and that is the food they put in their mouth.

This act of taking away States' rights and citizens' rights to know what is in their food is known as the DARK Act, the Deny Americans the Right to Know Act—the acronym DARK. Isn't it ironic that there are legislators here who are not only pursuing the DARK Act, but they are pursuing it in the dark of night. They are afraid to have a conversation in the relevant policy committee to address it. Whenever legislators fear public reaction, fear addressing the pros and cons in a public forum, you can bet there is something wrong with what they are up to. So that is why we must all be vigilant in these coming days to make sure this DARK Act is not inserted into the must-pass spending bill in the dark of night.

EMBRACING ALL RELIGIONS

Madam President, I want to close, to follow up on the comments I made yesterday about the proposal from Donald Trump to bar Muslims from entering our country under any avenue—not as refugees, not as business men and women, not as tourists, not as students—and again say how absolutely wrong it would be. This is the single worst idea I have heard from a Presidential candidate, ever.

We should all recognize that right now our men and women in uniform of every religion—Christian and Protestant and Catholic and Jewish and Muslim and Buddhist and who knows what other religions—they are working together to take on the terrorist threat known as ISIS. Islam is not our enemy. ISIS is our enemy. Right now we are working in partnership with nations that are Islamic nations, and those leaders are Islamic. We are saying to them: We will work in partnership with you because Islam is not our enemy. ISIS is our enemy.

I can tell my colleagues that ISIS has a strategy. Their strategy has been to create their mission as the United States against Islam, and the comments of Donald Trump played right into the playbook of the terrorists, making our Nation less safe, increasing the radicalization of folks around the world who have been listening to the message from ISIS and now have some reason to believe it might have some foundation—that America is against Islam. We are not, and we have been hearing that from Democratic voices and we have been hearing that from Republican voices. We have been hearing it from Senators and from House Members across Capitol Hill. We have been hearing it from legislators and we have been hearing it from citizens, Americans standing up and saying that Donald Trump is wrong. That is certainly something to be applauded. I praise my colleagues of both parties. I praise our citizens of both parties who have stood up to say we stand shoulder to shoulder with all patriotic Americans regardless of their religion, and we are united in taking on ISIS.

Thank you, Madam President.

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

Mr. TOOMEY. Mr. President, I rise today to speak about the education reform conference report that we will be voting on tomorrow, which I think is a good bill for two big reasons. First, it restores a significant level of decision-making power to the States and local school districts, which is where decisions about things like curriculum should occur. It diminishes the ability of the administration to pressure school districts and States into adopting the Common Core curriculum, for instance, leaving it to the discretion of the States and school districts to decide exactly what their curriculum will be. I think that is a sensible and appropriate approach.

There is another big reason I think this education reform bill is an important bipartisan victory for kids, and that is for the first time I am aware of, the Congress is acting to protect our kids from pedophiles who infiltrate our schools and who have sexually abused children in the classroom.

I know you are actively supportive of this effort, as many of our colleagues are, and I am delighted we were able to make it through the entire process, as painful and slow as it was. This important provision survived this process, and we will be voting tomorrow on the overall bill.

I want to talk about this a little bit, but let me make it clear right up front that I understand—as I assume we all do—that the vast, overwhelming majority of teachers and school employees would never harm children in their care. They would never hurt them. They would never do it. They care deeply about the kids, and that is probably a big part of the reason they pursued a career in education. But it is also a fact that schools are where the children are and pedophiles in our midst are very aware of that, and they are attracted to schools for exactly that reason. The number of pedophiles who are succeeding in abusing children in schools is absolutely shocking; it is to me. Last year there were 459 school employees, mostly teachers—not all teachers but employees in schools—arrested for sexual misconduct with the children they are supposed to be taking care of. That is more than one a day, and unfortunately 26 of them were in Pennsylvania.

So far, 2015 is almost over. We have already exceeded the number from 2014. We are on a path to have well over 460 teachers and other school employees arrested for sexual misconduct with kids. Let's be honest; an arrest occurs only when there is sufficient evidence to press charges, to make a criminal case in a court of law. How many more cases are occurring where we haven't had sufficient evidence to prosecute?

The story that put this need on my radar is the absolutely horrendous story of a child named Jeremy Bell. This story begins in Delaware County, PA. One of the schoolteachers was molesting young boys. In time, the school administrators discovered what was going on. The local district attorney didn't feel there was enough evidence to actually prosecute a case. You know, it is hard to fire a teacher, so what the school did is it sat the teacher down and said: Here's the deal. You need to leave, but don't worry. We will give you a letter of recommendation so you can get a job somewhere else. That is exactly what happened.

This monster went to West Virginia, got hired as a teacher, and eventually became a principal. Of course along the way he continued to abuse children. In the end he raped and murdered a 12-year-old boy named Jeremy Bell. Justice finally caught up with this monster. He is serving a life sentence in prison as we speak, but it was too late for Jeremy Bell.

As a father of three young children, I find this whole idea so appalling that it is hard to talk about it and hard to think about it. We would all like to think that a story like the story of Jeremy Bell is a freak occurrence, a once-in-a-million-years kind of thing, but that is not the case. It is just not true. In fact, it has happened so frequently that it has its own name. It is called passing the trash. The people who spend their lives serving and helping the victims of these horrendous crimes to cope with them know about this phenomenon all too well.

I will give you more recent examples. Just this year, WUSA News 9 reported that the school district of Montgomery County, MD, had a record of passing the trash. An elementary school teacher named Daniel Picca abused children for 17 years. The Maryland school district knew what was going on. What did they do? The teacher's punishment was to be moved from school to school to school, reassigning him every time a problem emerged, as though the problem was the school and not the pedophile. For 17 years they were passing a known child molester from one group of victims to another.

Consider a case of the Las Vegas, NV, kindergarten teacher who was recently arrested for kidnapping a 16-year-old girl and infecting her with a sexually transmitted disease in the course of abusing her. That same teacher had molested six children—all fourth and fifth grade children—just a few years before when he was working in the Los Angeles school district. The Los Angeles school district knew about the allegations, but when the Nevada school specifically asked if there were any criminal concerns regarding this teacher when he was applying for a job there, the Los Angeles school district not only hid the truth, it provided three references for the teacher—so strong was their interest in making him become someone else's problem.

These are examples that are all the more disturbing when you consider

that, according to a study by the GAO—Government Accountability Office—the average pedophile working at a school victimizes 73 children over the course of a lifetime.

We have an opportunity tomorrow to say enough is enough. This is enough. This has been way too much—no more children falling prey to these monsters who have been able to infiltrate our classrooms, no more childhoods shattered, no more families devastated with grief, no more Jeremy Bells.

The amendment itself is just common sense—really just common decency. It simply holds that if a State accepts Federal education funds, it has to have a law that bans the practice of knowingly recommending a pedophile to another school. Is there anybody in Pennsylvania or Colorado who thinks that is unreasonable? I don't think so.

I am delighted that we have gotten to this point. There are a lot of people I would like to thank for their help. I have to start with Senator JOE MANCHIN of West Virginia, who joined me at the very beginning. We introduced this legislation over 2 years ago as a freestanding bill. In addition to banning passing the trash, it would require thorough and rigorous background checks for any school worker who has unsupervised access to children. That part was not included in this. I am not giving up on that. We will have that fight again. The part that bans passing the trash did succeed and demonstrates that with perseverance the right outcome can occur.

I would like to thank the other cosponsors of this legislation, Senators MCCONNELL, ALEXANDER, CAPITO, COTTON, GARDNER, HELLER, INHOFE, JOHNSON, MCCAIN, ROBERTS, VITTER, and WICKER. I would particularly like to thank the chairman of the HELP Committee, Senator ALEXANDER, and Senator MURRAY, the ranking member. We talked about how we could make this work mechanically and make sure that we have legislation that will in fact achieve the desired outcome.

I also need to send out a huge thankyou to all the child advocates and the law enforcement folks around the country, especially in Pennsylvania, who worked so hard to make this legislation happen. They were invaluable. I hope they realize how much of a difference they made in helping to persuade our colleagues to get this done.

I thank Terri Miller and John Seryak of S.E.S.A.M.E., who have been fighting to protect children in the classroom for decades. I also thank the National Children's Alliance and the many child advocacy centers across Pennsylvania, most of which I have been able to visit, for the wonderful work they do for kids who need it badly; the Pennsylvania Coalition Against Rape; the National Center for Missing and Exploited Children; the Center For Children's Justice; MassKids; the American Academy of Pediatrics; the Association of Prosecuting Attorneys; the National District Attorneys Association; the Pennsylvania District Attorney's Association; the Federal Law Enforcement Officers Association; the National Sheriffs' Association; and the National Association of Police Organizations. Every one of these groups weighed in on this legislation and helped us to get this over the goal line over the course of a long, protracted series of negotiations.

Tomorrow I think we are going to have an important victory in our ongoing effort to protect children from sexual abuse. It is the first time that the U.S. Congress has acted to protect children in this way. There is more that needs to be done. I still think we need to revisit the state of the background checks that are applied. There are States that do not have an adequate background check system in place, and if they are taking Federal funding—which they are—they ought to have an adequate background check system.

The truth is that this is a big step forward, and I am delighted we were able to get here. I am grateful for the help of every Senator who helped us get to this point. For this reason, for the sake of this amendment as well as the general thrust of the legislation, which is to move decisionmaking power back to the States and school districts where it belongs, I would urge my colleagues to vote in favor of the conference report tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, thank you very much. I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

PARIS CLIMATE CHANGE NEGOTIATIONS

Mr. WHITEHOUSE. Mr. President, the ranking member of the Senate Foreign Relations Committee, Senator BEN CARDIN, led a delegation of 10 Senators to Paris this past weekend. We went to support the ''high-ambition coalition'' on the international climate agreement. It was truly impressive to see so many nations represented at the meeting, active and trying to help. All of us in the codel came away from Paris with a good feeling about the prospects for a strong climate agreement.

I had the chance to speak at Oceans Day, where people were keenly aware that the effects of carbon pollution on our oceans are undeniable. You can measure the warming oceans with thermometers. You measure sea level rise with basically a yardstick. You can measure acidification of the seas with simple pH tests. You can replicate what excess CO_2 does to seawater in a basic high school science lab. That is why the big, phony climate denial apparatus the fossil fuel industry is running never talks about oceans. It is undeniable there.

I also had a chance in Paris to cheer on our bright, young negotiating team staff, who worked late hours in their windowless common workspace but were very enthusiastic and made me very proud.

The delegation also met with Todd Stern, who was leading the U.S. negotiating team, and we visited the NOAA scientists who were at the U.S. Pavilion. The U.S. presence there was great.

One thing was sad, and that is that our Senate delegation of 10 Senators was all Democrats. The last political bastian of the fossil fuel industry worldwide is now the American Republican Party. No Republican was able to come with us. The fossil fuel industry would never let them.

I will say the fossil fuel industry is behaving reprehensibly. The power it exerts over Congress is polluting American democracy. The spin and propaganda it emits through a vast array of front groups are polluting our public discourse. Of course, its carbon emissions are polluting our atmosphere and oceans.

These fossil fuel companies are sinning, and on a monumental scale. Remember what Pope Francis said in his encyclical: ''Today . . . sin is manifest in . . . attacks on nature. . . . [A] sin against ourselves and a sin against God.''

Their behavior is truly reprehensible. They have a lot to atone for.

But this is not exactly the American Republican party's finest hour, either. It is the world's only major political party so in tow to the fossil fuel industry that it cannot face up to the realities of carbon pollution and climate change. Some ''city on a hill'' that leaves us.

Notwithstanding all the Republican intransigence, we were able to tell the world that we would have the President's back, and we will. We will protect the Clean Power Plan, we will protect the Clean Air Act, and we will protect any agreement that comes out of Paris.

One nice thing in Paris was the presence of American companies, such as PG&E of California, VF Corporation of North Carolina—one of our biggest apparel manufacturers—Citigroup of New York, Kellogg of Michigan, Ben and Jerry's of Vermont, and Facebook of basically everywhere. They were there to cheer on a good deal, and so was the American Sustainable Business Council. And they have been doing this for a long while.

Some of America's leading food companies took out this ad in the Washington Post and Financial Times on October 1 urging a strong agreement in Paris. The companies that have signed it include Mars—if you like M&Ms, you know about Mars—General Mills, Nestle USA, Unilever Corporation, Kellogg Company, Stonyfield Farm, and Dannon USA. On November 24, it was updated with new signatories, including PepsiCo, Coca-Cola, and Hershey.

Quoting from the ad:

Dear US and Global Leaders:

Now is the time to meaningfully address the reality of climate change. We are asking

you to embrace the opportunity presented to you in Paris. . . . We are ready to meet the climate challenges that face our businesses. Please join us in meeting the climate challenges that face the world.

This is an ad taken out in Politico by another group of well-known apparel companies, including Levi's—if you know blue jeans, you know Levi's; Gap; Eileen Fischer, VF Corporation, which makes Timberland, North Face, and a number of other well-known brands, urging a strong agreement in Paris. This ad ran during talks on Thursday, November 3:

To US and Global Leaders:

As the world gathers in Paris this week for the 2015 United Nations Conference of the Parties, we come together, as some of the largest, best known global apparel companies, to acknowledge that climate change is harming the world in which we operate. . . . We recognize that human-produced greenhouse gas emissions are a key contributor to climate change. . . . We support a strong global deal that will accelerate the transition to a low carbon economy.

Those industries are not alone. Here is an ad from a coalition of about 70 major American corporations again urging a strong agreement in Paris. They include Coca-Cola, Adidas, Intel, Colgate Palmolive, the Hartford Insurance Company, Johnson & Johnson, Procter & Gamble, National Grid, DuPont, the Outdoor Industry Association, and others. They say:

Failure to tackle climate change could put America's economic prosperity at risk. But the right action now would create jobs and boost competitiveness. We encourage our government to . . . seek a strong and fair global climate deal in Paris.

Seventy major American corporations, every single one whose name you know, are saying: We seek a fair climate deal in Paris.

Finally, this is a financial sector statement on climate change from the financial giants: Bank of America, Citi, Goldman Sachs, JPMorgan Chase, Morgan Stanley, and Wells Fargo, again calling for a robust global agreement out of Paris. They state:

We call for leadership and cooperation among governments for commitments leading to a strong global climate agreement.

They want frameworks ''that recognize the costs of carbon.''

They say:

We are aligned on the importance of policies to address the climate challenge.

It is time people started listening.

And let's not forget the more than 150 American companies that have signed on to the White House's American Business Act on Climate Pledge, joining that call for a strong outcome on the Paris climate negotiations. Those companies on the White House American Business Act on Climate Pledge have operations in all 50 States, employ nearly 11 million people, represent more than $4.2 trillion in annual revenue, and have a combined market capitalization of over $7 trillion. Yet, if you believe some of my friends on the other side, they are all just part of a big old hoax trying to fool everybody. Really?

Unfortunately, while the world is listening to these strong corporate voices for a strong Paris agreement, these companies' own home State Republican Senators are right here in Congress trying to undercut their home State companies' work. But the world listens to the companies, not the deniers.

One of their best voices is Unilever, whose CEO Paul Polman met with our delegation to express the growing support in the corporate community for climate action and to describe Unilever's work to catalyze that support.

We met with Ban Ki-moon, Secretary General of the United Nations, and heard about a meeting scheduled for May here in Washington, DC, for corporate CEOs to come to Congress and let us know they want climate action.

The grip of the fossil fuel companies on Congress will slip, as other corporate leaders come forward to urge strong climate action. Pretty soon, there is going to be a very small island of denial and obstruction left in a rising sea of reality. Pretty soon, there will be nobody left on the shrinking Denial Island but the fossil fuel industry, the Koch brothers and their front groups, and the Republican Members of Congress—oh yes, of course, can't forget the Republican Presidential candidates who are so desperate to toady up to the fossil fuel industry that they won't acknowledge this issue. Mark my words: As the rest of corporate America stands up, the fossil fuel industry's fortress of denial and deceit will tumble down.

Paris sends a strong message of hope that echoes Pope Francis's strong encyclical on climate change. Governments, corporations, and civil society groups are a gathering force behind that message.

Vice President Gore, who has labored long in these vineyards, met with us in Paris and had a strong message of hope. Against the gloomy falsehoods the fossil fuel industry propagates, hope burns bright for this gathering force.

The Vice President observed to us that ''things take longer to happen than you think they will, and then they happen faster than you thought they could.'' From a man who has been through—uniquely—this all taking a long, his confidence in fast happenings was heartening.

So not only is it time to wake up, but the world is waking up. Corporate America is waking up outside of the narrow, selfish confines of the fossil fuel industry. Wise Republicans are starting to stir—and the sooner the better.

Mr. President, I ask unanimous consent to have printed in the RECORD materials I referred to during my remarks.

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

DEAR US AND GLOBAL LEADERS:

This could be a turning point.

When you convene in Paris later this year for climate negotiations, you will have an opportunity to take action that could significantly change our world for the better.

As heads of some of the world's largest food companies, we have come together today to call out that opportunity.

Climate change is bad for farmers and for agriculture. Drought, flooding and hotter growing conditions threaten the world's food supply and contribute to food insecurity.

By 2050, it is estimated that the world's population will exceed nine billion, with two-thirds of all people living in urban areas. This increase in population and urbanization will require more water, energy and food, all of which are compromised by warming temperatures.

The challenge presented by climate change will require all of us—government, civil society and business—to do more with less. For companies like ours, that means producing more food on less land using fewer natural resources. If we don't take action now, we risk not only today's livelihoods, but also those of future generations.

We want the women and men who work to grow the food on our tables to have enough to eat themselves, and to be able to provide properly for their families.

We want the farms where crops are grown to be as productive and resilient as possible, while building the communities and protecting the water supplies around them.

We want to see only the most energy-efficient modes of transport shipping products and ingredients around the world.

We want the facilities where we make our products to be powered by renewable energy, with nothing going to waste.

As corporate leaders, we have been working hard toward these ends, but we can and must do more.

Today, we are making three commitments—to each other, to you as our political leaders, and to the world.

We will:

Re-energize our companies' continued efforts to ensure that our supply chain becomes more sustainable, based on our own specific targets;

Talk transparently about our efforts and share our best practices so that other companies and other industries are encouraged to join us in this critically important work;

Use our voices to advocate for governments to set clear, achievable, measurable and enforceable science-based targets for carbon emissions reductions.

That's where you come in.

Now is the time to meaningfully address the reality of climate change. We are asking you to embrace the opportunity presented to you in Paris, and to come back with a sound agreement, properly financed, that can affect real change.

We are ready to meet the climate challenges that face our businesses. Please join us in meeting the climate challenges that face the world.

Signed,

Grant Reid (President & CEO; Mars, Incorporated), Kendall J. Powell (Chairman of the Board & CEO; General Mills, Inc.), Muhtar Kent (Chairman & CEO; The Coca-Cola Company), Paul Polman (Chief Executive; Unilever), Mariano Lozano (President & CEO Dannon & Regional VP; Danone Dairy North America), John P. Bilbrey (Chairman of the Board, President & CEO; The Hershey Company), Jostein Solheim (CEO; Ben & Jerry's), John Bryant (Chief Executive Officer; Kellogg Company), Indra K. Nooyi (Chairman & CEO; PepsiCo), Paul Grimwood (Chairman & CEO; Nestle USA), Kimberly Jordan (Cofounder & CEO; New Belgium Brewing Company), Irwin D. Simon (Founder, President,

CEO & Chairman of the Board; The Hain Celestial Group, Inc.), Esteve Torrens (President & CEO; Stonyfield Farm, Inc.), Kevin Cleary (CEO; Clif Bar).

TO US AND GLOBAL LEADERS

As the world gathers in Paris this week for the 2015 United Nations Conference of the Parties, we come together, as some of the largest, best known global apparel companies, to acknowledge that climate change is harming the world in which we operate.

From the farmers in cotton fields to the workers in garment factories, we know that people in some of the least climate-resilient regions are being negatively impacted by a warming world. Drought, changing temperatures and extreme weather will make the production of apparel more difficult and costly.

We recognize that human-produced greenhouse gas emissions are a key contributor to climate change. Climate change mitigation and technological innovation are vital to the health and well being of those who make and use our products, as well as to the future supply of materials needed to make those products.

Therefore . . .

We call upon you to reach a global agreement that provides the certainty businesses need and the ambition that climate science demands.

We support a strong global deal that will accelerate the transition to a low carbon economy and that includes:

A global goal of net zero greenhouse gas emissions well before the end of the century.

National carbon emission mitigation commitments that are strengthened every five years starting in 2020 with a clear timetable for new commitments in 5–year blocks from 2030 onwards.

Adaptation funding to build climate-resilient economies and communities.

Today we pledge to:

I. Continue to reduce our emissions while increasing the purchase of renewable energy and pursuing energy efficiency in our operations.

II. Advocate for climate and energy policies that meaningfully address climate change at the global, national and state/regional levels.

III. Engage our respective trade associations in thoughtful discussions on meaningful climate and energy policy and advocacy that promotes the long-term growth and prosperity of our sector and the health of the global economy.

We are prepared to be held accountable to our pledge.

We are ready to meet the climate challenges that face our businesses. Please join us in meeting the climate challenges that face our world.

Eric Wiseman (Chairman & CEO; VF Corporation), Herbert Hainer (CEO; Adidas Group), Jake Burton Carpenter & Donna Carpenter (Founders; Burton Snowboards), Eileen Fisher (Founder & Chairwoman; Eileen Fisher), Chip Bergh (President & CEO; Levi Strauss & Co.), Art Peck (Chief Executive Officer; Gap Inc.), Karl-Johan Persson (CEO; H&M).

[lowcarbonusa.org]

PAID ADVERTISEMENT

BUSINESS BACKS LOW-CARBON USA

We are some of the businesses that will help create the future economy of the United States.

We want this economy to be energy efficient and low carbon. We believe there are cost-effective and innovative solutions that can help us achieve that objective. Failure to tackle climate change could put America's economic prosperity at risk. But the right action now would create jobs and boost competitiveness.

We encourage our government to

1. seek a strong and fair global climate deal in Paris that provides long-term direction and periodic strengthening to keep global temperature rise below 2 °C

2. support action to reduce U.S. emissions that achieves or exceeds national commitments and increases ambition in the future

3. support investment in a low-carbon economy at home and abroad, giving industry clarity and boosting the confidence of investors

We pledge to continue efforts to ensure a just transition to a low-carbon, energy efficient U.S. economy and look forward to enabling strong ambition in the U.S. and at the Paris climate change conference.

Autodesk, Inc.; The Coca-Cola Company; Unilever; Adidas Group; Johnson Controls, Inc.; Clif Bar & Company; Intel; Kingspan Insulated Panels; Microsoft; Qualcomm; Sprint; Colgate-Palmolive Company; Smartwool; The Hartford; Volvo, Volvo Group North America; Burton; Snowbird; eBay; Seventh Generation; Johnson & Johnson Family of Companies; Vail Resorts; Levi Strauss & Co.; EMC; New Belgium Brewing Company; Squaw Valley Alpine Meadows; Annie's; Alta; General Mills; Dignity Health; BNY Mellon; Jupiter Oxygen Corporation; Hewlett Packard Enterprise; Outdoor Industry Association; Procter & Gamble; Ben & Jerry's; Schneider Electric; Xanterra; Nike; The North Face; Symantec; JLL; Powdr Corporation; Gap Inc.; Owens Corning; EnerNOC; Hilton Worldwide; VF Corporation; Guggenheim; Timberland; L'Oreal; IKEA; Aspen Snowmass, Aspen Skiing Company; Vulcan; Eileen Fisher; DuPont; CA Technologies; Nestle; Pacific Gas and Electric Company; Catalyst; Sealed Air; National Grid; Saunders Hotel Group; Hewlett Packard; Kellogg's; Teton Gravity Research; Dell; Mars, Incorporated; NRG; Ingersoll Rand.

IN SUPPORT OF PROSPERITY AND GROWTH: FINANCIAL SECTOR STATEMENT ON CLIMATE CHANGE

Scientific research finds that an increasing concentration of greenhouse gases in our atmosphere is warming the planet, posing significant risks to the prosperity and growth of the global economy. As major financial institutions, working with clients and customers around the globe, we have the business opportunity to build a more sustainable, low-carbon economy and the ability to help manage and mitigate these climate-related risks.

Our institutions are committing significant resources toward financing climate solutions. These actions alone, however, are not sufficient to meet global climate challenges. Expanded deployment of capital is critical, and clear, stable and long-term policy frameworks are needed to accelerate and further scale investments.

We call for leadership and cooperation among governments for commitments leading to a strong global climate agreement. Policy frameworks that recognize the costs of carbon are among many important instruments needed to provide greater market certainty, accelerate investment, drive innovation in low carbon energy, and create jobs. Over the next 15 years, an estimated $90 trillion will need to be invested in urban infrastructure and energy. The right policy frameworks can help unlock the incremental public and private capital needed to ensure this infrastructure is sustainable and resilient.

While we may compete in the marketplace, we are aligned on the importance of policies to address the climate challenge. In partnership with our clients and customers, we will provide the financing required for value creation and the vision necessary for a strong and prosperous economy for generations to come.

Bank of America; Citi; Goldman Sachs; JPMorgan Chase; Morgan Stanley; Wells Fargo.

Mr. WHITEHOUSE. I yield the floor.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

COMBAT ISIS AND PROTECT AND SECURE THE UNITED STATES ACT OF 2015

Mr. LEAHY. Mr. President, Senate Democrats are proposing important legislation to help combat the threat of ISIS and to keep Americans safe. It would strengthen the security of the Visa Waiver Program and close the terrorist gun loophole. I am a cosponsor of these efforts. We need to respond to the threat of ISIS—wherever it exists—and we need to work with our international partners to combat this barbaric terrorist group.

The President has adopted a limited and necessary military response. We stand here, elected by our constituents to give weight to their voices in our democracy. I hear from Vermonters every week concerned about the threat of ISIS. I also hear their concerns about further expanding what has been an unending war.

It is time for Congress to weigh in with more than just talking points and heated rhetoric. Congress has a duty to debate what further military role the United States should take in combating ISIS. Before we send our men and women into harm's way, Congress should vote on a new, limited authorization for the use of military force. We should sunset any new authorization of military force and require Congress to renew and reauthorize its authority.

The ill-fated war in Iraq cost thousands of lives and trillions of dollars and has left the region no more safe and secure than when it started more than a decade ago. Congress can't make that mistake again. I support strategic, authorized military efforts to dismantle ISIS, but just as I opposed the war in Iraq, I will not support a blank check that perpetuates unending war.

TRIBUTE TO SPECIALIST SKYLAR ANDERSON

Mr. LEAHY. Mr. President, last week, a distinct honor was bestowed upon Vermont Army National Guard

Specialist Skylar Anderson and, by extension, the Vermont National Guard. I want to recognize this milestone.

After graduating from a rigorous program at the 164th Regimental Training Institute in North Dakota, Specialist Anderson became the first female soldier in the country to be awarded a military occupation specialty as a combat engineer. In this position, she will enrich the capabilities of our Guard, bringing new skills and expertise to her work. While this is an impressive honor on its own, she did this while managing a full workload. While serving in the Vermont National Guard, she is a student at the University of Vermont. Specialist Anderson has clearly earned this recognition through her hard work and dedication.

Opportunities to serve in our military, whether soldier or sailor, airman, or marine, should be available to the best and brightest, regardless of gender, and Specialist Anderson has shown young women around the country that gender integration in the military is very real. Just last week, the Secretary of Defense declared all positions in the U.S. armed services open to females, removing artificial restrictions so that the United States can have the very best serving, like Specialist Anderson.

As a Vermonter, I am especially proud of her achievements, and I am also appreciative of the members of the Vermont National Guard who supported her throughout the process.

I ask unanimous consent that an article about Specialist Skylar Anderson published by National Guard Online be printed in the RECORD.

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

[From the National Guard Online, Nov. 27, 2015]

VERMONT GUARD MEMBER BECOMES USA'S FIRST FEMALE COMBAT ENGINEER

COLCHESTER, VT.—Spc. Skylar Anderson, a member of the Vermont Army National Guard, became the first female Soldier in the nation to be awarded the 12B Military Occupation Specialty (MOS) code as a combat engineer.

Anderson was previously a Multiple Launch Rocket System Operations/Fire Direction Specialist (13P) prior to re-classing to a combat engineer.

She graduated Aug. 31 from the 164th Regimental Training Institute (RTI) in Devils Lake, North Dakota.

Goarmy.com says that combat engineers primarily supervise, serve or assist as a member of a team when they are tackling rough terrain in combat situations. They provide their expertise in areas such as mobility, counter-mobility, survivability and general engineering. They construct fighting positions, fixed/floating bridges, obstacles and defensive positions, place and detonate explosives, conduct operations that include route clearance of obstacles and rivers, prepare and install firing systems for demolition and explosives, and detect mines visually or with mine detectors.

''I knew that I would be one of the first females to go, but not the first to graduate,'' Anderson said. ''I knew that the MOS had just opened up a few months ago and having previously been field artillery, I wanted to do it.''

Originally enlisting in the New Hampshire National Guard, Anderson interstate transferred to the Vermont Army National Guard (VTARNG) in February of 2014, while pursuing a degree at the University of Vermont. Currently a junior, she is studying Animal Science, Equine Studies, in the pre-Veterinary program.

''I was floating around for a bit in Vermont,'' Anderson said in reference to how she became interested in becoming a 12B. Since the VTARNG didn't have 13Ps, Anderson briefly thought about joining the military police or working in supply. It wasn't until annual training this summer that she found out that the 12B MOS had opened up to women and decided that's what she wanted to do.

''Vermont is incredibly proud of Spc. Anderson and her accomplishments and achievements,'' said Maj. Gen. Steven A. Cray, the adjutant general, Vermont National Guard. ''This is an important milestone not only for Spc. Anderson, but for all women in the integration of females into combat roles.''

According to the 164th Regiment RTIs website, the 12B10 Combat Engineer MOS-T course provides reclassification training for military personnel with prior military experience, so that they may obtain the skills necessary to perform as a Combat Engineer.

There, Soldiers are provided technical training in basic demolitions, wire obstacles, explosive hazards, fixed bridging and urban operations.

''Spc. Anderson displayed tremendous personal courage in seeking out MOS reclassification to a specialty previously closed to women,'' said Capt. Eugene Enriquez, Commander, Headquarters, Headquarters Company, 86th Brigade Special Troop Battalion, 86th Infantry Brigade Combat Team (Mountain).

''The training at the school was awesome,'' Anderson said. ''By the third day we were out in the field and at the range, using TNT, dynamite and det cord, blowing stuff up! This class was really hands on and that's what I loved about it.''

ELECTIONS IN VENEZUELA

Mr. MENENDEZ. Mr. President, I want to express my outrage and horror at the out-of-control electoral situation in Venezuela—at the intimidation, violence, manipulation, and corruption by the Maduro government to manipulate election results in their favor.

For weeks, President Maduro has said that his party will do whatever it takes to stay in power, and I have no doubt that he will do everything he can to stay in power. In recent days, Maduro said: ''If on December 6th the political-right wins, prepare to see a country in chaos, in violence. I will not turn over nor will I betray the revolution''—a clear statement of what's to come, but the world is watching.

In October, he gave a public speech in which he said that if the opposition wins, the country would enter into one of its ''most turbulent periods'' because he will not turn over the revolution, and if necessary, he would rule through what he called ''a civic military union.'' Maduro's cronies have also made alarming, ominous statements in recent weeks warning the public that the ruling party will not lose control. The government has already denied international election observers, so, clearly, we know what is about to happen.

Maduro's term is not yet up, but it is only a matter of time, and this election will be a demonstration of his complete failure. The fact is numbers don't lie, and the crushing poll numbers coming out are further proof the country is ready for fundamental change from a failed economic model that has run its course and needs to be done away with. All of this against a backdrop of continued deceit, repression, and violence.

Last week, in broad daylight, armed supporters of the government assassinated Luiz Manuel Diaz, the state-level head of the Acción Democrática, or Democratic Action Party, at an open-air rally in the state of Guarico—clearly a politically targeted assassination designed to terrorize opposition parties and their supporters. Luiz Manuel Diaz was standing 6 feet away from Lilian Tintori, whom I have met several times, the wife of the high-profile political prisoner, Leopoldo Lopez.

This level of unacceptable, blatant violence is appalling and has been condemned by OAS Secretary General Luis Almagro, the U.N. High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, and by countless human rights organizations. Again, the world is clearly watching and demanding that the rule of law in Venezuela be reestablished.

The fact is the government is engaged in clear election manipulation. The government-controlled National Electoral Council has disqualified seven leading opposition figures from participating in the elections—disqualifications without justification and without a process to appeal. The disqualifications have targeted only members of the opposition: Maria Corina Machado, the diputada—assembly member—that received the single highest number of votes in the 2010 elections; Manuel Rosales, the former governor of Zulia state and a former Presidential candidate for the opposition; Leopoldo Lopez, currently being held in a military prison, the most high-profile political prisoner in the Americas.

The government has also fabricated a border crisis with neighboring Colombia as a pretext to declare a state of emergency, in 23 municipalities in 3 states along the Colombian-Venezuelan border. This allows the government to arbitrarily suspend the fundamental rights of citizens in these municipalities to a right to assembly, right to peaceful demonstrations—and, guess what, it just so happens that these municipalities are either swing districts or ones where the opposition won handily in the 2010 legislative elections. In these same three states, the opposition won 18 of the 27 seats contested. The government is even resorting to political tricks.

In one district, in the city of Maracay, the leading opposition candidate is named Ismael Garcia, a lifelong political veteran. The government

managed to find a 28-year-old parking attendant named Ismael Garcia, who is running under a party name similar to the opposition candidate, with a logo nearly identical.

In another area in the capital of Caracas, the National Statistics Institute and National Electoral Council have determined that, by the end of the year, 128,000 voters are scheduled to move out of a district largely supportive of the opposition to a district supportive of the government. This move is large enough to decrease by one the number of deputies that the opposition district will elect and enough to increase by one the number of deputies that the pro-government district will elect.

The National Statistics Institute and National Electoral Council acknowledge that 134,000 votes will move back to the pro-opposition district by the middle of next year, which means 130,000 people are moving for a period of 6 to 9 months.

The Maduro government can't believe they can hide from these obvious tactics of political tricks to rob the people of Venezuela of their right to a free and fair election. They can't be so naíve to think that these ridiculous tactics are going unnoticed. We are not blind to it. We are watching. And I come to the floor of the Senate to send a clear message that makes it clear that the world is watching and waiting for the results of the election and the aftermath.

Against this backdrop of violence, intimidation, corruption, and election fraud, the Venezuelan Government has routinely denied the presence of credible international election observers. If the Venezuelan Government was interested in guaranteeing the transparency, objectivity, and credibility of the elections, it would have invited the OAS—the region's preeminent multilateral body—to observe the elections.

Since 1989, the OAS has conducted more than 160 election observation missions in 24 countries. The OAS Secretary General has repeatedly offered to observe, but Maduro has turned him down. The EU has also offered to observe—also rejected by the government. Instead, the Venezuelan Government has opted for a mission from Union de Naciones Suramericanas, UNASUR, which conducts ''electoral accompaniment'' rather than ''election observation.'' The technical rigor of the UNASUR mission has been called into question by many members of the international community. Brazil's Supreme Electoral Court banned Brazil's participation in the UNASUR mission. Chile and Uruguay also will not participate in the UNASUR mission. As a Washington Post headline put it this week, ''Venezuela [is heading] to a pivotal election; without a referee.''

As Venezuela heads into this election, nationwide polls are showing a strong and sustained trend in favor of the opposition. National polling shows opposition candidates leading by 28 points. This growing advantage is the result of an increasingly dire outlook that reflects the state of the nation. The people of Venezuela have and are suffering economic hardship. They are subjected to increased societal violence. They have seen more and more evidence that senior government officials are personally and deeply involved in drug trafficking, deeply involved in money laundering. In fact, his own family members have been arrested for drug trafficking.

And, to make matters worse, as President Maduro, a former bus driver, has driven his country's economy off a cliff, there have been shortages of beef and milk, chicken and eggs, rice and pasta; there have been shortages of soap for bathing and diapers for small children. And this trend will likely get worse. This year, the IMF predicts that Venezuela's GDP will contract by 10 percent—the single largest economic contraction in the world this year. The country is also suffering from the highest levels of inflation in the entire world, more than 150 percent in 2015 according to the IMF, and expected to surpass 200 percent in 2016.

As economic hardship grows, it shouldn't be a complete surprise that criminality in the country has worsened—the murder rate more than doubling over the past decade. According to the Venezuela Violence Observatory, the per capita murder rate in Venezuela was 37 per 100,000 in 2005, 54 per 100,000 in 2010, and 82 per 100,000 in 2014. And things are even worse in the capital Caracas, where the per capita murder rate is approaching 125 per 100,000 residents. This puts Caracas among the top five most violent cities in the world and on par with the carnage generally seen only in war zones.

On top of this widespread societal violence, in 2014, the world bore witness to Venezuelan security forces violently deployed on the streets to suppress peaceful protests occurring throughout the country that has left 43 people dead on both sides of the political divide, more than 50 documented cases of torture of opposition activists, and thousands of arrests. Throughout this violence, respected international human rights organization Human Rights Watch found that human rights abuses were a ''systematic practice'' committed by Venezuelan security forces.

To make matters worse, a darker and more sinister narrative has emerged from Venezuela in 2015. In March of this year, the Treasury Department's Financial Crimes Enforcement Network—known as FinCEN—announced the Private Bank of Andorra is a ''foreign financial institution of primary money laundering concern.'' Among other concerns, FinCEN found that the bank had been involved in a scheme that siphoned off roughly $2 billion from Venezuelan state oil company PDVSA, a scheme that surely included widespread involvement and knowledge of Venezuelan Government officials. The world is watching.

In May of this year, in a Wall Street Journal exclusive, the world was informed that the Department of Justice, the Drug Enforcement Agency, and several Federal prosecutors' offices are investigating Diosdado Cabello for involvement in drug trafficking, a man who serves as the head of Venezuela's National Assembly and someone generally regarded as the second most powerful figure in the government's coalition. And now he is apparently wanted for turning Venezuela into a global cocaine hub.

And in October, in another incredibly well-documented piece, the Wall Street Journal revealed how money laundering and embezzlement inside Venezuelan state oil giant Venezuela was directed from the highest levels, including by former PDVSA president Rafael Ramirez. These two incidents are part of a long and troubling series of disturbing revelations about how the highest levels of the power are directly responsible for the Venezuelan state becoming penetrated by drug trafficking and criminality.

With such sinister trends becoming commonplace in Venezuela, it is important to recognize that a sea change of opinion is taking place in Latin America, and increasingly, key political leaders are speaking out forcefully against what they are seeing in Venezuela.

In September of this year, 34 former Presidents and heads of state from across Latin America and the Caribbean met in Bogota and issued a declaration calling for international election observation, greater safeguards for Venezuelan voters, and the release of political prisoners in the country.

Last month, the secretary general of the OAS Luis Almagro released a scathing letter to the head of Venezuela's National Electoral Council, laying out all of his concerns with the process running up to the December 6 elections and calling for an immediate course correction.

Also, last month, I was proud to join with 17 of my colleagues here in the U.S. Senate, 32 Brazilian senators, 57 Colombian senators, 12 Chilean senators, 26 Costa Rica Assembly members, and 13 Peruvian members of Congress—more than 150 legislators from across the Americas—in an unprecedented showing of unity to call for election observation, speak out against the disqualification of opposition candidates, and call for the release of political prisoners. And just last week, it was important to see Argentina's President-elect Mauricio Macri calling for the South American trade block Mercosur to review whether Venezuela should be suspended from the block for violating its democracy clause and failing to uphold human rights.

The question then remains, what can we do? What can the United States do? As elections are held in Venezuela this weekend, it is imperative that we all remain clear-eyed about the challenges at hand in the country. For 15 years,

we have watched as President Maduro and former-President Chavez have systematically dismantled democracy in the country. They have removed checks on the executive. They have corrupted the judiciary and the rule of law. They have usurped the powers of the legislature. They have politicized the military. And they have suppressed freedom of the press.

No one should be surprised that 15 years of democratic deterioration has led to economic ruin, to rampant criminality, and to an increasingly dangerous political polarization. But the first step to correct course and help Venezuelans back from the brink of being a failed state is the exercise this weekend of that most fundamental democratic right with a huge voter turnout that could help move the country back toward democracy and the rule of law.

We should take note that Latin America is speaking out forcefully about the situation in Venezuela, but we in the United States should be preparing our own response. Last week, the Washington Post Editorial Board noted that should the vote be disrupted in Venezuela, the ''U.S. should be ready to respond with censure and sanctions.'' I couldn't agree more.

In December of 2014, the U.S. Congress, with the unanimous consent of both Chambers, approved the Venezuela Defense of Human Rights and Civil Society Act—legislation which I authored and introduced with Senators Nelson, Rubio, Kirk, and McCain. This bipartisan bill called for mandatory sanctions against violations of human rights and fundamental freedoms and provided the administration with the authorities it needs. The administration has used these sanctions once, but we should be prepared, if necessary, to use them again.

We know what is happening in Venezuela: subversion of democracy through state-sponsored violence; repression; hundreds of thousands of Venezuelans in the streets earlier this year protesting alarming levels of violence and crime; sky-high inflation rates; the scarcity of food and basic consumer goods. That is today's Venezuela. The question is: Can we make tomorrow better for the people of Venezuela?

The world watched as President Maduro and his government responded to protests with a brutal display of force not seen in our hemisphere in over a decade. The results: more than 40 deaths, more than 50 documented cases of torture, and thousands of unlawful detentions. In May, Human Rights Watch released a devastating report that said Venezuelan human rights violations ''were part of a systematic practice by Venezuelan security forces'' and that these abuses were intended to ''punish people for their political views.''

As I have said repeatedly and as is the case today, not one Venezuelan Government official or member of the security forces has been held accountable for their role in beating, shooting, jailing, or torturing peaceful protesters—not one. Now they threaten to highjack the electoral process, and they must know that the world is watching and that there will be consequences to their actions.

TRIBUTE TO ROBERT DICK DOUGLAS, JR.

Mr. BURR. Mr. President, I ask my colleagues to join me in honoring my constituent Robert Dick Douglas, Jr. Mr. Douglas earned Eagle Scout rank 90 years ago today, making him the longest serving Eagle alive.

The Boy Scouts of America recently highlighted Mr. Douglas' life in their magazine, which I think would impress anyone who reads it. I am pleased to highlight some of the points in the article.

A native of Greensboro, Mr. Douglas eagerly joined the Boy Scouts the very same day that he celebrated his 12th birthday. After earning his Eagle Scout award on December 8, 1925, Mr. Douglas was one of three scouts selected for an African safari with famed photographers and adventurers Martin and Osa Johnson. Upon his return from this journey, Douglas coauthored the best selling documentary ''Three Boy Scouts in Africa,'' which went on to sell 125,000 copies in its first year of publication. The book afforded Douglas the opportunity to tour the Nation speaking with the likes of Amelia Earhart at school and civic assemblies.

The publisher was evidently so impressed with Douglas' work that he sent the young Eagle Scout to Alaska to write another adventure book titled ''A Boy Scout in the Grizzly Country.'' From that experience, Douglas became an advocate of land and wildlife conservation and, when he returned home, began sharing his newfound knowledge with the Nation through public appearances.

Douglas' successes continued well into adulthood, going on to graduate from law school at Georgetown University and to become a labor and employment law attorney at his father's legal practice. Mr. Douglas served as a lawyer for over 70 years and managed to make his way before the Supreme Court. Douglas also served in the FBI, where he had the chance to work under J. Edgar Hoover for a time. Mr. Douglas retired at the age of 96.

In recognition of his longevity and commitment to scouting and his community, the 103-year-old Douglas was presented with the Distinguished Eagle Scout Award on September 24, 2015. During the ceremony, Mr. Douglas extolled scouting as a significant influence on his life. He insists to this day that scouting taught him that he could do just about anything that he wanted to undertake. It is with great pleasure that I pay tribute to Robert Dick Douglas, Jr., today on his 90th anniversary of attaining Eagle Scout.

RECOGNIZING MURDOCK ELEMENTARY SCHOOL

Mr. DONNELLY. Mr. President, today I wish to applaud Murdock Elementary School of Lafayette, IN, for being recognized as a 2015 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program has recognized over 7,500 public and nonpublic schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has offered the opportunity for schools in every State to gain recognition for educational accomplishments in closing the achievement gaps among student groups.

Murdock Elementary School continues to be one of the best performing schools in the State of Indiana. It has been named an Indiana Four Star School for 4 consecutive years.

In 2014, Murdock Elementary School's ISTEP+ pass rate for English/Language Arts scores reached 97.7 percent. Mathematics scores exceeded 95 percent, and the overall score for the school hit 94.3 percent.

Murdock Elementary School's effectiveness can be found in its holistic approach and dedication to student achievement. Murdock staff, students, and students' families work together to teach and instill values that develop strong character and demonstrate that every kid matters: honesty, effort, caring, respect, and teamwork. With some of the highest English and mathematics scores in Indiana, Murdock Elementary School is a stellar example of the benefits that result from dedication, motivation, collaboration, and family partnership in education.

I would like to acknowledge Murdock Elementary School principal, Janell Uerkwitz, the entire staff, the student body, and their families. The effort, dedication, and value you put into education led not only to this prestigious recognition, but will benefit you and our communities well into the future.

On behalf of the citizens of Indiana, I congratulate Murdock Elementary School, and I wish the students and staff continued success in the future.

RECOGNIZING NORTH ELEMENTARY SCHOOL

Mr. DONNELLY. Mr. President, today I wish to applaud North Elementary School of Poseyville, IN, for being recognized as a 2015 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program has recognized over 7,500 public and nonpublic schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has offered the opportunity for schools in every State to

gain recognition for educational accomplishments in closing the achievement gaps among student groups.

North Elementary School continues to be one of the best performing schools in the State of Indiana. It has been named an Indiana Four Star School several times.

In 2014, North Elementary School's ISTEP+ pass rate for English/Language Arts scores increased by over 7 percent to a 94.8 percent. Mathematics scores increased to 97.2 percent combined for third through fifth grades.

North Elementary School's effectiveness can be found in its holistic approach and dedication to student achievement. North Elementary staff, students, and students' families work together to teach and instill values that develop strong character including integrity, responsibility, effort, and kindness. With some of the highest English and mathematics scores in Indiana, North Elementary School is a stellar example of the benefits that result from dedication, motivation, collaboration, and family partnership in education.

I would like to recognize North Elementary School principal, Terri Waugaman, the entire staff, the student body, and their families. The effort, dedication, and value you put into education led not only to this prestigious recognition, but will benefit you and our communities well into the future.

On behalf of the citizens of Indiana, I congratulate North Elementary School, and I wish the students and staff continued success in the future.

RECOGNIZING OAK TRACE ELEMENTARY SCHOOL

Mr. DONNELLY. Mr. President, today I wish to applaud Oak Trace Elementary School of Westfield, IN, for being recognized as a 2015 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program has recognized over 7,500 public and nonpublic schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has offered the opportunity for schools in every State to gain recognition for educational accomplishments in closing the achievement gaps among student groups.

Oak Trace Elementary School continues to be one of the best performing schools in the State of Indiana. It has been named an Indiana Four Star School several times.

In 2014, Oak Trace Elementary School's ISTEP+ pass rate for English/Language Arts scores increased by over 2 percent to a full 100 percent. Mathematics scores increased to 98.7 percent combined for third through fourth grades.

Oak Trace Elementary School's effectiveness can be found in its holistic approach and dedication to student achievement. Oak Trace staff, students, and students' families work together to teach and instill values that develop strong character including integrity, responsibility, effort, and kindness. With some of the highest English and mathematics scores in Indiana, Oak Trace Elementary School is a stellar example of the benefits that result from dedication, motivation, collaboration, and family partnership in education.

I would like to acknowledge Oak Trace Elementary School principal, Robin Lynch, the entire staff, the student body, and their families. The effort, dedication, and value you put into education led not only to this prestigious recognition, but will benefit you and our communities well into the future.

On behalf of the citizens of Indiana, I congratulate Oak Trace Elementary School, and I wish the students and staff continued success in the future.

ADDITIONAL STATEMENTS

RECOGNIZING THE 100TH ANNUAL NEWPORT WINTER CARNIVAL

• Ms. AYOTTE. Mr. President, today I wish to celebrate the 100th annual Winter Carnival held in Newport, NH.

The maiden Newport Winter Carnival was held in 1916, making it the oldest continuous winter carnival in the country and the largest annual event in Newport. For over a week in early February, Newport will be transformed into a winter wonderland. Families, friends, and visitors will gather for this yearly celebration and participate in events that include the ice fishing derby, hockey games, Main Street 1 Mile Run, horseback riding demos, horse show tournament, and countless gatherings, dinners, and historic remembrances, capped off by fireworks to light up the winter sky.

The Newport Winter Carnival is one of New Hampshire's longest and most exciting winter events. The people of Newport are justifiably proud of this unique and treasured tradition. The carnival epitomizes the spirit of the Granite State and celebrates New Hampshire's beautiful landscape and snow-covered season. Providing wintertime fun for the residents of and visitors to our State, Newport's Winter Carnival brings warmth and cheer throughout the frosty month of February.

On behalf of the people of New Hampshire, I join with the residents of Newport in celebrating the 100th anniversary of the Winter Carnival. I commend the people of Newport for this great New Hampshire tradition and wish the town of Newport continued success for generations to come.•

TRIBUTE TO JIM SMITH

• Mr. THUNE. Mr. President, today I wish to recognize the distinguished career of a great South Dakotan, Mr. Jim Smith.

Jim was born in Aberdeen, SD, in 1930, and was raised in Pierre. He received his Bachelor of Science degree from the South Dakota School of Mines and Technology in 1952 before attending law school at George Washington University. While still in law school, Jim worked as an elevator operator in the U.S. Capitol until he became a legislative assistant to South Dakota Senator Karl Mundt. He eventually served as minority counsel to the U.S. Senate Subcommittee on Intergovernmental Relations. Upon graduation from law school, Jim became the associate Federal legislative counsel at the American Bankers Association from 1963 to 1968.

From 1969 to 1973, Jim headed the Treasury Department's Office of Congressional Relations, completing his tenure as Deputy Undersecretary of the Department under three separate Secretaries. In 1971, Jim was awarded the Alexander Hamilton Award, the highest honor bestowed by the Treasury Department. He was appointed by President Nixon as the 23rd U.S. Comptroller of the Currency in 1973, where he served until the end of the Ford Administration. Jim returned to the Midwest in 1977 to serve as the Executive Vice President of the First Chicago Corporation.

In 1980, Jim reconnected with his old friend, Charls E. Walker, from their days at the American Bankers Association. Jim joined Mr. Walker's consulting firm, Charls Walker Associates, later renamed Walker/Free Associates, until he formed The Smith-Free Group with Jim Free in 1995. For the past 35 years, Jim has advocated for a diverse range of issues before the Federal Government, including pro bono efforts on behalf of victims of Bernie Madoff's Ponzi scheme.

Jim came to Washington during President Eisenhower's administration, and his career has spanned 10 subsequent Presidents. His reputation as a modest, soft-spoken, and principled man is a testament to his South Dakota roots. He embodies the strong-willed, hard-working, and good-natured characteristics that all South Dakotans share; and his life story proves the continued resilience of the American Dream.

Jim is retiring to spend more time with his wife of 37 years, Karen, along with his children, grandchildren, and great-grandchildren. I would like to thank him for his service to both South Dakota and the country and congratulate him on a well-deserved retirement.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

(The message received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 614. An act to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1321. An act to amend the Federal Food, Drug, and Cosmetic Act to prohibit the manufacture and introduction or delivery for introduction into interstate commerce of rinse-off cosmetics intentionally-added plastic microbeads.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3678. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate'' (Docket No. AMS–FV–15–0035) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3679. A communication from the Associate Administrator of the Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Defining Bona Fide Cotton Spot Markets for the World Cotton Futures Contract'' ((RIN0581–AD38) (Docket No. AMS–CN–14–0050)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3680. A communication from the Associate Administrator of the Livestock, Poultry, and Seed Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Soybean Promotion and Research: Amend the Order to Adjust Representation on the United Soybean Board'' (Docket No. AMS–LPS–15–0016) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3681. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Dates Produced or Packed in Riverside County, California; Deceased Assessment Rate'' (Docket No. AMS–FV–15–0034) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3682. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Revision of Exemption Requirements'' (Docket No. AMS–FV–15–0046) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3683. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements'' (Docket No. AMS–FV–14–0031) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3684. A communication from the Associate Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hardwood Lumber and Hardwood Plywood Promotion, Research, and Information Order: Termination of Rulemaking Proceeding'' (Docket No. AMS–FV–11–0074) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3685. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that involved fiscal year 2011 Procurement, Marine Corps and Operation and Maintenance, Marine Corps, funds, and was assigned Navy case number 14–01; to the Committee on Appropriations.

EC–3686. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, three (3) reports relative to vacancies in the Department of Defense, received in the Office of the President of the Senate on November 19, 2015; to the Committee on Armed Services.

EC–3687. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3688. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3689. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Changes to Accounting Requirements for the Community Development Block Grant (CDBG) Program'' (RIN2506–AC39) received during adjournment of the Senate in the Office of the President of the Senate on November 23, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3690. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the issuance of an Executive Order declaring a national emergency with respect to the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the situation in Burundi; to the Committee on Banking, Housing, and Urban Affairs.

EC–3691. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Export Administration Regulations to Add XBS Epoxy System to the List of 0Y521 Series; Technical Amendment to Update Other 0Y521 Items.'' (RIN0694–AG70) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3692. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Wassenaar Arrangement 2014 Plenary Agreements Implementation and Country Policy Amendments; Correction'' (RIN0694–AG44) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3693. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California; Increased Assessment Rate'' (Docket No. AMS–FV–15–0026) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3694. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities'' ((RIN1902–AE85) (Docket No. RM14–14)) received during adjournment of the Senate in the Office of the President of the Senate on November 23, 2015; to the Committee on Energy and Natural Resources.

EC–3695. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Cyber Security Event Notifications'' (Regulatory Guide 5.83) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Environment and Public Works.

EC–3696. A communication from the Admiral, Naval Reactors, transmitting, pursuant to law, reports relative to the Naval Nuclear Propulsion Program's reports on environmental monitoring and radioactive waste disposal, radiation exposure, and occupational safety and health; to the Committee on Environment and Public Works.

EC–3697. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Contract Year 2016 Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs'' (RIN0938–AS20) received

during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Finance.

EC–3698. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food; Clarification of Compliance Date for Certain Food Establishments'' ((RIN0910–AG36) (Docket No. FDA–2011–N–0920)) received during adjournment of the Senate in the Office of the President of the Senate on November 23, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3699. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Artificially Sweetened Fruit Jelly and Artificially Sweetened Fruit Preserves and Jams; Revocation of Standards of Identity'' (Docket No. FDA–1997–P–0007, formerly Docket No. 1997P–0142) received during adjournment of the Senate in the Office of the President of the Senate on November 23, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3700. A communication from the Deputy Director, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Occupational Safety and Health Research and Related Activities: Removal of Regulations Regarding Administrative Functions, Practices, and Procedures'' (RIN0920–AA55) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3701. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Student Assistance General Provisions, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program'' (RIN1840–AD18) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3702. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Program Integrity and Improvement'' (RIN1840–AD14) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3703. A communication from the Special Counsel, United States Office of the Special Counsel, transmitting, pursuant to law, the Office of the Special Counsel's Performance and Accountability Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3704. A communication from the Treasurer, National Gallery of Art, transmitting, pursuant to law, the Gallery's Performance and Accountability Report for the year ended September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3705. A communication from the Chair, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Agency Financial Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3706. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's Agency Financial Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3707. A communication from the Chairwoman, U.S. Election Assistance Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3708. A communication from the Acting Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3709. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3710. A communication from the President, African Development Foundation, transmitting, pursuant to law, the Annual Report of the Inspector General for the period from October 1, 2014 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3711. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3712. A communication from the Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and management report for the fiscal year ending September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3713. A communication from the Acting Deputy Commissioner for Budget, Finance, Quality, and Management, Social Security Administration, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Administration's Federal Activities Inventory Reform Act Inventory for fiscal years 2012 and 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–3714. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Agency Financial Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3715. A joint communication from the Chairman and the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General Semiannual Report for the period of April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3716. A communication from the Chairwoman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's fiscal year 2015 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–3717. A communication from the Chief Financial Officer and the Chief Operating Officer of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit of the Garden for the period from January 1, 2014, through December 31, 2014; to the Committee on the Judiciary.

EC–3718. A communication from the Chief Impact Analyst, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Updating References'' (RIN2900–AP03) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Veterans' Affairs.

EC–3719. A communication from the Chief Impact Analyst, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Expanded Access to Non-VA Care through the Veterans Choice Program'' (RIN2900–AP60) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Veterans' Affairs.

EC–3720. A communication from the Deputy Inspector General, Office of Inspector General, Department of the Interior, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3721. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA FAR Supplement: Safety and Health Measures and Mishap Reporting'' (RIN2700–AE16) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3722. A communication from the Program Analyst, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Assessment and Collection of Regulatory Fees for Fiscal Year 2014; Assessment and Collection of Regulatory Fees for Fiscal Year 2013; Procedures for Assessment and Collection of Regulatory Fees'' ((FCC 14–88) (MD Docket No. 14–92; MD Docket No. 13–140; MD Docket No. 12–201)) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3723. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Accessibility of User Interfaces, and Video Programming Guides and Menus'' ((FCC 15–156) (MB Docket No. 12–108)) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3724. A communication from the Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibiting Coercion of Commercial Motor Vehicle Drivers'' (RIN2126–AB57) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3725. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''List of Nonconforming Vehicles Decided to be Eligible for Importation'' (Docket No . NHTSA–2015–0087) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3726. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Electronic Stability Control Systems for Heavy Vehicles'' (RIN2127–AK97) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3727. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments.'' ((RIN2120–AA66) (Docket No. FAA–2015–0783)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3728. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Prohibition Against Certain Flights in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) Flight Information Regions'' ((RIN2120–AK78) (Docket No. FAA–2014–0225)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3729. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments'' ((RIN2120–AA63) (Docket No. 31048)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3730. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Placida, FL'' ((RIN2120–AA66) (Docket No. FAA–2015–2890)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3731. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Van Nuys, CA'' ((RIN2120–AA66) (Docket No. FAA–2015–1138)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3732. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Burbank, CA'' ((RIN2120–AA66) (Docket No. FAA–2015–1140)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3733. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2015–3969)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3734. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Limited Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–3620)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3735. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation (Type Certificate Previously Held by Schweizer Aircraft Corporation) Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2015–1008)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3736. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Limited'' ((RIN2120–AA64) (Docket No. FAA–2015–4345)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3737. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GA 8 Airvan (Pty) Ltd Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–1123)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3738. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–3877)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3739. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0128)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3740. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0574)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3741. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0244)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3742. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–4211)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3743. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–1425)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3744. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fiberglas-Technik Rudolf Lindner GmbH and Co. KG Gliders'' ((RIN2120–AA64) (Docket No. FAA–2015–3300)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3745. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders'' ((RIN2120–AA64) (Docket No. FAA–2015–3224)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3746. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Division Turboprop Engines'' ((RIN2120–AA64) (Docket No. FAA–2015–0787)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3747. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2015–1658)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–109. A resolution adopted by the Senate of the State of Michigan urging the United States Congress to enact legislation for the purpose of enhancing hunting, fishing, recreational shooting, and other outdoor recreational opportunities, as well as strengthen conservation efforts nationwide; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 109

Whereas, To this day, conservation is funded primarily by sportsmen and women. This

American System of Conservation Funding is a user pays-public benefits approach that includes excise taxes on hunting, fishing, and boating equipment. This strategy is widely recognized as the most successful model of fish and wildlife management funding in the world; and

Whereas, Through the pursuit of their outdoor passions, sportsmen and women support hundreds of thousands of jobs and contribute billions to our economy annually through salaries, wages, and product purchases; and

Whereas, The United States Congress has worked on several pieces of legislation over the years to boost a number of key conservation priorities that are supported by millions in the outdoor recreational community; and

Whereas, Currently pending legislation in both the U.S. House and Senate would create or renew several important programs that are vital to the continued conservation of our natural resources, the health of America's local economies, and the enhancement and protection of our time-honored outdoor pastimes. Known as the Sportsmen's Heritage and Recreational Enhancement (SHARE) Act (H.R. 2406) and the Bipartisan Sportsmen's Act (S. 405), these bills contain a broad array of bipartisan measures, including the Recreational Fishing and Hunting Opportunities Act; the Hunting, Fishing, and Recreational Shooting Protection Act; the Target Practice and Marksmanship & Training Support Act; and the Recreational Lands Self-Defense Act; and

Whereas, A complementary piece of pro-sportsmen legislation also exists in the U.S. House, called the Sportsmen's Conservation and Outdoor Recreation Enhancement (SCORE) Act (H.R. 3173). It shares several similar titles with the SHARE Act and Bipartisan Sportsmen's Act. Provisions in the SCORE Act include: the National Fish Habitat Initiative Sense of Congress, the Federal Lands Transaction Facilitation Act reauthorization, the North American Wetlands Conservation Act reauthorization, the National Fish and Wildlife Foundation reauthorization, the Neotropical Migratory Bird Conservation Act reauthorization, the Partners for Fish and Wildlife Program Act reauthorization, and the Making Public Lands Public authorization; and

Whereas, By renewing or creating these programs, these bills will enhance opportunities for hunters, anglers, recreational shooters, and other outdoor recreation enthusiasts, improve access to public lands, and help boost the outdoor recreation economy. Conserving our fish and wildlife resources and their habitats and ensuring that future generations have access to public lands and continued recreational opportunities are of great importance and are bipartisan issues: Now, therefore, be it

Resolved by the Senate, That we urge the United States Congress to enact legislation for the purpose of enhancing hunting, fishing, recreational shooting, and other outdoor recreational opportunities, as well as strengthen conservation efforts nationwide; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–110. A resolution adopted by the House of Representatives of the State of Michigan urging the President of the United States and the United States Congress to support the National Breast Cancer Coalition's goal of knowing how to end breast cancer by 2020; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 144

Whereas, Michigan Breast Cancer Coalition and breast cancer prevention advocates across the country are joining their collective voices in the call for an end to breast cancer. State level advocates in conjunction with the National Breast Cancer Coalition (NBCC) are undertaking the challenge referred to as Breast Cancer Deadline 2020; and

Whereas, Breast Cancer Deadline 2020, created by the NBCC has set the goal and developed a strategic plan to know how to end breast cancer by January 1, 2020. NBCC developed a blueprint that involves research, access and influence. This includes leveraging financial resources, ensuring individuals at risk have access to information and medical care; and harnessing the influence of leaders in government and industry; and

Whereas, Breast cancer is the most commonly diagnosed non-skin cancer in women in the United States. Michigan counties have some of the highest incidences of breast cancer in the country. This disease affects women of all ages, claimin 'yes of thousands each year; and

Whereas, The advancement of the NBCC strategic plan for eradicating this disease is imperative. This plan focuses on prevention, including how to prevent the often fatal metastasis of cancer once it is detected. All elements of the NBCC strate ic plan are necessary to find an end to this disease: Now, therefore, be it

Resolved by the House of Representatives, That we urge the President and the Congress of the United States to support the National Breast Cancer Coalition's goal of knowing how to end breast cancer by 2020; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–111. A resolution adopted by the Senate of the State of Michigan encouraging the United States Forest Service to issue the owners of privately held hunting camps on leased acres within the Ottawa National Forest special use authorization under the Recreation Residence Program; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 79

Whereas, Starting in the late 1950s, Michigan residents were offered an opportunity to lease privately-owned land from the Upper Peninsula Power Company (UPPCO) to build recreational hunting camps. In 1991, the UPPCO announced intentions to sell the land currently under lease to an intermediary who would simultaneously sell the land to the United States Forest Service (USFS). Existing leaseholders were offered an option to sign a 25-year, nonrenewable lease on the land that was to be sold or to immediately vacate the property. The leases were signed in March of 1992 and the United States Forest Service (USFS) took control of the land in June 1992. The land currently under private lease accounts for less than 1,100 acres in the Ottawa National Forest; and

Whereas, Hundreds of people have experienced the wonders of Michigan's great outdoors at these hunting camps. The Ottawa National Forest is almost one million acres of rolling hills, lakes, rivers, waterfalls, and abundant wildlife. Those who lease land in the forest have built outdoor recreational traditions with their families. The hunting camps allow them to experience the seclusion and isolated environment of the Ottawa National Forest while engaging in varied recreational activities, including hunting, fishing, canoeing, and snowshoeing; and

Whereas, The USFS has informed leaseholders that leases will not be renewed at the end of 2016 because it is national policy not to lease national forest land to individuals. The holders of the active leases will have 90 days after the leases expire to remove the hunting cabins and return the land to its natural state; and

Whereas, The expiration of the leases will hurt local economies in Ontonagon and Gogebic Counties. It will result in over $35,000 in lost lease fee revenue to the townships and almost $10,000 in tax revenue to the counties. Even a greater loss will be realized by local businesses, including gas stations, grocery stores, hardware stores, and restaurants that benefit from the patronage of the camp families; and

Whereas, The expiration of the leases will eliminate refuge for people from the occasionally harsh and unexpected shifts in weather conditions. The Ottawa National Forest covers a large area in the western Upper Peninsula. Camp owners often leave their cabins or outbuildings unlocked to the relief of individuals stranded in the woods who have sought shelter. A Boy Scout troop once sheltered at the Twin Pines camp after being caught in a storm, and a group of snowmobilers is known to regularly rest at one of the camps; and

Whereas, The USFS Recreation Residence Program provides private citizens an opportunity to own single-family cabins in designated areas of national forests. Currently, 15,570 recreation residences occupy national forest system lands throughout the country; and

Whereas, Although the National Forest Service placed a moratorium on the establishment of new tracts under the Recreation Residence program in 1968, the authority to issue special use authorization under the Recreation Residence program remains in federal regulations (36 CFR Part 251). Therefore, lifting that moratorium for the limited purpose of establishing a Recreation Residence tract in the Ottawa National Forest and issuing special use authorization permits is possible and would allow the many families currently leasing in the Ottawa National Forest an opportunity that is provided to thousands of people elsewhere in the country; and

Whereas, Converting to the Recreation Residence Program would maintain a tax base for local governments, provide continuing support for the local economy, and and ensure that hunting and recreational traditions held so dear by Michigan residents continue to be experienced in the Ottawa National Forest: Now therefore, be it

Resolved by the Senate, That we encourage the United States Forest Service to issue the owners of privately-held camps on leased acres within the Ottawa National Forest special use authorization under the Recreation Residence Program; and be it further

Resolved, That copies of this resolution be transmitted to the Chief of the United States Forest Service and the members of the Michigan congressional delegation.

POM–112. A resolution adopted by the Senate of the State of Michigan urging the United States Senate to concur with the United States House of Representatives and repeal the country-of-origin labeling regulations; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 87

Whereas, The United States and Canada have the largest trading relationship in the world, with bilateral trade valued at $759 billion in 2014, an association that benefits the

economies of both countries. Michigan's merchandise exports to Canada in 2014 were valued at $25.4 billion, and 259,000 Michigan jobs depend on trade and investment with Canada; and

Whereas, The U.S. has implemented mandatory country-of-origin labeling (COOL) rules requiring meats sold at retail stores to be labeled with information on the source of the meat. The World Trade Organization (WTO) has repeatedly ruled that COOL discriminates against imported livestock and is not compliant with international trade obligations. Due to the WTO rulings, the U.S. may be subject to $3.6 billion in retaliatory tariffs sought by Canada and Mexico; and

Whereas, COOL regulations also jeopardize the viability of the U.S. packing and feeding industries. The additional $500 million in annual compliance costs could lead to significant job losses and plant closures with potentially devastating impacts to local and state economies. All this for an issue the United States Department of Agriculture has clearly indicated is not about food safety; and

Whereas, The U.S. House of Representatives passed H.R. 2393 to repeal the mandatory labeling for certain meats in June 2015 with 300 votes, showing a strong recognition across party lines, as well as regionally, that COOL must be repealed. However, the U.S. Senate appears less inclined to repeal the COOL requirement, risking the American economy to billions of dollars in retaliatory tariffs: Now, therefore, be it

Resolved by the Senate, That we urge the United States Senate to concur with the United States House of Representatives and repeal the country-of-origin labeling regulations; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate and the members of the Michigan congressional delegation.

POM–113. A joint resolution adopted by the Legislature of the State of California urging the President of the United States and the United States Congress to support legislation which will provide a comprehensive solution to allow banks and credit unions to perform financial services for cannabis businesses without federal retribution; to the Committee on Banking, Housing, and Urban Affairs.

ASSEMBLY JOINT RESOLUTION NO. 25

Whereas, Cannabis use for medical purposes is legal in 23 states and is legal for recreational purpose in four states and in the District of Columbia. The expansion of cannabis businesses across the United States requires action from Congress and the federal government; and

Whereas, While many states have laws permitting various degrees of commercial activity using cannabis, it remains illegal under federal law. The conflict between federal and state laws has left financial institutions serving cannabis-related businesses on uncertain legal ground. Banks and credit unions are concerned that providing financial services for businesses selling a product that is illegal under federal law exposes them to possible charges of money laundering and drug trafficking; and

Whereas, Federal laws, including the Controlled Substances Act, the Bank Secrecy Act, and the Annunzio-Wylie Anti-Money Laundering Act, prohibit financial institutions from providing financial services to cannabis and hemp businesses. Directives from federal regulatory agencies such as the Federal Reserve, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of the Comptroller of the Currency also prohibit bankers from accepting deposits from cannabis or hemp businesses; and

Whereas, In February 2014, the United States Treasury's Financial Crimes Enforcement Network, or FinCEN, in coordination with the United States Department of Justice, also issued a memo outlining expectations for compliance with the Bank Secrecy Act. Despite this progress, remaining uncertainties under current federal as still prevent banks and credit unions from accepting cannabis-based businesses as customers; and

Whereas, The medical, retail, and hemp agricultural businesses are unable to accept credit or debit cards from customers because electronic payments are handled through the banking system. Therefore, transactions must be conducted in cash. Further, these businesses cannot deposit cash from sales into financial institutions. This is a major problem in California as many businesses now have hundreds of thousands of dollars in cash at their locations, which poses a public safety risk to businesses, employees, and customers; and

Whereas, The lack of financial services makes paying taxes to local governments and the California State Board of Equalization a challenge because tax payments must be made in cash by cannabis-related businesses, leading to hundreds of thousands of dollars in cash being brought directly into government offices. It is difficult for the State Board of Equalization to audit cash-based businesses, especially when records of wholesale transactions are not available; and

Whereas, Cannabis businesses cannot easily comply with California tax laws, which has led to a significant underpayment of revenue owed the state. In response, the State Board of Equalization launched the Cannabis Compliance Pilot Project in January 2015 to help determine both the degree of noncompliance with state tax law and the amount of lost tax revenue. However, state efforts alone cannot solve the problem: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature respectfully urges the President and Congress to support legislation which will provide a comprehensive solution to allow banks and credit unions to perform financial services for cannabis businesses without federal retribution. The current system that requires cash-based transactions poses a risk to public safety and leads to reduced collection of taxes; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to the Minority Leader of the House of Representatives, to the Majority Leader of the Senate, to the Minority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–114. A joint resolution adopted by the Legislature of the State of California urging the United States Congress to permanently reauthorize and fully fund the Land and Water Conservation Fund; to the Committee on Environment and Public Works.

ASSEMBLY JOINT RESOLUTION NO. 27

Whereas, The Land and Water Conservation Fund (LWCF) was created by Congress in 1965 as a bipartisan commitment for protection of natural areas, water resources, cultural heritage, and outdoor recreational opportunities throughout the country; and

Whereas, Over the 50 years since the LWCF was created, billions of dollars in funding have been provided to protect valuable land and water resources, including, but not limited to, parks, forests, rivers, lakes, wildlife habitat, and recreational opportunities. These investments have resulted in the permanent protection of nearly five million acres of public lands and working landscapes; and

Whereas, Despite being chronically underfunded, the LWCF has had several positive conservation and recreation impacts throughout the country, has protected lands in each state, and has supported over 41,000 state and local park projects; and

Whereas, Since its inception, the LWCF has delivered over $2 billion to California, and has provided hundreds of millions of dollars more for projects through its matching fund program; and

Whereas, The LWCF has helped conserve some of California's most treasured and iconic natural resources in each region of the state, including, but not limited to, Lake Tahoe, the Mojave Desert, Point Reyes National Seashore, the Headwaters Forest Reserve, the San Diego and Don Edwards San Francisco Bay National Wildlife Refuges, working forests in the Sierra Nevada, and Central Valley wetlands; and

Whereas, The LWCF has provided funding for outdoor recreational and park programs benefitting underserved youth and others in urban and rural communities throughout the state, and has established a critical federal partnership with state and local parks and communities; and,

Whereas, Forest Legacy Program grants are also funded through the LWCF to protect working forests, which support jobs and sustainable forest operations and enhance wildlife habitat, water quality, and recreation. The Forest Legacy Program grants have provided $12 million in federal funds, which along with matching funds have provided a total of $62 million in investments in California forests; and

Whereas, The LWCF is critical to the quality of life in California. The LWCF protects watersheds and drinking water supplies; provides sustainable jobs in urban and rural communities; protects the economic asset that federal, state, and local public lands represent; conserves natural areas, wildlife habitats, and open space from urban parks to large landscapes; improves access for sportsmen, sportswomen, and recreationists to natural lands; stimulates local economies and jobs that support tourism and outdoor recreation sectors; preserves wetlands, forests, and watersheds; and provides state and local grants to support healthy communities; and

Whereas, According to the Outdoor Industry Association, active outdoor recreation supports $85.4 billion of consumer spending and 723,000 jobs in California, which annually generates $27 billion in wages and salaries and $6.7 billion in state and local tax revenue; and

Whereas, The United States Census Bureau reports that each year 7.4 million people engage in outdoor recreation in California, which contributes over $8 billion of wildlife-related recreation spending to the state economy; and

Whereas, Despite the LWCF's successes, many more lands and resources remain vulnerable and in critical need of investment, and many urban and rural populations remain underserved; and

Whereas, The LWCF will expire if not reauthorized by Congress before September 30, 2015: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature urges Congress to permanently reauthorize and fully fund the Land and Water Conservation Fund; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of

the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM–115. A resolution adopted by the Senate of the State of Michigan urging the United States Congress to restore Great Lakes Restoration Initiative funding to $300 million for fiscal year 2016; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 42

Whereas, The Great Lakes are a critical resource for our nation, supporting the economy and a way of life in Michigan and the other seven states within the Great Lakes region. The Great Lakes hold 20 percent of the world's surface freshwater and 95 percent of the United States' surface freshwater. This globally significant freshwater resource provides drinking water for more than 30 million people and is an economic driver that supports jobs, commerce, agriculture, transportation, and tourism throughout the region; and

Whereas, The Great Lakes Restoration Initiative (GLRI) provides essential funding to restore and protect the Great Lakes. This funding has supported long overdue efforts to clean up toxic pollution, reduce runoff from cities and farms, combat invasive species like the Asian carp, and restore fish and wildlife habitat. Since 2010, the federal government has invested nearly $2 billion in more than 2,000 projects through the GLRI. Over its first five years, the GLRI has provided more than $280 million for 580 projects in Michigan alone; and

Whereas, GLRI projects are making a significant difference. They have restored more than 115,000 acres of fish and wildlife habitat; opened up fish access to more than 3,400 miles of rivers; helped implement conservation programs on more than 1 million acres of farmland; and accelerated the cleanup of toxic hotspots. In Michigan, GLRI funding has been instrumental in removing contaminated sediments from Muskegon Lake, the River Raisin, and the St. Mary's River; restoring habitat along the St. Clair River, Cass River, Boardman River, and the Keweenaw Peninsula; and developing improved methods for sea lamprey control; and

Whereas, While this is a significant investment, there is still more work to be done with numerous ready-to-go projects that need funding. Toxic algal blooms, beach closings, fish consumption advisories, and the presence of contaminated sediments continue to limit the recreational and commercial use of the Great Lakes. The 2014 shutdown of the city of Toledo's drinking water system due to a toxic algal bloom, forcing more than a half million people to find another source of drinking water, is just one example of how much still needs to be done; and

Whereas, Proposed cuts to GLRI funding would jeopardize the momentum from a decade of unprecedented regional and bipartisan cooperation. The FY 2016 executive budget recommends a $50 million cut in federal funding to $250 million. This cut would be a shortsighted, cost-saving measure with long-term implications. Restoration efforts will only become more expensive and more difficult if they are not addressed in the coming years: Now, therefore, be it

Resolved by the Senate, That we urge the Congress of the United States to restore Great Lakes Restoration Initiative funding to $300 million for fiscal year 2016; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–16. A joint resolution adopted by the Legislature of the State of California urging the President of the United States to encourage the Secretary of Health and Human Services to adopt policies to repeal the current and upcoming discriminatory donor suitability policies of the United States Food and Drug Administration (FDA) regarding blood donations; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 16

Whereas, Since 1983, the United States Food and Drug Administration (FDA), an agency under the United States Department of Health and Human Services (HHS), has prohibited the donation of blood by any man who has had sex with another man (MSM) at any time since 1977; and

Whereas, in December 2014, based on recommendation from the HHS Advisory Committee on Blood and Tissue Safety and Availability, the FDA announced its intent to promulgate regulations to allow an MSM to donate blood only if he has not been sexually active for the past 12 months. Despite these recent steps toward a policy change, a double standard would still exist under the policy as it is proposed to be revised because it would still treat gay and bisexual men differently from heterosexual men; and

Whereas, California law prohibits discrimination against individuals on the basis of actual or perceived sex, sexual orientation, gender identity. and gender-related appearance and behavior, and

Whereas, Spain, Italy, Russia, Mexico, and Portugal have adopted blood donor policies that measure risk against a set of behaviors sexual and otherwise, rather than the sex of a person's sexual partner or partners; and

Whereas, The FDA does not allow gay and bisexual men in committed relationships to donate blood because, while one partner may be monogamous, that individual cannot guarantee that the other partner is monogamous. The FDA does not apply this same logic to heterosexual relationships, which in effect discriminates against gay and bisexual men; and

Whereas, a 12-month deferral policy for gay and bisexual men to donate blood is overly stringent given the scientific evidence, advanced testing methods, and the safety and quality control measures in place within the different FDA-qualified blood donating centers. The techniques can identify within 7 to 10 days with 99.9 percent accuracy whether or not a blood sample is HIV-positive, and the chance of the blood test being inaccurate within the 10-day window is about 1 in 2,000,000; and

Whereas, The General Social Survey conducted by NORC by NORC at the University of Chicago estimates that 8.5 percent of men in the United States have had at least one male sexual partner since 18 years of age, 4.1 percent of men report at least one male sex partner in the last 5 years, and 3.8 percent report a male sex partner in the last 12 months; and

Whereas, An estimated 45.4 percent of men (54 million) in the United States are eligible to donate blood, but only 8.7 percent of eligible men actually do. There are 15.7 million donations of blood per year made by 9.2 million donors, yielding approximately 1.7 donations per donor; and

Whereas, The Williams Institute of the University of California at Los Angeles School of Law estimates that, based on the population of eligible and likely donors among the MSM community, lifting the federal lifetime deferral policy on blood donation by an MSM would result in 4.2 million newly eligible male donors, of which 360,600 would likely donate, generating 615,300 additional pints of blood. Applying national estimates to the California population, the Institute further estimates that lifting the ban on MSM blood donations would add an additional 510,000 eligible men to the current blood donor pool, of which 43,917 would likely donate, resulting in an additional 74,945 donated pints in California: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the California State Legislature calls upon the President of the United States to encourage the Secretary of the United States Department of Health and Human Services to adopt policies to repeal the current and upcoming discriminatory donor suitability policies of the United States Food and Drug Administration (FDA) regarding blood donations by men who have had sex with another man and, instead, direct the FDA to develop science-based policies such as criteria based on risky behavior in lieu of sexual orientation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the United States Department of Health and Human Services, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–117. A resolution adopted by the Senate of the State of Michigan urging the United States Congress to enact legislation that requires uniform and science-based food labeling nationwide; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 59

Whereas, In the absence of a federal genetically modified organism (GMO) labeling standard, some states and localities have developed a patchwork of labeling proposals that can be confusing and misleading to consumers. Multiple local regulations increase agriculture and food production costs, requiring food companies operating in Michigan to create separate supply chains to be developed for each state; and

Whereas, GMOs are found in 70 to 80 percent of the foods we eat and play a vital role in maintaining Michigan's agriculture, food processing, and other industries. In 2014, 100 percent of all sugar beets, 93 percent of all corn, and 91 percent of all soybeans grown in Michigan were genetically modified; and

Whereas, A maze of regulations would cripple interstate commerce throughout the food supply and distribution chain and ultimately increase grocery prices for consumers by hundreds of dollars each year. A Cornell University study found that a patchwork of state labeling laws would increase food costs for a family by an average of $500 per year; and

Whereas, On July 23, 2015, the U.S. House of Representatives passed bipartisan legislation—the Safe and Accurate Food Labeling Act (H.R. 1599)—to avoid this patchwork of regulations and the costly challenges it creates; and

Whereas, Senate passage of the Safe and Accurate Food Labeling Act will allow consumers to have access to accurate and consistent information on products that contain CMOs by ensuring that labeling is national, uniform, and science-based. The bill also establishes a United States Department of Agriculture (USDA)-administered certification and labeling program, modeled after the USDA National Organic Program for non-GMO, organic foods: Now, therefore, be it

Resolved by the Senate, That we urge the United States Congress to enact legislation that requires uniform and science-based food labeling nationwide; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–118. A joint resolution adopted by the Legislature of the State of California urging the President of the United States and the United States Congress to take steps to reform the outdated and inadequate Official Poverty Measure to better reflect poverty and the unmet needs demonstrated by the Supplemental Poverty Measure; to the Committee on Homeland Security and Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 22

Whereas, The Official Poverty Measure is determined by the United States Census Bureau and is instrumental in determining an individual's eligibility for a number of government programs, including the Supplemental Nutrition Assistance Program; Medicaid; School Lunch Program; Women, Infants, and Children Program; Housing Assistance; and others; and

Whereas, The method we use today was developed in 1964 by Mollie Orshansky of the Social Security Administration; and

Whereas, Orshansky's method used before-tax cash income to deterimine a family's resources, which was then compared to a poverty threshold; and

Whereas, In determining this poverty threshold, Orshansky used a food plan developed by the federal Department of Agriculture that was designed for ''temporary or emergency use when funds are low,'' and then multiplied the cost of the plan by three because, at the time, a family typically used about a third of their income on food; and

Whereas, Other than minor changes, the method has remained the same over time, despite significant economic and governmental changes, including the introduction of Medicare and Medicaid, the shift from a manufacturing to a service economy, welfare reform of the 1990s, and the general stagnation of wages; and

Whereas, The Official Poverty Measure is a one-size-fits-all policy that leads to a distorted perception of poverty and an inefficient allocation of resources to fight poverty; and

Whereas, The Official Poverty Measure has failed to accurately measure poverty because it has not kept up with the changes to our economy and social science research; and

Whereas, The Official Poverty Measure does not take into account that families no longer spend one-third of their income on food; they currently spend between 5 to 10 percent; and

Whereas, The Official Poverty Measure does not account for noncash transfers, such as the Supplemental Nutrition Assistance Program or Medicaid, as income; and

Whereas, The Official Poverty Measure does not account for variations in cost of living in different regions of our country; and

Whereas, Low-income working families in California are especially disadvantaged by the Official Poverty Measure due to our state's high cost of living, which results in the denial of federally funded assistance to families living above the federal poverty line, but who are unable to meet their basic needs; and

Whereas, The Official Poverty Measure does not account for the increase in child care expenses due to the rise in the workforce participation of both parents; and

Whereas, The Official Poverty Measure does not account for variations in health care coverage and out-of-pocket medical costs; and

Whereas, Historically, there has been widespread agreement among analysts, advocates, and policymakers that the Official Poverty Measure is inadequate, leading to a 1990 Congressional appropriation that was made for an independent scientific study on a new calculation method; and

Whereas, This study was performed by The National Academy of Sciences, which established the Panel on Poverty and Family Assistance. The panel released a report in 1995 entitled ''Measuring Poverty: A New Approach'' which established guidelines for creating a new method; and

Whereas, Fifteen years later, in 2010, the Interagency Technical Working Group on Developing a Supplemental Poverty Measure and the Census Bureau and the Bureau of Labor developed an alternative poverty measure known as the Supplemental Poverty Measure; and

Whereas, The Supplemental Poverty Measure was designed to take into account changes in the United States economy over time, cost-of-living variations in different parts of the country, and the changing role of government; and

Whereas, The Supplemental Poverty Measure more accurately measures poverty by using a basic set of goods that includes food, clothing, shelter, and utilities, adjusted to reflect the needs of different family types and to account for geographic differences in living costs to establish what is known as a poverty threshold; and

Whereas, The Supplemental Poverty Measure defines family resources as the value of cash income from all sources, plus the value of noncash benefits, including nutrition assistance, subsidized housing, home energy assistance, tax credits, and other benefits that are available to buy the basic bundle of goods, minus the necessary expenses for critical goods and services not included in the thresholds; and

Whereas, Necessary expenses include income taxes, Social Security payroll taxes, childcare and other work-related expenses, child support payments, and contributions toward the cost of medical care and health insurance premiums or out-of-pocket medical costs; and

Whereas, The Supplemental Poverty Measure offers a more accurate measure of poverty than the general Official Poverty Measure; and

Whereas, The use of the Official Poverty Measure can have a detrimental effect on policies to combat poverty because it results in less efficient and less accurately targeted policies and expenditures; and

Whereas, It is vital that we implement a fair poverty measure that allows us to efficiently allocate resources and focus on regions and populations that need help the most; and

Whereas, Given the numerous inadequacies of the Official Poverty Measure as a tool to accurately target and efficiently allocate antipoverty resources, the Supplemental Poverty Measure should guide the reform and updating of the Official Poverty Measure for administrative purposes in determining financial eligibility for programs intended to reduce poverty: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California jointly, That the Legislature of California urges the President and the Congress of the United States to take steps to reform the outdated and inadequate Official Poverty Measure to better reflect poverty and the unmet needs demonstrated by the Supplemental Poverty Measure; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies' of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States, to the Governor of California, and to the author of this resolution.

POM–119. A joint resolution adopted by the Legislature of the State of California memorializing August 6, 2015, as the 50th anniversary of the signing of the Voting Rights Act of 1965, and urging the United States Congress and the President of the United States to continue to secure citizens right to vote and remedy any racial discrimination in voting; to the Committee on the Judiciary.

ASSEMBLY JOINT RESOLUTION NO. 13

Whereas, Signed into law on August 6, 1965, by President Lyndon B. Johnson, the Voting Rights Act of 1965 is a landmark piece of federal legislation in the United States; and

Whereas, One hundred and forty-five years ago, in 1870, Congress ratified the 15th Amendment, which declared that the right to vote shall not be denied or abridged on the basis of race, color, or previous condition of servitude; and

Whereas, By 1910, violence and intimidation resulted in nearly all black citizens being disenfranchised and removed from the voter rolls in the former Confederate States, undermining the promise of equal protection under the law; and

Whereas, Native American, Latino, and Asian American/Pacific Islander communities experienced similar attempts to disenfranchise citizens in their communities throughout the United States; and

Whereas, Between 1870 and 1965, voters faced, ''first-generation barriers,'' such as poll taxes, literacy tests, vouchers of ''good character,'' disqualification for ''crimes of moral turpitude'', and other tactics intended to keep African Americans from the polls on Election Day; and

Whereas, During the 1920s, African Americans in Selma, Alabama formed the Dallas County Voters League (DCVL). During the 1960s in partnership with organizers from the Student Nonviolent Coordinating Committee, the DCVL held registration drives and classes to help African Americans in Dallas County pass the literacy tests required to register to vote. On March 7th, 1965, the first march from Selma to Montgomery took place. The march, nicknamed ''Bloody Sunday'' for the horrific attack on unarmed marchers by armed police, was broadcast nationwide and led to a national outcry for the passage of the Voting Rights Act, and

Whereas, Often regarded as one of the most effective civil rights laws, the Voting Rights Act was passed with the intent to ban discriminatory voting policies at all levels of government; and

Whereas, The Voting Rights Act is credited for the enfranchisement of millions of minority voters as well as the diversification of the electorate and legislative bodies throughout all levels of government; and

Whereas, Before Section 203 of the Voting Rights Act was added in 1975, language minorities were disenfranchised from the electoral process. Section 203 required certain jurisdictions to provide registration or voting notices, forms, instructions, assistance, or other materials and information regarding the electoral process in the language of the applicable minority group; and

Whereas, In June of 2013, the Supreme Court struck down key sections of the Voting Rights Act that were designed to prevent discriminatory voting policies that can disenfranchise minority voters; and

Whereas, Despite 50 years of progress, racial minorities continue to face voting barriers in jurisdictions with a history of discrimination; and

Whereas, To build a stronger and more cohesive state and nation, we must continue to help advance the cause of voter equality and equal access to the political process for all people in order to protect the rights of every American and

Whereas, We must continue to educate the next generation about the importance of civic engagement in our communities: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature recognizes August 6, 2015, as the 50th Anniversary of the signing of the Voting Rights Act of 1965, and recognizes the significant progress made by the Voting Rights Act to protect every citizen's right to vote; and be it further

Resolved, That the Legislature honors and remembers those who struggled and died for this freedom; and be it further

Resolved, That the Legislature urges the Congress and the President of the United States to continue to secure citizens' right to vote and remedy any racial discrimination in voting; and be it further

Resolved, That the Chief Clerk of the Assembly transmit, copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority leader of the United States Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–120. A joint resolution adopted by the Legislature of the State of California memorializing the United States Congress to ban the sale or display of any Confederate flag, including the Confederate Battle Flag, on federal property and encourage states to ban the use of Confederate States of America symbolism from state flags, seals, and symbols, and would encourage the donation of Confederate artifacts to museums; to the Committee on the Judiciary.

ASSEMBLY JOINT RESOLUTION NO. 26

Whereas, According to the 1860 United States Census, the United States population was 31,443,321. The total number of slaves in the Lower South was 2,312,352, comprising 47 percent of the total population, and the total number of slaves in the Upper South was 1,208,758, comprising 29 percent of the total population; and

Whereas, South Carolina had a clear Black majority from about 1708 through most of the 18th century. By 1720, there were approximately 18,000 people living in South Carolina and 65 percent of those were African American slaves. South Carolina's slave population grew to match the success of its rice culture. Whereas in 1790, there were slightly more Whites than Blacks, with 140,178 Whites and 108,806 Blacks living in South Carolina. By 1860, the Black population had grown, with 291,300 Whites and 412,320 Blacks, to nearly double the White population; and

Whereas, The Southern United States, including the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Texas, West Virginia, Virginia, and South Carolina, seceded, from the greater union in 1860 to join the Confederate States of America under President Jefferson Davis and General Robert E. Lee; and

Whereas, The symbolism of the Confederate flag when the states seceded in 1860 represented, in its personification, secession and treason; and

Whereas, The first official national flag of the Confederacy, often called the Stars and Bars, was flown from March 4, 1861, to May 1, 1863, inclusive. The Stars and Bars flag was adopted March 4, 1861, in the first temporary national capital of Montgomery, Alabama, and was raised over the dome of that first Confederate Capitol; and

Whereas, At the First Battle of Manassas, the first battle of the Civil War, the similarity between the Stars and Bars and the Stars and Stripes caused confusion and military problems. Regiments carried flags to help commanders observe and assess battles in the warfare of the era. At a distance, the two national flags were hard to tell apart. In addition, Confederate regiments carried many other flags, which added to the possibility of confusion; and

Whereas, After the battle, General Pierre Gustave Toutant Beauregard, a prominent general of the Confederate States Army during the Civil War, wrote that he was resolved then to have the Confederate flag changed if possible, or to adopt for his command a ''battle flag,'' the Stars and Bars, that would be entirely different from any state or federal flag. His aide William Porcher Miles, the former chair of the Committee on the Flag and Seal, described his rejected national flag design to Beauregard. Miles also told the Committee on the Flag and Seal about the general's complaints and request for the national flag to be changed. The committee rejected this idea by a four to one vote, after which Beauregard proposed the idea of having two flags. He described the idea in a letter to his commander General Joseph E. Johnston: ''How would it do for us to address the War Dept. on the subject for a supply of Regimental or badge flags made of red with two blue bars crossing each other diagonally on which shall be introduced the stars, . . . We would then on the field of battle know our friends from our enemies''; and

Whereas, Although the soldiers of the Confederacy were never tried by the United States government after the Civil War, Jefferson Davis and General Robert E. Lee were indicted and later acquitted of all charges by President Andrew Johnson as he left office in 1869; and

Whereas, After the Civil War ended, groups such as the Ku Klux Klan were formed to promote White supremacy and racial hatred. The Ku Klux Klan, perhaps the most infamous, was one of the first groups to continue using the Confederate flag after the war. The Ku Klux Klan rallied others still vexed after the war to instill fear and spout hate against freed African Americans; and

Whereas, The flag was later resurrected in the 1950s to rally resistance to the Civil Rights movement and support the South's desire to maintain segregation and further the policies of Jim Crow; and

Whereas, In South Carolina the Confederate flag was moved to the top of their State Capitol building in 1962, after President John F. Kennedy called on the Congress of the United States to end poll taxes and literacy tests for voting, and the United States Supreme Court struck down segregation in public transportation; and

Whereas, According to the Southern Poverty Law Center, there are 788 ''hate groups'' in the United States. Of these, 57 are located in the State of California, which is the highest of any state. There are a total of 283 of these hate groups in the former Confederate states. Nineteen of these hate groups reside in South Carolina. Of these 19 hate groups, 16 use the Confederate flag as one of their symbols. These hate groups include the Ku Klux Klan, Neo-Nazis, and Neo-Confederates; and

Whereas, African Americans make up 15.6 percent of the population of the United States, or 45 million people, but in 2013, they were victims of one-third of all hate crimes in the United States, which is the highest number of any group in America; and

Whereas, On June 17, 2015, Dylann Roof went to Emanuel AME Church in Charleston, South Carolina, and opened fire during a Wednesday Bible study, killing nine of the church's attendees; and

Whereas, Over the last five years, friends of Dylann Roof had seen him become increasingly aligned with White supremacist ideologies. They observed his behavior becoming more fanatical than that of the most notorious hate groups in his native South Carolina. Dylann Roof believed that it was up to him to do the work that other hate groups were failing to do. Dylann Roof believed that African Americans were ''stupid and violent'' people and viewed Hispanics and Latinos as the ''enemy''; and

Whereas, Dylann Roof has been photographed on various occasions with the same Confederate flag that many of these hate groups proudly display; and

Whereas, Sixty-nine percent of those surveyed by Public Policy Polling believe that the shooting attack at Emanuel AME Church in Charleston, South Carolina, was a hate crime and 34 percent surveyed believe it was a form of terrorism; and

Whereas, Since the end of the Civil War, private and official use of the Confederacy's flags, and of flags with derivative designs, has continued and generated philosophical, political, cultural, and racial controversy in the United States. These include flags displayed in states, cities, towns, counties, schools, colleges, or universities, or by private organizations, associations, or by individuals; and

Whereas, In some American states the Confederate flag is given the same protection from burning and desecration as the United States flag. It is protected from being publicly mutilated, defiled, or otherwise cast in contempt by the laws of five states: Florida, Georgia, Louisiana, Mississippi, and South Carolina. However, laws banning the desecration of any flag, even if technically remaining in effect, were ruled unconstitutional in 1989 by the United States Supreme Court in Texas v. Johnson and are not enforceable; and

Whereas, In 2000, South Carolina passed a bill to remove the Confederate flag from the top of the state house dome. It had been placed there since the early 1960s by an all-White South Carolina Legislature to mark the 100th anniversary of the Civil War. The flaw was moved to the north end of the state house as part of a compromise. However, to this day, there have been protests to have the flag removed from there as well; and

Whereas, To many groups, especially African Americans, the Confederate flag is a symbol of hate, racism, exclusion, oppression, and violence. Its symbolism and history are directly linked to the enslavement, torture, and murder of millions of African Americans; and

Whereas, Today, as in the past, public display of the Confederate flag is believed to instill fear, intimidation, and a direct threat of violence towards others, though a minute number of groups disagree, claiming that the Confederate flag commemorates Southern heritage; and

Whereas, In 2014, the State of California, through the enactment of Assembly Bill 2444, became the first state to ban the state sale and display of the Confederate flag. The State of California may not sell or display the Battle Flag of the Confederacy, also referred to as the Stars and Bars, or any similar image, or tangible personal property inscribed with that image unless the image appears in a book, digital medium, or state museum that serves an educational or historical purpose; and

Whereas, On June 22, 2015, Governor Nikki Haley of South Carolina called upon her

state to remove the Confederate flag from the capitol grounds in the wake of the Emanuel AME Church shooting: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of California encourages the United States Congress to identify the states that have a Confederate symbol embedded into their state's flag; and be it further

Resolved, That the Legislature memorializes the United States Congress to encourage states to ban the use of the former Confederate States of America symbolism and seals from all state flags, seals, and symbols; and be it further

Resolved, That the Legislature memorializes the United States Congress to ban the sale and display of any Confederate flag, including the Confederate Battle Flag, on federally owned properties and buildings and to urge those states that sell or display the flag at their capitols to have the flag removed; and be it further

Resolved, That the Legislature encourages the United States Congress to encourage businesses to urge their states to take down any Confederate flag, including the Confederate Battle Flag, from their capitols; and be it further

Resolved, That the Legislature encourages the donation of any effects representing the former Confederate States of America to local, state, and national museums; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Minority Leader of the House of Representatives, to the Majority Leader of the Senate, to the Minority Leader of the Senate, to each Senator and Representative from California, and to the governors of the southern states including Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

POM–121. A resolution adopted by the Senate of the State of Michigan opposing the United States Environmental Protection Agency's efforts to study or commission a study that, if consistent with the agency's past practices, many fear will serve as the first step towards the regulation of grills and barbecues; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 56

Whereas, Barbecues are an American tradition enjoyed by families from all walks of life across the country. Whether tailgating for a football game, hosting a backyard get-together, or just grilling a summer meal, barbecues are a quintessentially American experience and an opportunity to eat and socialize with family and friends; and

Whereas, Cooking outdoors on a grill during the summer saves electricity. Using a grill prevents the release of heat into the kitchen and other living spaces, while cooking indoors heats up a kitchen, forcing cooling systems, such as the refrigerator and air conditioner, to work harder and use more energy; and

Whereas, The United States Environmental Protection Agency (EPA), our nation's environmental regulatory agency, has funded a University of California-Riverside student project to develop preventative technology to reduce emissions from residential barbecues. By funding this project, the EPA is apparently intent on finding a solution to a problem that does not exist and demonstrating an unnecessary interest and concern over the impact of backyard barbecues on public health; and

Whereas, Based on the EPA's past practices, today's study, no matter how small, is a concern to Michiganders and Americans, as it is inevitably the first step towards tomorrow's regulation of this American pastime. To fulfill its mission to protect human health and the environment, the EPA's primary tool has been, and continues to be, regulatory mandates that time and again ignore the financial, economic, and social burdens to the state and the country. The regulation of barbecues would be the latest, egregious example of overreach by the EPA; and

Whereas, Funding such a study is a poor use of taxpayer dollars. In the face of record national debts, annual budget deficits, and other profound problems the country is facing, surely the federal government can better use our resources than on a study of grills and backyard barbecues: Now, therefore, be it

Resolved by the Senate, That we oppose the United States Environmental Protection Agency's efforts to study or commission a study that, if consistent with the agency's past practices, many fear will serve as the first step towards the regulation of grills and barbecues; and be it further

Resolved, That copies of this resolution be transmitted to Administrator of the United States Environmental Protection Agency and the members of the Michigan congressional delegation.

POM–122. A resolution passed by the City Council of San Jose, California, urging the United States Congress to pass H.R. 2140, the ''Vietnam Human Rights Act of 2015'', to hold individuals who commit egregious human rights violations accountable by imposing financial and travel sanctions upon those citizens of the Socialist Republic of Vietnam, and their family members, who are complicit in human rights abuse committed in Vietnam; to the Committee on Foreign Relations.

POM–123. A resolution passed by the City Council of Sebastopol, California urging passage of meaningful, common sense gun control measures; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1616. A bill to provide for the identification and prevention of improper payments and the identification of strategic sourcing opportunities by reviewing and analyzing the use of Federal agency charge cards (Rept. No. 114–174).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2044. A bill to prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes (Rept. No. 114–175).

By Mr. CORKER, from the Committee on Foreign Relations:

Report to accompany S. 2152, a bill to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes (Rept. No. 114–176).

By Mr. HATCH, from the Committee on Finance, without amendment:

S. 2368. An original bill to amend title XVIII of the Social Security Act to improve the efficiency of the Medicare appeals process, and for other purposes (Rept. No. 114–177).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

*Catherine Ebert-Gray, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Independent State of Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

Nominee: Catherine Ebert-Gray.

Post: Papua New Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Ian S. Gray: None.

3. Children: Thomas F. Gray: None; Claire E. Gray: None.

4. Parents: William A. & Myrna Ebert: $50.00, 5/2011, Republican National Committee; $25.00, 8/2011, Republican National Committee; $25.00, 9/2011, Republican Senate Committee; $35.00, 10/2011, Republican Nat'l Congress Committee; $25.00, 1/2012, Republican Senate Committee; $20.00, 3/2012, Republican National Committee; $25.00, 7/2012, Mitt Romney; $20.00, 8/2012, Mitt Romney; $20.00, 8/2012, Republican National Committee; $25.00, 8/2012, Paul Ryan; $25.00, 9/2012, Mitt Romney; $100.00, 9/2012, Mitt Romney; $25.00, 1/2013, Tea Party; $25.00, 2/2013, Republican National Committee; $20.00, 2/2013, Republican Nat'l Congress Committee; $25.00, 3/2013, Republican National Committee; $20.00, 3/2013, Republican Nat'l Congress Committee; $25.00, 3/2013, Conservative Majority Fund; $20.00, 4/2013, Republican National Committee; $25.00, 5/2013, Republican Nat'l Congress Committee; $25.00, 5/2013, Republican Nat'l Congress Committee; $30.00, 6/2013, Republican National Committee; $20.00, 6/2013, Tea Party; $25.00, 8/2013, Republican National Committee; $25.00, 10/2013, Republican National Committee; $25.00, 10/2013, Republican Nat'l Congress Committee; $20.00, 10/2013, Republican Nat'l Congress Committee; $20.00, –11/2013, Republican Nat'l Congress Committee; $20.00, 11/2013, Tea Party; $20.00, 12/2013, Republican Nat'l Congress Committee; $25.00, 1/2014, Republican National Committee; $20.00, 2/2014, Republican Nat'l Congress Committee; $20.00, 2/2014, Tea Party; $25.00, 3/2014, Draft Ben Carson; $50.00, 3/2014, Draft Ben Carson; $20.00, 4/2014, Tea Party; $25.00, 5/2014, Draft Ben Carson; $25.00, 5/2014, Draft Ben Carson; $25.00, 5/2014, Republican Senate Committee; $20.00, 6/2014, Tea Party; $20.00, 6/2014, Tea Party (2 checks); $20.00, 6/2014, Republican National Committee; $25.00, 6/2014, Republican National Committee; $25.00, 6/2014, Republican Party of Wisconsin; $20.00, 7/2014, Republican National Committee; $20.00, 7/2014, Tea Party; $35.00, 7/2014,

Draft Ben Carson; $20.00, 8/2014, Tea Party; $20.00, 8/2014, Republican Senate Committee; $20.00, 9/2014, Tea Party.

5. Grandparents: Deceased.

6. Brothers and Spouses: James A. Ebert & Jennifer Gealy: None; Fred M. & Maralee Ebert: None; Robert H. & Cynthia Ebert: $10.00, 1/2010, Diggs Brown for Congress (US H Can.); $25.00, 4/2010, Republican National Committee; $50.00, 9/2010, Buck for Colorado (US Senate Cand); $50.00, 9/2010, Friends of Sharron Angle (US Sen Can); $100.00, 10/2010, Republican National Committee; $50.00, 10/2010, RNC Victory; $50.00, 10/2010, Buck for Colorado (US Sen Candidate); $50.00, 10/2010, Republican National Committee; $10.00, 12/2010, Friends of Sharron Angle (US Sen Can); $15.00, 3/2011, Tea Party Patriots; $25.00, 7/2011, Tea Party Patriots; $100.00, 8/2012, Mitt Romney; $46.50, 8/2012, Mitt Romney; $250.00, 8/2012, Vote Tipton (CO Rep to U.S. House); $50.00, 8/2012, Republican National Committee; $50.00, 8/2012, Republican National Committee; $30.00, 8/2012, Tea Party Patriots; $250.00, 10/2012, Romney/Ryan Romney for President; $250.00, 10/2012, Romney Victory Inc.; $100.00, 10/2012, Mitt Romney; $50.00, 10/2012, Vote Tipton (CO Rep to U.S. House); $25.00, 7/2013, Tea Party Patriots; $25.00, 11/2013, TPP Citizens Tea Party Patriots.

7. Sisters and Spouses: Susan F. Ebert-Stone & Henry J. Stone: None; Christine A. Ebert-Santos & Roque Santos: $200, 2014, U.S. Senator Mark Udall.

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*G. Kathleen Hill, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Nominee: Glenna Kathleen Hill.

Post: U.S. Ambassador to Malta.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse.

3. Children and Spouses.

4. Parents: Mary Ann Hill, none; Curtis Ray Hill—deceased.

5. Grandparents: Mabel Ann Girod—deceased; Herschel Curgus Girod—deceased; Johnny Mitchell Hill—deceased; Mamie Elisabeth Hill—deceased.

6. Brothers and Spouses.

7. Sisters and Spouses: Susan Renea Livingstone, none; William Neil Livingstone, none.

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*John D. Feeley, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

Nominee: John D. Feeley.

Post: Chief of Mission—Panama.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $250.00, October 2012, Sen. Tim Kaine.

2. Spouse: Annette P. Feeley: None.

3. Children and Spouses: Nicholas J. Feeley: None; Julie Defossez (daughter in law): None; John P. Feeley: None.

4. Parents: David T. Feeley: None; Susan F. Feeley: None.

5. Grandparents: Deceased: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Elizabeth Feeley (sister): None; Catherine Agnew (sister): None; Michael Agnew (brother in law): None.

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*Eric Seth Rubin, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Nominee: Eric Seth Rubin

Post: Bulgaria

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $1,000, 8/13/2011, Mark Takano; $500, 9/10/2011, Mark Takano.

2. Spouse: Nicole S. Simmons: $1,000, 09/19/2011, Mark Takano Victory Fund; $1,000, 10/23/2012, Calif. Dem Party; $1,000, 1/24/2012, Mark Takano; $500, 3/31/2012, Mark Takano; $1,000, 10/22/2012, Mark Takano; $500, 9/29/2013, Mark Takano; $500, 3/12/2014, Mark Takano.

3. Children and Spouses: Rachel R. Rubin, child: None; Liana S. Rubin, child: None.

4. Parents: Richard L. Simmons, M.D., none. Myrna L. Rubin and Robert H. Rubin: none.

5. Grandparents: deceased.

6. Brothers and Spouses: Jonathan D. Rubin and Jamie Seidner: none.

7. Sisters and Spouses: Janine M. Simmons and Sean Jones: none.

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*Kyle R. Scott, of Arizona, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia.

Nominee: Kyle R. Scott.

Post: German Marshall Fund of the U.S. Nominated Serbia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, donee, amount, date:

1. Self: None.

2. Spouse: Nevenka F Scott: None.

3. Children and Spouses: Mark F Scott, none; Kristian R. Scott, none.

4. Parents: Jacqueline H. Scott, none; Robert L. Scott Jr.—deceased.

5. Grandparents: Robert L. Scott Sr.—deceased; Mary Scott—deceased; Katherine Hause—deceased.

6. Brothers and Spouses: Robert L. Scott III, none; LeAnn Scott, none; Theodore R. Scott, none; Joan Weber, only for state offices in CA, as follows: $250 each, 2014, Judges Ronald Prager, Lisa Schall, Jacqueline Stern and Michael Popkins; $150, 2012, Commissioner Terrie Roberts; $250 each, 2010, Judges Joel Wohlfeil, Robert Longstreth, Lantz Lewis and Deann Salcido.

7. Sisters and Spouses: None.

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*Todd C. Chapman, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Nominee: Todd C. Chapman.

Post: U.S. Ambassador to Ecuador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Janetta Boyd Chapman: None.

3. Children and Spouses: Joshua Boyd Chapman: None; Kristina Loving Chapman: None; Jason Chapman: None.

4. Parents: Bob Chapman—deceased; Marilyn Chapman: None.

5. Brothers and Spouses: N/A.

6. Sisters and Spouses: Ava Michelle Chapman: None reported; Bonnie Neighbour: None reported; Shawn French: None reported; Jerry French: None reported.

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*David McKean, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Nominee: David McKean.

Post: Ambassador to the Grand Duchy of Luxembourg.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $8,500, 2011, Obama for President; $250.00, 11/09/2011, Setti Warren for Senate.

2. Spouse: Kathleen Kaye: none.

3. Children and Spouses: Shaw Forbes McKean: none. Christian Kallin McKean: none. Kaye Thayer McKean: none.

4. Parents: Katherine Winthrop McKean—deceased; Quincy Shaw McKean—deceased.

5. Grandparents: Henry Pratt McKean—deceased; Marion Shaw Houghton—deceased; Frederick Winthrop—deceased; Sarah Thayer Winthrop—deceased.

6. Brothers and Spouses: John Winthrop McKean: $2,500, 9/29/2011, Obama for President; $1,000, 8/27/2014; Kay Hagen for Senate. Thomas McKean: $1,000, 9/29/2011, Obama for President; $250, 9/25/12, Elizabeth Warren for Senate. Dr. Sylvia Wyman McKean (Spouse): none. Robert Winthrop McKean: $500, 7/11/2011, Obama for President. Sandra McKean (Spouse): none.

7. Sisters and Spouses: Names.

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*Jean Elizabeth Manes, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Nominee: Jean Elizabeth Manes.

Post: Chief of Mission—El Salvador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Hector Cerpa: none.

3. Children and Spouses: Constanza Cerpa:none, Candela Cerpa: none.

4. Parents: Roger and Betty Manes: none.

5. Grandparents: Walter Masters—deceased; Alice Masters—none; Louise Manes—deceased; William Manes—deceased.

6. Brothers and Spouses: Roger Manes Jr., none.

7. Sisters and Spouses: Shannon Horsley, none; Michael Horsley, none.

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*Linda Swartz Taglialatela, of New York, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and

Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federation of St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Nominee: Linda Swartz Taglialatela.

Post: Bridgetown (Barbados).

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions; amount; date; and donee.

1. Self: None.
2. Spouse: none.
3. Children and Spouses: none.
4. Parents: Leon E. Swartz—Deceased; Anne V. Swartz—Deceased.
5. Grandparents: Antonio Cimaono—Deceased; Constance Cimaomo—Deceased; Mabel Swartz Barnes—Deceased; Leon Swartz—Deceased; Harold Barnes—Deceased.
6. Brothers and Spouses: Leon D. Swartz: None; Jean Swartz: None; James C. Swartz: None; Karen Swartz: None.
7. Sisters and Spouses: Susan M. Swartz: None; Michael J. Toursignant: None.

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*Carlos J. Torres, of Virginia, to be Deputy Director of the Peace Corps.

Mr. CORKER. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nomination of Daniel Sylvester Cronin.

*Foreign Service nomination of Derell Kennedo.

*Foreign Service nominations beginning with Steven Carl Aaberg and ending with Sandra M. Zuniga Guzman, which nominations were received by the Senate and appeared in the Congressional Record on November 10, 2015.

*Foreign Service nominations beginning with James F. Entwistle and ending with Daniel R. Russel, which nominations were received by the Senate and appeared in the Congressional Record on November 19, 2015. (minus 1 nominee: Richard Gustave Olson, Jr.)

*Foreign Service nominations beginning with Christopher Volciak and ending with Edward L. Robinson III, which nominations were received by the Senate and appeared in the Congressional Record on November 19, 2015.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRUZ:

S. 2363. A bill to amend the Immigration and Nationality Act to permit the Governor of a State to reject the resettlement of a refugee in that State unless there is adequate assurance that the alien does not present a security risk and for other purposes; to the Committee on the Judiciary.

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

S. 2364. A bill to permit occupational therapists to conduct the initial assessment visit under a Medicare home health plan of care for certain rehabilitation cases; to the Committee on Finance.

By Mr. NELSON (for himself and Mr. SESSIONS):

S. 2365. A bill to amend the Immigration and Nationality Act to protect American jobs, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL:

S. 2366. A bill to promote innovation, investment, and economic growth by accelerating spectrum efficiency through a challenge prize competition; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN:

S. 2367. A bill to provide for hardship duty pay for border patrol agents and customs and border protection officers assigned to highly-trafficked rural areas; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH:

S. 2368. An original bill to amend title XVIII of the Social Security Act to improve the efficiency of the Medicare appeals process, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. CARPER:

S. 2369. A bill to amend the Homeland Security Act of 2002 to establish an Office for Community Partnerships; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS:

S. 2370. A bill to prohibit the Internal Revenue Service from modifying or amending the standards and regulations governing the substantiation of charitable contributions; to the Committee on Finance.

By Mr. ISAKSON:

S. 2371. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of locum tenens physicians as independent contractors to help alleviate physician shortages in underserved areas; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. BURR):

S. 2372. A bill to require reporting of terrorist activities and the unlawful distribution of information relating to explosives, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. GRASSLEY, Mr. KIRK, and Mr. SCHUMER):

S. 2373. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment; to the Committee on Finance.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 2374. A bill to amend the Defense Base Act to require death benefits to be paid to a deceased employee's designated beneficiary or next of kin in the case of death resulting from a war-risk hazard or act of terrorism occurring on or after September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself, Mr. WARNER, Mr. BLUNT, Mr. PORTMAN, and Mr. LANKFORD):

S. 2375. A bill to decrease the deficit by consolidating and selling excess Federal tangible property, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself and Mr. KING):

S. Res. 331. A resolution designating December 12, 2015, as ''Wreaths Across America Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. VITTER, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 71, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 142

At the request of Mr. NELSON, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 142, a bill to require the Consumer Product Safety Commission to promulgate a rule to require child safety packaging for liquid nicotine containers, and for other purposes.

S. 150

At the request of Mr. ISAKSON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 150, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 334

At the request of Mr. PORTMAN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 334, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 429

At the request of Ms. BALDWIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 429, a bill to amend title XIX of the Social Security Act to provide a standard definition of therapeutic foster care services in Medicaid.

S. 849

At the request of Mr. ISAKSON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 849, a bill to amend the Public Health Service Act to provide for systematic data collection and analysis and epidemiological research regarding Multiple Sclerosis (MS), Parkinson's disease, and other neurological diseases.

S. 961

At the request of Mr. CARPER, the name of the Senator from Delaware

(Mr. COONS) was added as a cosponsor of S. 961, a bill to protect information relating to consumers, to require notice of security breaches, and for other purposes.

S. 979

At the request of Mr. NELSON, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 979, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1085

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1085, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 1133

At the request of Mr. FRANKEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1133, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1152

At the request of Mr. WHITEHOUSE, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 1152, a bill to make permanent the extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 1214

At the request of Mr. MENENDEZ, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1214, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1538

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1538, a bill to reform the financing of Senate elections, and for other purposes.

S. 1726

At the request of Mr. MERKLEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1726, a bill to create protections for depository institutions that provide financial services to marijuana-related businesses, and for other purposes.

S. 1792

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1890

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 2102

At the request of Mr. LEE, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2102, a bill to amend the Clayton Act and the Federal Trade Commission Act to provide that the Federal Trade Commission shall exercise authority with respect to mergers only under the Clayton Act and only in the same procedural manner as the Attorney General exercises such authority.

S. 2200

At the request of Mrs. FISCHER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2200, a bill to amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements.

S. 2263

At the request of Mr. BLUNT, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2263, a bill to encourage effective, voluntary private sector investments to recruit, employ, and retain men and women who have served in the United States military with annual Federal awards to private sector employers recognizing such investments, and for other purposes.

S. 2292

At the request of Mr. TESTER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2292, a bill to reform laws relating to small public housing agencies, and for other purposes.

S. 2312

At the request of Mr. THUNE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 2312, a bill to amend titles XVIII and XIX of the Social Security Act to make improvements to payments for durable medical equipment under the Medicare and Medicaid programs.

S. 2323

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2323, a bill to clarify the definition of nonimmigrant for purposes of chapter 44 of title 18, United States Code.

S. 2344

At the request of Mr. COTTON, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2344, a bill to provide authority for access to certain business records collected under the Foreign Intelligence Surveillance Act of 1978 prior to November 29, 2015, to make the authority for roving surveillance, the authority to treat individual terrorists as agents of foreign powers, and title VII of the Foreign Intelligence Surveillance Act of 1978 permanent, and to modify the certification requirements for access to telephone toll and transactional records by the Federal Bureau of Investigation, and for other purposes.

S. 2353

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2353, a bill to amend the Internal Revenue Code of 1986 to extend and modify the incentives for biodiesel.

S. 2354

At the request of Mrs. FISCHER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2354, a bill to amend the Internal Revenue Code of 1986 to provide a credit to employers who provide paid family and medical leave, and for other purposes.

S. 2357

At the request of Mr. WHITEHOUSE, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2357, a bill to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 2362

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2362, a bill to amend the Immigration and Nationality Act to provide enhanced security measures for the Visa Waiver Program, and for other purposes.

S. RES. 148

At the request of Mr. KIRK, the names of the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Georgia (Mr. PERDUE) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. Res. 148, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 320

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 320, a resolution congratulating the people of Burma on their commitment to peaceful elections.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2364. A bill to permit occupational therapists to conduct the initial assessment visit under a Medicare home

health plan of care for certain rehabilitation cases; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise in support of the Medicare Home Health Flexibility Act of 2015, which I am introducing today with my colleague Senator HELLER. This bipartisan, no-cost legislation would allow occupational therapists to perform the initial home health assessment in cases in which occupational therapy is ordered by the physician, along with speech language pathology and/or physical therapy services, and skilled nursing care is not required, ensuring that Medicare beneficiaries receive timely access to essential home health therapy services.

Occupational therapy is frequently ordered as part of a physician's plan of care for patients requiring home health services, and, under certain circumstances, an occupational therapist is allowed to perform the comprehensive assessment to determine a Medicare beneficiary's continuing need for home health therapy services. However, under current Medicare law, occupational therapists are not permitted to conduct the initial assessment for home health cases, even when occupational therapy is included in the physician's order and when the case is exclusively related to rehabilitation therapy.

By permitting occupational therapists to perform initial home health assessments in limited circumstances, the Medicare Home Health Flexibility Act can help prevent delays in Medicare beneficiaries receiving essential home health therapy services, especially in areas where access to physical therapists and speech language pathologists may be limited. It is important to note that this legislation would apply only to rehabilitation therapy cases in which skilled nursing care is not required. Nurses would still be required to conduct the initial assessment for all home health cases in which skilled nursing care is ordered by the physician. Also, although the Medicare Home Health Flexibility Act would allow occupational therapists to conduct initial home health assessments, it would not alter the existing criteria for establishing eligibility for the Medicare home health benefit.

I urge my colleagues to join me and Senator HELLER in supporting the Medicare Home Health Flexibility Act, which will help ensure timely access to essential home health therapy services for Medicare beneficiaries.

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. 2364

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 ''Medicare Home Health Flexibility Act of 2015''.

SEC. 2. PERMITTING OCCUPATIONAL THERAPISTS TO CONDUCT THE INITIAL ASSESSMENT VISIT UNDER A MEDICARE HOME HEALTH PLAN OF CARE FOR CERTAIN REHABILITATION CASES.

(a) IN GENERAL.—Notwithstanding section 484.55(a)(2) of title 42, Code of Federal Regulations, or any other provision of law, an occupational therapist may conduct the initial assessment visit for an individual who is eligible for home health services under title XVIII of the Social Security Act if the referral order by the physician—

(1) does not include skilled nursing care;

(2) includes occupation therapy; and

(3) includes physical therapy or speech language pathology.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to provide for initial eligibility for coverage of home health services under title XVIII of the Social Security Act solely on the basis of a need for occupational therapy.

By Mr. HATCH:

S. 2368. An original bill to amend title XVIII of the Social Security Act to improve the efficiency of the Medicare appeals process, and for other purposes; from the Committee on Finance; placed on the calendar.

Mr. HATCH. Mr. President, today Senator WYDEN and I have officially introduced the Audit and Appeal Fairness, Integrity, and Reforms in Medicare, or AFIRM, Act of 2015, a bipartisan bill developed earlier this year in the Senate Finance Committee. The AFIRM Act was actually ordered reported out of the committee in June, passing by voice vote with no recorded opposition.

This legislation, comes mainly in response to the concerns many have expressed with regard to program integrity and the overall solvency of the Medicare Trust Fund.

A recent report from the Government Accountability Office found that, in fiscal year 2014 alone, Medicare covered health services for approximately 54 million elderly and disabled beneficiaries at a cost of $603 billion in Federal funds. And, according to GAO, of that figure, approximately 10 percent of the funds were improperly paid.

That is nearly $60 billion in improper payments—either errors or fraud—in a single fiscal year. That is an astronomical figure, and about 33 percent higher than the number we saw the year before.

This unacceptably high level of improper Medicare payments has led to an increased number of audits to identify and recapture those funds. While officials at the Centers for Medicare & Medicaid Services have been reasonably successful in their mission to conduct audits on the more than one billion claims submitted to Medicare every year, they face an uphill battle in their efforts to recover improper payments.

In 2014, for example, CMS recovery audit contractors recovered over $2.57 billion. While this may sound like a large number, that is less than of the 2014 Medicare improper payments estimate of $45.8 billion, hardly a figure anyone should be proud of.

Coming on the heels of this massive loss in taxpayer funds and our Government's utter failure to retrieve them is an equally massive unintended consequence.

Due to the increasing number of audits, there has been a predictable, yet dramatic, increase in the number of Medicare appeals. Currently, there are so many appeals being filed in response to these audits that the Office of Medicare Hearings and Appeals can't even docket them for 20 to 24 weeks after they are filed.

In fact, within the last month, the total backlog of Medicare appeals eclipsed 900,000. You heard that right: There are more than 900,000 appeals currently pending at the Office of Medicare Hearings and Appeals.

In fiscal year 2009, the majority of Medicare appeals were processed within 94 days. Now, 6 years later, it takes, on average, 547 days—or roughly a year and a half—to process an appeal. This is an incredibly frustrating amount of time, not only for physicians and other health care providers, but for Medicare beneficiaries as well.

Think about that for a second. It takes, on average, a year and a half for Medicare beneficiaries—many of whom live on fixed incomes—filing an appeal to find out whether their services will be covered in the end. It takes a year and a half for doctors—an increasing number of whom are already opting to not accept Medicare patients—to find out if they will be paid.

Contributing to this problem is the fact that large portions of the initial payment determinations are reversed on appeal. The Department of Health and Human Services Office of Inspector General reported that, of the 41,000 appeals made to Administrative Law Judges, or ALJs, in fiscal year 2012, over 60 percent were partially or fully favorable to the defendant.

Such a high rate of reversals raises questions about the quality of initial determinations and whether providers and beneficiaries are facing undue burdens up front.

In order to protect beneficiaries, provide certainty for doctors, and take steps to at least partially shore up the Medicare Trust Fund, we need to address these issues now. That is why Senator WYDEN and I introduced the AFIRM Act.

If enacted, our bill will improve oversight of the Medicare audits and appeals process, effectively addressing the staggering Medicare appeals backlog. It will make the most fundamental changes to the appeals process since Medicare began. It will lay the groundwork for a more level playing field, reducing the burden on providers and suppliers, while giving auditors the tools necessary to better protect the Medicare Trust Fund.

The AFIRM Act will address these issues in five ways.

First, it will improve the audit programs by coordinating efforts between auditors and CMS to ensure that all

parties receive adequate training on current policy, increasing transparency in the audit process, and requiring that CMS create new incentives to improve auditor accuracy.

Second, the bill will make reforms to the Medicare appeals process to address the appeals backlog without sacrificing quality. Part of this will be done by raising the amount in controversy for review by an ALJ to match the amount for review required by a District Court. For cases with lower costs, a new Medicare Magistrate program will be created to allow senior attorneys with expertise in Medicare law and policies to decide cases in the same way as ALJs. This will allow more cases to be heard more quickly, while still providing ALJs full focus on the more complex cases.

Third, the bill will allow for the use of sampling and extrapolation of Medicare claims, with the appellant's consent, to expedite the appeals process.

Fourth, the bill will establish voluntary alternate dispute resolution processes for multiple pending claims with similar issues to be settled as a unit, rather than as individual appeals. This will reduce administrative costs while still providing reasonable consideration to pending claims.

Finally, the bill will also require that CMS create an independent Ombudsman for Medicare Reviews and Appeals to help resolve complaints made by appellants and those considering appeal. As with any federal program, continuing oversight and good leadership are required to have any measure of success.

These are thoughtful, bipartisan improvements, agreed on by the entire Finance Committee that will address the appeals backlog while still allowing us to improve program integrity going forward. I believe it is the best approach we can take to continue our efforts to recover lost taxpayer funds without creating undue burdens for health care providers and suppliers.

Oftentimes in Congress we find ourselves shying away from bipartisan compromises like this. Some may feel that they have more to gain, politically, if they thumb their noses at the other party. Or, inversely, they have something to lose if they actually agree on an issue with members on the other side.

Let me clearly state, for the record, that we have neither the time, nor the money to play partisan games with this issue.

The average amount of time for an appeal to get processed has gone up by more than 550 percent in just 6 years. You heard me correctly—that increase is just in the time it takes to get the appeal processed, not even ruled on. If this trend continues, and absent congressional action, I think we can assume that it will continue, imagine how much more strained, expensive, and ineffective the Medicare appeals system could become.

Truly, there is no time better than now to actually do our job and stem this rising tide.

Before I finish I want to thank Senator WYDEN for working with me on this effort and for making this a truly bipartisan endeavor. I hope all of my colleagues—on both sides of the aisle—will support the AFIRM Act.

By Mrs. FEINSTEIN (for herself and Mr. BURR):

S. 2372. A bill to require reporting of terrorist activities and the unlawful distribution of information relating to explosives, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I rise to introduce the Requiring Reporting of Online Terrorist Activity Act, which would require technology companies to inform appropriate law enforcement authorities when they become aware of terrorist activity online.

This provision is modeled after a similar requirement on technology companies under current law, which requires the companies to report instances of child pornography that they become aware of online.

This legislation passed the Intelligence Committee earlier this year by a vote of 15–0 as part of our annual Intelligence Authorization Act, but it was later dropped, along with other provisions, to try to move the broader intelligence bill through the Senate.

I have continued to believe that terrorists' use of the Internet is a problem that we need to address, and that the government can't do it alone. I have had conversations with the senior leaders and general counsels of major technology companies and unfortunately, I don't believe that they will report terrorist activity on their websites without a legal requirement to do so.

So I am reintroducing this provision as a stand-alone bill, especially in the wake of recent terrorist attacks that highlight the problem of terrorist activity on social media.

The investigation into the San Bernardino attack is ongoing, but so far, we have learned that sometime around the time of the attack, the female shooter, Tashfeen Malik, or an account connected to her, posted something on her Facebook page declaring allegiance to the Islamic State in Syria and the Levant or ''ISIL.''

Facebook has publicly confirmed that the company identified and removed the account connected to Malik because praising a terrorist attack or declaring allegiance to leaders of ISIL would violate the company's standards for use.

Facebook has said it is cooperating with law enforcement on the matter as part of the post-shooting investigation, but I would like to see technology companies notify law enforcement about terrorist activity they see online before an attack occurs.

It is important to recognize how ISIL has used social media to reinvent terrorist recruiting and plotting over the past year and a half. I believe that now is the time for Congress to pass legislation to help law enforcement better respond to the threat.

Unlike in the past when terrorists devised intricate plots years in advance, today, thousands of ISIL followers have flooded social media with a vast and persistent effort to find followers inside the United States, identify targets of opportunity, and instruct their new supporters how to conduct more small-scale, yet lethal terrorist attacks—all in a matter of days or weeks and all online without ever meeting or vetting their operative in person.

This new trend shows that terrorism has adapted to the digital age, spreading first its propaganda and then its operational reach across the globe. Its lack of coordination or complexity makes it faster and harder to thwart than ever before, and the ubiquitous use of social media gives ISIL a wider direct audience than al-Qa'ida ever enjoyed.

To respond, we must ensure that law enforcement is aware of the threat. To do this, Congress should pass this legislation immediately, which requires technology companies to inform the appropriate authorities when they become aware of terrorist activity.

This type of requirement is not new. For years, companies have been required to notify law enforcement when they become aware of online child pornography. This bill would do essentially the same thing, but for cases of terrorism. It would not require companies to monitor their customers, nor would it chill free speech protected by the Constitution. Instead, it simply requires that clear acts of terrorist plotting or illegal activity associated with terrorism be conveyed to law enforcement.

Most social media companies already devote considerable resources to remove content or suspend the accounts of individuals who post or transmit blatant terrorist-related content. But under the current system, there is no requirement that a company provide notice to law enforcement when, through the normal course of business, it becomes aware of images, posts, or other online terrorist activity. By closing that gap and requiring that companies notify law enforcement, there is a better chance the attempts by terrorist groups like ISIL to direct an individual inside the United States to conduct a violent act will be discovered and thwarted before it is too late.

When technology companies see a picture of a child being exploited, they are required to inform law enforcement. Terrorist activity should be no different.

I urge my colleagues to support this legislation.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 2374. A bill to amend the Defense Base Act to require death benefits to be paid to a deceased employee's designated beneficiary or next of kin in the case of death resulting from a war-risk hazard or act of terrorism occurring on or after September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

Mr. MARKEY. Mr. President, in September 2012, an attack on the United States facilities in Benghazi, Libya, resulted in the death of Glen Anthony Doherty, a former Navy SEAL who grew up in Winchester, MA, and three others.

Mr. Doherty was killed while defending the classified annex near the U.S. Consulate in Benghazi against a terrorist attack that also caused the deaths of U.S. Ambassador J. Christopher Stevens, former Navy SEAL and C.I.A. contractor Tyrone Woods, and U.S. State Department officer Sean Smith.

Mr. Doherty was unmarried and had no dependents. It is my understanding that he activated his mandatory Defense Base Act insurance policy before deploying to Libya in 2012 believing this policy would pay benefits to his estate or next of kin in the event of his death.

After his death and despite the Doherty family's extensive efforts, they have been unable to receive financial compensation from the Central Intelligence Agency or from private insurance providers. This issue has compounded the pain the family has endured from the loss of a beloved son and brother.

No family in the CIA community should be left uncompensated if a family member falls in the line of duty.

That is why I am today introducing the Glen Anthony Doherty Overseas Security Personnel Fairness Act, which was first introduced in the House of Representatives by Congressman Steven Lynch. This legislation will remove a significant omission in federal law that currently prohibits the families of overseas contractors who are killed in the line of duty from receiving full death benefits if the deceased employee is unmarried with no children or other dependents. The bill would amend the Defense Base Act of 1941 to ensure that full death benefits are extended to the families or designated beneficiaries of Federal contractors who have died in service to our country as a result of a war-risk hazard or an act of terrorism.

Specifically, it would allow the payment of death benefits otherwise due a widow, widower, or surviving child of an individual employed at a military, air, or naval base outside of the United States who dies as a result of a war-risk hazard or act of terrorism occurring on or after September 11, 2001, when there is no person eligible for a death benefit under the Longshore and Harbor Workers' Compensation Act.

The bill requires payment in such a case to a beneficiary designated by the deceased or the next of kin or the estate of the deceased under applicable state law if there is no designated beneficiary. The bill requires benefits to be paid from the Employees' Compensation Fund.

More than merely a technical or administrative concern, this issue goes to the heart of the United States government's relationship with the families of those who are killed defending our country. I ask all Senators to support this important legislation for the families of those who have made the ultimate sacrifice for our Nation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 331—DESIGNATING DECEMBER 12, 2015, AS ''WREATHS ACROSS AMERICA DAY''

Ms. COLLINS (for herself and Mr. KING) submitted the following resolution; which was considered and agreed to:

S. RES. 331

Whereas, 24 years before the date of adoption of this resolution, the Wreaths Across America project began with an annual tradition that occurs in December, of donating, transporting, and placing 5,000 Maine balsam fir remembrance wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas, in the 24 years preceding the date of adoption of this resolution, more than 2,416,000 wreaths have been sent to locations, including national cemeteries and veterans memorials, in every State and overseas;

Whereas the mission of the Wreaths Across America project, to ''Remember, Honor, Teach'', is carried out in part by coordinating wreath-laying ceremonies in all 50 States and overseas, including at—

(1) Arlington National Cemetery;

(2) veterans cemeteries; and

(3) other locations;

Whereas the Wreaths Across America project carries out a week-long veterans parade between Maine and Virginia, stopping along the way to spread a message about the importance of—

(1) remembering the fallen heroes of the United States;

(2) honoring those who serve; and

(3) reminding the people of the United States about the sacrifices made by veterans and their families to preserve freedoms in the United States;

Whereas, in 2014, approximately 716,000 remembrance wreaths were sent to more than 1,000 locations across the United States and overseas, an increase of more than 100 locations compared to the previous year;

Whereas, in December 2015, the tradition of escorting tractor-trailers filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery will be continued by—

(1) the Patriot Guard Riders; and

(2) other patriotic escort units, including—

(A) motorcycle units;

(B) law enforcement units; and

(C) first responder units;

Whereas hundreds of thousands of individuals volunteer each December to help lay remembrance wreaths;

Whereas the trucking industry in the United States continues to support the Wreaths Across America project by providing drivers, equipment, and related services to assist in the transportation of wreaths across the United States to over 1,000 locations;

Whereas the Senate designated December 13, 2014, as ''Wreaths Across America Day''; and

Whereas, on December 12, 2015, the Wreaths Across America project will continue the proud legacy of bringing remembrance wreaths to Arlington National Cemetery: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 12, 2015, as ''Wreaths Across America Day'';

(2) honors—

(A) the Wreaths Across America project;

(B) patriotic escort units, including—

(i) motorcycle units;

(ii) law enforcement units; and

(iii) first responder units;

(C) the trucking industry in the United States; and

(D) the volunteers and donors involved in this worthy tradition; and

(3) recognizes—

(A) the service of veterans and members of the Armed Forces; and

(B) the sacrifices that veterans, members of the Armed Forces, and their families have made, and continue to make, for the United States, a great Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2921. Mr. MCCONNELL (for Mr. CASEY) proposed an amendment to the resolution S. Res. 207, recognizing threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in efforts of the United States Government to promote democracy and good governance.

TEXT OF AMENDMENTS

SA 2921. Mr. MCCONNELL (for Mr. CASEY) proposed an amendment to the resolution S. Res. 207, recognizing threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in efforts of the United States Government to promote democracy and good governance; as follows:

Strike the fifteenth whereas clause, and insert the following:

Whereas, according to Reporters Without Borders, the 5 countries with the highest number of journalists in prison as of December 1, 2014, were China, Eritrea, Iran, Ethiopia, and Vietnam;

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 8, 2015, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 8, 2015, at 3 p.m., in room SR–

253 of the Russell Senate Office Building to conduct a hearing entitled ''Data or Dogma? Promoting Open Inquiry in the Debate over the Magnitude of Human Impact on Earth's Climate.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 8, 2015, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 8, 2015, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 8, 2015, at 10:15 a.m., to conduct a hearing entitled ''Millennium Challenge Corporation: Lessons Learned after a Decade and Outlook for the Future.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on December 8, 2015, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Opioid Abuse in America: Facing the Epidemic and Examining Solutions.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 8, 2015, at 2:30 p.m.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights be authorized to meet during the session of the Senate on December 8, 2015, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Ensuring Competition Remains on Tap: The AB InBev/SABMiller merger and the State of Competition in the Beer Industry.''

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

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Sarah Rosenberg, a fellow with the Senate HELP Committee, and Lauren Burdette, a fellow in Senator CASEY's office, be granted floor privileges during the consideration of the Every Student Succeeds Act.

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

Mr. REED. Mr. President, I ask unanimous consent that Brian Alexander, a fellow in my office, be granted privileges of the floor for the remainder of this Congress.

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

Mr. FRANKEN. Mr. President, I ask unanimous consent that my education fellow, Cristina Veresan, be given floor privileges for the remainder of this Congress.

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

RAISE FAMILY CAREGIVERS ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 306, S. 1719.

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

The legislative clerk read as follows:

A bill (S. 1719) to provide for the establishment and maintenance of a National Family Caregiving Strategy, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 1719

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Recognize, Assist, Include, Support, and Engage Family Caregivers Act of 2015'' or the ''RAISE Family Caregivers Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term ''Advisory Council'' means the Family Caregiving Advisory Council convened under section 4.

(2) FAMILY CAREGIVER.—The term ''family caregiver'' means an adult family member or other individual who has a significant relationship with, and who provides a broad range of assistance to, an individual with a chronic or other health condition, disability, or functional limitation.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(4) STRATEGY.—The term ''Strategy'' means the National Family Caregiving Strategy established, maintained, and updated under section 3.

SEC. 3. NATIONAL FAMILY CAREGIVING STRATEGY.

(a) IN GENERAL.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop, maintain, and periodically update a National Family Caregiving Strategy.

(b) CONTENTS.—The Strategy shall identify specific actions that Federal, State, and local governments, communities, health care, long-term services and supports and other providers, employers, and others can take to recognize and support family caregivers in a manner that reflects their diverse needs, including with respect to the following:

(1) Promoting greater adoption of person- and family-centered care in all health and long-term services and supports settings, with the person receiving services and supports and the family caregiver (as appropriate) at the center of care teams.

(2) Assessment and service planning (including care transitions and coordination) involving family caregivers and care recipients.

(3) Training and other supports.

(4) Information, education, referral, and care coordination, including hospice, palliative care, and advance planning services.

(5) Respite options.

(6) Financial security.

(7) Workplace policies and supports that allow family caregivers to remain in the workforce.

(c) RESPONSIBILITIES OF THE SECRETARY.—The Secretary, in carrying out this section, shall be responsible for the following:

(1) Collecting and making publicly available information, including evidence-based or promising practices and innovative models (both domestically and internationally) regarding the provision of care by family caregivers or support for family caregivers.

(2) Coordinating Federal Government programs and activities to recognize and support family caregivers while ensuring maximum effectiveness and avoiding unnecessary duplication.

(3) Providing technical assistance, such as best practices and information sharing, to State or local efforts, as appropriate, to support family caregivers.

(4) Addressing disparities in recognizing and supporting family caregivers and meeting the needs of the diverse family caregiving population.

(5) Assessing all Federal programs regarding family caregivers, including with respect to funding levels.

(d) INITIAL STRATEGY; UPDATES.—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, develop, publish, and submit to Congress the initial Strategy incorporating the items addressed in the Advisory Council's report in section 4(d)(2) and other priority actions for recognizing and supporting family caregivers; and

(2) not less than every 2 years, update, republish, and submit to Congress the Strategy, taking into account the most recent annual report submitted under section 4(d)(1)—

(A) to reflect new developments, challenges, opportunities, and solutions; and

(B) to assess progress in implementation of the Strategy and, based on the results of such assessment, recommend priority actions for such implementation.

(e) PROCESS FOR PUBLIC INPUT.—The Secretary shall establish a process for public input to inform the development of, and updates to, the Strategy, including a process for the public to submit recommendations to the Advisory Council and an opportunity for public comment on the proposed Strategy.

(f) NO PREEMPTION.—Nothing in this Act preempts any authority of a State or local government to recognize or support family caregivers.

SEC. 4. FAMILY CAREGIVING ADVISORY COUNCIL.

(a) CONVENING.—The Secretary shall convene a Family Caregiving Advisory Council to provide advice to the Secretary on recognizing and supporting family caregivers.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Advisory Council shall consist of—

(A) the appointed members under paragraph (2); and

(B) the Federal members under paragraph (3).

(2) APPOINTED MEMBERS.—In addition to the Federal members under paragraph (3), the Secretary shall appoint not more than 15 members

of the Advisory Council who are not representatives of Federal departments or agencies and who shall include at least one representative of each of the following:

(A) Family caregivers.

(B) Older adults with long-term services and supports needs, including older adults facing disparities.

(C) Individuals with disabilities.

(D) Advocates for family caregivers, older adults with long-term services and supports needs, and individuals with disabilities.

(E) Health care and social service providers.

(F) Long-term services and supports providers.

(G) Employers.

(H) Paraprofessional workers.

(I) State and local officials.

(J) Accreditation bodies.

(K) Relevant industries.

(L) Veterans.

(M) As appropriate, other experts in family caregiving.

(3) FEDERAL MEMBERS.—The Federal members of the Advisory Council, who shall be nonvoting members, shall consist of the following:

(A) The Administrator of the Centers for Medicare & Medicaid Services (or the Administrator's designee).

(B) The Administrator of the Administration for Community Living (or the Administrator's designee who has experience in both aging and disability).

(C) The Assistant Secretary for the Administration for Children and Families (or the Assistant Secretary's designee).

(D) The Secretary of Veterans Affairs (or the Secretary's designee).

(E) The Secretary of Labor (or the Secretary's designee).

(F) The Secretary of the Treasury (or the Secretary's designee).

(G) The National Coordinator for Health Information Technology (or the National Coordinator's designee).

(H) The Administrator of the Small Business Administration (or the Administrator's designee).

(I) The Chief Executive Officer of the Corporation for National and Community Service (or the Chief Executive Officer's designee).

(J) The heads of other Federal departments or agencies (or their designees), as appointed by the Secretary or the Chair of the Advisory Council.

(4) DIVERSE REPRESENTATION.—The Secretary shall ensure that the membership of the Advisory Council reflects the diversity of family caregivers and individuals receiving services and supports.

(c) MEETINGS.—The Advisory Council shall meet quarterly during the 1-year period beginning on the date of enactment of this Act and at least three times during each year thereafter. Meetings of the Advisory Council shall be open to the public.

(d) ADVISORY COUNCIL ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Advisory Council shall submit to the Secretary and Congress a report concerning the development, maintenance, and updating of the Strategy and the implementation thereof, including a description of the outcomes of the recommendations and priorities under paragraph (2), as appropriate. Such report shall be made publicly available by the Advisory Council.

(2) INITIAL REPORT.—The Advisory Council's initial report under paragraph (1) shall include—

(A) an inventory and assessment of all federally funded efforts to recognize and support family caregivers and the outcomes of such efforts, including analyses of the extent to which federally funded efforts are reaching family caregivers and gaps in such efforts;

(B) recommendations for priority actions—

(i) to improve and better coordinate programs; and

(ii) to deliver services based on the performance, mission, and purpose of a program while eliminating redundancies and ensuring the needs of family caregivers are met;

(C) recommendations to reduce the financial impact and other challenges of caregiving on family caregivers; and

(D) an evaluation of how family caregiving impacts the Medicare program, and Medicaid program, and other Federal programs.

(e) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

SEC. 5. SUNSET PROVISION.

The authority and obligations established by this Act shall terminate on December 31, 2025.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1719), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

RECOGNIZING THREATS TO FREEDOM OF THE PRESS AND EXPRESSION AROUND THE WORLD

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 135, S. Res. 207.

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

The legislative clerk read as follows:

A resolution (S. Res. 207) recognizing threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in efforts of the United States Government to promote democracy and good governance.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to; the Casey amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 207) was agreed to.

The amendment (No. 2921) was agreed to, as follows:

(Purpose: To amend the preamble)

Strike the fifteenth whereas clause, and insert the following:

Whereas, according to Reporters Without Borders, the 5 countries with the highest number of journalists in prison as of December 1, 2014, were China, Eritrea, Iran, Ethiopia, and Vietnam;

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, is as follows:

S. RES. 207

Whereas Article 19 of the United Nations Universal Declaration of Human Rights, adopted at Paris December 10, 1948, states that ''everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers'';

Whereas, in 1993, the United Nations General Assembly proclaimed May 3 of each year as ''World Press Freedom Day'' to celebrate the fundamental principles of freedom of the press, to evaluate freedom of the press around the world, to defend the media from attacks on its independence, and to pay tribute to journalists who have lost their lives in the exercise of their profession;

Whereas, on December 18, 2013, the United Nations General Assembly adopted a resolution (A/RES/68/163) on the safety of journalists and the issue of impunity, which unequivocally condemns all attacks and violence against journalists and media workers, including torture, extrajudicial killings, enforced disappearances, arbitrary detention, and intimidation and harassment in both conflict and non-conflict situations;

Whereas 2015 is the 22nd anniversary of World Press Freedom Day, which focuses on the theme ''Let Journalism Thrive! Towards Better Reporting, Gender Equality, and Media Safety in the Digital Age'';

Whereas the 2015 World Press Freedom prize was awarded to Syrian journalist and human rights activist Mazen Darwish, who remains imprisoned by the Assad regime;

Whereas the Daniel Pearl Freedom of the Press Act of 2009 (Public Law 111–166; 22 U.S.C. 2151 note), which was passed by unanimous consent in the Senate and signed into law by President Barack Obama in 2010, expanded the examination of freedom of the press around the world in the annual human rights report of the Department of State;

Whereas, according to Freedom House, only approximately 14 percent of the world's inhabitants—or one in seven people—live in countries with a press ranked as ''Free'' by Freedom House;

Whereas, according to Reporters Without Borders, 69 journalists and 19 citizen journalists were killed in 2014 in connection with their collection and dissemination of news and information;

Whereas, according to the Committee to Protect Journalists, the 3 deadliest countries for journalists on assignment in 2014 were Syria, Ukraine, and Iraq;

Whereas, according to the Committee to Protect Journalists, more than 40 percent of the journalists killed in 2014 were targeted for murder and 31 percent of journalists murdered reported receiving threats first;

Whereas, according to the Committee to Protect Journalists, 650 journalists have been killed between 1992 and April 2015 without the perpetrators of such crimes facing punishment;

Whereas, according to the Committee to Protect Journalists, the 5 countries with the highest number of journalist murders that go unpunished, measured from 2004 to 2014, are Iraq, Somalia, the Philippines, Sri Lanka, and Syria;

Whereas, according to Reporters Without Borders, 853 journalists and 122 citizen journalists were arrested in 2014;

Whereas, according to the Committee to Protect Journalists, 221 journalists worldwide were in prison as of December 1, 2014;

Whereas, according to Reporters Without Borders, the 5 countries with the highest number of journalists in prison as of December 1, 2014, were China, Eritrea, Iran, Ethiopia, and Vietnam;

Whereas, according to Reporters Without Borders' 2015 World Press Freedom Index, Eritrea, North Korea, Turkmenistan, Syria, and China ranked lowest according to a range of criteria that include ''media pluralism and independence, respect for the safety and freedom of journalists, and the legislative, institutional and infrastructural environment in which the media operate'';

Whereas, according to the Committee to Protect Journalists, in 2014 Syria was the world's deadliest country for journalists for the third year in a row;

Whereas, according to the International Federation of Journalists, more than 40 journalists and media staff have been killed since January 2015;

Whereas, according to Reporters Without Borders, the Government of the Russian Federation continued to intensify its pressure on the media to bring independent news outlets under control or be throttled out of existence;

Whereas Freedom House has cited a deteriorating environment for Internet freedom around the world and ranked Iran, Syria, China, Cuba, and Ethiopia as ''Not Free'' and having the worst obstacles to access, limits on content, and violations of user rights among the 65 countries and territories rated by Freedom House in 2014;

Whereas freedom of the press is absolutely essential to the creation and maintenance of free and open societies and a key component of democratic governance, the activism of civil society, and socioeconomic development; and

Whereas freedom of the press enhances public accountability, transparency, and participation: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates World Press Freedom Day by commending journalists like Mazen Darwish and others around the world for the vital role they play in supporting open and democratic societies, promoting government accountability, and strengthening civil society;

(2) expresses concern about the threats to freedom of the press and expression around the world, and pays tribute to journalists who have lost their lives carrying out their work;

(3) pays tribute to the journalists who have lost their lives carrying out their work;

(4) calls on governments abroad to implement United Nations General Assembly Resolution (A/RES/68/163), by thoroughly investigating and seeking to resolve outstanding cases of violence against journalists, including murders and kidnappings, while ensuring the protection of witnesses;

(5) condemns all actions around the world that suppress freedom of the press, including: the brutal murders of journalists by the terrorist group ISIS, violent attacks against media outlets like the French satirical magazine Charlie Hebdo, and kidnappings of journalists and media workers in eastern Ukraine by pro-Russian militant groups;

(6) reaffirms the centrality of freedom of the press to efforts by the United States Government to support democracy, mitigate conflict, and promote good governance domestically and around the world; and

(7) calls on the President and the Secretary of State—

(A) to improve the means by which the United States Government rapidly identifies, publicizes, and responds to threats against freedom of the press around the world;

(B) to urge foreign governments to transparently investigate and bring to justice the perpetrators of attacks against journalists; and

(C) to highlight the issue of threats against freedom of the press year-round.

WREATHS ACROSS AMERICA DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 331, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 331) designating December 12, 2015, as ''Wreaths Across America Day.''

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

Mr. COLLINS. Mr. President, I am pleased to have joined with my colleague, Senator ANGUS KING, in sponsoring this resolution to designate December 12, 2015, as Wreaths Across America Day. Since its inception, the Wreaths Across America project has become an annual tradition of donating, transporting, and placing Maine balsam fir remembrance wreaths on the graves of our fallen heroes buried at Arlington National Cemetery, as well as at veterans' cemeteries and memorials in every State and overseas. In the program's 24 years, more than 2.4 million wreaths have been placed in honor of those who have served our country.

The origin of Wreaths Across America is an inspiring example of that generosity and gratitude. During the Christmas season in 1992, Morrill and Karen Worcester took time during their busiest season to donate and deliver wreaths from their company in Harrington, ME, to Arlington National Cemetery to honor the heroes who lie at rest there. At first, a small group of volunteers laid the wreaths with little notice. In recent years, however, the Arlington Wreath Project has grown to become a national phenomenon. The people of Maine are proud that this important and well-deserved tradition began in our State.

This year, on December 12, thousands of volunteers in Arlington, throughout our Nation, and overseas will carry out the mission of Wreaths Across America to ''Remember, Honor, Teach.'' This will conclude a weeklong procession between Maine and Virginia, with stops along the way to pause and remember the men and women who have died to preserve our freedoms, spread the message about the importance of honoring those who serve, and remind the people of the United States about the sacrifices made by our veterans and their families. This procession helps to ensure that those sacrifices are never forgotten.

The Patriot Guard Riders, along with other dedicated escort groups, will accompany tractor-trailers filled with donated wreaths from Maine to Arlington National Cemetery. America's trucking industry has long supported Wreaths Across America by providing drivers, equipment, fuel, and related services to assist in the transportation of wreaths across the country to more than 1,000 locations.

Wreaths Across America not only honors our departed heroes, but also imparts the important message to veterans who are still with us that we honor their service. It tells our men and women in uniform today that we are grateful for their courage and devotion to duty. It tells the families of those serving our country that they are in our thoughts and prayers. And it tells the families of the fallen that we share their grief.

Throughout human history, the evergreen wreath has been offered as a tribute to heroes. On December 12, 2015, we will again offer this enduring symbol of valor and sacrifice as part of our never-ending obligation to thank those who wore the uniform of our country. In this season of giving, we will pay tribute to those who have given us the most precious gift of all, our freedom.

Mr. KING. Mr. President, today I have joined my esteemed colleague, Senator SUSAN COLLINS, in submitting a resolution designating December 12, 2015, as Wreaths Across America Day. What started as a quiet tribute to our Nation's veterans in a small town in Washington County, Maine 24 years ago, has blossomed into one of the greatest honors paid to our servicemembers coast to coast. Every December, donated balsam fir wreaths travel from Harrington, ME, to veterans' cemeteries around the country and are placed on the graves of our fallen heroes. During this season of giving, it is only fitting to recognize this wonderful tradition and the generosity of those who conceived it, and as always, to reaffirm our commitment and appreciation for those who fought to preserve our freedom.

During the 1992 holiday season, Morrill and Karen Worcester of Worcester Wreath Company found themselves with a surplus of unused wreaths. Recalling a boyhood visit to Arlington National Cemetery, Morrill was inspired to use those extra wreaths to honor American servicemembers. So, aided by then-Senator Olympia Snowe and determined to celebrate our veterans and their families, the Worcesters arranged to have the wreaths placed in one of the older sections of Arlington National Cemetery.

Building on the Worcester family's vision, other folks from around Maine stepped up to help out and give back. James Prout, the owner of a Maine trucking company, made sure the wreaths were safely transported to Arlington. The Maine State Society of Washington, D.C., a group of people from Maine living and working in the Nation's capital, helped organize the wreath laying ceremony at the cemetery.

So it went for several years—wreaths were quietly assembled and sent to Arlington National Cemetery to honor our country's veterans. Then in 2005, a photo of the wreaths in Arlington took the internet by storm, and the tradition quickly gained widespread attention. The salient image of the snow-covered wreaths resting on the graves of the fallen transformed what was

once a quiet act of kindness to a national sensation. Soon thousands of volunteers were inspired to help in Arlington or to bring the project to their hometowns throughout the country.

Last year alone, Wreaths Across America and its national network of volunteers laid over 700,000 memorial wreaths at 1,000 locations including sites in all 50 States and numerous national veteran cemeteries on foreign soil. Thanks to truckers and the Patriot Guard Riders who escort the tractor trailers on their motorcycles, the wreaths travel to Arlington and beyond as part of a Veterans Honor Parade—stopping along the way to remember, honor, and teach.

I am proud to stand with Senator COLLINS in sponsoring December 12, 2015, as Wreaths Across America Day. On this day, and every day, let us remember the brave men and women who have served our country and thank the dedicated volunteers who proudly honor their memory and sacrifice.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 114–4

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on December 8, 2015, by the President of the United States: Treaty with Jordan on Mutual Legal Assistance in Criminal Matters, Treaty Document No. 114–4. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 1, 2013. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties negotiated by the United States to more effectively counter criminal activities. The Treaty should enhance our ability to investigate and prosecute a wide variety of crimes.

The Treaty provides for a broad range of cooperation in criminal matters. Under the Treaty, the Parties agree to assist each other by, among other things: producing evidence (such as testimony, documents, or items) obtained voluntarily or, where necessary, by compulsion; arranging for persons, including persons in custody, to travel to another country to provide evidence; serving documents; executing searches and seizures; locating and identifying persons or items; and freezing and forfeiting assets or property that may be the proceeds or instrumentalities of crime.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

BARACK OBAMA.

THE WHITE HOUSE, *December 8, 2015*.

ORDERS FOR WEDNESDAY, DECEMBER 9, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, December 9; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of the conference report to accompany S. 1177, with the time until 10:45 a.m. equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator SASSE and Senator WARREN.

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

The Senator from Nebraska.

Mr. SASSE. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

FREEDOMS ENSHRINED IN THE CONSTITUTION

Mr. SASSE. Mr. President, I rise to speak about San Bernardino, about the decades-long fight that our free society faces, and about our dangerous unwillingness to tell the truth about the nature of this battle—about who our enemy is.

We are at war. The American people already know this. Our enemies obviously knows this. It is only this town where our so-called leaders dawdle and bicker, pander and misprioritize. It is only this town that seems confused. Washington ignores what it cannot escape, and that is both a tragedy and a crisis, for it is impossible to win a war when one does not even admit that one is in a war.

Let's start by admitting that this war is different from most of the wars of the past. This is not about borders or territory. This is not about gold or other material goods. We typically think about state actors—about traditional governments going to war with traditional governments. In this war, however, the enemy includes many state actors, many armed groups who are developing global reach in this flatter, technologically linked world.

Our enemy is merciless and barbaric. They are willing to kill people who are not on traditional battlefields. They will kill noncombatants. They will kill women and children. They will kill at holiday parties and restaurants, at Jewish delis and sporting stadiums.

Just as sad as the evolution of our enemies, though, this war is hard for the American people to get their heads around because we have so much confusion right now—so much drift, so much orphanhood—not just about our enemies but about exactly who we are and about exactly what we are fighting to defend.

This body, the Congress, tries to do far too many things, and we do very few of them well, but when there are really important tasks that we should be tackling, well then folks seem to be unable to muster the energy or the courage or the time or the will to focus diligently on the task before us.

Today we have such a big task before us, and I will humbly suggest that before another person in this body or another member of the national media stands up to scold the American people about how they could possibly entertain voting for candidate X or Y, perhaps we should look in the mirror at why so many of our people are running to demagoguing leaders.

Do Senators really not understand what is happening? Did anyone really not see this coming? I think it is obvious why the people are doing what they are doing—because they get so little actual leadership out of this town, out of either end of Pennsylvania Avenue and out of either political party. Make no mistake, there were some genuinely dreadful things said on our national stage yesterday, but they were almost completely predictable. Did anyone really not see this coming?

Why is it that these words are so attractive to so many? Why do they find so many followers? Because they are comforting to a people who are scared. They are food to a people who are starved for leadership.

Sunday night was a desert. Monday night was a flood. Neither are what our people need or really what they, at their best, want, but don't be surprised that a people being misled by a political class that is in denial about the nature of the fight we face—don't be surprised if these people come then quickly to desire very different, much more muscular words and utopian pledges.

This town's conversations are so often so completely disconnected from the people. Do you want to know what people calling my office and stopping me in the grocery store—since Paris and now since San Bernardino—want to talk about? They want to talk about what Sharia law is and how many Muslims actually believe in it. It is a fair question for moms to ask. They want to talk about American exceptionalism. They want to know what we are for, what we are against, and what do we unite around. We should talk more about these things. For a minute tonight let's just step briefly beyond the media cycle and look at where we stand. This is a clash of civilizations. This is a fight between free people and a totalitarian movement. Let me say clearly that recognizing a clash of civilizations is not at all to want one, but recognizing one is simply the truth in this matter.

We are free and our enemies hate it. They hate that my wife leaves our house and drives. They hate that my daughters know how to read. They hate that we decided where we would go to church on Sunday. They hate us not because of any particular thing we have done by omission or by commission; they hate us because of who we are. They hate us because we have a Constitution that enshrines these freedoms, and this is the Constitution that we should be uniting around—uniting to defend. We should fight to defend the framework that has secured the freedom of speech, the freedom of religion, the freedom of the press, and the freedom of assembly for all Americans for 200 years—not initially successfully judging every man by the content of his character instead of merely the color of his skin but eventually guiding us beyond this original American sin and toward a more perfect union.

This weekend I went to San Bernardino. My wife and I laid flowers at a memorial that has popped up on a sidewalk outside the site where 35 of our neighbors bled this week; 14 of them ultimately died in this massacre. We talked to our American neighbors there in a neighborhood that should not be part of a war zone, but that neighborhood will now forever be a battlefield memorial. Some of the people grieving there wondered aloud to us: Why are our politicians so small, so mealy-mouthed? One marine asked my wife if Washington really even cares about the victims of jihadi attacks like this. One woman asked why no one in Washington seems to be a full-throated lover of America. They are wrong, of course, about the caring and the loving. There is a lot of care and love, but they can be forgiven for wondering why we are so unable to be full-throated about the big things.

We owe it to those who died this week, and to their families, to be clear and truthful about the nature of this conflict. We owe it to those 14. We owe it to their families, we owe it to the service men and women in uniform who are fighting abroad right now to defend our freedoms, some of whom will come home in caskets, and we owe it to the families of those who have not yet died—but who will—in the next jihadi attack on our homeland, for it is coming.

All adults know that the next attack is coming. You don't need to see the classified briefings that some of us see to know the future is dangerous. The San Bernardino 14 will not be the last Americans to bleed and die in our homeland because we are a free society. So we should tell the truth about the enemy we face. We should tell the truth about them, and we should dig down deep to be honest not only about them but about who we are. We should now reaffirm our core values that unite us as a people.

We are not at war with terrorism, which is just a tactic. We are not at war with some empty sociological label called radicalism or extremism, as if it has no connection to belief or ideology. We are not just at war with ISIS, though we are obviously at war with ISIS, but there will be another group that will raise the black flag of death long after ISIS has been routed out of Iraq and Syria.

This is not about workplace violence, this is not about global warming or gun shows. This is not about income inequality. This is not about some kid from a broken home somewhere in the Middle East, as tragic as broken homes are both at home and abroad. Again, against a whole load of hand-wringing mush, we need to remember that this attack, and know that our next attack, is not because of anything we have done wrong. This is about who we are. This is about the nature of freedom.

Who are we? We are a people, 320 million of us, who unite around the Constitution and the First Amendment that guarantees the freedom of speech, the freedom of religion, the freedom of the press, and the freedom of assembly to all Americans of every creed and every tradition.

I am a Christian. I am not a Muslim. I am also in this life an American, and I have taken an oath of office to the Constitution, and so, as an American, I stand and defend the rights of American Muslims to freely worship even though we differ about important theological matters.

In America we are free to believe different things and to argue about those beliefs. It matters what you think about the nature of God, about revelation, and about salvation. It matters what you think about Heaven and Hell. In fact, it matters so much and we think these things are so important that you couldn't possibly solve any of them by violence.

America is about the right to argue about our differences with our neighbors but to make those arguments free from violence. We, in this land, under the constitutional creed, come together as a community of Americans to unite around core American values: freedom of religion, speech, press, and assembly.

So now, as it is emphatically and indisputably clear, that we are not in a war with all Muslims, let us tell the truth that we most certainly are at war with militant Islam. We are at war with violent Islam. We are at war with jihadi Islam. We are at war with those who believe in killing in the name of religion.

This is, in fact, precisely what America means. It is about being free to raise your kids, free to build a corner store, and free to worship and to assemble without the fear of violence. We can argue about religion because many of us do disagree, and then we come together as Americans to protect and defend each other against religious killing.

There are many hand-wringers in Washington who refuse to name the enemy we face. They refuse to admit we are at war with militant Islam, with jihadi Islam, with violent Islam. They dance around platitudes and offer empty labels hiding behind a worry—an understandable worry—that Muslims in America could face backlash. I share this fear, and I believe that telling the truth about who is and who is not our enemy is actually the one sure way of avoiding that danger.

I think those who are refusing to tell the truth about our enemies, those who will nonsensically claim that the next jihadi attack is somehow just another random case of workplace violence are making the backlash far more likely, not less likely.

Here is how I think the backlash actually happens: The people who are supposed to be laser-focused on defending the American people—that is us—mouth silly platitudes that show we are either too weak or too confused to keep our people safe.

Then, a megalomaniac strongman steps forward and starts screaming about travel bans and deportation and offering promises to keep all of us safe, which to some—and I think actually to many more than those of us in this body seem to understand—sounds much better than not being protected at all.

You want to stop a backlash against American Muslims? Then stop lecturing Americans that they are supposedly stupid to be frightened about jihadis who actually do want to bomb their kid's sporting event and instead use your pen and your phone as Commander in Chief to start telling us what your plan is to actually find and kill those who want to do us harm. Start telling us what your actual plan

is to have a Middle Eastern map that isn't generating more failed states year over year that become the terror training camps of next year.

This country invented religious liberty. This is the most tolerant Nation the world has ever seen. Our people need a little less elite sermonizing about tolerance in our communities and a little more articulation of the shared constitutional principles around which we are united and a lot more articulating of an actual battle plan to win the war that is going to be ours for the next many decades.

If you are worried about backlash—if you are worried about the obviously over-the-top rhetoric from unserious Presidential candidates—perhaps it will be useful for those of us who have the actual job of protecting the Constitution to tell the truth. We should be clear about who we are and about the freedoms we stand for, and we should be clear about those who would try to kill us because we believe in these freedoms.

We are at war with militant or jihadi Islam, but we are not at war with people who believe in the American creed, which includes the right of people—every people, every faith tradition—to freely worship, to freely speak, to freely assemble, and to argue. We are not at war with all Muslims. We are not at war with Muslim families in Lincoln or in Dearborn who want the American dream amid our pluralistic society for their kids, but we most certainly are at war with those who want to spread a variety of Islam that aims to motivate the killing and the freedom-taking of other Americans.

This fight will be decades long, and we will win it, but we will not win it by denying that the fight exists. We will not win it by being unclear about who we are and who they are. We will win it instead by being clearer about both who they are and who we are. We will win it by reaffirming our core constitutional values. We will win it because of who we are: a people who believes in freedom and a people who is willing to fight and even to die to preserve a free society for all Americans.

Macbeth includes that aching line: ''Life is a tale, told by an idiot, full of sound and fury signifying nothing.'' The context is an aimless people, drifting from who they are, drifting toward nihilism signifying nothing.

This should not be us. This cannot be us. For America does signify something—something special. America is the belief that everyone—Christian, Jew, Muslim, Black and White, man and woman, rich and poor, fifth generation, first generation—everyone is endowed by our Creator with certain inalienable rights. Our government is our shared project to secure and safeguard those rights. Our Constitution—our shared creed—gives us a framework for that order of liberty. When politicians—whether incumbents who seem to have forgotten their oaths or candidates trying to run merely on the bluster of their personality—don't talk about the Constitution, when they don't defend first principles, when they refuse to prefer substance over sound bites, when they nonsensically say either that our enemy has nothing to do with Islam or conversely that every Muslim is to be prejudged guilty—well, then our national conversation crumbles into sound and fury. That is not us, for we are Americans.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

EVERY STUDENT SUCCEEDS BILL

Ms. WARREN. Mr. President, I rise in support of the Every Student Succeeds Act—the bill to reauthorization the Elementary and Secondary Education Act.

We have only one goal in mind: to give all our children the best possible education. The challenge has been to figure out the right role for the Federal Government to do that.

This bill, which will replace No Child Left Behind, moves away from rigid standardized tests and respects the vital work our teachers do every day. I strongly support those changes. However, I voted against this bill when it was first approved by the Senate a few months ago because I felt it lacked even the minimum safeguards necessary to ensure that States would use Federal funds effectively to support teachers and students. I was deeply concerned that without stronger accountability, billions of dollars in taxpayer money would not actually reach those schools and those students who needed them the most.

Unlike the bill initially approved by the Senate, the proposal before us has significantly enhanced those safeguards. I argued that it was essential that billions of dollars a year of Federal funding must be accompanied by some minimum expectations for what States are going to do with that money. One of those expectations must be that States target their efforts toward schools that are most in need of improvement and resources.

That is why I am glad this final bill includes an amendment I offered with Senator CORY BOOKER to ensure that States address the 1,200 high schools in the United States, where fewer than two-thirds of students graduate every year.

When one-third of a high school's students don't graduate, we know we have a crisis on our hands. We can't just turn our backs. This provision will ensure that States can't ignore those kids, and it will ensure additional Federal resources for those schools that clearly need it the most.

This commonsense accountability provision had deep support across the board. It was supported by the Obama administration, the civil rights community, the U.S. Chamber of Commerce, and the NEA. It wasn't in the bill I voted against a few months ago, but I am glad to see it in the final bill before us today because helping schools with chronic dropout rates cannot be optional.

This bill also ensures that States cannot ignore any group of students who are consistently falling behind their peers. Let's face it. Historically, States haven't always stood up for their most vulnerable kids, and this bill makes certain that those kids will not be ignored again. That is why we have a Federal education law in the first place: to ensure that when the Federal Government gives States money to buy a good education for kids, that States have to use that money to support all of our kids—especially kids who need those resources the most. Senator MURPHY and I offered amendments to achieve this goal when the bill came before the Senate. They weren't included back then, but I am glad to see that the final bill ensures that if States want Federal dollars, they cannot turn their backs on vulnerable students.

This has been a very challenging process, but Senator MURRAY and Senator ALEXANDER kept the door open for improvement, and I am grateful for that. Many allies stood together to ensure that Federal dollars would actually be used to improve both schools and educational opportunities for children living in poverty, children of color, children with disabilities, and other groups of kids who have been underserved, mistreated or systematically denied even the most basic opportunities to get a good education.

One final note. States and communities cannot address persistent achievement gaps if they don't have good data. With this bill, parents, researchers, and educators across the country will, for the first time, be able to analyze the performance of African-American boys or Hispanic girls or low-income children with disabilities. The ability to analyze the interaction of race and gender or disabilities and income will help us better understand how our schools are serving students and identify student groups who need more help. I am very grateful to my cosponsor, Senator CORY GARDNER, the Presiding Officer this afternoon, in helping make sure this final bill includes this bipartisan data transparency amendment that we offered to achieve this goal.

When President Johnson first signed ESEA back in 1965, it was a landmark civil rights law. At the time, he said:

> I know that education is the only valid passport from poverty—the only valid passport. . . . I believe deeply no law I have signed or will ever sign means more to the future of America.

Today, the majority of our children in public school live in poverty—the majority. Think about that. This law is more important today than it has ever been. I am voting for this bill because I believe we have been successful in ensuring that it contains a minimum set

of safeguards to protect our most vulnerable kids. I still have real concerns about what States will do with the new flexibility it provides, and many of us here will be watching closely to see if the States deliver for our kids.

I am committed to keep fighting for our Nation's public schools, and that includes fighting for more Federal investment. I hope this legislation truly lives up to the promises made half a century ago to support public education fully and fairly enough to create real opportunities for all of our children.

If the changes in this law don't move us closer to providing a world-class education for every single one of our children, then we will be right back here to fix it. We owe it to our students, we owe it to our teachers, we owe it to our history, and we owe it to our future to get this right.

Thank you, Mr. President.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:26 p.m., adjourned until Wednesday, December 9, 2015, at 10 a.m.