United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, WEDNESDAY, DECEMBER 9, 2015 *No. 178*

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.

Eternal God, the Earth belongs to You and everything in it. Thank You for continuing to bless our lives. Give our lawmakers absolute trust in Your faithfulness and power. May the unfolding of Your loving providence in our history inspire them to persevere. Lord, fill them with Your Spirit, guiding their words and helping them to avoid risky rhetoric. Tune their hearts to the frequency of Your inner voice, making them responsible stewards of freedom.

Lord, thank You for blessing the United States of America throughout our history. Continue to unite us in the common cause of justice, righteousness, and truth.

We pray in Your strong 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. COTTON). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

EVERY STUDENT SUCCEEDS BILL

Mr. MCCONNELL. Mr. President, some questioned whether Washington could ever agree on a replacement for No Child Left Behind. They needn't question any longer. Just consider today's headline from the Associated Press: ''Outdated education law up for major makeover in the Senate.''

This morning we expect that a new Senate that is back to work will send the Every Student Succeeds Act to the President for his signature. This forward-looking replacement for a broken law would open new opportunities for our kids and put education back in the hands of those who understand their needs best: parents, teachers, States, and school boards.

This bipartisan legislation would strengthen charter schools. This bipartisan legislation would prevent distant bureaucrats from imposing common core. This bipartisan legislation would substitute one-size-fits-all Federal mandates for greater State and local flexibility. In short, it is conservative reform designed to help students succeed, instead of helping Washington grow. It is a significant achievement for our country.

I thank everyone who helped make this moment possible. At the top of the list are two Senators. There is Senator ALEXANDER, a former Education Secretary from Tennessee, a Republican; and there is Senator MURRAY, a former preschool teacher from Washington State, a Democrat. They worked very hard. They worked across the aisle, and they worked in good faith.

Their success in this effort is our country's gain. It is a win for parents, and it is a win for dedicated teachers. Most importantly, it is a win for children because these young Americans deserve the enhanced opportunities the bill would provide.

There is something else we know about Senator ALEXANDER and Senator MURRAY about their accomplishment. It is a testament to what a new and more open approach can bring to the legislative process. It gives Senators of both parties more of a say. It gives Senators of both parties more of a stake. So Senators are more likely to be interested in working together and seeing good ideas through to completion. That is just what we have seen here.

Senator MURRAY said: ''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.''

Senator ALEXANDER said: ''The bill is just one more example that Congress is back to work.''

I couldn't agree more. Finding a serious replacement for No Child Left Behind eluded Washington for years. Today it will become another bipartisan achievement for our country.

I urge every colleague to join me in voting to send this forward-looking, conservative reform to the President's desk. Let's help every student by passing a bill NPR calls a ''sea change in the federal approach'' and the Wall Street Journal hails as ''the largest devolution of federal control to the states in a quarter-century.''

BIPARTISAN ACHIEVEMENTS

Mr. MCCONNELL. Mr. President, the new Congress and the new Senate this year have had a habit this year of turning third rails into bipartisan achievements. You might say we did so on highways and transportation last week. You might say we are doing so on schools and education this week.

We have also overcome significant obstacles to pass important legislation that would protect America's privacy online through the sharing of cyber threat information that would help fight against unfair trade barriers, that would help our military modernize and prepare for future threats, and that would bring hope to victims of deplorable crimes who suffer in the shadows.

But when it comes to the truest of third rails in American politics, some boil that down to just two phrases:

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

Medicare and Social Security. We all know that positive action will be needed if we care about saving these programs for future generations. Republicans and Democrats are both aware of this inescapable fact. Yet too many politicians have been conditioned to believe that bringing one comma of positive reform to either law is political suicide.

Well, bipartisan majorities in the new Congress voted to change a lot more than just commas in both laws this year. We took bipartisan action on Medicare, reforming a broken payment system that has threatened seniors' care. We took bipartisan action on Social Security's disability component, enacting the most significant reform in a generation. As a result of these bipartisan reforms, we put a permanent end to Congress' annual doc fix drama. We brought reform to a program for disabled Americans that was scheduled to go broke next year. And we broke through on a bipartisan basis—an important psychological barrier that has held back broader positive action for the American people.

The scale of what this new Congress was able to achieve on these issues is noteworthy, but it is important for another reason. It clears a path for future wins for our constituents. That is good news for our country today, it is good news for future generations tomorrow, and it is another example of a Congress that is back to work for the American people and back on their side.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

EVERY STUDENT SUCCEEDS BILL AND FILIBUSTERS

Mr. REID. Mr. President, today we are taking a long, overdue step in moving beyond the Bush No Child Left Behind law.

The Every Student Succeeds Act will reduce the focus on testing while still ensuring that all students are making progress. This reauthorization of the Elementary and Secondary Education Act also includes new investments for early childhood education—a priority for Democrats.

The senior Senator from Washington, Mrs. MURRAY, and the chairman of the HELP Committee, Senator ALEXANDER, did good work in getting this bill passed. But while we pat ourselves on the back for passing this legislation, we shouldn't forget that we could have done this a long time ago. It was not long after the bill passed that we knew it was full of flaws, and we tried valiantly to change it for a number of years.

Why didn't we change it? Because there were Republican filibusters. We couldn't bring the bill to the floor. In fact, nearly every major bipartisan bill we passed this year could have become law in years past if Republicans had not blocked them, obstructed them, and filibustered them.

What are we talking about? We are talking about the bill we are going to vote on at 10:45 a.m., the Elementary and Secondary Education Act, and the so-called doc fix. My friend referred to that, the SGR. For years, because of something the Bush administration had done to fix it on paper to make the budget look good, we could not get past that. It was terrible for Medicare patients and very bad for Medicare physicians. We tried to change it not once, not twice, not three times, but numerous times. Every time we couldn't do it because of Republican obstructionism.

We passed the Terrorism Risk Insurance Act. Why didn't we do it earlier? Because the Republicans filibustered it, blocked it, and obstructed it.

The Department of Homeland Security funding that nearly shut down the government—we tried to do it earlier. We couldn't because of obstruction by Republicans.

The Suicide Prevention for American Veterans Act, also called the Clay Hunt Suicide Prevention for American Veterans Act—why didn't we do that earlier? Because they wouldn't let us. They filibustered it, they blocked it.

For the Shaheen-Portman energy efficiency bill it was the same thing; the USA FREEDOM Act, the same thing. As to cyber security legislation, my friend comes and boasts about all the good things done, and it includes cyber security. It takes a lot of gall to come here and boast about that. It was filibustered time and again by the Republicans.

My friend also talks about how great the Senate is operating. When he signed up for this job, he said that, as Republicans, they would take all bills through the committee of jurisdiction—absolute falsehood. They have not done that.

What am I talking about? Well, S. 534, the Immigration Rule of Law Act of 2015, went directly to the floor. DHS, Department of Homeland Security appropriations, directly bypassed the committee. For the Keystone Pipeline it was the same thing; Iran nuclear agreement, same thing; vehicle for the Trade Act, same thing; Trade Preferences Extension Act, same thing. H.R. 644, Trade Facilitation and Trade Enforcement Act, same thing, went directly to the floor and skipped the committee. Patriot Act extension, same thing—it skipped the committee. Highway bill, same thing—it skipped the committee. Defund Planned Parenthood skipped the committee and came right here. The vehicle for the Iran bill skipped the committee and came directly to the floor. The pain-capable bill, same thing—it skipped the committee and came here. And there are many other instances.

The bills I have talked about, with some exception, were good bills in the last Congress, and they were good bills this Congress. The only difference between then and now is that Republicans no longer blocked them.

I am not amused. I know that some may think this is amusing, but it is not. It is too serious. When my Republican colleagues take victory laps on legislation they filibustered last Congress, that is not a laughing matter. I say to my Republican friends: You get no credit for passing legislation now that Republicans blocked then. It doesn't work that way. We have not obstructed; we have been constructive. If Republicans are intent on claiming credit for moving forward bills they have blocked in the past, I hope they will change course this coming year and finally start to do something for the middle class.

Where have we done anything for the middle class during the first year of this Congress? I don't see a place. We are halfway through the 114th Congress, and I have seen little hope that they are planning on doing anything in the next few months. Let's see what happens next year.

This Congress so far has been a failure for middle-class Americans. We can change that next year. We can do something about the minimum wage that has been filibustered numerous times by the Republicans. Increasing the minimum wage is good for American workers, businesses, and the economy. Under Senator MURRAY's proposal, 38 million Americans stand to benefit from an increase in the minimum wage. In Nevada, almost 400,000 workers will get a raise. That is almost one-third of our State's workforce.

Next year we can finally address unfair wage disparity that takes money out of American women's paychecks. On average, women make about 77 cents for every dollar their male colleague makes for doing the same work. For women of color, the disparity is even worse. African-American women make 64 cents for every dollar their male colleagues make for doing the same work. Latino women make 53 cents for every dollar doing the same work that a man does. That is really unconscionable. I encourage the Republican leader to take up Senator MIKULSKI's Paycheck Fairness Act, which would help close the wage-gap disparity for American women.

Next year we could pass legislation to ease the burden of student loans, which are so costly. Americans now owe more than $1 trillion in student loan debt. Student loans are the second largest source of personal debt in the United States—even more than credit cards or auto loans. I hope Republicans will work with us to do something about this next year. Americans with student loans need the help.

These are just a few of the important matters I urge Republicans to undertake in the coming year. There are many things we can do to help the middle class. So instead of telling us how the Senate is working, why not work with Democrats? Instead of telling us how productive this year has been in

spite of all the empirical data that proves otherwise, why not make this coming year productive for America's working families? If we do that, then we can honestly tell the American people that the Senate is working again—not obstructing—because they would be working with us. We have worked with Republicans to pass legislation outlined by the Republican leader and previously filibustered by them.

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.

The PRESIDING OFFICER. Under the previous order, the time until 10:45 a.m. is equally divided between the two leaders or their designees.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the American people have a lot on their minds this week about things happening in our world and in our country, but today we turn our attention to something at home. The Senate and Congress—and I believe the President—by the end of the week will have a Christmas present for 50 million children and 3.4 million teachers in 100,000 public schools across this country, something they have been eagerly awaiting. Today the Senate should pass by a large margin our bill to fix No Child Left Behind.

A lot has been said about how the bill repeals the common core mandate, how it reverses a trend toward a national school board that has gone on through the last two Presidential administrations, and how it is the biggest step toward local control in a quarter of a century for public schools. That is all true.

The legislation specifically prohibits the U.S. Secretary of Education from specifying in any State that it must have the common core standards or any other academic standards—not just this Secretary but future Secretaries. It gets rid of the waivers the U.S. Department of Education has been using to act, in effect, as a national school board, causing Governors to have to come to Washington and play ''Mother May I'' if they want to evaluate teachers or fix low-performing schools or set their own academic standards. And it is true that it moves a great many decisions at home. It is the single biggest step toward local control of schools in 25 years.

This morning, as we come to a vote, which we will do at 10:45, I would like to emphasize something else. I believe the passage of this legislation—and if it is signed later this week, as I believe it will be, by President Obama—will unleash a flood of innovation and excellence in student achievement across America, community by community and State by State. Why do I say that? Look at where the innovation has come from before. My own State, Tennessee, was the first State to pay teachers more for teaching well, creating a master teacher program in the 1980s. Florida came right behind. That didn't come from Washington, DC. The Democratic-Farmer-Labor Party in Minnesota created what we now call charter schools in the early 1990s. That didn't come from Washington. The Governors themselves met with President George H.W. Bush in 1989 to establish national education goals—not directed from Washington but with Governors working together, with the President involved in leading the way and providing the bully pulpit support. Then the Governors since that time have been setting higher standards, devising tests to see how well students were doing to reach those standards, creating their own State accountability systems, and finding more ways to evaluate teachers fairly.

My own State has done pretty well without Washington's supervision. Starting with the master teacher program in the 1980s, then-Governor McWherter, in his time in the 1990s, helped Tennessee pioneer relating student achievement to teacher performance. Then Governor Bredesen, a Democratic Governor, realized that our standards were very low—we were kidding ourselves—so he, working with other Governors, pushed them higher. Our current Governor Bill Haslam has taken it even further, and our children are leading the country in student achievement gains. So the States themselves have been the source of innovation and excellence over the last 30 years.

We have learned something else in the last 10 or 15 years: Too much Washington involvement causes a backlash. You can't have a civil conversation about common core in Tennessee or many other States. It is the No. 1 issue in Republican primaries, even in general elections, mainly because Washington got involved with it. Now Washington is out of it, and it is up to Tennessee and Washington and every State to decide for themselves what their academic standards ought to be. The same is true with teacher evaluation.

I was in a 1½-year brawl with the National Education Association in 1983 and 1984 as Governor, when we paid teachers more for teaching well. It carried by one vote in our State senate. So when I came to Washington a few years ago, people said: Well, Senator ALEXANDER is going to want every State to do that. They were absolutely wrong about that. The last thing we should do is tell States they must evaluate teachers and how to evaluate teachers. It is hard enough to do without somebody looking over your shoulder. Too much Washington involvement has actually made it harder—harder to have higher standards and harder to evaluate teachers. I believe we are changing that this week.

I had dinner with a Democratic Senator last night who plans to vote for the bill. He said he would have given me 5-to-1 odds at the beginning of the year that we wouldn't be able to pass this bill. Why are we at the point where we are likely to get votes in the mid-eighties today in favor of the bill? No. 1, because we worked on it in a bipartisan way. And I have given credit many times to Senator MURRAY from the State of Washington for suggesting how we do that. I see Senator MIKULSKI from Maryland on the floor. She has been a force for that as well. Our committee worked in a bipartisan way, and so did the House of Representatives as we worked through the conference.

The President and his staff members and Secretary Duncan have been professional and straightforward in dealing with us all year long, and I am grateful for that. We knew from the beginning, when we said to the President: Mr. President, we know we can't change the law; we can't fix No Child Left Behind unless we have your signature. We know that. He dealt with us in a straightforward way.

Then we found a consensus. Once we found that consensus, it made a very difficult problem a lot easier. The consensus is this: We keep the important measurements of student achievement so that parents, teachers, and schools will know how schools, teachers, and parents are doing. There are 17 tests designed by the States, administered from the 3rd grade through the 12th grade, about 2 hours per test. That is not very many tests. Keep those, report the results, disaggregate the results, and then leave to classroom teachers, school boards, and States the decisions about what to do about the tests. That should result in better and fewer tests. That consensus underpins the success we have had.

Six years ago, in December, we had a big disagreement in this Chamber. We passed the Affordable Care Act, with all the Democrats voting yes and all the Republicans voting no. The next day, the Republicans went out and started trying to repeal it, and we haven't stopped. That is what happens with that kind of debate. This is a different kind of debate.

If the President signs this bill, as I believe he will, the next day, people aren't going to be trying to repeal it. Governors, school board members, and teachers are going to be able to implement it, and they will go to work doing it. They will be deciding what tests to give, what schools to fix and how to fix them, what the higher academic standards ought to be, and what kind of tests should be there. It will be their decision. They will be free to do it from the day the President signs this bill. It lasts only for 4 years until it is supposed to be reauthorized, but my guess is that this bill and the policies within

it will set the standard for policy in elementary and secondary education from the Federal level for the next two decades.

It is a compromise, but it is a very well-crafted piece of work. It is good. It is good policy.

There are some things that are undone. Senator MURRAY has her list of things that couldn't get in the bill, and I have mine. I was glad to see us make more progress on charter schools. I have watched that go from the time I was Education Secretary in the early 1990s, when I wrote a letter to every school superintendent asking them to try at least one of those Minnesota start-from-scratch schools. I watched it go from there to today where over 5 percent of our children in public schools go to charter schools. That is a lot of kids—almost 3 million children—going to schools where teachers have more freedom and parents have more choices.

What we haven't made as much progress on is giving low-income parents more choices of schools for their children so they have the same kind of opportunity that financially better off parents do. My Scholarship for Kids proposal got only 45 votes here. I thought it was a very good idea that would give States the option—not a mandate—to turn all their Federal education dollars into scholarships for low-income children. That would be $2,100 for each of those children, and it would follow them to the school their parents chose under the State's rules, not Washington's rules. That is not a part of this bill, but we can fight about that and discuss that another day, and I intend to try to do that.

Today I think we celebrate the fact that we have come to a very good conclusion. We are sending to the President a bill I hope he will be comfortable with. While it does repeal the common core mandate and it does reverse the trend to a national school board and it is the biggest step toward local control in 25 years, what excites me about the bill is I believe it will unleash a flood of innovation and excellence in elementary and secondary education that will be a wonderful Christmas present for 50 million children in 100,000 public schools being taught by 3.4 million teachers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the Every Child Succeeds Act. Today will be a great day for the Senate because we will actually pass a bill that is a result of a bipartisan effort led by two very able and dedicated leaders, Chairman ALEXANDER and Ranking Member PATTY MURRAY. They have done an outstanding job in guiding the committee and encouraging open debate with extensive hearings, consultation with Members, and committee markups that were long, hard, and sometimes quite feisty to say the least. That is the way the Congress ought to be, and I thank them.

I think their dedication showed that in the Senate—we acknowledge the work of Chairman KLINE and Ranking Member SCOTT in the House, but here, we were led by two educators: Senator ALEXANDER, the former president of a university and former Secretary of Education and Senator MURRAY, a teacher herself, who has taught us many lessons in our caucus on how to do the right job in the right way.

Today we come with the rewrite of a bill that started 50 years ago, when Lyndon Johnson wanted to have a war on poverty and passed the Elementary and Secondary Education Act. It was the first time the Federal Government was going to be involved in education and wanted to be sure there were Federal resources to help lift children out of poverty.

Many us agree with what the great former Secretary of State Condoleezza Rice said, that education is the civil rights issue of this generation because education is what opens doors today and opens doors tomorrow. The legislation we pass today will make sure that we correct the problems of the past and do the right thing in the future.

When I knew that the committee was going to be serious about the doing the bill, I crisscrossed Maryland consulting with parents, teachers, and administrators of our school system to get the best ideas. The first thing I asked was, what are we doing right, what are we doing wrong, what do you want us to do more of, and when do you want us to get the heck out of the way?

They said to me: Senator Barb, the problem in Washington is that you have a one-size-fits-all mentality. Washington wants to take the same rules that apply in New York City and apply them to Ocean City, MD. You cannot have a one-size-fits-all for every school district in the United States of America.

The second thing they said is, yes, you need accountability; yes, you do need metrics. But what we have come up with is overtesting that still does not result in high performance.

I worked on a bipartisan basis with the leadership to do what we could to get rid of the excesses of one-size-fits-all, all decisions that are made in Washington, and the fact that we shouldn't be racing to the test, we should be racing to the top.

My first rule in working on this legislation was to do no harm. I was deeply disturbed that there was an effort to change the formula—the formula that meant what Federal funds do come in the area of title I. We worked very hard to make sure the formula was fair and equitable, along with the rules of the game now and the groundwork for the rules of the game for the future.

What that meant was that initially Maryland would have lost $40 million and Baltimore City and Baltimore County would have each lost $6 million. In Prince George's County, which is experiencing a new wave of immigrant children, we would have lost $7 million. We were able to make sure the formula works the way it should.

We also made sure our teachers have the support they need. Our teachers have been overregulated. They have had demands placed on them to solve problems that are not theirs when a child comes to the classroom. Their job is to teach the child, but they can't solve every problem the child has. Many of our children come to school with significant and severe health problems. Some have peanut allergies. Some have asthma. Some are challenged by autism. The school system needs help with supportive services.

I am so proud of the effort I led to make sure we have opportunities for school nurses to be in those schools; to make sure Federal funds can be used for the coordination of the services that will be needed to provide and oversee the health needs of our children, such as vision screening, hearing screening, and important mental health services—this is what we need to be able to do; also, to make sure that while we maintain testing in reading and math, we make sure we get rid of the overtesting and the race to the test.

The Every Student Succeeds Act is good for all of Maryland's students. There are 874,000 boys and girls in school today. Some are from at-risk populations. What we do here is get them ready for school. We make investments in preschool education, which is so important. We have afterschool programming because children don't learn only during the school day but through structured afterschool programming. Children continue to learn all day while they are in a safe and secure environment. We empower families, we empower teachers, and we empower the local level.

I think this is a very good job in what has been done here. What we hope to be able to do is to make sure our children are ready for the 21st century. I believe this bill is a downpayment on our children's future and therefore on our Nation's future. When we spend money on education, the benefit not only accrues to the child, it accrues to our society. Every time a child can read, every time a child can participate in the demands and the knowledge of what the 21st century requires, we are going to be in a better place.

I congratulate Senator ALEXANDER and Senator MURRAY on a great job.

I urge adoption of the conference report.

I yield the floor.

Mr. CARDIN. Mr. President, today I wish to celebrate a truly bipartisan, bicameral accomplishment. For the first time in 14 years, Congress is on the precipice of reauthorizing the Elementary and Secondary Education Act, ESEA. First enacted 50 years ago as a part of the civil rights era, this legislation sought to ensure all children, regardless of ZIP code, were able to obtain a high-quality education. The latest reauthorization of ESEA was signed

into law in 2001 as the No Child Left Behind, NCLB, Act. Due for reauthorization since 2007, an entire generation of students have matriculated through our Nation's public school system under this Federal education policy while reforms have been desperately needed. I am proud of the compromises that Senate HELP Committee Chairman ALEXANDER and Ranking Member MURRAY were able to craft together starting back in January and for the tireless work of their staffs to get us to this point we are at today.

Ensuring access to a high-quality education is one of the most important duties of Federal, State, and local governments. While Congress enacted the NCLB Act with the best of intentions and a comforting name, in reality the red tape and overreliance on the Federal assessments it codified have left far too many children behind since its passage. In the years leading up to today, I have heard from parents concerned about the pressure their children feel when taking certain assessments, I have been disheartened to hear educators in my State say that they are falling out of love with teaching with consistently changing mandates and the unpredictability of high stakes testing, and I have met with education leaders who are trying to make the best of an untenable situation. All of those involved in education—from students, parents, educators, school support personnel, education leaders, volunteers, and organizations which hold our schools accountable to ensure every child obtains a high-quality education—deserve to move on from the failed NCLB Act.

I have often heard from educators in my State who stress that a child is more than a single or collective set of test scores. I am pleased the Every Child Achieves Act, ECAA, will replace the Federal, one-size-fits-all ''adequate yearly progress'' accountability system and allow States to design their own accountability systems to identify, monitor, and assist schools. Rather than relying on a collective set of test scores to determine student performance, accountability systems will be able to take into consideration student growth over the course of a school year. States will be able to consider multiple measures of student learning, including access to academic resources, school climate and safety, access to support personnel, and other measures which can allow for differentiation in student performance. All of this will be done while ensuring that students are held to the high yet achievable standard of being college- and career-ready upon completion of high school.

I am proud that the ECAA recognizes that, to support a successful student, schools should support the whole child, both physically and mentally. The approved bill includes a provision I coauthored with Senator ROY BLUNT that will allow schools in low-income areas to use Federal resources under title I to provide school-based mental health programs. School-based mental health programs have been proven to increase educational outcomes, decrease absences, and improve student assessments. The ECAA also makes an effort to ensure students in our Nation have a deeper understanding of how our government functions, and I would like to thank Senators CHUCK GRASSLEY and SHELDON WHITEHOUSE for working with me to modify the american history and civics title of ECAA to accomplish this goal. Our provision allows evidence-based civic and government education programs that emphasize the history and principles of the U.S. Constitution, including the Bill of Rights, to receive Federal funding for expansion and dissemination for voluntary use. For too long, a singular focus on assessments pushed out other important subjects like these which ensure a student receives a well-rounded education.

My home State of Maryland has made a commitment to funding education adequately over the past decade that has allowed Maryland to be a consistent national leader in student performance and student outcomes. Each day, our State's nearly 875,000 students make their way to the classrooms of more than 60,000 educators and thousands more support personnel and education leaders in nearly 1,446 Maryland schools. I appreciate the service of educators not only from the perspective of a lawmaker, father, and grandfather, but also as a husband of a teacher. I appreciate my colleague Senator BARBARA MIKULSKI, for standing with me to prevent a proposal from Senator RICHARD BURR from being included in the final conference report which would have harmed Maryland's hardest to serve low-income students. Senator BURR's proposal would have reduced Maryland's share of title I-A funding for educating low-income children by $40 million per year, punishing States like Maryland that have made the decision to make proper investments in funding education for our children. Thanks to the work of Senator MIKULSKI and a strong coalition of members from similar States, the final conference report does not include this provision.

The legislative process is about comprise. In many respects, this bill is a vast improvement over the No Child Left Behind Act, and the hard work of HELP Committee Chairman ALEXANDER, Ranking Member MURRAY, House Education and the Workforce Chairman JOHN KLINE, and Ranking Member BOBBY SCOTT have led us to this point. However, work remains to address a current lack of protections to make our schools safer places for lesbian, gay, bisexual, and transgender, LGBT, students. In addition, Congress must not repeat the same mistakes we learned from under the NCLB Act by underfunding our Nation's public schools. I stand ready to work with Members from both parties to ensure that all Americans can obtain a high-quality education.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, Duncan Taylor is the parent of a second grader in Highline public schools in my home State of Washington. Like so many parents in my State, he got a letter in the mail saying his son's school was failing.

Last year, Washington State lost its waiver from No Child Left Behind's requirements. Not only did that mean most of the schools in the State are now labeled as failing, it meant Washington State lost flexibility over how to spend some of its Federal funding.

As an active member of the PTA, Duncan volunteers in the classroom. So he knew that the label of ''failing'' did not reflect the kind of education his son was getting, but as an education advocate, he also knew that losing out on that funding—in effect punishing schools that serve students from all kinds of backgrounds—was not going to help. Like so many parents and teachers across the Nation, Duncan has been following our work to reauthorize the Nation's elementary and secondary education bill. We cannot let them down.

I thank Chairman ALEXANDER for working with me since February on a bipartisan path to get us to this point today. This process started when Chairman ALEXANDER and I agreed that No Child Left Behind is badly broken and needed to be fixed. He has been a great partner, and I am thrilled we have reached this point together.

I also thank all of our colleagues on the HELP Committee for their work and dedication in moving this bill forward. In particular, I thank my committee Democrats for their tireless work on behalf of families, schools, and communities in their States. This is a stronger bill thanks to their commitment and effort.

I thank the two leaders, Senator MCCONNELL and Senator REID. In particular, I thank Senator REID for his guidance and support.

We would not be where we are without Chairman KLINE and Ranking Member SCOTT in the House. While Chairman KLINE and I do not see eye to eye on everything, he has been a great partner on this bill, and I look forward to getting more done with him before he retires next year. Ranking Member BOBBY SCOTT has been a partner in getting this deal done. Without him and the passion he brings around dropout factories and creating a real accountability system for our schools so all children can succeed, we would not have been able to get this bill to a place where Democrats and the President could support it.

There have been many late nights and weekends for our staff this year. I want to take a moment now to recognize their extraordinary efforts and service. On Senator ALEXANDER's staff, I want to particularly acknowledge and thank his staff director, David Cleary,

as well as Peter Oppenheim and Lindsay Fryer, his education and K–12 policy leads, who worked closely with our staff over many months. I also want to acknowledge and thank Jordan Hynes, Bill Knudson, Lindsey Seidman, Hillary Knudsen, Bobby McMillin, and Jim Jeffries, who all did great work on this important bill.

In the House, I was proud to work with Chairman JOHN KLINE, and I recognize and thank his staff director, Juliane Sullivan, as well as Amy Jones, Brad Thomas, Mandy Schaumburg, Leslie Tatum, Kathlyn Ehl, Matthew Frame, Sheariah Yousefi, Krisann Pearce, and Brian Newell.

I was glad to work with my friend, Ranking Member BOBBY SCOTT, and I truly appreciate all of his hard work and dedication to this bill. I want to recognize and thank his staff director, Denise Forte, along with Jacque Chevalier, Helen Pajcic, Alex Payne, Christian Haines, Kiara Pesante, Brian Kennedy, and Rayna Reid.

In addition, I thank our committed floor staff, who provide outstanding guidance to us every day. In particular, I thank Gary Myrick, Tim Mitchell, Tricia Engle, and Daniel Tinsley.

Finally, I cannot say enough about my own incredible staff, who have put their time and talents into this bill from the word ''go.'' In particular, I want to thank my staff director, Evan Schatz, and my public education policy director, Sarah Bolton, for their extraordinary efforts on this legislation.

I want to acknowledge the long and hard work of Amanda Beaumont, Allie Kimmel, Leanne Hotek, Jake Cornett, Aissa Canchola, Sarah Rosenberg, Aurora Steinle, Leslie Clithero, Eli Zupnick, Helen Hare, Mary Robbins, Jeff Crooks, John Righter, Beth Stein, Beth Burke, Sarah Cupp, Melanie Rainer, Stacy Rich, Emma Rodriguez, and my chief of staff, Mike Spahn. I noticed all of your long, hard work on the unwavering commitment.

As a former teacher, I want to thank you for standing up for the best interests of our students, our educators, and our communities in Washington State and across the country. We would not be where we are today without all of your efforts. Thank you.

Every Senator here has heard from teachers, parents, and students in their home State about how No Child Left Behind is badly broken. For one thing, the law overemphasized testing, and oftentimes those tests are redundant or unnecessary. It issued one-size-fits-all mandates but then failed to give States the resources to meet those standards. I have seen firsthand how this law is not working in my home State of Washington.

Thankfully, we were able to work in a bipartisan way on a solution. Together, we passed our bill through the HELP Committee with strong bipartisan support. We passed our bill here on the Senate floor 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. Today I hope our colleagues here will approve this final bill with the same bipartisan spirit that has guided our progress so far.

The Every Student Succeeds Act will reduce reliance on high-stakes testing. It will invest in improving and expanding access to early learning programs so more kids start kindergarten ready to learn. 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.

With today's vote, I am looking forward to going back home and telling teachers and principals that we are on their side. I am looking forward to showing the American people that Congress can actually work when both sides work together.

I am looking forward to making sure this bill is implemented in a way that works for Washington State students, parents, teachers, and communities, but first we have to clear this last legislative hurdle before we can send it to the President's desk. I urge my colleagues to vote yes to pass the Every Student Succeeds Act. Vote yes to fix No Child Left Behind. Vote yes to prove Congress can break through gridlock, work together, and get results. Vote yes to pass this bill for students, parents, teachers, and communities across the country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that following the vote on the adoption of the conference report, the Senate be in a period of morning business until 6 o'clock p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. ALEXANDER. Mr. President, yesterday I extended my appreciation to Senator MURRAY's staff and to mine—some she noted yesterday. Some of them have been working on this bill for 5 years. I am deeply grateful to them. I have deep appreciation for their hard work, their ingenuity, and their skill in helping us come to this result. Without their hard work and tireless effort, we wouldn't have been able to reach the successful conclusion on the passage of this important bipartisan, bicameral bill.

On Senator MURRAY's exceptional staff, I would like to thank Evan Schatz, Sarah Bolton, Amanda Beaumont, John Righter, Jake Cornett, Leanne Hotek, Allie Kimmel, and Aissa Canchola.

On my hardworking and dedicated staff, I would like to thank David Cleary, Peter Oppenheim, Lindsay Fryer, Bill Knudsen, Jordan Hynes, Hillary Knudson, Jake Baker, Lindsey Seidman, Allison Martin, Bobby McMillin, Jim Jeffries, Liz Wolgemuth, Margaret Atkinson, and Taylor Haulsee.

I would like to thank some of my former staff who participated in this multiyear effort, but have moved on to other endeavors, including Marty West, Diane Tran, Matthew Stern, Patrick Murray, and Haley Hudler.

On Chairman KLINE's staff, I would like to thank Juliane Sullivan, Amy Jones, Brad Thomas, Mandy Schaumburg, Leslie Tatum, Kathlyn Ehl, and Sheriah Yousefi.

On Congressman SCOTT's staff, I would like to thank Denise Forte, Brian Kennedy, Jacque Chevalier, Helen Pajcic, Christian Haines, Kevin McDermott, Alex Payne, Kiara Pesante, Arika Trim, Rayna Reid, Michael Taylor, Austin Barbera, and Veronique Pluviose.

I would like to thank the hard-working staff of our Senate HELP Committee members and conferees, who played important roles in reaching this agreement, including Steve Townsend with Senator ENZI, Chris Toppings with Senator BURR, Brett Layson with Senator ISAKSON, Natalie Burkhalter with Senator PAUL, Katie Brown with Senator COLLINS, Karen McCarthy with Senator MURKOWSKI, Cade Clurman and Natalia Odebralski with Senator KIRK, Will Holloway with Senator SCOTT, Katie Neal with Senator HATCH, Josh Yurek with Senator ROBERTS, Pam Davidson with Senator CASSIDY, Brent Palmer with Senator MIKULSKI, David Cohen with Senator SANDERS, Jared Solomon with Senator CASEY, Gohar Sedighi with Senator FRANKEN, Juliana Hermann with Senator BENNET, Brenna Barber with Senator WHITEHOUSE, Brian Moulton with Senator BALDWIN, Mike DiNapoli with Senator BALDWIN, Eamonn Collins with Senator MURPHY, and Josh Delaney with Senator WARREN.

Much of the hard-working staff from the White House and Department of Education also provided great help in getting this conference agreement completed.

From the White House, I would like to thank Chief of Staff Denis McDonough, Domestic Policy Adviser Cecilia Muñoz, James Kvaal, Roberto Rodriguez, Kate Mevis, Don Sisson, and Mario Cardona.

From the U.S. Department of Education, I would like to thank Secretary Arne Duncan, Emma Vadehra, and Lloyd Horwich for their technical assistance.

The Senate legislative counsel staff work long hours on the many drafts of this bill and the amendments we considered on the floor in July, so I would like to especially thank Amy Gaynor, Kristin Romero, and Margaret Bomba.

We always rely on the experts at the Congressional Research Service to give us good information in a timely manner, so I extend my thanks to Becky Skinner, Jeff Kuenzi, Jody Feder, and Gail McCallion.

On Senator MCCONNELL's staff, I would like to thank Sharon Soderstrom, Don Stewart, Jen Kuskowski, Katelyn Conner, Erica Suares, John Abegg, Neil Chatergee, and Johnathan Burks.

On the Senate floor staff, I would like to thank Laura Dove, Robert Duncan, Chris Tuck, Mary Elizabeth Taylor, Megan Mercer, Tony Hanagan, Mike Smith, and Chloe Barz.

On Senator CORNYN's staff, I would like to thank Monica Popp, Emily Kirlin, and John Chapuis.

From the Republican Policy Committee, I would like to thank Dana Barbieri.

Finally, I would like to thank some in the education community for their persistent help with this bill, including Mary Kusler with the National Education Association, Tor Cowan with the American Federation of Teachers, Chris Minnich, Peter Zamora Carissa Moffat Miller, and Jessah Walker with the Council of Chief State School Officers, Stephen Parker and David Quam with the National Governors Association, and Noelle Ellerson and Sasha Pudelski with the School Superintendents Association.

Mr. President, as I said earlier—and I am speaking mainly to my colleagues on the Republican side now—Senator MURRAY's preference for a large early childhood program is not in the bill. My preference for a large program to give parents more choices of schools is not in the bill. We are not voting on that today.

Today we are voting on one of two things: the status quo or the change. You are either voting yes to repeal the common core mandate or no to keep it. You are either voting yes to get rid of the waivers through which the U.S. Department of Education has been operating as a national school board for 80,000 schools in 42 States or a vote no is saying: I like the national school board. Your voting yes means the largest step toward local control of schools in 25 years or no means you are voting against the largest step toward local control in 25 years. A vote yes means you like the fact that this bill should produce less testing; no means you like the testing the way it is. Those are the choices. We are past the time when each of us has a chance to offer an amendment. We all offered our amendments. I have offered mine. Some of mine got 45 votes, and I needed 60 votes, so they are not in the bill, but the choice today is a choice to unleash a flood of excellence in student achievement across this country the way it should be—State by State, community by community, classroom by classroom.

I urge my colleagues to vote yes.

I yield back any time we have remaining.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the adoption of the conference report.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted ''nay.''

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

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

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—85

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

NAYS—12

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

NOT VOTING—3

Cruz	Rubio	Sanders

The conference report was agreed to.

VOTE EXPLANATION

● Mr. RUBIO. Mr. President, today the Senate voted on the adoption of the conference report to accompany S. 1177, the Every Child Achieves Act. The conference report is commonly referred to as the Every Student Succeeds Act. While the Every Student Succeeds Act takes important steps in restoring some control over education decisions back to the States, it does not go far enough. Unfortunately, the bill does not grant States autonomy in all education decisionmaking, expands the Federal Government's role in pre-K, and fails to include important measures that broaden school choice. Due to these shortcomings, I am unable to lend my support to this bill.●

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Tennessee.

EVERY STUDENT SUCCEEDS BILL

Mr. ALEXANDER. Mr. President, today the U.S. Senate, by a vote of 85 to 12, has sent a Christmas present to 50 million children across this country. First, it has to go down Pennsylvania Avenue to the White House, where we hope President Obama will wrap a big red bow around it, sign it, and send it to the children and the 3.4 million teachers who are looking forward to it.

This is a bill that is so important that the Nation's Governors gave it their first full endorsement of any piece of legislation in 20 years. It has the full support of the Chief State School Officers, it has the full support of the school administrators, and it has the support of the American Federation of Teachers and the National Education Association.

This is very good policy, and the reason it is, is it is bipartisan, it is a consensus, and instead of arguing about it after the President signs it—which I hope he will—classroom teachers, school board members, Governors, community by community, State by State can go to work implementing it, and making their plans to make their own decisions about what kind of tests to give, how many to give, what the standards should be, how to fix failing schools, how to reward outstanding teachers. We have created an environment that I believe will unleash a flood of excellence in student achievement, State by State and community by community.

I thank the Members of the Senate. I especially thank the, members of the Health Education, Labor, and Pensions Committee who have worked so well together—all 22 of them. I especially thank Senator PATTY MURRAY of Washington for her leadership and her effectiveness in helping to get such a remarkable event.

To take an issue this complex and difficult and have a vote of 85 to 12 proves that when the Senate puts its mind to it, it can do some very good work. We have done that today.

ORDER FOR RECESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate recess today from 1 p.m. to 2 p.m.

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

The PRESIDING OFFICER. The Senator from Washington.

EVERY STUDENT SUCCEEDS BILL

Mrs. MURRAY. Mr. President, let me echo the words of our chairman and thank him, our staff and everyone who has worked on this and everyone who has supported this in a bipartisan way to send it now to the President to be signed into law.

It is a great step forward. As the chairman, Senator ALEXANDER, just said, the work must now begin in our schools, in our communities, and in our

States to find ways to make sure all of our students achieve. We have put them on that, we expect them to live up to that, and that is the promise of this bill.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1774

Mr. SCHUMER. Mr. President, I am going to ask for a unanimous consent request but speak for a couple of minutes, engaging in some discussion with my dear friend, the senior Senator from the State of Utah.

First, I thank him for coming to the floor today on this issue. I am heartened that he has expressed interest in working with us to get something done to help our fellow citizens in Puerto Rico. I also thank my friends, the Senators from Connecticut, New Jersey, Oregon, Washington, Illinois, and my colleague from New York who is here for their steadfast support for helping Puerto Rico in this time of crisis.

I rise deeply troubled by the dire economic, financial, and health care situation in Puerto Rico. The island is facing a financial crisis, a health care system on life support, and the situation grows more dire each month.

Puerto Rico is $73 billion in debt already and large bond payments will continue to become due next month and in the months to come. Sadly, as Puerto Rico's economy and health care system has floundered, residents have started to flee their homeland. As the economic situation worsens, the population shift from the island to the mainland will continue until the only ones left are those who don't have the resources to move. At that point we are going to have a humanitarian crisis on our hands, if there isn't one already.

There are 3.5 million people, Puerto Ricans, living on the island today and another 5.2 million living in the United States, including over 1 million in my State of New York. We have a basic American responsibility to aid all American citizens in times of crisis, no matter where they live. Beyond that basic imperative, if we fail to offer Puerto Rico assistance now, the problem will not be contained to the island.

We need to be concerned with these issues, not only because Puerto Ricans are part of the American family and deserve the quality of life we all expect but also because our failure to act now could result in a Puerto Rican financial crisis that becomes a drag on our entire economy. I want to underscore this point. Congress must intervene before the crisis deepens and widens. We have the tools to fix this problem. They are sitting in the toolbox. The problem is Puerto Rico isn't allowed to use them.

Similar to chapter 9 protections offered under the Bankruptcy Code, every State in the United States can access chapter 9 protections for municipal and public corporate debt, but Puerto Rico, because it is a territory, cannot. Providing Puerto Rico the ability to restructure its debt is absolutely necessary if Puerto Rico is going to get out from this financial crisis.

Senator BLUMENTHAL and I have introduced legislation along with many of my other colleagues who will join us today that will put Puerto Rico on an equal footing when it comes to chapter 9. At the very least we should pass it right away. There are other proposals as well. We could widen bankruptcy protections. There are health and economic issues as well and we have to look at those.

I stress to my colleagues on the other side of the aisle that giving Puerto Rico the restructuring authority in our bill isn't a bailout and will not require any additional spending. It will not cost the taxpayers one plug nickel, but it will do a whole lot of good to our friends in Puerto Rico.

On the health care front, I have introduced a bill with many of my same colleagues to address several aspects of the health care crisis, issues such as Medicaid funding and fairness, appropriate reimbursement rates, and equitable physician payments. Disparities in how the Medicare and Medicaid Programs treat Puerto Rico and our other territories are significant and need to be addressed.

In conclusion, I am going to be the first to admit that neither of these bills is a silver bullet to solve all of Puerto Rico's problems, nor are they the only potential solutions. We are more than willing to work with the chairman of the Finance Committee, a good friend who I know cares about the Puerto Rican issue, to find other solutions and craft bipartisan legislation so long as it provides help to Puerto Rico, but the clock is ticking. We are running out of time. Congress must act now to address these issues that are stifling Puerto Rico's economy and way of life. We must give them the tools they need to solve these problems.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1774 and the Senate proceed to its immediate consideration, 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 Senator from Utah.

Mr. HATCH. Mr. President, reserving the right to object, I want to say first that I appreciate what my colleague is trying to do with regard to Puerto Rico. I think it is fair to say that we all share his concerns, and I don't know of anyone in this Chamber who is indifferent to the issues facing our fellow American citizens in Puerto Rico. I agree with the senior Senator from New York that Congress should act to address these problems and we need to act very quickly. However, a number of Senators, myself included, have some concerns about the specific policy in the bill he has brought up today on the floor. Setting aside those concerns, there are a number of questions about whether this approach would effectively address Puerto Rico's problems.

I want to work with my colleagues and especially my colleague from New York to find a path forward on this issue. Once again, there is bipartisan agreement that something needs to be done. I have been working closely with the ranking member of the Senate Finance Committee on this issue. He has been a great help. I have also been in some pretty involved discussions with the chairs of the Judiciary and Energy and Natural Resources Committees, which also have jurisdiction in this matter, as we have been working to draft a legislative proposal to address a number of these concerns. In fact, we are planning to introduce our bill later today.

I am sure I will have more to say on that piece of particular legislation in the coming days. For now I will say I would be happy to engage the senior Senator from New York on this matter as well and would hope that he would be willing to do the same with me. Going forward, I hope we can work together to make sure we have all the information we need about the situation in Puerto Rico in order to craft informed policies and effective solutions and do so in short order, in the interest of helping the people of Puerto Rico.

As of right now, I think we need additional deliberation on this matter rather than simply deeming any piece of legislation to be the correct approach. For these reasons I must object to the good Senator's request at this time, but once again I will commit to working with him and others to address these important issues.

I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mr. SCHUMER. Mr. President, just briefly. I thank my colleague from Utah for his remarks. I want to work with him, as I know Senator WYDEN, Senator GILLIBRAND, Senator MENENDEZ, and so many others on the floor want to get this done. We have to work together quickly and I appreciate him acknowledging that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I want to express my strong disappointment that we are unable to do this legislation now. There is a grave sense of urgency for the people living in Puerto Rico, so I share the goals of my colleagues to get this done sooner than later. This has to be moved forward. No American parent or child should have to face economic stress simply because of where they live. Congress has the responsibility to actually help these families. The economic situation in Puerto

Rico is a serious problem that we can only begin to solve with meaningful legislation.

This bill is the fiscally responsible way to help the people of Puerto Rico. It is the fiscally responsible way to alleviate the dire economic situation in Puerto Rico. Let's be very clear. This is not a bailout. It is a means for our fellow Americans in Puerto Rico to get themselves out of serious economic distress. Congress must come together to pass this bill. The situation in Puerto Rico is desperate and these families need our help. There is no other way to see it. We have to help them.

I urge my colleagues to reconsider this objection. Congress must help the people of Puerto Rico.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief.

I ask unanimous consent that Senator MENENDEZ speak after me.

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

Mr. WYDEN. Mr. President, I very much appreciate Chairman HATCH's willingness to work with all of us—Senator SCHUMER, Senator GILLIBRAND, Senator MENENDEZ, and myself—the many Senators who care deeply about this issue.

My view is that the situation in Puerto Rico will get far, far worse, particularly with inaction. That is why it is so important for this body to come together, Democrats and Republicans, and move quickly.

As Chairman HATCH has noted, we have been working on this in the Finance Committee. We are appreciative of Chairman HATCH's willingness to listen to colleagues on both sides of the aisle, and I think it is fair to say we have made some tangible progress.

Recently, the talks have bogged down, in particular because of efforts to change national programs that have nothing to do with Puerto Rico. I wish to emphasize what has been the challenge in recent days. We are trying to deal with the very real and significant questions facing Puerto Rico. Some have said in order to do that, you would have to make substantial changes in national programs.

One of the reasons I wanted to speak briefly on the floor this morning is I believe that any legislation to assist Puerto Rico needs to be focused on the territory and not get into unrelated provisions. In addition, any legislation to assist Puerto Rico ought to include some type of debt restructuring authority. Unfortunately, I think things have moved past the point where any sort of austerity in Puerto Rico can allow them to climb out of debt without causing a humanitarian crisis. That is why some type of debt restructuring is so important.

Wrapping up, I also wish to point out that debt restructuring and debt restructuring authority does not add a penny to the Federal deficit. In my discussions with Chairman HATCH—and we are very appreciative of our relationship and discussions we have had—that has been very important to him. So I do want to point out that debt restructuring authority does not add one penny to the Federal deficit.

This issue is too important to get lost in yet another partisan fight. I am going to work closely with our many colleagues, the two Senators from New York, Senator MENENDEZ, who knows an enormous amount about this issue, and the chairman because, as I touched on in my statement, things will get much, much worse and sooner than people think, in my view, if Congress fails to act.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I have a lot of respect for Chairman HATCH. I am privileged to sit with him and the ranking member on the Senate Finance Committee. He does try to work in ways that are bipartisan, so I appreciate his willingness to acknowledge that this is a problem. But I am disappointed that this rather modest measure to help Puerto Rico address its challenges in an orderly and legal way seems to be in a vortex in which we can't get it out.

There are four things I think we need to be clear about. Every single municipality in the United States already has access to chapter 9. Puerto Rico had access to it until 1984, when a provision was stuck into a larger bill with no explanation or debate. Restoring chapter 9 to the island doesn't cost the U.S. Treasury a single penny, nor will it raise the deficit. Perhaps most importantly, all other measures both the mainland and the island can take are virtually meaningless without this restructuring authority.

I appreciate the chairman's remarks about being open to negotiate, but we have been negotiating this issue for several months now. We have heard from stakeholders representing every interest on the island. We have had three congressional hearings. And while there may be some differences on the exact prescription, virtually everyone agrees that some restructuring authority must be part of the cure.

Again, this is something we can do right now. This is something that doesn't cost anything or need an offset, and it is something tangible that will give—and I want to focus on this—the 3.5 million American citizens who live in Puerto Rico a fighting chance.

This is not about some foreign country. The citizens of Puerto Rico are citizens of the United States. If all 3.5 million came to the mainland, they would have the rights and privileges as any other U.S. citizen. They would be fully eligible for any benefit that any citizen of the United States has.

Sometimes we look at the people of Puerto Rico—and I have had Members in the past when I served in the House of Representatives who have asked me: Do I need a passport to go to Puerto Rico? Pretty amazing. This is not some foreign country, this is the United States of America. They are U.S. citizens. They deserve to be treated as U.S. citizens.

The people of Puerto Rico have fought in virtually every war the United States has ultimately had. If you go to the Vietnam Veterans Memorial with me, you will see a disproportionate number of names from the island of Puerto Rico who served in that war or the 65th Infantry Regiment Division in the Korean War, which was an all-Puerto Rican division and the most highly decorated in the history of U.S. military actions, and on and on. It is shameful that we treat 3.5 million U.S. citizens this way.

This crisis didn't develop overnight, nor will it be fixed in a day, but the present Governor, Governor Padilla, and the Government of Puerto Rico have done everything they can to right the ship of insolvency. Governor Alejandro Padilla didn't create this crisis, which has gone on through various administrations in Puerto Rico, but he has made the tough choices. He has closed schools and hospitals. He has laid off police and firefighters. He has raised taxes on businesses and individuals. They have gone beyond what a sovereign nation such as Greece, for example, would ever have imagined doing, but they have run out of options. All the cuts and tax hikes will not make a dent in this crisis without the breathing room that restructuring authority provides.

This problem isn't going to go away, but I do say that as Congress fiddles, Puerto Rico burns. It would be outrageous if the Congress goes home for a holiday and leaves a brewing catastrophe for the 3.5 million citizens of Puerto Rico who have fought for and died for this country.

So I hope these negotiations, which, as the distinguished ranking member has said, should be focused on the issue of Puerto Rico and the 3.5 million U.S. citizens who live there, who wear the uniform of the United States, who have fought for it proudly and who have died for it, ultimately are not linked to something that has nothing to do with those 3.5 million U.S. citizens.

Puerto Rico isn't asking us to pull them out of this hole; they are just asking us to give them the tools with which they can help themselves. For over a century, we have had an inextricable bond with the island of Puerto Rico and its people, and we should not turn our backs on their great commitment to our country.

I am going to come to the floor again and again, and I am going to remind my fellow Americans of Puerto Rican descent in Pennsylvania, in Ohio, in Florida, in New York, in New Jersey, and elsewhere around this country about their need to raise their voices on behalf of their fellow citizens. This is pretty outrageous to me.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am proud to follow my colleague from New Jersey, my other esteemed colleagues, and the ranking member on the Finance Committee—Senator WYDEN—and Senator SCHUMER simply to make a few very starkly apparent points about the situation in Puerto Rico. It affects not only the 3.5 million citizens in Puerto Rico—and they are American citizens of the United States—but also the financial markets, the bondholders, and citizens who depend on the viability of our financial system across the country and potentially around the globe.

There is a reason for bankruptcy laws. They try to make the best of a bad situation. Bankruptcy is never pleasant or welcome. The reason for the bankruptcy laws is to create an orderly, structured process for avoiding the chaotic and costly race to the courtroom and then endless litigation. It simply consumes scarce resources. That is what will happen if bankruptcy protection is not provided in some way to the municipal entities, governmental function, and others in Puerto Rico.

By a quirk of history, Puerto Rico is not covered by chapter 9. That quirk of history could be extraordinarily costly, not only in dollars and cents but in the humanitarian catastrophe that threatens the people of Puerto Rico in depriving them of essential services, energy, medical care, and all kinds of very necessary governmental functions that may be impossible if there is no orderly resolution to its financial situation.

We can debate how Puerto Rico arrived at this place. We should learn from history so we don't repeat it, but right now this crisis demands action, and that action has to come now.

Many of us remember when New York City faced similar financial straits and the headlines in some of the tabloids. One said ''Ford to City: Drop Dead.'' It was a reference to President Ford and his lack of action when New York City was in dire fiscal trouble.

The Nation would not let New York City drop dead. It should not let Puerto Rico drop dead financially. It should not send a message to Puerto Rico: Drop dead.

For this Chamber to say ''drop dead'' to Puerto Rico is absolutely intolerable and unacceptable, just as it would be if we were to say ''drop dead'' to the people of Alaska, represented so ably by the Presiding Officer, in a similar situation or to the people of Oregon, Connecticut, or any of our States or municipal entities. We know we came to the aid of Detroit, Stockton, and other municipalities when they needed it. That message, ''Drop dead, Puerto Rico,'' is antithetical to the democracy we represent here.

Puerto Rico can and must reform itself, but no amount of long-term reform will address the short-term reality that Puerto Rico cannot pay its current debts when due. That is the definition of ''insolvency''—the inability to pay debts as they come due. The denial of chapter 9 will not create more money that makes Puerto Rico solvent and enables it to pay those debts. The only question is whether this reality results in a chaotic and costly default, with nobody winning except the legions of creditors' attorneys who will spend years and countless billable hours fighting each other litigating through the State or Commonwealth courts, through Federal courts, through courts of appeals, and maybe to the U.S. Supreme Court, over years, maybe over decades. The alternative is an orderly restructure, which serves the public interests as well as the interests of our fellow Americans in Puerto Rico. It is an orderly, deliberate, rational process that only Congress can provide.

The actions in the long term that are necessary in the interest of economic justice, as well as fairness and the welfare of our fellow citizens in Puerto Rico, include addressing issues relating to Medicare, the earned-income tax credit, and other obligations that we have recognized for the citizens of the country who live in the 50 States. The financial gymnastics have enabled Puerto Rico so far to avoid the chaos, and enabled Puerto Rico to avoid going over a cliff that, in effect, is irremediable. But we need to be very blunt and real. Those financial gymnastics cannot be sustained or continued indefinitely. The financial somersaults and headstands must end. The prospect of a humanitarian catastrophe within a U.S. territory is very real and immediate. Congress can act to prevent it. It can choose not to do so. But the responsibility is ours if there is no action.

I urge the Members of this body, our colleagues, to give Puerto Rico—our citizens and fellow Americans there—the respect they deserve and approve the bill that we have offered.

Mr. President, 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.

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

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

MENTAL HEALTH

Mr. BLUNT. Mr. President, I wish to talk for a few minutes today about mental health. It is a topic that gets a lot of attention every time somebody does something that we don't think makes sense, when people do harm to others in ways that we don't seem to be able to rationalize in any other way but to say that we are almost 100-percent sure that this is a person who has a significant mental health problem.

Before I go any further with that idea, I wish to say that if you have a mental health problem, you are much more likely to be the victim of a crime than you are to be the perpetrator of a crime. But when we see things happen in schools—whether it is an elementary school such as Sandy Hook or a community college—and when we see things happen on a military base such as Fort Hood or in the last week at a holiday party, there is no way to explain those things except to say that something has gone dramatically wrong in somebody's life. But it does bring us to a topic that seems to be brought only by the worst of circumstances.

Fifty-two years ago President Kennedy signed the last bill he signed into law, which was the Community Mental Health Act. On the 50th anniversary, the last day of October 2013, Senator STABENOW and I came to the floor to talk about that. When you look at the Community Mental Health Act, there were lots of great goals to be set for the country. Almost none of those goals have been achieved. The goals of closing facilities that people were concerned about, which they thought didn't meet the mental health needs in the best possible way, were often achieved, but replacing those facilities with other places to go to and get care didn't happen. In fact, surprisingly, the worst partner in behavioral health is the government.

We have mandated that some of these issues be taken care of by private insurance in what we would consider mental health equity or mental health parity, but seldom have we mandated that the Federal Government step up and treat behavioral health issues in the same way. While we have done that, we have largely turned to the law enforcement community in the country and emergency rooms and said that is our mental health program. The truth is we never said that. We just allowed that to happen.

The biggest program for dealing with a behavioral health issue is the local police and the emergency room—neither of which is the best place to do this or the right place to do this. Sometimes that is the only option, and it is understandable when it is the only option. But it doesn't have to be the only option so much of the time.

The National Institutes of Health says that one out of four adult Americans has a diagnosable and almost always treatable behavioral health issue. This is not something that we don't have any relationship with. By the way, they don't say that one out of four adult Americans has a diagnosis and is undergoing treatment. They say that one out of four adult Americans has a diagnosable behavioral health issue and it is almost always treatable. In a hearing we had a year or so ago, they went on to say that about one out of nine adult Americans has a behavioral health issue that impacts the way they live every day, many times in a dramatic way.

We need to do something about this. The Congress took a big step to do

something about it over a year ago when we passed the Excellence in Mental Health Act. What did the Excellence in Mental Health Act do? The Excellence in Mental Health Act set up an eight-State pilot where in those eight States the facilities that met the requirements that the act specifies—community health centers, federally qualified health centers, community mental health centers that have the right kind of staff and have that staff available 24 hours a day, 7 days a week, and meet other criteria—in those centers and in those eight States, behavioral health would be treated like all other health.

What I think we will find out that happens in those eight States is that there is no increase in cost. There are a few studies that would lead me to believe that. They are going on around the country right now. Nobody will argue that if you treat behavioral health like all other health, the overall societal cost is going to more than pay for whatever you invest in treating that mental health issue. But I think what we are likely to find out, and what studies are beginning to prove, is that even with the health care space itself, if you treat behavioral health like all other health, your overall health spending doesn't increase. It decreases because the other issues are so much easier to deal with. If you are taking your medicine, if you are feeling better about yourself, if you are eating better, if you are sleeping better, if you are seeing the doctor, suddenly the cost that was being spent on your diabetes or the cost that was being spent to deal with hypertension gets so much more manageable that your overall cost goes down.

What we think will happen is that the eight States that move in this direction will never go back even though it is a 2-year pilot. We think all the facts are going to show that it should be a permanent commitment. In fact, what happened was that we didn't have just 8 States apply or 10 States apply or even the 20 States that the Senator from Michigan and I were told would be the maximum if we made this mandatory for the whole country from day one. We might have as many as 20 States that would be willing to participate, but 24 States applied to come up with the framework to hope to be one of the 8 States. Those 24 States have all been given a little planning money. They will have a few more months to come up with a plan that says: Here is what we would like to try to prove—that if you treat behavioral health like all other health, good things happen, and it is the right thing to do.

The more I talk about that and the more others talk about that, the more I think we all wonder why would we even think we have to prove this. But these pilot States are going to prove that. I am beginning to wonder why we don't figure out how to make all 24 States pilot States. A very small commitment leads to a very big result. What we would find out is that doing the right thing produces the right kind of results. If half the States in the country not only went on this 2-year pilot program but find out that this is really what you need to do, half the States in the country would permanently be on a program that for the first time begins to achieve the goals of the Community Mental Health Act.

There are great discussions going on in both the House and Senate about how the Senate bill can focus on expanding some of the grant programs that will encourage people to become behavioral health professionals. The House legislation talks about how we can get families more involved so they are able to keep up with the family member who has a behavioral health challenge. However, none of those things actually matter very much if they don't have anywhere to go. We can have all the mental health professionals we can imagine we would want to have, but if there is no access point for mental health treatment, it doesn't do any good to have all those mental health professionals.

What the Excellence in Mental Health Act does and will do is create an access point where everybody can go. Based largely on the community federally qualified health center model, those expenses will be submitted to the person's insurance company or they may have some other capacity to pay. Some individuals will have a copayment for every visit, which is part of that system. They can use whatever government program they might apply for, and then the difference will be made up when they submit their legitimate expense, and those payments will be carefully audited.

The goal of the federally qualified center is year after year to get the money back that they have invested in treatment so that it then becomes an access point for those people.

I wish to point out that the access point is what really matters here and is the underpinning for everything else. There is no reason to have a big debate about how they share somebody's record with the people who are closest to them if they don't have anywhere to go and get that analysis. There is no reason to think about how many mental health professionals we could use in the country if there is no facility for people to go to so they can meet their mental health professional.

This is a real opportunity for us. Congress has agreed to do this. I will be searching—and I hope my colleagues will join me in ways to search—to see what we can do to not only have an 8-State pilot program but to see if we can expand it and have a 24-State pilot program, assuming that all 24 of those States come back with a credible plan on how we can meet the goals of not just the Excellence in Mental Health Act but, frankly, the goals the country set for itself 50 years ago on the last day of October in 1963.

We are still woefully short of meeting the potential we need to meet in order to bring people fully into society based on what happens if you treat their behavioral health issue the same way you would treat every other single health problem they may have. There is no reason not to do that. We have the capacity and ability to do that. We have the program Congress has agreed to, and suddenly the number of States that are taking this seriously exceeded everybody's estimation of States that would want to be a part of this program.

I think one could argue that 50-plus years later, we may have finally come to a moment when everybody is willing to talk about this issue and do something about it. We shouldn't miss this moment. It is never too late to do the right thing. We are not doing the right thing now. Treating behavioral health like all other health issues and fully utilizing the skills and potential of mental health caregivers by giving them just a little more assistance than they currently have will enable those suffering from a behavioral health issue to become a full part of a functioning society.

I am proud that my State has always been forward-leaning on these issues, whether it is Mental Health First Aid or trying to involve different kinds of care that work. I hope my State will be one of the pilot States. Frankly, I would like to see every State do this that wants to do this and can put together a planning grant that shows they have made the local investment that is necessary so they, too, can be a part of the program that is moving forward to improve behavioral health issues.

We still have one or two opportunities this year. We have the rest of this Congress if we don't get it done this year, but let's not miss this moment to improve mental health issues. We are already 50 years behind. Let's not get any further behind when there is a chance to do the right thing for the right reasons at the time we have to do it in.

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

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

UNANIMOUS CONSENT REQUESTS—NOMINATIONS

Mr. BROWN. Mr. President, I rise again today to support Adam Szubin's nomination to serve as Under Secretary for Terrorism and Financial Crimes at the Treasury Department, as well as to support several other nominees whose nominations have been pending before the Senate banking committee for many months—some for almost a full year—with no vote.

All of these nominees have had hearings. They have all completed a thorough committee vetting process and

they are ready to be approved. Yet the Senate banking committee is the only committee in the Senate that has not yet held a single vote on any administration nominee in this Congress—not one vote on any of the more than a dozen nominees this Congress.

There are 13 nominees pending before the committee. Here we are in the final month of the year, and Republicans still have not held a vote on any of them.

This inaction stands in stark contrast to this committee's record on nominees over the past 15 years. When we look at this chart, we see for the 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th—eight Congresses, 15 years—this Congress is only half completed—Republican Presidents during much of this time and Democratic Presidents during much of this time; a Republican majority in the banking committee during some of this time and a Democratic majority in the banking committee during some of this time. Yet when we look at these numbers, we see lots referred to committee, but when we look at the number of approved by committee for this Congress: zero. The number confirmed by the Senate coming out of banking for these nominations: zero. The number returned to the President: zero. The number withdrawn: zero.

In other words, time after time, year after year, President after President, Senate majority after Senate majority, we have seen the Senate banking committee actually do its work, until the 114th Congress, 2015: nothing in terms of approval. In this Congress, the committee has failed to carry out its duty to consider and act upon the President's nominees.

Let me start with Mr. Szubin, who is currently serving in his critical position in an acting capacity. Despite having bipartisan support—the Presiding Officer I know is also on the banking committee—his nomination has languished for 200 days because of Republican obstruction.

This is a critical national security post that must be filled permanently. Mr. Szubin heads what is in effect Treasury's economic war room, managing U.S. efforts to combat terrorist financing and fight financial crimes. He can do his job better if he is not acting but if he is in fact the confirmed nominee of the President of the United States. He is helping to lead the charge to choke off ISIL's funding sources. We are introducing legislation today, in part, answering the threat of ISIL and the threat of terrorism and, in part, by coming up with new ways to choke off funding for the terrorists. Nobody is in a better position in our government—nobody—than Mr. Szubin, and I want him confirmed so he can do his job better. It would prevent developing additional capacity to strike war targets around the world. He is working to hold Iran—regardless of how one voted on the Iran nuclear deal, he is going to hold Iran to its commitments under the nuclear deal and lead a campaign against the full range of Iran's other destructive activities.

Mr. Szubin has served in senior positions first in the Bush administration and now in the Obama administration. I don't know if he is a Democrat or Republican. I don't really care. He is an acknowledged expert in economic sanctions and counterterrorist financing. There is no question—no question—that he is qualified for this position. Over the last 15 years he has distinguished himself as an aggressive enforcer of our Nation's sanctions laws against Russia, against Iran, against North Korea, and against money launderers, against terrorists, and against narcotraffickers. Given all the concerns surrounding terrorist financing—legitimate concerns that Senator SHELBY has and that I have and probably all other 98 Members of the Senate have—one would think a nomination would be a priority. In the past, it has been.

Szubin's mentor, Bush Under Secretary Stuart Levey, was confirmed by the Senate just 3 weeks after his nomination came to the banking committee. The Senate took just 2½ months to consider Mr. Szubin's immediate predecessor.

Mr. Szubin has support across the political spectrum. Even many groups opposed to the Iran nuclear deal support his nomination. The banking committee chairman, Senator SHELBY, my friend who is in the Chamber, described Mr. Szubin as ''eminently qualified.'' He deserves the strong backing of the Senate. Without it, his ability to operate here and abroad is less than it should be.

So I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN371, the nomination of Adam J. Szubin to be Under Secretary for Terrorism and Financial Crimes; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, I am frustrated that my colleagues have chosen to continue to object without giving a reason why we are not going to vote on this nomination; not talking about Mr. Szubin's lack of qualifications—because that just wouldn't be true—and not ultimately helping us deal with terrorism around the world in this critical national security nomination.

Let me turn to another key Treasury official who has been nominated to serve in a dual economic security and national security role, Adewale Adeyemo, to be Assistant Secretary of the Treasury for International Markets and Development. The person in this role is responsible for key national security issues and recommendations made in the CFIUS process, which assesses the major national security implications of large investments in the United States made by foreign firms.

Like Mr. Szubin, Mr. Adeyemo has been waiting for months for the banking committee to act on his nomination.

I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN86, the nomination of Adewale Adeyemo to be Assistant Secretary for International Markets and Development; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, I am further frustrated because of a lack of information as to why we are not confirming this nominee. We have had hearings and they have been vetted. There is no opposition to qualifications. There is no dispute over how important these positions are.

Let me turn to a nomination for another key economic security position in the administration: Patricia Loui-Schmicker to serve on the Board of Directors of the Export-Import Bank.

The Export-Import Bank has been around since the days of Roosevelt. There were efforts by tea party Republicans to put the Export-Import Bank out of business. They did, for a period of time, even though for 75 years it has been reauthorized, kept in existence, helped our country, made a difference in creating jobs, helping big companies such as Boeing and GE and others, and helping all kinds of small companies. Many of the companies they have helped people haven't even heard of, that are in Ohio and that are part of the economic supply chain, the supply chain for these companies.

This week I was with a group of people who do this kind of work in Ohio. They were just flabbergasted that because of intransigence on the part of

tea party Republicans, we can't get them—we didn't authorize it for months and months, and now, when we finally did and it can operate, the Ex-Im Bank can't operate because the Senate banking committee will not do its job.

So I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN288, the nomination of Patricia Loui-Schmicker to be a member of the Board of Directors for the Ex-Im Bank of the United States; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, the objections from my Senate colleague, my friend Senator SHELBY, costs us American jobs. When you shut down the Export-Import Bank, it means that workers get laid off, it means that companies can't expand, it means companies can't do what they want.

So the first objection means our country is less safe, the second objection causes us all kinds of problems with making sure our companies and national security is what it should be, and this third objection costs us American jobs. None of these do I understand.

Mr. President, I want to turn to another Treasury Department nominee. Amias Gerety has been nominated to be Assistant Secretary for Financial Institutions, Department of the Treasury. Mr. Gerety has played an important role since the beginning of the current administration, helping our country recover from the worst financial crisis since the Great Depression. He deserves the full backing of the banking committee.

I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN208, the nomination of Amias Moore Gerety to be Treasury's Assistant Secretary for Financial Institutions; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, I will move on to another nomination.

This nomination is for the Federal Transit Administration. This distinguished nominee, Therese McMillan, has been awaiting confirmation since January of this year. She joined FTA as the Administrator in 2009. She has been Acting Administrator for a year and a half.

Apparently the Republican majority doesn't want anybody in the Obama administration because the President they don't much like has nominated these people. It is pretty hard to understand.

Mr. President, I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN41, the nomination of Therese McMillan to be Administrator of the Federal Transit Administration; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the Record; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, a nominee to be inspector general of the FDIC, Jay Lerner, has been awaiting confirmation since January of this year.

We know the Republican majority doesn't much like Obama nominees, even though President Obama is one of, I believe, two Democrats in the last 150 years who has actually—correct me if I am wrong—won at least 51 percent of the country's votes twice. Since the Civil War, the only other was Franklin Roosevelt, who won more than half of the popular vote four times in the country. I know some of my colleagues don't seem to want to recognize that he is the President of the United States and, as we have always done in this country, the President gets to nominate people. If they are qualified, they should be confirmed. Even if there is disagreement on their qualifications, they should be voted on and voted down. We are even asking you to do that if that is what you choose to do. But, particularly since they don't much like the people the President puts on the FDIC, maybe we need an inspector general who can find out if they are doing things wrong. That is the whole point of the inspector general—to root out corruption and other problems, such as incompetence, in an agency. That is what Jay Lerner would do as the inspector general of the FDIC.

Mr. President, I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN65, the nomination of Jay Neal Lerner to be inspector general of the FDIC; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, I guess that is the conclusion of my efforts today. Senator SHELBY can return to the Republican luncheon if he would like or debate me a little bit on this, but I don't get this—first of all, in terms of our national security, the importance of Adam Szubin; in terms of honesty in government, the importance of Jay Lerner; in terms of creation of jobs, the nominee to the Export-Import Bank.

I will not belabor this process anymore. I will not raise nominees anymore for reasons of time. I think I have made my point, but especially for critical national and economic security, the nominees on this list should move forward.

I don't understand this. I haven't seen anything quite like this in the Congress of the United States. I continue to press this case. I am willing to talk one-on-one with Senator SHELBY on this. He has been open to that in the past. I hope my colleagues will join me in bipartisan approval of these national and economic security nominees who will matter for the continued greatness of our great country.

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

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

PARIS CLIMATE CHANGE CONFERENCE

Mr. BARRASSO. Mr. President, this week the United Nations climate change conference is continuing in Paris. I understand over the weekend a number of Democrats went to Paris to watch a part of the discussion.

I have been talking to folks back home in Wyoming about this climate conference and what the Democrats are proposing, and I will tell you, the people in Wyoming are not happy. They are not happy about President Obama's plan to destroy American energy jobs and also to destroy the communities that depend on these jobs.

They are not happy about the President's plan to give away billions of U.S. taxpayer dollars to other countries. They are not happy about the President's plan to ignore the will of the American people and to sign an expensive, destructive treaty on climate change in Paris. That is what they think the President is planning to do, and I believe they are exactly right.

Last Friday, the Foreign Relations subcommittee that I chair released a new report called ''Senate Outlook on United States International Strategy on Climate Change in Paris 2015,'' a new report on President Obama's plan to bypass Congress and transfer American taxpayer funds overseas. This report shows how President Obama is supporting an effort to bypass Congress and to sign a climate deal that gives money to developing nations.

The subcommittee report found four things.

First, the report says that the President is making false promises to other countries about his ability to meet his own greenhouse gas reduction targets. President Obama has promised to cut back American energy production dramatically. The administration is pushing powerplant regulations that will destroy jobs and make electricity more expensive and less reliable. Bipartisan majorities in Congress, in the House and in the Senate, have rejected these regulations. President Obama wants to use this international agreement to force new regulations on the American people.

This administration has been doing all that it can to cripple American energy producers all across the country. It has piled new regulations on coal producers. It is blocking exports of American crude oil and liquefied natural gas. It set emission standards that are designed to put powerplants out of business, and that is the second thing that the report found—that the President's unrealistic targets and timetables for reducing targeted emissions are threatening jobs and threatening communities all across America.

The third main point in this report is that the President is forcing American taxpayers to pay for it—to pay for our past economic successes through his contributions to the so-called Green Climate Fund. I did a townhall event the other day in Wyoming and asked what they thought about the President's plan of using their taxpayer dollars in this way, and 94 percent of the people in the townhall said they opposed President Obama's plan to send their hard-earned taxpayer dollars to the United Nations climate slush fund.

President Obama doesn't care. He says he wants the money anyway. He knows American emissions have actually been declining over the last decade. He knows we are not the biggest source of carbon dioxide in the world. Far more emissions are coming from developing countries. We see it in China; we see it in India. Those countries say that if they are going to cut their emissions, if they are going to be part of President Obama's plan, somebody else is going to have to pay up. They expect developed countries such as the United States to foot the bill.

How much money do they want? What are we talking about? So far, developing countries have said they want—the number is astonishing—at least $5.4 trillion—not million, not billion, but trillion. That is what 73 developing countries are demanding over the next 15 years. It doesn't even count another 90 developing countries that haven't made their demands public yet. The reality is a great deal of this money is going to end up lining the pockets of government officials in these developing countries. The American people know it. They see through it, even though the Obama administration will not admit it.

That brings up the fourth thing that this report found. Our subcommittee found that the President plans to reach a climate change deal that ignores the American people and cuts them out of the process entirely. The American public doesn't want these policies. Congress has passed laws to change these policies. The Obama administration just goes on and on and makes the rules that it wants anyway. This administration refuses to have accountability to the American people.

What are we talking about with regard to the money? It is interesting because just today, this morning from Paris, there is a report from the New York Times: ''U.S. Proposes Raising Spending on Climate-Change Adaptation.''

Here is the byline from France:

> In an effort to help smooth the passage of a sweeping new climate accord here this week, Secretary of State John Kerry announced on Wednesday a proposal to double its grant-based public finance for climate-change adaptation. . . . Mr. Kerry's announcement came as the momentum toward a deal appeared to have hit a momentary snag.

Why? Well, reading further: ''The issue of money has been a crucial sticking point in the talks, as developing countries demand that richer countries open up their wallets. . . . ''

So John Kerry is there to open up the wallet of the American taxpayers—because it is not his money—doubling what he is offering, to try to buy a solution that he wants to accomplish even though it is directly in opposition to the American public. This administration, President Obama and Secretary Kerry, are out of touch with the American people, who reject this expensive and destructive energy and climate policy.

The Obama administration is also out of touch with the rest of the world. The Obama administration says that some parts of the agreement reached in Paris will be legally binding and other parts will not because, obviously, we are the Congress. We are the elected representatives of the American people, and we have a say. So the President is saying that parts of the agreement are binding and parts are not. China says the whole thing is binding. The European Union says the entire thing is binding. Who is right? President Obama or the rest of the world?

The Obama administration says it is going to give billions of our taxpayer dollars to these countries, including to a lot of countries that don't like us very much. That doesn't seem to matter to the President. The developing countries say they want trillions. John Kerry is in Paris today, doubling the amount of money, doubling to try to buy support for something the American people don't support.

It is interesting because, if you think back just a couple of months, President Obama was frantic—desperate—to get a deal with Iran over its nuclear programs because of his legacy. He signed a terrible deal—by all accounts, a terrible deal.

Now he is doing it again. He is once again frantic, once again desperate, to get a climate deal in Paris. Why? Because of his so-called legacy. He is planning once again to sign a terrible deal, and he has his Secretary of State, John Kerry, there giving the speeches and making promises that the American public will have to pay for if they get their way.

Iran says it will play the Obama administration's game on emissions and reduce its carbon emissions as the President wants, but before it does, it expects the Obama administration to lift all of the remaining sanctions from the Iranian deal. It wants the United States and other countries to give them $840 billion over the next 15 years. That is what is at stake, and those are the things the President continues to give away as he surrenders our energy security, our energy reliability, our energy jobs—a surrender by the President. He is desperate for approval by the other countries when he should be focusing on the United States. He seems to want to promise any policy, pledge any amount of money to get it, but the American people oppose sending their money to a United Nations climate slush fund. As their elected representatives, Congress must not allow the President to continue to try to buy popularity for himself using American taxpayer dollars.

Congress must not allow the President to use this meeting in Paris to advance his own legacy at the expense of

the American people and the American economy.

Thank you, Mr. President.

RECESS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1 p.m., recessed until 2:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. SCOTT).

The PRESIDING OFFICER. The Senator from Maryland.

UKRAINE

Mr. CARDIN. Mr. President, today is International Anti-Corruption Day. As the United States works to support good governance and anti-corruption efforts around the world, I wish to highlight one country, Ukraine, where these efforts are vital to the future viability of that state. The U.S. Congress has stood by the people of Ukraine since the Maidan demonstrations in November of 2013.

The Senate Foreign Relations Committee passed two landmark pieces of legislation that are now law. This sent a clear signal to Kiev, Moscow, and the capitals of Europe that the United States stands squarely for the development, democratic aspirations, sovereignty, and territorial integrity of Ukraine and its people.

However, Ukraine's political leadership must also continue to hold up its end of the bargain. Ukraine is a country that has been plagued for many years by weak democratic institutions and rampant corruption. This internal threat of corrupt institutions poses the greatest long-term threat to Ukraine's future.

Ukraine's reformers have made some progress. Last year Ukraine ratified an association agreement with the EU, which includes extensive commitments to governance reforms. The Parliament adopted a broad package of anti-corruption laws and established a set of institutions to fight corruption. The government made changes to the tax and budget codes and is starting to clean up its banking system. The government has also made reforms of the energy sector a top priority, adopting legislation to harmonize its natural gas markets with the EU's and raising tariffs to incentivize more efficient energy usage.

Importantly, on Monday, November 30, a new special anti-corruption prosecutor was appointed with the backing of the civil society, which is a big step forward in the fight against corruption.

Despite progress on these fronts, much work remains, and the political commitment to combat corruption among Ukraine's leaders is uneven. I acknowledge the pressure faced by the government. We all want to support Ukraine's positive path, but the Ukrainian people need more concrete anti-corruption results—not just legislation, not just commissions, as important as these are, but actual results.

For example, there remain thousands of allegedly corrupt officials in the judicial branch, where judges and prosecutors are susceptible to bribes. While corruption in Ukraine's legal system cannot be resolved overnight, I urge Ukrainian officials to take measures that would remove these most egregious violators from the judicial branch and prosecutorial ranks and to retrain those who are not corrupt to build the next generation of jurists.

The Government of Ukraine has taken positive steps in this regard, including the establishment of a constitutional commission tasked with recalibrating the checks and balances between the judiciary and the rest of the government. In September, the commission submitted new draft amendments to the Constitution on the justice system. However, concerns remain regarding the independence and integrity of the judicial institutions, including the newly established institution, the High Council of Justice, or HCJ, which has been called the ''gatekeeper to the court system.''

It is critical that the civil society and watchdog organizations are empowered to continue their work of holding the HCJ and elected officials accountable to ensure that any weakness in the checks and balances of the judicial system are not exploited for personal gain.

I am also concerned about the process for vetting the current pool of judges. The Government of Ukraine is developing standards for judicial reappointment, which will be conducted by the HCJ. This process will test the political will of both the Government of Ukraine and the HCJ itself. Unfortunately, initial results are not positive. As of June of this year, the HCJ had received 2,200 complaints of judicial misconduct. Of this number, only 47 judges were disciplined and none were dismissed.

Ukrainian citizens expect a clean government that abides by the rule of law. In July, I wrote to President Poroshenko, urging him to make anti-corruption reforms a priority by considering the appointment of a special anti-corruption prosecutor and special anti-corruption courts. While the government recently selected a special anti-corruption prosecutor with the backing of the civil society, the government must now ensure that this office remains free from state influence and interference to fulfill its mandate to root out corruption within Ukraine.

I commend President Poroshenko for listening to the demands of civil society and amending the composition of the selection committee to include two candidates backed by civil society, which led to the selection of Nazar Kholodnytskiy. This was a step in the right direction. However, the National Anti-Corruption Bureau of Ukraine itself is still woefully understaffed, which impacts its ability to fulfill its mandate to prosecute corrupt acts. I call on the Government of Ukraine to ensure that the National Anti-Corruption Bureau of Ukraine is fully staffed and prosecuting cases without delay.

Polls show that most Ukrainians confront petty corruption in their daily lives, and our focus on corruption at the national level should not diminish the importance of programming that addresses corruption at the municipal and local levels. The Government of Ukraine must invest in training and education to identify and root out petty corruption in higher education, health care, and law enforcement. A clear commitment to attacking corruption in health care, education, and law enforcement within a measurable framework will pay dividends for citizens across the country and will help to restore faith in Ukraine's democratic institutions.

The United States is prepared to make a long-term commitment to Ukraine and, along with our European partners, we can provide support to Ukraine's efforts to tackle corruption within the judiciary, the civil service, and law enforcement while preparing these institutions to attract and retain talented individuals who are committed to eradicating graft and entitlement.

I firmly believe that Ukraine could be a case study for how a country with the political will can work with the international community to root out pervasive corruption, but that political will must manifest itself concretely and soon. When you look at public opinion polls in Ukraine, fighting corruption is the Ukrainian people's No. 1 demand. On this International Anti-Corruption Day, I look forward to supporting Ukraine's leaders if they are willing and committed to answering this demand.

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. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I might consume.

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

BURUNDI

Mr. INHOFE. Mr. President, I am here today to speak a bit about Burundi—something the Presiding Officer is familiar with.

I had occasion to be in Burundi at their request some 16 years ago. At that time, the President's name was Buyoya. He is not there anymore; they have changed Presidents. There is something going on there on which I

think the State Department has dropped the ball one more time in not interpreting, not understanding what the people of a country want: their self-determination.

Despite its history of outside interference, civil wars, and social unrest, Burundi has emerged as a largely cohesive society, overcoming the ethnic divisions that plagued it in the 20th century, back at the time when I was first there.

On April 3, I led a congressional delegation of six Members to Burundi, where we visited with President Nkurunziza. President Nkurunziza is in the middle of his second elected term in office. We talked to members of the Parliament, had really intimate relations with the members of the Parliament. We actually prayed together. We met together, and we got to know them quite well.

We saw continued growth as a democracy and signs of movement toward a diversified economy under the leadership of President Nkurunziza. He announced on April 25 that he would run for President again and was met by increased protests and criticism from the international community, primarily led by us. Our State Department, the United Nations, and a few other countries seem to think they know more about an independent nation than they know. So they were criticizing him for running for office again.

Here is the problem: A provision in their Constitution says that no one can run for the Presidency of Burundi more than two times. The problem is that he was not elected the first time; he was appointed by Parliament. So essentially, yes, he was elected once, but he hadn't been elected again until this recent election. But, again, why would we even want to get involved in it?

On May 4, Burundi's Constitutional Court ruled that President Nkurunziza's first term did not count because he was picked by Parliament rather than elected by the people. That was followed by a failed coup, which took place right after that.

Leading up to the Presidential elections, the Peace and Security Council of the African Union urged ''all Burundian stakeholders to respect the decision of the Constitutional Court, when delivered.'' So now we have the African Union, we have the courts, and we have the people in an election talking about the fact that, yes, he is qualified to run a third time—all except our government, which wants to impose its desires on another country.

On May 29, six of us were in Burundi. We voiced our support for the decision of Burundi's Constitutional Court and called on the international community to support the court's ruling.

President Nkurunziza won his reelection for President on July 21; he got 69 percent of the vote. Instead of working with Burundi and its people, the international community has been denouncing the election and stepped up pressure on the newly elected government via sanctions and withdrawal of support. The United States suspended military training in July.

That is one of the things we do around the world that are really working now—a train-and-equip program, going to the country and working with them, helping to train those individuals. Of course, when that happens, we have the allegiance of those countries. If we don't do it, we can be sure that China or somebody else is going to do it. It is something that works. We withdrew that training. We are creating vacuums that are going to be filled by people who might be prone toward terrorism.

We suspended the military training. We announced that Burundi will no longer benefit from the trade preferences under the African Growth and Opportunity Act beginning in 2016 and sanctioned four individuals who have contributed to the turmoil, including threats to peace, security actions that undermine democratic institutions, and human rights abuses.

I am concerned that the responses by the United States and the international community will do more harm than good in terms of finding a resolution to the current political crisis. Young people are going to be denied jobs. They are not going to have the economic opportunities to participate.

According to a New York Times article written on December 5, the violence seems to have shifted from what appeared to be government-sponsored to rebel-sponsored. ''There have been more assassination attempts, more grenades tossed at government property and more random shootings . . . all thought to be the handiwork of the opposition.''

Yesterday, December 8, nearly 100 Burundian protesters who opposed President Nkurunziza during the months of violence in Bujumbura were released from prison.

We have to continue to support and stand with the people of Burundi and their growth as a democratic nation. The United States and international community should support and encourage a political resolution, not drive division and further unrest.

While the violence and the loss of life that has occurred in Burundi can't be condoned, the situation could have been much worse if it were not for the actions taken by President Nkurunziza, the opposition forces, and the people of Burundi.

I have been working to bring all parties together to resolve their differences and was encouraged by comments made at Burundi's National Prayer Breakfast by President Nkurunziza and the representatives of different political parties about looking forward and not looking back. There was tremendous applause.

These countries on the continent of Africa meet in small groups on a regular basis, in the Spirit of Jesus, actually, and they have the National Prayer Breakfast now. Except for the outside interference, peace has been settling in and people are living with the decision they made—of course, 69 percent of them having voted for this President.

I echo Uganda's President Museveni's—whom we are very close to—confidence that a lasting solution to the conflict in Burundi will be found. I encourage all sides to meet together in Kampala or have a meeting there as soon as possible to begin resolving political differences. I consider President Museveni a friend. I believe he is the leader who can facilitate efforts to find a lasting solution to the political situation in Burundi. The way forward begins first with putting the elections behind us and acknowledging that Pierre Nkurunziza is the President of Burundi; second, an immediate agreement by all sides to work together to end the violence and to provide the time needed to resolve differences in Kampala, and this also includes the international community, which I charge to take positive actions to help enhance peace versus merely demanding it through punishment; and finally, beginning all-inclusive meetings in Kampala under the leadership of President Museveni from Uganda.

I understand the fears that Burundi may regress toward ethnic violence, but I do not agree that it is a likely outcome of the current situation. We are going have to work on Burundi and not isolate it and its people. Only by working together to maintain stability and calm can we avoid widespread bloodshed, and the harshest critics are predicting that will come true.

I know there are some good people there, but I have intimate relations with the leadership in many of the countries. I see what we are doing that is wrong. I remember that the same group of people—the United Nations, the State Department, and France—got involved in Cote d'Ivoire when President Gbagbo had won a legitimate election. It was rigged by someone who wasn't even from Cote d'Ivoire.

I have been making several critical speeches on our involvement. It seems like we seem to want to impose our ideas on other countries when it is not to their best interest. I want everyone to be aware that this is a problem that is real.

PARIS CLIMATE CHANGE CONFERENCE

Mr. INHOFE. Mr. President, I just found out that supposedly the big party that is taking place in Paris—it is interesting. For those people who are not familiar with this issue, the United Nations puts on a big party every year. This is the 21st year that they have done this. It goes back to the Kyoto treaty and to the fact that through the United Nations they have been trying to develop some type of a thing where global warming is coming and it is going to be the end of the world.

I remember way back when I was chairing a subcommittee that had jurisdiction over this type of an area, back when this first started. We might remember when Al Gore came back, and they had developed this thing called the Kyoto treaty. They signed it on behalf of the United States, but they never submitted it to be confirmed by the Senate. Obviously, that is something that has to happen. They now are going to go in there to do a climate agreement. It was a real shocker on November 11 when the Secretary of State John Kerry made a public statement that the United States would not be a part of anything that is binding on the United States. The President of France didn't know that. He went into shock. He said that the Secretary must have been confused. They had to reconcile themselves at that time. That was 2 weeks before people arrived for the big party in Paris. They decided that we will put together something where we can have an understanding of what we want to do in the future—nothing binding.

The reason I am mentioning this now is that this afternoon there is supposed to be a plan that is going to be unveiled that is going to reflect what they want everybody to do with this. I want to keep one thing in mind. The last event I went to was in Copenhagen. They are designed to try to get 192 countries to agree that the world is coming to an end and that we are going to have to do something about cap and trade to stop the global warming. This has been going on for a long time. There are significant problems that remain. The negotiators can't agree on whether it is binding or what part of the agreement might be binding and still comply with our laws and constitutional restrictions. They can't agree on financing.

This morning, in order to entice the developing countries, Secretary Kerry, on behalf of the President, announced that the United States would contribute another $800 million a year to help developing countries adapt to the effects of climate change. Let's keep in mind that this is in addition to the $3 billion that the President expects Congress to appropriate to this cause.

Yesterday, in Paris, EPA Administrator Gina McCarthy again misrepresented to the international community the EPA's authority and confidence in the U.S. commitments. The highlight of her remarks was her claim that ''the Clean Power Plan will stick and is here to stay.'' When attending international delegates asked questions about their legal vulnerability and the possibility of the future administration changing anything that is adopted by this administration, she reportedly walked around the question and many in the audience were upset that she wouldn't answer the question. The reason she wouldn't is because there is no answer to it.

I chair the committee called the Environment and Public Works Committee. We have the jurisdiction over these things. When the President came out with the Clean Power Plan, we said: All right, you are saying that you are committing the United States to a 28-percent reduction in CO_2 emissions by 2025. How are you going to get there?

They wouldn't say. No one to this day has talked about how they are going to do it. He said: Let's have a hearing.

We are the committee of jurisdiction. I don't recall any time when a bureaucracy that is in a committee's jurisdiction refused to testify, but they did refuse to testify. I think we all know why. We know there is no way of coming up with that type of a commitment. If you have all these costs and what it is going to cost us, does it address climate change? The Clean Power Plan will have no impact on the environment. It would reduce CO_2 emissions by less than 0.2 percent. It would reduce the rise of global temperature by less than one one-hundredth of a degree Fahrenheit, and it would reduce the sea level rise by the thickness of two sheets of paper. In fact, the EPA has testified before the environment committee that the Clean Power Plan is more about sending a signal that we are serious about addressing climate change than it is about clearing up pollution. The Justice Department requested that the DC Circuit Court of Appeals not rule on the Clean Power Plan, the principal domestic policy which supports our commitments to the climate conference, until after the conference concludes.

What they did was they went to the courts, knowing that the courts were going to be acting on this power plan and probably acting against it, and they didn't want that to happen before the party in France. I think it is the biggest signal to the international community that the administration lacks the confidence in their own rules.

Administrator McCarthy also claimed that the next administration cannot simply undo the Clean Power Plan because of the extensive comment period supporting the rule. The international community is not fooled by this either. Congress disagrees. Not only can Congress withhold funding from any element of an agreement that the administration refuses to send to Congress for approval, but the Congress has explicitly rejected the Clean Power Plan in the bipartisan Congressional Review Act, saying that we do not agree with this and we want to do away with this Clean Power Plan before it is finalized.

That should be the signal to the people who are at the party in Paris. I think that a lot of them do understand that. Even President Obama is now conceding that specific targets each country is setting to reduce greenhouse gas emissions may not have the force of treaties. He is hoping that 5 years or some type of periodic reviews of those countries would be in the form of a binding commitment. But even if that is the case, that would merely be a review. Although the European Union and 107 developing countries are hoping for a legally binding long-term deal with review mechanisms and billions of dollars, any truly binding agreement must be sent to the Senate for approval.

Back when they first went down on the Kyoto treaty, we had the Byrd-Hagel rule. The Byrd-Hagel rule says that we are not going to ratify any treaty if it either is bad on our economy or it doesn't apply to countries such as China. So they have to do the same thing that we are doing. That passed 95 to 0. That was way back at the turn of the century.

Everyone knows that he can't unilaterally do these things, even though he tries. In 1992, when the Senate approved President H.W. Bush's agreement to have the United States participate in the conference of parties—that is the one that is going on right now, the 21st one—the process, any emissions, targets or requirements were going to have to be approved by the Senate. This is the President who was in charge at that time, George H.W. Bush. That was the agreement in 1992, and that agreement hasn't changed. Legally binding agreements must go before the Senate for consideration, and there is no way around it.

This is the message I conveyed when I attended the COP convention in 2009 in Copenhagen, and nothing has changed since that time. Nothing is happening over there now. They are having a good time. I am sure there are lots to drink and lots to eat, but that party will be over.

Let me share one experience I had. I have been very active in Africa for a number of years. There is an officeholder in the tiny country in West Africa of Benin. I saw him at the convention that was in Copenhagen.

I said: What are you doing here? You don't believe all this stuff.

He said: No, but they are passing out hundreds of billions of dollars, and we want to get some of ours. Besides that, this is the biggest party of the year.

Enjoy your party over there. Nothing is going to happen. Nothing binding is going to take place on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

EVERY STUDENT SUCCEEDS BILL

Mr. MURPHY. Mr. President, I come to the floor today to congratulate my colleagues on passage of the repeal and replacement of No Child Left Behind, the Every Child Succeeds Act. In particular, I want to thank Chairman ALEXANDER and Ranking Member MURRAY. It is really an example of how things can work in the Senate when we put our minds to trying to get to good policy instead of simply trying to get to good politics. There is a lot of politics surrounding early childhood education and elementary education.

There is a lot of hyperbole out there about the role the Federal Government should play in local education—issues such as the common core. Yet we were able to set aside all of those potentially inflammatory and toxic politics and get to a bill that despite those challenges has broad consensus from Republicans and Democrats. It ends up in a place that is really going to support a lot of teachers, students, parents and administrators out there.

When you look at that vote tally, it is impressive. It is a piece of legislation that has been able to unite progressive Democrats and conservative Republicans. In many ways it is a credit in this Chamber to debate that Senator ALEXANDER and Senator MURRAY set us upon. They were determined to get to a product that both parties could support. When you start with the idea that we can achieve a bipartisan solution, rather than your starting point being having a debate in order to maximize political impact and political division, it is miraculous what we get. We can all be blamed for falling into that trap far too often.

Mr. President, like you, my entire life has been spent in and around public education. I went to Connecticut's public schools. My mother was a public school teacher. My wife is a former public school teacher. I have two beautiful boys—one of whom is in the public school system as well. As it is for many of us, this conversation is deeply personal. It is also deeply personal for me as someone who is going to raise two boys in a country whose greatness depends more than ever on the quality of our public schools. The reality is that when my great-grandfather got off of a boat and showed up in New Britain, CT, he was guaranteed to get a good job in one of the ball bearing factories there, regardless of his education. He could get a good wage, a pension, and a decent health care benefit without a lot of skills that he couldn't learn on the job inside that factory.

Of course, our economy has radically changed since those days. We are lucky that we have declining unemployment. We are lucky we continue to grow jobs, as we have over the course of the last several years. They are totally different kinds of jobs than were available to my forefathers, immigrants who came to this country from places such as Ireland and Poland and worked in those factories. We now have jobs that require highly skilled professionals. We are competitive globally, not because of the price of our workforce but because of the productivity, competence, and educational level of our workforce. We are more dependent now than ever on the quality and capacity of our workforce, which is, of course, dictated by the quality and capacity of our educational system. So getting an education policy right is not just about serving kids; it is about serving our economy.

The fact is, we have been doing a disservice to students and teachers all across America since the passage of No Child Left Behind. This is a law that by and large was a disaster for us in Connecticut. I am somebody who believes that a strong Federal Government can play a beneficial role in people's lives, whether it is smoothing out the rough edges of the financial system, building roads and bridges, or protecting America from attacks, but the Federal Government has not done a good job in guaranteeing universal, quality education. Why? Because bureaucrats in Washington ultimately have a hard time intersecting with the provision of a service which has largely been administered at a local level. The prescriptive rules that were inherent in No Child Left Behind haven't matched the realities of how Connecticut assesses schools and student performance or how we think it is best to turn schools around.

No Child Left Behind did at least have one redeeming quality. The legislation required an assessment of every single student no matter where they lived, what their background was, or what their learning ability was. The law did shed light on some unjustifiable, unconscionable disparities that existed in this country, and it put pressure on school districts and States to address those disparities. The law brought attention to the fact that there were disparities, such as the fact that the graduation rate for African Americans in this country is 16 points lower than that of their white peers. The results showed disparities with Latino fourth graders. Only 25 percent of them are meeting expectations for their grade level in math, which is half the rate of their white peers.

The law also shed light on the practices within school districts, such as school discipline. If you are an African American and commit the exact same offense in this country inside of a school, you are twice as likely to get suspended or expelled as your white peer.

No Child Left Behind forced us to understand, recognize, and address those disparities. The challenge with this repeal and rewrite was to hand control back to States and local districts without removing the imperative to identify those disparities and cure them.

I voted against the version of this bill that was originally passed by the U.S. Senate, and I did so because I labored under the belief, as a member of the HELP Committee, that it is not worth passing a national education law if it isn't also a civil rights law. I wasn't convinced that we had that balance in the bill that initially came before the Senate. I am grateful to Chairman ALEXANDER, Ranking Member MURRAY, Representatives KLINE, SCOTT, and others who managed to get that balance right in the conference committee.

Today we were able to pass a bill that is both a proper return of authority to the States and a preservation of civil rights protections that are going to guarantee the perpetuity of the small, positive legacies of No Child Left Behind.

What we have in the bill is a recognition that school systems should identify the 5 percent of schools that are the lowest performing schools and have specific plans to attack those schools and turn them around. Those interventions will be decided at the local and State level rather than at the Federal level.

There is a requirement in this bill to identify what we call dropout factories—schools in which a disproportionate number of students show up freshman year but don't graduate. Similarly, States have to have a plan to turn those schools around, dictated by decisions that are made at the local level.

Lastly, this bill contains a provision that requires us to continue to track the performance of certain subsets of students, whether they are minority students, disabled students, poor students, or non-English speaking students. Again, it requires those vulnerable populations that may not be hitting the goals that are set by the State or school district to have interventions to try to do better. All of the accountability will occur locally, but the mandate is to pay attention to those lower performing schools or those populations that sometimes get the short end of the stick within a school system or State educational system and ensure that they get special attention.

I think this is the right balance. This is a bill that rightfully returns power to States and school districts but retains civil rights protections that have been the foundation of our Federal education policy since the 1950s and 1960s.

I am also happy that there were a number of other civil rights wins in this bill. States have to note on their report cards indicators of school climate and safety. They have to disclose rates of suspension and expulsion, school-based arrests, and referrals to law enforcement so we can get a better handle on whether minority students are being treated fairly when it comes school discipline policies.

States have to submit plans on how they will reduce the use of discipline practices that threaten student safety, including seclusion and restraint. Increasingly, school districts are relying on the restraint of kids by binding their hands and feet or the seclusion of children by locking them in padded rooms as a means of discipline. In almost all cases, those means of discipline make the underlying behavior worse, not better. They disproportionately affect disabled kids and children with autism whose school districts unfortunately don't understand their students' issues as well as they should. This legislation will require States to submit plans as to how they will reduce the use of seclusion and restraint.

Finally, this bill retains the requirement that every kid, regardless of learning ability, should be expected to

meet the same standard. This bill still allows for 1 percent of students to take an alternate assessment, but it requires the majority of special education students, or students with learning disabilities, to be tested against their nondisabled peers. They will have to compete against their nondisabled peers in the workforce, so they should be measured against their nondisabled peers while they are in the school system. Those are all important wins as well.

In the end, as someone who was educated in the public school system and spent his lifetime around teachers, I know that No Child Left Behind not only sucked the effectiveness out of schools, but it also sucked the joy out of learning and teaching because so much of it was driven toward that test which became the only measurement of what a good school is.

I am a parent who is deeply involved in looking at schools and deciding which one is right for my kid. While I pay attention to the test scores that come out of that school, that is not the beginning and end of my analysis. I take careful pains to meet with the administrators, talk to other parents, look at their curriculum, and look at other measurements, such as attendance and graduation rates, in order to build a full picture of what a good school is.

Now States will be able to devise systems of measuring schools that mirror the way almost every responsible parent measures schools—in a comprehensive, robust way that doesn't just look at that test. Perhaps more importantly, as we try to grow a healthy economy that recognizes the strengths we have and the quality of our workforce under this new law, the Every Child Succeeds Act, we will be able to create a new generation that will have great innovators, great leaders, great mold breakers, and not just great test takers.

Congratulations to Senator ALEXANDER and Senator MURRAY, and many others, like Senator BOOKER and Senator WARREN, who worked closely with me on the accountability provisions.

This is a really important day for teachers, students, and parents all across the country. It is also a pretty good day for us when we get to come together and do something very important in a bipartisan pay way.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

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

BIPARTISAN SPORTSMEN'S ACT

Ms. MURKOWSKI. Mr. President, I have come to the floor to speak about a measure that has moved through the Energy and Natural Resources Committee. This legislation is a pretty significant bipartisan accomplishment and I would like to share our progress with my colleagues.

On November 19, our committee reported S. 556. We refer to it as the Sportsmen's Act. This is a measure I have been working on, and we were able to report it out by voice vote. This is a bill that would benefit millions of sportsmen and sportswomen all across our country. It includes some key items within our jurisdiction that are part of a broader Sportsmen's package. That portion is being worked on by another committee. I have been working on our iteration of this bill with Senator HEINRICH of New Mexico, and I truly appreciate his leadership, his support, and his guidance on this measure.

As many Members in this Chamber are aware, the broader Sportsmen's bill has had a long history of bipartisan support in the Senate, but year after year it has failed to advance for a host of different reasons. It has been the victim of political brinkmanship in what for years was a Chamber that wasn't working, but I think this year is different. I outlined some of the successes yesterday when I came to speak on the floor and I think we are getting back to regular order. The committees are working hard—certainly the Energy and Natural Resources Committee is working hard—and we are working to advance legislation to go to the floor, whether it is this Sportsmen's bill or whether it is our Energy Policy Modernization Act that we reported out of the committee on an 18-to-4 margin back in July.

Our Sportsmen's Act is the latest example of a bipartisan bill that encompasses both good policy and good process. I think both of those are key. Staff from both sides of our committee—and the Sportsmen's Caucus, which is led by Senator RISCH and Senator MANCHIN, worked diligently with outside stakeholders to improve and refine the bill. So I want to briefly summarize some of the contents found within the Sportsmen's Act.

First, we included a congressional declaration of national policy to require all Federal agencies and departments to facilitate the expansion and the enhancement of hunting, fishing, and recreational shooting on Federal lands. This is our clear goal. It is a pretty clear and explicit direction for the executive branch.

The next component within the bill—and this is the heart of the bill—is a provision we are referring to as ''open unless closed.'' Through these, we are setting a new national standard, and that standard is that our Federal lands will be open unless they are closed. They are going to be open unless they are closed, not closed due to bureaucratic inertia. What we are trying to do is pretty simple. We are trying to allow all Americans to be able to access and enjoy their public lands. Under our bill, if Federal lands are going to be closed even temporarily, agencies will have to notify the public and provide opportunities for meaningful public comment. The agencies, whether they are the BLM or the Forest Service, will need to justify any proposed closures and address issues that have been raised by the public.

Our bill will also prevent temporary closures from becoming permanent by limiting any of these designations to just 180 days. Currently the BLM can close lands for 2 years and does not guarantee the opportunity for any public comment. BLM has acknowledged to us that they regularly implement what they call temporary closures while they prepare the paperwork to make them permanent. My Sportsmen's Act will allow BLM and the Forest Service to renew temporary closures, but they can only do it up to three times. Each and every time they do so, we are going to require them to engage in a public comment and notification process. What this ''open unless closed'' policy does is it reverses the practice of public lands being closed until opened or closed altogether. As a result of it, our sportsmen and sportswomen will have increased access to our public lands, they will have a real voice in decisions regarding any temporary closure, and they will also receive justifications for any temporary closures that are deemed necessary. So we are providing a more fulsome public process but also a more genuine opportunity for access to our public lands.

My Sportsmen's bill also addresses concerns raised about the unnecessary difficulty of securing permission for commercial filming on our public lands. Among other steps in the bill, we require the publication of a single joint land use fee schedule within 180 days, but we also say there are small crews that shouldn't have to go through this big rigmarole and pay this big fee. So small film crews of three or fewer people will be exempt from having to pay a fee.

I have heard a lot of stories about the horrors some of our outfitters or guides have experienced while they were trying to film some kind of promo-type material on a trip. Agencies are making them jump through hoops by telling them that they need a separate permit and have to pay additional fees. It gets to the point where you can't take a video or a picture on our public lands. That is just wrong. These folks already have a permit to be out there, and filming may be incidental to that.

In this bill we ensure that small crews and businesses can film on public lands without having to pay to do it. That seems pretty reasonable and fair to me. We also protect First Amendment rights by preventing content from becoming a factor in issuing permits, and we protect free speech by clarifying that journalism is not commercial activity.

Some might say: What is this issue all about? Think about it. If you have an agency that doesn't want to have filming or pictures in a certain part of a wilderness area or certain part of public land because a different story might be told that doesn't fit with the agency's view, that is not right. This bill will ensure that we are not going to regulate content in terms of whether or not a permit is issued.

I will give a specific example of why this is needed. Back in 2014, a producer for Oregon Public Broadcasting wanted to film a piece in the Willamette National Forest to commemorate the 50th anniversary of the Wilderness Act. To ensure that the piece had the ''primary purpose of dissemination of information about the use and enjoyment of wilderness,'' officials from the Forest Service asked to review the script. They wanted to look at the script before issuing a permit. That was not right. I believe giving Federal officials veto power over content can have a very chilling effect on journalism.

The final title of the Sportsmen's Act—this is a new title we came up with in committee—provides for reforms in the Land and Water Conservation Fund—LWCF. The reforms in the bill do not go as far as I would like to see them go, but they do reflect what our committee could agree on.

We also agreed to reauthorize the Historic Preservation Fund and to create a fund to address the maintenance backlog at the National Park Service. This is the same language we included in the broad, bipartisan Energy bill back in July—the same language now incorporated as part of the sportsmen's bill.

As I said before, my own proposal to reauthorize LWCF would look different from what our committee reported. When LWCF was created decades ago, monies were to be allocated each year so that Federal agencies would receive no less than 40 percent. States were to receive 60 percent. But what has happened in the ensuing years is that now nearly 85 percent of LWCF dollars have gone to Federal land acquisition, and we are not seeing the original congressional intent being met. Again, keep in mind that when LWCF was first created, it was going to be so that Federal agencies would get about 40 percent and States would get about 60 percent. We have now turned that on its head.

What our LWCF title does is recognize that States are leaders on recreation and conservation. Our reforms are trying to restore balance to the State-Federal split by ensuring that at least 40 percent of LWCF dollars are allocated to States for the State-based programs, including the traditional stateside program. This is an improvement, in my mind, but doesn't go far enough to restore the original congressional intent.

The title also recognizes the importance of accessing existing Federal lands and sets aside the greater of 1.5 percent or $10 million per year to improve access for sportsmen. This is an important provision for our sports men and women.

Like many western Members, I remain concerned about Federal acquisition. In Alaska, close to 63 percent of our lands are already controlled by the Federal Government. To begin to address the issue, the LWCF title also emphasizes conservation easements. This will keep lands in private ownership as working lands and will require agencies to take into account certain considerations when acquiring lands, including whether the acquisition would result in management efficiencies and cost savings.

To prioritize the backlog of deferred maintenance needs, this title establishes a National Park Service Maintenance and Revitalization Conservation Fund. This fund will help shift our focus to a more appropriate place, which is taking care of the lands we already have rather than an endless acquisition of new acreage.

Our country is fortunate to have an abundance of lands that are designated for recreation, conservation, and preservation. It is time we reached a consensus on how to care for and how to manage them. I believe we can do that best by allocating more than 40 percent of the LWCF to State-based programs.

People on the ground, who see what is happening day in and day out, provide the greatest insight into management, and we should recognize that. We should pair increased funding for State-based programs with increased authority for States to manage public lands. And we should consider giving Governors a say on Federal land acquisitions. After all, these are their States we are talking about—and opportunities for all sorts of activities on their land—are often affected by these decisions.

The LWCF reforms in the sportsmen's bill are a step in the right direction. I believe they provide a greater framework for further discussion. If we work hard and work together, we can agree on additional reforms to make LWCF even more effective in the years to come.

Those of us on the Energy and Natural Resources Committee have now completed our work on the Sportsmen's Act, and that brings us to the next step, which will be taken by our friends on the Environment and Public Works Committee. They are now considering a separate bill, S. 659, with provisions that are jurisdictional to them. I think it is fair to say that EPW's portion of the sportsmen's bill is also quite vital.

As I wrap up, there is one provision I would like to call attention to briefly, and that is the reauthorization of the North American Wetlands Conservation Act. The NAWCA program helps conserve waterfowl, fish, and wildlife through partnerships involving governments, nonprofits, and community groups. In Alaska, we are not in any danger of running out of wetlands and this program has funded a lot of good wetlands projects in my State. For example, on the Kenai Peninsula, partners in the private sector provided $1.6 million to match and exceed an $800,000 grant provided through NAWCA. Those funds were then used to implement habitat protection for over 300 acres of land along the Kenai River.

I think it is important that we reauthorize this program and provide funding to it so we can see important work like this continue, particularly in States that have fewer wetlands and thus have greater need for conservation.

NAWCA is just one of the provisions the EPW Committee can and hopefully will report in the future. Once their work is complete, all who support America's sportsmen and sportswomen and all of us here in the Senate who are sports men and women ourselves, should look forward to considering the full Sportsmen's Act here on the floor next year.

I am pleased that we are on a better track for this legislation in the 114th Congress. I again thank the many Members who have worked with us to get S. 556 to where it is today. As a result of this good work, millions of hunters, fishermen, recreational shooters, and other outdoor enthusiasts will soon have greater access and greater opportunities on our public lands and Federal lands, and I think that is something we should all be proud to support.

Mr. President, I see that my colleague from New Jersey is here. I think my time has expired. I do have a further statement about a truly mighty Alaskan leader who has been known throughout the education community in the State of Alaska who passed just yesterday at the age of 100. The death of Sidney Huntington in Galena, AK, is news that has brought great sadness to us all.

In deference to my colleague from New Jersey and in recognizing his time, I would like to come back to the floor later this afternoon and provide tribute to a great man who provided so much in terms of leadership and direction to so many, whether they be Alaskan Native children in the small, remote, rural communities or in our urban centers. It is fair to say that as of yesterday, we have lost a great Alaskan, and our hearts go out to him and his family. I look forward to coming back to the floor later to provide greater tribute to the great Sidney Huntington.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

ZADROGA BILL FUNDING

Mr. MENENDEZ. Mr. President, as we are all awaiting those who are negotiating a multibillion-dollar omnibus package and tax extender package, I wanted to come to the floor at this time of the year, as we approach the

holidays, and say that it would be unconscionable that we would go home to celebrate with our families without doing everything we can to make sure we send a clear and unambiguous message to our first responders—in the name of Jim Zadroga from New Jersey, for whom the 9/11 bill, the Zadroga bill, is named, and all those who responded on that fateful day—that we will never forget what they did for our fellow citizens, for this Nation on September 11, the day that changed the world.

We shouldn't have had to wait this long for the law to expire. At the same time, we are being told that we can't pass the legislation because we have to offset it. Yet we are talking about passing an $800 billion tax package, much of which goes to large corporations. I haven't heard any of my colleagues speak about the need to pay for this nearly trillion-dollar package which will deprive the Federal Treasury of anywhere between $800 billion and $1 trillion. Only the men and women who put their lives on the line on September 11 and the days that followed are waiting for Congress to act because we supposedly have to pay for the way in which we take care of their health care or the way in which we take care of the families, for those who lose a loved one as a result of the toxins and other circumstances that have led to their illnesses, that have led to their deaths. And unfortunately, we have seen a rising number of those individuals who responded on that fateful day who have died, including one very recently.

I don't understand how the rules don't apply to large corporations that will reap billions of dollars, but somehow those rules are asserted when we are trying to take care of the men and women who responded on that fateful day of September 11. I don't understand how there is any moral equivalency between them. There is none, and no one can claim there is any.

None of us can leave Washington for the holidays without passing this bill.

I would remind my colleagues of the immortal words of Charles Dickens in ''A Christmas Carol'':

> I have always thought of Christmas time, when it has come round as a good time: a kind, forgiving, charitable, pleasant time: the only time I know of, in the long calendar of the year, when men and women seem by one consent to open their shut-up hearts freely, and to think of people below them as if they really were fellow-passengers to the grave, and not another race of creatures bound on their journeys.

We should keep those words in mind as we approach the holidays. Beyond that, this isn't about the holiday spirit, it is about obligation. We should accept our profound, collective responsibility—not charity but responsibility—to act on this legislation. If we do not, and if we continue to insist on pay-for provisions when we don't insist on the same provisions that would provide benefits to America's largest corporations to the tune of hundreds of billions of dollars, we should be ashamed of ourselves.

I don't know which one of my colleagues can go to a September 11 commemoration and look those first responders in the eye. I don't know how you do that. The reauthorization bill I have cosponsored is necessary to provide the security and reassurances to those first responders that these critical programs will last longer than just what the next couple of months' funding will provide. It also permanently lists the statute of limitations on the Victim Compensation Fund to provide for those first responders and their families who need access beyond next year and, very importantly, it exempts these key programs from the budget sequestration cuts. The sequestration, which I voted against, imposes arbitrary and capricious cuts to funding that will continue to provide care and support for those September 11 heroes who sacrificed everything to help those in need on that tragic day.

The fact is, Congress must act. I don't think we should wait for a public outcry before we ensure that these heroes receive the care and support they deserve. I don't think we should wait for a future tragedy to observe what we should have done. The brave men and women who rushed into the towers to save others did not wait or hesitate to respond. They did not think about themselves. They did not think about the risk. They valiantly responded, and we—we—should not hesitate or wait to respond to their needs. To do so would be absolutely shameful.

With that, I yield the floor.

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.

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

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

REMEMBERING DR. SIDNEY CHARLES HUNTINGTON

Ms. MURKOWSKI. I wish to take a few minutes this afternoon to pay tribute to an amazing Alaskan, a man who lived a life that many would say was remarkable. Yet I think in his humble words he would respond that he just lived his life and did the best he could.

Dr. Sidney Charles Huntington was truly a great Alaskan. He died yesterday at the age of 100 years old in Galena, AK, which is on the Yukon River.

Sidney Huntington was a respected Athabascan elder. He was a culture bearer. He was a role model—definitely a role model. He was a mentor to so many, not only in his village but in his region and in his State. He was a prolific storyteller. He was a philosopher. He had words of wisdom. He was a reservoir of traditional knowledge. He was an outdoorsman who knew, understood, loved, and feared the land. He was a businessman. He was truly a public servant, especially when it came to education and conservation, and he was a warrior in the fight against youth suicide. These are just some of the words by which we remember one of our State's most treasured, cultural icons.

Sidney Huntington was known to his family and his friends as Grandpa Sid, and probably, for many good reasons, he had a lot of grandkids. There were the personal stories, and I think as we reflect on the 100 years of this great Alaskan, we will begin to share these many stories and tributes. He was certainly a savvy poker player. That is going to come out. He was a very generous man.

We were talking about him earlier today in my office. He was one of those guys who would truly give the shirt off his back. Sidney once encountered a young Native student who he thought had left the village and gone off to school, and the young man said: I couldn't go because I need to stay home and earn some money. Sidney literally took out his wallet, gave him eight hundred-dollar bills, and he told him to get to school. That was vintage Sidney. School was important. School had to be a priority, and Sidney wasn't going to let the fact that this young man thought he needed to stay home and make money stop him from going to school. He literally took out his wallet and solved the problem.

Sidney Huntington was one tough Alaskan. He was a man of very impeccable standards. He told it like it was. He would hold back not one iota.

I was in Galena after they had experienced some terrible flooding several years back, and the community had come together to talk about the FEMA response, how that was working with the State. You had the Federal Agency reps, you had the State people, and everybody was trying to figure out how to get through a difficult situation. Sidney Huntington—not sitting in the back of the room but sitting right up front at that table—said: By gosh, we have to get to work. No mincing words about it; he told it like it truly was. He was hardy. He was determined. He was very resilient. He was the real deal.

I was very privileged to know Sidney, and I was honored to be called his friend. That is quite an honor because you didn't choose Sidney to be your friend. Sidney chose you. He had identified me as somebody who could not only be helpful but that he could relate to, that we could have conversation back and forth.

It wasn't too many years ago that I flew into Galena. Galena is a very small village on the Yukon River, as I mentioned. You fly into the little airport there. I went to the very small terminal, and there was Sidney sitting on a chair right outside the little airport terminal.

I asked him: Where are you going, Sidney? I am sorry you are not going to be here while I am visiting Galena.

And he said: No, no, no. I am here because I have some talking to do with

you. Where are we on some of these education things? He was talking to me about No Child Left Behind. So Sidney was like: I am not going to miss her coming to Galena and perhaps not getting a chance to talk to her. He wasn't leaving. He was parked there to visit.

If Sidney Huntington chose to call you a friend, you didn't take it for granted, and you accepted that gift with great humility. I think about the relationships, the friendships I have made over the years. I can say nothing can make me, a third-generation Alaskan, feel more like an Alaskan than knowing I had earned the respect of Sidney Huntington.

Eric Mack, a journalist who worked in Galena, tells the story of how Sidney managed to survive when his snow machine fell through the ice. He was coming back from a trip. He had been out tending his trap line, and it was cold. It was about 30 degrees below zero. It was night. It was dark. He was on his snow machine. His snow machine went through a hole in the ice into a shallow section of the Yukon, and he was a long way from home. He dragged that snow machine out of the water, out of the icy water by himself. He made a fire from the gasoline and some frozen wood he had, and he kept himself from freezing to death. Think about how you do all of that. That is one tough Alaskan there.

Sidney Huntington was born in Huslia, which is on the Koyukuk River. He was born in 1915 to a Scots-Irish father who arrived from New York in 1897 to participate in the Gold Rush. His mother was Athabascan Indian. Sidney's mother died when Sidney was about 5 years old, and for about 2 weeks it left Sidney and two younger siblings to survive in the wilderness. Think about that.

This is all laid out in an exceptional book that Sidney wrote called ''Shadows on the Koyukuk.'' The details in the opening chapters are about the situation when he, as the oldest of three children, at 5 years old, was in a cabin in the middle of the wilderness with his mother and his mother died. At 5, he was the only one to care for his two siblings. This was the beginning of, again, a remarkable life for a remarkable man.

His father lived off the land as a trapper and a trader, and so the stories that are shared through Sidney's book, again, are just remarkable about what was happening in Alaska in the early 1900s. Sidney and his siblings first were sent to the Anvik Mission for schooling, and then he later attended the BIA school at Eklutna. He basically got the equivalent of a third-grade education. That was it. That was it for his formal schooling—third grade.

You need to keep that in mind as I talk about the rest of Sidney's story and his life. When he was 12 years old he returned to help his father work the trap line and learn the subsistence lifestyle, so he was out in the middle of Alaska. He was out in the wilderness. He was not in school. By the age of 16 he was earning a living hunting and trapping and at age 22 he went to work in a gold mine. In 1963 Sidney moved to Galena to work for the Air Force as a carpenter, and then in the 1970s he went into the fish-processing business. So he had been everything. He had been a gold miner, he had been a carpenter, he had been in fish processing, he had been a hunter and a trapper and a subsistence guy. He was truly living a traditional life in rural Alaska, sustaining himself and his family through a mixture of subsistence and participation in the cash economy. Many around the State share this life story, but that was just one dimension of Sidney.

This man, who had the equivalent of a third-grade education, served two decades on the Alaska boards of fish and game. In 1993 he published the best-selling biography I just mentioned entitled ''Shadows on the Koyukuk.'' In fact, this book he wrote is so good, is so compelling, it is the book I take around to the high schools when I go to visit students. I never leave a school visit without leaving something there, and I leave a book for their library. The book I have chosen to leave with students all over the State is ''Shadows on the Koyukuk'' because of the amazing accomplishments of this amazing Alaskan.

The University of Alaska Fairbanks in 1989 awarded Sidney an honorary doctorate in public service. Here again is an extraordinarily accomplished man, a man with a third-grade education, focused on public service, education, helping his community, his State, and publishing a best-selling biography.

Through the University of Alaska system, Sidney participated in oral history interviews that will be examined by historians and students for decades to home.

He was truly the stuff of which legends are made. Alaska holds a lot of legends. It is a big State with tall stories. But Sidney, once again, was the real deal. His life was a profile of courage and inspiration. It has not only been chronicled in books and interviews—it was even played out in theater in a stage play called ''The Winter Bear.''

''The Winter Bear'' tells the fictional story of a young Native man who contemplated suicide. In this play, this young Native man is sentenced to cut wood for Sidney Huntington. Making a pact with Sidney to live, he goes on to construct a traditional bear spear under Sidney's guidance. That spear is used to bring down this marauding bear. But Sidney is injured in the incident, and the young man, who is very insular and very afraid of public speaking, must now speak for Sidney before thousands of people at the Alaska Federation of Natives convention. At this point, the young man finds himself and his voice, recognizes the value of his life, and emerges as a leader.

While this play, ''The Winter Bear,'' may be fictional, Sidney Huntington's experience with suicide is absolutely not. In real life, Sidney lost children to suicide. He grieved for them every day and shared his loss with schoolchildren who visited his cabin. As we visited in quiet conversations, he shared with me the loss and grief that he felt, as not only his children but others in his community and his region have suffered because of suicide.

Sidney was a champion for young people. He believed in the future of our young people, urging that they choose life, that they get a good education, and that they take pride in their proud heritage.

Sidney Huntington was the patriarch of a large and extended family. I know so very many of them, and they are all very accomplished in their own right. He is survived by his wife, Angela. They were married 72 years; that is a pretty good marriage there. He has some 30 children, both biological and adopted, and many, many grandchildren. On May 10 of this year, they gathered in Galena to celebrate the centennial of Sidney's birth, and they all wore T-shirts that bore some of Sidney's words of wisdom: Make life worth living; work hard; keep up a good spirit; have a good attitude toward others—this will take you a long way in life. These are words to live by and words to remember an Alaskan who was truly larger than life and as large as the great State that he called home.

I was privileged by the gift of the friendship of Sidney Huntington. Alaska is privileged by the gift of his legacy. This man is a true hero of our homeland. He is now gone, but his life of inspiration will long, long be remembered. I am grateful for the opportunity to again pay tribute to a great Alaskan and to extend my condolences and that of the U.S. Senate to his family, his many extended relatives, and those of us throughout the State who cherish a great Alaskan leader.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

EVERY STUDENT SUCCEEDS BILL

Mr. CORNYN. Mr. President, earlier today the U.S. Senate added to its list of accomplishments this year by passing important education reform. The Democratic leader, our friend from Nevada, has called this Senate ''unproductive,'' but the Washington Post took a look at what he had to say and gave him three Pinocchios for that one.

When we look at the accomplishments of this year, they are bipartisan, to be sure—as they must be. That is the nature of this institution. Even the minority can, and frequently does, stop us from doing things the majority would like to do. But what has been remarkable is where we have been able to find consensus and work together. Certainly, the education bill—the Every Student Succeeds Act—is an example of that, as is the leadership not only of Majority Leader MCCONNELL, who

scheduled the vote on this legislation, but also Chairman ALEXANDER of the Health, Education, Labor, and Pensions Committee and Ranking Member MURRAY.

Senator MURRAY has also been very important in working with us on important anti-human trafficking legislation that passed the Senate 99 to 0. She worked with us on the President's request for us to pass trade promotion authority that only 13 Democrats voted for. This is an important piece of economic legislation.

Then, in recent days, we passed the first multiyear highway bill. That was due to the partnership of Senator INHOFE, chairman of an important committee, Chairman HATCH, chairman of the Finance Committee, and Senator BOXER on the Democratic side basically trying to take on her own leadership that didn't want us to pass a multiyear highway bill, at least at first, because they wanted to use the pay-fors in that bill to spend on other things.

My point is that leadership is important not only at the Presidential level; it is important here at the level of Congress in terms of setting the agenda. But the hard work of legislation is actually trying to find areas of common ground and consensus so we can actually get things done.

There are some times that stopping what the majority wants to get done is the right thing to do—when the legislation is misguided, when it is the wrong kind of policy. But we found places where we can work together in order to deliver results for the American people, and the Every Student Succeeds Act is an example of that. It replaced a law which was sorely in need of reform, and it stopped Washington from imposing common core mandates on our classrooms. It will ensure that power is devolved from Washington back to the local communities, to parents and teachers, where that power should exist.

In the words of Chairman ALEXANDER, it has eliminated the Department of Education as a national school board. Our country is simply too big and too diverse, and the needs of our students in local communities are so different that the power to innovate, the power to set the standard, and then to find the most creative and innovative way to achieve those standards I believe is best determined at the local level and not here in Washington, DC. This legislation does just that.

I use as an example Laredo, TX, where I went to a ninth grade science class. Due to the proximity of the Eagle Ford Shale in South Texas, they were teaching ninth graders the fundamentals of petroleum geology as a way to teach their science courses. So the students could see the future of a job in the oil and gas sector because of the proximity of the Eagle Ford Shale and the prosperity that has brought and a direct connection between the otherwise abstract lessons of science that they might be learning in class. Washington, DC, is not going to be able to come up with that kind of creative solution or way of making science relevant to students in Laredo, TX. So I use that as an example of why this legislation is so important to leave to the States and local school districts, parents, and teachers the ability to determine the curriculum and accountability measures they want to adopt.

I am proud we have come together in true bipartisan fashion to strengthen the hands of parents, teachers, and local communities and to provide real education reform for our children.

PRESIDENTIAL STRATEGY TO DEFEAT ISIS

Mr. CORNYN. Mr. President, I want to talk about the speech the President gave on the Islamic State, or ISIS. He spoke about this to the Nation last Sunday night. I read all the newsclips after having listened to what the President had to say, and I think the universal reaction was that the President did not come up with anything new. Basically, the message was that we are going to stay the course.

Of course, this is the same President who called ISIS ''contained.'' I don't know of any other person—any other person with any knowledge of the subject matter—who would share the view the President expressed, that ISIS was somehow contained. Indeed, we have learned that the threat of ISIS is threefold: We have the battle raging in the country, what started out as a civil war in Syria. Now the borders between Iraq and Syria have essentially been erased, and ISIS is controlling large portions of those two countries. It is also about the foreign fighters who come from Europe and other places within the region and even from the United States. There have been examples of people who come from the United States over to the fight in Syria and Iraq in order to help ISIS. Then, as we sadly learned again, just as we learned in Paris recently, we have seen in San Bernardino, CA, the radicalization of people already in our country, using things such as social media and the Internet.

It is troubling that the President did not choose to tell us what new strategy he was going to use in order to actually make sure we were able to accomplish his own stated objective of degrading and destroying ISIS. Instead, we heard that he had no interest in changing course. As I said a moment ago, this has dangerous and dramatic consequences right here at home too. In light of the terrorist attacks in San Bernardino—one that killed 14 people and wounded more than 20—you would think that the President would reconsider whether the course we are on needs a midcourse correction.

We saw that, for example, in Iraq. President Bush saw the war in Iraq going poorly, despite our best efforts—and then took a huge chance, upon advice of General Petraeus and other military leaders, to conduct a surge. It was a big risk, but it paid off.

President Obama, on the other hand, does not seem to want to learn from his experience or his mistakes. This ''wait and see'' approach has served only to strengthen the stranglehold ISIS has on the Middle East, and it has enabled the recruitment of thousands of jihadists from all over the world.

What we really need from the President is to listen to his military and national security leadership and to formulate a comprehensive strategy against ISIS and bring additional military means against them. The President likes to say this is a choice between what we are doing now and American boots on the ground. That is a false choice. That is not the choice. Those aren't all the options available to the President. But we need to bring means against ISIS that would inflict sizable losses, shatter their false narrative about their actually prevailing and making advances in their effort to reestablish or establish a Caliphate in the Middle East, and stop them from spreading their hateful ideology and their violence—not only in Syria, Iraq, and in that region, but around the world.

In short, what we need is a dramatically different approach. This concern for our current trajectory in the fight against ISIS is not shared only by folks on this side of the aisle. A number of our colleagues across the aisle agree that the President's strategy isn't working, but some of their solutions are pretty puzzling. Just this week, the Democratic leader and some of the other senior leaders across the aisle said that the solution is for the President to appoint another czar—a czar that can eliminate ISIS.

We don't need another appointed bureaucrat. We need a Commander in Chief who is willing to recognize the reality on the ground, one who will step up and lead, and one who will lay out for Congress and the American people a strategy that has a reasonable chance of success.

Because of the President's refusal to change course and develop a serious and aggressive strategy to eradicate ISIS, several of my colleagues and I have sent a letter to the President with some hopefully constructive suggestions. We have urged him to take commonsense measures that are designed to accomplish his own stated goal of degrading and ultimately destroying ISIS.

It is evident that any way forward must inflict significant territorial losses to ISIS. Right now we are engaged in bombing missions, which are necessary but not sufficient to actually hold any territory. That takes people on the ground. It takes military advisers. It takes the United States' leadership—not our U.S. military on the ground—but it takes somebody there to reclaim territory that Americans fought to secure just a few short years

ago, such as in Ramadi, Fallujah, and Mosul.

I said before that I think the President made a terrible mistake when he precipitously pulled the plug on the American presence in Iraq, because what happened is we simply squandered the lives and the treasure lost in securing cities such as Ramadi, Fallujah, and Mosul. It breaks my heart to think about the Gold Star Mothers and other people who lost family members in those fights only to see now that territory squandered. Think about our veterans who perhaps lost a limb from an IED, a roadside bomb. It is really a terrible thing. Now the President does have a chance to try to change his strategy in order to reclaim the territory from Iraq and, again, to undercut this false narrative of ISIS invincibility.

First, in this letter that we wrote to the President we suggested that the United States should embed military advisers alongside of the Iraqi Security Forces, the Kurdish Peshmerga, and Sunni tribal forces to strengthen their hand on the battlefield. These are some of the people who can be the boots on the ground and not American soldiers and service men and women. This could include additional U.S. troops to serve as joint terminal attack controllers—or JTACs—who can help ensure that our airstrikes against ISIS are much more accurate, timely, more lethal, and avoid collateral damage to innocent civilians.

We know the United States has the most powerful military in the world—equipped with the most advanced aircraft and the best trained pilots to fly them. But in order to leverage the advantage in the air, we need to work more closely with those on the ground. Again, this isn't going to happen without American leadership. By deploying additional close air support platforms—including Apache attack helicopters—for use in coordination with embedded JTACs, we can bring real support to those who find themselves in close contact with ISIS.

Again, the President likes to say ''no American boots on the ground'' but the fact is there are about 3,500 or so U.S. service men and women in Iraq, and the President recently announced he was going to deploy a contingent of special operators to help do exactly what I described here. But he has not yet come up with a strategy that will actually help them accomplish their goal.

The President also needs to understand the real need for a thorough review of the current approval process for coalition airstrikes. By making this review process less unwieldy, we can remove barriers that inhibit our pilots from striking strategically significant ISIS targets and doing it in a timely manner. On the battlefield, seconds matter. Our pilots who are engaging ISIS and putting their lives on the line should be allowed a shorter strike-approval timeline.

Finally, the letter my colleagues and I sent to the President asks him to establish safe zones inside Syria to protect the Syrian refugees. I have had the occasion to travel to some of the refugee camps in Turkey and Jordan, for example. Ever since the Syrian civil war occurred a couple of years ago, there have been massive dislocation of people from Syria into adjoining countries, further destabilizing those countries and, obviously, being a huge burden upon them. But what we need is a no-fly and no-drive zone so Syrians can stay in Syria rather than having to flee to adjacent countries or Europe or now come to the United States, for example. It would help safeguard innocent men, women, and children who are getting caught up in the crossfire.

We can do this. We have done it before in Northern Iraq. It takes a plan, and it takes American leadership. We can help take a lot of pressure off of Europe and surrounding countries in the Middle East, as well as our own country, by people who understandably are fleeing the devastation and the danger in their own country. Of course, the President and the United States can't do it alone. That is why we also encourage the President to leverage our partnerships in the region and hopefully find ways to mobilize NATO, or the North Atlantic Treaty Organization, in the planning and implementation process. NATO is very much engaged in Afghanistan, for example, and there is no reason why NATO, with American leadership, can't make a big contribution to what is happening in Syria and Iraq.

I hope President Obama reads our letter, and I hope he seriously considers how the United States can move forward with our partners in a much needed direction to accomplish the goal that he himself stated of degrading and destroying ISIS. Unfortunately, the current plan is not ever going to succeed. Just bombing, as I said earlier—airstrikes—is not sufficient.

Unfortunately, the recent attack in San Bernardino reveals that the extremist ideology of ISIS is not contained in the Middle East, as I mentioned earlier—the radicalization of people already here in the United States. We saw that, for example, in 2009 with MAJ Nidal Hasan at Ft. Hood, TX. We saw it earlier this year in Garland, TX. Unfortunately, we saw that in San Bernardino last week.

By the way, this is another item on the President's and on our to-do list. The FBI Director this morning testified that before the attacks in Garland, TX, where two people traveled from Phoenix in full body armor and with automatic weapons and tried to attack an exhibit in Garland, TX, one of the attackers sent 109 encrypted messages overseas to a terrorist contact there. But because they are encrypted, even with a court order, the FBI has not been able to see the contents of those messages. The FBI Director and the Deputy Attorney General have said this is a big problem for the United States because many technology companies are marketing their ability to encrypt their messaging and, thus, keep it out of the eyes—away from the eyes—of law enforcement, even with a court order.

Again, recently we voted to eliminate the bulk data collection at the National Security Agency. To remind everybody, this was about taking a known terrorist's phone number overseas and comparing that against call records here in the United States that don't reveal content but do reveal the domestic phone number so that the law enforcement authorities can go to a court and ask the court to allow them to look into the content of that communication. But, of course, this was misrepresented by some who claimed the privacy interests trumped national security interests.

Certainly, we have to find the right balance between privacy and security. But this encryption technology, which, again, is being marketed by certain companies in order to increase their market share, is being used by terrorist organizations. In fact, the FBI Director said this has now become part of the terrorist tradecraft—that is the way he put it—to use these encrypted devices.

My point is that whether it is the fight in Syria and Iraq or whether it is the foreign fighters traveling from the United States or Europe to Iraq and Syria and returning to the United States or whether it is radicalization of people already in place here in our own country, this is a war we cannot afford to lose. In a way, it seems like we are not using all of the resources available to us to fight a war against the terrorist threat when clearly they are using every resource they have available to fight a war against the United States and our freedom.

I hope the President will reconsider his course of action dealing with ISIS. I am sorry to say that unless the President does, I think we are going to see other attacks—not just in Europe, not just people dying unnecessarily in Syria and Iraq, but further attacks here in the homeland.

The President has some very talented military advisers. General Dunford and General Milley, the Army Chief of Staff, and others can provide him a strategy that actually will have a better chance of succeeding if he will listen and if he will reconsider. I know that sometimes when people like me have criticized the President for having no effective strategy, people have said: What is your strategy? Well, it is not our responsibility. It is the Commander in Chief's responsibility to come up with a strategy. But taking that challenge on, my colleagues and I have sent this letter where we list some options for the President that I hope he will consider.

We need a more focused, a more effective, a more robust strategy—one

that is undergirded with a political framework that can sustain a lasting rejection of the bankrupt ideology pedaled by ISIS. We don't have time to stick to a plan that has proven not to work.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

NUCLEAR AGREEMENT WITH IRAN

Mr. TOOMEY. Mr. President, I wish to address an issue that has kind of been pushed into the background by virtue of a series of events that has, quite understandably, captured all of our attention. The atrocities committed by ISIS has justified a focus of attention on how we can make America more secure from this very frightening and dangerous threat, but we shouldn't lose sight of an ongoing threat that is simultaneously developing, and I am referring to the Iran nuclear deal and the very disturbing developments that have occurred just in the short period of time since the JCPOA, the agreement between the Western powers, including the United States, and Iran, was announced.

This is a deal that in its own right is very disturbing. I found it impossible to defend. Since then, it has gotten worse, and in my view additional developments clearly indicate that we don't really have an agreement here, and the President should not be lifting sanctions in a few weeks. My fear is that is exactly what the President intends do. Let me walk through several of the items that have occurred recently that are particularly disturbing.

Item No. 1, almost immediately after the deal was announced, the Iranian leadership insisted they would essentially rewrite some very important parts of the deal. Specifically, they demanded that the sanctions had to be permanently lifted rather than suspended indefinitely. The JCPOA language says the United States will ''cease the application of sanctions.'' The administration has been very clear. They told us that means the sanctions are suspended, but the framework remains in place in case they need to be reapplied. They have predicated the entire viability of this agreement on the ability to reimpose sanctions, so it is essential that they in fact be available to reapply. The Iranians have said: No, absolutely not. That is not what the agreement says. It says these sanctions are to be lifted and permanently removed and they cannot be restored for any reason under any circumstance.

Well, which is it? The Iranians have clearly indicated that they have a very different understanding than our administration does, and this matters because whether sanctions can be reimposed in the event of a violation is absolutely central to the enforcement of this agreement, and that is according to the administration.

Item No. 2, shortly after the deal was announced, a couple of our colleagues—a House Member and a Senator—discovered the existence of two secret side deals. While on a trip to Europe, they discovered that these agreements were negotiated between the IAEA, the International Atomic Energy Agency, charged with much of the enforcement of this agreement, and the government in Tehran. It went to the heart of the past nuclear weapons activity that the Iranian Government was involved in. The administration didn't tell us about these side agreements or give us these side agreements, but it turns out they exist.

The nuclear review act stated very clearly that the President was obligated to give us all related documentation—all of it. The actual language is ''any additional materials related thereto, including annexes, appendices, codicils, side agreements, implementing materials, documents, and guidance.''

I think it is abundantly clear that the legislation actually in fact says, and intended to say, that anything in any way related to this agreement had to be handed over to Congress. It never happened. We never got it. To this day, we haven't gotten it. In fact, no Member of Congress has seen these agreements—these two documents. It is not just that no Member of Congress has seen them, nobody in the administration has seen them because the administration thought it was OK to just trust some other entity to negotiate a very central enforcement provision of this agreement without ever being able to even see it. It is unbelievable. No. 1, the President is in violation of the law if he lifts these sanctions because the law clearly states that process can't begin until we have gotten all the documents, and we still haven't, and a very important aspect of this agreement is something that the administration has never seen.

Item No. 3, October 3, just a few weeks ago, Iran launched a new long-range, precision-guided ballistic missile. Even the Obama administration acknowledges that this is a violation of U.N. Security Council Resolution 1929, which prohibits any ballistic missile activities on the part of Iran. Let me briefly quote from that resolution. It is a resolution that, by the way, supports the JCPOA. It is an integral part of the nuclear deal with Iran. It states that Iran is ''not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology, until the date eight years after the JCPOA.'' The intermediate-range ballistic missiles that the Iranians launched could absolutely hold nuclear weapons. They have a 1,000-mile range and could reach Israel.

A few weeks after that, on November 21, Iran launched a second ballistic missile. In spite of everybody pointing out that they were in violation of the JCPOA with the first launch, they demonstrated just how concerned they were about that by a second launch. It was a slightly different system, quicker setup time, more mobility, more maneuverable, and still capable of delivering nuclear weapons. Why does this matter? Well, it matters because it demonstrates that Iran has every intention to continue to improve its ability to deliver nuclear weapons great distances, with great precision. It demonstrates the continued intent of Iran to develop the capability to threaten and attack Israel and U.S. allies.

It is a fact that with this technology in place, if and when they violate this agreement and develop nuclear weapons—or even if they just wait until it is over and develop nuclear weapons, which the agreement permits—they will be immediately prepared to launch these weapons great distances. Maybe most fundamentally, Iran is in open violation of the JCPOA. They obviously have contempt for this agreement. How can we trust them when they are blatantly and flagrantly violating central parts of it?

Item No. 4, October 29, Iran sends weapons to the Assad regime on Russian cargo planes, violating another U.S. Security Council Resolution, as was part of a bigger deal. It included, in the negotiation of the deal, that Commander Soleimani travel to Russia, which is in violation of the U.S. Security Council Resolutions because a travel ban had been imposed personally on him. That didn't matter. He went to Russia and negotiated an agreement that included weapons for Assad, in violation of another U.N. Security Council resolution, and Russian delivery of the SA–300 Air Defense System for Iran.

Why is this important? Well, it is yet another flagrant violation of international law and U.N. Security Council resolutions but also because the delivery of these surface-to-air missiles diminishes the ability and credibility of a military strike against Iran, which we have been told is always the ultimate backstop. You would think that maybe the administration would have some concern about this.

Item No. 5, October 29, Iran arrests an American and convicts another American. The Iranian regime arrested the Iranian-American businessman Siamak Namazi and convicted Washington Post reporter Jason Rezaian in a show trial. This American reporter has now been held for over 500 days. Meanwhile, of course, the Iranian hardliners continue to hold their anti-American rallies, burn American flags, and shout ''Death to America.''

Why does all of this matter? After all, this was not contemplated by the

JCPOA directly. It matters because it reveals the ongoing open hostility of the Iranian leadership to the United States. In response, of course, America has taken no steps and no action, but it is fundamentally clear that this deal has not changed the mindset or attitude of the regime toward America, and now it appears that Iran is holding some additional chips, if you will, in the form of American hostages and that should be pretty disturbing.

Item No. 6, December 2, just a few days ago, the IAEA report came out on the previous military dimensions of Iran's weapons program. What did they conclude? They concluded that up until and through at least 2009, Iran was, in fact, working on a nuclear weapons capability. That is from the IAEA's report. That is not my opinion. That is their conclusion. They confirmed, among other things, that the Iranians were working on neutron triggers for detonation purposes, miniaturization efforts for warheads so they could be put on ballistic missiles, and specific designs for fitting them on weapons.

In addition to confirming the nuclear weapons activity of the Iranian regime, the IAEA report highlighted that the Iranians were not fully cooperating as they were trying to determine the extent of the past military dimensions. Again, according to the IAEA, the Iranians consistently tried to mislead investigators.

At the Parchin site, where much of the research and weaponization process was underway, the Iranians were heavily sanitizing the site. In recent months, they were trying to destroy the evidence prior to the IAEA investigation and determination, and the Iranians did not provide all of the information that was requested of them. This is all from the IAEA.

Why does all of this matter? First and foremost, it is absolutely indisputable proof positive that Iran has been lying through this entire process. They have always said they have no nuclear weapons program and that all of their nuclear research has always been exclusively for peaceful purposes. It has been a lie. It was always a lie. It was a lie through the entire negotiations. If they are willing to lie about this, what else are they lying about? Since they were not willing to fully cooperate, how much do we really know about exactly how far along their weapons process was? And if and when we discover future weapons developments, we might not know whether that was prior to the agreement or post-agreement. It just creates a great deal of dangerous ambiguity.

Finally—and this to me is maybe the most shocking—on November 24, the State Department acknowledged that the Government of Iran had never ratified and had not signed the JCPOA. They haven't signed the agreement. The administration acknowledges this. In a letter to a Member of Congress, Congressman MIKE POMPEO, on November 19, 2015, the State Department said, among other things, the ''JCPOA is not a treaty or an executive agreement, and is not a signed document. The JCPOA reflects political commitments. . . . ''

The President had previously called it a negotiated diplomatic agreement and attached great weight to it. The President said:

> The agreement now reached between the international community and Iran builds on this tradition of strong principled diplomacy. After two years of negotiations, we have achieved a detailed arrangement that permanently prohibits Iran from obtaining nuclear weapons.

Except that it doesn't and Iran hasn't signed it. The President even compared it to the START treaty and the nonproliferation treaty. It is very different. The fact is, the State Department letter openly admits that this agreement, if you can call it that, is not legally binding on Iran, and the Iranians have refused to sign it. Instead, it is supposed to depend on extensive verification, and we have talked about the problems with that, and the ability to snap back sanctions, which, likewise, have been dramatically undermined at best.

Then let's look at what the Iranians have done. President Ruhani pushed the Iranian legislature specifically not to adopt the JCPOA. They have ignored it. They have not voted on it. They have not ratified it. They have not affirmed it. So, in addition to not signing it, they have not had an eradication vote to approve it. In fact, they voted on some other framework. Ayatollah Khamenei has suspended further negotiations with the United States, so they have not signed the agreement, they have not voted on the agreement, and they have announced that they have no intentions of discussing any more with us the substance of it.

It looks pretty clear to me that the Iranians are creating the ability to completely deny any obligation on their part to honor the terms of the agreement. It looks pretty obvious to me that that is what is going on here. Yet we are just a few weeks away from what this agreement, which hasn't really been agreed to, calls the ''implementation day.'' That is the day on which the sanctions will be lifted.

By all accounts, it appears as though the administration intends to go ahead and lift the sanctions. Principally among them is the release of many tens of billions—maybe $100 billion—to Iran, despite the fact that the Iranians have demanded that these sanctions be permanently lifted, despite the discovery of these secret agreements, despite at least two ballistic missile launches in direct violation of the agreement, despite the violations of the arms embargoes, despite the arrest of Americans, despite the confirmation that we all now know that Iran has been lying throughout this entire process about the past weaponization, and despite the fact that they refuse to sign or pass this agreement. Despite all that, we apparently are just a few weeks away from lifting the sanctions, releasing upwards of $100 billion to the Iranians, and, of course, at that moment, losing virtually all leverage over Iran and their pursuit of nuclear weapons.

I think it is time the President of the United States realizes and acknowledges that there is no agreement here. There is not a deal. Any reason one would think of at this point that Iran is going to honor this agreement that is not really an agreement I think is extremely naive at best.

I hope that in the very short time that remains, we are able to persuade the administration to reconsider their apparent intent to lift these sanctions and reward this regime with a staggering amount of money with which they will do, in my view, very likely great harm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I ask unanimous consent for an additional 10 minutes to the 10 minutes I have been allotted.

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

EVERY STUDENT SUCCEEDS BILL

Mr. BENNET. Mr. President, I am sorry the Senator from Colorado has the misfortune of presiding over the Senate when I am giving a speech, but it is nice to see him.

I wanted to come to the floor today to mostly say thank you but also to make some observations on a day where I am actually proud of the Senate. I am proud of the work we have been able to do to reauthorize the Elementary and Secondary School Act with a vote in the Senate of 85 yes votes. This came after a vote in the House of Representatives that was 359 yes votes. And this comes after a time when just months ago it seemed as though we were paralyzed on this bill and unable to get a vote in the House and in the Senate. In fact, the House passed a very partisan bill that didn't get one Democratic vote. And when the Democrats were in charge, we passed bills that didn't get Republican votes, and then we couldn't even get them to the floor. Now we find ourselves just a few months later with a huge bipartisan result.

I want to start by commending LAMAR ALEXANDER, the Senator from Tennessee, the chairman of the Health, Education, Labor, and Pensions Committee, for his extraordinary leadership, as well as PATTY MURRAY, the ranking member of the committee, for her leadership. They ran this committee and they ran this process in a way that ought to set the standard for the rest of the committees in the Senate. They followed regular order. They started with a bipartisan product. They asked every single member of the committee whether we had ideas to try to

improve the legislation. They moved it out of committee unanimously—unanimously. This is a committee that has on it the junior Senator from Kentucky and the junior Senator from Vermont, just to pick two examples, and they got a unanimous vote. Then we brought it to the floor, we had amendments, an open process, passed it off the floor, the House passed their version of the bill, and we had an actual conference committee. Can my colleagues imagine that? I think it is the second one or maybe the third; there was one fake one and then two real ones since I have been here in the last 7 years. I have actually had the good fortune to be on two of them, including this one. So we produced a product and got it to the floor, and now it is going to the President's desk.

I say to the pages who are here today that we are 8 years away in the reauthorization of No Child Left Behind. The bill expired, in effect, 8 years ago, and we have taken 8 years to get this work done, which, if you were grading us in terms of getting our homework done in time—if the teachers at the Page School had the opportunity to scold us for being 8 years late with our homework, they probably would. But I am going to celebrate because I am glad this day has finally come. For teachers and for principals and for students and for families all across the country, this change is going to come as a great relief.

Some people ask: Why should the Federal Government have any role in education at all? I think it is a fair question because of what we spend on K–12 education, only 9 percent of it is Federal. The rest of it is all State and local. The reason why the Federal Government is involved is because of the civil rights impulse that says kids ought to have a great education no matter what ZIP Code they are born into. That is what we tell ourselves. If you are lucky enough to be born to wealthy parents or unlucky enough to be born to poor parents, when it comes to education, you ought to be able to get a good education.

The Federal Government is meant to help ameliorate the differences that exist in too many places all across the country. That was the idea when we got involved in this in the 1960s. Then we fast-forward to No Child Left Behind, the idea that George Bush had and Ted Kennedy had and the others who worked on that bill, including Margaret Spellings and others, had. The idea was that our kids are not succeeding all across the country and they are not remotely having the same opportunities, and we ought to expose that to the country.

Notwithstanding all of the things about No Child Left Behind that I can't stand, the one thing I will be forever grateful for was the requirement that districts across the country annually assess kids and disaggregate the data so people can see how kids are doing by ethnic group and by their level of poverty or affluence and that we expose that to the country and stop hiding from what are terrible results for many kids living in the United States.

Over the period of time that No Child Left Behind has been in place, we have been unable to hide from the results we have seen. What are those results? It is very clear now that we have studied it that if you are a kid born into poverty, you arrive in kindergarten having heard 30 million fewer words than a more affluent peer. Ask any kindergarten teacher in America whether that is going to affect the outcomes in kindergarten, and she will tell us.

We now know that there are whole communities in America, across cities and across rural areas, where there is not a single school that anybody in this body would be willing to send their kid or their grandkid to—not one. And those of us who are proponents of school choice, as I am, need to recognize that there are huge parts of geography in the United States where there is no choice. The choice is illusory. You have one lousy school to choose from and another lousy school to choose from.

Then what we have discovered is that we have made it harder and harder for people to be able to afford college. As other countries around the world are understanding more than ever, we need something north of a high school diploma to compete.

When George Bush, the son—and I say to the Presiding Officer that this is a temporal observation, not a partisan observation—when George Bush the son became President, we led the world in the production of college graduates. Today we are something like 16th. My question is, Do we want to be 32nd or do we want to do something different to give people greater opportunity?

As I have said on this floor before, where this all ends is in a situation where if you are a kid born into poverty in America, your chances of getting a college degree is equivalent to roughly 9 in 100. They are not roughly 9 in 100; they are 9 in 100. That means that if these Senate chairs and these desks—there are 100 in this Chamber—were inhabited by poor kids instead of by Senators, there would be those 3 seats, then those 3 seats, and then 3 of those seats in that row that would be inhabited by college graduates, and the entire rest of this Chamber would not be. I think that if we faced those odds for our own kids in this body—if Senators faced those kinds of odds for their own kids—we would quit the Senate and we would go home and we would try to fix whatever we could fix to ensure that our children didn't have a 9-in-100 chance but maybe had a 90-in-100 chance of being able to make a decision about whether they wanted to go to college.

I think one of the reasons why we find ourselves with those kinds of results for our kids—not just around education but around health care and around many other issues—is that too often we are treating America's children like they are someone else's children, not like they are our own children. And if we treated them like they were our own children, I think it would focus our mind.

I think that not just on education but on all kinds of issues, we would stop figuring out how to get through the week, stop trying to figure out how to keep the lights on for 1 more week or 1 more month or do a temporary tax deal that we could call a yearlong deal and it is actually a 2-week tax deal at the end of the year, and we would actually start doing what the American people want us to do, which is invest in the next generation—investment in the next generation in terms of infrastructure, in terms of immigration policies, in terms of energy; approaching the next generation by saying we have a theory about how we are going to right the fiscal problems this country faces. And we would be doing a lot—State, local, and Federal Government—to ensure that we had an education system that was much more aligned to the outcomes we want for our kids than the system we have.

Having said all of that, I am so glad we have made the decision that we have made to pass this bill today because if we had a rally tomorrow on the steps of the Capitol to keep No Child Left Behind the same, literally no one would show up, which maybe explains why we have been able to get this bipartisan result in the end.

I think the other thing that explains it is the fact that the No Child Left Behind bill, when it was passed, represented perhaps the biggest and greatest Federal incursion on State and local governments that we have seen in modern American history. Part of what we are doing here by changing the way this bill works is retreating, which I think is appropriate and what we should do.

When I was superintendent of the Denver public schools, I used to wonder all the time why people in Washington were so mean to our kids and to our teachers. What I realize being here is that they are not mean; it is just that they have absolutely no idea what is going on in our schools and our classrooms.

I think it is perfectly reasonable for the Federal Government to say: We expect you to do better. We expect you to close these achievement gaps. We have a national interest in knowing that kids are moving forward no matter where they are born, just as I think we have a national interest in understanding where the next 1.5 million teachers are going to come from to replace the teachers we have lost. But when I was a superintendent, the last thing I wanted was anybody in Washington telling me how to do the work or telling my teachers and principals how to do the work. That is not the province of anybody in Washington, DC, and there was too much of that with No Child Left Behind.

I want to talk a little bit about a few aspects of the bill today that I think are important. I am not going to talk about everything because there is an awful lot that changed. The first thing that is important to me was thinking about how we spend money when it comes to schools and understanding better how those resources are used.

I mentioned earlier that the whole reason the Federal Government is involved in education is because of a civil rights impulse. It might surprise the Presiding Officer to know that we are only one of three countries in the OECD that spend more money on affluent kids than we do on kids in poverty as a country. Part of that has to do with the way we fund education through property taxes, but part of it is compounded by the way the Federal Government has required reporting from school districts and States, going back to the 1960s, where we said to States and school districts: You need to report not an actual teacher's salary but an average teacher's salary, and that is what we are going to require you to do. For reasons that I am not going to belabor here today, that became something called the comparable loophole and meant that it was unclear where the resources were going, including the title I resources which are meant for kids living in poverty.

I wanted to close the comparability loophole as part of this legislation. We got a vote in the committee, but it didn't make it into the bill. But we have made a change in reporting, which is that we are now requiring districts and States to report on actual teachers' salaries, not average teachers' salaries, and what that is going to mean is much more transparency about where money is going in our school districts.

It is pretty easy to think about it this way. If you imagine an average salary for a school district, if you are in a high-poverty school, it tends to be that younger teachers, newer teachers are in that school. Those newer teachers are paid not at the average salaries but an actual salary down here. If you go to a more affluent school, teachers tend to be more experienced and paid more, and they are paid up here. So in the wealthier schools, the school is billed as though it is paying lower average salaries even though it is paying higher salaries. The poor schools are being billed as if they are paying higher salaries, but they are paying lower salaries. That is a travesty. That is a massive subsidy going from poor kids to wealthier kids in this country because of the requirements of the Federal Government going back to the 1960s. We have to change that reporting, and I believe in the next incarnation of this legislation we will finally change the budgeting itself.

We also focused on teacher leadership as part of this bill and teachers in general. They are the most important thing when it comes to a quality education. We know that the most important thing a kid who is living in poverty can get is 3 years of tremendous instruction. If they do, we can close the achievement gap. We know we can.

There is a lot of attention paid to this question of how we get rid of low-performing teachers, and having been a superintendent, I am all for it. But the most important question or fact we need to observe is that we are losing 50 percent of our teachers from the profession in the first 5 years. What is it we can do to keep teachers longer than that? We can't keep them for 30 years anymore. It is not going to happen. We imagine that is going to happen. We have exactly the same system that was designed when we had a labor market that discriminated against women and said: You have two choices—one is being a teacher and one is being a nurse. So come teach Julius Caesar every year for 30 years of your life in the Denver public schools.

Those days are over. They are over. Our compensation system and the way we train people and the way we inspire people to teach needs to change to match the labor market we have today. We could not solve that problem in this bill. That problem is not going to be solved here, but we did create more flexibility when we rewrote title II, which has been essentially a slush fund of lousy professional development, and we focused our funding on opportunities for teachers to serve as mentors and academic coaches. Eagle, Durango, and Adams 12 in our State are leading the way in these innovative practices.

We create support for teacher residency programs inspired by the Denver and Adams State teacher residency programs so that we are not saying we are going to have to rely on higher education programs that are not going to prepare our teachers to do the work we need them to do. Instead, we are going to train them in classes with master teachers so they can perfect the craft of teaching. They can bring their content-matter expertise, and they can learn how to teach in the place that matters, which is in school.

We have resources to train great principals because there is nothing more frustrating for teachers than somebody in their building who doesn't know how to lead.

We have funding to help modernize the teacher profession for preparation, recruitment and hiring, replacement and retention, compensation, and professional development.

I am often asked what is the one thing that will change outcomes in our schools. What I tell people is that there is not one thing, it is everything. There is almost nothing about the incentives and disincentives in our K–12 system that are aligned to the outcomes we want for kids—almost nothing. What we say is: On all of these different dimensions, school districts, feel free to innovate and feel free to use some Federal resources on the most important thing you can do, which is making sure you have a great workforce in your building.

We have funding to create differentiated compensation systems and increased school leader autonomy to support the reshaping of instructional time, planning time, and professional development. We are not going to hire teachers in Washington. We shouldn't hire teachers in Washington, but as I said earlier, we do have a vital national interest in knowing we have a pipeline of the very best people who are coming to teach our kids.

I did not mean this to sound political or sound like a politician or sound a little bit like that, but, believe me, there is nobody in this room who has a job that is harder than being a teacher. There is nobody in this building who has a job that is harder than being a teacher in a high-poverty school—nobody. Nobody. That is the hardest job you can have. We train people in ways that don't prepare them for the work, we give them leadership that doesn't support them in the work they are trying to do, and we pay them a crummy wage that no one in their college class would subject themselves to. No wonder that fewer than one-third of eligible voters under the age of 30 would recommend teaching as a job to a friend.

Until we change that, until we have a system that says that teaching is a great and noble profession, that it is something we can do as a way to give back to the community, a way to build the future of this country, and 70 percent of American voters are saying ''I would recommend that to a friend,'' we know we are not on the right track. This bill doesn't solve the problem, but it points the way to flexibility that I think is vitally important—flexibility around teachers and also innovation to try new things, funding for schools and districts to innovate. St. Vrain instituted a STEM academy that ought to be replicated all over. Northwest BOCES is modernizing professional development and support for rural educators. We have some very important parts of this bill related to rural schools, and Denver Public Schools has developed a unique English learners program. These are the kinds of things that can be replicated with the innovation dollars that are in this bill.

Very important to me, the bill supports the replication and expansion of high-quality charter schools, which we have seen have great success in Denver.

I mentioned support for rural schools and districts. We have support for rural districts that I heard from that said: Michael, it is all well and good that Denver is able to get that grant money, but we don't have a grant writer to be able to do it.

This will give them assistance to be able to write those grants, and it will allow rural communities for the first time—like the community the Presiding Officer is from—to be able to come together, as they want to do, and apply jointly for funds from the Federal Government.

On accountability, very importantly, we kept the requirement for annual

testing in this bill. I hate testing as much as anybody else. Believe me, the Bennet girls who are students in the Denver public schools hate testing more than anybody else. But it is critically important that until we can figure out another measure, the only way we can measure growth of kids is through that annual test. I commend Chairman ALEXANDER for keeping that option alive in his opening bill, and we kept it in the end.

It still requires that we break down data so we can see how kids of color are doing compared to their peers and how low-income kids are doing compared to wealthier kids. It requires that States address the bottom 5 percent of schools and requires States to deal with the stubborn cases of high-performing schools where there are kids in subgroups—kids of color and in particular special needs kids—who aren't succeeding and aren't performing.

It also relents in important respects and says that decisions about how to change schools don't belong in the Federal Government, don't belong with the Department of Education, but they belong at home. I agree with that completely.

I want to close, and I say to the Presiding Officer, forgive me for asking for a few more additional moments. I want to thank all the Coloradoans who helped us write this bill. I thank the Colorado Association of School Executives, the Colorado Association of School Boards, the Colorado Department of Education, the Colorado Board of Cooperative Educational Services, the Colorado Education Association, the American Federation of Teachers in Colorado, the dozens of teachers who took time to speak with us, numerous school districts and superintendents who provided us feedback and ideas, civil rights groups across the State, including the NAACP, the Urban League, and Padres & Jovenes Unidos, the Colorado Impact Aid advocates, Colorado's Children Campaign, Colorado Succeeds, the Charter School League, Rural Schools Alliance, Colorado PTA, Clayton Early Learning, the Merage Foundation, the Colorado Education Initiative, and many more.

This is a great day in the Senate. It is proof that we can overcome our differences and come together and actually solve problems. But it is only the start of what we have to do. It is the next generation of Americans that is going to have the opportunity we have. In this global economy, this shrinking economy, in some ways this savage economy, it is going to be harder and harder to get by without an education. It is going to be harder to get by with something north of a high school diploma, harder to get by with something less than a college education. It is hard to get by if you don't have access to midcareer education so you can change your profession. But we have taken a step forward in this bill.

I look forward to the day when I can come to the floor based on the results that we see to demonstrate that the ZIP Code you are born into doesn't determine the education you get; when we are actually funding what we say we are funding in order to close the achievement gap; when we see that kids 0 to 5 actually have access to those 30 million words that their more affluent peers have; when we can say that every kid in America is going to a school that any Senator in this place would be proud to send their kids; when we can say to anybody in America who has worked hard through their K–12 education and been admitted to the best college they could get into that ''You can go there and not bankrupt yourself or your family.'' Then we can come to the floor and say we are not treating children like they are someone else's children; we are treating America's children like they are America's children. And I think we can get there working together.

I will close by again saying thank you to my colleagues on the HELP Committee. Thank you to Senator ALEXANDER and Senator MURRAY and their counterparts in the House of Representatives. Thank you for all of your good work.

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

The PRESIDING OFFICER (Mr. LEE). The Senator from Nevada.

Mr. HELLER. Mr. President, I ask unanimous consent to enter into a colloquy with my colleague, the Senator from New Mexico.

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

MIDDLE CLASS HEALTH BENEFITS TAX REPEAL ACT

Mr. HELLER. Mr. President, together we rise to share our concerns about the devastating impact of the Cadillac tax enacted as part of ObamaCare. As the Presiding Officer knows, I know, and those around the country know, the Cadillac tax is a 40-percent excise tax set to take effect in 2018 on employer-sponsored health insurance plans.

My colleagues from across the country have heard the same concerns that I have. As both my friend from New Mexico and I have heard, this 40-percent tax will increase costs, significantly reduce benefits, or result in employers getting rid of their employer-sponsored health care coverage all together.

This is precisely why Senator HEINRICH and I have offered the Middle Class Health Benefits Tax Repeal Act of 2015, the only bipartisan piece of legislation that would fully repeal this onerous tax. Our bill has 22 bipartisan cosponsors. We all agree that this tax should be fully repealed because we know it will have a negative effect on hard-working, tax-paying Americans. This was clearly demonstrated last week when the Senate overwhelmingly supported and adopt our amendment to fully repeal the Cadillac tax by a vote of 90 to 10.

Organized labor, the chamber of commerce, local and State governments, small businesses, seniors, and, together, 90 percent of the Senate—we put forth a solution to fix a problem affecting many Americans and their families. It is very rare these days to see this much agreement in Washington. Members on both sides of the aisle—Senator HEINRICH and I—came together, listened to what our constituents had to say, and sent a mandate to the President to repeal this tax. Today we will discuss why fully repealing the 40-percent excise tax is so important for middle-class families. Whether it is through our legislation, which is S. 2045, the Middle Class Health Benefits Tax Repeal Act of 2015, or through other must-pass legislation, we hope to address this by the end of the year. Senator HEINRICH and I will do everything we can within our power to repeal this tax.

I thank the Senator from New Mexico for his leadership in making real progress in fully repealing the Cadillac tax a reality, as we are here to speak about today. With our vote last week, the Senate sent a clear message that we can, and we should, fully repeal this tax. It takes both sides of the aisle listening to the American people.

With that, I ask Senator HEINRICH what he has heard from his constituents that makes full repeal of the Cadillac tax so important.

Mr. HEINRICH. Mr. President, I start by thanking my colleague, Senator HELLER of Nevada, for his partnership and his leadership in pushing this issue forward and doing so effectively. I think the amendment we saw last week speaks to just how bipartisan this has become and how important it is. These days, there truly aren't many things around this place where we get a 90-to-10 vote.

This tax, which will go into effect in 2018, was meant to help pay for other parts of the Affordable Care Act by charging a 40-percent tax on the highest cost, employer-based health plans. It was supposed to target only overly generous health plans—the ''Cadillacs on the health care highways,'' so to speak. In practice, however, the tax has become more of a ''Ford Focus tax.'' It will impact middle-income families who, for reasons that are largely outside their control, have health plans that already or soon will reach their policy limits.

The tax will force many employers to pay steep taxes on their employees' health plans and flexible spending accounts. It will possibly eliminate some employer-provided health care plans altogether.

The Cadillac tax has already limited options for New Mexicans to curb costs and keep plans affordable. Let me give an example. I recently heard from Jamie Wagoner, the benefits and compensation manager for the city of Farmington, NM. Under her leadership, the city began implementing wellness programs to slow the increase in health

spending—exactly what we all wanted. Unfortunately, the city recently learned that its wellness programs would ultimately be factored in as a benefit subject to the Cadillac tax.

It doesn't make sense that benefits designed to promote health and wellness, and ultimately drive down costs, actually end up triggering this new tax. This creates an inverted incentive for employers to avoid preventive benefits, such as wellness programs, that we all know are central to keeping our health care costs under control.

There are better ways to pay for the good things in the Affordable Care Act. Doing away with this onerous tax on employees' health coverage before it goes into effect will protect important benefits for workers and ensure that businesses and families get a fair deal.

I have always opposed this tax on the middle class, and I worked to strip it from the ACA when I was a freshman legislator in the House of Representatives. In New Mexico, small business owners, labor unions, counties, rural electric co-ops, municipalities—you name it—all oppose the tax. When was the last time we had a piece of legislation that united all of those constituencies?

That is why Senator HELLER and I introduced the Middle Class Health Benefits Tax Repeal Act of 2015 to fully repeal this tax. This bipartisan effort also has companion legislation in the House of Representatives—legislation that has 178 cosponsors from both sides of the aisle. There was a vote on an amendment that Senator HELLER offered to include a full repeal of the Cadillac tax in the budget reconciliation bill, and the amendment was adopted 90 to 10, as my colleague pointed out.

The landmark reforms in the ACA have given thousands of my constituents access to affordable, quality health care for the first time in their lives. But even the strongest supporters of this law know it is not perfect, and there are some parts of it that we absolutely need to fix. This is one of them.

Republicans and Democrats need to put aside the partisan politics, put aside the grandstanding, and remember why Congress passed the ACA in the first place—to expand access to quality health care for all Americans. We need to work together to produce pragmatic policy that helps us achieve that goal.

So I ask my colleague from Nevada specifically how this Cadillac tax, as it is called, would impact his residents and constituents in the State of Nevada.

Mr. HELLER. Mr. President, I thank the Senator from New Mexico for the question. It is a simple answer. That answer is 1.3 million people—1.3 million Nevadans are affected by this Cadillac tax. There are 1.3 million workers who have employer-sponsored health insurance plans, and they will all get hit by this Cadillac tax.

Let me tell you what I am talking about. In this case, we are talking about public employees across the State. We are talking about service industry workers, those who work in Las Vegas on the Strip. They will be impacted by this legislation. We are talking small business owners across the State of Nevada. They all know they are going to get hit by this 40-percent excise tax. Not to be left out, of course, are the retirees, the seniors in the State of Nevada that will also be affected by this particular tax.

We are talking about three things: reducing benefits, increasing premiums, and also higher deductibles. Let me repeat the three things that this excise tax does: It reduces benefits, increases premiums, and raises deductibles. These are three things that none of us want to see, not in this Chamber. All these lead to more money being taken out of the pockets of taxpayers and hard-working families.

For those who supported this law, this tax was intended to go after high-cost plans provided to the very wealthiest Americans. Clearly, we see in this colloquy back and forth that is not the case. This is going to hurt every middle-class, hard-working, taxpaying American.

We know this tax is hard hitting, and it will affect the middle class. For that purpose, the Senator from New Mexico and I have brought this legislation to this floor. Again, we will repeat, it was a 90-to-10 vote—something we don't see very often in this Chamber. I believe that kind of a vote is a message for every American.

I said on the floor recently when we were having this debate that nobody in America supports this; nobody in America supports a 40-percent excise tax on their health care benefits. Nobody does. There may be a few here in Washington, DC, but when you get outside of Washington, DC, nobody supports it. That is why we are having this discussion today, so we can inform not only Nevadans, not only New Mexicans but our colleagues here in this Chamber how important and how onerous this is.

Having said that, maybe we can get more information on what the Cadillac tax really does, and we will hear the answer to that question from Senator HEINRICH.

Mr. HEINRICH. I thank my colleague.

Mr. President, the whole policy objective of the Cadillac tax was supposed to cap excessive spending as a way to reduce health care spending and to generate revenue for other parts of the ACA. Obviously, the popular name of the tax implies that it is only going to hit a few individuals with gold-plated health insurance plans. When this was proposed and included in the ACA, people cited Goldman Sachs' executive health benefits plans as sort of the poster child for the Cadillac plan. Obviously, they chose very wisely in the way that they branded this. But this tax targets many plans that aren't gold plated; they are barely bronze plated. It solidly taxes middle-class workers.

Proponents of the Cadillac tax are operating under the clearly flawed premise that plans with overly generous benefits are the primary drivers of increased health insurance programs, and we know today that is not the case. The data doesn't back it up.

According to a 2014 report, the richness of plan benefits accounts only for about 6 percent of the overall increases in a plan's premium growth. The costs of employer health plans are actually driven by factors that are largely out of the control of the actual beneficiary—things like the group's size, the health status of the firm's employees, or the age band for those employees. Geography alone accounts for 69.3 percent of a plan's premium growth, which obviously would be completely unaffected.

It is clear that the Cadillac tax will hurt millions of workers, their families, retirees—all with health plans of modest value. This includes low- and moderate-income families, people on fixed incomes because they are retirees, public sector employees, small businesses, the self-employed, including three-quarters of a million New Mexicans. Let me put that in perspective: There are only 2 million of us.

I ask Senator HELLER, my colleague from the Silver State: What are employers in the State of Nevada expecting will happen when the Cadillac tax goes into effect if we aren't able to pass this legislation?

Mr. HELLER. Mr. President, to answer the question of the Senator from New Mexico: As he just mentioned, three-quarters of a million New Mexicans will be affected by this legislation. As I said earlier, 1.3 million Nevadans will be affected. I think we have 3 million, so roughly half of Nevadans are going to be affected by this excise tax—a 40-percent excise tax.

Fortunately, through Senator HEINRICH's hard work and our efforts here on this floor, again, I repeat, we passed this legislation 90 to 10. I think it bears heavily on the hard work my friend from New Mexico did to get this in front of this Chamber.

As we can imagine, if 1.3 million Nevadans are affected by this, you will hear from all of them. You do. You hear from all of them. I have heard from large companies, I have heard from small businesses, and I have heard from health care employees such as hospitals and the American Cancer Society. Organized labor in Nevada has contacted my office, as have senior citizens throughout my State. They are all saying the same thing. They are saying: The Cadillac tax needs to be fully repealed or our employees will experience massive changes to their health care. I think that bears repeating. The Cadillac tax needs to be fully repealed or our employees will experience massive changes to their health care.

Large employers who negotiate multiyear contracts are seeing this tax come up quickly for 2018. Yes, this tax goes into effect in the year 2018. As my friend from New Mexico and I know, they are negotiating these contracts today. For 2018, they are negotiating contracts for large companies, labor organizations, and even public employees—today for 2018. That is why it is so important at this moment. They are planning and negotiating with employers now for how this tax will impact their employees' benefits within the next 2 years.

I was talking with D. Taylor from the Culinary Union, a prominent organized labor group in my home State of Nevada, as well as in New York City and California. D. told me that if Congress doesn't repeal the Cadillac tax, culinary employees will see massive changes to their health care plans.

In a letter he sent me in September, urging Republicans and Democrats to work together on this issue—which we are—he called the 40-percent excise tax a ''dark cloud . . . that has already started to impact negotiations and shift costs to [their] members.'' That is what it is doing to the Culinary Union in Nevada. It is a dark cloud, according to D. Taylor, and it is already impacting negotiations, shifting costs over to the employers.

To make matters worse, the chief financial officer of a waste recycling company, Action Environmental, recently told the Wall Street Journal that his company would consider getting rid of its employee coverage altogether because of ObamaCare's Cadillac tax.

Mr. SASSE. Mr. President, will the Senator yield for a question at some point?

Mr. HELLER. Certainly.

Mr. SASSE. It doesn't need to be now.

Mr. HELLER. Let me finish this.

He said: ''I'd be lying if I said we haven't had that discussion.'' Again, this goes back to the chief financial officer of a waste and recycling company.

Delta Airlines expects ObamaCare will cost it $100 million per year. Imagine that, one company—Delta Airlines—and the ACA will cost them $100 million per year. One reason for new costs is the 40-percent excise tax on Delta's employee health benefits.

As if Americans don't have enough trouble as it is with issues with airlines these days, just add a 40-percent excise tax. Some have identified the Cadillac tax as a tax that just hits unions or a tax that just hits wealthy Americans, but the Cadillac tax is a tax on the middle class. I think we know that. I think we understand that. That is why we saw the vote we did last week. It is a tax on small businesses, it is a tax on the middle class, and it is a tax on retirees.

With that, I know we have a question from my friend from Nebraska. I wish to give him an opportunity to raise that question.

Mr. SASSE. Thank you, sir, and the Senator from New Mexico. Thank you for letting me get in.

I know we don't have a lot of genuine open debates around here, so I want to be honest. This is a little bit awkward to delicately step onto the floor.

I was listening to the debate. I wasn't planning to speak, but I thought I would ask the question. I think the pay-fors in ObamaCare are problematic across the board. I am not a particular defender of any of these pay-fors, but I would ask sincerely, Why would you two be interested in prioritizing changing the tax deductibility or the limits for people who already have tax-protected insurance, but we are not talking about any sort of tax break for the small business people who have none?

The simple fact is we have the particular problems we have in America in health care because of wage and price controls at the end of World War II, where if an employee could get an extra dollar of wages, they would clearly be taxed, but if they got an extra dollar of benefits through their large employer group, that would be tax-free. That is limitless, but that tax benefit only applies to people who are in large groups. If you are in a small business, you don't get any deductibility.

I am not disagreeing with the specific policy you are advocating, but I would ask why would we prioritize this policy when there is no conversation happening on the floor for all the small business men and women in America, the farmers and ranchers who get absolutely zero tax protection? I am trying to understand the prioritization.

Mr. HEINRICH. I want to first welcome our colleague from Nebraska to this conversation. I am sure he has heard a lot about this from his constituents as well. I think the reason the timing of this is so critical is because we see the impacts of this coming at the moment. We still have enough time to do something about it, but we are already seeing the impacts on people who are negotiating contracts now, the impacts of business plans for this.

I think the Senator from Nebraska raises a valid question in that we have a certain incentive built into the current system by virtue of having large health care plans, employer-based plans not be taxed. I actually think it points a way to a more reasonable and elegant way to potentially pay for things in the ACA that some of us value, but that doesn't mean we shouldn't also have that conversation about individual plans and small business and farm and ranch plans because obviously those are people who have a very hard time attaching themselves to these large pools.

Mr. SASSE. I thank the Senator. I think we all know we need to do genuine health care reform sometime soon in the future because the reality is, the No. 1 driver of uninsurance in America is not preexisting medical conditions, although we all should empathize with the 4 million of the 320 million of us in America who have uninsurable preexisting medical conditions, but we are dealing with something on the order of 70 to 80 million Americans in a given calendar year who pass through a period of uninsurance, and the vast majority of them are uninsured because of our insurance pooling arrangements that are still an artifact of the 1940s and 1950s, where people had one job for decades at a time.

When I was a college president, until a year ago coming to join you all here, and I would shake kids' hands at graduation when they walked across the stage, they were not going to just change jobs, they were going to change industries three times in their first decade postcollege. The No. 1 driver of uninsurance in America is job change. These kinds of policies that we are debating on the floor today make it harder to create portable health insurance plans that go with people across job and geographic change, which is actually what is driving the uninsurance in America.

I thank the Senator for allowing me to sneak in for a minute. I am a rookie learning my way around here, but I was on the floor listening to your debate. Thank you for the opportunity.

Mr. HELLER. Mr. President, I thank the Senator from Nebraska for his input. He is right. There is a broader discussion that has to be had. The Senator from New Mexico and myself are trying to hit on an issue that we feel is vitally important going forward as this new excise tax hits the American people in 2018.

To the Senator from Nebraska, I have no doubt that there is a much broader discussion that needs to be discussed on health care. In fact, this discussion the Senator from New Mexico and I are having isn't on the Affordable Care Act at this point. We are not discussing the Affordable Care Act. We are talking about a principle within it—a tax increase that we believe is onerous and important today. What you are saying is important. Don't get me wrong. It ought to be discussed. We have to find a venue to have that discussion. Thank you very much for your involvement.

I want to ask the Senator from New Mexico how this 40-percent excise tax would affect workers in New Mexico.

Mr. HEINRICH. According to one source, the Kaiser Family Foundation, one in four employers that offer health care benefits will be affected by the Cadillac tax in 2018 if their plans remain unchanged. Despite the fact that the tax doesn't go into effect until then, many employers have already begun scaling back their coverage to avoid that. Despite the fact that the tax itself is set to go into effect in 2018, we are already seeing the impacts to small businesses, to economies now.

As employers consider ways to lower the costs of their health care plans, many are shifting costs to their employees. Increased deductibles, copays,

out-of-pocket maximums, higher copayments and deductibles leave many, especially low- and middle-income workers, underinsured, who are exactly the folks who were not supposed to be touched by the Cadillac tax. These are definitely people in my State who are not driving Cadillacs. I can assure you of that.

According to a study by the American College of Emergency Physicians, higher out-of-pocket costs result in delayed medical care as many forgo essential care when they get sick and become less likely to fill their prescriptions or stick to their doctors' treatment plans, and those with higher out-of-pocket costs are also more likely to seek medical treatment in emergency rooms—the most expensive way to get health care treatment. This is precisely what we were trying to avoid with the advent of the Affordable Care Act.

I want to ask my colleague from Nevada, in particular, you mentioned a number of different constituencies whom you have heard from about this tax—people such as the culinary workers. Are they upper class, Cadillac-driving constituents or are they middle-class folks who are just trying to put food on the table and maybe send their kids to college someday? Who is going to be impacted by this?

Mr. HELLER. I thank the Senator from New Mexico. I want to go to the same report. I think it clarifies his point and the question he just asked me.

Again, as he mentioned, 1.3 million Nevadans are going to be affected by this 40-percent excise tax. Three-quarters of a million New Mexicans are going to be affected by this excise tax. So I have hard time believing that most of them are wealthy enough to have to pay and for their employers to have to pay this kind of tax.

Let's go back to the Kaiser Family Foundation—a report that you quoted from. I have a number of statistics. I think it will better clarify. There is a quote in here that I want to emphasize that answers the point and the question you brought out. According to the Kaiser Family Foundation, employees who have job-based insurance have witnessed their out-of-pocket expenses climb from $900 in 2010 to $1,300 in 2015. That is an average. That is on average a 50-percent increase in their health care costs in the last 5 years. Employees working for small businesses now have deductibles over $1,800 on average. Kaiser also noted that the deductibles have risen nearly seven times faster than workers' earnings since 2010.

If you are the average middle-class family, with an average income, can you imagine your deductibles rising seven times faster than your earnings have since 2010? Here is the quote from Kaiser's president, Drew Altman, that really answers your question:

> It's quite a revolution. When deductibles are rising seven times faster than wages . . . it means that people can't pay their rent . . . they can't buy their gasoline. They can't eat.

If that doesn't answer the question of who is getting affected by this—they are individuals who go month to month, week to week, day to day on their wages. When you have deductibles rising seven times faster than your earnings, you get to a point, as Mr. Altman said, that you can't pay your rent, you can't pay your gas, and you can't afford to eat.

As deductibles rise, another way employers are planning on avoiding a massive new tax is by eliminating their popular health savings accounts—HSAs—and FSAs. Over 33 million Americans who have FSAs and 13.5 million Americans who are using HSAs may see these accounts vanish in the coming years as companies scramble to avoid this 40-percent excise tax. HSAs and FSAs are used for things such as hospital and maternity services. HSAs and FSAs are used for things such as childcare and dental care, physical therapy, and access to mental health services. Access to these lifesaving services could all be gone for tens of millions of Americans if the Cadillac tax is not fully repealed. Deductibles are rising, premiums are rising, and services are being cut.

Today we have talked a lot about how employers are making major changes to their workers' health care in order to avoid this tax. If employers—whether it is a union or private company—are changing their employees' health care benefits to avoid the Cadillac tax, this tax is not going to generate the kind of revenue the Congressional Budget Office originally anticipated.

To that question directly, I ask Senator HEINRICH, are CBO's cost assumptions accurate?

Mr. HEINRICH. I thank the Senator for the question because I think this is incredibly important. The CBO estimated that the ACA would generate $93 billion over 10 years with this tax, but when you drill down on that, only one-quarter of that—about $23 billion—actually comes from excise tax receipts themselves. The remaining three-quarters comes from revenue that would be theoretically generated from increases in taxable wages that some economists expected would be coupled with reductions in health care benefits. In other words, all the money you are saving, you are going to pass on to the employees in the form of a raise. We simply know that is not what happens in the real world. In fact, employer surveys over the past few years have conclusively pointed to one unifying fact, that at best employers will not raise wages for their workers to compensate for downgrading of employee health insurance benefits.

In fact, a recent American Health Policy Institute study found that three-quarters of employers said that they would not raise wages in order to make up for less comprehensive health insurance plans.

I say to Senator HELLER, I know we are being joined by the leader here, and I am going to have to run to another event in a few minutes, but I want to ask you if you would maybe consider a quick wrapup. I want to make the point that I think we have gotten as far as we have with this effort because of the incredible leadership you have shown, because of the bipartisan nature of this effort, because it is simply common sense that we need to make sure people have easier access to affordable care, and that the Cadillac tax may have sounded good at the time, but we are clearly learning today that this is a Ford Focus tax that will hit your middle-class families, my middle-class working families, and it is something we ought to be able to agree should be repealed.

Mr. HELLER. Mr. President, I want to wrap this up. I know the leader is here, and I want to give him ample time.

I thank the Senator from New Mexico for his comments and for his help and support on this legislation moving forward. I appreciate all the work to get this bipartisan bill to the finish line, and I know we will continue to work together to repeal this bad tax. Once again, whether it is my bipartisan bill, our bipartisan bill, this Chamber's bipartisan bill or a year-end package like tax extenders, we need to repeal this bad tax. Fully repealing the Cadillac tax is an opportunity for Republicans and Democrats to work together and join forces to appeal a bad tax for one purpose, and that is to help 151 million workers keep the health insurance they love.

Mr. President, I yield the floor.

TRIBUTE TO WILL RIS

Mr. DURBIN. Mr. President, I would like to take a moment to thank Will Ris for his service to American aviation and to congratulate him on his well-deserved retirement.

For nearly 20 years, Will has been senior vice president of government affairs for American Airlines—the principal government relations executive for the airline. His diverse responsibilities include directing all of American's activities with Congress, the administration, and several Federal agencies. And what could possibly be better than waking up every day and helping Congress and the Federal Government better understand the airline industry?

Earlier this year, Will announced that he will retire from American Airlines at the end of this month.

Will Ris's impact on American Airlines and its people cannot be overstated. Since joining American in 1996, Will has been a dedicated representative and the voice of the airline and its people; but, more importantly, he has been a trusted advocate on Capitol Hill. I have worked with Will and his American Airlines team on countless issues that affect passenger air service

at Chicago O'Hare International Airport and throughout downstate Illinois. His honesty, professionalism, patience, and sense of humor have made him one of the most sought after advisors on airline industry issues. He will be missed.

During Will's tenure at American, he led the effort to protect the domestic aviation industry, assure the continued viability of passenger service, and establish new security measures in the wake of the attacks in 2001. He has also led the effort to gain public and political support for the merger between American and U.S. Airways—creating a strong, competitive airline employing more than 100,000 people all over the world.

American Airlines chairman and CEO Doug Parker recently honored Will with these words: ''Will understands commercial aviation and cares about the frontline professionals who are the backbone of our business. Will embodies all of the best things about American Airlines, and thanks to his extraordinary efforts, American will be great for years.''

Prior to joining American, Will represented the airline as outside counsel for 13 years as the executive vice president of the Wexler Group. He also served as a trial attorney for the U.S. Civil Aeronautics Board from 1975 to 1978. In 1978, Will was appointed counsel to the U.S. Senate Committee on Commerce, Science, and Transportation and its Aviation Subcommittee. In this post, Will played a major role in drafting the Airline Deregulation Act of 1978 and successfully navigating the legislative maze all the way to President Jimmy Carter's desk for his signature. This landmark law changed the face of commercial aviation in this country.

Will Ris's love of aviation and passion for American Airlines is well known, but more importantly, Will is known as one of the most decent men in Washington. He spends countless hours committed to community service. He serves as chairman emeritus of the board of directors of the Green Door, Inc., the oldest and largest behavioral health providers—helping nearly 1,600 people every year battling chronic mental health and substance abuse conditions. Additionally, he serves as vice chair of the American Association of People with Disabilities—the country's largest cross-disabilities membership organization. He is also a director of the Ford's Theater board of governors, the Business-Government Relations Council, the Advanced Navigation and Positioning Corporation in Hood River, OR, and a member of the board of trustees for the Woolly Mammoth Theater right here in Washington, DC. Where does he find the time?

I want to congratulate Will Ris on his distinguished career and thank him for his service to American Airlines. I have had the privilege in public life to meet some outstanding people; I count Will Ris as one of those people. I wish him and his wife, Nancy, all the best in the next chapter of their lives.

Thank you.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION CBO COST ESTIMATE—S. 2044

Mr. THUNE. Mr. President, when the Committee on Commerce, Science, and Transportation filed its report on S. 2044, the Consumer Review Freedom Act of 2015, the estimate of the Congressional Budget Office was not available. The estimate has since been received.

I ask unanimous consent that the estimate from the Congressional Budget Office be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 9, 2015.

Hon. JOHN THUNE,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2044, the Consumer Review Freedom Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susan Willie.

Sincerely,

KEITH HALL.

S. 2044—CONSUMER REVIEW FREEDOM ACT OF 2015

S. 2044 would void provisions of certain types of contracts that:

Restrict the ability of a party to the contract from publishing a review or analysis of the performance of another party under the contract;

Impose a penalty or fee for publishing such a review; and

Transfer or require the transfer of any rights to the intellectual property of the person who created the review.

The bill would prohibit the use of contracts that contain those provisions and authorize the Federal Trade Commission (FTC) to enforce those new prohibitions. In addition, the FTC would be authorized to seek civil penalties for violations of the new prohibitions. Finally, S. 2044 would direct the FTC to develop an education and outreach program to provide businesses with best practices for complying with the new restrictions.

Based on information from the FTC, CBO estimates that the cost of implementing S. 2044 would not be significant because the agency is able to enforce similar prohibitions and provide compliance assistance under its existing general authorities. CBO estimates that enacting S. 2044 would increase federal revenues from the added authority to collect civil penalties; therefore, pay-as-you-go procedures apply. However, we expect those collections would be insignificant because of the small number of cases that the agency would probably pursue. Enacting the bill would not affect direct spending.

CBO estimates that enacting S. 2044 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

S. 2044 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Although the Federal Trade Commission has begun to enforce prohibitions on contract provisions similar to those outlined in the bill under its existing authorities, to the extent that such provisions are not currently considered void in all jurisdictions, the bill would impose a private-sector mandate as defined in UMRA on entities that use such provisions in their contracts. The cost of the mandate would be the value of forgone income from out-of-court settlements and compensation for damages the entities could be awarded under a breach of contract claim. However, reliable and comprehensive information concerning the number of businesses that continue to use contracts containing such provisions, the number of those that require monetary payment, and the level of any such payments is not available. In addition, although the court cases in which consumers have challenged these provisions have resulted in judgments in favor of the consumer, the limited sample of such cases cannot be used to generalize about the results of such cases in other jurisdictions. Therefore, CBO cannot determine whether the cost of the mandate would exceed the annual threshold established in UMRA for private-sector mandates ($154 million in 2015, adjusted annually for inflation).

The CBO staff contacts for this estimate are Susan Willie (for federal costs) and Logan Smith (for the impact on the private sector). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 4305 of S. Con. Res. 11, the concurrent resolution on the budget for fiscal year 2016, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels in the budget resolution for legislation related to health care reform. The authority to adjust is contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2016–2020 or the period of the total of fiscal years 2016–2025.

I find that H.R. 3762, as passed the Senate, fulfills the conditions of deficit neutrality found in section 4305 of S. Con. Res. 11. Accordingly, I am revising the allocations to the Committee on Finance, the Committee on Health, Education, Labor, and Pensions, HELP, and the budgetary aggregates to account for the budget effects of the bill. I am also adjusting the unassigned to committee savings levels in the budget resolution to reflect that, while there are savings in the bill attributable to both the HELP and Finance Committees, the Congressional Budget Office and Joint Committee on Taxation are unable to produce unique estimates for each provision due to interactions and other effects that are estimated simultaneously.

The adjustments that I filed on Thursday, December 3, 2015, are now void and replaced by these new adjustments.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

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

BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$ in millions	2016
Current Aggregates:	
Spending:	
Budget Authority	3,033,488
Outlays	3,091,974
Adjustments:	
Spending:	
Budget Authority	−24,200
Outlays	−24,300
Revised Aggregates:	
Spending:	
Budget Authority	3,009,288
Outlays	3,067,674

BUDGET AGGREGATE—REVENUES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$ in millions	2016	2016–2020	2016–2025
Current Aggregates:			
Revenue	2,675,967	14,415,914	32,233,099
Adjustments:			
Revenue	−57,000	−381,500	−992,700
Revised Aggregates:			
Revenue	2,618,967	14,034,414	31,240,399

REVISION TO ALLOCATION TO THE COMMITTEE ON FINANCE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$ in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	2,179,749	12,342,551	29,428,176
Outlays	2,169,759	12,322,705	29,403,199
Adjustments:			
Budget Authority	−2,000	−4,600	16,200
Outlays	−2,000	−4,600	16,200
Revised Allocation:			
Budget Authority	2,177,749	12,337,951	29,444,376
Outlays	2,167,759	12,318,105	29,419,399

REVISION TO ALLOCATION TO THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$ in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	12,137	87,301	174,372
Outlays	14,271	87,783	182,631
Adjustments:			
Budget Authority	0	−4,200	−13,700
Outlays	0	−2,400	−10,900
Revised Allocation:			
Budget Authority	12,137	83,101	160,672
Outlays	14,271	85,383	171,731

REVISION TO ALLOCATION TO UNASSIGNED TO COMMITTEE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$ in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	−930,099	−6,014,283	−15,268,775
Outlays	−884,618	−5,887,158	−14,949,026
Adjustments:			
Budget Authority	−22,100	−463,500	−1,368,800
Outlays	−22,100	−463,500	−1,368,800
Revised Allocation:			
Budget Authority	−952,199	−6,477,783	−16,637,575
Outlays	−906,718	−6,350,658	−16,317,826

TRIBUTE TO THOMAS LOGSDON

Mr. DONNELLY. Mr. President, today I wish to recognize and honor the extraordinary service of Thomas ''Al'' Logsdon. A dedicated educator and a longtime community leader, Al represents Hoosier values at their finest.

Beginning his career in 1964 after graduating from Western Kentucky University with a degree in biology and Spanish, he taught science and coached several sports. From 1970 to 2003, Al has served as the principal of several schools across Indiana, Kentucky, and Illinois.

During this time, Al continued his education earning a Master of Science and Education Specialist degrees from Murray State University in 1970 and 1980, respectively.

As principal, Al led his schools to great success and they received well-deserved awards for their hard work and achievement. In both 2000 and 2003, Heritage Jr./Sr. High School was selected as one of the top six schools in Indiana, as well as being honored with the International Reading Association's National Award in 2000 for having an outstanding high school reading program. Al was honored as the Indiana High School Principal of the Year in 1989 and was selected by his peers to serve both on the executive committee of the Indiana Principal's Association and to represent them for 8 years as State coordinator to the National Association of Secondary School Principals.

In 2005, Al was elected Spencer County Commissioner. In that capacity, Al maintains various responsibilities, but one that he considers to be among the most rewarding and challenging has been serving as president of the drainage board. The board's initiative of creating a nine-member advisory board, which makes recommendations across the county, won statewide recognition by the Indiana Association of County Commissioners. Al later served on the State board of the Indiana Association of County Commissioners and eventually as president, as well as serving on the Association of Indiana Commissioners Executive Board.

Never one to leave teaching completely, Al became involved in national, State, and local teacher retirement organizations currently serving as the president of the Spencer County Retired Teachers Association.

Since his retirement, Al has been serving as a private consultant for an organization in southwestern Indiana that is engaged in assisting 32 schools implement school improvement plans. He is also spending time with several school districts in West Virginia, Pennsylvania, Ohio, and Indiana, helping them in efforts to begin schoolwide reading programs for all students.

In addition to his longstanding community service, Al is a loving husband, father, and grandfather. Al's wife, Jeanne, is a retired schoolteacher, and together, they have four children and six grandchildren. In his free time, Al has enjoyed coaching three sports and officiating basketball and baseball contests. He is a member of the Knights of Columbus Chapter at St. Francis of Assisi Church, a member of Optimist Club, and serves on the Spencer County Bank Board of Directors. He enjoys visiting with family and friends, as well as traveling, reading, fishing, and, of course, playing golf.

Today I honor Al's legacy of service and wish to express my sincere gratitude for his leadership and dedication to his community and our great State of Indiana.

RECOGNIZING OUR LADY OF MOUNT CARMEL SCHOOL

Mr. DONNELLY. Mr. President, today I wish to applaud Our Lady of Mount Carmel School of Carmel, 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.

Our Lady of Mount Carmel School continues to be one of the best performing schools in the State of Indiana. It has been named an Indiana Four Star School.

In 2014, Our Lady of Mount Carmel School's ISTEP+ pass rate for English/Language Arts scores increased reached 96.9 percent. Mathematics scores increased to 98.8 percent combined for third through fifth grades.

Our Lady of Mount Carmel School's effectiveness can be found in its holistic approach and dedication to student achievement. Our Lady of Mount Carmel staff, students, and students' families work together to teach and instill values that develop strong character including integrity, responsibility, and service. With some of the highest English and mathematics scores in Indiana, Our Lady of Mount Carmel School is a stellar example of the benefits that result from dedication, motivation, collaboration, and family partnership in education.

I would like to acknowledge Our Lady of Mount Carmel School principal, Sister Mary Emily Knapp, 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 Our Lady of Mount Carmel School, and I wish the students and staff continued success in the future.

RECOGNIZING PRAIRIE VISTA ELEMENTARY SCHOOL

Mr. DONNELLY. Mr. President, today I wish to applaud Prairie Vista Elementary School of Granger, 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.

Prairie Vista 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 the last 7 consecutive years.

In 2014, Prairie Vista Elementary School's ISTEP+ pass rate for English/Language Arts scores increased to 98.7 percent. Mathematics scores increased over 3 points to reach 98.7 percent combined for third through fifth grades.

Prairie Vista Elementary School's effectiveness can be found in its holistic approach and dedication to student achievement. Prairie Vista Elementary staff, students, and students' families work together to teach and instill values that develop strong character and a sense of PRIDE—the capacity to be Prepared, Respectful, Independent, Dependable, and Excellent learners. With some of the highest English and mathematics scores in Indiana, Prairie Vista 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 Prairie Vista Elementary School principal, Keely Twibell, 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 Prairie Vista Elementary School, and I wish the students and staff continued success in the future.

RECOGNIZING SAINT PIUS X CATHOLIC SCHOOL

Mr. DONNELLY. Mr. President, today I wish to applaud Saint Pius X Catholic School of Granger, 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 exceptional educational accomplishments. St. Pius X Catholic School was named an Exemplary High Performing School.

Saint Pius X Catholic School continues to be one of the best performing schools in the State of Indiana. It has been named an Indiana Four Star School multiple times.

In 2014, Saint Pius X Catholic School ISTEP+ assessment averaged a 96 percent passing rate for English/Language Arts and a 98 percent passing rate in math.

Saint Pius X Catholic School's effectiveness can be found in its holistic approach and dedication to student achievement. Saint Pius X Catholic School staff, students, and students' families work together to teach and foster values that develop strong character including academic excellence, spiritual development, and service. With some of the highest English and mathematics scores in Indiana, Saint Pius X Catholic School is a stellar example of the benefits that result from dedication, motivation, collaboration, and family partnership in education.

I would like to recognize Saint Pius X Catholic School principal, Elaine Holmes, 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 Saint Pius X Catholic School, and I wish the students and staff continued success in the future.

RECOGNIZING SOUTH ADAMS HIGH SCHOOL

Mr. DONNELLY. Mr. President, today, I wish to applaud South Adams High School of Berne, 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.

South Adams High School continues to be one of the best performing schools in the State of Indiana. It has been named an Indiana Four Star School in 2012 and 2014.

In 2014, South Adams High School improved its average standard score more than 23 points over the previous year to 73.83 points. It is the only high school in Indiana to receive the National Blue Ribbon School recognition in 2015.

South Adams High School's effectiveness can be found in its holistic approach and dedication to student achievement. South Adams High staff, students, and students' families work together to teach and foster values that develop strong character including academic excellence, spiritual development, and service. South Adams High School is a stellar example of the benefits that result from dedication, motivation, collaboration, and family partnership in education.

I would like to acknowledge South Adams High School principal, Trent Lehman, 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 South Adams High School, and I wish the students and staff continued success in the future.

ADDITIONAL STATEMENTS

REMEMBERING DOUGLAS SHORENSTEIN

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the extraordinary life of Douglas Shorenstein, a loving husband, father, brother, passionate philanthropist, and pillar of the San Francisco community who passed away on November 24 after a long and courageous battle with cancer.

A proud San Francisco native, Douglas Shorenstein was born on February 10, 1955. After graduating from the University of California, Berkeley and the University of California, Hastings College of the Law, Doug worked as a real estate attorney in New York before returning to his beloved hometown in 1983 to join his father's real estate investment and management firm, Shorenstein Properties. Doug became chairman and CEO in 1995 and over the years transformed his local development company into a major national real estate group. A true visionary, Doug had a keen ability to keep his thumb on the pulse of San Francisco's evolving market. Because of him, key neighborhoods of San Francisco have been revitalized, and the company once started by his father now owns iconic buildings in cities across America.

Doug also dedicated his immense talents to supporting many important causes that were dear to his heart. He was a board member of the Environmental Defense Fund, a member of the University of California San Francisco Medical Center Executive Council, and on the boards of several educational institutions, including the Shorenstein Center on Media, Politics, and Public Policy at Harvard's Kennedy School of Government, Vanderbilt University, and the Yale School of Management. He was also appointed to serve on the board of directors of the Federal Reserve Bank of San Francisco in 2007, becoming chairman of the board in 2011.

San Francisco has lost a true civic leader, and Doug will be deeply missed by all of us fortunate enough to have known him. I send my deepest condolences to his wife, Lydia; his children, Brandon, Sandra, and Danielle; and his sister, Carol Shorenstein Hays.●

MESSAGES FROM THE HOUSE

At 10:56 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1461. An act to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2015.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 158. An act to amend the Immigration and Nationality Act to provide enhanced security measures for the visa waiver program, and for other purposes.

H.R. 2693. An act to designate the arboretum at the Hunter Holmes McGuire VA Medical Center in Richmond, Virginia, as the ''Phyllis E. Galanti Arboretum''.

H.R. 3766. An act to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.

H.R. 3842. An act to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

H.R. 3859. An act to make technical corrections to the Homeland Security Act of 2002.

ENROLLED BILL SIGNED

At 12:42 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

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 enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

ENROLLED BILLS SIGNED

At 1:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1177. An act to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

S. 1461. An act to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2015.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2693. An act to designate the arboretum at the Hunter Holmes McGuire VA Medical Center in Richmond, Virginia, as the ''Phyllis E. Galanti Arboretum''; to the Committee on Veterans' Affairs.

H.R. 3842. An act to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes; to the Committee on the Judiciary.

H.R. 3859. An act to make technical corrections to the Homeland Security Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3766. An act to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 9, 2015, she had presented to the President of the United States the following enrolled bills:

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.

S. 1177. An act to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

S. 1461. An act to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2015.

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–3748. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polyester Polyol Polymers; Tolerance Exemption'' (FRL No. 9936–91) received in the Office of the President of the Senate

on December 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3749. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances; Technical Correction'' (FRL No. 9937–02) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3750. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Etoxazole; Pesticide Tolerances'' (FRL No. 9934–60) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3751. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polyamide ester polymers; Tolerance Exemption'' (FRL No. 9939–28) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3752. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish'' (RIN0583–AD36) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3753. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Department of Defense (DoD) intending to assign women to previously closed positions and units across all Services and U.S. Special Operations Command; to the Committee on Armed Services.

EC–3754. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Stanley E. Clarke III, Air National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3755. A communication from the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the Office of the Comptroller's 2014 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–3756. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Margin and Capital Requirements for Covered Swap Entities Joint Agency Final Rule'' (RIN2590–AA45) received in the Office of the President of the Senate on November 19, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3757. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Margin and Capital Requirements for Covered Swap Entities Joint Agency Interim Final Rule'' (RIN2590–AA45) received in the Office of the President of the Senate on November 19, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3758. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Disability Minority and Women Outreach Program Contracting'' (RIN3064–AE35) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3759. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Temporary Liquidity Guarantee Program; Unlimited Deposit Insurance Coverage for Noninterest-Bearing Transaction Accounts'' (RIN3064–AE34) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3760. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Filing Requirements and Processing Procedures for Changes in Control with Respect to State Nonmember Banks and State Savings Associations'' (RIN3064–AE24) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3761. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Transferred OTS Regulations Regarding Safety and Soundness Guidelines and Compliance Procedures; Rules on Safety and Soundness'' (RIN3064–AE28) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3762. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Transferred OTS Regulations Regarding Fair Credit Reporting and Amendments; Amendment to the 'Creditor' Definition in Identity Theft Red Flags Rule; Removal of FDIC Regulations Regarding Fair Credit Reporting Transferred to the Consumer Financial Protection Bureau'' (RIN3064–AE29) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3763. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Stress Testing of Regulated Entities'' (RIN2590–AA74) received in the Office of the President of the Senate on November 19, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3764. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–3765. A communication from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, a report entitled ''The Consumer Credit Card Market''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3766. A communication from the Chief of the Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Decommissioning Costs'' (RIN1014–AA24) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Energy and Natural Resources.

EC–3767. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Natural Gas Act Pipeline Maps'' ((RIN1902–AE89) (Docket No. RM14–21–000)) 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–3768. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval and Air Quality Designation; SC; Redesignation of the Charlotte-Rock Hill, 2008 8-Hour Ozone Nonattainment Area to Attainment'' (FRL No. 9939–66–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Environment and Public Works.

EC–3769. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Wisconsin; Disapproval of Infrastructure SIP with respect to oxides of nitrogen as a precursor to ozone provisions for the 2006 PM2.5 NAAQS'' (FRL No. 9939–77–Region 5) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Environment and Public Works.

EC–3770. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 and Biomass-Based Diesel Volume for 2017'' ((RIN2060–AS22) (FRL No. 9939–72–OAR)) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Environment and Public Works.

EC–3771. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Wisconsin; Wisconsin State Board Requirements'' (FRL No. 9939–78–Region 5) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Environment and Public Works.

EC–3772. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Minnesota; Transportation Conformity Procedures'' (FRL No. 9939–80–Region 5) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Environment and Public Works.

EC–3773. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aureobasidium pullalans strains DSM 14940 and DSM 14941; Exemption the Requirement of a Tolerance'' (FRL No. 9936–50) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3774. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Saflufenacil; Pesticide Tolerances''

(FRL No. 9936–71) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3775. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''PM10 Plans and Redesignation Request; Truckee Meadows, Nevada; Deletion of TSP Area Designation'' (FRL No. 9939–48–Region 9) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3776. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing: Correction'' ((RIN2060–AP69) (FRL No. 9939–35–OAR)) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3777. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Aerospace Manufacturing and Rework Facilities Risk and Technology Review'' ((RIN2060–AQ99) (FRL No. 9936–64–OAR)) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3778. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Definition of Volatile Organic Compound'' (FRL No. 9939–38–Region 3) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3779. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; ME; Repeal of the Maine's General Conformity Provision'' (FRL No. 9939–24–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3780. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rule on Certain Chemical Substances'' ((RIN2070–AB27) (FRL No. 9939–20)) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3781. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District, Feather River Air Quality Management District and Santa Barbara County Air Pollution Control District'' (FRL No. 9936–67–Region 9) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3782. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of California Air Plan Revisions, South Coast Air Quality Management District and Yolo-Solano Air Quality Management District'' (FRL No. 9937–29–Region 9) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3783. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of California Air Plan Revisions, Placer County Air Pollution Control District'' (FRL No. 9936–83–Region 9) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3784. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque-Bernalillo County; Infrastructure and Interstate Transport State Implementation Plan for the 2008 Lead National Ambient Air Quality Standards'' (FRL No. 9939–47–Region 6) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3785. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Transit System Improvements'' (FRL No. 9936–08–Region 1) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3786. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; ND; Update to Materials Incorporated by Reference'' (FRL No. 9932–60–Region 8) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3787. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Manhattan, Kansas, Local Protection Project; to the Committee on Environment and Public Works.

EC–3788. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Computation of Annual Liability Insurance (Including Self-Insurance) Settlement Recovery Threshold''; to the Committee on Finance.

EC–3789. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2016 Section 1274A CPI Adjustments'' (Rev. Rul. 2015–24) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Finance.

EC–3790. 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 ''Medicaid Program; Mechanized Claims Processing and Information Retrieval Systems'' (RIN0938–AS53) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Finance.

EC–3791. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2015'' (Rev. Rul. 2015–25) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Finance.

EC–3792. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Safe Harbor Method of Accounting for Retail Establishments and Restaurants'' (Rev. Proc. 2015–56) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Finance.

EC–3793. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to revoking the designation of a group designated as a Foreign Terrorist Organization (OSS–2013–1913); to the Committee on Foreign Relations.

EC–3794. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2015–1858); to the Committee on Foreign Relations.

EC–3795. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2015–1859); to the Committee on Foreign Relations.

EC–3796. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2015–1860); to the Committee on Foreign Relations.; to the Committee on Foreign Relations.

EC–3797. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2015–1895); to the Committee on Foreign Relations.

EC–3798. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2014 Annual Progress Report to Congress on the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–3799. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''National Health Service Corps Report to the Congress for the Year 2014''; to the Committee on Health, Education, Labor, and Pensions.

EC–3800. 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 ''Foreign Supplier Verification Programs for Importers of Food for Humans and Animals'' ((RIN0910–AG64) (Docket No. FDA–2011–N–0143)) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3801. 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 ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption'' ((RIN0910–AG35) (Docket No. FDA–2011–N–0921)) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3802. 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 ''Accreditation of Third-Party Certification Bodies To Conduct Food Safety Audits and To Issue Certifications'' ((RIN0910–AG66) (Docket No. FDA–2011–N–0146)) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3803. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interpretive Bulletin Relating to the Fiduciary Standard Under ERISA in Considering Economically Targeted Investments'' (RIN1210–AB73) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3804. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interpretive Bulletin Relating to State Savings Programs That Sponsor or Facilitate Plans Covered by the Employee Retirement Income Security Act of 1974'' (RIN1210–AB74) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3805. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–204, ''Early Learning Quality Improvement Network Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3806. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–205, ''Extension of Time to Dispose of the Strand Theater Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3807. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–206, ''Grocery Store Restrictive Covenant Prohibition Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3808. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–207, ''Emergency Medical Services Contract Authority Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3809. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–208, ''Truancy Referral Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3810. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–209, ''Wage Theft Prevention Correction and Clarification Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3811. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–210, ''Ward 5 Paint Spray Booth Conditional Moratorium Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3812. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–211, ''N Street Village, Inc. Tax and TOPA Exemption Clarification Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3813. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–213, ''Extension of Time to Dispose of Property Located at Sixth and E Streets, S.W., Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3814. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–203, ''ABLE Program Trust Establishment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3815. A communication from the Acting Director, Pay and Leave, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the Harrisburg, PA and Scranton-Wilkes-Barre, PA Appropriated Fund Federal Wage System Wage Areas'' (RIN3206–AN18) received in the Office of the President of the Senate on December 7, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3816. A communication from the Acting Director, Pay and Leave, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Human Resources Management Reporting Requirements'' (RIN3206–AM69) received in the Office of the President of the Senate on December 7, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3817. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education Agency Financial Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3818. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' Performance and Accountability Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3819. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor'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–3820. A communication from the Director, Congressional Affairs, Federal Election 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–3821. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Office of Inspector General's Semiannual Report to Congress and the Pension Benefit Guaranty Corporation Management's Response for the period from April 1, 2015, through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3822. A communication from the Federal Co-Chair, Appalachian Regional 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–3823. A communication from the Staff Director, U.S. Commission on Civil Rights, 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–3824. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the semi-annual 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–3825. A communication from the Acting Director, Planning and Policy Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Long Term Care Insurance Program Eligibility Changes'' (RIN3206–AN05) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3826. A communication from the Chairman of the Federal Energy Regulatory 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–3827. A communication from the Chair of the Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General and a Management Report for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3828. A communication from the Chairman, U.S. Nuclear Regulatory 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–3829. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report of the Office 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–3830. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2015, including the Office of Inspector General's Auditor's Report; to the Committee on Homeland Security and Governmental Affairs.

EC–3831. A communication from the Chairman, Federal Maritime 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–3832. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Pilot Program for Enhancement of Contractor Employee Whistleblower Protections'' ((RIN9000–AM56) (FAC 2005–85)) received in the Office of the President of the

Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3833. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Updating Federal Contractor Reporting of Veterans' Employment'' ((RIN9000–AN14) (FAC 2005–85)) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3834. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Further Amendments to Equal Employment Opportunity'' ((RIN9000–AN01) (FAC 2005–85)) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3835. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation: Prohibition on Contracting with Corporations with Delinquent Taxes or a Felony Conviction'' ((RIN9000–AN05) (FAC 2005–85)) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3836. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–85; Introduction'' (FAC 2005–85) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3837. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Technical Amendment'' (FAC 2005–85) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3838. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–85; Small Entity Compliance Guide'' (FAC 2005–85) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3839. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation: Establishing a Minimum Wage for Contractors'' ((RIN9000–AM82) (FAC 2005–85)) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3840. 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–3841. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Retention Periods'' ((RIN9000–AN12) (FAC 2005–85)) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3842. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–212, ''Gas Station Advisory Board Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3843. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''2013 Report to Congress on Outcome Evaluations of Administration for Native Americans (ANA) Projects''; to the Committee on Indian Affairs.

EC–3844. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''2014 Annual Report of the National Institute of Justice''; to the Committee on the Judiciary.

EC–3845. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area; Correction'' (RIN0648–XE223) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3846. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reapportionment of the 2015 Gulf of Alaska Pacific Halibut Prohibited Species Catch Limits for the Trawl Deep-Water and Shallow-Water Fishery Categories; Correction'' (RIN0648–XE180) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3847. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Media Bureau Finalizes Reimbursement Form for Submission to OMB and Adopts Catalog of Expenses'' (GN Docket No. 12–268, DA 15–1238) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3848. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts—III''; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 571. A bill to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

*Jessica Rosenworcel, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2015.

Mr. THUNE. Mr. President, for the Committee on Commerce, Science, and Transportation 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.

*Coast Guard nominations beginning with Corinna M. Fleischmann and ending with Kimberly C. Young-Mclear, which nominations were received by the Senate and appeared in the Congressional Record on November 19, 2015.

*Coast Guard nominations beginning with Michael S. Adams, Jr. and ending with James R. Zoll, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 19, 2015.

*Coast Guard nominations beginning with Jason C. Aleksak and ending with Yamasheka Z. Young-Mclear, which nominations were received by the Senate and appeared in the Congressional Record on November 19, 2015.

By Mr. VITTER for the Committee on Small Business and Entrepreneurship.

*Darryl L. DePriest, of Illinois, to be Chief Counsel for Advocacy, Small Business Administration.

*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. CARDIN:

S. 2376. A bill to require the Attorney General to make competitive grants to State, tribal, and local governments to establish and maintain witness protection and assistance programs; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mrs. FEINSTEIN, Mr. REED, Mr. NELSON, Mr. CARPER, Mr. CARDIN, and Mr. BROWN):

S. 2377. A bill to defeat the Islamic State of Iraq and Syria (ISIS) and protect and secure the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CASSIDY (for himself and Mr. BENNET):

S. 2378. A bill to amend the Internal Revenue Code of 1986 to provide for an energy equivalent of a gallon of diesel in the case of liquefied natural gas for purposes of the Inland Waterways Trust Fund financing rate; to the Committee on Finance.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 2379. A bill to provide for the unencumbering of title to non-Federal land owned by the city of Tucson, Arizona, for purposes of economic development by conveyance of the Federal reversionary interest to the City; to the Committee on Energy and Natural Resources.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 2380. A bill to require the Secretary of the Interior to establish a pilot program for commercial recreation concessions on certain land managed by the Bureau of Land Management; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Ms. MURKOWSKI, and Mr. GRASSLEY):

S. 2381. A bill to provide assistance and support to the Commonwealth of Puerto Rico; to the Committee on Finance.

By Mr. HELLER (for himself, Mr. BENNET, and Mr. BLUNT):

S. 2382. A bill to amend title XVIII of the Social Security Act to strengthen intensive cardiac rehabilitation programs under the Medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI:

S. Res. 332. A resolution commemorating the 140th anniversary of the Marine Engineers' Beneficial Association; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 215

At the request of Mr. BURR, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance.

S. 298

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 298, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option of providing services to children with medically complex conditions under the Medicaid program and Children's Health Insurance Program through a care coordination program focused on improving health outcomes for children with medically complex conditions and lowering costs, and for other purposes.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 551

At the request of Mrs. FEINSTEIN, the names of the Senator from Delaware (Mr. COONS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 551, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 804

At the request of Mrs. SHAHEEN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 1559

At the request of Ms. AYOTTE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1559, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 1562

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1833

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1833, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

S. 1865

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1865, a bill to amend the Public Health Service Act with respect to eating disorders, and for other purposes.

S. 1890

At the request of Mr. HATCH, the name of the Senator from Maine (Mr. KING) 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. 1913

At the request of Mr. TOOMEY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1913, a bill to amend title XVIII of the Social Security Act to establish programs to prevent prescription drug abuse under the Medicare program, and for other purposes.

S. 1919

At the request of Mr. LANKFORD, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1919, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1926

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1926, a bill to ensure access to screening mammography services.

S. 2002

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2002, a bill to strengthen our mental health system and improve public safety.

S. 2067

At the request of Mr. WICKER, the names of the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY), the Senator from South Dakota (Mr. ROUNDS) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2109

At the request of Mr. JOHNSON, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 2109, a bill to direct the Administrator of the Federal Emergency Management Agency to develop an integrated plan to reduce administrative costs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes.

S. 2127

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 2127, a bill to provide appropriate protections to probationary Federal employees, to provide the Special Counsel with adequate access to information, to provide greater awareness of Federal whistleblower protections, and for other purposes.

S. 2178

At the request of Mr. BOOZMAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2178, a bill to amend the Internal Revenue Code of 1986 to make permanent certain provisions of the Heartland, Habitat, Harvest, and Horticulture Act of 2008 relating to timber, and for other purposes.

S. 2196

At the request of Mr. CASEY, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 2196, a bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories.

S. 2215

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2215, a bill to prohibit discretionary bonuses for employees of the Internal Revenue Service who have engaged in misconduct or who have delinquent tax liability.

S. 2312

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. BENNET) 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. 2351

At the request of Mr. ISAKSON, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2351, a bill to amend title XVIII of the Social Security Act to extend the annual comment period for payment rates under Medicare Advantage.

S. 2353

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) 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. 2357

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor 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. 2367

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of 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.

S. 2372

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2372, a bill to require reporting of terrorist activities and the unlawful distribution of information relating to explosives, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mrs. FEINSTEIN, Mr. REED, Mr. NELSON, Mr. CARPER, Mr. CARDIN, and Mr. BROWN):

S. 2377. A bill to defeat the Islamic State of Iraq and Syria (ISIS) and protect and secure the United States, and for other purposes; to the Committee on the Judiciary.

Mr. REID. 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. 2377

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Defeat ISIS and Protect and Secure the United States Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—DEFEATING ISIS
Subtitle A—National Security Positions
Sec. 101. United States Coordinator for Strategy to Defeat the Islamic State in Iraq and Syria.
Sec. 102. Sense of Congress on confirmation by Senate of pending National Security nominations.
Subtitle B—Combating ISIS
Sec. 111. Findings.
Sec. 112. Sense of Congress.
Subtitle C—Combating ISIS Financing
Sec. 121. Sense of Congress on defeating terrorist financing by the Islamic State of Iraq and Syria.
Sec. 122. Sanctions with respect to financial institutions that engage in certain transactions that benefit the Islamic State of Iraq and Syria.
Subtitle D—Improving Intelligence Sharing With Partners
Sec. 131. Intelligence sharing relationships.
Subtitle E—Combating Terrorist Recruitment and Propaganda
Sec. 141. Countering violent extremism.
Sec. 142. Countering ISIS propaganda.
Subtitle F—Improving European Migrant Screening and Stabilizing Jordan and Lebanon
Sec. 151. Working with Europe to improve migrant screening.
Sec. 152. Migrant stability fund for Jordan and Lebanon.
TITLE II—PROTECTING THE HOMELAND
Subtitle A—Reforming the Visa Waiver Program
Sec. 201. Short title.
Sec. 202. Electronic passports required for visa waiver program.
Sec. 203. Information sharing and cooperation by visa waiver program countries.
Sec. 204. Biometric submission before entry.
Sec. 205. Visa waiver program administration.
Subtitle B—Keeping Firearms Away From Terrorists
Sec. 211. Closing the visa waiver program gun loophole.
Sec. 212. Closing the terrorist gun loophole.
Subtitle C—Strengthening Aviation Security
Sec. 221. Definitions.
PART I—TRANSPORTATION SECURITY ADMINISTRATION WORKFORCE TRAINING AND PROCEDURES
Sec. 226. Transportation security officer training.
PART II—ACCESS CONTROLS
Sec. 231. Insider threats.
Sec. 232. Aviation workers vetting.
Sec. 233. Infrastructure.
Sec. 234. Visible deterrent.
PART III—TRANSPORTATION SECURITY ADMINISTRATION INNOVATION AND TECHNOLOGY
Sec. 241. Research.
Sec. 242. Public-private partnerships.
Sec. 243. Report.
PART IV—IMPROVING INTERNATIONAL COORDINATION TO TRACK TERRORISTS
Sec. 251. Coordination with international authorities.
Sec. 252. Sense of Congress on cooperation to track terrorists traveling by air.
Subtitle D—Strengthening Security of Radiological Materials
Sec. 261. Preventing terrorist access to domestic radiological materials.
Sec. 262. Strategy for securing high activity radiological sources.
Sec. 263. Outreach to State and local law enforcement agencies on radiological threats.
Subtitle E—Stopping Homegrown Extremism
Sec. 271. Authorization of the Office for Community Partnerships of the Department of Homeland Security.
Sec. 272. Research and evaluation program for domestic radicalization.
Subtitle F—Comprehensive Independent Study of National Cryptography Policy
Sec. 281. Comprehensive independent study of national cryptography policy.
Subtitle G—Law Enforcement Training
Sec. 291. Law enforcement training for active shooter incidents.
Sec. 292. Active shooter incident response assistance.
Sec. 293. Grants to State and local law enforcement agencies for antiterrorism training programs.

TITLE I—DEFEATING ISIS

Subtitle A—National Security Positions

SEC. 101. UNITED STATES COORDINATOR FOR STRATEGY TO DEFEAT THE ISLAMIC STATE IN IRAQ AND SYRIA.

(a) DESIGNATION.—Not later than 30 days after date of the enactment of this Act, the President shall designate a single coordinator, who shall be responsible for coordinating all efforts across the Federal Government and with international partners for defeating the Islamic State in Iraq and Syria (ISIS) both within the United States and globally.

(b) STATUS.—The coordinator designated under subsection (a) shall report to the President.

(c) DUTIES.—The coordinator designated under subsection (a) shall coordinate all lines of effort, activities, and programs related to defeating ISIS, including—

(1) coordinating with the Special Presidential Envoy to the Global Coalition to Counter ISIL;

(2) coordinating with the Department of Defense and international partners regarding United States military operations, training, and equipment undertaken to defeat ISIS and to deny ISIS safe haven, as appropriate;

(3) coordinating with the Department of Defense, the Department of State, the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))), and international partners regarding United States efforts to build the capacity of local forces in the Middle East committed to defeating ISIS and rebuilding Iraq and Syria based on secular, inclusive, and representative governance frameworks;

(4) coordinating with the Department of State, the Department of the Treasury, the

intelligence community, and international partners regarding United States efforts to counter, undermine, and disrupt ISIS financing;

(5) coordinating with the Department of State, the Department of Homeland Security, the Department of Justice, the intelligence community, and international partners regarding United States efforts to counter, halt, and prevent movement of foreign fighters into and out of Iraq and Syria;

(6) coordinating with the Department of State, the United States Agency for International Development, and international partners regarding United States efforts to counter and undermine ISIS messaging and propaganda around the world;

(7) coordinating with the Department of State, the United States Agency for International Development, the United Nations, and international partners regarding United States contributions and support for addressing the humanitarian crisis resulting from ISIS activities; and

(8) coordinating with the Department of State and the United States Agency for International Development regarding United States diplomatic engagement toward long-term sustainable political solutions in Iraq and Syria, including promoting responsible, inclusive governance in Iraq and a transitional governing body in Syria without Bashar al-Assad, as well as coordinating support for other nations at risk of ISIS influence.

(d) CONSULTATION.—The coordinator designated under subsection (a) shall consult with Congress, domestic and international organizations, multilateral organizations and institutions, and foreign governments committed to defeating ISIS to the extent the Coordinator considers appropriate to fulfill the purposes of this section.

SEC. 102. SENSE OF CONGRESS ON CONFIRMATION BY SENATE OF PENDING NATIONAL SECURITY NOMINATIONS.

It is the sense of Congress that—

(1) the terrorist attacks in November 2015 demonstrate the need for renewed vigilance to prevent an attack on the United States homeland;

(2) national security positions throughout the United States Government are essential to protect the safety of the American public, and vacancies in such positions hurt our efforts to combat terrorists;

(3) greater global coordination will be required to defeat the Islamic State of Iraq and Syria (ISIS), so the Senate should promptly confirm pending nominations to positions of ambassador in order to represent United States national security interests abroad;

(4) to assist with negotiations on global anti-terror efforts, the Secretary of State should have a full complement of political and career senior advisors, so the Senate should confirm pending nominations to such positions;

(5) intelligence sharing with our allies could prevent an attack on the United States homeland, so the Senate should confirm pending nominations to intelligence positions of the Department of Defense and in other elements of the intelligence community;

(6) service members are on the front lines of the fight against terror, so the Senate should confirm pending nominations for promotion in the Armed Forces;

(7) cutting off the money supply for the Islamic State of Iraq and Syria is a critical part of United States strategy to defeat the Islamic State of Iraq and Syria, so the Senate should confirm pending nominations to positions in the Department of the Treasury with responsibility for disrupting terrorist financing networks; and

(8) the Senate should confirm the pending nominations to national security positions described in this resolution without further delay.

Subtitle B—Combating ISIS

SEC. 111. FINDINGS.

Congress makes the following findings:

(1) The terrorist organization known as the Islamic State of Iraq and Syria (ISIS) poses a grave threat to the people and territorial integrity of Iraq and Syria, to regional stability, and to the national security interests of the United States and its allies and partners.

(2) ISIS holds significant territory in Iraq and Syria and is a growing threat in other countries and has stated its intention to seize more territory and demonstrated the capability to do so.

(3) ISIS has claimed responsibility for or conducted horrific terrorist attacks, including hostage-taking and killing, in Sousse, Tunisia; Ankara, Turkey; the Sinai in Egypt; Beirut, Lebanon; Paris, France, against a Russian charter plane, and elsewhere.

(4) ISIS has brutally murdered United States citizens, as well as citizens of many other countries.

(5) ISIS has stated that it intends to conduct further terrorist attacks internationally, including against the United States, its citizens, and interests.

(6) ISIS has committed despicable acts of violence and mass executions against Muslims, regardless of sect, who do not subscribe to the depraved, violent, and oppressive ideology of ISIS, and has targeted innocent women and girls with horrific acts of violence, including abduction, enslavement, torture, rape, and forced marriage.

(7) ISIS has threatened genocide and committed vicious acts of violence against other religious and ethnic minority groups, including Iraqi Christians, Yezidi, and Turkmen populations.

(8) ISIS finances its operations primarily through looting, smuggling, extortion, oil sales, kidnapping, and human trafficking.

(9) As a result of advances by ISIS and the civil war in Syria, there are more than 4,000,000 refugees, more than 7,500,000 internally displaced people in Syria, and nearly 3,200,000 internally displaced people in Iraq.

(10) President Barack Obama articulated a multi-dimensional approach in the campaign to counter ISIS, including supporting regional military partners, stopping the flow of foreign fighters, cutting off the access of ISIS to financing, addressing urgent humanitarian needs, and exposing the true nature of ISIS.

(11) In August 2014, President Obama directed the United States Armed Forces to build and work with a coalition of partner nations to conduct airstrikes in Iraq and Syria as part of the comprehensive strategy to degrade and defeat ISIS.

(12) Since August 2014, United States and coalition nation aircraft have flown more than 57,000 sorties in support of operations in Iraq and Syria, including airstrikes that have destroyed staging areas, command centers, thousands of armored vehicles, oil and other financing infrastructure, and other facilities and equipment of ISIS.

(13) Coalition airstrikes have killed at least 100 high-value individuals, including a United States strike against Mohamed Emwazi, known as ''Jihadi John''.

(14) ISIS is under pressure from a coalition of 65 nations, which is conducting air strikes, supporting local forces on the ground, and cutting off financial support to ISIS, thereby evicting ISIS from as much as a quarter of the territory it previously controlled.

SEC. 112. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States condemns the horrific and cowardly attacks by ISIS, particularly the recent attacks in Tunisia, Turkey, Egypt, Lebanon, and France;

(2) it is critical that the response to ISIS by the United States and the Anti-ISIS coalition, including countries within the region, be multi-dimensional and consist of coordinated and intensified efforts on intelligence sharing and on the military, civilian, and humanitarian aspects of the current campaign;

(3) ISIS will only be defeated if there are enduring, inclusive, sustainable political solutions in Iraq and Syria that enable all citizens to realize their legitimate aspirations;

(4) the only path to a sustainable end to the civil war in Syria is a diplomatic solution that removes Bashar al-Assad;

(5) the United States and our coalition partners must continue to conduct the campaign of airstrikes against ISIS in both Syria and Iraq to counter ISIS forces and deny it a safe haven;

(6) no matter how effective the air campaign, defeating ISIS requires reliable, effective, and committed local forces on the ground in Syria and Iraq to clear and hold territory retaken from ISIS, including continuing to work with Kurds in Syria and Iraq, Sunnis in Iraq, and the moderate opposition in Syria;

(7) the United States and our coalition partners must work with local forces in Iraq and Syria to identify and strike ISIS targets and support local forces in the fight on the ground;

(8) the United States and our coalition partners must build the capabilities and capacities of our local partner forces in Syria and Iraq and across the region to sustain an effective long-term campaign against ISIS;

(9) United States and coalition advisors and enablers are critical to improving the ability of local forces to plan, lead, and conduct operations against ISIS;

(10) the United States and our coalition partners must continue to target the leadership of ISIS, deny it sanctuary and resources to plan, prepare, and execute attacks, and degrade its command and control infrastructure, logistical networks, oil and other revenue networks, and other capabilities;

(11) the United States and our coalition partners must work to improve the security of the borders of Syria and end the flow of new foreign recruits to ISIS, including working with Turkey and local forces to control the entire Turkey-Syria border;

(12) the United States and our coalition partners must make sure that the commanders on the ground have the operational flexibility required to execute the mission against ISIS, particularly related to the activities of special operations forces in Syria; and

(13) appropriate resources and attention should be applied to stopping the spread of ISIS and its apocalyptic ideology to other countries and regions, including North Africa, Afghanistan, and elsewhere.

Subtitle C—Combating ISIS Financing

SEC. 121. SENSE OF CONGRESS ON DEFEATING TERRORIST FINANCING BY THE ISLAMIC STATE OF IRAQ AND SYRIA.

It is the sense of Congress that—

(1) the United States should—

(A) strongly support coordinated international efforts by the G–20, the international Financial Action Task Force, the United Nations, and other appropriate international bodies to bolster comprehensive programs to target and combat terrorist financing by ISIS, and to expand international information-sharing related to activities of ISIS;

(B) provide necessary funding and support for the international Counter-ISIS Financing Group and ensure robust information-sharing within that Group and among allied countries participating in efforts to combat terrorist financing by ISIS;

(C) expand technical assistance, support, and guidance to the governments of countries that are allies of the United States and to foreign financial institutions in such countries to enable those governments and institutions to rapidly expand their capacity—

(i) to identify and designate for the imposition of sanctions persons that are part of ISIS or that knowingly fund or otherwise facilitate activities of ISIS;

(ii) to identify and disrupt financing networks used by ISIS and terrorists allied with ISIS; and

(iii) to cut ISIS off completely from the international financial system;

(D) urge governments of countries that are allies of the United States—

(i) to aggressively implement programs to combat terrorist financing by ISIS; and

(ii) to prosecute, to the fullest extent of the laws of those countries, persons that are part of ISIS or that knowingly fund or otherwise facilitate activities of ISIS and are within the jurisdiction of those governments;

(E) encourage the governments of all G–20 countries to implement measures with respect to persons designated as part of ISIS, or as persons that knowingly fund or otherwise facilitate activities of ISIS, by the United States as of the date of the enactment of this Act, and to designate promptly and impose sanctions with respect to such persons under their own laws;

(F) continue to support efforts by the Government of Iraq—

(i) to secure the financial system of Iraq, including banks, exchange houses, and other similar entities, from ISIS-related terrorist financing; and

(ii) to dismantle and disrupt ISIS terrorist financing networks;

(G) continue to disrupt efforts by the Government of Syria—

(i) to engage in oil purchases or other financial transactions with ISIS or affiliates or intermediaries of ISIS; or

(ii) to engage in extortion or any other criminal activity that might benefit ISIS; and

(H) seek to expand cooperation among G–20 and countries that are allies of the United States to strengthen the protection of antiquities and prevent ISIS from engaging in the theft, transport, and sale of cultural objects for the purpose of financing terrorism; and

(2) the Senate should promptly approve, on a bipartisan basis, the nomination, pending on the date of the enactment of this Act, of the Under Secretary for Terrorism and Financial Crimes of the Department of the Treasury, who leads the efforts of the United States to counter terrorist financing by ISIS.

SEC. 122. SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS THAT BENEFIT THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) IN GENERAL.—The President may prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines engages in an activity described in subsection (b) on or after the date of the enactment of this Act.

(b) ACTIVITIES DESCRIBED.—A foreign financial institution engages in an activity described in this subsection if the foreign financial institution—

(1) knowingly facilitates a significant transaction or transactions for ISIS;

(2) knowingly facilitates a significant transaction or transactions of a person that is identified on the specially designated nationals list and the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) for acting on behalf of or at the direction of, or being owned or controlled by, ISIS;

(3) knowingly engages in money laundering to carry out an activity described in paragraph (1) or (2); or

(4) knowingly facilitates a significant transaction or transactions or provides significant financial services to carry out an activity described in paragraph (1), (2), or (3).

(c) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.—

(1) IN GENERAL.—If a finding under this section, or a prohibition or condition imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition or condition, the President may submit such information to the court ex parte and in camera.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under this section or any prohibition or condition imposed as a result of any such finding.

(e) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(f) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

(3) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations.

(4) ISIS.—The term ''ISIS'' means—

(A) the entity known as the Islamic State of Iraq and Syria and designated by the Secretary of State as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) any person—

(i) the property or interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(ii) who is identified on the specially designated nationals list as an agent, instrumentality, or affiliate of the entity described in subparagraph (A).

(5) MONEY LAUNDERING.—The term ''money laundering'' includes the movement of illicit cash or cash equivalent proceeds into, out of, or through a country, or into, out of, or through a financial institution.

(6) SPECIALLY DESIGNATED NATIONALS LIST.—The term ''specially designated nationals list'' means the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

Subtitle D—Improving Intelligence Sharing With Partners

SEC. 131. INTELLIGENCE SHARING RELATIONSHIPS.

(a) REVIEW OF AGREEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall complete a review of each intelligence sharing agreement between the United States and a foreign country that—

(1) is experiencing a significant threat from ISIS; or

(2) is participating as part of the coalition in activities to degrade and defeat ISIS.

(b) INTELLIGENCE SHARING RELATED TO THE ISLAMIC STATE.—Not later than 90 days after the date that the Director of National Intelligence completes the reviews required by subsection (a), the Director shall develop an intelligence sharing agreement between the United States and each foreign country referred to in subsection (a) that—

(1) applies to the sharing of intelligence related to defensive or offensive measures to be taken with respect to ISIS; and

(2) provides for the maximum amount of sharing of such intelligence, as appropriate, in a manner that is consistent with the due regard for the protection of intelligence sources and methods, protection of human rights, and the ability of recipient nations to utilize intelligence for targeting purposes consistent with the laws of armed conflict.

Subtitle E—Combating Terrorist Recruitment and Propaganda

SEC. 141. COUNTERING VIOLENT EXTREMISM.

(a) IN GENERAL.—The President, in collaboration with the Secretary of State and the Administrator of the United States Agency for International Development, shall design, implement, and evaluate programs to counter violent extremism abroad by—

(1) strengthening inclusive governance in nation states whose stability and legitimacy are threatened by ISIS and other violent extremist groups;

(2) creating mechanisms for women, teenagers and other marginalized groups, including potential and former violent extremists, to participate in designing and implementing such programs in coordination with local and national government officials;

(3) addressing the drivers of grievances that lead to violent extremism, such as corruption, injustice, marginalization, and abuse, through programming and reforms focused on—

(A) good governance and anti-corruption;

(B) civic engagement;

(C) citizen participation in governance;

(D) adherence to the rule of law;

(E) opportunities for women and girls; and

(F) freedom of expression;

(4) strengthening law enforcement training programs that foster dialogue and engagement between security forces and the public around drivers of grievance; and

(5) strengthening the capacity of civil society organizations to combat radicalization and other forms of violence in local communities.

(b) PROMOTING YOUTH LEADERSHIP.—Programs established under this section shall prioritize youth engagement to prevent and counter violent extremism, including youth-led messaging campaigns—

(1) to delegitimize the appeal of violent extremism;

(2) to engage communities and populations to prevent violent extremist radicalization and recruitment;

(3) to counter the radicalization of youth;

(4) to promote rehabilitation and reintegration programs for potential and former violent extremists, including prison-based programs; and

(5) to support long term efforts to promote tolerance, co-existence and equity.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated—

(1) for the Department of State, $200,000,000 for fiscal year 2017 and $250,000,000 for fiscal year 2018; and

(2) for the United States Agency for International Development, $100,000,000 for fiscal year 2017 and $125,000,000 for fiscal year 2018.

(d) ASSISTANCE FOR FRAGILE NATION STATES.—The Secretary of State shall make existing counterterrorism funding available for programs that strengthen governance and security in fragile nation states that share a border with a country that ISIS or other violent extremists have threatened to destabilize or delegitimize.

SEC. 142. COUNTERING ISIS PROPAGANDA.

(a) COMPREHENSIVE STRATEGY TO COUNTER ISIS PROPAGANDA.—The President, in consultation with technology companies, faith-based Muslim groups, foreign governments, and international nongovernmental organizations, shall develop, as part of the National Strategy for Counterterrorism, a comprehensive strategy to counter the propaganda disseminated by operatives of ISIS, including through online activities.

(b) INCREASED USE OF EFFECTIVE MEDIA TOOLS.—The Under Secretary of State for Public Diplomacy, through the Center for Strategic Counterterrorism Communications (referred to in this section as the ''Center''), is authorized to contract to produce media products to counter ISIS propaganda.

(c) DIGITAL PLATFORM DEVELOPMENT TEAM.—The Under Secretary of State for Public Diplomacy, through the Center, shall establish a digital rapid response team—

(1) to build and employ digital platforms for the dissemination of information to counter ISIS propaganda; and

(2) to integrate the platforms described in paragraph (1) with existing technologies supported by the Bureau of International Information Programs and with popular social networking sites.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated to the Department of State $25,000,000 for fiscal year 2017 and $30,000,000 for fiscal year 2018.

Subtitle F—Improving European Migrant Screening and Stabilizing Jordan and Lebanon

SEC. 151. WORKING WITH EUROPE TO IMPROVE MIGRANT SCREENING.

The President, in consultation with the heads of relevant Federal agencies, is authorized to provide requested technical and operational assistance for the European Union and its member states, including assistance—

(1) to improve border management, including the screening of migrants;

(2) to increase capacity for refugee reception and processing in transit countries, especially in the Western Balkans; and

(3) to enhance intelligence sharing with European Union member states and Europol regarding criminal human trafficking, smuggling networks, and foreign fighters identification and movement.

SEC. 152. MIGRANT STABILITY FUND FOR JORDAN AND LEBANON.

(a) INTERNATIONAL DISASTER ASSISTANCE.—In addition to amounts otherwise authorized to be appropriated for such purposes, there is authorized to be appropriated to the International Disaster Assistance account, $525,000,000, which shall remain available until expended, for emergency and life-saving assistance, including for the care of internally displaced persons within Syria and Iraq and to mitigate the outflow of refugees to Lebanon, Jordan, and elsewhere and other locations designated by the Secretary of State.

(b) MIGRATION AND REFUGEE ASSISTANCE.—In addition to amounts otherwise authorized to be appropriated for such purposes, there is authorized to be appropriated to the Migration and Refugee Assistance account, $545,000,000, which shall remain available until expended, for necessary expenses to respond to the refugee crisis resulting from conflict in the Middle East, including for the basic needs of refugees in Lebanon, Jordan, and elsewhere as well as the costs associated with the resettlement of refugees in the United States and the secure screening of refugee applications.

(c) EMERGENCY REFUGEE AND MIGRATION ASSISTANCE.—In addition to amounts otherwise authorized to be appropriated for such purposes, there is authorized to be appropriated to the Emergency Refugee and Migration Assistance account, $200,000,000, which shall remain available until expended, for unexpected urgent overseas refugee and migration needs in accordance with section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)).

(d) TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Secretary of State may transfer amounts authorized to be appropriated by this Act between accounts and to other relevant Federal agencies—

(A) to optimize assistance to refugees; and

(B) to ensure the secure screening of refugees seeking resettlement in the United States.

(2) CONSULTATION AND NOTIFICATION REQUIREMENTS.—Each transfer authorized under paragraph (1) shall be subject to prior consultation with, and the regular notification procedures of, the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(3) RETURN OF UNNEEDED FUNDS.—If the Secretary of State, in consultation with the head of any Federal agency receiving funds transferred pursuant to this subsection, determines that any portion of such funds are no longer needed to meet the purposes of such transfer, the head of such agency shall return such funds to the account from where they originated.

TITLE II—PROTECTING THE HOMELAND

Subtitle A—Reforming the Visa Waiver Program

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Visa Waiver Program Security Enhancement Act''.

SEC. 202. ELECTRONIC PASSPORTS REQUIRED FOR VISA WAIVER PROGRAM.

(a) REQUIRING THE UNIVERSAL USE OF ELECTRONIC PASSPORTS FOR VISA WAIVER PROGRAM COUNTRIES.—

(1) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a), by amending paragraph (3) to read as follows:

''(3) MACHINE-READABLE, ELECTRONIC PASSPORT.—The alien, at the time of application for admission, is in possession of a valid, unexpired, tamper-resistant, machine-readable passport that incorporates biometric and document authentication identifiers that comply with the applicable biometric and document identifying standards established by the International Civil Aviation Organization.''; and

(B) in subsection (c)(2), by amending subparagraph (B) to read as follows:

''(B) MACHINE-READABLE, ELECTRONIC PASSPORT PROGRAM.—The government of the country certifies that it issues to its citizens machine-readable, electronic passports that comply with the requirements set forth in subsection (a)(3).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

(3) CERTIFICATION REQUIREMENT.—Section 303(c) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732(c)) is amended—

(A) in paragraph (1), by striking ''Not later than October 26, 2005, the'' and inserting ''The''; and

(B) by amending paragraph (2) to read as follows:

''(2) USE OF TECHNOLOGY STANDARD.—Any alien applying for admission under the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) shall present a passport that meets the requirements described in paragraph (1).''.

SEC. 203. INFORMATION SHARING AND COOPERATION BY VISA WAIVER PROGRAM COUNTRIES.

(a) REQUIRED INFORMATION SHARING FOR VISA WAIVER PROGRAM COUNTRIES.—

(1) INFORMATION SHARING AGREEMENTS.—

(A) FULL IMPLEMENTATION.—Section 217(c)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(F)) is amended by inserting '', and fully implements within the time frame determined by the Secretary of Homeland Security,'' after ''country enters into''.

(B) FEDERAL AIR MARSHAL AGREEMENT.—Section 217(c) of such Act is amended—

(i) in paragraph (2), by adding at the end the following:

''(G) FEDERAL AIR MARSHAL AGREEMENT.—The government of the country enters into, and complies with, an agreement with the United States to assist in the operation of an effective air marshal program.

''(H) AVIATION STANDARDS.—The government of the country complies with United States aviation and airport security standards, as determined by the Secretary of Homeland Security.''; and

(ii) in paragraph (9)—

(I) by striking subparagraph (B); and

(II) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(C) FAILURE TO FULLY IMPLEMENT INFORMATION SHARING AGREEMENT.—Section 217(c)(5) of such Act (8 U.S.C. 1187(c)(5)) is amended—

(i) by redesignating subparagraph (C) as subparagraph (D); and

(ii) by inserting after subparagraph (B) the following:

''(C) FAILURE TO FULLY IMPLEMENT INFORMATION SHARING AGREEMENT.—

''(i) DETERMINATION.—If the Secretary of Homeland Security, in consultation with the Secretary of State, determines that the government of a program country has failed to fully implement the agreements set forth in paragraph (2)(F), the country shall be terminated as a program country.

''(ii) REDESIGNATION.—Not sooner than 90 days after the Secretary of Homeland Security, in consultation with the Secretary of State, determines that a country that has been terminated as a program country pursuant to clause (i) is now in compliance with the requirement set forth in paragraph (2)(F), the Secretary of Homeland Security may redesignate such country as a program country.''.

(2) ADVANCE PASSENGER INFORMATION EARLIER THAN 1 HOUR BEFORE ARRIVAL.—

(A) IN GENERAL.—Section 217(a)(10) of such Act (8 U.S.C. 1187(a)(10)) is amended by striking ''not less than one hour prior to arrival'' and inserting ''as soon as practicable, but not later than 1 hour before arriving''.

(B) TECHNICAL AMENDMENT.—Section 217(c)(3) of such Act is amended, in the matter preceding subparagraph (A), by striking ''the initial period—'' and inserting ''fiscal year 1989:''.

(b) FACTORS THE DEPARTMENT OF HOMELAND SECURITY SHALL CONSIDER FOR VISA WAIVER COUNTRIES.—

(1) CONSIDERATION OF COUNTRY'S CAPACITY TO IDENTIFY DANGEROUS INDIVIDUALS.—Section 217(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(4)), is amended to read as follows:

''(4) REQUIRED SECURITY CONSIDERATIONS FOR PROGRAM DESIGNATION AND CONTINUATION.—In determining whether a country should be designated as a program country or whether a program country should retain its designation as a program country, the Secretary of Homeland Security shall consider the following:

''(A) CAPACITY TO COLLECT, ANALYZE, AND SHARE DATA CONCERNING DANGEROUS INDIVIDUALS.—Whether the government of the country—

''(i) collects and analyzes the information described in subsection (a)(10), including advance passenger information and passenger name records, and similar information pertaining to flights not bound for the United States, to identify potentially dangerous individuals who may attempt to travel to the United States; and

''(ii) shares such information and the results of such analyses with the Government of the United States.

''(B) SCREENING OF TRAVELER PASSPORTS.—Whether the government of the country—

''(i) regularly screens passports of air travelers against INTERPOL's global database of Stolen and Lost Travel Documents before allowing such travelers to enter or board a flight arriving in or departing from that country, including a flight destined for the United States; and

''(ii) regularly and promptly shares information concerning lost or stolen travel documents with INTERPOL.

''(C) BIOMETRIC EXCHANGES.—Whether the government of the country, in addition to meeting the mandatory qualifications set forth in paragraph (2)—

''(i) collects and analyzes biometric and other information about individuals other than United States nationals who are applying for asylum, refugee status, or another form of non-refoulment protection in such country; and

''(ii) shares the information and the results of such analyses with the Government of the United States.

''(D) INFORMATION SHARING ABOUT FOREIGN TERRORIST FIGHTERS.—Whether the government of the country shares intelligence about foreign fighters with the United States and with multilateral organizations, such as INTERPOL and EUROPOL.''.

(2) FAILURE TO REPORT STOLEN PASSPORTS.—Section 217(f)(5) of such Act is amended by inserting ''frequently and promptly'' before ''reporting the theft''.

SEC. 204. BIOMETRIC SUBMISSION BEFORE ENTRY.

(a) DEMONSTRATION PROGRAM FOR COLLECTION OF BIOMETRIC INFORMATION.—

(1) INITIATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall initiate a demonstration program to conduct the advance verification of biometric data from a random sample of aliens entering the United States under the visa waiver program established under section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)) that considers the factors set out in paragraph (2).

(2) FACTORS.—In carrying out the demonstration program initiated under paragraph (1), the Secretary shall consider—

(A) how to verify biometric data through a standardized and reliable process or means by which an applicant under the visa waiver program may submit biometric information with relatively limited expense to the applicant;

(B) how to ensure necessary quality of biometric information data verified prior to travel to minimize false positive matches upon an applicant's seeking admission at a United States port of entry;

(C) how to verify biometric information from an applicant in a manner that confirms the identity of the applicant and prevents, to the greatest extent practicable, the fraudulent use of a person's identity; and

(D) other elements the Secretary determines are necessary to create a scalable and reliable means of biometric information verification for the visa waiver program.

(3) COMPLETION.—The demonstration program initiated under paragraph (1) shall be completed not later than 15 months after the date of the enactment of this Act.

SEC. 205. VISA WAIVER PROGRAM ADMINISTRATION.

Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) in clause (i), by amending subclause (II) to read as follows:

''(II) an amount to ensure recovery of the full costs of providing and administering the System and implementing the improvements to the program provided in the Visa Waiver Program Security Enhancement Act.''; and

(2) by amending clause (ii) to read as follows:

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established under subsection (d) of the Trade Promotion Act of 2009 (22 U.S.C. 2131(d)). Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System and the improvements made by the Visa Waiver Program Security Enhancement Act. The portion of the fee collected under clause (i)(II) to recover the costs of implementing such improvements may only be used for that purpose.''.

Subtitle B—Keeping Firearms Away From Terrorists

SEC. 211. CLOSING THE VISA WAIVER PROGRAM GUN LOOPHOLE.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)(B), by inserting ''or pursuant to the visa waiver program established under section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a))'' before the semicolon at the end;

(2) in subsection (g)(5)(B), by inserting ''or pursuant to the visa waiver program established under section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a))'' before the semicolon at the end; and

(3) in subsection (y)—

(A) in the subsection heading, by inserting ''OR PURSUANT TO THE VISA WAIVER PROGRAM'' after ''VISAS'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''visa,'' and inserting ''visa or pursuant to the visa waiver program established under section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)),''; and

(C) in paragraph (3)(A), in the matter preceding clause (i), by inserting ''or pursuant to the visa waiver program established under section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a))'' after ''visa''.

SEC. 212. CLOSING THE TERRORIST GUN LOOPHOLE.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

''§ 922A. Attorney General's discretion to deny transfer of a firearm

''The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

''(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

''§ 922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

''The Attorney General may determine that—

''(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t)(3) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.'';

(2) in section 921(a), by adding at the end the following:

''(36) The term 'terrorism' includes international terrorism and domestic terrorism, as defined in section 2331 of this title.

''(37) The term 'material support or resources' has the meaning given the term in section 2339A of this title.

''(38) The term 'responsible person' means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.''; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

''922A. Attorney General's discretion to deny transfer of a firearm.

''922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).''.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting ''or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);'';

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;'';

(4) in paragraph (4), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''; and

(5) in paragraph (5), by inserting '', or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.''.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has received actual notice of the Attorney General's determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title,''.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Any'' and inserting ''Except as provided in paragraph (3), any''; and

(2) by adding at the end the following:

''(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)'';

(2) by striking ''revoke any license'' and inserting the following: ''revoke—

''(A) any license'';

(3) by striking ''. The Attorney General may, after notice and opportunity for hearing, revoke the license'' and inserting the following: '';

''(B) the license''; and

(4) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

''(2) The Attorney General's action''.

(g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.''.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: ''With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: ''If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) constitutes an act of terrorism, or providing material support or resources for terrorism,''.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking ''**Remedy for erroneous denial of firearm**'' and inserting ''**Remedies**'';

(B) by striking ''Any person denied a firearm pursuant to subsection (s) or (t) of section 922'' and inserting the following:

''(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B''; and

(C) by adding at the end the following:

''(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General's determination under section 922A or 922B of this title. The court shall sustain the Attorney General's determination upon a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

''925A. Remedies.''.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting ''or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,'' after ''is ineligible to receive a firearm''; and

(B) by inserting ''except any information for which the Attorney General has determined that disclosure would likely compromise national security,'' after ''reasons to the individual,''; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting ''or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,'' after ''or State law,''; and

(ii) by inserting '', except any information for which the Attorney General has determined that disclosure would likely compromise national security'' before the period at the end; and

(B) by adding at the end the following: ''Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.''.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(10) has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.''.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting ''; or'' at the end; and

(2) by inserting after paragraph (7) the following:

''(8) who has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title,''.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND

PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''Upon'' and inserting ''Except as provided in subsection (j), upon''; and

(2) by adding at the end the following:

''(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.''.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''if in the opinion'' and inserting the following: ''if—

''(A) in the opinion''; and

(3) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

''(2) The Attorney General's action''.

(p) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.''; and

(2) in paragraph (2), by adding at the end the following: ''In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or in subsection (j) of this section (on grounds of terrorism)'' after ''section 842(i)''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''or in subsection (j) of this section,'' after ''section 842(i),''; and

(B) in clause (ii), by inserting '', except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' after ''determination''.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking ''or (5)'' and inserting ''(5), or (10)''.

(s) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlines in Homeland Security Presidential Directive 11 (dated August 27, 2004).

Subtitle C—Strengthening Aviation Security

SEC. 221. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.

(2) TSA.—The term ''TSA'' means the Transportation Security Administration.

PART I—TRANSPORTATION SECURITY ADMINISTRATION WORKFORCE TRAINING AND PROCEDURES

SEC. 226. TRANSPORTATION SECURITY OFFICER TRAINING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall conduct a review of the initial and recurrent training provided to transportation security officers who operate airport security checkpoints and conduct baggage screening.

(b) REQUIREMENTS.—The review under subsection (a) shall include—

(1) training to identify and respond to evolving terrorism and security threats; and

(2) an identification of any gaps in current training.

(c) COMPREHENSIVE TRAINING PLAN.—

(1) IN GENERAL.—The Administrator shall develop a comprehensive plan for training transportation security officers based on the review under subsection (a).

(2) REQUIREMENTS.—The training plan shall include—

(A) training for new hires;

(B) recurrent training for employees, at regular intervals;

(C) training for managers;

(D) education regarding TSA functions and responsibilities outside the scope of the transportation security officer's own position;

(E) education regarding TSA's mission and role in the Federal interagency counter-terrorism efforts;

(F) training on the tools and equipment that may be used in security operations; and

(G) regular briefings highlighting current threats.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Administrator shall report to Congress on the progress of implementing the comprehensive training plan developed under subsection (b).

PART II—ACCESS CONTROLS

SEC. 231. INSIDER THREATS.

(a) IN GENERAL.—The Administrator shall conduct a review of airport security to identify any insider threat vulnerabilities in aviation, and of the programs and practices currently in place to mitigate the risk of insider threats to aviation security.

(b) REQUIREMENTS.—In conducting the review required by subsection (a), the Administrator shall consider—

(1) available intelligence from domestic and international law enforcement and intelligence agencies;

(2) a review of vulnerabilities across the national aviation system; and

(3) possible attack scenarios or adversary pathways that represent the greatest insider threat to aviation security.

(c) PLAN.—Upon completion of the review required by subsection (a), the Administrator shall develop a plan to address any identified insider threat vulnerabilities, including any recommended changes to the programs and practices the Administrator considers necessary to successfully address the vulnerabilities.

(d) REPORT.—Not later than 30 days after the date the plan under subsection (c) is developed, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing the plan.

(e) STAFFING.—If in conducting the review under subsection (a), the Administrator determines that additional TSA staffing is required to reduce any insider threat risk that an aviation worker may pose to airport security, the Administrator shall transmit to Congress a report describing the additional TSA staffing needs, including additional officers to conduct random aviation worker screening.

(f) TESTING.—The Administrator shall direct the Office of Inspection to increase testing to identify insider threat vulnerabilities within the entire airport system, including red-team and covert testing.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out subsections (e) and (f).

SEC. 232. AVIATION WORKERS VETTING.

(a) TSDB INFORMATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the heads of all appropriate agencies, shall make available to the Administrator all names and identifying information from records within the Terrorist Screening Database of the Federal Bureau of Investigations' Terrorist Screening Center in a manner that will permit the Administrator to conduct such automated vetting as the Administrator determines to be necessary to effectively administer the credential vetting program for individuals with unescorted access to sensitive transportation environments, such as but not limited to secure areas of airports, on board aircraft, or in the vicinity of cargo or property that will be transported by air.

(2) PERMISSIBLE USES.—The Administrator is authorized to use the information described in paragraph (1) when determining whether to approve an airport or air carrier to issue an individual credentials, access to a trusted population, or other security privileges.

(b) REVIEW OF DISQUALIFYING CRIMINAL OFFENSES.—The Administrator shall review the existing list of disqualifying criminal offenses for aviation workers to determine the applicability of the list and potential need for modification in light of current threats.

(c) COMPREHENSIVE DATABASE.—

(1) IN GENERAL.—The Administrator shall review the existing database for aviation workers who have been issued identification media by an airport and take appropriate measures to enhance the database to include—

(A) for each aviation worker with unescorted access to a secured area—

(i) the record of the aviation worker's background check, including the status and date it was performed;

(ii) a photo or other biometric data the Administrator determines necessary to improve aviation security, either from identification credential or other verified means;

(iii) legal name, as shown on an acceptable Federal or State government issued identity document;

(iv) current address;

(v) any instances of misuse or loss of credentials issued to individuals for unescorted access to sensitive air transportation environments; and

(vi) if applicable, length of authorization to work in the United States;

(B) the capability to add additional information requirements; and

(C) such other categories of information as the Administrator considers necessary to effectively administer the Administration's credential vetting program for individuals with unescorted access to sensitive air transportation environments.

(2) DATABASE CONSTRUCTION.—In enhancing the database information required under paragraph (1), the Administrator may work with Federal agencies, contractors, or other third parties.

(3) GAO REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of, and report to Congress on, the progress to implement the database changes required by paragraph (1), including a review of any obstacles to implementation.

(d) NAME FORMATS.—The Administrator shall communicate clear instructions to all airport operators and air carriers regarding the recommended or required name format and method of submission for background checks and aviation worker vetting for unescorted access to sensitive air transportation environments.

(e) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report detailing any obstacles to the effective vetting of aviation workers with, or applying for, unescorted access to sensitive transportation environments, including—

(1) any issues accessing databases maintained by other Federal agencies, including the Federal Bureau of Investigation and any other agency that contributes to watch lists;

(2) incomplete identification information provided by aviation workers or airport operators;

(3) specific airport operators that consistently fail to report information required under subsection (c)(1) to the TSA; and

(4) any unnecessary delay in inputting aviation worker data into the database.

(f) WAIVER PROCESS FOR DENIED CREDENTIALS.—The Administrator shall establish a waiver process for issuing credentials for unescorted access to sensitive air transportation environments, such as Security Identification Display Area (SIDA) credentials, for an individual found to be otherwise ineligible for such credentials. In establishing the waiver process, the Administrator shall—

(1) give consideration to the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism risk warranting denial of the card; and

(2) consider the appeals and waiver process established under section 70105(c) of title 46, United States Code.

(g) REVIEW OF CREDENTIAL MEDIA.—

(1) IN GENERAL.—The Administrator shall review available media credentials used for unescorted access to sensitive air transportation environments to determine whether technology is available—

(A) to make a meaningful improvement upon existing credentials technology;

(B) to strengthen airport security, through biometrics or other technologies;

(C) to effectively or more effectively prevent fraudulent replication of credentials; and

(D) that is cost-effective.

(2) PILOT PROGRAM.—Based upon the findings of the review in paragraph (1), the Administrator may conduct a pilot program to test new access media at airports.

(h) REAL-TIME, CONTINUOUS VETTING FOR CRIMINAL HISTORY RECORDS CHECK.—The Administrator shall work with the Director of the Federal Bureau of Investigation to implement the Rap Back Service from the Federal Bureau of Investigation's Next Generation Identification program for purposes of vetting individuals with unescorted access to sensitive transportation environments.

(i) REVIEW.—The Administrator may review and update the procedures for aviation workers with escorted access to sensitive transportation environments.

SEC. 233. INFRASTRUCTURE.

(a) GRANT PROGRAM.—To assist airports in reducing the number of secure access points for employees to the practical minimum, the Secretary of Homeland Security shall create a grant program to assist airports in carrying out the necessary construction to address attack scenarios or adversary pathways and mitigate the insider threat.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the grant program under subsection (a).

SEC. 234. VISIBLE DETERRENT.

Section 1303(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1112(a)) is amended—

(1) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) shall require that a VIPR team deployed to an airport conduct operations in the areas to which only individuals issued security credentials have unescorted access.''.

PART III—TRANSPORTATION SECURITY ADMINISTRATION INNOVATION AND TECHNOLOGY

SEC. 241. RESEARCH.

(a) IN GENERAL.—The Administrator, in coordination with the Under Secretary for Science and Technology, and in consultation with the Secretary of Defense, the Secretary of Energy, and the heads of other relevant Federal agencies, shall review existing or ongoing Federal research that may contribute to the development of screening tools and equipment for TSA's mission.

(b) ADDITIONAL RESEARCH.—After completing the review under paragraph (1), the Administrator and the Under Secretary for Science and Technology shall coordinate with the heads of relevant Federal research agencies to pursue research that may lead to advances in passenger and baggage screening technology.

(c) RESEARCH UNIVERSITIES.—To the extent the TSA is authorized to disclose information relating to its threat detection capabilities, the Administrator may partner with 1 or more research universities in the United States to conduct research into the hardware and software to screen passengers and baggage.

SEC. 242. PUBLIC-PRIVATE PARTNERSHIPS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator or Under Secretary for Science and Technology shall convene a working group of screening technology users from the private sector for the purpose of fostering public-private partnerships.

(b) MEMBERS.—The working group shall include representatives of private sector entities, such as major sports leagues and operators of large scale resort parks, which have implemented or are investing in the development of screening security solutions intended to expeditiously screen high volumes of individuals and personal belongings.

(c) DUTIES.—The focus of the working group shall be to provide recommendations to the Administrator—

(1) to ensure better coordination between the TSA and such private sector entities;

(2) to enable the TSA to take advantage of new screening technologies developed for the private sector;

(3) to foster public-private partnership principles; and

(4) to leverage and maximize the use of private sector capital, whenever appropriate.

SEC. 243. REPORT.

Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report regarding TSA's efforts to encourage public-private cooperation and encourage innovative airport security ideas.

PART IV—IMPROVING INTERNATIONAL COORDINATION TO TRACK TERRORISTS

SEC. 251. COORDINATION WITH INTERNATIONAL AUTHORITIES.

The Administrator shall—

(1) encourage maximum coordination with international counterparts to ensure security best practices are shared and implemented to enhance aviation security globally; and

(2) whenever appropriate, seek to increase the opportunities the TSA has to leverage its knowledge and expertise to promote greater international cooperation in enhancing aviation security globally, including increased information sharing, personnel exchanges, and aviation worker vetting.

SEC. 252. SENSE OF CONGRESS ON COOPERATION TO TRACK TERRORISTS TRAVELING BY AIR.

It is the sense of Congress that the United States should—

(1) closely cooperate with the European Union as the European Union develops and implements its new program to store information on passengers traveling on commercial air carriers in and out of the European Union; and

(2) encourage the dissemination of such information within the European Union and the United States for law enforcement and national security purposes.

Subtitle D—Strengthening Security of Radiological Materials

SEC. 261. PREVENTING TERRORIST ACCESS TO DOMESTIC RADIOLOGICAL MATERIALS.

(a) COMMERCIAL LICENSES.—Section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133) is amended—

(1) in subsection d., in the third sentence, by inserting ''under a circumstance described in subsection g., or'' after ''within the United States''; and

(2) by adding at the end the following:

''g. In addition to the limitations described in subsection d. and the limitations provided at the discretion of the Commission, the Commission shall not grant a license to any individual who is—

''(1) listed in the terrorist screening database maintained by the Federal Government

Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat.

''h. The Commission shall suspend immediately any license granted under this section if the Commission discovers that the licensee is providing unescorted access to any employee who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat.

''i. The Commission may lift the suspension of a license made pursuant to subsection h. if—

''(1) the licensee has revoked unescorted access privileges to the employee;

''(2) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

''(3) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.''.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—Section 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2134) is amended—

(1) in subsection d., in the third sentence, by inserting ''under a circumstance described in subsection e., or'' after ''within the United States''; and

(2) by adding at the end the following:

''e. In addition to the limitations described in subsection d. and the limitations provided at the discretion of the Commission, the Commission shall not grant a license to any individual who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat.

''f. The Commission shall suspend immediately any license granted under this section if the Commission discovers that the licensee is providing unescorted access to any employee who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat.

''g. The Commission may lift the suspension of a license made pursuant to subsection f. if—

''(1) the licensee has revoked unescorted access privileges to the employee;

''(2) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

''(3) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.''.

SEC. 262. STRATEGY FOR SECURING HIGH ACTIVITY RADIOLOGICAL SOURCES.

(a) IN GENERAL.—The Administrator for Nuclear Security shall—

(1) in coordination with the Chairman of the Nuclear Regulatory Commission and the Secretary of Homeland Security, develop a strategy to enhance the security of all high activity radiological sources as soon as possible; and

(2) not later than 120 days after such date of enactment, submit to the appropriate congressional committees a report describing the strategy required by paragraph (1).

(b) ELEMENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of activities of the National Nuclear Security Administration, ongoing as of the date of the enactment of this Act—

(A) to secure high activity domestic radiological sources; and

(B) to secure radiological materials internationally and to prevent their illicit trafficking as part of the broader Global Nuclear Detection Architecture.

(2) A list of any gaps in the legal authority of United States Government agencies needed to secure all high activity radiological sources.

(3) An estimate of the cost of securing all high activity domestic radiological sources.

(4) A list, in the classified annex authorized by subsection (c), of all high activity domestic radiological sources at sites at which enhanced physical security measures that comply with the requirements of the Office of Global Material Security of the National Nuclear Security Administration are not in effect.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form and shall include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Homeland Security of the House of Representatives.

(2) HIGH ACTIVITY DOMESTIC RADIOLOGICAL MATERIAL.—The term ''high activity domestic radiological source'' means Category 1 or 2 quantities of radiological material, as determined by the Nuclear Regulatory Commission, located at a site in the United States.

(3) SECURE.—The terms ''secure'' and ''security'', with respect to high activity radiological sources, refer to all activities to prevent terrorists from acquiring such sources, including enhanced physical security and tracking measures, removal and disposal of disused sources, replacement of such sources with nonradiological technologies where feasible, and detection of illicit trafficking.

SEC. 263. OUTREACH TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES ON RADIOLOGICAL THREATS.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended by adding at the end the following:

''(26)(A) Not later than every 2 years, the Secretary shall submit a written certification to Congress that the field staff of the Department have briefed State and local law enforcement representatives about radiological security threats.

''(B) A briefing conducted under subparagraph (A) shall include information on—

''(i) the presence and current security status of all high activity domestic radiological sources housed within the jurisdiction of the law enforcement agency being briefed;

''(ii) the threat that high activity domestic radiological sources could pose to their communities and to the national security of the United States if these sources were lost, stolen or subject to sabotage by criminal or terrorist actors; and

''(iii) guidelines and best practices for mitigating the impact of emergencies involving high activity domestic radiological sources.

''(C) The National Nuclear Security Administration, the Nuclear Regulatory Commission, and Federal law enforcement agencies shall provide information to the Department in order for the Secretary to submit the written certification described in subparagraph (A).

''(D) A written certification described in subparagraph (A) shall include a report on the activity of the field staff of the Department to brief State and local law enforcement representatives, including, as provided to the field staff of the Department by State and Local law enforcement agencies—

''(i) an aggregation of incidents regarding high activity domestic radiological sources; and

''(ii) information on current activities undertaken to address the vulnerabilities of these high activity domestic radiological sources.

''(E) In this paragraph, the term 'high activity domestic radiological sources' means category 1 quantity and category 2 quantity radiological materials, as determined by the Nuclear Regulatory Commission.''.

Subtitle E—Stopping Homegrown Extremism

SEC. 271. AUTHORIZATION OF THE OFFICE FOR COMMUNITY PARTNERSHIPS OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

''SEC. 104. OFFICE FOR COMMUNITY PARTNERSHIPS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'countering violent extremism' means proactive and relevant actions to counter efforts by extremists to radicalize, recruit, and mobilize followers to violence and to address the conditions that allow for violent extremist recruitment and radicalization; and

''(2) the term 'violent extremism' means ideologically motivated violence as a method of advancing a cause.

''(b) ESTABLISHMENT.—There is in the Department an Office for Community Partnerships.

''(c) HEAD OF OFFICE.—The Office for Community Partnerships shall be headed by an Assistant Secretary for Community Partnerships, who shall be designated by the Secretary.

''(d) DEPUTY ASSISTANT SECRETARY; ASSIGNMENT OF PERSONNEL.—The Secretary shall—

''(1) designate a career Deputy Assistant Secretary for Community Partnerships; and

''(2) assign or hire, as appropriate, permanent staff to the Office for Community Partnerships.

''(e) RESPONSIBILITIES.—The Assistant Secretary for Community Partnerships shall be responsible for the following:

''(1) Leading the efforts of the Department to counter violent extremism across all the components and offices of the Department that conduct strategic and supportive efforts to counter violent extremism. Such efforts shall include the following:

''(A) Partnering with communities to address vulnerabilities that can be exploited by violent extremists in the United States and explore potential remedies for government and non-government institutions.

''(B) Working with civil society groups and communities to counter violent extremist propaganda, messaging, or recruitment.

''(C) In coordination with the Office for Civil Rights and Civil Liberties of the Department, managing the outreach and engagement efforts of the Department directed toward communities at risk for radicalization and recruitment for violent extremist activities.

''(D) Ensuring relevant information, research, and products inform efforts to counter violent extremism.

''(E) Developing and maintaining Department-wide plans, strategy guiding policies, and programs to counter violent extremism. Such plans shall, at a minimum, address each of the following:

''(i) The Department's plan to leverage new and existing Internet and other technologies and social media platforms to improve non-government efforts to counter violent extremism, as well as the best practices and lessons learned of other Federal, State, local, tribal, territorial, and foreign partners engaged in similar counter-messaging efforts.

''(ii) The Department's countering violent extremism-related engagement efforts.

''(iii) The use of cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for efforts relating to countering violent extremism.

''(F) Coordinating with the Office for Civil Rights and Civil Liberties of the Department to ensure all of the activities of the Department related to countering violent extremism fully respect the privacy, civil rights, and civil liberties of all persons.

''(G) In coordination with the Under Secretary for Science and Technology and in consultation with the Under Secretary for Intelligence and Analysis, identifying and recommending new research and analysis requirements to ensure the dissemination of information and methods for Federal, State, local, tribal, and territorial countering violent extremism practitioners, officials, law enforcement, and non-governmental partners to utilize such research and analysis.

''(H) Assessing the methods used by violent extremists to disseminate propaganda and messaging to communities at risk for recruitment by violent extremists.

''(2) Developing a digital engagement strategy that expands the outreach efforts of the Department to counter violent extremist messaging by—

''(A) exploring ways to utilize relevant Internet and other technologies and social media platforms; and

''(B) maximizing other resources available to the Department.

''(3) Serving as the primary representative of the Department in coordinating countering violent extremism efforts with other Federal departments and agencies and non-governmental organizations.

''(4) Serving as the primary Department-level representative in coordinating with the Department of State on international countering violent extremism issues.

''(5) In coordination with the Administrator of the Federal Emergency Management Agency, providing guidance regarding the use of grants made to State, local, and tribal governments under sections 2003 and 2004 under the allowable uses guidelines related to countering violent extremism.

''(6) Developing a plan to expand philanthropic support for domestic efforts related to countering violent extremism, including by identifying viable community projects and needs for possible philanthropic support.

''(7) Administering the assistance described in subsection (f).

''(f) GRANTS TO COUNTER VIOLENT EXTREMISM.—

''(1) IN GENERAL.—In accordance with this subsection, the Secretary may award grants or cooperative agreements directly to eligible recipients identified in paragraph (2) to support the efforts of local communities in the United States to counter violent extremism.

''(2) ELIGIBLE RECIPIENTS.—The Secretary may award competitive grants or cooperative agreements based on need directly to—

''(A) States;

''(B) local governments;

''(C) tribal governments;

''(D) nonprofit organizations; or

''(E) institutions of higher education.

''(3) USE OF FUNDS.—Each entity receiving a grant or cooperative agreement under this subsection shall use the grant or cooperative agreement for 1 or more of the following purposes:

''(A) To train or exercise for countering violent extremism, including building training or exercise programs designed to improve cultural competency and to ensure that communities, government, and law enforcement receive accurate, intelligence-based information about the dynamics of radicalization to violence.

''(B) To develop, implement, or expand programs or projects with communities to discuss violent extremism or to engage communities that may be targeted by violent extremist radicalization.

''(C) To develop and implement projects that partner with local communities to prevent radicalization to violence.

''(D) To develop and implement a comprehensive model for preventing violent extremism in local communities, including existing initiatives of State or local law enforcement agencies and existing mechanisms for engaging the resources and expertise available from a range of social service providers, such as education administrators, mental health professionals, and religious leaders.

''(E) To educate the community about countering violent extremism, including the promotion of community-based activities to increase the measures taken by the community to counter violent extremism.

''(F) To develop or assist social service programs that address root causes of violent extremism and develop, build, or enhance alternatives for members of local communities that may be targeted by violent extremism.

''(G) To develop or enhance State or local government initiatives that facilitate and build overall capacity to address the threats post by violent extremism.

''(H) To support such other activities, consistent with the purposes of this subsection, as the Secretary determines appropriate.

''(4) GRANT GUIDELINES.—

''(A) IN GENERAL.—For each fiscal year, before awarding a grant or cooperative agreement under this subsection, the Secretary shall develop guidelines published in a notice of funding opportunity that describe—

''(i) the process for applying for grants and cooperative agreements under this subsection;

''(ii) the criteria that the Secretary will use for selecting recipients based on the need demonstrated by the applicant; and

''(iii) the requirements that recipients must follow when utilizing funds under this subsection to conduct training and exercises and otherwise engage local communities regarding countering violent extremism.

''(B) CONSIDERATIONS.—In developing the requirements under subparagraph (A)(iii), the Secretary shall consider the following:

''(i) Training objectives should be clearly defined to meet specific countering violent extremism goals, such as community engagement, cultural awareness, or community-based policing.

''(ii) Engaging diverse communities in the United States to counter violent extremism may require working with local grassroots community organizations to develop engagement and outreach initiatives.

''(iii) Training programs should—

''(I) be sensitive to Constitutional values, such as protecting fundamental civil rights and civil liberties, and eschew notions of racial and ethnic profiling; and

''(II) adhere to the standards and ethics of the Department, ensuring that the clearly defined objectives are in line with the strategies of the Department to counter violent extremism.

''(iv) Establishing vetting procedures for self-selected countering violent extremism training experts who offer programs that may claim to counter violent extremism, but serve to demonize certain individuals or whole cross sections of a community.

''(v) Providing a review process to determine if countering violent extremism training focuses on community engagement and outreach.

''(vi) Providing support to law enforcement to enhance knowledge, skills, and abilities to increase engagement techniques with diverse communities in the United States.

''(g) ANNUAL REPORT.—Beginning in the first fiscal year beginning after the date of enactment of this section, and in each of the next 5 fiscal years, the Assistant Secretary for Community Partnerships shall submit to Congress an annual report on the Office for Community Partnerships, which shall include—

''(1) a description of the status of the programs and policies of the Department for countering violent extremism in the United States;

''(2) a description of the efforts of the Office for Community Partnerships to cooperate with and provide assistance to other Federal departments and agencies;

''(3) qualitative and quantitative metrics for evaluating the success of such programs and policies and the steps taken to evaluate the success of such programs and policies; and

''(4) an accounting of—

''(A) grants awarded by the Department to counter violent extremism; and

''(B) all training specifically aimed at countering violent extremism sponsored by the Department.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 103 the following:

''Sec. 104. Office for Community Partnerships.''.

SEC. 272. RESEARCH AND EVALUATION PROGRAM FOR DOMESTIC RADICALIZATION.

(a) IN GENERAL.—The Attorney General, acting through the Office of Justice Programs, may engage in research and evaluation activities, including awarding grants to units of local government, nonprofit organizations, and institutions of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), to identify causes of violent extremism and related phenomena and advance evidence-based strategies for effective prevention and intervention.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2016 through 2019.

Subtitle F—Comprehensive Independent Study of National Cryptography Policy

SEC. 281. COMPREHENSIVE INDEPENDENT STUDY OF NATIONAL CRYPTOGRAPHY POLICY.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the National Research Council shall commence a comprehensive study on cryptographic technologies and national cryptography policy.

(b) MATTERS TO BE ASSESSED IN STUDY.—The study required under subsection (a) shall—

(1) assess current and future development in encryption technology, including how such technology is likely to be deployed by both United States and international industries;

(2) assess the effect of cryptographic technologies on—

(A) national security interests of the United States Government;

(B) law enforcement interests of the United States Government;

(C) commercial interests of United States industry;

(D) privacy interests of United States citizens; and

(E) activities of the United States Government to promote human rights and Internet freedom; and

(3) consider the conclusions and recommendations of the report issued by the National Research Council in 1996 entitled ''Cryptography's Role in Securing the Information Society''.

(c) COOPERATION WITH STUDY.—

(1) IN GENERAL.—The Director of National Intelligence, the Attorney General, the Secretary of Defense, the Secretary of Commerce, and the Secretary of State shall direct all appropriate departments and agencies to cooperate fully with the National Research Council in its activities in carrying out the study required under subsection (a).

(2) NATIONAL RESEARCH COUNCIL.—The National Research Council shall cooperate with United States entities that have an interest in encryption policy, including United States industry and nonprofit organizations.

(d) REPORT.—The National Research Council shall complete the study and submit to the Committee on the Judiciary, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and to the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives, a report on the study within approximately two years after full processing of security clearances under subsection (e). The report on the study shall set forth the Council's findings and conclusions and the recommendations of the Council for improvements in cryptography policy and procedures. The report shall be submitted in unclassified form, with classified annexes as necessary.

(e) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the appropriate departments, agencies, and elements of the executive branch shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study required under subsection (a).

Subtitle G—Law Enforcement Training

SEC. 291. LAW ENFORCEMENT TRAINING FOR ACTIVE SHOOTER INCIDENTS.

Section 2006(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)(2)) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) training exercises to enhance preparedness for and response to active shooter incidents and security events at public locations;''.

SEC. 292. ACTIVE SHOOTER INCIDENT RESPONSE ASSISTANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall, in consultation with the Attorney General and other Federal agencies as appropriate, provide technical assistance to State, local, tribal, territorial, private sector, and nongovernmental partners for the development of response plans for active shooter incidents in publicly accessible spaces, including facilities that have been identified by the Department of Homeland Security as potentially vulnerable targets.

(b) TYPES OF PLANS.—The response plans developed under subsection (a) may include, but are not limited to, the following elements:

(1) A strategy for evacuating and providing care to persons inside the publicly accessible space, with consideration given to the needs of persons with disabilities.

(2) A plan for establishing a unified command, including identification of staging areas for law enforcement and fire response.

(3) A schedule for regular testing of communications equipment used to receive emergency calls.

(4) An evaluation of how emergency calls placed by persons inside the publicly accessible space will reach police in an expeditious manner.

(5) A practiced method and plan to communicate with occupants of the publicly accessible space.

(6) A practiced method and plan to communicate with the surrounding community regarding the incident and the needs of Federal, State, and local officials.

(7) A plan for coordinating with volunteer organizations to expedite assistance for victims.

(8) To the extent practicable, a projected maximum time frame for law enforcement response to active shooters, acts of terrorism, and incidents that target the publicly accessible space.

(9) A schedule for joint exercises and training.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives a report on findings resulting from technical assistance provided under subsection (a), including an analysis of the level of preparedness to respond to active shooter incidents in publicly accessible spaces.

(d) BEST PRACTICES.—The Secretary of Homeland Security, in consultation with the Attorney General, shall—

(1) identify best practices for security incident planning, management, and training for responding to active shooter incidents in publicly accessible spaces; and

(2) establish a mechanism through which to share such best practices with State, local, tribal, territorial, private sector, and nongovernmental partners.

SEC. 293. GRANTS TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES FOR ANTITERRORISM TRAINING PROGRAMS.

(a) IN GENERAL.—The Attorney General may award grants to develop and implement antiterrorism training and technical assistance programs for State, local, and tribal law enforcement.

(b) USE OF GRANT AMOUNTS.—A grant awarded under subsection (a) may be used—

(1) to provide specialized antiterrorism detection, investigation, and interdiction training and related services to State, local, and tribal law enforcement agencies and prosecution authorities, which may include workshops, on-site and online training courses, joint training and activities with and focusing on community stakeholders and partnerships, educational materials and resources, or other training means as necessary; and

(2) to identify antiterrorism-related training needs at the State, local, and tribal level and conduct customized training programs to address those needs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 332—COMMEMORATING THE 140TH ANNIVERSARY OF THE MARINE ENGINEERS' BENEFICIAL ASSOCIATION

Ms. MIKULSKI submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 332

Whereas the Marine Engineers' Beneficial Association (in this preamble referred to as the ''M.E.B.A.'') was founded in 1875 and is the oldest maritime union in the United States;

Whereas, soon after the founding of the M.E.B.A., the M.E.B.A. battled for beneficial legislation to certify, license, and protect waterborne engineers;

Whereas the M.E.B.A. prevailed in securing deck and engine officers of the United States aboard flagships of the United States, displacing foreign seamen;

Whereas, since 1875, the M.E.B.A. has been the premier maritime labor union for the officers of the United States Merchant Marine;

Whereas the members of the M.E.B.A., including thousands of marine engine and deck officers, are unparalleled in maritime training and experience;

Whereas M.E.B.A. members crew the most technologically advanced ships in the flag fleet of the United States, including container ships, tankers, Great Lakes and liquefied natural gas vessels, and a cruise ship;

Whereas M.E.B.A. members sail aboard Government-contracted ships of the Military

Sealift Command of the United States Navy and the Ready Reserve Force of the Maritime Administration, on tugs and ferry fleets around the United States, and in various capacities in shoreside industries;

Whereas M.E.B.A. members provide critical support to the United States by carrying cargo to aid the Armed Forces of the United States in overseas conflicts;

Whereas, during Operation Iraqi Freedom, the commercial, privately-owned fleet, crewed by civilians of the United States, carried more than 85 percent of the materials and equipment needed by the United States and the allies of the United States to achieve victory;

Whereas, since 1875, M.E.B.A. members have served in every conflict and war in which the United States has been involved, including the Spanish-American War, World Wars I and II, Operation Enduring Freedom, and Operation Iraqi Freedom;

Whereas the M.E.B.A. brings critical food aid to starving people in Ethiopia, Somalia, and dozens of other countries around the world;

Whereas, as the people of the United States watched the tragedy of September 11, 2001 unfold, members of the M.E.B.A. ferried thousands of people to safety in New York;

Whereas, during the aftermath of Hurricanes Katrina and Rita, the tsunami in Southeast Asia, and countless other disasters, the M.E.B.A. was there with the professionalism, pride, and patriotism that has long been the hallmark of mariners of the United States;

Whereas the M.E.B.A. has its own maritime training center, the Calhoon M.E.B.A. Engineering School in Easton, Maryland, which keeps seafaring members on the cutting edge of the industry; and

Whereas the Calhoon M.E.B.A. Engineering School was originally located in Baltimore because of the rich maritime tradition in that city but later moved to the Eastern Shore of Maryland when the school needed to expand: Now, therefore, be it

Resolved, That the Senate commemorates the 140th anniversary of the Marine Engineers' Beneficial Association.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 9, 2015, at 9:30 a.m.

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

COMMITTEE ON ARMED SERVICES

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 9, 2015, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BARRASSO. 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 9, 2015, at 10 a.m., in room SR–253 of the Russell Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 9, 2015, at 9:30 a.m., to conduct a hearing entitled ''United Nations Peacekeeping and Opportunities for Reform.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 9, 2015, at 9:30 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 9, 2015, at 11 a.m. to conduct a hearing entitled ''Strengthening the Visa Waiver Program After the Paris Attacks.''

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

COMMITTEE ON THE JUDICIARY

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 9, 2015, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Federal Bureau of Investigation.''

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

COMMITTEE ON THE JUDICIARY

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 9, 2015, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on December 9, 2015.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on December 9, 2015, at 2:30 p.m., in room SR–418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH POLICY

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on Africa and Global Health Policy be authorized to meet during the session of the Senate on December 9, 2015, at 2:30 p.m., to conduct a hearing entitled ''The Political and Security Crisis in Burundi.''

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

SPECIAL COMMITTEE ON AGING

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on December 9, 2015, in room SDG–50 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled ''Sudden Price Spikes in Off-Patent Drugs: Perspectives from the Front Lines.''

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

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Alicia Kielmovitch, an education legislative fellow in Senator HATCH's office, be granted floor privileges for the remainder of this calendar year.

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

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE NOMINATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 415 through 420, 422, and 423.

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

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of 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; 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; 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; 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; 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; 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; 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; and 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.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I know of no further debate on the nominations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Ebert-Gray, Hill, Feeley, Rubin, Scott, Chapman, Manes, and Taglialatela nominations en bloc?

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

STEM CELL THERAPEUTIC AND RESEARCH REAUTHORIZATION ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 311, H.R. 2820.

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

The legislative clerk read as follows:

A bill (H.R. 2820) to reauthorize the Stem Cell Therapeutic and Research Act of 2005, 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:

H.R. 2820

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stem Cell Therapeutic and Research Reauthorization Act of 2015''.

SEC. 2. REAUTHORIZATION OF THE C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM.

(a) IN GENERAL.—Section 379(d)(2)(B) of the Public Health Service Act (42 U.S.C. 274k(d)(2)(B)) is amended—

(1) by striking ''remote collection'' and inserting ''collection''; and

(2) by inserting ''including remote collection,'' after ''cord blood units,''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended—

(1) by striking ''$30,000,000 for each of fiscal years 2011 through 2014 and''; and

(2) by inserting ''and $30,000,000 for each of fiscal years 2016 through 2020'' before the period at the end.

(c) SECRETARY REVIEW ON STATE OF SCIENCE.—The Secretary of Health and Human Services, in consultation with the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, and the Administrator of the Health Resources and Services Administration, including the Advisory Council on Blood Stem Cell Transplantation established under section 379(a) of the Public Health Service Act (42 U.S.C. 274k(a)), and other stakeholders, where appropriate given relevant expertise, shall conduct a review of the state of the science of using adult stem cells and birthing tissues to develop new types of therapies for patients, for the purpose of considering the potential inclusion of such new types of therapies in the C.W. Bill Young Cell Transplantation Program (established under such section 379) in addition to the continuation of ongoing activities. Not later than June 30, 2019, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives recommendations on the appropriateness of such new types of therapies for inclusion in the C.W. Bill Young Cell Transplantation Program.

SEC. 3. CORD BLOOD INVENTORY.

Section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) is amended—

(1) in subsection (a), by striking ''one-time'';

(2) by striking subsection (c);

(3) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively;

(4) in subsection (d) (as so redesignated)—

(A) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (4)'';

(B) in paragraph (2)(B), by striking ''subsection (d)'' and inserting ''subsection (c)''; and

(C) by adding at the end the following:

''(4) CONSIDERATION OF BEST SCIENCE.—The Secretary shall take into consideration the best scientific information available in order to maximize the number of cord blood units available for transplant when entering into contracts under this section, or when extending a period of funding under such a contract under paragraph (2).

''(5) CONSIDERATION OF BANKED UNITS OF CORD BLOOD.—In extending contracts pursuant to paragraph (3), and determining new allocation amounts for the next contract period or contract extension for such cord blood bank, the Secretary shall take into account the number of cord blood units banked in the National Cord Blood Inventory by a cord blood bank during the previous contract period, in addition to consideration of the ability of such cord blood bank to increase the collection and maintenance of additional, genetically diverse cord blood units.'';

(5) in subsection (f) (as so redesignated)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(6) in subsection (g) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking ''$23,000,000 for each of fiscal years 2011 through 2014 and''; and

(ii) by inserting ''and $23,000,000 for each of fiscal years 2016 through 2020'' before the period at the end; and

(B) by striking paragraph (2).

SEC. 4. DETERMINATION ON THE DEFINITION OF HUMAN ORGAN.

Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue determinations with respect to the inclusion of peripheral blood stem cells and umbilical cord blood in the definition of human organ.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2820), as amended, was passed.

COMMEMORATING THE 20TH ANNIVERSARY OF THE OPENING OF THE AMERICAN VISIONARY ART MUSEUM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 317 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 317) commemorating the 20th anniversary of the opening of the American Visionary Art Museum.

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 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. 317) was agreed to.

The preamble was agree to.

(The resolution, with its preamble, is printed in the RECORD of November 18, 2015, under ''Submitted Resolutions.'')

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Monday, January 11, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 213; that there be 30 minutes for debate on the nomination, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; that following the disposition of the nomination, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nomination be printed in the Record; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. MCCONNELL. Mr. President, scheduling a vote on this nomination has been a top priority for Senator TOOMEY, and we are happy to do that just now.

ORDERS FOR THURSDAY, DECEMBER 10, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, December 10; 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 be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; finally, that the Senate recess from 3 p.m. until 4:30 p.m. for the all-Members briefing.

The PRESIDING OFFICER. 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 PETERS.

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

The Senator from Michigan.

EVERY STUDENT SUCCEEDS ACT

Mr. PETERS. Mr. President, I rise today to express my support for the Every Student Succeeds Act.

I am pleased that the Senate was able to come together on a bipartisan basis to pass meaningful education reform, and I commend Senator MURRAY and Senator ALEXANDER for their leadership on this bill.

I would like to speak about three things this bill does that I strongly support and that I believe are of particular importance. First, the bill supports financial literacy programming. Family financial literacy programming can ensure that our Nation's parents and children have the skills necessary to properly utilize credit, finance an education, manage a household budget, and plan for retirement. I believe that we must do all we can to help our Nation's parents and students succeed in every aspect of their lives.

Second, the Every Student Succeeds Act addresses the lack of data on dual status youth—children who come into contact with both the child welfare and juvenile justice systems. Many at-risk children lack stable home lives, and they are frequently funneled through the school-to-prison pipeline. I was happy to work with the chairman and ranking member to include language in the bill that will help us identify and assist our most vulnerable youth.

Finally, I was happy to join Senator GARDNER in introducing language that will begin to help schools address the dual enrollment availability gap by enabling high schools to expand access to such programs using title I funding. I applaud the bill's focus on dual enrollment and early/middle college programs. At a time when student debt is crushing young Americans' economic prospects, dual enrollment and early/middle college programs allow high school students to begin earning college credit by taking college-level courses either at their school, online or through a local higher education institution. These models improve access to college while reducing degree completion time and tuition costs.

Findings from the ACT's most recent ''Condition of College and Career Readiness'' report suggest that many students are ready for dual enrollment programs. Forty-two percent of the most recent cohort of high school graduates who took the ACT test were ready for college-level mathematics. Nearly 30 percent were college ready in all four subject areas: English, reading, mathematics, and science.

Unfortunately, hurdles to assessing dual enrollment are particularly pronounced for low-income students who also face the greatest obstacles to college completion. After participating in these programs, many students who may not have planned on attending college realize their potential and go on to attain higher levels of education. A recent study found that dual and concurrent enrollment participation increases the probability of a student completing a degree by 6 percent.

In addition to a Gardner-Peters amendment, the Every Student Succeeds Act includes several other provisions that support dual enrollment and early/middle college programs. The bill supports professional development for teachers, principals, and other school leaders, focused on building their capacity to deliver dual or concurrent enrollment opportunities.

Additionally, States and school districts will be able to use resources provided through the student support and academic enrichment grants to improve students' access to dual enrollment programs, either online or in person. These policy improvements will make an incredible difference for the Nation's students.

There are a number of Senators who support dual enrollment and early/middle college programs, and I plan on introducing legislation to support dual enrollment and early/middle college programs in the near future.

My legislation would amend the Higher Education Act to expand access to dual and concurrent enrollment programs as well as early/middle college programs that enable students to earn college credit while in high school. I look forward to working with my colleagues in the coming months to expand access to these programs.

Again, I applaud the passage of the Every Student Succeeds Act.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:54 p.m., adjourned until Thursday, December 10, 2015, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 9, 2015:

DEPARTMENT OF STATE

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.

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.

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.

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.

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.

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.

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.

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.