

(C) MITIGATION STRATEGY REQUIRED FOR CRITICAL INFRASTRUCTURE AT GREATEST RISK.—

(1) IN GENERAL.—No later than 180 days after the date of the enactment of this Act, the Secretary, in conjunction with the appropriate agency head (as the case may be), shall conduct an assessment and develop a strategy that addresses each of the covered entities, to ensure that, to the greatest extent feasible, a cyber security incident affecting such entity would no longer reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(2) ELEMENTS.—The strategy submitted by the Secretary with respect to a covered entity shall include the following:

(A) An assessment of whether each entity should be required to report cyber security incidents.

(B) A description of any identified security gaps that must be addressed.

(C) Additional statutory authority necessary to reduce the likelihood that a cyber incident could cause catastrophic regional or national effects on public health or safety, economic security, or national security.

(3) SUBMITTAL.—The Secretary shall submit to the appropriate congressional committees the assessment and strategy required by paragraph (1).

(4) FORM.—The assessment and strategy submitted under paragraph (3) may each include a classified annex.

SEC. 408. STOPPING THE FRAUDULENT SALE OF FINANCIAL INFORMATION OF PEOPLE OF THE UNITED STATES.

Section 1029(h) of title 18, United States Code, is amended by striking “title if—” and all that follows through “therefrom.” and inserting “title if the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity organized under the laws of the United States, or any State, the District of Columbia, or other Territory of the United States.”

SEC. 409. EFFECTIVE PERIOD.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall be in effect during the 10-year period beginning on the date of the enactment of this Act.

(b) EXCEPTION.—With respect to any action authorized by this Act or information obtained pursuant to an action authorized by this Act, which occurred before the date on which the provisions referred to in subsection (a) cease to have effect, the provisions of this Act shall continue in effect.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

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

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

The Senator from Iowa.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. GRASSLEY. Madam President, I think we have clearance on a non-controversial resolution that is going to pass yet this evening, and I rise for about 5 minutes to speak on this issue.

Last week I submitted a resolution to commemorate the goals and ideals of National Domestic Violence Awareness Month, which takes place each October. I thank Senators LEAHY, AYOTTE, and KLOBUCHAR for joining me as original cosponsors of this measure.

I have met with many domestic violence victims over the years. We have come a long way since the enactment in 1984, with my support, of the landmark Family Violence Prevention and Services Act.

In the decades since then, Congress has committed billions of dollars to implement that statute, as well as the Violence Against Women Act, and we have seen a decline in the rate of serious partner violence over the last two decades, according to the Congressional Research Service.

But researchers and advocates who work with domestic violence survivors remind us that there is still much work to be done to stop this terrible crime and support survivors in their efforts to heal. It is estimated that as many as 9 million Americans are physically abused by a partner every year.

According to a 2011 survey by the Centers for Disease Control and Prevention, about 22 percent of women and about 14 percent of men have experienced severe physical abuse by a partner in their lifetime.

Experts tell us that domestic violence affects women, men, and children of every age and socioeconomic class, but we also know that women still experience more domestic violence than do men, and women are significantly more likely to be injured in an assault by a partner or a spouse.

According to the Justice Department’s Bureau of Justice Statistics, women between the ages of 18 and 31 experience the highest rates of domestic violence. Most have been victimized by the same offender on at least one prior occasion. And, of course, it is heartbreaking to realize that millions of American children have been exposed to domestic violence, either by experiencing some form of abuse or witnessing a family member’s abuse.

The good news is that each and every day, in communities across the Nation, there are victim advocates, service providers, crisis hotline staff and volunteers, as well as first responders who are working tirelessly to extend compassionate service to the survivors of domestic violence. I wish to take this opportunity to single out some of these folks and extend a special thank-you on behalf of the Senate.

First, I highlight the hard work of trained volunteers and staff who operate crisis hotlines across the country. They are a varied and talented group of individuals who, often at low or no pay, make confidential support, information, and referrals available to victims, as well as their friends and families, each and every day. We appreciate their efforts to help countless men, women, and children escape abusive situations.

Next, I recognize the contributions of the talented staff at the 56 State and territorial domestic violence coalitions around the country and the globe. These individuals also help respond to the needs of battered men, women, and children, typically by offering their expertise and technical support to local domestic violence programs in each and every State and territory. In my home State, for example, the Iowa State Coalition Against Domestic Violence has, since way back in 1985, connected local service providers to vitally important training and other resources that exist to support Iowa survivors.

We cannot commemorate Domestic Violence Awareness Month without also mentioning the police officers who are on the front lines in the effort to protect crime victims and to prevent abuse in the first place. Domestic violence calls can present lethal risks for officers, and we mourn those who have lost their lives while responding to such domestic violence incidents. We know, too, that in recent decades the law enforcement approach to these instances has changed to reflect the latest research, and we applaud those police agencies that continue to update and improve their domestic violence policies.

I also recognize those who operate the Nation’s domestic violence shelters that meet the emergency housing needs of thousands of adults and children each day or millions of Americans each year. Last but not least, I want to highlight the hard work of the staff at charities and agencies across the Nation that are devoted to helping domestic violence survivors achieve financial independence, obtain legal assistance, and most importantly overcome the detrimental emotional and physical effects of abuse.

As I close, I urge my colleagues to support the adoption of this important resolution. With its adoption, we demonstrate the Senate supports the goals and ideals of National Domestic Violence Awareness Month.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, there has been some activity on the Senate floor today regarding the President’s Clean Power Plan, with fossil fuel State representatives coming to decry that plan. I would simply note that on October 22, in the Wall Street Journal, many of the leaders of America’s national security took out an advertisement to say: “Republicans & Democrats Agree: U.S. Security Demands Global Climate Action.”

We have had generals and admirals, former National Security Advisers and Directors of National Intelligence, Secretaries of the Treasury, Secretaries of Defense, Directors of the Central Intelligence Agency, Chairman of the National Intelligence Council, Governors, Senators, Under Secretaries of State, many Republicans all saying this is important; that it is time for America to lead. And what do we get? We get complaints about America leading.

If my friends have a better idea than the Clean Power Plan, I would be glad to listen. I am sure we would all be glad to listen. What is it? What is the other plan? Because if you have nothing, then you really don't have a seat at the table and you certainly don't have occasion to criticize what the President is trying to do. Show us something—anything. What have you got? Where is the Republican bill that even talks about climate change—let alone does anything serious about it.

It is truly time for this body to wake up and not just wake up to climate change but also to the decades-long purposeful corporate smokescreens of misleading statements from the fossil fuel industry and its allies on the dangers of carbon pollution. So I am here for the 116th time seeking an open, honest, and factual debate in Congress about global climate change.

The energy industry's top dog, ExxonMobil—No. 2 for both revenue and profits among the Fortune 500 of companies—has been getting some bad press lately. Two independent investigative reports from InsideClimate News and the Los Angeles Times revealed that Exxon's own scientists understood as far back as the late 1970s the effects of carbon pollution on the climate and warned company executives of the potential outcomes for the planet and humankind, but Exxon's own internal report also recognized heading off global warming "would require major reductions in fossil fuel combustion."

So what did this fossil fuel company do? Rather than behave responsibly, rather than face up to that truth, rather than lead an effort to stave off catastrophic emerging changes to the climate and the oceans, what Exxon chose to do was to fund and participate in a massive misinformation campaign to protect their business model and their bottom line.

This started right at the top. Exxon's former chairman and CEO Lee Raymond repeatedly and publicly questioned the science behind climate change, notwithstanding what his own scientists had said. "Currently," Raymond claimed in a 1996 speech before the Economic Club of Detroit—20 years after this work by his own scientists—"the scientific evidence is inclusive as to whether human activities are having a significant effect on the global climate."

There was already an emerging international consensus that unchecked carbon emissions were warming the planet.

et. There was already Exxon's own internal research that showed carbon emissions were warming the planet, and it has gone forward to now with the latest report from the Intergovernmental Panel on Climate Change stating that "warming of the climate system is unequivocal." Unequivocal.

The current ExxonMobil CEO, Rex Tillerson, still emphasizes uncertainty and goes out of his way to overestimate the costs of taking action. In 2013, he asked: "What good is it to save the planet if humanity suffers?" All right, someone needs to explain to me how if we fail to save the planet, humanity does not suffer. I guess it is Exxon's position that we only suffer if we try to save the planet.

At this year's annual shareholders meeting, Mr. Tillerson argued that the world needs to wait—that is always their argument, the world needs to wait—for the science to improve—unequivocal is evidently not enough—and to look for solutions to the effects of climate change as they become more clear—more clear.

Our oceans are clearly warming and acidifying, and this has been clearly measured. Atmospheric carbon is clearly higher than ever in our species' history on this planet, and this has been clearly measured. In Rhode Island, we have measured nearly 10 inches of sea level rise since the 1930s, right on our shores. What is not clear?

While Exxon was peddling climate denial here in Washington, the L.A. Times reports, they were using climate models to plan operations in the warming Arctic. Between 1986 and 1992, Exxon's senior ice researcher, Ken Croasdale, and others studied the effects global warming would have on Arctic oil operations and reported back to Exxon brass. They knew melting ice would lower exploration and development costs. They also knew higher seas and thawing permafrost would threaten the company's ships, drilling platforms, processing plants, and pipelines.

So Exxon was challenging the climate models publicly while it was using them privately to guide its own investment decisions. Exxon understood the dangers, but instead of sounding the alarm or trying to help, they chose to sow doubt.

Then there are the Exxon front groups. A study out just last month in the peer-reviewed journal *Climatic Change* says that ExxonMobil paid over \$16 million between 1988 and 2005 to a network of phony-baloney think tanks and pseudoscience groups that spread misleading claims about climate science. The company's network includes organizations that name themselves after John Locke, James Madison, Benjamin Franklin, and even George C. Marshall. It also includes the American Legislative Exchange Council, or ALEC, which peddles anti-climate legislation in State legislatures. ALEC denies the human contribution to climate change by calling it a "historical phenomenon," asserting "the debate

will continue on the significance of natural and anthropogenic contributions." The climate denial coming out of ALEC is so egregious even Shell Oil left the group this summer.

Don't forget the paid-for scientists. The Exxon network includes Willie Soon, whose work consistently downplayed the role of carbon pollution in climate change. Well, investigative reporting revealed Dr. Soon received more than \$1.2 million from oil and coal interests, including ExxonMobil, over the last decade.

So the cat is out of the bag now, and all the bad press has got Exxon a little jumpy. Exxon's VP of Public Affairs, Ken Cohen, took to Exxon's blog to proclaim that his company has a legitimate history when it comes to climate. "Our scientists have been involved in climate research and related policy analysis for more than 30 years, yielding more than 50 papers in peer-reviewed publications," he said. He goes on to say that Exxon has been involved with the U.N. IPCC, the National Academy of Science's National Climate Assessment, and that Exxon funds legitimate scientists at major universities as they research energy and climate.

Right. The problem is that is only half the story. That is the half of the story that shows Exxon knew better. What is the rest of the story? Decades of funding to a network of front groups that led a PR campaign designed to undercut climate science and prevent legitimate action on climate change. For decades, Exxon invested in legitimate climate research, you say? That is the proof of actual knowledge. That makes the route they chose of denial and delay all the more culpable, and that denial and delay, as Paul Harvey would say, is the rest of the story.

What are Tillerson and ExxonMobil waiting for? Why this campaign of deceit, denial, and delay? Sadly, it is our American system of big business and paid-for politics—just follow the money.

Exxon foists the costs of its carbon pollution on the rest of us—on our children, on our grandchildren—and all the while they make staggering amounts of money. And Congress, funded by their lobbyists, sleeps placidly at the switch.

Exxon even fights to protect their status quo with their own shareholders. The Institute for Policy Studies reports that shareholders of ExxonMobil have introduced 62 climate-related resolutions over the past 25 years, and all of them have been opposed by management. Rex Tillerson, who made \$21.4 million in stock-based pay in 2014, has openly mocked a shareholder who asked about investing in renewables. This is rich. Tillerson responded that renewable energy "only survives on the backs of enormous government mandates that are not sustainable. We on purpose choose not to lose money."

Well, ExxonMobil spends huge amounts of money on the complex PR machine to churn out doubt about the real science in order to protect the

market subsidy that ignores the costs of Exxon's carbon pollution and makes clean energy face an uphill battle. So it is really kind of nervy to say that clean energy survives on the backs of enormous government subsidies when oil gets the biggest subsidies ever.

Things could have been different. Exxon could have heeded the warnings of its own scientists and helped us make a transition to clean energy. It is happening now without them. The International Energy Agency found that the cost of generating electricity from renewable sources dropped from \$500 a megawatt hour in 2010 to \$200 in 2015. Imagine if we had rolled up our sleeves and gotten to work way back when Exxon first learned of the dangers of carbon pollution. Imagine the leadership that company could have shown. Imagine how much of the coming climate and ocean changes we could have avoided. But they didn't, and the time of reckoning may now be upon the likes of Exxon and others in the fossil fuel industry. That PR machine may end up costing the company a lot. Look at what happened to big tobacco.

Two weeks ago, Congressmen TED LIEU and MARK DESAULNIER sent a letter to Attorney General Loretta Lynch regarding these newly reported allegations that ExxonMobil intentionally hid the truth about the role of fossil fuels in influencing climate change. "The apparent tactics employed by Exxon are reminiscent of the actions employed by big tobacco companies to deceive the American people about the known risks of tobacco."

Last week, my friend, the junior Senator from Vermont, joined in the call for the Attorney General to bring a civil RICO investigation into big fossil fuel. "These reports, if true," reads Senator SANDERS' letter to Attorney General Lynch, "raise serious allegations of a misinformation campaign that may have caused public harm similar to the tobacco industry's actions—conduct that led to federal racketeering convictions"—actually, a judgment. It was civil. But it is otherwise accurate.

Also last week, Sharon Eubanks, the former U.S. Department of Justice attorney who actually brought the civil action and won the civil RICO case against the tobacco industry, said that, considering recent revelations regarding ExxonMobil, the Department of Justice should consider launching an investigation into big fossil fuel companies—that it "is plausible and should be considered." That was her quote.

Let me show why it is plausible and should be considered. Let me read from U.S. District Judge Gladys Kessler's description of the culpable conduct in her decision in the government's racketeering case against Big Tobacco:

Each and every one of these Defendants repeatedly, consistently, vigorously—and falsely—denied the existence of any adverse health effects from smoking. Moreover, they mounted a coordinated, well-financed, so-

phisticated public relations campaign to attack and distort the scientific evidence demonstrating the relationship between smoking and disease, claiming that the link between the two was still an "open question."

Defendants knew there was a consensus in the scientific community that smoking caused lung cancer and other diseases. Despite that fact, they publicly insisted that there was a scientific controversy and disputed scientific findings linking smoking and disease knowing their assertions were false.

Now, let's read that exact same language back but apply it to climate.

Each and every one of these Defendants repeatedly, consistently, vigorously—and falsely—denied the existence of any adverse [climate] effects from [carbon pollution]. Moreover, they mounted a coordinated, well-financed, sophisticated public relations campaign to attack and distort the scientific evidence demonstrating the relationship between [carbon pollution] and [climate], claiming that the link between the two was still an "open question."

Defendants knew there was a consensus in the scientific community that [carbon pollution] caused [climate change] and other [harms]. Despite that fact, they publicly insisted that there was a scientific controversy and disputed scientific findings linking [carbon pollution] and [climate] knowing their assertions were false.

Just change the words, and there is her judgment against the tobacco industry, and it plainly applies to climate denial.

The investigative journalism from InsideClimate News and the Los Angeles Times is damning. The calls for greater scrutiny of ExxonMobil and the fossil fuel industry are mounting, and the phony-baloney denial network is up in arms, trying to shovel this campaign under the protection of the First Amendment. Sorry, guys, the First Amendment doesn't protect fraud.

Describing Caesar at the Battle of Munda, Napoleon said: "There is a moment in combat when the slightest maneuver is decisive and gives superiority; it is the drop of water that starts the overflow."

Is the tide turning? Is this the decisive moment? Despite documented warnings from their own scientists dating from the 1970s, ExxonMobil and others pursued a campaign of deceit, denial, and delay. They may soon have to face the consequences. In any event, history will not look kindly on their choice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

NO CHILD LEFT BEHIND REFORM

Mr. ALEXANDER. Mr. President, over the weekend President Obama announced that all 100,000 public schools across the Nation should limit testing to 2 percent of a student's time in the classroom. It is a recommendation, not a requirement, and it comes in response to a nationwide backlash from teachers, students, and parents who are sick of overtesting.

I was glad to see the President's comments. He is right about students tak-

ing too many tests. But I hope the President will stop and think before trying to cure overtesting by telling teachers exactly how much time to spend on testing or what the tests should be. Classroom teachers know better than Washington how to assess their students' progress. They also know that the real reason we have too many tests is that there are too many Federal mandates that put high stakes on student test results and that one more Washington decree—even if it is only a recommendation for now—is not the way to solve the problem of too many Federal mandates.

Instead, the best way to fix overtesting is to get rid of the Federal mandates that are causing the problem. That is precisely what the Senate did when it passed by an overwhelming bipartisan majority, 81 to 17, legislation to fix No Child Left Behind and give more flexibility to States and to classroom teachers to decide which tests will decide what progress students are making in the classroom.

No Child Left Behind, a Federal law enacted in 2001, requires students to take 17 standardized tests over the course of their education, kindergarten through the 12th grade. It then uses those tests to decide whether schools and teachers are succeeding or failing.

In the Senate's work to fix No Child Left Behind, no issue stirred as much controversy as these high-stakes tests. At first, I was among those who thought the best way to fix overtesting might be to get rid of the 17 Federal tests. But the more we studied the problem, the more the issues seemed not to be the 17 Federal tests but the federally designed system of rewarding and punishing schools and teachers that was attached to the tests.

A third grader, for example, is required to take only one test in math and one in reading. Each of those tests probably takes 1 or 2 hours, according to testimony before our committee. But here is the problem: The results of these tests count so much in the federally mandated accountability system that States and school districts are giving students dozens of additional tests to prepare for the Federal tests.

A new survey says students in big-city schools will take, on average, 112 mandatory standardized tests between prekindergarten and high school graduation. That is eight tests a year. One Florida study showed that a Fort Myers school district gave more than 160 tests to its students. Only 17 of those are federally required.

So after hearing this, the Senate decided to keep the federally required 17 tests. That is two annual tests in reading and math in grades 3 through 8 and once in high school, as well as science tests given three times between grades 3 and 12. We also kept the practice of reporting results publicly so parents and teachers know how their children are performing. These results are disaggregated, so we know how students are doing based upon their gender, their ethnicity or their disability.