

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

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

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

RESERVATION OF LEADER TIME

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

STUDENT SUCCESS ACT— CONFERENCE REPORT

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

The senior assistant legislative clerk read as follows:

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

RELIGIOUS FREEDOM

Mr. DURBIN. Mr. President, the Founding Fathers took great care when it came to the issue of religion in our Constitution. Many of the people

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

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

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

REFUGEES

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

Each year, the United States allows about 70,000 refugees to come to our

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

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

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

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

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

GUN VIOLENCE

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

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

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

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

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

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

She also offered an amendment originally penned by Senator Lautenberg—the late Senator Lautenberg of New Jersey—related to terrorists, but the Senate also considered an amendment that related to background checks for those who want to purchase firearms. That amendment came to the floor under the sponsorship of Senator MANCHIN, a Democrat from West Virginia, and Senator TOOMEY, a Republican from Pennsylvania. What it said is very basic: If we are going to sell firearms in America, we are going to make every reasonable effort not to sell them to convicted felons or people who are mentally unstable. That makes sense. In fact, it should be a standard we all accept. The vast major-

ity of gun owners accept that standard. They don't want guns in the hands of people who would use them in crime or people who are mentally unstable and can't manage a firearm. That amendment came to the floor; again, it was defeated by the Republicans in the Senate. That is unfortunate.

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

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

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

FOR-PROFIT COLLEGES

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

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

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

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

Well, how about the executives who masterminded the scheme to sign up young people so that their Pell grants

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

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

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

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

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

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

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

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

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

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

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

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

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

Years of bad behavior is starting to catch up with these companies, but the damage is done for these students. Many of their lives have been harmed, if not ruined, by this debt. And, of course, there has been damage to the Federal Treasury, which shells out billions—that is with a "b"—of dollars to the for-profit colleges that the taxpayers will never get back. Yet the other party continues to come to the

aid of the for-profit college industry, attempting to block any steps to ensure that for-profit colleges are following the law and held accountable. We saw it earlier this year. The junior Senator from Florida came to the aid of the disreputable Corinthian Colleges. While Corinthian was lying to students about its job-placement rates, suckering them into enrolling, and saddling them with debt, the junior Senator from Florida was writing to the Department of Education asking them to demonstrate leniency to Corinthian—leniency to a company that made misrepresentations to the students, lied to the government, and swindled taxpayers out of billions of dollars. That is the answer from the junior Senator from Florida.

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

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

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

ing to include it in the final spending bill this year to stop the Department of Education from enforcing the existing law on gainful employment.

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

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

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

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TERRORIST WATCH LIST

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

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

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

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

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

Building on the consensus I have just described is why the Senate—our Senate education committee—passed our bill 22 to 0 and why it passed on the floor 81 to 17. That is why conferees from the Senate and the House were able to agree 38 to 1, and that is why last Thursday the House of Representatives approved the conference report 359 to 64. That is why the National Governors Association gave our conference report its first full endorse-

ment that the NGA has given to any legislation in nearly 20 years. That is why the Chief State School Officers, the school superintendents, the National Education Association, and the American Federation of Teachers all have supported our result.

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

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

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

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

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

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

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

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

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

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

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

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

On Senator MURRAY's exceptional staff I would like to thank especially Evan Schatz, Sarah Bolton, Amanda Beaumont, John Righter, Jake Cornett, Leanne Hoteck, Allie Kimmel,

and Aissa Canchola. All of those people were very important. For my hard-working and dedicated staff, I would especially like to thank our staff director, David Cleary, Peter Oppenheim, Lindsay Fryer, Bill Knudsen, Jordan Hynes, Hillary Knudson, Jake Baker, Lindsey Seidman, Allison Martin, Bobby McMillan, Jim Jeffries, Liz Wolgemuth, Margaret Atkinson, and Taylor Haulsee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

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

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

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

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

Nearly everyone agrees that No Child Left Behind is badly broken. I have heard from parent after parent and teacher after teacher about how the law overemphasized testing and how of-

tentimes those tests are redundant or unnecessary. I have seen firsthand how this law is not working for my home State of Washington. No Child Left Behind issued one-size-fits-all mandates but failed to give the schools the resources they needed to meet those standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

Our bipartisan bill will help improve and expand access to preschool programs. Before I ever thought about running for elected office, I taught preschool in a small community in my home State of Washington. I remember that the first day with new students would always start the same way: Some kids wouldn't know how to hold a pencil or crayon or how to turn a page in a book. But over the first few months, they would start to catch on.

They learned how to listen at story time. They learned how to stand in line for recess. By the time they left for kindergarten, they had those basic skills and many more, so they were ready to tackle a full curriculum in school.

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

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

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

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

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

I am asking all of my colleagues here today to join me. Let's fix this No Child Left Behind law. Let's show teachers and principals that we are on their side. And let's help instill edu-

cational opportunity as our first national goal and grow our Nation stronger for generations to come.

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

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

The PRESIDING OFFICER. The Senator from Georgia.

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

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

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

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

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

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

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

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

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

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

We yield back all time on our side.

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

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

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

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

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

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

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator

from Indiana (Mr. COATS), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Florida (Mr. RUBIO).

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

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

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

[Rollcall Vote No. 333 Leg.]

YEAS—84

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

NAYS—12

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

NOT VOTING—4

Coats	Rubio
Graham	Sanders

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

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

The Senator from Tennessee.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

Senator MURRAY, in her remarks, mentioned how good this process has been, and I wish to call that to the attention of Senators as well. The Senate

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

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

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

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

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

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

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

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

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

We have done that this year more than most people might think. Senator MURRAY has a well-known reputation in this body, not just for being a Democratic leader but for being someone who is interested in a result. Senator WYDEN is working with Senator HATCH on tax extenders and Senator UDALL worked with Senator VITTER on chemical safety. The Energy bill that came out of committee depended upon Senator CANTWELL as well as Senator MURKOWSKI. The mental health bill that came out of our committee came from Senators MURRAY and ALEXANDER. The cyber security bill that passed the Senate was the work of Senator FEINSTEIN as well as Senator BURR. The trafficking victims law came from Sen-

ators McCASKILL and CORNYN. The terrorism risk insurance was the result of Senators BROWN and SHELBY working together. The Iran Nuclear Review Act, which is a pretty extraordinary bill, started with Senator MENENDEZ, then Senator CARDIN, along with Senator CORKER. The Veterans Suicide Prevention Act came from Senators DURBIN and MCCAIN.

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

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

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

UNANIMOUS CONSENT REQUEST—S. 551

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

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

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

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

I appreciate my friend from Texas. He says there are certain people on the terrorist watch list who don't belong there. There are a few, but this newly found sympathy for the civil liberties

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut.

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

When I talk to people in Connecticut and they say to me "Why didn't the

Senate approve that rule?" there is no commonsense explanation. The reason given by colleagues on the other side that there is some due process violation is nonsense. I hesitate to say it is that frivolous, but it is because, No. 1, there is a right to challenge the designation on the no-fly list through the Department of Homeland Security, which has to provide reasons and an opportunity to challenge it. Also, under Senator FEINSTEIN's bill, there is an additional safeguard to constitutional rights because it can be challenged through the Department of Justice, which is required to establish an administrative process and then an appeal—a right of appeal to the Federal courts. Anybody denied permission to buy a gun has a right of appeal. So the rule no-fly, no gun is based on common sense and legal, constitutional rights.

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

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

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

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

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

The Senator from Minnesota.

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

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

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

That means, of course, taking out evil at its roots, increasing our efforts, and leading an international coalition

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

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

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

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

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

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

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

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

Over the last 10 years, someone on the terrorist watch list has attempted to purchase a weapon 2,223 times. In 2,043 of those instances, they were successful in purchasing the weapon, taking it home. That is a 91-percent success rate. It may be that 1 or 2 of those 2,000 shouldn't have been on that list, but this legislation gives them the power to contest that and to get off that list eventually, as it should. But let's not live in a fantasy world in which the majority of people on that list shouldn't be there. The list isn't

foolproof, but the vast majority—95 percent, 99 percent—of those on the terrorist watch list are there with reason, and they shouldn't be able to walk out of a store with a weapon. That is why three-quarters of gun owners and 90 percent of Americans support this legislation.

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

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

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

The PRESIDING OFFICER. Is there objection?

The majority whip.

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

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

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

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I am astonished by the proposition of our friend the Senator from Connecticut that you can be on a secret watch list by the Federal Government, and just by virtue of this secret listing of an individual on a government watch list,

you can be denied some of your core constitutional rights without any necessity of the government establishing probable cause or producing any evidence that would justify the denial of a core constitutional right. I guess if it is good enough to take the government's word by this list without proof or showing of probable cause to deny a citizen their constitutional rights under the Second Amendment, then I guess that is good enough to deny a citizen's right to worship according to the dictates of their conscience, freedom of speech, freedom of association, and all of the other rights enumerated in the Constitution. It is an outrageous proposition.

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MURPHY. Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

I yield the floor.

RECESS

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

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

STUDENT SUCCESS ACT— CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

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