

once a quiet act of kindness to a national sensation. Soon thousands of volunteers were inspired to help in Arlington or to bring the project to their hometowns throughout the country.

Last year alone, Wreaths Across America and its national network of volunteers laid over 700,000 memorial wreaths at 1,000 locations including sites in all 50 States and numerous national veteran cemeteries on foreign soil. Thanks to truckers and the Patriot Guard Riders who escort the tractor trailers on their motorcycles, the wreaths travel to Arlington and beyond as part of a Veterans Honor Parade—stopping along the way to remember, honor, and teach.

I am proud to stand with Senator COLLINS in sponsoring December 12, 2015, as Wreaths Across America Day. On this day, and every day, let us remember the brave men and women who have served our country and thank the dedicated volunteers who proudly honor their memory and sacrifice.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 114-4

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on December 8, 2015, by the President of the United States: Treaty with Jordan on Mutual Legal Assistance in Criminal Matters, Treaty Document No. 114-4. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

#### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 1, 2013. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties negotiated by the United States to more effectively counter criminal activities. The Treaty should enhance our ability to investigate and prosecute a wide variety of crimes.

The Treaty provides for a broad range of cooperation in criminal matters. Under the Treaty, the Parties agree to assist each other by, among other things: producing evidence (such as testimony, documents, or items) obtained voluntarily or, where necessary, by compulsion; arranging for persons, including persons in custody, to travel to another country to provide evidence; serving documents; executing searches and seizures; locating and identifying persons or items; and freezing and forfeiting assets or property that may be the proceeds or instrumentalities of crime.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

BARACK OBAMA.  
THE WHITE HOUSE, December 8, 2015.

#### ORDERS FOR WEDNESDAY, DECEMBER 9, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, December 9; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of the conference report to accompany S. 1177, with the time until 10:45 a.m. equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator SASSE and Senator WARREN.

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

The Senator from Nebraska.

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

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

#### FREEDOMS ENSHRINED IN THE CONSTITUTION

Mr. SASSE. Mr. President, I rise to speak about San Bernardino, about the decades-long fight that our free society faces, and about our dangerous unwillingness to tell the truth about the na-

ture of this battle—about who our enemy is.

We are at war. The American people already know this. Our enemies obviously know this. It is only this town where our so-called leaders dawdle and bicker, pander and misprioritize. It is only this town that seems confused. Washington ignores what it cannot escape, and that is both a tragedy and a crisis, for it is impossible to win a war when one does not even admit that one is in a war.

Let's start by admitting that this war is different from most of the wars of the past. This is not about borders or territory. This is not about gold or other material goods. We typically think about state actors—about traditional governments going to war with traditional governments. In this war, however, the enemy includes many state actors, many armed groups who are developing global reach in this flatly, technologically linked world.

Our enemy is merciless and barbaric. They are willing to kill people who are not on traditional battlefields. They will kill noncombatants. They will kill women and children. They will kill at holiday parties and restaurants, at Jewish delis and sporting stadiums.

Just as sad as the evolution of our enemies, though, this war is hard for the American people to get their heads around because we have so much confusion right now—so much drift, so much orphanhood—not just about our enemies but about exactly who we are and about exactly what we are fighting to defend.

This body, the Congress, tries to do far too many things, and we do very few of them well, but when there are really important tasks that we should be tackling, well then folks seem to be unable to muster the energy or the courage or the time or the will to focus diligently on the task before us.

Today we have such a big task before us, and I will humbly suggest that before another person in this body or another member of the national media stands up to scold the American people about how they could possibly entertain voting for candidate X or Y, perhaps we should look in the mirror at why so many of our people are running to demagoguing leaders.

Do Senators really not understand what is happening? Did anyone really not see this coming? I think it is obvious why the people are doing what they are doing—because they get so little actual leadership out of this town, out of either end of Pennsylvania Avenue and out of either political party. Make no mistake, there were some genuinely dreadful things said on our national stage yesterday, but they were almost completely predictable. Did anyone really not see this coming?

Why is it that these words are so attractive to so many? Why do they find so many followers? Because they are comforting to a people who are scared. They are food to a people who are starved for leadership.

Sunday night was a desert. Monday night was a flood. Neither are what our people need or really what they, at their best, want, but don't be surprised that a people being misled by a political class that is in denial about the nature of the fight we face—don't be surprised if these people come then quickly to desire very different, much more muscular words and utopian pledges.

This town's conversations are so often so completely disconnected from the people. Do you want to know what people calling my office and stopping me in the grocery store—since Paris and now since San Bernardino—want to talk about? They want to talk about what Sharia law is and how many Muslims actually believe in it. It is a fair question for moms to ask. They want to talk about American exceptionalism. They want to know what we are for, what we are against, and what do we unite around. We should talk more about these things. For a minute tonight let's just step briefly beyond the media cycle and look at where we stand. This is a clash of civilizations. This is a fight between free people and a totalitarian movement. Let me say clearly that recognizing a clash of civilizations is not at all to want one, but recognizing one is simply the truth in this matter.

We are free and our enemies hate it. They hate that my wife leaves our house and drives. They hate that my daughters know how to read. They hate that we decided where we would go to church on Sunday. They hate us not because of any particular thing we have done by omission or by commission; they hate us because of who we are. They hate us because we have a Constitution that enshrines these freedoms, and this is the Constitution that we should be uniting around—uniting to defend. We should fight to defend the framework that has secured the freedom of speech, the freedom of religion, the freedom of the press, and the freedom of assembly for all Americans for 200 years—not initially successfully judging every man by the content of his character instead of merely the color of his skin but eventually guiding us beyond this original American sin and toward a more perfect union.

This weekend I went to San Bernardino. My wife and I laid flowers at a memorial that has popped up on a sidewalk outside the site where 35 of our neighbors bled this week; 14 of them ultimately died in this massacre. We talked to our American neighbors there in a neighborhood that should not be part of a war zone, but that neighborhood will now forever be a battlefield memorial. Some of the people grieving there wondered aloud to us: Why are our politicians so small, so mealy-mouthed? One marine asked my wife if Washington really even cares about the victims of jihadi attacks like this. One woman asked why no one in Washington seems to be a full-throated lover of America. They are wrong, of

course, about the caring and the loving. There is a lot of care and love, but they can be forgiven for wondering why we are so unable to be full-throated about the big things.

We owe it to those who died this week, and to their families, to be clear and truthful about the nature of this conflict. We owe it to those 14. We owe it to their families, we owe it to the service men and women in uniform who are fighting abroad right now to defend our freedoms, some of whom will come home in caskets, and we owe it to the families of those who have not yet died—but who will—in the next jihadi attack on our homeland, for it is coming.

All adults know that the next attack is coming. You don't need to see the classified briefings that some of us see to know the future is dangerous. The San Bernardino 14 will not be the last Americans to bleed and die in our homeland because we are a free society. So we should tell the truth about the enemy we face. We should tell the truth about them, and we should dig down deep to be honest not only about them but about who we are. We should now reaffirm our core values that unite us as a people.

We are not at war with terrorism, which is just a tactic. We are not at war with some empty sociological label called radicalism or extremism, as if it has no connection to belief or ideology. We are not just at war with ISIS, though we are obviously at war with ISIS, but there will be another group that will raise the black flag of death long after ISIS has been routed out of Iraq and Syria.

This is not about workplace violence, this is not about global warming or gun shows. This is not about income inequality. This is not about some kid from a broken home somewhere in the Middle East, as tragic as broken homes are both at home and abroad. Again, against a whole load of hand-wringing mush, we need to remember that this attack, and know that our next attack, is not because of anything we have done wrong. This is about who we are. This is about the nature of freedom.

Who are we? We are a people, 320 million of us, who unite around the Constitution and the First Amendment that guarantees the freedom of speech, the freedom of religion, the freedom of the press, and the freedom of assembly to all Americans of every creed and every tradition.

I am a Christian. I am not a Muslim. I am also in this life an American, and I have taken an oath of office to the Constitution, and so, as an American, I stand and defend the rights of American Muslims to freely worship even though we differ about important theological matters.

In America we are free to believe different things and to argue about those beliefs. It matters what you think about the nature of God, about revelation, and about salvation. It matters what you think about Heaven and Hell.

In fact, it matters so much and we think these things are so important that you couldn't possibly solve any of them by violence.

America is about the right to argue about our differences with our neighbors but to make those arguments free from violence. We, in this land, under the constitutional creed, come together as a community of Americans to unite around core American values: freedom of religion, speech, press, and assembly.

So now, as it is emphatically and indisputably clear, that we are not in a war with all Muslims, let us tell the truth that we most certainly are at war with militant Islam. We are at war with violent Islam. We are at war with jihadi Islam. We are at war with those who believe in killing in the name of religion.

This is, in fact, precisely what America means. It is about being free to raise your kids, free to build a corner store, and free to worship and to assemble without the fear of violence. We can argue about religion because many of us do disagree, and then we come together as Americans to protect and defend each other against religious killing.

There are many hand-wringers in Washington who refuse to name the enemy we face. They refuse to admit we are at war with militant Islam, with jihadi Islam, with violent Islam. They dance around platitudes and offer empty labels hiding behind a worry—an understandable worry—that Muslims in America could face backlash. I share this fear, and I believe that telling the truth about who is and who is not our enemy is actually the one sure way of avoiding that danger.

I think those who are refusing to tell the truth about our enemies, those who will nonsensically claim that the next jihadi attack is somehow just another random case of workplace violence are making the backlash far more likely, not less likely.

Here is how I think the backlash actually happens: The people who are supposed to be laser-focused on defending the American people—that is us—mouth silly platitudes that show we are either too weak or too confused to keep our people safe.

Then, a megalomaniac strongman steps forward and starts screaming about travel bans and deportation and offering promises to keep all of us safe, which to some—and I think actually to many more than those of us in this body seem to understand—sounds much better than not being protected at all.

You want to stop a backlash against American Muslims? Then stop lecturing Americans that they are supposedly stupid to be frightened about jihadis who actually do want to bomb their kid's sporting event and instead use your pen and your phone as Commander in Chief to start telling us what your plan is to actually find and kill those who want to do us harm. Start telling us what your actual plan

is to have a Middle Eastern map that isn't generating more failed states year over year that become the terror training camps of next year.

This country invented religious liberty. This is the most tolerant Nation the world has ever seen. Our people need a little less elite sermonizing about tolerance in our communities and a little more articulation of the shared constitutional principles around which we are united and a lot more articulating of an actual battle plan to win the war that is going to be ours for the next many decades.

If you are worried about backlash—if you are worried about the obviously over-the-top rhetoric from unserious Presidential candidates—perhaps it will be useful for those of us who have the actual job of protecting the Constitution to tell the truth. We should be clear about who we are and about the freedoms we stand for, and we should be clear about those who would try to kill us because we believe in these freedoms.

We are at war with militant or jihadi Islam, but we are not at war with people who believe in the American creed, which includes the right of people—every people, every faith tradition—to freely worship, to freely speak, to freely assemble, and to argue. We are not at war with all Muslims. We are not at war with Muslim families in Lincoln or in Dearborn who want the American dream amid our pluralistic society for their kids, but we most certainly are at war with those who want to spread a variety of Islam that aims to motivate the killing and the freedom-taking of other Americans.

This fight will be decades long, and we will win it, but we will not win it by denying that the fight exists. We will not win it by being unclear about who we are and who they are. We will win it instead by being clearer about both who they are and who we are. We will win it by reaffirming our core constitutional values. We will win it because of who we are: a people who believes in freedom and a people who is willing to fight and even to die to preserve a free society for all Americans.

Macbeth includes that aching line: “Life is a tale, told by an idiot, full of sound and fury signifying nothing.” The context is an aimless people, drifting from who they are, drifting toward nihilism signifying nothing.

This should not be us. This cannot be us. For America does signify something—something special. America is the belief that everyone—Christian, Jew, Muslim, Black and White, man and woman, rich and poor, fifth generation, first generation—everyone is endowed by our Creator with certain inalienable rights. Our government is our shared project to secure and safeguard those rights. Our Constitution—our shared creed—gives us a framework for that order of liberty. When politicians—whether incumbents who seem to have forgotten their oaths or candidates trying to run merely on the

bluster of their personality—don’t talk about the Constitution, when they don’t defend first principles, when they refuse to prefer substance over sound bites, when they nonsensically say either that our enemy has nothing to do with Islam or conversely that every Muslim is to be prejudged guilty—well, then our national conversation crumbles into sound and fury. That is not us, for we are Americans.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### EVERY STUDENT SUCCEEDS BILL

Ms. WARREN. Mr. President, I rise in support of the Every Student Succeeds Act—the bill to reauthorization the Elementary and Secondary Education Act.

We have only one goal in mind: to give all our children the best possible education. The challenge has been to figure out the right role for the Federal Government to do that.

This bill, which will replace No Child Left Behind, moves away from rigid standardized tests and respects the vital work our teachers do every day. I strongly support those changes. However, I voted against this bill when it was first approved by the Senate a few months ago because I felt it lacked even the minimum safeguards necessary to ensure that States would use Federal funds effectively to support teachers and students. I was deeply concerned that without stronger accountability, billions of dollars in taxpayer money would not actually reach those schools and those students who needed them the most.

Unlike the bill initially approved by the Senate, the proposal before us has significantly enhanced those safeguards. I argued that it was essential that billions of dollars a year of Federal funding must be accompanied by some minimum expectations for what States are going to do with that money. One of those expectations must be that States target their efforts toward schools that are most in need of improvement and resources.

That is why I am glad this final bill includes an amendment I offered with Senator CORY BOOKER to ensure that States address the 1,200 high schools in the United States, where fewer than two-thirds of students graduate every year.

When one-third of a high school’s students don’t graduate, we know we have a crisis on our hands. We can’t just turn our backs. This provision will ensure that States can’t ignore those kids, and it will ensure additional Federal resources for those schools that clearly need it the most.

This commonsense accountability provision had deep support across the board. It was supported by the Obama administration, the civil rights community, the U.S. Chamber of Commerce, and the NEA. It wasn’t in the

bill I voted against a few months ago, but I am glad to see it in the final bill before us today because helping schools with chronic dropout rates cannot be optional.

This bill also ensures that States cannot ignore any group of students who are consistently falling behind their peers. Let’s face it. Historically, States haven’t always stood up for their most vulnerable kids, and this bill makes certain that those kids will not be ignored again. That is why we have a Federal education law in the first place: to ensure that when the Federal Government gives States money to buy a good education for kids, that States have to use that money to support all of our kids—especially kids who need those resources the most. Senator MURPHY and I offered amendments to achieve this goal when the bill came before the Senate. They weren’t included back then, but I am glad to see that the final bill ensures that if States want Federal dollars, they cannot turn their backs on vulnerable students.

This has been a very challenging process, but Senator MURRAY and Senator ALEXANDER kept the door open for improvement, and I am grateful for that. Many allies stood together to ensure that Federal dollars would actually be used to improve both schools and educational opportunities for children living in poverty, children of color, children with disabilities, and other groups of kids who have been underserved, mistreated or systematically denied even the most basic opportunities to get a good education.

One final note. States and communities cannot address persistent achievement gaps if they don’t have good data. With this bill, parents, researchers, and educators across the country will, for the first time, be able to analyze the performance of African-American boys or Hispanic girls or low-income children with disabilities. The ability to analyze the interaction of race and gender or disabilities and income will help us better understand how our schools are serving students and identify student groups who need more help. I am very grateful to my co-sponsor, Senator CORY GARDNER, the Presiding Officer this afternoon, in helping make sure this final bill includes this bipartisan data transparency amendment that we offered to achieve this goal.

When President Johnson first signed ESEA back in 1965, it was a landmark civil rights law. At the time, he said:

I know that education is the only valid passport from poverty—the only valid passport. . . . I believe deeply no law I have signed or will ever sign means more to the future of America.

Today, the majority of our children in public school live in poverty—the majority. Think about that. This law is more important today than it has ever been. I am voting for this bill because I believe we have been successful in ensuring that it contains a minimum set