

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

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

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

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

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

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

among other things, the "JCPOA is not a treaty or an executive agreement, and is not a signed document. The JCPOA reflects political commitments. . . ."

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

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

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

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

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

By all accounts, it appears as though the administration intends to go ahead and lift the sanctions. Principally among them is the release of many tens of billions—maybe \$100 billion—to Iran, despite the fact that the Iranians have demanded that these sanctions be permanently lifted, despite the discovery of these secret agreements, despite at least two ballistic missile launches in direct violation of the agreement, despite the violations of the arms embargoes, despite the arrest of Americans, despite the confirmation that we all now know that Iran has been lying throughout this entire process about the past weaponization, and despite the fact that they refuse to sign or pass this agreement. Despite all

that, we apparently are just a few weeks away from lifting the sanctions, releasing upwards of \$100 billion to the Iranians, and, of course, at that moment, losing virtually all leverage over Iran and their pursuit of nuclear weapons.

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

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

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

#### EVERY STUDENT SUCCEEDS BILL

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

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

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

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

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

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

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

Notwithstanding all of the things about No Child Left Behind that I can't stand, the one thing I will be forever grateful for was the requirement that districts across the country annually assess kids and disaggregate the data so people can see how kids are doing by ethnic group and by their level of pov-

erty or affluence and that we expose that to the country and stop hiding from what are terrible results for many kids living in the United States.

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

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

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

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

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

I think one of the reasons why we find ourselves with those kinds of results for our kids—not just around education but around health care and around many other issues—is that too

often we are treating America's children like they are someone else's children, not like they are our own children. And if we treated them like they were our own children, I think it would focus our mind.

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

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

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

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

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

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

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

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

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

We also focused on teacher leadership as part of this bill and teachers in general. They are the most important thing when it comes to a quality education. We know that the most impor-

tant thing a kid who is living in poverty can get is 3 years of tremendous instruction. If they do, we can close the achievement gap. We know we can.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I look forward to the day when I can come to the floor based on the results

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

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

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

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

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

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

#### MIDDLE CLASS HEALTH BENEFITS TAX REPEAL ACT

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

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

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

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

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

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

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

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

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

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