

But this isn't a new issue for this administration. I wrote to then-Secretary Napolitano in 2011 and asked her to intervene in Cook County, IL, another sanctuary jurisdiction. I wrote to her again, along with then-Attorney General Holder, about sanctuary cities in January of 2012. They failed to do anything at the time. In fact, since then, administration officials have made it clear that detainees did not have to be honored.

The man charged with the murder of Kate Steinle told officials that he sought refuge and moved to San Francisco precisely because of its sanctuary policy.

This is a tipping point, however. There are many other victims we need to remember.

That is why, as chairman of the Judiciary Committee, I plan to hold a hearing on the President's immigration policies and the tragic effect they are having on Americans. I have invited the head of U.S. Immigration and Customs Enforcement as well as the Director of U.S. Citizenship and Immigration Services to testify. Before they testify, I plan to have relatives of victims present to tell Congress how their loved ones and how their lives have been forever changed because of criminal aliens. This hearing will take place next Tuesday.

This is far too important an issue to go unresolved. The heartbreaking death of Kate Steinle at the hands of a criminal alien in the country illegally underscores the need for swift and decisive action to prevent further tragedies of this nature.

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.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

---

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

---

#### EVERY CHILD ACHIEVES ACT OF 2015

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

The senior assistant legislative clerk read as follows:

A bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Pending:

Alexander/Murray amendment No. 2089, in the nature of a substitute.

Murray (for Peters) amendment No. 2095 (to amendment No. 2089), to allow local educational agencies to use parent and family

engagement funds for financial literacy activities.

Murray (for Warren/Gardner) amendment No. 2120 (to amendment No. 2089), to amend section 1111(d) of the Elementary and Secondary Education Act of 1965 regarding the cross-tabulation of student data.

Alexander (for Kirk) amendment No. 2161 (to amendment No. 2089), to ensure that States measure and report on indicators of student access to critical educational resources and identify disparities in such resources.

Alexander (for Scott) amendment No. 2132 (to amendment No. 2089), to expand opportunity by allowing Title I funds to follow low-income children.

Alexander (for Hatch/Markey) amendment No. 2080 (to amendment No. 2089), to establish a committee on student privacy policy.

Murray (for Franken) amendment No. 2093 (to amendment No. 2089), to end discrimination based on actual or perceived sexual orientation or gender identity in public schools.

Murray (for Kaine) amendment No. 2118 (to amendment No. 2089), to amend the State accountability system under section 1113(b)(3) regarding the measures used to ensure that students are ready to enter postsecondary education or the workforce without the need for postsecondary remediation.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I believe that providing all of our students with a quality education is one of our most important national priorities. The workforce in the years to come will depend on today's students being able to create and take on the jobs of tomorrow, and providing students with the chance to learn, grow, and thrive will help our country continue to compete and lead in the 21st-century global economy.

Today we are continuing our work on the Senate floor to make sure all of our students have access to a quality education by working to fix the badly broken No Child Left Behind law. I thank Chairman ALEXANDER, the senior Senator from Tennessee, for working with me on this bipartisan bill. He has been a great partner throughout this process. The bipartisan bill, the Every Child Achieves Act, is a good step in the right direction. It gives our States more flexibility while also including Federal guardrails to make sure all students have access to a quality public education. But I want to work, of course, to continue to improve and strengthen this bill throughout this process on the Senate floor. I want to make sure struggling schools get the resources they need. I want to make sure all of our kids, especially our most vulnerable students, are able to succeed in the classroom.

Finishing this process and getting a bill signed into law isn't going to be easy. Nothing in Congress ever is. But students and parents and teachers in communities across our country—including in my home State of Washington—are looking to Congress to fix this broken law. We cannot let them down. We need to work across the aisle to provide a quality education for all students, regardless of where they live or how they learn or how much money their parents make.

So I look forward to continuing to work with Chairman ALEXANDER as we move this through the Senate floor and to conference—and I think he agrees with me—and, hopefully, to the President to get it signed into law. I see the chairman is here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I do agree with the Senator on our goal. We had a good week last week. We had a large number of amendments that were agreed to, a number were adopted in addition to ones we had in committee. We need to finish this week. We need Senators to do what members of the committee did, which is to pursue a result exercising some restraint. If we all insist on everything we have a right to insist on, nothing would ever happen.

As Senator MURRAY said, teachers, Governors, school boards, and parents are expecting us to get this job done. We can do it. The House did its part last week. We can finish our work this week. Put it together and then she is correct, we want a result, not just a political speech, which means we need to have the President's signature in the end. So we have a bipartisan process. We are 7 years overdue. This is a bill everybody in the country who cares about education wants us to act on. We have had a remarkable consensus on what we need to do.

Basically, what we are saying is that we want to keep the important measurements of student achievement so parents and teachers and communities can know how children are doing, how schools are doing, whether anyone is being left behind, but we want to restore to States and local school boards and communities and classroom teachers the responsibility for deciding what to do about the results of those tests and make sure they are appropriate and make sure there are not too many tests.

We believe that is the real way to improve teaching, to improve schools, and to have real accountability. So we have taken lots of different opinions and we have put them together in a bill. I was thinking over the weekend, having a bill on elementary and secondary education is like going to a football game at the University of Tennessee. There are 100,000 people in the stands, and they all are experts on football, whether it is Iowa or Washington or Tennessee.

Well, we are all experts—and so are most of our citizens experts on education—but we need to have a consensus here. We are close to one. I thank Senator MURRAY and the majority leader and the Democratic leader for creating an environment in which we so far have been able to succeed.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### NUCLEAR AGREEMENT WITH IRAN

Mr. DAINES. Madam President, as we speak, negotiations are ongoing between Iran and the P5+1 countries regarding one of the greatest threats to global security today; that is, a potentially nuclear-capable Iran. If both sides reach a final negotiated agreement, this body will have to consider whether the agreement truly prevents Iran from becoming a nuclear state or whether it paves the way for the leading state sponsor of terror to obtain a nuclear weapon.

Agreeing to a bad deal would pose a serious threat to the national security of the United States, to Israel, and our other allies. We cannot take this decision lightly. We should not base our votes on the legacy of the President. We will be dealing with the consequences of this potential agreement long after President Obama leaves office.

There are specific terms of any final agreement that are vital to preventing Iran's nuclear weapons capability. One-hundred percent certainty is impossible in matters of intelligence, particularly with a regime like Iran's that has a history of being less than forthright about its nuclear program. In fact, on June 21, the Iranian Parliament voted to bar inspectors from military sites. As they were passing this resolution to bar inspectors from military sites, they were chanting "Death to America."

Let's not forget that Iran is the leading state sponsor of terrorism in the world. It is critical that the International Atomic Energy Agency be able to conduct extensive inspections at all military facilities, including unannounced inspections, to ensure that Iran is upholding its commitments.

A final deal must ensure that we have verifiable evidence that Iran is complying with the terms of the agreement before lifting sanctions. A final deal must permit international inspection to occur anytime, anywhere. A final deal must require Iran to disclose and dismantle its nuclear infrastructure, its uranium stockpile, and all other aspects of its nuclear program as specified in six—let me repeat—six U.N. Security Council resolutions.

A final deal must ensure Iranians never get a nuclear weapon. If Iran does violate these terms, the deal must guarantee that strong sanctions go back into place immediately. It took years to get in place the sanctions we have today. It was largely because of these sanctions that Iran was forced to come to the negotiating table. The sanctions are working. I would also like to address the notion that we either come to a deal or we resort to military action. This is a false choice. In fact, accepting a bad deal now will make military action more likely down

the road. A bad deal will provide Iran with an influx of cash to continue sponsoring terrorism around the world, while failing to prevent them from ultimately obtaining a nuclear weapon when this deal expires.

Like so many Montanans I have heard from, I truly hope negotiations are successful. However, I am concerned that based on the framework agreement that we have seen so far, the final agreement will ultimately fail to safeguard our national security and prevent a nuclear-armed Iran. No deal is better than a bad deal. If the final agreement the President presents falls short of the requirements I have talked about today, I will not support it.

Over the past month, we have now blown through four deadlines. It is starting to look like Groundhog Day in Vienna.

#### SAFE KIDS ACT

Madam President, on a separate note, this past week the Senate began debating legislation about our Nation's educational system. In the same week, we learned more about a major data breach at the Office of Personnel Management, which put more than 21 million American's personnel information at risk. Those events and the policy debates bring to light an issue that often does not gather a lot of information; that is, protecting our student's personal information and data in the digital age.

As a father of four, this issue is particularly personal to me. To date, countless schools across the United States utilize electronic records to update student information and transfer data from one school to another. But as the data is collected, it is important students' privacy is maintained and that the data is being stored safely and securely. In 2014, a working group was formed to address the issue of student data privacy. This group produced the Student Data Privacy Pledge, which intended to set self-imposed principles to ensure that information collected from students is kept both secure as well as private.

This week, I will be introducing legislation called the SAFE KIDS Act, that builds on these ideas by empowering the Federal Trade Commission to oversee and enforce the collection, storage, and usage of covered information. This bill will put important reforms in place to protect students' privacy, to establish greater security and transparency measures, and to encourage innovation among education technology providers, and better ensure accountability in keeping our students' information safe.

As someone who spent more than 12 years in the technology sector, I am excited to see technology being used in innovative ways in our schools. As a father of four, I also want to ensure that there are proper safeguards in place to protect our kids' personal data in an increasingly data-driven world.

I also want to thank Senator BLUMENTHAL for joining me this week

to introduce this important legislation to protect students' personal information and for his continued work on this issue. With that in mind, I will yield the floor so we can hear more from Senator BLUMENTHAL on this most important issue.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I thank my colleague Senator DAINES for his extraordinarily valuable work on this bipartisan bill, which will help protect students, help safeguard the privacy of young people, which would be considered separately from the measure now before us, the Every Child Achieves Act, which will strengthen the Federal Government's commitment to ensuring that every child has access to a high-quality education.

The bill Senator DAINES and I are offering ensures that every child is protected during their education from invasive and intrusive sharing and selling of highly private information about their educational progress—all kinds of sensitive, personal data that are accumulated and collected by school authorities and the companies that contract with them in the course of that child's education.

When a parent signs a take-home form permitting their children to use a learning application in math class, for example, they have no assurance right now—none—regarding what information the app company will collect or how the app company will protect that information. That kind of very personal, identifiable, confidential information is inadequately protected in many school systems around the country. If that app company fails to protect the personal information of the student and their family, it could be stolen by hackers. It could be breached. We have seen how Federal files have been breached on a scale that none of us would ever have imagined—supposedly protected information—and we are talking about companies leaving vulnerable children's information potentially on the same scale—millions of children being at risk of their data being breached and stolen by hackers. But we are also talking about that information being bought and sold, exchanged by companies. The current protections against that commercial exploitation are inadequate. Children and their parents and their families deserve better protection of their privacy.

It is a big business. It is a huge and burgeoning business for those companies. They may serve a very worthwhile purpose for many of those children and for many school authorities who need someone to organize and apply software to the raw information that is collected in test scores or other kinds of educational data. But it is not data that belongs to the companies; it belongs to the student and the school authorities, and it ought to be protected not only because of who owns it

but because of whom it belongs to. It belongs to students as a matter of morality, not just legality.

We are introducing student digital privacy legislation, the SAFE KIDS Act. This week Senator DAINES and I will introduce it to establish strong and vital protections that will give parents the peace of mind they need and deserve. Our bill would prohibit companies from reselling student data—something corporations should never profit from doing. The SAFE KIDS Act would also prohibit companies from using student data, including a personal profile of a student, for any targeted advertising. This kind of marketing goes on in our society.

Our legislation also requires companies that hold student data to enact robust protections, such as proper encryption of that data, which will prevent the theft of personal information.

Under our bill, parents are empowered to access their children's information, request corrections of any erroneous information, and request deletion of certain student data.

Our bill charges the FTC with the responsibility to implement and enforce the SAFE KIDS Act, and it enables States to enact stronger, more demanding protections if they choose to do so. It establishes a floor, not a ceiling. It does not preempt stronger measures if States choose to move forward.

This measure is in no way incompatible with the provision and amendment on which we will vote tonight that deals with another aspect of this issue in establishing a commission. I support that amendment. The commission would issue recommendations on a number of specific topics, such as preventing targeted advertising, limiting data retention, and providing parents with complete information. Those issues are complex, and they need the kinds of studies and research the commission would provide. And the results of that commission would help to inform the FTC regulations that would be issued under the SAFE KIDS Act that Senator DAINES and I are introducing this week.

I look forward to supporting the Hatch-Markey amendment, voting for it, and I urge my colleagues to support it and the SAFE KIDS Act because they enable a comprehensive approach to student privacy.

Make no mistake—this data is in danger and so is the privacy of our students. In a world that has become enormously invasive and intrusive and where personal information is so much at risk, our students, children, and their families deserve this protection. I urge my colleagues to support it.

#### BACKGROUND CHECKS AND GUN VIOLENCE

Madam President, I wish to talk for just a moment about the disclosure last week that Dylan Roof, the alleged killer of nine innocent people in Charleston, SC, was able to buy guns without first passing a background check. The reason, very simply, was the default-to-proceed loophole in the

law, which allows—but does not require—firearms retailers to proceed with a gun sale after 3 days if an applicant's background check is still pending.

Undoubtedly, more facts will come to light. Certain facts are unknown now as we speak, but the FBI acknowledges that a completed background check would have uncovered Dylan Roof's prior arrest on a drug charge and his drug addiction. Those discoveries would have barred him from purchasing the .45-caliber handgun he used to take nine lives in that unspeakable, horrific tragedy.

In effect, Dylan Roof's exploitation of this loophole is not an anomaly. In the last 5 years, the default to proceed loophole has led firearms retailers to proceed with 15,729 gun sales to prohibited persons—people who were deemed ineligible to purchase a firearm once their background checks were completed. In effect, those 15,729 people were able to circumvent the law because of that loophole that enabled them to do so on a default to proceed after 3 days.

After that default-to-proceed loophole is exploited, the Bureau of Alcohol, Tobacco, Firearms and Explosives then has the difficult, dangerous, and often impossible job to retrieve the firearms that are sold. In fact, it is often impossible to even expect that they can once those firearms are sold without proper recordkeeping or any recordkeeping. We make that job harder every day by underfunding and hamstringing the work of the ATF in our appropriations bills. That creates that impossible task for them.

Responsible gun retailers can act today. The law allows retailers to decide whether to permit gun sales to proceed after that 3-day default period has elapsed. They have a duty to ensure that their products do not get into the hands of dangerous individuals. They have that moral duty. They have that social responsibility.

In 2008, Walmart, which is the Nation's largest gun store, agreed not to transfer firearms without a background check even if the 3 days have passed without it. The short-term inconvenience to retailers is minimal. In the vast majority of cases, a background check is completed within minutes and the retailer knows whether they may proceed with the sale.

After the horror visited on the Emanuel AME Church in Charleston, no responsible gun retailer should give the benefit of the doubt and hand over a gun without a definitive completion of that background check.

Over the weekend, my colleague Senator MURPHY and I urged the Senate Judiciary Committee to immediately review this failure in our background check system and potential remedies, lest this legislative body's silence on the matter be taken as a consent on the repeated failures we have witnessed. In the long run, this system must be made as effective and error

proof as possible, and it should be extended to sales not covered now by the law.

As Senator MURPHY and I and many of our colleagues in the Senate have urged consistently and repeatedly, the failure to adopt a comprehensive, universal background check system is inexcusable, but we also have to make sure loopholes in the current law are eliminated, as the FBI and the Department of Justice have recommended, by extending that 3-day time period and otherwise increasing the efficiency and effectiveness of the background check system.

Senator MURPHY and I will be taking additional steps to try to make it more effective. Gun retailers can step up in the meantime to stop dangerous people from getting their hands on dangerous weapons and taking lives—innocent lives—as happened in Charleston. They can, very simply, stop selling guns to people who have not passed that background check even if the 3 days have expired, even if that default period has come and gone. They can do that on their own.

I look forward to working with my colleagues, including continuing the great work Senator MURPHY and I have sought to do together in making America safer and better and improving our background check system and making sure commonsense, sensible gun violence prevention measures become the law of the land.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Maryland.

Ms. MIKULSKI. Thank you very much.

Mr. President, first, I compliment the Senator from Connecticut on his initial statement related to student privacy. I think it is an essential element to clarify that privacy is meant to protect but not inadvertently inhibit our ability to give help to those who desperately need it.

Certainly, I wish to associate myself with his remarks on doing something about the background check, the timely response. I think the massacre at Emanuel AME Church deeply troubled the Nation, and the very least that can come out of this is not only the flag coming down and all that meant, but other barriers to safety should come down as well. I want the Senator from Connecticut to know that he has my admiration and my support.

#### PROTECTING FEDERAL EMPLOYEES

Mr. President, while we are waiting for the vote, in approximately 15 minutes, I know Senator Kaine will be coming to the floor to talk about an important postsecondary education remediation reform, but I want to comment on the 21 million Federal employees whose personnel records have been hacked by—it looks like—a foreign government. I am not going to go into the who and the attributing of who did the hacking, but I do want to say that, first of all, those Federal employees need to feel they have a government on

their side to now protect them. We should have protected them in the first place with the security of dot-gov and certainly our personnel records.

Now, in addition to a bill I have introduced and cosponsored with my colleague from Maryland, Senator CARDIN, where we have put in additional credit protection, credit monitoring, and liability protection, I have also sent a letter to the President today.

The President of the United States is not only the Commander in Chief but he is the Chief Executive Officer of something called the U.S. Government dot-gov, and therefore, OPM is his HR operation. With all due respect to our President, I have called upon him, on behalf of the 300,000 Federal employees and Federal retirees who I have in my State, that they take additional and immediate action to provide lifetime credit monitoring, lifetime credit protection and unlimited liability, and that we also get a new contractor.

I know we want to get a new contractor that does security checks, but I want a new contractor that is supposed to be answering the phone. I want a new contractor answering the phone and responding to my Federal employees, and I have conveyed that to the new Acting Director of OPM, Beth Cobert. I think she has a lot of skill and a lot of knowledge. I know she comes to the White House from the private sector, McKinsey & Company, but I conveyed to her that it is outrageous what is happening to Federal employees. They try to call to get help to find out what has happened to them, and they are on the phone for 1 hour or 2 hours, and when they finally make contact, they get disconnected.

These are our Federal employees, who we count on, many of whom to protect the Nation—many of whom to protect the Nation. Our cyber shield is down to protect them, and we are also not protecting them in terms of our response to our cyber shield being down.

Who are these Federal employees in Maryland? Well, first of all, they are people who work at the National Institutes of Health trying to find cures from dreaded diseases and all of the laboratory staff and so on who support them. Or they are over at FDA or they are over at Goddard Space Flight Center helping to manage the Hubble telescope. In addition to that, we have people involved in and also who are direct hands-on with national security.

Maryland is the home to many Foreign Service officers. They not only have the information about their own Social Security numbers and their own health information but that of their spouses and their minor children. We are also the home to the National Security Agency. Most of the National Security Agency is made up of civilian DOD personnel with the highest of security clearances.

So my feeling is we have to get in there really quickly to protect them. We have to also do something about this contractor—that he ups his game

or we tell him up and out. Up your game or up and out.

The third thing is the President really needs to convene an all-hands-on-deck on how we are going to protect dot-gov in this country.

There will be more to say about this bill and so on, but I see Senator Kaine is now on the floor to discuss and present his postsecondary remediation amendment, so I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Kaine. Mr. President, I thank my colleague from Maryland, and I second the comments she has made about the status of our employees who have been jeopardized. I am excited to work together on the legislation introduced last Friday to provide them some protection.

#### AMENDMENT NO. 2118

Mr. President, I do rise on behalf of an amendment that will be voted on within the next hour, Kaine amendment No. 2118, which is a bipartisan amendment to the Every Child Achieves Act. It is an amendment to promote career readiness indicators and make sure our students, when they finish high school, are not just ready for college but they are ready for careers.

This is part of a series of amendments I have worked on in a bipartisan basis, some of which have been included in the underlying bill and one of which was passed as a floor amendment last week.

I thank the managers, Senators ALEXANDER and MURRAY, for working together to support this bipartisan amendment. We need to work to make sure we help all of our students graduate from high school ready for postsecondary education and the workforce.

Over the past 40 years, the percentage of jobs that require some form of postsecondary education has doubled from 29 percent to now nearly 60 percent, but the education system hasn't kept pace with the demand for a more highly educated and skilled workforce. More importantly, we need to define what that is—highly educated and skilled—to incorporate career and technical training, which, for a variety of reasons in the last generation or so, was sort of an undervalued part of the spectrum of American public education.

Within a very few years—by 2020, when our pages are now going to be out in the workforce—two-thirds of jobs will require at least some form of postsecondary education. But projections demonstrate that as a nation we will fall short by nearly 5 million workers. We are already seeing these shortages and having to deal with them, for example, through specialty visas. That is fine for the economy, but wouldn't it be better if we could train those in school right now to be skilled in the areas where the jobs are needed?

The career readiness amendment addresses this problem by encouraging—

not requiring but encouraging—States to include in their accountability systems the types of indicators that demonstrate students are ready for postsecondary education and the workforce. These indicators would include State-designed measures to integrate rigorous academics, work-based learning and career and technical education, or technical skill attainment and placement. That will be the core of this bill.

By doing this, we send a strong message to schools, businesses, parents, and students that it is critical to be prepared for the workforce of the 21st century regardless of postsecondary education plans. As I have talked to educators, counselors, and parents, they have often commented upon the degree to which career and technical training has sort of been downgraded and that students aren't encouraged in that area, even though there are great professions to achieve in this area.

Under the amendment, schools and districts would have an incentive to partner with businesses and industries to provide career pathways for students. It is important for State accountability systems. I say this as a Virginian who is very proud of the Virginia accountability system. It is currently kind of managed by my wife, who is the secretary of education in Virginia. But it is important for these systems to measure and reward schools for helping students earn industry-recognized credentials or earn credit for college while in high school.

Just as an example, if you are a Virginia student and you take the Virginia Standards of Learning Test and you pass, that doesn't necessarily mean anything in North Carolina, and much less Oregon. But if you are a Virginia high school student and you pass a Cisco Systems administrator exam, you can take that credential, move to Oregon and get a job tomorrow. These industry credentials are, in many ways, more known, more valued, and more portable than high school credentials State by State.

Schools across the country are providing this kind of important learning opportunity. Here are just two examples, and then I will conclude. In Alexandria, just across the Potomac, the Academy of Finance at T.C. Williams High School instructs students in money management skills, financial planning, and business development. Students complete a 3-year sequential program, start working at an on-site credit union in the school, and they get early college credit for that financial literacy.

At the other end of the State—in southwest Virginia, in Vinton, near the city of Roanoke—William Byrd High School, after struggling during the 1990s to prepare students for college and career, sought input from nearby businesses and implemented programs in engineering, communication, business, and marketing to match local job needs. These partnerships are helpful

in helping students find jobs, and they have also engendered student interest in the curriculum. The school has a 90-percent graduation rate, and 83 percent of students go on to postsecondary education.

I want to thank Senators PORTMAN and BALDWIN—I think Senator PORTMAN was planning on speaking, and may still—for their involvement and working together with me on this particular amendment and on the Senate CTE Caucus.

I urge my colleagues to support this bipartisan initiative, and again, I thank the bill managers for working together with us.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Madam President, I ask unanimous consent for 2 minutes to make a presentation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### AMENDMENT NO. 2080

Mr. HATCH. Madam President, I rise in support of an amendment I have offered along with my friend, the junior Senator from Massachusetts. This amendment advances an important priority: protecting student privacy in an era of vast data collection and tenuous security protections.

Advances in education technology are revolutionizing the way students learn in today's classroom. Going forward, it is important to balance the need for innovation to allow students to take advantage of the new learning tools with the need to make sure children's private information is protected. We must also ensure continuing to improve education through research, while not necessarily allowing researchers and their employers access to sensitive data.

To this end, our amendment sets up a commission to come back with recommendations for how to update our outdated Federal education privacy law. The commission's membership consists of experts, parents, teachers, technology professionals, researchers, and State officials—a broad array of leaders capable of providing diverse perspectives on these issues. Within 270 days, the commission is required to report to Congress on the current mechanisms for transparency, parental involvement, research usage, and third-party vendor usage as well as provide recommendations on how to improve the law to better protect students. As we seek to identify the best ways of protecting student data, this commission will serve to outline some commonsense and effective options for reform that we ought to consider.

This amendment has received support from a wide variety of organizations from Microsoft to the National PTA to the U.S. Chamber of Commerce, demonstrating how this is a commonsense, bipartisan idea that we can all support. I urge my colleagues to support this important innovation.

I yield the floor.

The PRESIDING OFFICER (Mr. COATS). Under the previous order, the question now occurs on agreeing to amendment No. 2080, offered by the Senator from Tennessee, Mr. ALEXANDER, for Mr. HATCH.

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

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

The result was announced—yeas 89, nays 0, as follows:

#### [Rollcall Vote No. 231 Leg.]

#### YEAS—89

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

#### NOT VOTING—11

Blunt	Murkowski	Rubio
Cruz	Nelson	Toomey
Graham	Paul	Vitter
Kirk	Risch	

The amendment (No. 2080) was agreed to.

#### AMENDMENT NO. 2118

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 2118, offered by the Senator from Washington, Mrs. MURRAY, for Mr. KAINÉ.

The amendment (No. 2118) was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, there has been some conversation on the floor. We are working out the order of proceeding.

I ask unanimous consent that Senator WICKER and Senator SHAHEEN be recognized first for a colloquy, followed by remarks by Senator BROWN, followed by remarks by myself, followed by remarks by Senator BALDWIN.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Reserving the right to object, I ask the Presiding Officer, are we in morning business?

The PRESIDING OFFICER. No, we are still on the bill.

Mr. ALEXANDER. I have no objection.

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

The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent that Senator SHAHEEN and I be allowed to enter into a colloquy concerning the 20th anniversary of the Srebrenica massacre.

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

#### 20TH ANNIVERSARY OF THE SREBRENICA MASSACRE

Mr. WICKER. Mr. President, I am pleased to join my colleague from New Hampshire today to speak about a moving and important commemoration that she and I attended over the weekend. We were part of the U.S. delegation led by former President Bill Clinton that traveled to Bosnia and Herzegovina to remember the victims of the Srebrenica massacre 20 years ago. We were honored to be joined in this delegation by Representative PETER KING from New York, and I think it is significant that former Secretary of State Madeleine Albright was part of that delegation.

On July 11, 1995, more than 8,000 Bosniak Muslim men and boys were brutalized and murdered by Serbian forces that overran a United Nations safe haven during the Bosnian war. It was the worst massacre on European soil since the horrors of World War II.

Today, Senator SHAHEEN and I wear green and white flowers on our lapels. These flowers were crocheted by Srebrenica mothers and widows in remembrance of the lives that were lost 20 years ago. The white is said to symbolize innocence, and the green represents hope. It is said to be significant that the center is green because hope remains central to the country's future and to the region's future.

Two decades provide us with a helpful benchmark for reflecting on the progress that has been made and on the

progress that needs to be made. The decades have certainly not erased the deep scars left by the atrocities at Srebrenica, but the hurt continues to heal.

International courts have recognized the massacre as a genocide, and a number of the perpetrators have been imprisoned. Peace is now present in the Western Balkans and we need to do what we can to help maintain this peace. The Bosnian and Herzegovinian leadership is now applying for membership in the European Union. We wish them well in making the progress that will be necessary to attain this status.

Tough decisions still need to be made by the leadership, by the Presidency of Bosnia and Herzegovina with regard to governance, corruption, and combating extremes. There is still way too much rhetoric that centers on ethnicity and continues to divide Bosnians rather than unite them. But we can celebrate the fact that this region is no longer home to the suffering and violence that predated the historic Dayton Accords, and we can celebrate the contribution and achievement of the Americans in reaching the Dayton Accords and in getting us to where we are now with two decades of peace.

I know that these views are shared by my colleague from New Hampshire. At this point, perhaps she would like to join in this colloquy.

Mrs. SHAHEEN. Mr. President, I would like to join Senator WICKER from Mississippi in talking about what we saw and heard when we were in Bosnia.

Unfortunately, the story that came out about that inspiring commemoration was about the attack by some of the Bosniaks who were attending on the Serbian Prime Minister, Aleksandar Vucic, who had attended the ceremony.

But the larger story was one of reconciliation. The Bosniak mayor of Srebrenica, Camil Durakovic, condemned the attackers, and he was joined by the Tripartite Presidents in condemning the attackers. After the attack, the Serbian Prime Minister said that it should not distract attention from the innocent victims of Srebrenica. He said that his "arms of reconciliation remain stretched towards the Bosniaks." Fortunately, we heard the same from the mayor of Srebrenica, who actually had invited the Prime Minister.

I am very proud of Mayor Durakovic because he is actually a Bosnian-American whose family fled from Srebrenica in July of 1995, and they settled in New Hampshire. He went to high school there, and he got a degree from Southern New Hampshire University. He returned to Srebrenica in 2005 and was elected mayor in 2012.

Aside from that isolated, unfortunate incident with the Prime Minister, the ceremony was a solemn tribute and remembrance to the victims of Srebrenica. There was a spirit of unity and harmony. The theme again and again was of reconciliation.

As my colleague points out, it is particularly important for us to continue to support this reconciliation, for us to continue to support Bosnia and Herzegovina and their efforts to continue to look west to join the EU. Across many centuries, the Balkans has been a flashpoint for conflicts that have spread to the rest of Europe and the entire world. In fact, 101 years ago next month, World War I began with the assassination of Archduke Ferdinand right in Sarajevo. We walked by the block where he was assassinated.

As we have seen most recently in Greece and as we are seeing in the Balkans and in other countries in Eastern Europe, the Russians are quick to exploit any trouble in the southeast corner of Europe in order to spread their influence and destabilize the West. Wouldn't my colleague agree that it is important for us in the United States to join the EU in supporting the Bosniaks, the Serbs, the Croatians, the Muslims, the Orthodox Christians, and the Roman Catholics so that they can come together and show the world that we really can create a multi-ethnic, multi-sectarian state that can serve as a model for the Middle East and for countries around the world?

Mr. WICKER. Mr. President, I do agree. I would contrast the magnanimous statements of the Tripresidency and the gesture of the Serbian President in attending with the disappointing actions of the Russian leadership, under the leadership of President Putin, in actually vetoing a Security Council resolution simply to commemorate the 20th anniversary as a genocide. Russia refused to accept a well-established fact, confirmed by international courts such as the International Court of Justice, such as the International Criminal Tribunal for the former Yugoslavia. They vetoed—they were the only vote against it, but it acted as a veto—thus keeping the United Nations officially from going on record as saying this was a genocide and that these acts should be condemned. Such defiance is a disservice not only to the victims at Srebrenica but also to relations in the area going forward. I would just contrast that with the very brave step on the part of the Serbian President, coming to Srebrenica and being part of the commemorative ceremony.

I will tell my colleagues that former President Clinton spoke on behalf of this Republican and spoke on behalf of Democrats alike, making a very instructive and constructive address at the occasion, specifically commending the Serbian President.

I would say, with regard to the rock throwing incident and what the President of Serbia actually did, his glasses were broken, and he and members of his delegation were brought to their knees. I would say that if the 50 or so people who threw those rocks had heard the remarks inside the ceremony, perhaps they would not have felt so bitter as to throw those rocks. I

know there are wounds that need to be healed. But I think the conciliatory words inside, if they had been broadcast to the entire crowd, would have perhaps caused that incident, which got all the publicity, not to happen.

This was about 50 people causing a disturbance in a crowd of, I would say, about 5,000 people gathered outside. It was a very important ceremony—actually, a funeral, you might say.

So I would have to just say that the Russian leadership really should be ashamed of standing in the way of international recognition of this genocide. They thought they were doing their Serbian neighbors a favor, but, on the other hand, the Serbian President stepped forward in a very brave way to create unity in this region, and I think my colleague would agree with that.

Mrs. SHAHEEN. Absolutely, and I know Senator WICKER shared my gratitude as we walked through the streets of Sarajevo and as we met people in Srebrenica for the appreciation they showed the United States for our actions in helping to end that awful war in Bosnia and for our actions in supporting Bosnia as they try to look westward and as they try to keep their country moving forward, addressing the corruption and the democracy issues they face. I think it is in our interest as Americans to support those efforts to help them, as they continue to move their country forward, in every way we can.

Mr. WICKER. The Senator from New Hampshire is exactly right. It is in the United States' interest that we care about Bosnia and Herzegovina. We owe it to the U.S. troops who were deployed there in 1995 and later, who kept the peace and made it work. There is no country on the face of the Earth that could have done that but the United States of America. We owe it to the memory of the leadership, not only of President Clinton, who basically hosted the Dayton Accords in the United States of America, but also Republicans such as Speaker Gingrich. It was Gingrich and Clinton who joined together and convinced this government to support the Dayton Agreement and support the necessary deployment to make sure this worked.

As the Senator pointed out, we owe it to history going forward to remember that World War I broke out in Sarajevo, that the events leading up to World War II largely occurred in the Balkans, and to do what we can in the interest of U.S. citizens to say that this will not again be a flashpoint for conflict in Europe and conflict internationally.

Mrs. SHAHEEN. I know the Senator shares my views that we owe it to the victims of Srebrenica. I look forward to continuing to work with Senator WICKER to do everything we can to support the efforts in Bosnia and Herzegovina.

Mr. WICKER. I look forward to working on a bipartisan basis to make sure

that this peace holds, to make sure that progress is made on the ethnic issues—that we give Bosnians and Herzegovinians every reason to continue to want to embrace Europe and to embrace the United States and to embrace fairness and anticorruption and all the work that it is going to take there.

I appreciate the delegation. I appreciate Secretary Albright. I appreciate President Clinton leading the delegation. And I appreciate the indulgence of our fellow Senators in hearing this colloquy.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### AMERICAN WORKERS AND OVERTIME PAY

Mr. BROWN. Mr. President, too many Americans are still struggling in today's economy. Despite comments by some candidates for President, Americans work hard but still have trouble getting by. We know that Americans on average are working longer hours than workers in almost every other rich country in the world—significantly longer hours. Simply, they are not getting the pay they have earned and the compensation and the lifestyle to which they aspire and have worked so hard toward.

For many workers, it feels as though the harder and longer they work, the less they have to show for it. And they are not imagining things. Since the 1970s, middle class wages have been stagnant while the number of hours spent on the job has gone up. In short, Americans are working more for less.

The middle class has shrunk in every State in this country. The Pew Research Center studies show that the share of adults in middle-income households has fallen from 61 percent in 1970 to 51 percent in 2013. In Ohio the share of families that are middle class is now below 50 percent. We need to do more to build on-ramps for middle-class hard-working Americans instead of saying that Americans are not working hard enough, instead of asking workers to do more and more for less money.

It is not uncommon today for salaried workers—salaried workers, not millionaire salaried workers but lower income and middle-income salaried workers—to work 50-, 60-, 70-hour weeks without getting a cent in overtime. When workers put in extra time, it should be reflected in their paychecks. Right now a number of employers are gaming the system to avoid paying overtime, and American workers are losing wages as a result.

It is past time for overtime hours to mean overtime pay again. That is why my colleagues and I sent a letter to the President earlier this year urging the administration to restore the strength of overtime payrolls. Forty years ago, we as a nation decided that most workers, whether they were paid hourly or a salary, should receive overtime pay when working more than 40 hours a week, but the teeth in that law have

been eroded. The strength of that law, the power of that law, and the effectiveness of that law have been eroded over the past 40 years.

In 1975, 65 percent of all salaried workers were covered by overtime pay rules. Currently, just 8 percent of salaried workers are covered. That could be a night manager in a fast food restaurant making \$30,000 a year classified as management—classified because that person is salaried—and asked to work more than 40 hours and still only making \$30,000 a year. So 40 years ago, 65 percent of salaried workers would have been paid time and a half for those extra hours beyond 40 for that night manager, but today they don't get paid over time. They may work 50 hours, they may work 60 hours, but they simply are not compensated for it.

The salary threshold of \$23,600 a year has remained static for decades because it hasn't been indexed for inflation. So in 1975, somebody making \$23,000 a year was paid overtime for beyond 40 hours. Today someone making \$23,000 a year isn't. If they are making \$30,000 or \$40,000, they aren't paid overtime. So we see what has happened. The salary threshold was put in place to exempt highly paid executives, but because it hasn't increased in 40 years—they didn't build an inflation number into it or a cost of living adjustment—instead of hitting CEOs and lawyers who shouldn't get paid overtime in hours excess of 40, workers earning as little as \$455 a week now go without overtime pay just because they are salaried and just because they are called management. It allows employers the opportunity to put somebody on salary, work them many more hours, and then fail to compensate them.

The current threshold is now so low that it is below the poverty line for a family of four. So a salaried worker making a few dollars below the poverty line and working 50 or 60 hours doesn't get paid overtime. That is actually what has happened. The American public is starting to understand this, and that is why so many people are calling on the President to do this.

Overtime pay should be available to everyone who puts in the extra time—not just those earning a poverty level wage. That is why I applaud the Department of Labor's proposed rule that would strengthen overtime standards and take them back—not quite even as good, but we are pretty satisfied with this—to the 1975 level. The new rule will more than double the salary threshold for earning overtime pay from \$23,000 annually to \$50,000. That would mean that 40 percent of salaried workers are now eligible for overtime. In my State, as a result of this rule, 160,000 Ohioans would get a raise, as would 5 million Americans in States such as Oklahoma, Rhode Island, Wisconsin, and all over this country.

This means more money in the pockets of American workers. The rule proposes lengthening the threshold to the

40th percentile of income for full-time salaried workers instead of setting a raw number. This means that the strength of the rule is less likely to erode over time. Not only will this rule help families make ends meet, it also boosts consumer spending, creates jobs, and bolsters the American economy.

Just like raising the minimum wage, when more money is put in the pocket of somebody making \$8 an hour or \$9 an hour or when you put more money in the pocket of a midlevel manager making \$30,000 a year in a fast-food restaurant—if you put more money in their pocket—they are going to spend that money. They are not going to invest that money in a Swiss bank account. They are going to spend that money in the community, buy more groceries, go into the hardware stores and do more to fix up their houses and do more to generate economic activity and create jobs for our economy.

But there is still more we need to do to support American workers. This is an important step toward building our middle class. There is still more we need to do to support American workers. We need to give hourly workers a raise by raising the minimum wage. The legislation a number of us on the floor have worked on, the Raise the Wage Act, would increase the minimum wage incrementally to \$12 an hour by 2020, giving a raise to 1 million Ohioans, 28 million people across the country—1 million Ohioans.

Tipped workers shouldn't have to struggle to get by. They deserve to earn a living wage to help put food on the table. Lots of people in this body are unaware, as some Americans are. People here should be more aware of it, but people here tend not to know people that work in diners. People who work in diners as waitresses and waiters in diners can be paid as little as \$2.13 an hour. The minimum wage for working in a diner in a so-called tipped wage or for the people who push wheelchairs in airports or in some case for many other kinds of jobs is \$2.13 an hour. It is not \$7.25, which is the minimum wage for everyone else. That is why we need to move on raising the minimum wage, on bringing the tipped wage up to at least 70 percent of the minimum wage.

Workers will be happier and they will be more productive when they are healthy, when they are making decent salaries, making a little bit better wages. Americans also deserve a day off when they get sick. Forty-three million Americans—2 million in my State—have no paid sick leave at all. They are faced with impossible choices. Do they stay home to care for a sick child or go to work so they can put food on the table?

Workers are happier and more productive when they are healthy. Guaranteeing paid sick leave would save precious health care resources, it would give employers safe and stable workplaces, and it would give families peace of mind. It would mean that

workers are not going to work when they are sick, infecting other workers and affecting productivity and profits at that business. That is why we should pass the Healthy Family Act. Overtime is important. Minimum wage is important. The Healthy Family Act for sick leave days is important. All are steps that we need to support hard-working American families.

We know what has happened in the economy the last 10 years. We know the wealthiest 5 percent are doing better and better and better. Profits are up for companies. Executives are making bigger and bigger bonuses. But working class, lower-middle-class workers are simply not getting ahead or even able to tread water to stay even, for that matter. The minimum wage will help, paying overtime will help, and the Healthy Family Act will help.

The Toledo Blade put it well last week: “America’s widening income gap isn’t an inescapable outcome of the free market, but a political choice that can be mitigated with intelligent public policies.”

This is a political choice. We have seen this body and the body on the other side of the Capitol continue to give more tax cuts for the wealthiest Americans. We won’t invest in infrastructure, we won’t invest in working families, we won’t help raise wages, we won’t help with overtime, and we won’t help with workers who just need a few sick days off, as people in bodies such as this typically have.

I urge the Department of Labor to finalize their strong overtime proposal as quickly as possible. It will make a huge difference in the lives of millions of Americans.

With that, I yield back.

20TH ANNIVERSARY OF THE NORMALIZATION OF  
DIPLOMATIC RELATIONS BETWEEN THE UNITED  
STATES AND VIETNAM

Mr. WHITEHOUSE. Mr. President, I am here to recognize a historic milestone: the 20th anniversary of the normalization of diplomatic relations between the United States and Vietnam. This occasion has some personal significance for me and my family. My father served as Deputy Ambassador to Vietnam; in effect, the chief operating officer of that conflict. I lived with him in that country for several months during the Vietnam war. If he were alive today, he would be proud of the work both countries have done to reconcile our past.

It took immense courage on both sides to look beyond the scars of that war and envision a future in which our two countries could become partners and friends. No one embodies this courage more than our friend JOHN MCCAIN, who played a major role in establishing diplomatic relations between our two countries, and Secretary of State John Kerry, then a Senator, who was his Democratic partner.

Given Senator MCCAIN’s experience as a prisoner in Vietnam, his subsequent efforts to strengthen the peace

and forgiveness between our two Nations are an enduring inspiration, the power of which I was privileged to see firsthand when I traveled with Senator MCCAIN to Hanoi in 2012 and 2014.

Senator MCCAIN said 20 years ago, “I believe it is my duty to encourage this country to build from the losses and the hopes of our tragic war in Vietnam a better peace for both the American and the Vietnamese people.”

Today, the American and the Vietnamese people can be proud of the progress made to forge a lasting peace and friendship. Two years ago, President Obama and Vietnamese President Truong Tan Sang launched the U.S.-Vietnam Comprehensive Partnership, opening a new phase of bilateral relations between our nations based on mutual respect and common interests. I met recently with Nguyen Phu Trong, the General Secretary of the Communist Party of Vietnam to discuss our shared interests and opportunities for closer collaboration on a range of issues, including regional stability, economic cooperation, and the lingering human and environmental consequences of that war.

I had the honor of meeting with General Secretary Trong while traveling to Vietnam with Senator MCCAIN last summer. I am pleased he has made this historic visit to the United States. I am hopeful Vietnam will bring our interests and values into closer alignment, particularly on human rights, the rights of civil society, transparency, and good governance issues.

To that end, I look forward to working together to achieve closer ties. As the United States and Vietnam continue to deepen our relationship, we should continue to address the legacies of that war, particularly the health effects and environmental contamination associated with Agent Orange and other herbicides. Here at home, we take our commitment to caring for our veterans very seriously. Although the war has ended, many American veterans and their families still battle a range of health problems and serious diseases associated with their service in Vietnam.

We must ensure that veterans get the care they need to combat the long-term health problems related to exposure to Agent Orange. Those contamination and health problems are also serious in Vietnam. I am grateful for Senator LEAHY’s leadership on the Appropriations Committee, which has enabled the United States to pursue remediation projects to clean up the dioxin contamination at Da Nang International Airport and other hot spots and to support related health and disability programs.

I urge all of us that we continue to support these initiatives which strengthen our bilateral relationship. Considerable work remains. According to initial assessments of Bien Hoa Air Base, the contamination there is more severe and cleanup is expected to be

more complex and costly than at Da Nang. In addition, health-related problems and disabilities persist in areas sprayed with Agent Orange or otherwise contaminated by dioxin.

In 2008, actor, advocate, and longtime friend Dick Hughes brought this issue closely to my attention and he has shared with me compelling stories about Vietnamese families who have been affected by diseases and disabilities related to Agent Orange exposure. Some of the suffering ascribed to Agent Orange has been harrowing and heart-breaking. Dick has years of experience working on humanitarian issues in Vietnam and is a compelling witness to that suffering.

We first met when I was a teenager in Saigon and Dick had established a program called the Shoeshine Boys Project, to care for homeless children who had been orphaned or left alone during the war. He brought them together and sent them on the streets with shoeshine boxes as a way of making a living and finding something they could do and provided them care and a home when they came home at nightfall.

Over 8 years, that project helped thousands of children in cities all across Vietnam. Dick attributes the success of that project to close partnerships forged with local communities and the project’s management by Vietnamese citizens. When Dick returned to the United States, he continued to advocate for postwar humanitarian causes and he started a foundation to raise awareness about the effects of Agent Orange on the Vietnamese population. Dick remains a trusted friend and tireless advocate to the Vietnamese people.

As our two countries work together on a new and more engaged future, we should expand our efforts to improve the health and well-being of the Vietnamese people. We can learn from Dick’s experience about the power of partnership and the value of local leadership, and together we can continue to repair the damage—physical, psychological, and political—of the path we share.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2093

Ms. BALDWIN. Mr. President, I rise to speak in support of the Student Non-Discrimination Act, which Senator FRANKEN is offering as an amendment to the Every Child Achieves Act. The Student Non-Discrimination Act would help protect our students from bullying, harassment, and discrimination. I am a proud cosponsor of this amendment and hopeful the Senate will agree to this amendment this week.

As we consider the Every Child Achieves Act, as we did in committee back in April, and as we have discussed it on the floor over the last week, I have been guided by a core principle: that this law should ensure that every



child, regardless of his or her background, regardless of his or her family's income, has access to the opportunities provided by a great education, a high-quality education.

Now, part of providing that opportunity is ensuring that every student is able to come to school and succeed in an environment that is safe, supportive, and free from discrimination. While the Every Child Achieves Act helps advance opportunity for students in numerous ways, it falls short in addressing a significant problem limiting the achievement of some of our most vulnerable students.

Unfortunately, there are still far too many stories of harassment, of bullying, and of discrimination against lesbian, gay, bisexual, and transgender students at the hands of their peers but also, sadly, sometimes at the hands of their teachers or administrators as well. There remains no Federal law that explicitly protects these students and provides them and their families with recourse when they face bullying and harassment that limits their educational opportunities.

No student can achieve if he cannot feel safe at school. No student will excel if she spends each day in fear of just being herself. I hear from so many students in my State about the need for us to stand up against bullying. For example, a young woman in Madison wrote to me, and I quote from her letter:

[A]s a student myself, I hear the words "gay", "faggot", "queer" and others get tossed around . . . daily, and I do what I can to deter these words from being used in negative ways by others, but one voice can't make much of a difference. . . . I'm asking you to help raise awareness in schools anyway that you can.

I would tell this young woman in Madison that her voice speaking out on this matter can make a difference. Another young woman from Kimberly, WI, contacted me about her friend who committed suicide after suffering bullying. She wrote:

He made everyone else come alive and be the better people that they were inside. But he killed himself because he thought he had no way out of the pain, no way to make those kids stop, other than to make sure he was not living anymore.

Across the country, lesbian, gay, bisexual, and transgender or LGBT youth experience bullying harassment at school more frequently than their non-LGBT peers. According to a national survey by the Gay, Lesbian & Straight Education Network, in the past year, nearly three-quarters of students were verbally harassed and more than 16 percent were physically assaulted because of their sexual orientation.

More than 60 percent of students who reported an incident of harassment said that school staff did nothing in response. It is unsurprising, then, that nearly one-third of students reported missing school at least once in the last month because they did not feel safe. I believe we must fix this immediately. That is why I support including Sen-

ator FRANKEN's Student Non-Discrimination Act as an amendment to the Every Child Achieves Act currently being debated before the Senate. Senator FRANKEN's amendment would provide real and strong protections for LGBT students in public, elementary, and secondary schools. It would also provide recourse through the Department of Education and, if necessary, in the courts to help students vindicate their rights.

This amendment is closely modeled on existing Federal education protections, which have helped ensure that students have remedies when they face unfair treatment based on race, ethnicity, sex, and disability. LGBT students are just as deserving of the opportunity to succeed in the school environment that is supportive and nurturing rather than discriminatory and unwelcoming.

If we are truly to ensure through this legislation that every child achieves, we must act to address the bullying, harassment, and discrimination that limits educational opportunities of too many students. I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Alexander substitute amendment No. 2089.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 Alexander amendment No. 2089 to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mitch McConnell, Orrin G. Hatch, Lamar Alexander, Cory Gardner, Steve Daines, Pat Roberts, Johnny Isakson, Susan M. Collins, Michael B. Enzi, Kelly Ayotte, John Cornyn, Lisa Murkowski, Tim Scott, Richard Burr, Thom Tillis, Lindsey Graham, John Hoeven.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the underlying bill, S. 1177.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mitch McConnell, Lisa Murkowski, Pat Roberts, Lamar Alexander, Cory Gardner, Steve Daines, Johnny Isakson, Susan M. Collins, Michael B. Enzi, Kelly Ayotte, John Cornyn, Orrin G. Hatch, Richard Burr, Thom Tillis, Lindsey Graham, John Hoeven, Bill Cassidy.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls under rule XXII of the Standing Rules of the Senate with respect to the cloture motions be waived.

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

### MORNING BUSINESS

#### PENDING NOMINEES TO THE U.S. COURT OF FEDERAL CLAIMS

Mr. LEAHY. Mr. President, the U.S. Court of Federal Claims has been referred to as the "keeper of the Nation's conscience" and "the people's court." This court was created by Congress approximately 160 years ago and embodies the constitutional principle that individuals have rights against their government. As President Lincoln has said, "It is as much the duty of Government to render prompt justice against itself, in favor of citizens, as it is to administer the same between private individuals." That is what this court does. It allows citizens to seek prompt justice against our government.

The court's jurisdiction is authorized by statute, and it primarily hears monetary claims against the U.S. Government deriving from the Constitution, Federal statutes, executive regulations, and civilian or military contracts. The fact that the Court of Federal Claims is an article I court, as opposed to an article III court, does not render any of the cases that it hears any less significant.

For example, the court has presided over such important cases as the savings and loan crisis of the 1980s and the World War II internment of Japanese Americans. It also presides over civilian and military pay claims and money claims under the Fifth Amendment's takings clause.

The takings clause under the Fifth Amendment of the U.S. Constitution provides: "nor shall private property be taken for public use without just compensation." As a result of this court's jurisdiction over takings' claims, it considers cases such as the auto bailout suits against General Motors and Chrysler—companies who were required to terminate agreements with franchisees as a condition of receiving Federal bailout money. The court also resolves disputes that critically impact the environment and our economy, such as those involving the taking of wetlands to create solid waste landfills and disputes over water and drainage rights by agricultural landowners.

Last week, the chief judge of the court sent a letter informing the Senate that despite the court's shortage of