

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

#### NO CHILD LEFT BEHIND REFORM

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

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

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

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

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

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

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

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

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

Then, to discourage overtesting, we restored to States and classroom teachers the responsibility for deciding how to use these Federal test scores to measure achievement.

The Senate bill ends the high-stakes, Washington-designed, test-based accountability system that has caused the explosion of tests in our local schools. The Senate bill reverses the trend toward a national school board.

I am glad to see President Obama's focus on overtesting, but let's not make the same mistake twice by decreeing from Washington exactly how much time to spend on tests or what the tests should be. States and 3 million teachers in 100,000 public schools are in the best position to know what to do about overtesting our children.

Both the Senate and the House of Representatives have now passed similar bills to fix No Child Left Behind and to reduce the Federal mandates that are the real cause of overtesting. The best way to have fewer and better tests in America's classrooms is for Congress to finish its work and the President to sign our legislation before the end of the year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### JAPANESE POW FRIENDSHIP PROGRAM

Mr. DURBIN. Mr. President, I would like to take a moment to call attention to a group of our Nation's veterans who participated in a reconciliation program with the Japanese Government.

From October 11 to October 19, nine veterans of the U.S. Army, U.S. Army Air Corps, and the U.S. Marines who fought bravely in the Pacific theater of World War II and were taken prisoner by Japanese forces traveled to Japan. They were guests of the Japanese Government on a trip of reconciliation and remembrance.

Established in 2010, this was the sixth Japanese POW Friendship Program delegation. This program is sponsored by the Japanese Ministry of Foreign Affairs for World War II POWs from the United States, with Japan running similar friendship programs with Australia and Britain.

More than 30,000 Allied troops were taken prisoner in Japan, many of them Americans who faced horrific ordeals. Today, 70 years following the end of World War II, this program reflects the journey of forgiveness and resolution between the United States and Japan, as our relationship has developed into one of the most critical in the region.

I would like to take a moment to acknowledge the veterans who were

members of this year's delegation: Joseph DeMott, a U.S. Army Air Corps veteran from Litz, PA; Arthur Gruenberg, a U.S. Marine Corps veteran from Camano Island, WA; George Hirschkamp, a U.S. Marine Corps veteran from Sandpoint, ID; George Rodgers, a U.S. Army veteran from Lynchburg, VA; Jack Warner, a U.S. Marine Corps veteran from Elk City, OK; and Clifford Warren, a U.S. Army veteran from Shepherd, TX.

I would also like to recognize three members of the delegation who are my constituents: Leland Chandler, a U.S. Army veteran from Galesburg, IL; William Chittenden, a U.S. Marine Corps veteran from Wheaton, IL; and Carl Dyer, a U.S. Army veteran from Oglesby, IL.

I am so grateful to all of these participants for their years of service to our Nation.

The delegation was accompanied by Jan Thompson, another Illinois constituent and a documentary filmmaker and daughter of a World War II veteran who was himself a POW in Japan. Thompson also heads the nonprofit veterans organization American Defenders of Bataan & Corregidor Memorial Society.

The Japanese POW Friendship Program and the American veterans who participate in it represent the transformation and strength of the U.S.-Japan relationship. I hope this program continues to bring together our two nations in remembrance and reconciliation.

#### BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 4380 of S. Con. Res. 11, the concurrent resolution on the budget for fiscal year 2016, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels in the budget resolution for legislation that increases sharing of cyber security threat information while protecting individual privacy and civil liberties interests. The authority to adjust is contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2016-2020 or the period of the total of fiscal years 2016-2025.

I find that S. 754, as amended, fulfills the conditions of deficit neutrality found in section 4380 of S. Con. Res. 11. Accordingly, I am revising the allocation to the Select Committee on Intelligence and the budgetary aggregates to account for the budget effects of the amendment. As the budgetary effects of S. 754, as amended, are insignificant under our accounting methods, budgetary figures remain numerically unchanged.

#### BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I wish to submit to the Senate the budget scorekeeping report for October 2015. The report compares current law levels

of spending and revenues with the amounts provided in the conference report to accompany S. Con. Res. 11, the budget resolution for fiscal year 2016. This information is necessary to determine whether budget points of order lie against pending legislation. It has been prepared by the Republican staff of the Senate Budget Committee and the Congressional Budget Office, CBO, pursuant to section 308(b) of the Congressional Budget Act.

This is the third report I have made since adoption of the fiscal year 2016 budget resolution on May 5, 2015. My last filing can be found in the CONGRESSIONAL RECORD on September 10, 2015. The information contained in this report is current through October 26, 2015.

Table 1 gives the amount by which each Senate authorizing committee is below or exceeds its allocation under the budget resolution. This information is used for enforcing committee allocations pursuant to section 302 of the Congressional Budget Act of 1974, CBA. For fiscal year 2015, which ended on September 30, 2015, Senate authorizing committees have increased direct spending outlays by \$7.8 billion more than the agreed upon spending levels. Over the fiscal year 2016-2025 period, which is the entire period covered by S. Con. Res. 11, Senate authorizing committees have spent \$2.2 billion less than the budget resolution calls for.

Table 2 gives the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order related to the spending caps found in section 312 and section 314 of the CBA. While no full-year appropriations bills have been enacted for fiscal year 2016, subcommittees are charged with permanent and advanced appropriations that first become available in that year.

Table 3 gives the amount by which the Senate Committee on Appropriations is below or exceeds its allocation for overseas contingency operations/global war on terrorism, OCO/GWOT, spending. This separate allocation for OCO/GWOT was established in section 3102 of S. Con. Res. 11 and is enforced using section 302 of the CBA. No bills providing funds with the OCO/GWOT designation on a full-year basis have been enacted thus far for fiscal year 2016.

The budget resolution established two new points of order limiting the use of changes in mandatory programs in appropriations bills, CHIMPS. Tables 4 and 5 show compliance with fiscal year 2016 limits for overall CHIMPS and the Crime Victims Fund CHIMP, respectively. This information is used for determining points of order under section 3103 and section 3104, respectively. No full-year bills have been enacted thus far for fiscal year 2016 that include CHIMPS.

In addition to the tables provided by the Senate Budget Committee Republican staff, I am submitting additional