

Unfunded Mandates Reform Act (UMRA), on public and private entities regulated by FERC, such as electric utilities, by requiring them to pay fees in some circumstances. The bill would impose two additional mandates on public entities. One would require state and tribal governments to certify to DOE whether or not they have updated residential and commercial building codes to meet the latest standards developed by building efficiency organizations. The other would preempt state and local environmental and liability laws if they conflict with emergency orders issued by the Federal Energy Regulatory Commission (FERC). The bill also would impose private-sector mandates on electric transmission organizations and traders of oil contracts and on individuals seeking compensation for damages caused by utilities operating under certain emergency orders. Based on information from DOE and analyses of similar requirements, CBO estimates that the aggregate cost of complying with mandates in the bill would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$77 million and \$154 million in 2015, respectively, adjusted annually for inflation).

CBO has not reviewed some provisions of section 2001 and section 4303 for intergovernmental or private-sector mandates. Those provisions would provide the Secretary of Energy with emergency authority to protect the electric transmission grid from cybersecurity threats and would protect entities subject to that authority from liability. Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that are necessary for national security. CBO has determined that those provisions fall within that exclusion.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016 OB- JECTION

Mr. WYDEN. Mr. President, this afternoon the House of Representatives passed a new version of the Intelligence authorization bill for fiscal year 2016. I am concerned that section 305 of this bill would undermine independent oversight of U.S. intelligence agencies, and if this language remains in the bill, I will oppose any request to pass it by unanimous consent.

Section 305 would limit the authority of the watchdog body known as the Privacy and Civil Liberties Oversight Board. In my judgment, curtailing the authority of an independent oversight body like this board would be a clearly unwise decision. Most Americans whom I talk to want intelligence agencies to work to protect them from foreign threats, and they also want those agencies to be subject to strong, independent oversight, and this provision would undermine some of that oversight.

Section 305 states that the Privacy and Civil Liberties Board shall not have the authority to investigate any covert action program. This is problematic for two reasons. First, while this board's oversight activities to date have not focused on covert action, it is reasonably easy to envision a covert action program that could have a significant impact on Americans' privacy and civil liberties—for example, if it

included a significant surveillance component.

An even bigger concern is that the CIA, in particular, could attempt to take advantage of this language and could refuse to cooperate with investigations of its surveillance activities by arguing that those activities were somehow connected to a covert action program. I recognize that this may not be the intent of this provision, but in my 15 years on the Intelligence Committee, I have repeatedly seen senior CIA officials go to striking lengths to resist external oversight of their activities. In my judgment, Congress should be making it harder, not easier, for intelligence officials to stymie independent oversight.

For these reasons, it is my intention to object to any unanimous consent request to pass this bill in its current form. I look forward to working with my colleagues to modify or remove this provision.

NO CHILD LEFT BEHIND CONFERENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my opening remarks during the conference with the House of Representatives on S. 1177, the Every Child Achieves Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NO CHILD LEFT BEHIND CONFERENCE

Representative Kline, Representative Scott, Senator Murray, ladies and gentlemen.

We're here for one reason today, because I sat down with Patty Murray in January and she gave me some good advice and I took it.

And the advice was—why don't we see if we can develop a bipartisan beginning to this bill, because we had failed in the last two congresses.

And as a result we ended up with a bill that passed by the Senate after many amendments, 81 to 17.

Newsweek magazine recently reminded us what we already knew very well: No Child Left Behind is a law that everybody wants fixed. Governors, teachers, superintendents, parents, Republicans, Democrats, students they all want to see this law fixed.

There is a consensus about that. And, fortunately, there is a consensus about how to do it.

And that consensus is this—Continue the law's important measurements of academic progress of students but restore to states, school districts, classroom teachers and parents the responsibility for deciding what to do about improving student achievement.

That's why in the Senate the bill passed 81 to 17.

That's why the bill had the support of the nation's governors, the Chief State School Officers, the school superintendents, the National Education Association and the American Federation of Teachers.

There were some differences between the House bill and Senate bill. Fundamentally, they were based upon that same consensus.

Both end the waivers through which the U.S. Department of Education has become, in effect, a national school board for more than 80,000 Schools in 42 states.

Both end the federal Common Core mandate.

Both move decisions about whether schools and teachers are succeeding or failing out of Washington, D.C., and back to states and communities and teachers where those decisions belong because the real way to higher standards, better teachers and real accountability is through states, communities, and classrooms—not through Washington, D.C.

That's why I believe this conference will be successful, that both houses will approve our conference work product and I believe the president will sign the legislation into law.

Even though this agreement, in my opinion, is the most significant step toward local control of schools in 25 years, some Republicans would like to go further.

I am one of them.

But my Scholarship for Kids proposal, which would have given states the option to allow federal dollars to follow children to the schools their parents choose, only received 45 votes in the Senate. We need 60.

So I have decided, like a president named Reagan once advised, that I'll take 80 percent of what I want and I'll fight for the other 20 percent on another day.

Besides, if I were to vote no, I would be voting to leave in place the federal Common Core mandate, the national school board, the waivers in 42 states. Let me repeat: Voting no is voting to leave in place the Common Core mandate, the national school board, and waivers in 42 states.

There are a lot of people counting on us: 50 million children and 3.4 million teachers and 100,000 public schools.

The law expired seven years ago. If it were strictly applied, every school in America a failing school.

Teachers and children and parents have been waiting all that time. If this were homework, they would give us a failing grade for being tardy.

So I hope we will remind ourselves, and this is my conclusion, that it is a great privilege to serve in the United States House of Representatives and the United States Senate.

That there is no need for us to have that privilege if all we do is announce our opinions. We could do that at home, or on the radio, or the newspaper or the street corner.

As members of the Congress, after we have our say, our job is to get a result.

We're not the Iraqi parliament.

We are members of the United States Congress, and I hope that we will demonstrate that we cherish that privilege and that we cherish our children by building upon this consensus—fixing the law that everybody wants fixed—and showing that we are capable of governing by bringing badly needed certainty to federal education policy in 100,000 public schools.

Thank you, Mr. Chairman.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my closing remarks during the conference with the House of Representatives on S. 1177, the Every Child Achieves Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NO CHILD LEFT BEHIND CONFERENCE

The real winners today are 100,000 public schools which are attended by 50 million children, where three and a half million teachers work and are eager for us to bring some certainty to federal education policy.

This is a law that everybody knows needs fixing. But also in fixing this law we know that there were alligators lurking in every