EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of John B. King, of New York, to be Secretary of Education.

The PRESIDING OFFICER. Under the previous order, there will be 90 minutes of debate equally divided in the usual form.

The Senator from Oklahoma.

Mr. LANKFORD. I ask unanimous consent that all time during quorum calls between 4 p.m. and 5:30 p.m. today be equally divided in the usual form.

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

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ILLEGAL IMMIGRATION

Mr. COTTON. Madam President, last Thursday the Democratic candidates for President had a debate. They made several extremely irresponsible statements about immigration policy. I oppose their calls to reward mass illegal immigration with blanket amnesty, which would undermine the rule of law, cost Americans jobs, drive down wages for working Americans, and invite more illegal immigration.

But what must President Obama think? After all, he has attempted to grant amnesty by fiat to over 5 million illegal immigrants, although the courts have blocked most of those amnesties for now. Yet the Senator from Vermont and Hillary Clinton both insisted that the President hadn't gone far enough. They would expand on his actions and go even further. In fact, a debate moderator called President Obama ''the deporter in chief,'' and Hillary Clinton tacitly accepted the characterization, saying she wouldn't deport nearly as many illegal immigrants as President Obama has—which of course isn't a terribly high bar to clear since deportations are down 42 percent since the start of President Obama's second term and last year deportations hit a 10-year low. Still, I can't imagine President Obama is too pleased with his would-be successor.

I also can't imagine a more opportunist and irresponsible position than the one taken by Hillary Clinton. As she panders for votes, she limited deportation priorities to violent criminals and terrorists. Apparently, Secretary Clinton will welcome con artists, identity thieves, and other nonviolent criminal illegal immigrants with outstretched arms into our country.

Even more astonishing, she stated unequivocally, ''I will not deport children. I would not deport children.'' As I stated, this is pure opportunism. For instance, I imagine this child shown in this poster would have liked Secretary Clinton's policy to have been in effect during her husband's administration. This is the famous picture of Elian Gonzalez, a 6-year-old Cuban boy who reached our shores despite his mother tragically dying at sea. Elian's U.S.-based family pleaded with the Clinton administration to grant him asylum, as was our common custom for refugees from communism, but President Clinton rejected those pleas, siding with the Castros. Federal agents stormed the private residence and apprehended Elian at gunpoint. Where was Secretary Clinton? I guess she didn't have a no-kids policy back then. But we don't have to guess. The then-First Lady was campaigning for Senate in New York. She opposed congressional action to protect Elian and advocated returning the boy to Cuba—contrary to a decades-long bipartisan consensus that we should grant safe harbor to refugees from totalitarian Communist states.

Yet, the sad story of Elian Gonzalez isn't the most recent or harmful example of her opportunism. Just two summers ago, our country faced a migrant crisis on our southern border. Nearly 140,000 people—about half of them unaccompanied kids—poured across our border. Notably, most did not flee from the Border Patrol or try to avoid capture; on the contrary, they ran to U.S. border agents.

Why would brandnew illegal immigrants, having successfully crossed our border, turn themselves in? The answer is simple: They have been led to believe they would be allowed to stay.

From the multiple administration memos instructing agents not to fully enforce immigration law to President Obama's unlawful Executive amnesties, to the Senate's own amnesty legislation, every signal from Washington said our political class lacked the willpower to secure our borders and enforce our immigration laws in the country's interior.

Some might say these policies and proposals wouldn't have covered the newly arrived immigrants; that they would have faced deportation. Perhaps, but what they signaled was a complete unwillingness to enforce our immigration laws, just as amnesty granted in 1986 invited another generation of illegal immigrants to migrate to our country and wait for the next amnesty.

These policies certainly gave the human traffickers who transported and abused these kids plenty of grounds to tell desperate parents: Send your kid north with me, and he will get a permiso. In the end, they weren't wrong. Nearly 2 years later, only a very tiny minority of unaccompanied children have been deported. In fact, more than 111,000 unaccompanied minors entered the United States illegally from 2011 to 2015, but only 6 percent have been returned to their home countries. Yes, some may have received a deportation order from a court—usually after failing to appear for a hearing. Yet the Obama administration has made little to no effort to locate them.

Therefore, it is fair to say the human traffickers, the so-called coyotes, weren't wrong, and many Central American parents took an understandable risk. After all, a life in America in the shadows—as advocates for amnesty and open borders call it—may be preferable to poverty and violence back home. While these factors may have been the push factors in the migrant crisis, there can be no doubt that the pull factors of amnesty, deferred action, nonenforcement, economic opportunity, and safety were just as strong, if not stronger.

That is why even the Obama administration tried to address them. President Obama met with leaders of Honduras, Guatemala, and El Salvador to seek their assistance. Vice President BIDEN flew to Guatemala and publicly urged parents not to believe the coyotes' promises of amnesty. The Secretary of Homeland Security Jeh Johnson wrote an open letter to Central American parents, and, yes, Hillary Clinton got involved too. Secretary Clinton stated in 2014 that these children ''should be sent back as soon as it can be determined who responsible adults in their families are.'' She insisted that ''we have to send a clear message: Just because your child gets across the border, that doesn't mean the child gets to stay.''

That was the right position then, and it is the right position now, even if real action didn't back up the Obama administration's words, but that was then, and this is now, in the middle of another flailing Presidential campaign. Secretary Clinton now says she would not deport children under any circumstances, not even those who just arrived or presumably those who arrive in the future.

We have come to expect such opportunism from the ''House of Clinton,'' but even worse is the irresponsibility. Put yourself in the position of a desperate parent in Central America. You live in Third World conditions. Work is scarce. Food and water are a struggle. Power doesn't always come on with the flip of a switch. Gangs control many of the streets. Murder rates are some of the highest in the world. You have every reason to try to escape these conditions or at least get your kid out, but where to go?

You just got your answer. Hillary Clinton, one of the most famous people in the world—one of only six people likely to be the next President of the United States—just broadcast new hope to the world: You can come to the United States.

Of course, it is a peculiar kind of hope. She didn't say go to our Embassy and seek asylum. She certainly didn't say get on an airplane and fly safely to

the United States, nor will she ever take such massively unpopular positions. Indeed, she essentially invited you to take a life-or-death gamble: If you survive the trip, you can stay.

How is this moral? How is it compassionate to create incentives for such reckless behavior? Hillary Clinton just created a full employment opportunity for human traffickers. She helped oversell illicit tickets on this train, The Beast, a network of freight trains aboard which migrants from Central America cross Mexico to the United States.

The Beast has another name—The Death Train. It is called that because many who ride it don't survive or, if they do, they only escape with grievous injuries or after enduring physical and sexual abuse at the hands of criminal gangs. With her irresponsible pandering, Secretary Clinton's words will help contribute to untold suffering, pain, and death among American families.

Her words are equally irresponsible when looked at from the American perspective. Secretary Clinton's promise to deport only violent criminals and no children under any circumstances will badly harm struggling Americans. Decades of mass immigration has contributed to joblessness, stagnant wages, and communities stressed to the breaking point to provide education, housing, emergency services, public safety, and other basic government services.

The coming Clinton wave of illegal immigration will only make it harder to secure our borders, enforce our laws, and get immigration under control and working for Americans who are, after all, the people we are supposed to serve.

The world is full of violence, oppression, corruption, and injustice. We cannot turn a blind eye to this. It often has a way of arriving at our borders and on our shores. Similar to most Americans, my heart breaks when I imagine the plight of those desperate parents in Central America as they look upon their little ones. That is why I strongly support efforts to assist countries such as Guatemala, Honduras, and El Salvador to develop stronger institutions and improve living conditions there. Many dedicated professionals in the State Department, FBI, DEA, Southern Command, and other Federal agencies are there serving us—to do just that.

At the same time, we cannot solve all the world's ills and our foremost responsibility is to Americans, not foreigners. We can help reduce the push factors in foreign countries driving migrants to our borders, but we are not obligated to accept their citizens into our country. On the contrary, our obligation is to protect and serve Americans. To do so, we must eliminate the pull factors for these migrants here at home.

Like any country, we have a right, indeed, we have a duty to control who comes to our country and allow them here only if it is in our national interests. America is a nation of immigrants, but we are also a nation of laws. Secretary Clinton has not only displayed contempt for our immigration laws but also encouraged foreigners to break those laws, to their own grave danger. We must say to these foreigners, loudly and clearly: Do not make this dangerous journey. Do not violate our laws. Do not come here illegally. It is the humane thing to do, and it is the right thing to do. Secretary Clinton should be ashamed of herself for doing otherwise.

Madam President, 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.

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

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

FILLING THE SUPREME COURT VACANCY

Mr. HATCH. Madam President, I rise to discuss the vacancy created by the death of Supreme Court Justice Antonin Scalia. Those of us who knew the late Justice well are still mourning the loss of a dear friend, and the Nation is feeling the loss of one of the greatest jurists in its history. We will never find a true replacement for Justice Scalia, only a successor to his legacy. We owe it to the late Justice's extraordinary legacy of service to ensure that we treat confirmation of his successor properly.

My friends in the Democratic minority have settled upon one mantra above all others in addressing this vacancy; that the Senate must ''do its job.'' While I have no doubt this talking point has been poll tested and refined to serve as the most effective political attack possible, the truth is that this point is completely uncontroversial. I have not heard a single one of my Republican colleagues argue that the Senate should not do its job with respect to the Supreme Court vacancy. Where we have a legitimate difference of opinion is how the Senate can best do its job.

Article II, section 2 of the Constitution divides the appointment process into two—two—distinct roles: the power of the President to nominate and the power of the Senate to provide its advice and consent. Despite the wild claims of some of my Democratic friends to the contrary, the Constitution does not define how the Senate is to go about its duty to provide advice and consent. It does not dictate that the Senate must hold confirmation hearings or floor votes on the President's preferred timeline. After all, how could the Constitution provide such instruction if the Judiciary Committee did not come into existence until 27 years after the Senate first convened in 1789? Indeed, the Judiciary Committee only began holding confirmation hearings in the past century, and nominees only began appearing before the committee regularly in the past 60 years.

In fact, the Constitution prescribes no specific structure or timeline for the confirmation process, and the Constitution's text and structure, as well as longstanding historical practice, confirm that the Senate has the authority to shape the confirmation process how it sees fit. In other words, the Senate's job is to determine the best way to exercise its advice and consent power in each unique situation.

Over the years, the Senate has considered nominations in different ways at different times, depending on the circumstances. Consider these precedents with great bearing on the current circumstances. The Senate has never confirmed a nominee to a Supreme Court vacancy that opened up this late in a term-limited President's time in office. This is only the third vacancy in nearly a century to occur after the American people had already started voting in a Presidential election. In the previous two instances, in 1956 and 1968, the Senate did not confirm the nominee until the following year. The only time the Senate has ever confirmed a nominee to fill a Supreme Court vacancy created after voting began in a Presidential election year was in 1916, and that vacancy only arose when Justice Charles Evans Hughes resigned his seat on the Court to run against incumbent President Woodrow Wilson.

Key Democrats have long expressed strong agreement with the decision to defer the confirmation process in these circumstances. For example, Senator CHUCK SCHUMER, the incoming Democratic leader, argued in July 2007—with a year and a half left in President George W. Bush's term and with no Supreme Court seat even vacant—that the Senate ''should not confirm any Bush nominee to the Supreme Court except in extraordinary circumstances.'' Vice President JOE BIDEN argued in 1992, when he was Judiciary Committee chairman, that if a Supreme Court vacancy occurred in that Presidential election year, ''the Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after the political campaign season is over.''

Past practice and the well documented past positions of key Democrats certainly support the notion that deferring the confirmation process is an option reasonably available to the Senate in certain circumstances. As for its appropriateness in the present situation, one need only consider how the confirmation process would be further poisoned by election-year politics.

As a member of the Judiciary Committee for nearly four decades, I have witnessed the judicial confirmation process become increasingly divisive and sometimes—oftentimes, as a matter of fact—downright nasty. First came the campaigns of character assassination waged against Robert Bork and Clarence Thomas. Then came the

Senate Democrats' unprecedented filibusters of President George W. Bush's lower court nominees. Then came the attempt to deny an up-or-down vote on the nomination of Samuel Alito to the Supreme Court—a move supported by then-Senators Obama, BIDEN, CLINTON, REID, DURBIN, SCHUMER, and LEAHY. Finally came the unilateral use of the nuclear option to blow up the filibuster and pack the DC Circuit Court of Appeals—widely considered the second most powerful court in the Nation—with liberal judges committed to rubberstamping the President's agenda.

Those who were responsible for every single one of these major escalations in the so-called judicial confirmation wars have no credibility to lecture anyone on what a proper confirmation process should look like in this situation. For those of us who have fought against the breakdown of the confirmation process, the prospect of considering a nomination in the middle of what may be the nastiest election of my lifetime could only further damage the long-term prospects of a healthy confirmation process. Deferring the process is in the best interests of the Senate, the judiciary, and the country.

The tenor of the debate since Justice Scalia's passing has only confirmed how right we were to take a stand to defer the process until after the election. For example, a speech I delivered to the Federalist Society on Friday was briefly disrupted by protestors chanting ''Do your job,'' ironically just as I began to explain why our approach to this vacancy is the best way the Senate can indeed do its job. Now, I do not mind protestors speaking their minds, but I don't appreciate it when they try to prevent others from expressing differing views. That a respectful discussion among attorneys was disrupted by professional activists wielding materials from Organizing for Action, a political arm of the White House and the Democratic National Committee, demonstrates what I have been saying all along: Considering a nominee in the midst of a Presidential election campaign would further inject toxic political theater into an already politicized confirmation process.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of an article from Politico detailing the extensive political coordination between the White House and the parent organization of these protestors that risks turning what should be serious consideration of a weighty lifetime appointment into an election-year political circus.

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

[From POLITICO, Mar. 13, 2016]

WHITE HOUSE PREPS SUPREME COURT BATTLE PLAN

(By Edward-Isaac Dovere and Josh Gerstein)

As soon as President Barack Obama announces a Supreme Court nominee from his short list—which is now set—the White House and its allies will unleash a coordinated media and political blitz aimed at weakening GOP resistance to confirming the president's pick.

Administration allies have already started putting a ground game in place. Obama campaign veterans have been contracted in six states—New Hampshire, Illinois, Ohio, Pennsylvania and Wisconsin, where GOP incumbents are most vulnerable, plus Senate Judiciary Chairman Chuck Grassley's Iowa.

With Republicans flatly refusing even courtesy meetings with a nominee, let alone confirmation hearings, they're also looking into photo ops with Senate Democrats, and could pursue mock hearings or other events meant to highlight GOP intransigence, according to sources familiar with the planning.

Still, the West Wing is trying to strike a balance between pushing the nominee forward to create pressure and the danger of seeming to politicize the fight or accidentally straying into hypothetical discussions of future court decisions.

Obama is expected to announce a nominee as early as this week. Many believe that the choice will be one of three federal appeals court judges: Sri Srinivasan, Merrick Garland or Paul Watford.

The first calls for outside help went out from the White House as soon as Antonin Scalia's death was confirmed and Senate Majority Leader Mitch McConnell (R–Ky.) ruled out confirming a successor. That Thursday, senior Obama adviser Valerie Jarrett and White House counsel Neil Eggleston gathered in the Eisenhower Executive Office Building for a larger version of their regular judicial nominations action meeting, with participants including Judy Licthman of the National Partnership for Women & Families, frequent White House collaborator Robert Raben, People for the American Way and the Leadership Conference On Civil and Human Rights. Tina Tchen, chief of staff to the First Lady, also attended.

In follow-up conference calls and smaller meetings, a plan and strategy took shape, which they agreed would be led by Obama 2012 deputy campaign manager Stephanie Cutter, with White House communications director Anita Dunn leading the media plan, and recently departed legislative affairs director Katie Beirne Fallon taking the lead on the Hill. The following week, leaders of more of the operational groups gathered in Jarrett's office for a brainstorming and coordination meeting, with Eggleston and political director David Simas attending. Among the outside groups that attended: Center for American Progress president Neera Tanden, Americans United for Change president Brad Woodhouse, political consultant Bob Creamer and Patty First from the Raben Group.

The White House is still unsure how to deploy Obama. Some advisers feel like the presidential bully pulpit is the only way to bring enough pressure to have a chance at making Senate Republicans crack. Others have been advising that the more this is about Obama, the worse their chances are, and the more they can focus attention on the nominee, and his or her qualifications, the better they'll do.

Obama's aides haven't made a final decision on the long-term strategy. They're more focused for the moment on finalizing plans for the roll-out, hoping to at least generate some initial buzz around the nominee.

Outside allies are lining up progressive organizations, labor leaders, women's groups and black ministers, to focus attention on the battle, which is likely to drag on for months. Monday morning, for example, the Leadership Conference on Civil and Human Rights is releasing a letter from law school deans pushing the Senate to act.

''We are building this campaign for the long haul. Our number one goal is that Senate Republicans do their job, follow their Constitutional responsibility and take up the president's nominee and put that person on the court,'' said one of the people involved in the outside efforts. ''But if they want a political fight, we're more than willing to accommodate them. And if they maintain this unprecedented obstruction, they can kiss their majority goodbye.''

Senate Democrats have been pitching in too. First up: photos and video of the nominee going to meet with Democratic senators on Capitol Hill, hoping will keep the nominee in the news. The administration and Senate Democrats are also weighing whether to stage mock hearings or other photo ops highlighting the nominees inability to even talk to Republicans—all in the hope of generating embarrassing footage for the GOP.

''Unprecedented Republican obstruction calls for an unconventional response,'' is how one Senate Democratic leadership aide put it.

Traditionally, Supreme Court nominees go completely silent except for their private meetings with senators and committee hearings. Though White House aides appear ready to break with that tradition, they'll only go so far: the nominee won't be making the rounds of Sunday talk shows, but some outside advisers have pushed for more contained and scripted appearances, like speeches at bar associations or law schools.

But the White House is proceeding carefully, feeling that the politics work best for them if they're able to keep the focus on Republican obstructionism.

''It's going to be largely about the person, so it's up to us to be as serious and dogged about how we present that person to the country,'' a White House aide said.

Top aides remain optimistic that McConnell will ease his blockade, but right now there's zero indication Republicans plan to back down. With that in mind, the administration is prepared for the fight to become more about ramping up embarrassment for Republicans up and down the ballot going into November, hoping they can help elect a Democratic president and more Democrats to the Senate, who would then fill the seat in January.

Asked aboard Air Force One on Friday whether the White House is prepared to have the nominee do interviews or whether the president will take a more public role, White House press secretary Josh Earnest said, ''it's too early to say exactly how this will play out.''

Within the White House, the planning is being overseen by Jarrett, Brian Deese, the senior adviser whom Obama tapped to lead the process, and Shailagh Murray, the senior adviser and former newspaper reporter who's specialized in developing unconventional media strategies for this White House. White House principal deputy press secretary Eric Schultz has become the point person for the media approach.

Jarrett's chief of staff, Yohannes Abraham, has been organizing about 125 outside experts, including legal experts, law school deans, former Supreme Court clerks, officials from previous administrations, former elected officials (including dozens of Republicans), civil rights leaders, mayors, union officials, CEOs and environmental leaders.

They've also convened conference calls with leaders broken down by groups. Asian Americans and Pacific Islanders, Latino, African-American, civil rights, small business, state and local elected officials, academics and law school deans, disability advocacy, faith, youth, labor and progressives, women and lawyers.

''The coordinated grassroots effort that has already proven a powerful tool to put

pressure on Republicans will only ramp up,'' said Amy Brundage, a former deputy communications director at the White House currently helping coordinate communications for the outside effort at Dunn's firm. ''That includes events in targeted states with real working Americans pushing Senate Republicans to do their jobs, press events with key Democratic members and groups, and coordinated validator pushes like those with the legal scholars, historians and attorneys general.''

So far, the administration doesn't have a set calendar for each day following the submission of the nomination, but they're developing the plan to accommodate variables such as who the nominee is, what that person's biography includes, and what that person's current job allows for. With the short list reportedly limited to sitting federal judges, there may be less room to maneuver. Judges face more restrictions on their activities than a practicing attorney, academic or politician.

''The formal ethics rules applicable to appellate court judges wouldn't apply to a senator,'' said Indiana University professor Charles Geyh. The standard rules for judicial candidates technically don't apply to Supreme Court nominees, Geyh pointed out. Strategic considerations have led recent nominees to be fairly evasive about their views, but that doesn't preclude trying to keep the spotlight on the nomination.

''I wouldn't hesitate to have cameras at the ready to the extent this person is having doors slammed in his face, using that as a way to embarrass the Republicans, but that's different from having the nominee out there chatting about what he'd do as a judge,'' Geyh said, adding that most of the reticence nominees have shown in recent years ''is all strategic and has nothing to do with ethics.''

Democrats have already been talking about holding unofficial hearings on a potential nomination. Whether the nominee him- or herself would attend is an open question, but experts say it would also be within ethical bounds.

''We're entering uncharted waters here. We've never had a situation in which the party in power, in this case the Republicans, were denying even a hearing to the nominee,'' said Nan Aron of the liberal Alliance for Justice.

If the fight stretches into late summer and the Democratic focus turns to an election-focused campaign, the situation gets dicier. A nominee who's a sitting judge would need to steer clear of events where those arguments are being made, and even a non-judge would be wise to do the same.

Conservatives say they're bracing for an aggressive campaign by the White House and Democrats who'll be looking to keep the Supreme Court fight on the front burner. Already, some groups have been circulating opposition research about several of the potential nominees whose names have been most discussed, hitting Sri Srinivasan, Jane Kelly and Ketanji Jackson.

''This is just going to push the boundaries,'' said veteran GOP judicial nominations advocate Curt Levey, now with Freedomworks. ''They can certainly make the meetings with Democratic senators into a show—more of a show than it normally is.''

The White House theory is that if there's enough pressure to get Republicans to cave on a hearing, that will start the ball rolling in a way that'll make winning confirmation a real possibility.

Democrats pounced on Sen. John Cornyn's (R–Texas) promise last week that the Republicans will turn Obama's nominee into a piñata. That raises additional questions about who Obama chooses, since the person will have to endure not just a stranger than normal process, but likely a very negative one. As Cornyn warned, that could be enough to make some potential picks say no. If this fight goes on long enough and the nominee is a judge who'll likely recuse from pending and future cases, the person could be open to attacks of getting paid for not working—or going back to their day job and appearing to throw in the towel.

Levey said he expects the fight will eventually morph into full-blown election politics. ''At some point this is going to turn,'' Levey said. ''It may turn very quickly in terms of the White House giving up whatever little hope they have.''

Mr. HATCH. Furthermore, Madam President, the minority leader has turned his daily remarks on the floor into constant diatribes against the chairman of the Judiciary Committee. These diatribes rank among the most vicious and most personal attacks I have heard on the Senate floor in my nearly four decades in this Senate body. Having myself served as chairman of the Judiciary Committee for more than 8 years, I know that the position is no stranger to controversy and political hardball. But the vile and unfair attacks on Senator GRASSLEY's independence and work ethic have gone too far.

I have had the privilege of serving with Senator GRASSLEY for more than 35 years. I know no one more committed to doing his job. Senator GRASSLEY has not missed a vote in a record-setting 27 years—when he was home in Iowa, touring the awful damage of the Great Flood of 1993—and yet still manages to hold townhall meetings in all 99 of his State's counties every year. He sets the gold standard of service in the Senate.

If anyone knows his mind, it is Senator GRASSLEY. Each of us is entitled to our opinions on issues that come before this body, even controversial ones, but I want to condemn in the strongest possible terms the notion that a difference of opinion with Senate Democrats means that Senator GRASSLEY is compromising his own integrity or the independence of the Judiciary Committee he leads. These attacks come very close to impugning his character, and that sort of behavior is beneath the dignity of this body.

The minority leader came to the floor to seize on the comments of the senior Senator from Texas to manufacture what I consider to be another cheap political attack on the Republican majority. In those comments, Senator CORNYN had speculated that the election-year political environment could, unfortunately, turn any Supreme Court nominee into a political pinata. The minority leader's comments are a total mischaracterization of Senator CORNYN's record of fairness toward nominees of both parties and of Senate Republicans' intentions in this situation. After all, the whole point of deferring the nomination and confirmation process is to limit the mistreatment of any nominee, as Senator CORNYN suggested in his remarks. This unfounded accusation is also deeply ironic, coming from the party that stooped to the character assassination of Robert Bork and Clarence Thomas.

If there is anyone who has been treated like a piñata in this debate, it has been Senator GRASSLEY. Now, CHUCK GRASSLEY is as tough as they come, and I have every confidence that he will weather these attacks. But if these scorched-earth political tactics reflect the length some of the Democratic minority are prepared to go in an election-year confirmation battle, there can be no better illustration of why we should defer this process.

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.

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

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

Ms. WARREN. Madam President, today the Senate will vote on the confirmation of Dr. John King to be the next Secretary of Education. While there is only 1 year left in the Obama Presidency, this is still one of the most important jobs in Washington because the Department of Education has a powerful set of tools available that it can use to stand up for people who are struggling with student loan debt and tools to help make a quality, affordable college education a reality for millions of Americans.

Secretary of Education must be one of the most difficult jobs in Washington because for years there has been some kind of problem at the Department of Education that has made it practically impossible to get the Department to put the interests of students ahead of the interests of private contractors and for-profit colleges that are making the big money off our students.

The Department has powerful tools to make sure that fraudulent colleges aren't sucking down billions of taxpayer dollars of student loans. But for the most part, these tools gather dust on the shelf while shady institutions like Corinthian Colleges spend years gobbling up taxpayer money while they defraud their own students.

The Department has powerful tools to help students when they get ripped off by fraudulent colleges. But for years, it has been like pulling out your own teeth simply to get relief for the victims who got cheated by for-profit colleges like Corinthian.

There are literally dozens of examples of how the Department of Education's trillion-dollar student loan bank has been putting profits for these companies and for-profit colleges ahead of the needs of students. One of the worst has been the bank's approach to overseeing the student loan servicing companies that are paid by the government to collect student loan payments.

Consider the case of Navient, a student loan servicer that got caught red-handed ripping off tens of thousands of

active duty members of the military. Two years ago, the Department of Justice and the FDIC fined the company $100 million for breaking the law and overcharging our active duty military on their student loans. But the Department of Education didn't take any action against Navient. Instead of following the lead of the Justice Department and using the Justice Department's evidence—no, the Department of Education announced its own separate review of whether soldiers were harmed.

A year later, they released their results, and notwithstanding the fact that Navient was already sending checks to thousands of servicemembers under the DOJ and FDIC agreement, the Department of Education student loan bank concluded that everything was just fine, and the Department's bank had no need to impose any additional fines or restrictions on Navient. In fact, things were so fine that the Department's bank rewarded Navient by renewing a $100 million contract.

If that sounds stinky to you, it should. The Department's inspector general took a close look at what was going on over at the Department's bank, and 2 weeks ago they released a scathing report on the bank's whitewash. The IG slammed the Department for a report that was a complete and utter mess, loaded with errors, calling for ''inconsistent and inadequate actions.'' The IG concluded that the Department of Education's happy-face press release announcing that everything was fine with the servicer was ''unsupported and inaccurate.''

When a private company breaks the law and steals from American soldiers who are literally in the field fighting overseas, those companies should be held accountable. The Justice Department held Navient accountable. The FDIC held Navient accountable. But the Department of Education's bank decided it was more important to protect Navient than to watch out for our military students.

Let's not mince words. The Navient fiasco is outrageous, but it is not surprising. At a Senate hearing 2 years ago, I asked James Runcie, who runs the Department of Education's student loan bank, how he could turn around and renew the contract of a company like Navient that had just copped to ripping off American soldiers. His answer, essentially, was that moving borrowers away from Navient would simply be too disruptive. Senator Harkin said at the time that sounded an awful lot like too big to fail. And Senator Harkin was right. So long as that theory remains the operating principle of the Department of Education, the American people can forget about the law because there will be no real limits on how much money big private companies and large fraudulent schools can steal from students and taxpayers.

Dr. King didn't create any of these problems. These problems have grown and festered over a long time, and they won't be easy to solve. For several weeks now Dr. King and I have talked about these issues, and I believe he understands the magnitude of the task he faces. He has committed in no uncertain terms to a top-down review of the way the student loan program is administered and the way the Department oversees financial institutions. He has announced that he will force all of the major student loan servicers to review their records and make refunds to all members of the military who were illegally ripped off. And he has embraced strong, new proposals to protect borrowers who are taken in by fraudulent colleges so they can get their money back.

These are serious steps in the right direction. For those reasons, I will vote for him today, but let's be clear that this is not the end of the story. Dr. King has an enormous amount of work to do to get the Department's higher education house in order, and the American people will be watching closely for results.

One of the first things that must be done is a total reform of student loan servicing to make sure nothing like the Navient disaster ever, ever happens again. Here are five simple principles that should guide that reform:

First, put students and families first—every time, every decision. The Department exists to serve students, not student loan companies. It is time they acted like it.

Second, punish bad actors. Navient broke the law and cheated soldiers, but the Department bent over backward to protect them. Right now Navient owes the Federal Government $22 million it stole in another scam, and the Department hasn't even bothered to collect it. The Department needs to show it is willing and able to punish companies that break the rules, and that includes kicking them out of the student loan program if necessary.

Third, change the financial incentives for servicers. Two years ago, the Department renegotiated the servicer contracts and basically ended up paying the companies more money for the same bad outcomes. No more. Our country pours millions of tax dollars into these companies, and it is time to leverage those dollars to make sure the companies are working for students.

Fourth, release more data. The Department of Education adamantly refuses to share basic data about the student loan program with anyone, even other folks within the Department of Education. That means nobody—nobody—can even see how this bank is being run. It is time for some sunshine.

Fifth, take responsibility for aggressive oversight of student loan servicers. The Department needs to act before this problem metastasizes, and when the Department doesn't have the tools to act, it needs to get out of the way and let the CFPB or other Federal agencies do their jobs.

Five simple principles. Everyone in government who is serious about standing up for the tens of millions of student loan borrowers in this country should embrace them because we shouldn't be running the student loan program to create profits for private companies. We should run it for students.

We are facing a crisis in higher education. Student debt is exploding, crushing our young people and threatening the economy. Opportunity is slipping away from millions of Americans. The time for reform is now—not in the next Presidency, not 5 years from now but now. Reform starts with the Department of Education, and if he is confirmed today, it is my strong hope that Dr. King will make fixing these problems a top priority from his first day on the job to his last day on the job.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEE. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. Mr. President, last week the Senate Health, Education, Labor, and Pensions Committee voted to advance President Obama's nominee for Secretary of Education, Dr. John King. Tonight the nomination is set to come before the Senate not for a robust debate but for a hasty vote, and by all accounts confirmation is expected.

I rise to oppose the nomination of Dr. King and to urge my colleagues to join me in voting against his confirmation as Secretary of Education. I have studied Dr. King's professional record—most notably, his time in New York's Department of Education. I have reviewed the transcripts of his confirmation hearing. Based on the policies he has supported, the bipartisan opposition he has invited throughout his career, and his uncompromising commitment to the designs of bureaucrats and central planners over the lived experiences of parents and teachers, I believe it would be a grave error for the Senate to confirm Dr. King's nomination at this time.

Indeed, I believe it would be difficult for anyone to support Dr. King's nomination on the basis of his record. The problem is not that Dr. King lacks experience. On paper, you might even think that Secretary of Education is the natural next step in his career. After 3 years as a teacher and a brief stint at managing charter schools, Dr. King has risen through the ranks of the education bureaucracy, climbing from

one political appointment to the next, but do we think that someone who has spent more time in a government agency than in a classroom is best suited to oversee Federal education policy? More to the point, what matters aren't the jobs someone has held but the policies that person has advanced. This is the problem with Dr. King's nomination.

Look closely at his record, especially look closely at the 3½ years he spent as New York's education commissioner, where he forced on an unwilling school system unpopular Common Core curriculum and standards, an inflexible testing regime, and a flawed teacher evaluation system.

All of this proves that Dr. King is the standard bearer of No Child Left Behind—the discredited K–12 regime that has become synonymous with dysfunctional education policy in classrooms and households all across America. This is not just my opinion. It was the opinion of New York's parents, teachers, legislators, school board members, and superintendents. The vast majority of them opposed and protested against Dr. King and the policies he championed while at the helm of the State's education department.

This Congress and President Obama have promised to move Federal education policy in the opposite direction established by No Child Left Behind. Under these circumstances, Dr. King—the embodiment of the failed K–12 status quo—is not the person who should be put in charge of the Department of Education. If confirmed, Dr. King would serve as the head of the Department of Education for 10 months, until January 2017, when the next President is sworn into office. This may sound like an insignificant amount of time for a Cabinet Secretary to serve, but in reality the next 10 months are crucially important to the future of Federal education policy in America.

Just a few months ago, Congress passed and President Obama signed the Every Student Succeeds Act, or ESSA—a bill that reauthorized the law governing Federal K–12 education policy. Now the Department of Education will begin implementing the ESSA, which will set the course of the Department for years to come. So what happens over the next 10 months within the Department of Education will have sweeping, far-reaching consequences for America's schools, teachers, and students—consequences that will affect not just the quality of education students receive as children but the quality of life available to them as adults.

One of the most serious flaws of the ESSA, and one of the primary reasons I voted against the bill, is that it reinforces the same K–12 model that has trapped so many kids in failing schools and confined America's education system to a state of mediocrity for half a century. This is a model that concentrates authority over education decisions in the hands of Federal politicians and bureaucrats instead of parents, teachers, principals, and local school boards.

There is no government official who is granted more discretion or more authority under the ESSA than the Secretary of Education. The ESSA purports to reduce the Federal Government's control over America's classrooms by returning decisionmaking authority to parents, educators, and local officials. For instance, there are several provisions that prohibit the Secretary of Education from controlling State education plans or coercing States into adopting Federal standards and testing regimes, but when you look at the fine print, you see that in most cases these prohibitions against Federal overreach contain no enforcement mechanisms—only vague, aspirational statements encouraging the Secretary to limit his own powers.

So the question is, If confirmed as Secretary of Education, would Dr. King adhere to the spirit of the ESSA and voluntarily return decisionmaking authority to parents, teachers, and local officials? There is little reason to believe he would.

Dr. King's former boss and would-be predecessor, Arne Duncan, certainly had no qualms about violating similar prohibitions against Federal overreach found in No Child Left Behind, nor has he shied away from advertising the fact that ESSA would function in much the same way as No Child Left Behind.

In an interview with POLITICO, Duncan discussed whether the ESSA would, in fact, reduce the Federal Government's control over America's classrooms. He was asked: ''How do you respond to the notion that you've had your wings clipped on your way out the door?'' This was Duncan's response: ''Candidly, our lawyers are much smarter than many of the folks who were working on this bill.''

In other words, Congress can write whatever bill it wants, and the administration's lawyers will be able to figure out a way to implement it according to the preferences of the Cabinet Secretaries and their armies of bureaucrats. This is certainly a brazen admission of bureaucratic arrogance by former Secretary Duncan, but it is exactly in line with the way Dr. King approached his job as education commissioner of New York just a few years ago.

Under Dr. King's leadership, New York became one of the first States to implement Common Core standards and testing requirements starting in 2011. Dr. King was one of the only education commissioners in the country to insist on rolling out the tests before teachers had been given adequate time to adapt to the new curriculum imposed by Common Core. To the surprise of no one—except perhaps for Dr. King—the results were a disaster.

The 2013 Common Core tests only widened the achievement gap and sparked the Opt Out movement in New York, which mobilized 65,000 students to opt out of the Common Core tests in 2014 and more than 200,000 students to opt out in 2015. To make matters worse, around the same time teachers were being forced to test their students on material they hadn't been given time to incorporate into their curriculum, Dr. King implemented a teacher evaluation system that relied heavily on these distorted student test scores. This evaluation system was so unpopular that in 2014 one of New York's teachers unions called for Dr. King's resignation.

What is most troubling about Dr. King's tenure as education commissioner isn't that he centralized decisionmaking authority within the State's education department, imposing one-size-fits-all policies across a diverse school system. Plenty of education commissioners are guilty of the same, if not worse. No, the real problem with Dr. King's record is that he routinely and apparently as a matter of policy ignored the advice and feedback of teachers, parents, principals, and school board members. Even as his centrally planned house of cards was tumbling down around him, Dr. King stayed the course, believing against all evidence that when it comes to running a classroom, bureaucrats and politicians know better than teachers, parents, and local school boards.

When the Senate confirms a Presidential nominee, we are doing more than just approving a personnel matter; we are accepting, to a degree, what that nominee stands for. As we consider this nomination, we must ask ourselves, what kind of policy do the American people want? What kind of policy do America's elementary and secondary students deserve? We know that local control over K–12 and even pre-K education is more effective than Washington, DC's, prescriptive, heavy-handed approach because we have seen it work in communities all across the country. The point isn't that there is a better way to improve America's schools but that there are 50 better ways, thousands of better ways, but Washington is standing in the way, distrustful of any alternative to the top-down education status quo. And under the leadership of Dr. King, Washington's outdated, conformist policies will continue to stand in the way. America's students deserve better than this. The least we can do is to not accept the failed status quo.

I urge all of my colleagues to join me in voting against this nomination.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes before the vote, to be followed by Senator MURRAY for as much time as she may require, and then we will have a vote.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 5 minutes following Senator ALEXANDER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, the Senator from Utah has given an excellent speech about why it would be a good idea to have a Republican President of the United States, but we don't have one.

The reason we are voting today is because we need a U.S. Education Secretary confirmed by and accountable to the U.S. Senate so that the law to fix No Child Left Behind will be implemented the way Congress wrote it.

In December, at the ceremony where President Obama signed the Every Student Succeeds Act, the new law to fix No Child Left Behind, I urged the President to send a nominee to the Senate to be the Education Secretary to replace Arne Duncan. Without that, we would have gone a whole year without a leader of that Department confirmed by and accountable to the U.S. Senate. I made that recommendation to the President because this is such an important year for our 100,000 public schools and the 50 million students who are in those schools. We need an Education Secretary who is confirmed and accountable to Congress while we are implementing a law that may govern elementary and secondary education for some time. I want to be sure we are working together to implement the law the way Congress wrote it. That law was passed with broad bipartisan support. It passed the U.S. Senate by a vote of 85 to 12. It passed the House of Representatives by a vote of 359 to 64.

We achieved that result because, as Newsweek said, No Child Left Behind was a law everybody wanted fixed and fixing it was long overdue. Governors, teachers, superintendents, parents, Republicans, Democrats, and students all wanted No Child Left Behind fixed. Not only was there a consensus about the need to fix the law, there was a consensus about how to fix it, and the consensus was this: Continue the important measures of academic progress of students, disaggregate the results of those tests, report them so everyone can know how schools, teachers, and children are doing, but then restore to States, school districts, classroom teachers, and parents the responsibility for deciding what to do about those tests and about improving student achievement.

This new law is a dramatic change in direction for Federal education policy. In short, it reverses the trend toward what had become a national school board and restores to those closest to children the responsibility for their well-being and academic success.

The Wall Street Journal called the new Every Student Succeeds Act ''the largest devolution of federal control of schools from Washington back to the states in a quarter of a century.''

I suppose you could say it didn't go far enough, but that would be like standing in Nashville and waiting 7 years to hitchhike to New York City, and when somebody offers you a ride to Philadelphia, you say: I think I will wait another 7 years. I think I would take the ride and then see if I could get another ride to New York City, and that is what 85 U.S. Senators thought when they voted for this.

There is no group more interested in restoring responsibility to States than the Nation's Governors. The Governors gave our new law the first full endorsement of any piece of legislation since their endorsement of welfare reform 20 years ago in the U.S. Congress.

I believe the law can inaugurate a new era of innovation and student achievement by putting the responsibility for children back in the hands of those closest to them: the parents, classroom teachers, principals, school superintendents, school boards, and States.

The Senate Education Committee, which I chair and on which the Senator from Washington is the senior Democrat, will hold at least six hearings to oversee implementation of the new law. All of those hearings will be bipartisan, as our hearings almost always are. We already held the first hearing on February 23 with representatives of many of the groups who worked together to pass the law, and now they are working together to implement the law. They already formed a coalition made up of the National Governors Association, the School Superintendents Association, the National Education Association, the American Federation of Teachers, the National Conference of State Legislatures, the National Association of State Boards of Education, the National School Boards Association, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Parent Teacher Association, with the support of the Chief State School Officers.

They sent Dr. King a letter saying:

> Although our organizations do not always agree, we are unified in our belief that ESSA is an historic opportunity to make a world-class 21st century education system. And we're dedicated to working together at the national level to facilitate partnership among our members and states and districts to guarantee the success of this new law.

They go on to say:

> That new law replaces a top-down accountability and testing regime with an inclusive system based on collaborative state and local innovation. For this vision to become a reality, we must work together to closely honor congressional intent: ESSA is clear. Education decisionmaking now rests with the states and districts, and the federal role is to support and inform those decisions.

You may say something different, but you are disagreeing with the Governors, the school superintendents, the NEA, the AFT, the State legislatures, the State boards of education, the National School Boards Association, the National Association of Elementary School Principals, the National Association of Secondary School Principals, and the National Parent Teacher Association.

Our first oversight hearing with Dr. King will be April 12.

Some have objected to this nomination on the grounds that Dr. King was supportive of common core when he was education commissioner in New York State. I want those who are worried about that to know that this new law has ended what had become, in effect, a Federal common core mandate. More than that, it explicitly prohibits Washington, DC, from mandating or even incentivizing common core or any other specific academic standards. That is in the law. What standards to adopt entirely up to States, local school boards, and classroom teachers.

Here is what Senator ROBERTS of Kansas, who wrote this part of the law, asked Dr. King at our hearing on February 25:

> I know that we have differences on Common Core. I don't want to get into that. But it is part of the existing legislation in law. And I want to be absolutely clear, the language says, no officer or an employee of the federal government, including the secretary, shall attempt to influence, condition, incentivize or coerce state adoption of the Common Core state standards or any other academic standards common to a significant number of States or assessments tied to such standards.

Senator ROBERTS continued:

> I know that we, again, have differences. But nevertheless, will you give us your commitment that you will respect the intent as well as the explicit binding letter of that prohibition?

Dr. King said: ''Absolutely.''

That is why we needed a confirmation hearing. That is why we need to have a confirmed Secretary of Education.

In my questions to Dr. King, I said this about my exchanges at an earlier hearing with Dr. Tony Evers, the Wisconsin State superintendent of public instruction, who is also the president of all the chief state school officers. I said to Dr. Evers:

> Do you read the new law to say that if Wisconsin wants to have Common Core, which it does, I believe, that it may? If it does not want to have Common Core, that it may not? That if it wants part of Common Core or more than Common Core, it can do that? It simply has to have challenging academic standards that are aligned to the entrance requirements for the public institutions of higher education in the state.

The superintendent said he agreed with that.

In other words, to be blunt, it doesn't really make much difference what Dr. King thinks of common core. Under the law, he doesn't have anything to do with it. He doesn't have anything to do with whether a State adopts it or whether a State chooses not to adopt it.

The new law also ended the practice of granting conditional 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. Governors have been forced to come to Washington to play ''Mother, may I?'' in order to put in a plan to evaluate teachers or help a low-performing school, for example. That era is over. It ends the ''highly qualified teacher'' definition. It ends the teacher evaluation mandate. It

ends the Federal school turnaround models, Federal test-based accountability, and adequate yearly progress. Those decisions—after all the reports are made about how schools, teachers, and children are doing—will be made by those closest to the children. The new law moves decisions about whether schools, teachers, and students are succeeding or failing from Washington, DC, and back to States and communities, where those decisions belong.

In conclusion, please permit me to add a personal note. This day is actually 25 years to the day since I was confirmed as the U.S. Education Secretary. I believe the Senator from Indiana was on the Education Committee at that time. But here is the difference: Under a Democratically controlled Senate, my nomination took 87 days from the day it was announced and 51 days from when the nomination was formally submitted to the Senate. Under a Republican-controlled Senate, Dr. King's nomination has taken 32 days. His nomination was announced and formally submitted on February 11.

Let me conclude the way I started. The reason we are voting today is that we need an Education Secretary confirmed by and accountable to the U.S. Senate so that the law that 85 of us voted for to fix No Child Left Behind is implemented the way we wrote it. This vote is not about whether one of us would have chosen Dr. King to be the Education Secretary. Republicans won't have the privilege of picking an Education Secretary until we elect a Republican President of the United States. What we need is an Education Secretary confirmed by and accountable to the U.S. Senate so that the law to fix No Child Left Behind will be implemented the way we wrote it.

I urge my colleagues to vote yes. I conclude my remarks, but I want to do so with thanks to the Senator from Washington, Mrs. MURRAY, who played such a crucial role in passing the law fixing No Child Left Behind.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor as well today to speak in support of Dr. John King's nomination to serve as Secretary of Education.

This is really an important time for students when it comes to early learning. We have seen improvements, but we have much more to do to expand access to high-quality preschool so more of our kids can start school on strong footing.

This is a critical moment as well, as we just heard, for K–12 education as schools and districts and States transition from the broken No Child Left Behind to the bipartisan Every Student Succeeds Act that the President signed into law late last year.

I hear all the time from students and families who are struggling with the high cost of college and the crushing burden of student debt. With all of these challenges and opportunities, the Department of Education will need strong leadership, and I am glad President Obama has nominated Dr. John King who is currently serving as Acting Secretary of the Department.

I want to commend Senator LAMAR ALEXANDER, chairman of our HELP Committee, for moving forward with Dr. King's nomination in a timely and bipartisan manner in our committee. I also appreciate Majority Leader MITCH MCCONNELL for bringing this nomination to the floor.

Dr. John King has a longstanding commitment to fighting for kids. Through his personal background, he knows firsthand the power that education can have in a student's life. He has enriched students' lives as a classroom teacher and as a principal. He has worked with schools to help close the achievement gap. And he served as the commissioner of education for New York State for 4 years. No one can question his passion for our Nation's young people.

This administration has a little less than a year left in office, but that is still plenty of time to make progress in several key areas, and that progress is more likely with a confirmed Secretary in place at the Department.

In higher education, I, along with my Democratic colleagues, will continue to focus on ways to make college more affordable, reduce the crushing burden of student debt that is weighing on so many families today, and continue working to fight back against the epidemic of campus sexual assaults and violence.

I would also like to see the Department take new steps to help protect students who are pursuing their degrees. As one example, students like those who went to Corinthian Colleges, have the right to seek loan forgiveness if they attended a school that engaged in deceptive practices. I am really pleased the Department has a new proposal to set up a simple way for students to get relief. And all borrowers should receive the highest levels of customer service and protections under the law, particularly our servicemembers and our military families. This is an issue I and others have raised directly with Dr. King during his confirmation and one where we are finally seeing the administration make progress.

The role of Education Secretary has become especially important as the Department begins implementing the Every Student Succeeds Act. I expect the Department to use its full authority under the Every Student Succeeds Act to hold our schools and States accountable, to help reduce the reliance on redundant and unnecessary testing, and to expand access to high-quality preschool.

A good education can be a powerful driving force for success in our country and help more families live out the American dream. That is what makes education such a vital piece of our work to help our economy grow from the middle out, not from the top down. I hope to partner with Dr. King as Secretary of Education to work toward that shared goal.

I urge all of our colleagues today to support his nomination.

Thank you.

I yield the floor.

Mr. ALEXANDER. Mr. President, I yield back all time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the King nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is 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 Texas (Mr. CRUZ), the Senator from Arizona (Mr. FLAKE), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Ohio (Mr. PORTMAN), the Senator from Florida (Mr. RUBIO), the Senator from Alabama (Mr. SESSIONS), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted ''nay.''

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The result was announced—yeas 49, nays 40, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—49

Alexander	Feinstein	Murphy
Baldwin	Franken	Murray
Bennet	Hatch	Nelson
Blumenthal	Heinrich	Peters
Booker	Heitkamp	Reed
Boxer	Hirono	Reid
Cantwell	Kaine	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Stabenow
Cassidy	Manchin	Tester
Cochran	Markey	Udall
Collins	McCaskill	Warren
Coons	McConnell	Whitehouse
Cornyn	Menendez	Wyden
Donnelly	Merkley	
Durbin	Mikulski	

NAYS—40

Ayotte	Gardner	Perdue
Barrasso	Gillibrand	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Rounds
Burr	Heller	Sasse
Capito	Hoeven	Scott
Coats	Inhofe	Shelby
Corker	Isakson	Sullivan
Cotton	Johnson	Thune
Crapo	Lankford	Tillis
Daines	Lee	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	
Fischer	Paul	

NOT VOTING—11

Brown	McCain	Sessions
Cruz	Portman	Toomey
Flake	Rubio	Warner
Kirk	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader is recognized.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

Mr. MERKLEY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MERKLEY. Mr. President, I object. Reserving the right to object, I would say to the majority leader that we are about to enter a topic where people have strong opinions, and they should be able to speak what amount they desire and not be limited to 10 minutes.

Mr. MCCONNELL. Mr. President, I am not sure what the question of the Senator from Oregon is related to. I was simply going to commend the Senator from Louisiana for presiding over the Chamber for 100 hours—not a terribly controversial thing, I don't think.

Mr. MERKLEY. And I certainly don't object to the Senator doing that. But as we go into morning business, there is no need to put a 10-minute limit to accomplish that.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

GOLDEN GAVEL AWARD

Mr. MCCONNELL. Mr. President, I would like to say a word to Senators about our colleague currently in the chair. He has just passed an important milestone. He has now presided over the Senate for 100 hours. We all know what that means. He will be receiving the Golden Gavel, and I look forward to presenting it to him tomorrow.

Presiding over the Senate may not seem the most glamorous job around here to some people, but it is an important one. You learn a lot about procedure, you learn a lot about your colleagues, and because the use of electronic devices is prohibited, you rediscover the lost art of communicating with a pen and a piece of paper. I think we could all stand to benefit from that kind of practice.

Today's Golden Gavel recipient often dashes off notes for pages to bring to his staff while in the chair, and because today's Golden Gavel recipient is a doctor, it also takes his staff about 3 hours to decipher each of the notes he writes.

Here is the bottom line for our friend from Louisiana. Being in the chair reminds him of all the history in this Chamber. It brings to mind the many important decisions that have been made here over the years, and it gives him perspective.

''Every now and then,'' Senator CASSIDY says, he likes to just ''soak up the moment.'' I hope he will take the opportunity to do so now. He is the first Member of the class of 2014 to earn the Golden Gavel distinction, and all of our colleagues are pleased to acknowledge this accomplishment.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the body the message to accompany S. 764.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 764) entitled ''An Act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes,'' do pass with an amendment.

MOTION TO CONCUR WITH AMENDMENT NO. 3450

Mr. MCCONNELL. I move to concur in the House amendment to S. 764 with a further amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to S. 764 with an amendment numbered 3450.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk on the motion to concur.

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 motion to concur in the House amendment with an amendment to S. 764, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

Mitch McConnell, Mike Rounds, John Barrasso, Deb Fischer, Tom Cotton, Roger F. Wicker, Mike Crapo, Johnny Isakson, John Cornyn, Pat Roberts, Orrin G. Hatch, Richard Burr, James M. Inhofe, Jeff Flake, Tim Scott, Cory Gardner, Shelley Moore Capito.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

MOTION TO REFER

Mr. MCCONNELL. I move to refer the House message on S. 764 to the Committee on Commerce.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the bill, S. 764, to the Committee on Commerce, Science and Transportation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

IMMIGRATION ENFORCEMENT

Mr. GRASSLEY. Mr. President, I want to pay tribute to Sarah Root, a young woman from Iowa who had a very bright future but was taken from this Earth too soon.

Sarah was 21 years old and just graduated from Bellevue University with perfect grades. In the words of her family, ''She was full of life and ready to take on the world.''

According to a close friend of hers, Sarah was smart, outgoing, and dedicated to her friends and family. She embodied the words that were tattooed on her body: ''Live, laugh and love.''

The day Sarah graduated, she was struck by a drunk driver. That driver was in the country illegally. The alleged drunk driver was Edwin Mejia, and he had a blood alcohol content of .241, three times the legal limit. The driver was charged with felony motor vehicle homicide and operating a vehicle while intoxicated on February 3. Bail was set at $50,000, but he was only required to put up 10 percent. So for a mere $5,000, the drunk driver walked out of jail and into the shadows. As Sarah's father said, after laying his daughter to rest, ''The cost of a bond cost less than the funeral.''

Those are painful words to hear, but what is more frustrating is that the driver should have never been released. When local law enforcement apparently asked the Federal Government—specifically U.S. Immigration and Customs Enforcement—to take custody of the person, the Federal Government declined. ICE refused to place a detainer on the driver. An ICE spokesman stated that the agency did not lodge a detainer on the man because