The House met at noon and was called to order by the Speaker pro tempore (Mr. SMIRNI of Nebraska).

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, February 6, 2017.
I hereby appoint the Honorable ADRIAN SMIRNI to act as Speaker pro tempore on this day.

PAUL D. RYAN
Speaker of the House of Representatives.

MORNING-HOUR DEBATE
The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

RECESS
The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.
Accordingly (at 12 o’clock and 1 minute p.m.), the House stood in recess.

☐ 1400

AFTER RECESS
The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MESSER) at 2 p.m.

PRAYER
The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:
Eternal God, through whom we see what we could be, and what we can become, thank You for giving us another day.
Send Your spirit upon the Members of this people’s House to encourage them in their official tasks. Be with them and with all who labor here to serve this great Nation and its people.
Assure them that whatever their responsibilities, You provide the grace to enable them to be faithful in their duties and the wisdom to be conscious of their obligations and fulfill them with integrity.
Remind us all of the dignity of work and teach us to use our talents and abilities in ways that are honorable and just and are of benefit to those we serve.
May all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.
Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. EMMER) come forward and lead the House in the Pledge of Allegiance.

Mr. EMMER led the Pledge of Allegiance.

VETERAN JOHN GRAW, WELCOME TO MINNESOTA’S SIXTH
(Mr. EMMER asked and was given permission to address the House for 1 minute.)

Mr. EMMER. Mr. Speaker, I rise today to welcome an incredible individual who is new to Minnesota’s Sixth Congressional District.
John Graw, a World War II veteran, recently moved to Ramsey to be closer to his daughters. Upon his arrival in Ramsey—which was, coincidentally, the day before Veterans Day—the Ramsey City Council awarded John with a key to the city and a letter welcoming him to the community.
John was a master sergeant in the U.S. Army Air Force and served with the Mediterranean Allied Air Force that fought in the North African Campaign as well as the European theater in Italy and France during World War II.
I am so glad that John received such a warm welcome to Ramsey, especially because he came to the defense of our Nation during one of its darkest times. It is inspiring to know that this hero lives among us, and it is an honor to stand here today and welcome this member of the Greatest Generation to our community.

ARMY RECOGNITION FOR ARKANSAS CONGRESSMAN STEVE WOMACK
(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I rise today to honor the achievement of a true Arkansas leader, my colleague and friend, Representative STEVE WOMACK.

Early this year, STEVE was awarded the Department of the Army’s Decoration for Distinguished Civilian Service, which is the highest award the Secretary of the Army may bestow upon a civilian.
Before being elected Representative for Arkansas’ Third Congressional District, STEVE dedicated most of his adult life to the Arkansas Army National Guard where he retired as a colonel after 30 years of service.
He has been awarded the Meritorious Service Medal, the Army Commendation Medal, and the Legion of Merit. His example is one all Americans and Arkansans can admire, and I treasure our work together here in the 115th Congress representing our State of Arkansas.

NOAA BETRAYED THE AMERICAN PEOPLE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, a whistleblower has charged that the National Oceanic and Atmospheric Administration falsified data in a study that attempted to disprove the widely accepted 15-year halt in global warming. This was done in an effort to garner public support for the Obama administration’s Clean Power Plan and the United Nations’ Paris climate agreement.

NOAA’s officials suppressed internal debate about the study and actively obstructed the House Science Committee’s investigations of concerns about the data. However, one brave scientist decided to step forward and blow the whistle on NOAA.

According to Dr. John Bates, NOAA put its thumb on the scale to justify their predetermined conclusion and support the President’s agenda, even if that meant violating their own scientific integrity rules.

The Science Committee will continue to investigate this scandal. Americans have a right to unbiased science.

We can thank Dr. Bates for his heroic act and for having the courage to step forward in the face of the liberal media’s smear campaigns.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
WASHINGTON, DC, FEBRUARY 3, 2017.

Hon. Paul D. Ryan,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted the Speaker (2) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 3, 2017, at 1:52 p.m.:

That the Senate passed S. 305.

With best wishes, I am
Sincerely,
Karen L. Haas.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule 1, the Chair declared the House in recess until approximately 4:45 p.m. today.

Accordingly (at 2 o’clock and 6 minutes p.m.), the House stood in recess.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 2(h) of Rule II of the House of Representatives:

ANNOUNCEMENT FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore. Pursuant to clause 2(h) of Rule II, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CRAGS, COLORADO LAND EXCHANGE ACT OF 2017

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 618) to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes. The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 618
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Crags, Colorado Land Exchange Act of 2017”.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to authorize, direct, expedite, and facilitate the land exchange set forth herein; and

(2) to promote enhanced public outdoor recreational and natural resource conservation opportunities at the Pike National Forest near Pikes Peak, Colorado, via acquisition of the non-Federal land and trail easement.

SEC. 3. DEFINITIONS.

In this Act:

(1) BHI—The term “BHI” means Broadmoor Hotel, Inc., a Colorado corporation.

(2) FEDERAL LAND—The term “Federal land” means all right, title, and interest of the United States in and to approximately 83 acres of land within the Pike National Forest, El Paso County, Colorado, together with a non-exclusive perpetual access easement to Federal land parcel identified in section 3(2) shall allow—

(a) to improve, relocate, reconstruct, or otherwise alter the route and condition of such road as the Secretary, in close consultation with BHI, may determine advisable;

(b) to provide for the use of Forest Service Road 371 in accordance with historic use and maintenance patterns by BHI;

(c) to provide for the use of Forest Service Road 371 in accordance with the existing Forest Service travel management plan, or as such plan may be revised by the Secretary;

(d) to facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes.

The Sisk Act; 16 U.S.C. 484a); and


Be it enacted by the Senate and House of Representa- tives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Crags, Colorado Land Exchange Act of 2017”.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to authorize, direct, expedite, and facili- tate the land exchange set forth herein; and

(2) to promote enhanced public outdoor recre-ational and natural resource conserva- tion opportunities at the Pike National For- est near Pikes Peak, Colorado, via acquisi- tion of the non-Federal land and trail easement.

SEC. 3. DEFINITIONS.

In this Act:

(1) BHI—The term “BHI” means Broadmoor Hotel, Inc., a Colorado corpora- tion.

(2) FEDERAL LAND—The term “Federal land” means all right, title, and interest of the United States in and to approximately 83 acres of land within the Pike National Forest, El Paso County, Colorado, together with a non-exclusive perpetual access easement to Federal land parcel identified in section 3(2) shall allow—

(a) to improve, relocate, reconstruct, or otherwise alter the route and condition of such road as the Secretary, in close consultation with BHI, may determine advisable;

(b) to provide for the use of Forest Service Road 371 in accordance with historic use and maintenance patterns by BHI;

(c) to provide for the use of Forest Service Road 371 in accordance with the existing Forest Service travel management plan, or as such plan may be revised by the Secretary;

(d) to facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes.

The Sisk Act; 16 U.S.C. 484a); and


Be it enacted by the Senate and House of Representa- tives of the United States of America in Congress assembled,

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(2) to promote enhanced public outdoor recre-ational and natural resource conserva- tion opportunities at the Pike National For- est near Pikes Peak, Colorado, via acquisi- tion of the non-Federal land and trail easement.

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(1) BHI—The term “BHI” means Broadmoor Hotel, Inc., a Colorado corpora- tion.

(2) FEDERAL LAND—The term “Federal land” means all right, title, and interest of the United States in and to approximately 83 acres of land within the Pike National Forest, El Paso County, Colorado, together with a non-exclusive perpetual access easement to Federal land parcel identified in section 3(2) shall allow—

(a) to improve, relocate, reconstruct, or otherwise alter the route and condition of such road as the Secretary, in close consultation with BHI, may determine advisable;

(b) to provide for the use of Forest Service Road 371 in accordance with historic use and maintenance patterns by BHI;

(c) to provide for the use of Forest Service Road 371 in accordance with the existing Forest Service travel management plan, or as such plan may be revised by the Secretary;

(d) to facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes.

The Sisk Act; 16 U.S.C. 484a); and

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 618, the Crags, Colorado Land Exchange Act of 2017 that I introduced along with Congressman TIPTON and Congressman POLIS. This legislation will facilitate a mutually beneficial land exchange between the U.S. Forest Service and the Broadmoor, thus expanding the Crags parcel and a perpetual public-access easement on the property.

This legislation would convey the Crags parcel and a perpetual public-access easement to the Broadmoor. In exchange, an 83-acre Federal parcel located at Emerald Valley Ranch would be granted to The Broadmoor.

I urge the adoption of the measure, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

I thank the Speaker for the recognition and Mr. LAMBORN for bringing forward this bill. H.R. 618 is legislation I am proud to cosponsor because it is a commonsense land exchange in my State of Colorado. It authorizes the Forest Service to exchange the Crags parcel and a perpetual public-access easement. In exchange, the Forest Service will receive the 320-acre Crag parcel and a permanent trail easement for the historic Barr Trail. The Crags property connects with several Forest Service trails in the Pike Peak Ranger District that have been identified by the Forest Service as a priority for acquisition. I am glad that, under this bill, we can accomplish that priority.

The exchange eliminates a large private holding in the National Forest and removes the need for Federal land management of the Emerald Valley Ranch. It is a win-win scenario. Essentially, this legislation simplifies land management around Pikes Peak, while protecting public lands and growing our economy.

The Forest Service testified in support of H.R. 618. I support its adoption, as do stakeholders across the spectrum.

It has been a pleasure to work with my colleagues, Mr. LAMBORN and Mr. TIPTON, on this bill and appreciate their hard work and constructive work for this legislation.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I echo what my colleague has just said about some of these bills as well.

The Forest Service has been able to work hard and have gotten some good legislation to support the House for consideration. I look forward to doing this through the rest of the afternoon, plus two other bills as well.

Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

I am prepared to close and I want to highlight my agreement with the gentleman from Colorado (Mr. LAMBORN). When people work together, these are the kind of commonsense results we get. Unfortunately, on these bills, I don’t think we will be making front page of The Washington Post or the New York Times or the FOX News talk hour, but that is so much of the workhorse-type work that we need to do in this body.

What we have done with Mr. TIPTON, Mr. LAMBORN, and myself is we have been able to put together the commonsense priorities around public land management. The district I have the honor of representing is 65 percent public land. So these are everyday issues that my constituents deal with living in and around public land.

It is very exciting to be passing H.R. 618 and allowing getting rid of the private holding, putting some appropriate land in the management of the Forest Service. And doing something that will also benefit one of our iconic conference centers and hotels in Colorado Springs that I have
had the opportunity to be a guest and a conforee at so many times.

I deeply appreciate the work of Mr. TIPTON and Mr. LAMBORN. I urge a “yes” vote.

Mr. Speaker, I yield back the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 618.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST CONVEYANCE ACT OF 2017

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 698) to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 698
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Elkhorn Ranch and White River National Forest Conveyance Act of 2017”.

SEC. 2. LAND CONVEYANCE, ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST, COLORADO.

(a) LAND CONVEYANCE REQUIRED.—Consistent with the purpose of the Act of March 3, 1909, title 43, United States Code, and in interest of the United States (subject to subsection (b) in and to a parcel of land consisting of approximately 148 acres as generally shown on the map entitled “Elkhorn Ranch Land Parcel–White River National Forest” and dated March 2015 shall be conveyed by patent to the Gordman-Leverich Partnership, a Colorado Limited Liability Partnership (in this section referred to as “GLP”).

(b) EXISTING RIGHTS.—The conveyance under subsection (a)—

(1) is subject to the valid existing rights of the lessee of Federal oil and gas lease COC–75970 and any other valid existing rights; and

(2) shall reserve to the United States the right to collect rent and royalty payments on the lease referred to in paragraph (1) for the duration of the lease.

(c) EXISTING BOUNDARIES.—The conveyance under subsection (a) does not modify the exterior boundary of the White River National Forest or the boundaries of Sections 18 and 19 of Township 7 South, Range 93 West, Sixth Principal Meridian, Colorado, as such boundaries are in effect on the date of the enactment of this Act.

(d) TIME FOR CONVEYANCE; PAYMENT OF COSTS.—The conveyance directed under subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act. The conveyance shall be without consideration, except that all costs incurred by the Secretary of the Interior relating to any survey, platting, legal description, or other activities carried out to prepare and issue the patent shall be paid by GLP to the Secretary prior to the land conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 698, the Elkhorn Ranch and White River National Forest Conveyance Act sponsored by my colleague, Congressman SCOTT TIPTON of the great State of Colorado, and cosponsored by Congressman POLIS and myself, resolves a longstanding surveying issue in the White River National Forest in western Colorado.

In the early 20th century, the U.S. Government issued a series of patents conveying Federal land to private landowners in the region. However, a survey conducted in 1949 brought these conveyances into question, and the ownership of the land has been in dispute for nearly 70 years. In 2014 the White River National Forest conducted a survey to finalize the land ownership and concluded that 148 acres were improperly within the forest’s boundary.

This legislation simply conveys this land back to its rightful ownership. This land conveyance is consistent with the existing forest management plan, allowing the Forest Service to continue managing this land as though it were already private property.

This bill has the support of a wide range of stakeholders in the community and I thank the Congressman from Colorado for his work on this legislation. I would point out, as we discussed earlier, there is bipartisan support from within the Colorado delegation for this bill as well.

I urge adoption of the measure and I reserve the balance of my time.

Mr. Speaker, I yield myself such time as I may consume.

Living in and around public lands, as we do in our districts, we hold the vast majority of public lands in the State of Colorado. I appreciate the opportunity to be able to work with you on these significant issues and to be able to address many of the challenges that we have, and to be able to work together in a bipartisan manner as well.

Mr. Speaker, thank you for allowing me time to be able to discuss this important legislation. H.R. 698 is a very straightforward bill, which Congressmen LAMBORN and POLIS and I have reintroduced this year that confirms private ownership of 148 acres of land in my congressional district.

The lands concerned were patented into private ownership via the United States land patents issued in 1914, 1917, and 1957, but their ownership came into question by virtue of a 1949 government
survey which erroneously showed them to be National Forest land rather than private land. A long-held U.S. law specifically states that a government re-survey cannot take away private property or private property rights.

Mr. Speaker, the Forest Service and the previous owners of the Elkhorn Ranch only became aware of the potential title issue in the early 2000s, and thereafter, the Forest Service conducted a lengthy and thorough review of the matter. Upon completion of their review, both the surveyor and the surveyor of the White River National Forest concluded the ownership of the 148 acres should be confirmed in the successors in interest to the original patentee; namely, the Elkhorn Ranch.

In reaching this conclusion, the Forest Service noted that the land has never been managed as National Forest land and, indeed, has been fenced and occupied with stock ponds, developed springs, other private improvements, and has been used as private land for ranching and agriculture for the better part of the past 100 years.

Mr. Speaker, this bill is a simple matter of fairness and equity to a private landowner to honor government land patents that were granted by the Federal Government to the landowner’s predecessors 60 to 100 years ago. The bill is supported by both the surveyor and supervisor of the White River National Forest; the Garfield County; the Garfield County Commissioner; the city of Rifle; Colorado Club 20, which represents 20 Colorado counties; and Piceance Energy, which has a lease on part of the area.

In addition, the legislative hearing was held on the same bill in 2015, the administration testified that this bill is a practical and workable way to address this longstanding issue. This bill is identical to the one that passed out of the House by voice vote in the last Congress, and I once again urge my colleagues to support this legislation.

Once again, I extend my thanks to my colleagues Congressman LAMBORN and Congressman POLIS for all of their hard work on this legislation.

Mr. POLIS, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to highlight, as Mr. TIPTON said, a number of the bills that we are going through, the one that we have just extended, we have had the House for over the past 100 years.

Mr. Speaker, I urge the Senate to bring forward these bills so we can address these real-life issues that affect our constituents have and deal with them in an appropriate multistakeholder manner, where Democrats and Republicans can join in support of addressing the real-life issues that those of us who represent areas in and around public land have.

I urge a “yes” vote.

I yield back the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 688, sponsored by Congressman JARED POLIS and cosponsored by Congressman TIPTON and myself, would adjust the boundary of the Arapaho National Forest in the State of Colorado to incorporate 93 acres. It passed the House under suspension of the rules during the 113th and 114th Congresses.

The legislation would incorporate 10 undeveloped parcels of land into the Arapaho National Forest. The parcels sit between the Arapaho and the Rocky Mountain National Park and will help the Forest Service to better manage this land. The bill ensures that private landowners with parcels within the national forest will continue to have access through these parcels. Additionally, the land purchased by the Forest Service must be with the written consent of the landowner.

I urge adoption of the measure.

I reserve the balance of my time.

Mr. Speaker, I am proud to have introduced the Arapaho National Forest Boundary Adjustment Act, also known as the Wedge Act.

Frankly, Mr. Speaker, I wish all of my bills could come to the floor so quickly, within a week of introducing them. But I am very glad, on behalf of Grand County, which I am honored to represent, that we could move so expeditiously, at least through the House, through this body.

Once again, I will call upon the Senate, upon passage, to move this bill.

Also, the bill the House did its work on, we did pass last session, and the Senate failed to pass into law.
It is very important for Grand County. It is a commonsense protection of public lands. It was coordinated with local landowners and local officials, supported by the county commissioners and Federal land agencies. The legislation involves a parcel of 10 lots in Grand County, which we and locals call the "wedge." As indicated by its name, the parcel is wedged between Arapahoe National Forest and Rocky Mountain National Park, effectively separating the two. Although the wedge is integral for the successful management of the public land, it remains outside of the National Forest Service boundary.

Millions of visitors already enjoy the parcel’s beauty as they travel west from the 13,000-foot apex of the Rocky Mountains, along the Trail Ridge scenic byway and into the destination town of Grand Lake, in my district. The area is undeveloped. Seven of the ten parcels are already being managed by the U.S. Forest Service. The owners of the remaining parcels are all in favor of this bill. It is very important to point out that all of the stakeholders are supportive of this effort in statute.

Development of the wedge parcel would significantly affect the health of Rocky Mountain National Park and hurt the adjoining Colorado River headwaters. Not only would the development harm clean water for millions, but it could also harm the economic potential for what is truly a jewel of the National Park System, Rocky Mountain National Park, supporting millions of visitors in the surrounding communities.

In recognition of these potential threats to the quality and character, as well as the economy and jobs in the area, there has been significant support locally for this bill. Supporters include everyone from local officials, like the Grand County Commissioners, and the town of Grand Lake, to conservation and outdoor recreation groups, including Headwaters Trails Alliance, Conservation Colorado, and the Rocky Mountain Nature Conservancy.

H.R. 688 simply responds to the wishes of my constituency—including the landholders in these areas, particularly those living in and around the wedge, as well as the visitors every year—by incorporating it into the Arapahoe National Forest boundary and adding the lots to the Forest Service into the adjacent Bowen Gulch Protection Area, just as we did when the House passed this exact bill last year.

This strong, bipartisan bill has the express support of my Colorado colleagues, including the cosponsorship of Mr. Tipton and Mr. Lamborn, and introduction by Senator Bennett and Senator Gardner in the Senate. It passed out of the Natural Resources Committee unanimously last Congress and passed here on the House floor. Unfortunately, the clock ran out before the Senate was able to consider it. I am looking forward to, after expeditiously moving it out of this body, allowing the Senate to do their work and pass this bill into law.

I am extremely grateful for the House Natural Resources Committee’s support of my colleagues to vote in favor of its passage. I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I would like to just build on what my colleague was saying about the rest of his bills. On this one, there is strong collaborative and consensus. I look forward to working with him to pass it. I will make an offer on the rest of his bills. If he lets me help him write them, I bet we could get them to the floor sooner. In all seriousness, this is a commonsense protection of landscape, not just for the Forest Service and the local community, but for all of the people who are the interested parties and the stakeholders. This is a protection of the Rocky Mountain National Park, a crown jewel of the National Park System. I believe it is in the top five of all parks in the entire country in terms of visitation. It is very popular, and for good reason. It is a spectacular and accessible place near Boulder, Colorado, not far from Denver.

Mr. Speaker, I have no additional speakers.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I urge my colleagues to pass this bill.

Furthermore, I call upon the United States Senate to bring up these series of bills that are very important to those of us like Mr. Tipton, Mr. Lamborn, and me, who represent areas with substantial public land where our constituents in the private sector, our residents, interact every day with issues around public land and land management. This bill will improve the quality of life in our communities. This bill will help improve the quality of the tourism experience, as well as the conservation goals of Rocky Mountain National Park.

I urge a yes vote.

I yield back the balance of my time.

Mr. LAMBORN. I yield back the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I urge unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

This bipartisan bill, sponsored by Congressman JARED POLIS and cosponsored by Congressman Tipton and myself, simply allows the Forest Service to issue a special use permit to the town of Minton to allow nonmotorized access to maintain a headgate and water ditch in the Holy Cross Wilderness. This bill ensures the town will have access to the Bolts Ditch for basic maintenance needs.

H.R. 689 was developed in consultation with the community and the Forest Service and enjoys support from a wide range of groups in the region. I urge adoption of the measure.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H.R. 689, the Bolts Ditch Access and Use Act, at the request of our local community in my district, Minton, Colorado. In Eagle County, Minton really needs this legislation because it improves
The gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 689. The question is on the motion offered by Mr. LAMBORN, Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 337) to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes.

The Clerk reads the title of the bill. The text of the bill is as follows:

H.R. 337
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

The Act may be cited as the “Black Hills National Cemetery Boundary Expansion Act.”

SEC. 2. WITHDRAWAL AND TRANSFER OF PUBLIC LAND FOR CEMETARY USE.

(a) DUE DILIGENCE.—Prior to the withdrawal and transfer in subsection (b), the Secretary of Veterans Affairs shall complete appropriate environmental, cultural resource, and other due diligence activities on the public lands identified in subsection (c), in order to confirm that the land is suitable for cemetery purposes. The Secretary of Veterans Affairs shall notify the Secretary of the Interior of written confirmation from the Secretary of Veterans Affairs that the land is suitable for cemetery purposes. The Secretary of Veterans Affairs shall be responsible for decontamination of the lands resulting from contamination on the lands withdrawn, deemed property, and transferred under subsection (b).

(b) WITHDRAWAL AND TRANSFER.—After completion of the due diligence activities in subsection (a) and upon receipt by the Secretary of the Interior of written confirmation from the Secretary of Veterans Affairs that the land is suitable for cemetery purposes, and subject to valid existing rights, the public lands described in subsection (c) shall be—

(1) withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws, for as long as the lands remain under the administrative jurisdiction of the Secretary of Veterans Affairs;

(2) deemed property as defined in section 102(9) of title 40, United States Code, for as long as the lands remain under the administrative jurisdiction of the Secretary of Veterans Affairs;

(3) transferred to the administrative jurisdiction of the Secretary of Veterans Affairs for use as national cemeteries under chapter 24 of title 38, United States Code.

(c) LAND DESCRIPTION.—The public lands withdrawn, deemed property, and transferred under subsection (b) shall be the approximately 200 acres of land adjacent to Black Hills National Cemetery, South Dakota, generally depicted as “Proposed National Cemetery Expansion” on the map entitled “Proposed Expansion of Black Hills National Cemetery—South Dakota” and dated June 16, 2016, except the land located within 100 feet of the centerline of the Centennial Trail (which runs along the northern boundary of the “Proposed National Cemetery Expansion”) and that is located south of the Trail.

SEC. 3. LEGAL DESCRIPTIONS.

(a) PREPARATION OF LEGAL DESCRIPTIONS.—As soon as practicable following receipt of written confirmation from the Secretary of Veterans Affairs that the land is suitable for cemetery purposes, the Secretary of the Interior shall publish in the Federal Register a notice containing the boundaries of the public lands withdrawn, deemed property, and transferred under section 2(b).

(b) LEGAL EFFECT.—The legal descriptions prepared under subsection (a) shall have the same force and effect as if the legal descriptions were included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the legal descriptions.

(c) AVAILABILITY.—Copies of the map referred to in section 2(c) and the legal descriptions prepared under subsection (a) shall be available for public inspection in the appropriate offices of—

(1) the Bureau of Land Management; and

(2) the National Cemetery Administration.

(d) COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary of the Interior for reasonable costs incurred by the Secretary of the Interior in preparing this map and legal descriptions in this section, including the costs of any surveys.

SEC. 4. RESTORATION TO PUBLIC LANDS FOR NON-CEMETARY USE.

(a) NOTICE AND EFFECT.—Upon a determination by the Secretary of Veterans Affairs that all or a portion of the lands withdrawn, deemed property, and transferred under section 2 shall not be used for cemetery purposes, the Secretary of Veterans Affairs shall notify the Secretary of the Interior of such determination. Subject to subsections (b) and (c), the Secretary of Veterans Affairs shall transfer administrative jurisdiction of the lands subject to such notice to the Secretary of the Interior.

(b) DECONTAMINATION.—The Secretary of Veterans Affairs shall be responsible for costs of any decontamination of the lands resulting from contamination on the lands withdrawn, deemed property, and transferred under subsection 2(b) while the Secretary of Veterans Affairs exercised jurisdiction over those lands subject to a notice under subsection (a) determined by the Secretary of the Interior to be necessary for the lands to be restored to the public lands.

SEC. 5. RESTORATION OF PUBLIC LANDS.

The lands subject to a notice under subsection (a) shall only be restored to the public lands upon acceptance by the Secretary of the Interior and the Secretary of the Interior that such lands are suitable for restoration to the public lands.
and operation of one or more of the public land laws.  
(d) OPENING ORDER.—If the Secretary of the Interior accepts the lands subject to such a notice and determines that the lands are suitable for restoration, in whole or in part, the Secretary of the Interior may open the lands to operation of one or more of the public land laws and may issue an order to that effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) is granted general leave.

WASHINGTON, DC, FEBRUARY 7, 2017

ROB BISHOP, Chairman, Committee on Natural Resources


Hon. David P. Roe, M.D.,
Chairman, Committee on Veterans’ Affairs, Washington, DC.

Dear Mr. Chairman: H.R. 337, the Black Hills National Cemetery Boundary Expansion Act, sponsored by Congresswoman Kristi Noem of South Dakota, originally opened in 1948, is the cemetery now houses a memorial carillon, a memorial to Korean war veterans, and is the final resting place of many notable veterans, including Medal of Honor recipient Sergeant Charles Windolph. With its existing acreage, the cemetery can only accommodate a finite number of additional burials. Transferring jurisdictional authority of approximately 200 acres of undeveloped Federal land from the Bureau of Land Management to the Department of Veterans Affairs

This bill expands the Black Hills National Cemetery, outside of Sturgis, South Dakota, by permanently transferring the jurisdictional authority of approximately 200 acres of undeveloped Federal land from the Bureau of Land Management to the Department of Veterans Affairs.

I rise in strong support of H.R. 337, the Black Hills National Cemetery Boundary Expansion Act, sponsored by Congresswoman Kristi Noem of South Dakota.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 337, the Black Hills National Cemetery Boundary Expansion Act, introduced on January 5, 2017. This bill provides the Veterans Administration with 200 acres of Federal land, which are currently managed by the Bureau of Land Management, in order to expand the Black Hills National Cemetery.

This bill provides the Veterans Administration with 200 acres of Federal land, which are currently managed by the Bureau of Land Management, in order to expand the Black Hills National Cemetery.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

WASHINGTON, DC, FEBRUARY 7, 2017

ROB BISHOP, Chairman, Committee on Natural Resources

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

This bill provides the Veterans Administration with 200 acres of Federal land, which are currently managed by the Bureau of Land Management, in order to expand the Black Hills National Cemetery

I commend Representative Noem for working closely with both the BLM and the VA on this issue, and I urge the adoption of the measure.

I reserve the balance of my time.
Chief David Beautiful Bald Eagle is among the brave men and women buried here. Born in a tepee in 1919, Chief Beautiful Bald Eagle served our country in World War II as a paratrooper and as one of the legendary Lakota code talkers. We lost him last summer, but his life continues to inspire the Lakota people and those who knew him.

Brigadier General Richard E. Ellsworth was also laid to rest there. He was a man who flew 400 combat missions during World War II. He earned numerous medals and returned to the U.S., where he eventually became wing commander of the Rapid City Air Force Base. In 1953, that base was renamed in his honor.

The surrounding community also does its part to honor this hallowed ground. On a brisk day this past December, Pennington County 4-H, the Sturgis Boy Scouts, the Veterans of Foreign Wars Auxiliary, and community members joined together and placed over 1,000 wreaths on the graves of servicemembers who were laid to rest at this cemetery. They upheld the vow that those laid to rest should never be forgotten. Now we must do our part to uphold that very same vow.

So we honor the legacy of these veterans and many others at the Black Hills National Cemetery, but the facility is not going to have the room it needs to continue serving future veterans without expansion. This bill would allow for expansion by transferring around 200 acres of adjacent land near Sturgis, South Dakota, from the Bureau of Land Management’s jurisdiction to the Department of Veterans Affairs. My office worked with these agencies and the stakeholders in crafting this legislation, and all agreed that this land transfer is necessary.

The transfer of this land will provide the Black Hills National Cemetery with the additional burial space that is needed to continue serving future veterans without expansion. This bill would also allow for expansion by transferring around 200 acres of adjacent land near Sturgis, South Dakota, from the Bureau of Land Management’s jurisdiction to the Department of Veterans Affairs. My office worked with these agencies and the stakeholders in crafting this legislation, and all agreed that this land transfer is necessary.

The Speaker pro tempore, Mr. LAMBORN, Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 494) to expand the boundary of Fort Frederica National Monument in the State of Georgia, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 494
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the ‘‘Fort Frederica National Monument Boundary Expansion Act’’.

SEC. 2. FORT FREDERICA NATIONAL MONUMENT, GEORGIA.
(a) MAXIMUM ACREAGE.—The first section of the Act of May 26, 1936 (16 U.S.C. 433g), is amended by striking ‘‘two hundred and fifty acres’’ and inserting ‘‘305 acres’’.

(b) BOUNDARY EXPANSION.—
(1) IN GENERAL.—The boundary of the Fort Frederica National Monument in the State of Georgia is modified to include the land generally depicted as ‘‘Proposed Acquisition Areas’’ on the map entitled ‘‘Fort Frederica National Monument Proposed Boundary Expansion’’, numbered 369/132,469, and dated April 2016.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) ACQUISITION OF LAND.—The Secretary of the Interior may acquire the land and interests in land described in paragraph (1) by donation or purchase with donated or appropriated funds from willing sellers only.

(4) DAMAGES.—No non-Federal property may be included in the Fort Frederica National Monument without the written consent of the owner.

(5) NO USE OF CONDEMNATION OR EMINENT DOMAIN.—The Secretary of the Interior may not acquire by condemnation or eminent domain any land or interests in land under this Act or for the purposes of this Act.

(6) NO BUFFER ZONE CREATED.—Nothing in this Act, the establishment of the Fort Frederica National Monument, or the management plan for the Fort Frederica National Monument shall be construed to create buffer zones outside of the Monument. That activities used can be interrupted, or detected from outside of the Monument shall not preclude, limit, control, regulate, or determine the conduct or management of activities or uses outside of the Monument.

The Speaker pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Colorado (Mr. POLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The Speaker pro tempore. Is there objection to the request of the gentleman from Colorado? There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 494, introduced by my colleague, Congressman BUDDY CARTER of Georgia, expands the boundary of Fort Frederica National Monument by authorizing the Secretary of the Interior to acquire approximately 21 acres of land. The St. Simons Land Trust currently owns the acre and will steward the land until the National Park Service can acquire the property.

The Fort Frederica National Monument, located on St. Simons Island, Georgia, preserves the archaeological remnants of a fort established in 1736 by James Oglethorpe. Oglethorpe constructed the fort to protect the Colony of Georgia from attack from the Spanish. The fort successfully fended off a Spanish attack in 1742 and confirmed Georgia as a British territory.

This bipartisan legislation is fully supported by the Georgia delegation, and an identical version of this legislation passed the House by voice vote in the 114th Congress. I urge the passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

This bill expands the Fort Frederica National Monument to include a 20-acre property, known as the North Marsh, currently owned by the St. Simons Land Trust. The National Park Service evaluated the property in a 2014 study and determined that its acquisition would provide additional opportunities to protect and interpret resources that are associated with the site.

Fort Frederica, which is located on St. Simons Island, Georgia, was built by James Oglethorpe in 1736 to protect the Colony of Georgia from Spanish Florida. The National Park Service has managed the fort since 1936 when President Franklin D. Roosevelt used the Antiquities Act to designate the site as a national monument. This bill is an important reminder of how a decision to protect and elevate our shared national heritage resonates generation after generation.

Here we are today, 80 years after President Roosevelt made the decision to establish a national monument, and we are looking at a terrific opportunity to expand it and increase the resources it protects. By using money from the Land and Water Conservation Fund—a Federal program that wasn’t yet around in President FDR’s time and of which I fought hard to reauthorize in this body—we can continue this important legacy. It is good to highlight the work of the Land and Water Conservation Fund as we pass this bill with regard to a national monument that has been with us for 80 years.
I thank the majority for advancing this bill, and I look forward to working with them to advance similar legislation.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. I thank the gentleman for yielding.

Mr. Speaker, the First Congressional District of Georgia includes all 100 miles of Georgia’s coastline and barrier islands. It was on one of these islands that the founder of Georgia, General James Oglethorpe, built a fort in 1736 to protect the new British Colony from the Spaniards. He named the fort and nearby town “Frederica” in honor of the Prince of Wales. In 1742, Fort Frederica’s strategic location helped the British win a decisive victory against the Spanish in the Battle of Bloody Marsh. After this battle, the Spanish abandoned their attempts to take over the territory, and Georgia was fully secured in British Colony. Today, Fort Frederica National Monument is a popular destination in Glynn County, featuring portions of the original fort, a museum, and extensive hiking trails.

H.R. 494 would allow for a small addition of adjacent land that contains artifacts from prehistoric human settlements. With this addition, visitors will be able to see a more complete story of the history of Georgia—from its earliest human residents, to colonial times, to modern day.

I thank the chairman for his consideration of this bill, and I thank the Natural Resources Committee’s staff for its efforts. I also thank the entire Georgia delegation for supporting and cosponsoring this legislation.

Mr. POLIS. Mr. Speaker, I thank my colleagues for advancing this bill. I look forward to working with them to advance similar legislation that expands, protects, and enhances our public lands. It is particularly a privilege for me to work on a bill that uses resources and that highlights for the American people the value of the Land and Water Conservation Fund.

I urge a “yes” vote.

Mr. Speaker, I yield back the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill. H.R. 494.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

H.R. 387 to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes.

The Clerk reads the title of the bill. The text of the bill is as follows:

H.R. 387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Email Privacy Act”.

SEC. 2. VOLUNTARY DISCLOSURE CORRECTIONS.

(a) IN GENERAL.—Section 2702 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “divulge” and inserting “disclose”; and

(ii) by striking “while in electronic storage by that service” and inserting “that is in electronic storage elsewhere stored, held, or maintained by that service”;

(B) in paragraph (2)—

(i) by striking “to the public”; and

(ii) by striking “divulge” and inserting “disclose”;

and

(c) in paragraph (3)—

(i) by striking “‘divulge’ and inserting ‘disclose’”; and

(ii) by striking “a provider of” and inserting “a person or entity providing”;

(b) CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS IN A REMOTE COMPUTING SERVICE.—

(1) IN GENERAL.—Except as provided in subsections (1) and (3), a governmental entity may require the disclosure by a provider of remote computing service of the contents of a wire or electronic communication that is stored, held, or maintained by that service only if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrants procedures) that—

(A) is issued by a court of competent jurisdiction; and

(B) may indicate the date by which the provider must make the disclosure to the governmental entity.

In the absence of a date on the warrant indicating the date by which the provider must make disclosure to the governmental entity, the provider shall promptly respond to the warrant.

(2) APPLICABILITY.—Paragraph (1) is applicable with respect to any wire or electronic communication that is stored, held, or maintained by the provider.

(A) on behalf of, and received by means of electronic transmission from (or created by means of computer processing of communication received by means of electronic transmission from), a subscriber or customer of such remote computing service; and

(B) solely for the purpose of providing storage or computer processing services to such subscriber or customer, if the provider is not otherwise authorized to disclose any such communications for purposes of providing any services other than storage or computer processing.

SECTION 2. AMENDMENTS TO REQUIRED DISCLOSURE SECTION.

Section 2703 of title 18, United States Code, is amended—

(1) by striking subsections (a) through (c) and inserting the following:

(a) CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS IN ELECTRONIC STORAGE. Except as provided in subsections (1) and (3), a governmental entity may require the disclosure by a provider of electronic communications services of the contents of a wire or electronic communication that is in electronic storage with or otherwise stored, held, or maintained by that service only if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that—

(i) is issued by a court of competent jurisdiction; and

(ii) may indicate the date by which the provider must make the disclosure to the governmental entity.

In the absence of a date on the warrant indicating the date by which the provider must make disclosure to the governmental entity, the provider shall promptly respond to the warrant.

(B) as otherwise authorized in paragraph (2).

(C) with the lawful consent of the subscriber or customer; and

(D) as otherwise authorized in paragraph (2).

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"(2) SUBSCRIBER OR CUSTOMER INFORMATION.—A provider of electronic communication service or remote computing service shall, in response to an administrative subpoena, a grand jury or State statute, a grand jury, or civil discovery subpoena, or any means available under paragraph (1), disclose to a governmental entity the contents of a wire or electronic communication to which the warrant, order, subpoena, or other directive under section 2703 is directed not to notify any other person of the existence of the warrant, order, subpoena, or other directive.

"(a) IN GENERAL.—A governmental entity acting under section 2703 may apply to a court for an order directing a provider of an electronic communication service to disclose a wire or electronic communication (including the contents of a wire or electronic communication) to which the warrant, order, subpoena, or other directive under section 2703 is directed not to notify any other person of the existence of the warrant, order, subpoena, or other directive.

"(b) DETERMINATION.—A court shall grant a request for an order made under subsection (a) for delayed notification of up to 180 days if the court determines that there is reason to believe that notification of the existence of the warrant, order, subpoena, or other directive will likely result in—

(1) endangering the life or physical safety of an individual;

(2) flight from prosecution;

(3) destruction or of tampering with evidence;

(4) intimidation of potential witnesses; or

(5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

"(c) EXTENSION.—Upon request by a governmental entity, a court may grant one or more extensions, for periods of up to 180 days each, of an order granted in accordance with subsection (b).

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to preclude the acquisition by the United States Government of—

(1) the contents of a wire or electronic communication pursuant to other lawful authorities, including the authorities under chapter 119 of title 18 (commonly known as the "Wiretap Act"), the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), or any other provision of Federal law not specifically amended by this Act; or

(2) records or other information relating to a subscriber or customer of any electronic communication service or remote computing service (not including the content of such communications) pursuant to other lawful authorities, including the authorities under chapter 119 of title 18 (commonly known as the "Wiretap Act"), or any other provision of Federal law not specifically amended by this Act.

"(a) IN GENERAL.—A governmental entity to a governmental entity, a court may grant one or more extensions, for periods of up to 180 days each, of an order granted in accordance with

"(b) DETERMINATION.—A court shall grant a request for an order made under subsection (a) for delayed notification of up to 180 days if the court determines that there is reason to believe that notification of the existence of the warrant, order, subpoena, or other directive will likely result in—

(1) endangering the life or physical safety of an individual;

(2) flight from prosecution;

(3) destruction or of tampering with evidence;

(4) intimidation of potential witnesses; or

(5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

"(c) EXTENSION.—Upon request by a governmental entity, a court may grant one or more extensions, for periods of up to 180 days each, of an order granted in accordance with subsection (b).

Mr. Speaker, I ask unanimous consent that Mr. YODER, Mr. Speaker, I ask unanimous consent that this be made into a House resolution, so that we can incorporate this language into the Wiretap Act.

The Chair recognizes the gentleman from Kansas.

Mr. YODER. Mr. Speaker, I ask unanimous consent that this be made into a House resolution, so that we can incorporate this language into the Wiretap Act.

"(a) IN GENERAL.—A governmental entity to a governmental entity, a court may grant one or more extensions, for periods of up to 180 days each, of an order granted in accordance with subsection (b).

"(b) DETERMINATION.—A court shall grant a request for an order made under subsection (a) for delayed notification of up to 180 days if the court determines that there is reason to believe that notification of the existence of the warrant, order, subpoena, or other directive will likely result in—

(1) endangering the life or physical safety of an individual;

(2) flight from prosecution;

(3) destruction or of tampering with evidence;

(4) intimidation of potential witnesses; or

(5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

"(c) EXTENSION.—Upon request by a governmental entity, a court may grant one or more extensions, for periods of up to 180 days each, of an order granted in accordance with subsection (b).

Mr. Speaker, the times and technologies have changed, but the laws have not kept pace. Federal laws regarding how we treat and protect the privacy of digital communications have been unchanged since 1986 and, because of it, our digital content is not afforded the same Fourth Amendment protections as our paper documents on our desks in our home.

Now, the Fourth Amendment protects the "right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures." Yet when it comes to what is on Americans' cell phones, their home computers, what might be in the cloud, or on their business computer, whatever it is, our laws allow Federal agencies like the IRS, the SEC, or law enforcement to kick down their virtual doors and search an innocent American's private communications and data storage without a warrant, without probable cause or any type of due process.

Now, many Americans take great precautions to protect and store their digital communications on services
I thank my colleagues on the left side of the aisle for their strong work and strong support. This is a Unifying Bill. It passed the House last year 419-0. So it is the type of thing that is great policy coming out of the Judiciary Committee. I look forward to seeing it pass again on the floor later today.

So, Mr. Speaker, we can send a unifying vote and a unifying message to the American people today. We can dispel the myth that Congress doesn’t work together and we can send a strong message to the American people that their privacy matters.

I urge passage.

I reserve the balance of my time.

Mr. CONYERs. Mr. Speaker, I yield myself such time as I may consume.

In 2014, in a unanimous ruling delivered by Chief Justice Roberts, the Supreme Court concluded that the police may not search a cell phone without first demonstrating probable cause. Citing an individual Fourth Amendment interest—namely, the right to be free from unreasonable search and seizure—in the vast amount of data we store on our personal devices, the Court wrote:

"The fact that technology now allows an individual to carry such information in his hand does not make the information any less worthy of the protection for which the Founders fought. Our answer to the question of what persons are entitled to that protection is clear: with modern electronic storage devices, information is a Substitute for conspicuousness. In评为 that decision, the Court took a bold step toward reconciling the Fourth Amendment with the advent of modern communications technology.

Today the House takes a similar step to reconcile our interests in privacy and due process with the realities of modern computing. We do so for the second time.

H.R. 387, the Email Privacy Act, recognizes that the content of our communications, although often stored in digital format, remains worthy of Fourth Amendment protection. And to investigators and government agents who seek access to our email, our advice is rather simple: get a warrant.

It is an idea whose time has long since come. So this bill will allow us to move to a clear, uniform standard for law enforcement agencies to access the content of our communications—namely, a warrant based on probable cause. H.R. 387 also codifies the right of the providers to give notice of this intrusion to their customers, except in certain exigent circumstances that must be also validated by the court.

We should note the absence of a special carve-out from the warrant requirement for the civil agencies, like the Securities and Exchange Commission and the Internal Revenue Service.

Last Congress, in the Judiciary Committee, we reached quick agreement to update the procedures governing government access to stored communications content and records.

Thirty years ago, when personal computing was still in its infancy and few of us had ever heard of something called the world wide web, Congress enacted ECPA to establish procedures that strike a balance between the privacy expectations of American citizens and the legitimate needs of law enforcement agencies.

In 1986, mail was sent through the U.S. Postal Service, a search engine was called a library, and clouds were found only in the sky. In 1986, computer usage was finite and expensive. It was unheard of that a commercial product would allow users to send and receive electronic communications around the globe for free and store those communications for years with a third-party provider.

So much has changed in the last three decades. The technology explosion of the last three decades has
Thirty years ago, the extent to which people communicated electronically was much more limited. Today, however, the ubiquity of electronic communications requires Congress to ensure that legitimate expectations of privacy are protected, while respecting the need for law enforcement. I am confident that this bill strikes the necessary balance and does so in a way that continues to promote the development and use of new technologies and services that reflect how people communicate with one another today and in the future.

I would like to thank Congressman YODER and Congressman POLIS for introducing the underlying legislation.

It is my hope that today the House will once again approve this legislation that embodies the principles of the Fourth Amendment and reaffirms our commitment to protecting the privacy interests of the American people without unduly sacrificing public safety. I urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, when the gentleman from New York (Mr. NADLER) was chairman of the Constitution, Civil Rights, and Civil Liberties Subcommittee in 2010, he held three hearings on various aspects of ECPA, including the need for a warrant requirement for content in a criminal investigation.

ECPA has traditionally imposed heightened legal process and procedures to obtain information for which the customer has a reasonable expectation of privacy, namely, emails, texts, photos, videos, and documents stored in the cloud. H.R. 387 preserves this treatment by maintaining in the statute limiting language regarding remote computing services.

Contrary to practice 30 years ago, today, vast amounts of private, sensitive information are transmitted and stored electronically. But this information may also contain evidence of a crime, and law enforcement agencies are increasingly dependent upon stored communications content and records in their investigations.

To facilitate timely disclosure of evidence to law enforcement, the bill authorizes a court to require a date for return of service of the warrant. In the absence of such a requirement, H.R. 387 requires email and cloud providers to promptly respond to warrants for communications content.

Current law makes no distinction between content disclosed to the public, like an advertisement on a website, versus content disclosed only to one or a handful of persons, like an email or text message. The result is that law enforcement needs at a time when personal and business computing was becoming more commonplace. Over the last 30 years, however, we have seen a revolution in communications technology, and what might have made sense in 1986 is vastly out of date today.

New technologies, including cloud computing, social networking, and location-based services, have rendered many of the law's provisions outdated, vague, or inapplicable to emerging innovations. For example, even a single email is potentially subject to multiple different legal standards under current law.

In 2009 and 2010, when I was the chairman of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, we held multiple hearings to consider reforms to our Nation's electronic and privacy laws. This work culminated in the Electronic Communications Privacy Act Modernization Act of 2012, a bill I introduced along with Ranking Member CONYERS requiring law enforcement to obtain a warrant based on probable cause before searching emails. That approach, now embodied in the Yoder-Polis Email Privacy Act, is what we are here today to consider.

In an era in which government access to an individual's private information and communications from third-party providers has become far too easy, this legislation will finally update our laws to reflect our new understanding of what it means, in the words of the Fourth Amendment, for "people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

Clarifying the laws will also help industry stakeholders who currently struggle to apply the existing, outdated categories of information to their products and services, and it will provide a clear standard for law enforcement.

This bill is not perfect and, clearly, there is more to be done. In particular, we must keep my colleagues to support this probable cause warrant for location information. However, this bill is an important step forward toward ensuring that our laws strike the right balance between the interests and needs of law enforcement and the privacy rights of the American people. I urge my colleagues to support it.

I congratulate all those involved in its development.

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. EMMER).

Mr. EMMER. Mr. Speaker, the American people's Fourth Amendment right against unreasonable search and seizure by our government must always be protected. Unfortunately, our privacy protections from government intrusion have not kept pace with the way we communicate with each other. It is long past time that we update our nation's electronic communication privacy laws.

The last time we updated these laws was 1986. That was 6 years after the U.S. Olympic Hockey team's Miracle on Ice, 2 years after I graduated from college, and 1 year before the Minnesota Twins won their first World Series. Simply put, Mr. Speaker, that was a long time ago.

Today, more than 200 million Americans have access to a smartphone, and many more use email and cloud technology. However, many Americans may not realize that these antiquated laws allow law enforcement to read every email that is more than 6 months old, without a warrant.

The Email Privacy Act would codify the reasonable expectation of privacy Americans already have in their electronic communications by requiring a search warrant for private digital communications.

I was pleased to support this legislation when it passed unanimously in the House last Congress, and I look forward to its swift consideration in both Chambers in the 115th. I urge all of my
colleagues to support this long overdue modification of the law.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. POLIS), a former member of the Judiciary Committee and the lead Democratic sponsor of this bill.

Mr. POLIS. Mr. Speaker, the passage of the Email Privacy Act is long overdue. The fact that the law that governs the government access to emails dates from 1986, before email was really a mass phenomenon, is a glaring loophole in our privacy protection laws.

1986, when we used floppy disks to store our information, when, if any internet existed at all, it was just a few people at research universities communicating with another. It was far from a mass phenomenon.

Today, this bill catches up with the reasonable expectation that consumers already have that their emails are private. Just as Americans view their phone conversations as private, their physical letters through the mail private, Americans view their emails the same way. Yet, until we close this loophole, the government maintains access without a warrant to emails that are older than 6 months in a way that they do not allow access to your old personal letters filed away in a filing cabinet in your office. They don't allow access to old voice mails, and emails are, frankly, no different.

The Email Privacy Act requires that Americans have the same legal protection for their emails as we do for paper letters, faxes, and other types of communication that may remain sitting around. Updating this law simply aligns the law to the digital and physical world. It has taken too long already. Today is a major step forward.

I would like to highlight the House has already passed this bill unanimously last session. How rare it is not just Democrats and Republicans coming together, not just Chairman GOODLATTE and Mr. CONYERS, but every single Democrat and Republican coming together, Mr. Speaker. That is rare, and yet this body has spoken overwhelmingly last session and I hope will speak overwhelmingly again today to encourage the Senate to promptly bring up this bill and pass it into law.

This bill is a strong victory for bipartisanship. This bill has been one of the most popular bills in the entire Congress. I am proud to say, as the lead Democrat, this bill had 314 cosponsors last Congress and passed unanimously.

Back when Congress passed the Electronic Communications Privacy Act in 1986, it is fair to say that electronic communications meant something different than it means today. Thirty years ago, modern email simply didn't exist with 247 accessibility, accessibility on our smart devices, in our homes, everywhere else, it has been estimated that there were 205 billion emails sent each day by Americans. Those emails contain private communications for millions of us, and they deserve the same right of privacy as the letters in your file cabinet or your desk.

You often hear Members talk about commonsense bills. Well, this bill really defines common sense. When you read our bill, there is nothing more common sense than the Email Privacy Act. As the email passed 419-0 last Congress. Unfortunately, the bill didn't make it to a Senate Judiciary Committee vote, which is why I am so thrilled that Chairman GOODLATTE and Mr. CONYERS have succeeded in having Mr. McCARTHY and Speaker RYAN bring this bill forward so early this session, giving the Senate a chance to act.

I want to thank my colleague, Mr. YODER, for his hard work as the lead sponsor on this bill. I remember he and I, in gathering floor sponsors, would have these friendly contests of who could get more, Democrats or Republicans. That is how popular this bill was in terms of gaining 314 cosponsors, more than any other bill in the House of Representatives at that time.

I urge my colleagues to vote "yes" on this bill. Send a strong message to the Senate to vote immediately on the Email Privacy Act. Tell the Senate it is time to stand up for the privacy of Americans. This bill must be passed. I urge my colleagues to vote "yes."

Mr. CONYERS. Mr. Speaker, I have no further speakers.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I urge my colleagues to vote for this good legislation.

Mr. Speaker, I rise in support of H.R. 387, the Email Privacy Act.

As I said last Congress, current law is woefully out of date when it comes to protecting privacy in electronic communications. I support H.R. 387, just as I supported the same legislation previously, because it is long past time we afforded Americans the privacy they are due online.

At the same time, I am disappointed this bill has come straight to the Floor, and not through the Judiciary Committee, a committee to which I sit. Nor are any Members able to offer amendments on the Floor. Going through the committee process and allowing amendments on the Floor would have enabled us to address some of the concerns raised by law enforcement about H.R. 387, such as its view that the bill fails to enable personnel to expeditiously obtain critical evidence. As a former prosecutor I share its interest in making sure that while we improve privacy protections we do not impede the ability to bring people swiftly to justice. I urge the Senate to work to address the points raised by law enforcement so we can continue to improve H.R. 387.

I encourage all Members to support H.R. 387.

The question was taken: and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

Hon. Paul D. Ryan, Speaker of the House, Washington, DC.

Dear Speaker Ryan: I, Pete Aguilar, am submitting my resignation from the House Armed Services Committee effective immediately. It has been a privilege and honor to have served on this committee and I look forward to serving my constituents in a new capacity as a member of the House Appropriations Committee.

Sincerely,

Pete Aguilar, Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

Hon. Paul D. Ryan, Speaker of the House, Washington, DC.

Dear Speaker Ryan: I, Scott Peters, am submitting my resignation from the House Armed Services Committee effective immediately. It has been a privilege and honor to have served on this committee.

Sincerely,

Scott H. Peters.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 58 minutes p.m.), the House stood in recess.
BOLTS DITCH ACCESS AND USE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 689) to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes, on which the yea and nays were ordered. The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill.

The vote was taken by electronic device and there were—yeas 409, nays 1, not voting 22, as follows:

[Roll No. 79]

YEAS—409

Abraham
Adams
Adams
Ahmed
Aguilar
Allen
Amodei
Arrington
Bacon
Banks (GA)
Berri
Barr
Barragan
Baron
Bass
Beatty
Bezler
Berens
Berman
Beyer
Biggs
Bilirakis
Bipartisan
Bishop (AL)
Bishop (UT)
Black
Blackburn
Blumenauer
Boehlert
Bone
Boustead
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbahal
Cardenas
Carson (D)
Carson (GA)
Carter (TX)
Carter (UT)
Chabot
Chaffetz
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
 Clyburn
Collins
Cohen
Cole
Collins (GA)
Collins (NY)
Corder
Comstock
Connolly
Coon
Cook
Cooper
Correa
Costa

Maest
Matsui
McCarthy
McClintock
McCollum
McGovern
McKeown
McMorris
McNerney
McSally
Meadows
Meehan
Meng
Monaco
Mitchell
Moose
Moore
Moulton
Moulton
Murphy (FL)
Musgrave
Napoli
Neal
Newhouse
Noem
Nolan
Norcross
O’Halleran
O’Reilly
Opland
Palazzo
Palmer
Painter
Pallone
Pallone
Pappas
Pauley
Payne
Price (NC)
Price, Tom (GA)
Poe (TX)
Polis
Poliquin
Pittenger
Pence
Pences
Polly\n
NOT VOTING—22

Brady (TX)
Connolly
Doch
Deutch
Devereaux
Elison
Grijalva
Gutierrez
Haller
Hansen
Harrington
Harrington
Hartley
Hasty
Heller
Henry
Herrera Beutler
Rijo, Judy B. 069060 PO 00000 Frm 00015 Fmt 7634 Sfmt 0634 E:\CR\FM\K06FE7.032 H06FEPT1SSpencer on DSK4SPTVN1PROD with HOUSE

Speier
Stefanik
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Roby
Rose (TN)
Ross
Rothfus
Rosner
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Ross
Roth
Rouzer
Roybal-Allard
Rок
Rauf
Ruppersgerger
Ruppersgerger
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Saul
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensibrenner
Sensenbrenner
Serrano
Sewell (AL)
Shea-Porter
Pelosi
Petri
Peterson
Petri
Petri
Price

NAYS—1

Amash

The SPEAKER pro tempore. Messrs. KRISHNAMOORTHI and Ros-Lehtinen changed their vote from "nay" to "yea.

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the House Calendar and ordered to be printed.

BOLTS DITCH ACCESS AND USE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 689) to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes, on which the yea and nays were ordered. The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill.

The vote was taken by electronic device and there were—yeas 409, nays 1, not voting 22, as follows:

[Roll No. 79]

YEAS—409

Abraham
Adams
Adams
Ahmed
Aguilar
Allen
Amodei
Arrington
Bacon
Banks (GA)
Berri
Barr
Barragan
Baron
Bass
Beatty
Bezler
Berens
Berman
Beyer
Biggs
Bilirakis
Bipartisan
Bishop (AL)
Bishop (UT)
Black
Blackburn
Blumenauer
Boehlert
Bone
Boustead
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbahal
Cardenas
Carson (D)
Carson (GA)
Carter (TX)
Carter (UT)
Chabot
Chaffetz
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
 Clyburn
Collins
Cohen
Cole
Collins (GA)
Collins (NY)
Corder
Comstock
Connolly
Coon
Cook
Cooper
Correa
Costa

Maest
Matsui
McCarthy
McClintock
McCollum
McGovern
McKeown
McMorris
McNerney
McSally
Meadows
Meehan
Meng
Monaco
Mitchell
Moose
Moore
Moulton
Moulton
Murphy (FL)
Musgrave
Napoli
Neal
Newhouse
Noem
Nolan
Norcross
O’Halleran
O’Reilly
Opland
Palazzo
Palmer
Painter
Pallone
Pallone
Pappas
Pauley
Payne
Price (NC)
Price, Tom (GA)

NOT VOTING—22

Brady (TX)
Connolly
Doch
Deutch
Devereaux
Elison
Grijalva
Gutierrez
Haller
Hansen
Harrington
Harrington
Hartley
Hasty
Heller
Henry
Herrera Beutler
Rijo, Judy B.
of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMMORN) that the House suspend the rules and pass the bill. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 80]

YEAS—407

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Amodei
Arrington
Balbín
Bacon
Banks (IN)
Barletta
Bass
Beatty
Bera
Beyar
Bogerman
Bongino
Bos
Boyle, Brendan F.
Brad (PA)
Brad (TX)
Brat
Bridenstine
Brooks (GA)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Butler
Byrne
Byers
Calvert
Capuano
Carbajal
Carson (IN)
Carter (GA)
Carter (TN)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Cheney
Cicilline
Clark (NY)
Clark (NC)
Clay
Clay
Clearwater
 Clyburn
Collin
Cole
Collins (GA)
Collins (NY)
Comstock
Consalvo
Comolly
Conyers
Cook
Cooper
Crisp
Culbertson
Culberson
Cuellar
Crist
Courtney
Correa
Cooper

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced above. A motion to reconsider was laid on the table.


Mr. Harper. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 18, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 18
Resolved by the House of Representatives (the Senate concurring).

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 25, 2017, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore (Mr. BUDD) laid before the House the following resignation as a member of the Committee on Armed Services.

CONGRESSIONAL RECORD — HOUSE
February 6, 2017.

Hon. Paul D. Ryan,
Speaker of the House,
Washington, DC.

Dear Speaker Ryan: I, Joaquin Castro, am submitting my resignation from the House Armed Services Committee effective immediately. It has been a privilege and honor to have served on this committee. Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

Joaquin Castro,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ISRAEL BONDS’ “A NIGHT ON THE BEACH”

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, this Saturday night is Israel Bonds’ “Una Noche en la Playa”—“A Night on the Beach”—in Miami Beach.

Over the years, I have had the honor of participating in many of Israel Bonds’ programs. The work that Israel Bonds does is vital in expanding and growing Israel’s economy and has helped Israel become a global leader and innovator in so many sectors.

With all of the threats now facing the Jewish state, the work of Israel Bonds is more important now than ever.
February 6, 2017

CONGRESSIONAL RECORD—HOUSE

H995

guest speaker will be none other than the Israeli Ambassador to the United States, my good friend and Miami Beach native, Ron Dermer.

The Israel Bonds event will also serve as a commemorative tribute to Isaac and Nieves Olemberg. Isaac and Nieves were dear friends who did so much for the south Florida community, for the American Jewish community, for the Cuban American community, and for Israel, herself. Their memories will forever live on through their kindness and compassion.

CONGRATULATING THE NEW ENGLAND PATRIOTS

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, “Never stop believing.” Those words are going to be on the front page of The Providence Journal tomorrow morning.

Like all true tests of faith, last night’s Super Bowl wasn’t easy going, and there were times, I have to say, when I was tempted to throw up my hands and just go to bed, but I followed the words of our quarterback and—oh, boy—was I rewarded.

What a game.

If there were any doubts, Mr. Speaker, about who the greatest quarterback of all time is, Tom Brady answered them last night. If there were any questions whether Bill Belichick was the best coach on the planet, this morning, they are silent; and I am sure they would all admonish me if I didn’t say that football is a team sport. So, for those who had not yet been satisfied that the amazing string of successes my New England Patriots put together makes them the NFL’s finest team, Super Bowl LI speaks for itself. I stand here proudly, supporting the values of the United States and our allies.

Mr. Speaker, it was truly a team effort, and I offer my heartfelt congratulations to Bob Kraft and to the entire Patriots franchise.

Congratulations, Patriots and Patriots Nation.

HONORING JIM BOEHEIM’S COACHING CAREER

(Mr. KATKO asked and was given permission to address the House for 1 minute.)

Mr. KATKO. Mr. Speaker, I rise to congratulate Syracuse University basketball coach Jim Boeheim upon the occasion of his 1,000th win this past Saturday over the mighty Virginia Cavaliers.

Coach Boeheim has dedicated over 40 years of his life to Syracuse University, and he and his wife, Juli, are known locally for their outstanding generosity and philanthropy.

While central New York happily celebrated Coach Boeheim’s 1,000th win this past weekend, the occasion was not recognized by the NCAA due to arbitrarily harsh sanctions that followed an 8-year investigation that eliminated scholarship opportunities for students and that vacated Coach Boeheim of 108 wins.

While we cannot stand for impropriety in collegiate athletics, we must have transparency, consistency, and accountability. An organization that is charged with promoting higher education opportunities and protecting the welfare of students. That is why I have and will continue to champion bipartisan legislation in the House to reform the NCAA and bring accountability and due process to this organization. There is no denying that Jim Boeheim was the coach for 1,000 basketball wins at Syracuse University, and the NCAA should recognize that fact.

Our community celebrates and congratulates Coach Boeheim for this tremendous achievement, and it is my high honor to recognize him here today.

Congratulations, Coach—and Go Orange.

AMERICA IS A DEFENDER, NOT AN OFFENDER

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, I know this Nation’s values. Many of us study it in the Constitution, and as a senior member of the Judiciary Committee, we review that document on many occasions. We are a nation that stands for the principles of democracy; so I am very disturbed by an interview that was given by the White House this weekend that defended Putin—a man who invades to dominate, to kill, a man who supports a despot in Syria who has killed and gassed his own people—and compared his acts to any that the men and women in the United States military or in the United States may have done. It is not comparable to or even equal or even anywhere near the kind of despotism of Russia under Putin.

I am offended, and I apologize to the American people for any comparison. I believe it to be appropriate for the White House to clarify and to apologize for suggesting that our values and the PCA are the same as Putin’s despotism.

In our country, laws and the Constitution are supreme, not just one person. In our country, laws and the Constitution are supreme, not just one person. In our country, the press is separate from the government, and journalists do not find themselves jailed or out of business for writing articles with which the government disagrees. While the journalists are not made to write accolades about leadership or about whether they agree or not, I stand here in light of the President’s words that were aired over the weekend that suggested that our country is comparable to Russia.

In our country, laws and the Constitution are supreme, not just one person. The courts rule on our Constitution, not one leader. In our country, lawyers, advocates, and citizens are free to challenge the government and its leadership without fear of reprisals.

Mr. Speaker, our country has been a beacon of democracy and freedom and hope for people all around the globe. I would suggest to the White House that it stop squandering that reputation with idle comments and dangerous actions.

HONORING COLONEL BYRON DEEL

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DESJARLAIS. Mr. Speaker, I rise to honor Colonel Byron Deel, Chief of the Joint Staff, Tennessee National Guard, who will be retiring this week after 32 years of dedicated service.
Throughout his career, Byron has held numerous leadership roles with a wide range of responsibilities. Whether it be his role as Chief of the Joint Staff, Byron has exemplified a work ethic and a regard for others that is second to none.

Colonel Deel’s career includes two deployments: in 2001 to Bosnia and in 2005 to Afghanistan. His exemplary deployments: in 2001 to Bosnia and in 2005 to Afghanistan. His exemplary service has been recognized with the Bronze Star and the Tenacious National Guard Distinguished Service Medal, among a long list of many others. It is also important to mention that his wife, Mary Deel, whom Byron introduces as the “better deal,” serves in the National Guard as the Education Services Officer.

On a personal note, Byron has been an invaluable resource for me and my staff on issues that impact our guardsmen. While I am sorry that Tenessese is losing an officer of such high caliber, I extend a heartfelt thanks for his outstanding service and wish him the very best in his retirement.

□ 1915 VIOLATIONS LINGER

(45x64)Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, candidate Donald Trump promised he would drain the swamp. The American people believed him. But instead of draining the swamp, it has become abundantly clear he is driving his own pylons deeply into the swamp.

Already, Trump Incorporated is making significant profits off the President’s brand. Personal profits aren’t what serving the public is about.

My mother used to ask about the super rich: Do they ever fill up? In fact, The New York Times Editorial Board wrote a scathing indictment of Trump Incorporated. I include that article in the RECORD.

[From the New York Times, Feb. 1, 2017]

WHITE HOUSE INC.

(By the Editorial Board)

As a candidate, President Trump spent contributors’ money for office space that he owned, stays at his resorts and food at his restaurants. He contributed $200,000 on Trump-branded wine and water. He displayed Trump merchandise at campaign events. Now he seems determined to milk the presidential brand—now synonymous with his brand in his eyes, for a fortune.

“The brand is certainly a hotter brand than it was before,” Mr. Trump observed, with satisfaction, shortly after the election. Last week, an executive of the Trump Organization, Eric Danziger, said it would open Trump-branded hotels in the 26 largest metropolitan areas in the country, up from five. The business, he said, would focus on Trump-branded wine and water. He spent contributors’ money for office space that he could sue to demand that it cancel the lease because the president’s control of the hotel represents unfair competition. The Trump Organization is looking to expand domestic branded hotels in the 26 largest metropolitan areas, up from five.

At his Mar-A-Lago Club, which the President dubbed the Winter White House, the club raised to $200,000. The Trump inaugural committee hosted parties and other events at the Trump International Hotel, and his official staff in the West Wing sound like salesmen endorsing that hotel.

This news came less than a week after Mr. Trump and his inauguration committee hosted parties and other events at the Trump International Hotel in Washington, in violation of the lease with the government. Even his press secretary, Sean Spicer, has become a pitchman: “It’s an absolutely stunning hotel,” he said recently. “I encourage you to go there if it doesn’t suit your fancy.”

Self-dealing is such standard procedure for this White House that a cynic (or satirist) might say it’s time to give in and try to put the President’s conflicts of interest to work for the public. Maybe if he had hotels in every nation, he’d have a financial interest in being less supportive of the free flow of trade and of people, even if they happen to be Mexican or Muslim.

But we really prefer the old-fashioned approach in which the public in interest ahead of their own finances. Federal ethics officials have told Mr. Trump that he should divest his business interests to avoid allegations of bribery and to assure Americans that their needs are his only concern. Mr. Trump argues that the law permits the president to keep his business—even though no modern president has done so, and far poorer ones than he have sold off business interests to serve. He and his lawyers have played down the importance of the emoluments clause, which prohibits government officials from accepting gifts or income from foreign governments without the approval of Congress. And he has pledged to release his tax returns and divest his assets and put the proceeds in a blind trust, as his cabinet nominees are doing right now.

Consider the Trump Hotel. Mr. Trump has a 60-year lease on the property with the General Services Administration. That contract states that no elected federal official “shall be admitted to any share or part of this lease, or to any benefit that may arise therefrom.” That unambiguous clause exists to prevent corruption and self-dealing by government officials.

Since Mr. Trump officially violated the lease when he assumed office, the agency is clearly obligated to cancel the lease or require that it generate royalties that the Trump Organization would receive. The agency has for weeks been asking it to require that it be sold to another hotel operator.

Mr. Trump has argued that the law permits the president to keep his business—even though no modern president has done so, and far poorer ones than he have sold off business interests to serve. He and his lawyers have played down the importance of the emoluments clause, which prohibits government officials from accepting gifts or income from foreign governments without the approval of Congress. And he has pledged to release his tax returns and divest his assets and put the proceeds in a blind trust, as his cabinet nominees are doing right now.

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Ranking Democrat on the House and Senate committees with jurisdiction over the agency have for weeks been asking it to address the lease violation. So far, the agency, which reports to the president, appears ready to do this, but the Republicans who run the agency have not been able to judge those numbers for itself. Experts say it would be next to impossible to account for the Treasury, but that’s no cure. Experts say it would be next to impossible to account for the Treasury, but that’s no cure.

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Mr. Trump has argued that the law permits the president to keep his business—even though no modern president has done so, and far poorer ones than he have sold off business interests to serve. He and his lawyers have played down the importance of the emoluments clause, which prohibits government officials from accepting gifts or income from foreign governments without the approval of Congress. And he has pledged to release his tax returns and divest his assets and put the proceeds in a blind trust, as his cabinet nominees are doing right now.

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Ranking Democrat on the House and Senate committees with jurisdiction over the agency have for weeks been asking it to address the lease violation. So far, the agency, which reports to the president, appears ready to do this, but the Republicans who run the agency have not been able to judge those numbers for itself. Experts say it would be next to impossible to account for the Treasury, but that’s no cure. Experts say it would be next to impossible to account for the Treasury, but that’s no cure.

Ms. KAPTUR. Mr. Speaker, it bodes ill for our beloved Republic. Trump Incorporated appears as if it plans to milk the Presidency with his enhanced international profile. The Trump Organization is looking to expand domestic branded hotels in the 26 largest metropolitan areas, up from five.

At his Mar-A-Lago Club, which the President dubbed the Winter White House, the club raised to $200,000. The Trump inaugural committee hosted parties and other events at the Trump International Hotel, and his official staff in the West Wing sound like salesmen endorsing that hotel. All this is with the backdrop of President Trump refusing to fully divest his company, put his assets in a true blind trust, or release his tax returns. The question of President Trump’s Emolument Clause violations linger behind every action he takes. It is time for him to fully divest his company, put his assets in a true blind trust, or release his tax returns.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

NATIONAL SCHOOL COUNSELING WEEK

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today on the start of National School Counseling Week to recognize the tremendous impact that school counselors have on our students. School counselors are committed to helping students realize their full potential. They encourage students to explore their ability, strengths, interests, and talents as these traits relate to career awareness and development.

National School Counseling Week is sponsored by the American School Counselor Association and is always observed during the first full week of February 6, 2017
February 6, 2017

Mr. FITZPATRICK. Mr. Speaker, I rise today on behalf of the millions of Americans who receive the devastating news of a terminal diagnosis each year. Even with the amazing work done in American medical research and development, for too many families, access to these potentially lifesaving treatments will remain out of reach.

It is time for this body to come together with Federal regulators and industry leaders to clear the path forward to take care of those brave Americans who are fighting simply for a chance to live. A bill introduced today jointly by myself and Congressman Bucos will offer these brave Americans a chance to extend their lives.

Mr. Speaker, the Right to Try Act would enable that terminally ill patients, together with their physicians and pharmaceutical manufacturers, will have the right to try investigational treatments where no alternative exists. In fact, this bipartisan idea is already the law of the land in 33 States of our Nation.

For patients and their doctors, the Right to Try Act affords them an opportunity to try therapies where the benefits far outweigh the risks. Whether it is a father too late, if at all.

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THE DRIVE FOR FIVE

Ms. KUSTER of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today because the Drive for Five is complete. I want to join New England in congratulating our New England Patriots on their incredible victory in Super Bowl LI. Fans across the Granite State agree that Super Bowl LI will go down in history as one of the most amazing comebacks of all time, and it cements the legacy of Tom Brady and Bill Belichick as the greatest quarterback-coach duo ever.

The game was remarkable for team effort. After finding themselves down by 25 points, the Patriots did not fall victim to despair. They, instead, showed true resolve and perseverance as the offense executed drive after drive and the defense held the powerful Atlanta offense in check.

Whether it was the record 14 catches by James White, the record 466 passing yards by Tom Brady, the forced fumble by Dont’a Hightower, the mind-boggling catch by Julian Edelman, or the immovable walling of our great team, the New England Patriots, raised the spirits of our entire Nation.

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Whether it was the record 14 catches by James White, the record 466 passing yards by Tom Brady, the forced fumble by Dont’a Hightower, the mind-boggling catch by Julian Edelman, or the coaching of Bill Belichick, everyone did their part.

So let me take a moment, Mr. Speaker, to say to the New England Patriots: Thanks for doing your job. Congrats, Pats.

CONGRATULATING THE NEW ENGLAND PATRIOTS

Mr. CICILLINE asked and was given permission to address the House for 1 minute.

Mr. CICILLINE. Mr. Speaker, a lot of history was made last night. I, too, want to join my New England colleagues in saying congratulations to the New England Patriots on an extraordinary victory at Super Bowl LI.

A lot of history was made. This was the greatest comeback in Super Bowl history where our team was down by 25 points in the third quarter to come on to victory. It is the only team to win in Super Bowl history in overtime; and it is an incredible display of the extraordinary talent of Tom Brady, the only quarterback in history to win five Super Bowls. This establishes Tom Brady unequivocally as the greatest quarterback ever.

Also, congratulations to Bill Belichick for his extraordinary coaching, to Jonathan and Robert Kraft, and the whole Patriots organization for all that they have done.

This was a great and wonderful night and an important example and display of determination and persistence. It is really a lesson for all of us to never stop fighting and, for young people, the importance in believing in yourself.

Mr. Speaker, the victory last night by our great team, the New England Patriots, raised the spirits of our entire Nation.

Congratulations to the Pats. Thank you for a great season and thank you for a great victory last night.

OPPOSE THE UNCONSTITUTIONAL BAN

Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. PAYNE. Mr. Speaker, earlier today I joined members of my community to discuss the impact of President Trump’s Muslim and refugee ban.

I wanted to read from a statement given by one of my constituents who participated in the discussion today. Her name is Nureed. She wrote:

I have always been grateful for being an American and for the sacrifice my parents made to afford me my American Dream. Yet, every day, since the Republican nominee for President was announced, I have feared for my safety and the safety of my little children.

I hold my breath every day praying that the day will not come that I need to flee my home for fear of retribution or, worse, because of my faith.

Mr. Speaker, Nureed is an American who realized the American Dream. She is not a threat to this Nation, nor are her young children a threat to this Nation.

President Trump wants to shut the door to the American Dream. He is tearing apart the fabric of this Nation before our eyes. I urge my Republican colleagues to remember Nureed’s words and to oppose the President’s unconstitutional ban.
EXPRESSING STRONG OPPOSITION TO D.C.'S ASSISTED SUICIDE PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Pennsylvania (Mr. ROTHFUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROTHFUS. Mr. Speaker, I rise here tonight to raise a very serious and consequential issue that is taking place in our Nation's capital, Washington, D.C., our Federal city, the second capital of every American, is just weeks away from implementing a deadly assisted suicide program.

The D.C. City Council recently passed a so-called Death With Dignity Act, which would allow adults who have been diagnosed with a terminal disease and who have been told they have 6 months or less to live to receive a prescription from their doctor to end their life. Six States, including California, Oregon, Vermont, Washington, Montana, and Colorado, have already headed down this dangerous path.

I raise this issue tonight, Mr. Speaker, because our Founders gave Congress the power in the Constitution to "exercise exclusive Legislation in all Cases whatsoever over such District'' that would become the seat of the Government of the United States.

As a result, this Congress has the opportunity to stop this law. I am grateful that my colleagues are here tonight to join me: Dr. WENSTRUP, Mr. JODY B. HARTZLER, Dr. MARSHALL. They are joining me tonight to speak in defense of patients who deserve protection, especially when dealing with the unimaginable difficulty of a terminal disease.

Like me, they are deeply troubled that in Washington, D.C., an alabaster city that gleams as a beacon for the future, an alabaster county that we are supposed to protect, Mr. JOYCE R. HICE of Georgia, Dr. HARRIS, Dr. HARTZLER, Dr. MARSHALL. They are joining me tonight to speak in defense of patients who deserve protection, especially when dealing with the unimaginable difficulty of a terminal disease.

Mr. Speaker, Washington, D.C., is, indeed, a remarkable city. I still remember coming to this special place as a 10-year-old child with my parents, coming down the George Washington Parkway in Virginia, as millions of other tourists have, with excitement to see our national monuments and the Capitol in which I now speak.

As Americans, we approach this city with awe, as we know how Washington is intertwined with our Nation's history and that this city both guards our Nation's founding documents—the Declaration of Independence and the Constitution—and hosts the very government that our Constitution envisioned.

Those founding documents frame a Republic grounded in the principles of sovereignty in the people, subject to the protection of God-given inalienable rights, among them the right to life, liberty, and the pursuit of happiness.

Nowhere, Mr. Speaker, in my opinion, is the view of this city more beautiful than from the hills of Arlington Cemetery in Virginia and, specifically, the resting place of our 35th President, John F. Kennedy. One cannot think of President Kennedy without thinking also of his inaugural address, which is a call to action for a new generation of Americans. The call remains grounded in the exceptional nature of our land.

1930

"And yet," President Kennedy said, "the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state but from the hand of God."

1999

In my opinion, D.C.'s assisted suicide law, Mr. Speaker, threatens the inalienable rights of vulnerable citizens. Not only does the new D.C. statute tear at the tapestry of our Nation's founding; it directly contradicts the Hippocratic oath every physician takes, to do no harm.

I shudder to think of the lives that will be lost because our society tells the weak, the despairing, the suffering, or the hopeless that suicide is the best option for them. Laws similar to the D.C. Death With Dignity Act in the U.S. and Europe have resulted in individuals being pressured to end their lives, and insurance companies covering the reimbursements for suicide treatment but not for other care.

If patients find themselves unable to pay for expensive treatments out-of-pocket, they may find their options severely limited when facing a new diagnosis, facing a disability, or struggling with mental illness. In some cases, death may become the only affordable option.

Proponents of physician-assisted suicide point to real and tragic stories of suffering individuals at the end of their lives. However, according to a report by the National Institutes of Health, pain is not the primary factor motivating patients to seek a lethal dose of medication. More commonly cited motivations include depression, hopelessness, and the loss of control or autonomy. Allowing physicians to prescribe lethal medications to these patients would mean we are abandoning our Nation's most vulnerable citizens and, instead, succumbing to a culture that is worse than the disease.

Instead of death and despair that are the expected outcome of assisted suicide, our laws should reflect a culture that promotes life and hope, even in our suffering, even in our illness, and even in our weakness.

Jeanette Hall of Oregon was diagnosed with cancer in the year 2000. She was a supporter of her State's assisted suicide program, and she even voted for it. She considered taking her own life with the help of her physician when she learned she only had 6 months to live. Thankfully, she had a life-affirming experience. Her son, who was attending the police academy at the time, would feel about it. This made her stop and think.

His question inspired her to opt for radiation and chemotherapy, instead of suicide, and, over a decade later, she is still sharing her testimony. She is extremely happy to still be alive.

I have no doubt that Americans like Jeanette Hall, with chronic disabilities, or struggling with mental illness will be exploited under this law, and perhaps even encouraged to pursue suicide rather than continue living until natural death. This dangerous trend is already taking shape in the six States that have allowed physician-assisted suicide. Precious lives have already met a premature end.

Mr. Speaker, there is dignity in all human life, and the root meaning of dignity is worth. Nothing—not illness, not weakness, or despair—can decrease the worth of a human life. I cannot stand idly by and watch our laws corrupt our culture.

I am thankful to be joined by several of my colleagues who refuse to let this dangerous law move unchecked. With that, I would like to yield to my colleague from Ohio (Mr. WENSTRUP). Dr. WENSTRUP is a physician. He has served our country in the Army Reserve having deployed to Iraq to treat wounded warriors. He is still a practicing physician, Dr. WENSTRUP, is the prime sponsor of H.J. Res. 27, which will overturn this misguided legislation.

Mr. WENSTRUP. I appreciate that, and I thank you for yielding and thank you for taking that thought and I thank you for yielding and thank you for taking that tonight to share this message.

Mr. Speaker, first, do no harm. Do no harm. These are three short words, but, to physicians, they represent a sacred charge—three short words that now hang in the balance here in the District of Columbia after the D.C. Council passed the Death with Dignity Act legalizing physician-assisted suicide in the Nation's Capital.

In authorizing doctors to violate the Hippocratic oath of "do no harm," physician-assisted suicide undermines a key safeguard that protects our Nation's most vulnerable citizens: the disabled, the sick, the poor—a key safeguard that helps to ensure our loved ones receive the best medical care when they need it the most.

Instead of simply providing end-of-life comfort and a potential for cure, D.C.'s new law is poised to do more harm than good. This act leaves patients with a sacred charge—three short words that now hang in the balance here in the District of Columbia after the D.C. Council passed the Death with Dignity Act legalizing physician-assisted suicide in the Nation's Capital.

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irreversible, and they are terminal if left untreated. There are many diseases that are terminal if left untreated, but curable if treated.

This bill fails to accurately protect patients from coercion or abuse. Despite depression being commonly associated with a patient seeking assisted suicide, D.C.’s legislation does not make screening for mental illness mandatory. It also has no safeguard against pressure that family members or heirs might exert on a patient to choose suicide.

It leaves doctors accountable. Compliance with the bill’s limited safeguards is difficult to track because the bill directs doctors not to place the actual cause and manner of death on the death certificate. It doesn’t say “suicide.” The report requirements in the bill are not subject to the Freedom of Information Act. Perhaps most concerning of all, once the prescription for lethal medication is filled, oversight is nonexistent. There is no requirement to ensure that the prescription was used as intended.

This could limit care. Under the new law, doctors would end up with fewer options, not more options. D.C. residents who are not able to pay for health care out of pocket may find their options limited when facing a new diagnosis, suffering from a chronic illness, facing disability, or struggling with mental illness. For certain medical conditions, assisted suicide could become the cheapest option.

Ultimately, whatever its intentions, D.C.’s new law puts patients at risk. Armed Forces overseas.

This affects people with disabilities. This affects the poor. This attitude reminds me of a comment from the movie, “It’s a Wonderful Life” when Mr. Potter says to George Bailey: “George, you’re worth more dead than alive.” That is not who we are, folks.

In this, they say: “Actions taken in accordance with this act do not constitute suicide, assisted suicide, mercy killing, or homicide.” Oh, really? Maybe they should look up the definitions of those words. The definition of homicide is—Lord have mercy on our person here as well another whether intended or not. The definition of suicide is the act of taking one’s own life voluntarily and intentionally.

This bill is bad for the people of D.C. This is bad for America. This is not what we want to do. As a compassionate, caring group of Americans—especially caregivers, especially doctors. We can do better, and we all need to stand up against this.

Mr. ROTHFUS. Dr. WENSTRUP, I thank you for introducing this legislation and for having the courage to live the life you have lived in serving our Armed Forces overseas.

I yield to the gentleman from Georgia (Mr. Jody B. Hice) who co-chairs our Values Action Team.

Mr. JODY B. HICE of Georgia. I thank my friend and colleague for leading this Special Order and for taking the leadership on this very important issue.

Mr. Speaker, I am here to try to implore our leadership to bring H.J. Res. 27 to the floor and, hopefully, to enable this bill to pass with just a time limit.

Mr. Speaker, I urge leadership to bring this bill to the floor for a vote. I thank the gentleman for giving me the opportunity to speak.

Mr. ROTHFUS. I thank Representative HICE.

Mr. Speaker, this law, the point about what is going to go on the death certificate, we have had lately in our country about alternative facts, and here we have a law that says you can’t say on the death certificate what the cause of death was. It’s going to be poison. It’s going to be some administration that is going to be used as it was intended, as it was authorized by the FDA to be used, but for a whole other purpose—to end the life of somebody. I think that is a very serious concern. I think, again, this is at war with truth and at war with logic.

Mr. Speaker, I yield to the gentlewoman from Missouri (Mrs. Hartzler).

She is married and has two children, and she has very little time to live. She was given the option of a bone marrow transplant, and her insurance said: It is experimental. We don’t cover it.

We had to fight that, and we were going to do it anyway. It is 22 years later. She survived. She is doing well. She is married and has two children, but somebody was telling her: It is not worth it.

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Mr. Speaker, I urge my colleagues to join in cosponsoring H.J. Res. 27. I urge our leadership to bring this to the floor for a vote. I thank the gentleman for giving me the opportunity to speak.

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We have got to reject this. That is why we are here tonight.

The statistics are staggering. Suicide is the tenth leading cause of death across the spectrum of ages, and the death toll is, sadly, on the rise. Nearly 43,000 Americans took their lives in 2014. Now, that is a heart-wrenching number of people desperate and seemingly without hope and whose solution to traumatic life situations, clinical depression, or mental disorders was to take their own life.

But it is a whole sinister layer to this suicide crisis in America arises when agents of healing become distributors of lethal dosages. Five States now and the District of Columbia have legalized physician-assisted suicide.

The taking of human life is a criminal act in nearly every State and throughout the Federal Code; yet a few regions of the country, sadly, have embraced the tragic idea that it is better to prescribe death than to provide life-sustaining care, and they are asking the medical profession, those sworn to provide and take care of people—they have tasked them with carrying out this ghastly deed.

So you go to your doctor on one hand when you are ill or in pain and you are asking and expecting the doctor to be looking out for your best interests and to prescribe medicine to help you get better, and then the next day you are tasking that same physician—no you are supposed to go back and ask them to kill your relative and prescribe death medicine? This is wrong.

But here is another sobering fact: legalizing physician-assisted suicide can lead to an increase in overall suicide rates. That was just what was shared lead to an increase in overall suicide. We spend hundreds of millions of dollars in our country on suicide prevention. It would seem that laws such as the one that the District of Columbia has just passed, really go against that fundamental public policy that we have in this country of saying no to suicide.

With that, it is a real privilege for me to yield to the gentleman from Maryland (Mr. Harris). Andy Harris is another physician whom I serve with who has served in our Nation’s military.

Mr. HARRIS. Mr. Speaker, I want to thank the gentleman from Pennsylvania for yielding to me.

The gentleman just brought up an interesting point. It is true that in the Netherlands, when they reviewed their experience, they found that just legalizing physician-assisted suicide actually sharply reduced the amount of nonphysician-assisted suicide. It sends the wrong message. It absolutely sends the wrong message.

I want to thank the good doctor from Ohio for introducing this bill because certainly the Nation’s Capital is one where we should be very careful since the Constitution has entrusted us with approving or disapproving the laws in the Nation’s Capital. It behooves Congress to take a good look at a law like this, the so-called Death with Dignity Act. Now, that is striking because most people don’t associate suicide with dignity in any way, shape, or form, and for good reason. But I will get to that.

There are a lot of myths associated with the bill. First of all, assisted suicide somehow offers patients more choices. It actually doesn’t. What it does is it actually sends a very strong message that regardless of the many types of disease you might have and the many types of treatment that may be available, there is one final, common pathway that the State—in this case, the District—would now say is perfectly acceptable. In fact, it is not only perfectly acceptable, it is legal to actually go to a physician and ask them to participate in your suicide. That doesn’t lead to more choice; that ultimately leads to less choice.

But the use of the word “dignity” is striking to me because the number one group of individuals, if we would collectively look at how we would describe those individuals to whom this applies, really are individuals with some kind of disability, perhaps with a disease or disability that, according to the law, they would just have to agree, knowing how imperfect the idea to predict lifespan is, that those could result in death in 6 months. Associating that kind of problem with the ultimate outcome of death by suicide I think removes dignity. It doesn’t add dignity to anyone’s life.

Worse than that, what we have done now and what we have seen in terms of the functional reduction of choice is that, according to many of the new payment systems for health care in this country, you actually align the incentives of the patient’s health care from top to bottom.

What do I mean by that? Now over half the physicians in the country no longer work for themselves; they are employed by entities. Frequently, these entities share the same financial risk as the physicians in terms of their being driven to save money. That is it. There are numerous incentives to save money within the law. If you don’t believe me, go back and read the Medicare rules and regulations.

In fact, it should be noted that in the Netherlands, where assisted suicide has been legal for years, the average age of those who die under these programs is 65 for women; for men it is 62. That means, Mr. Speaker, almost half the individuals are Medicare patients. There are powerful incentives built into Medicare to save money—powerful incentives accountable care organizations, for instance, where the physician who is the patient’s attending physician happens to work for the same healthcare system that shares in financial incentives if money is saved.

Mr. Speaker, I would proffer—and I think any Member who is against this legislation and for the Death with Dignity Act should stipulate that, clearly, it saves money to give someone a $300 prescription for secoabortal rather than pay for expensive cancer therapy or expensive therapy that might cure a patient. That doesn’t give a patient dignity. That doesn’t add to their dignity. What that does is it now places the patient in the situation, if they take the understand the incentives in the system, to actually question whether their physician is doing the right thing for them.

In fact, the consulting physician under the Death with Dignity Act doesn’t have to belong to a different financial entity. A physician working for this healthcare entity who actually saves money through the act of suicide can send the patient right across the hall to his consulting physician agree that consulting physician being a part of the same accountable care organization. That is wrong. But that is the situation patients will find themselves, questioning whether their physician has a financial incentive to write that lethal prescription.

Now, the other straw man that is set up very frequently, and if you look at the Pew Research study that asks people their opinion, “Do you think we should allow death with dignity?” they frequently mention only one situation: a patient with terminal disease in extreme pain. But, Mr. Speaker, the data
is that only 20 percent of patients who seek physician-assisted suicide have pain as their primary reason.

Now, we are all compassionate people. Every human being has suffered pain, some human beings more than others, and it is not hard to understand how difficult it is to treat pain unless it is done with the most modern methods, might say, yeah, that is better. But, Mr. Speaker, that is a straw man: 80 percent of patients say it is something else; 92 percent saying it is losing autonomy—losing autonomy.

Our solution to losing autonomy in a patient or being less able to engage in activities making life enjoyable, 90 percent of patients saying that, society’s solution is to write a lethal prescription?

I will tell you, I am most troubled—and I will close with this. As a physician, I went into medicine to actually help people, to help people get better. That is why people go into healthcare. That is why my daughters became nurses. They became nurses to help people get better. God knows that is what we want to do. That is true compassion.

But now to say that if a physician, against their Hippocratic oath, shall prescribe a medication that knowingly kills a patient—and let’s not mince words. That is not what the Death with Dignity Act does. It says a licensed practitioner with a license to heal now has a license to kill—knowingly kill—a patient put under their care. That is a step, Mr. Speaker, I would offer that, as a society, we should take a long and hard look at before we ask our healers to, effectively, become killers.

Dr. ROTHFUS. Mr. Speaker, I thank Mr. HARRIS for taking a long, hard look at what is going to happen here in the District. The Army Reserve. He did bring H.J. Res. 27 to the floor to block this misguided legislation.

Dr. HARRIS talked about compassion. Certainly, we all have family members, we all have friends who have had very difficult illnesses, and we have been at bedside when people have passed.

Dr. HARRIS for taking a long, hard look at what is going to happen here in the District. The Army Reserve. He did bring H.J. Res. 27 to the floor to block this misguided legislation.

Dr. HARRIS talked about compassion. Certainly, we all have family members, we all have friends who have had very difficult illnesses, and we have been at bedside when people have passed.

Mr. ROTHFUS. Mr. Speaker, it is simple: this Congress has a responsibility. The Founders made us, this Congress—the House and the Senate—the stewards of this city, this beautiful Federal alabaster city. The Founders vested in us the exclusive legislative power over the District of Columbia. H.J. Res. 27, which will block the so-called D.C. Death With Dignity Act, is a bill that goes to the character of this Congress, to the character of the District, to the character of this country. Will this Congress allow this law to go into effect?

For the vulnerable, I hope not. For the physicians who are supposed to heal, I hope not.

Earlier in my remarks, I talked about how beautiful it is to look at this city from Arlington and to recollect our 58th President and the inspiring words he spoke on January 20, 1961. He ended that address with these words: “With a good conscience our freedom we hold to be the birthright of all men. With a good conscience our political heritage we shall defend, with a good conscience our country we shall serve, with a good conscience, our world we shall4 change.”

Mr. ROTHFUS. Mr. Speaker, let’s lead the land we love, asking His blessing and His help, but knowing that here on earth God’s work must truly be our own.”

Mr. Speaker, let’s lead the land we love. Let this House move ahead with H.J. Res. 27 and prevent this legislation, the D.C. Death With Dignity Act, from staining our Nation’s capital.

Mr. ROTHFUS. Mr. Speaker, let’s lead the land we love, asking His blessing and His help, but knowing that here on earth God’s work must truly be our own.”

Mr. Speaker, I yield back the balance of my time.

CHALLENGES AHEAD

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2017, the gentleman from Texas (Mr. O’ROURKE) is recognized for 60 minutes as the designee of the minority leader.

Mr. O’ROURKE. Mr. Speaker, yesterday, our country and the community of El Paso, Texas, lost one of our heroes: Dr. Joseph E. Torres, who was 93 years old at the time of his death, still practicing dentistry in the community of El Paso, and somebody who led a terrific legacy for his family, for our community, for this country, and for all posterity.

Dr. Torres served in the U.S. Army Air Corps from 1942 to 1945. He first served as an infantryman, and then later as a bombardier and a navigator for the B-17 aircraft.

Dr. Torres flew 13 bombing missions over Germany, one of the most difficult missions to be assigned to anybody, over the course of World War II. He later joined and served as a lieutenant in the Army Air Corps Reserve from 1945 to 1947. He later joined the Air Force Dental Reserve, where he reached the rank of colonel.

As I said, he was a practicing dentist in El Paso, Texas. After his time in the continuous military, he went back to his community and he continued to serve his El Pasanos, his fellow Texans, and his fellow Americans. He never stopped being an advocate for servicemembers, veterans, and this country.

So here today we mourn his loss.

Preceding him in death from that Greatest Generation, not too long ago, in August 2016, was Maynard L. Beamesderfer, known as “Beamy” to his friends and his fans. He was one of the original 350 Pathfinder, who were the first combat paratroopers to jump into Normandy, France, before the D-day invasion in 1944. He was a member of the 501st Parachute Infantry Regiment and 101st Airborne Division. Mr. Beamesderfer died at the age of 92.

The third gentleman that I want to introduce to you and who I would like to talk about today and whose story I would like to share is someone I greatly admire and who I have had the privilege of meeting several times and being able to introduce my oldest son Ulysses to. That is Retired Lieutenant Colonel Robert E. Chisolm, “Bob,” who is a founding member of the 82nd Airborne Division Association in El Paso. He is someone who is very much at ease with us, full of vigor, strength, energy, and an inspiration at a time that we so badly need him.

He is also the rarest of Americans. He is a combat veteran of World War II, he is a combat veteran of Korea, and he is a combat veteran of Vietnam. In fact, he is one of only 325 combat veterans in the history of the United States military authorized to wear the Triple Combat Infantryman Badge for combat service in three separate wars.

During World War II, he earned the Legion of Merit Award, which can only be obtained after receiving direct approval from the President of the United
States. He was also recognized by the French Government more recently in 2012, at which time a French general awarded him the French Legion of Honor Award and the status of Knighthood.

We are grateful for the service of these three amazing Americans, these three outstanding El Pasoans, these three great examples to each and every one of us of who are we when we are at our best and what we are willing to do to serve this country and the cause of freedom and the best interests of humanity.

It is these three men and others who join them in the Greatest Generation, the men and women Dr. Petraeus has fought this country who endured and suffered, and began to thrive through the Great Depression. Following that, they proudly and gladly served their country in World War II in a world away, whether it was in North Africa, Italy, Europe, or the Asia-Pacific. These were men and women who fought for not just this country, but who fought for and won a world order that has more or less sustained us for the last 75 years. It was won, fought for, and sustained through enormous treasure, blood, and sacrifice of this country, sustained, fought for, and won by men like Bob Chisolm, “Beamy” Beamesderfer, and Dr. Toughes.

I bring them up today so, one, we can pay honor and tribute to them; and, two, so that we can remember what is at stake today, in 2017, seemingly a world we have come to expect and take for granted. The benefits from the treasure and the blood and the sacrifice and our sustainment of these policies over the last 70 to 75 years has accrued primarily to the United States, but also to our allies, I would argue, to the rest of the world.

We have largely seen in that time a time of peace, a time when we avoided major world wars, where we peacefully sustained and outlasted the Soviet Union and ushered in a new era of peace in Eastern Europe.

When we think about the challenges that we face today, those countries who do not see a place in this world order and have usurped the benefits of the world order that was won, fought for, and sustained through extraordinary treasure, blood, and sacrifice of this country, sustained, fought for, and won by men like Bob Chisolm, “Beamy” Beamesderfer, and Dr. Toughes.

As General David Petraeus told us last week in a House Armed Services Committee meeting, this world order did not will itself into existence. It did not sustain itself. It did not win itself. All of that was done by Americans, for Americans, for our allies, for our interests, and our values around the world.

It is important that we be mindful of that when all of that is at stake and when it is under threat unlike any time since the collapse of the Soviet Union.

As we begin a new Congress with a new administration, we have several choices before us that will shape up that world order and the alliances and relationships that underpin them. An example is the North Atlantic Treaty Organization, or NATO, our partnership with 28 European countries that has effectively kept the continent for more than 70 years. Or we can refer to that arrangement and that treaty as obsolete and we can ask the Europeans to take care of their own business without assistance or alliance from the United States.

Perhaps that is the best interest of this country. Perhaps that reduces the burden on the United States taxpayer. Perhaps that reduces the burden on the servicemembers now deployed in Europe, reassuring that continent.

Perhaps it is also better for Russia as they continue to probe the weaknesses in the Western alliance; as they move into Ukraine and seize Crimea or are active in the eastern part of that country; as they interfere in elections throughout the world; as they continue to probe the weaknesses in the Western alliance; as they move into Ukraine and seize Crimea or are active in the eastern part of that country; as they interfere in elections throughout the world; as they interfere in elections throughout the world. If they choose to move into Ukraine and seize Crimea or are active in the eastern part of that country; as they interfere in elections throughout the world; as they interfere in elections throughout the world.

Perhaps that is in the best interest of this country. Perhaps that reduces the burden on the United States taxpayer. Perhaps that reduces the burden on the servicemembers now deployed in Europe, reassuring that continent.

Perhaps it is also better for Russia as they continue to probe the weaknesses in the Western alliance; as they move into Ukraine and seize Crimea or are active in the eastern part of that country; as they interfere in elections throughout the world; as they interfere in elections throughout the world. If they choose to move into Ukraine and seize Crimea or are active in the eastern part of that country; as they interfere in elections throughout the world; as they interfere in elections throughout the world.

When it comes to the Middle East and the series of serious challenges that we face there from Iraq and Syria to north Africa in Libya, to our difficult relationship with Saudi Arabia, who is an ally and at the same time the source of so much that threatens that region and, ultimately, the United States, we certainly see a situation where we might save some in what we are spending in treasure and sacrifice and service in Europe today, we may be called back again, as we were in the World War I and afterwards in World War II, to defend that continent from tyranny at extraordinary costs to our treasury, to the lives of those who serve, to the lives that are lost, to the lives that are changed forever.

When we look at another part of the world, if we look in South China Sea and to our allies there like Japan, the Philippines, increasingly, Vietnam, perhaps it is better that we allow China to decide what is best for that region and for those countries at the expense of those who, today, are our allies. Certainly, we have to ask ourselves these and other issues, and our partners and the resources that we expend today to prop up and support our allies, to ensure their defense, and to ensure our interests. Perhaps it would be good for those countries in that region, including Taiwan. It would certainly be good for China, a growing competitor not just in the South China Sea, not just in Asia, but, increasingly, around the world.

So we have a choice there to make as well: Do we retrench, withdraw, close ourselves off from the rest of the world and our commitments and our obligations? Again, the benefits that we have largely accrued to us, as it has to our allies and much of the rest of the world. Or do we fix what is not working now; sustain, perhaps even grow, that commitment; meet the threats; and advance the fact that that part of the world has? It comes at some cost, and it is not a trivial one.

But I would argue that we cannot foresee the future where the United States is not involved in the South Asia and their families, who bear the burden of those that we face there from Iraq and Syria to north Africa in Libya, to our difficult relationship with Saudi Arabia, who is an ally and at the same time the source of so much that threatens that region and, ultimately, the United States. It is hard to argue, in the short term, that could be good for the United States. But it is hard to argue, in the long term, that, without our leadership, without some level of involvement, including military involvement, but especially diplomatic and political engagement, it is hard to argue, in the short term, that could be good for the United States. But it is hard to argue, in the long term, that, without our leadership, without some level of involvement, including military involvement, but especially diplomatic and political engagement.

And that story repeats throughout the world. What do we do about the threat, whatever region, whatever hemisphere, whatever continent, when the United States is not there, neither are our interests, neither are we able to benefit, and neither is the world able to depend on our best and what we are willing to do for freedom and the best interests of humanity.
about what is at stake right now around the world, to understand how this international order was brought about, how it was fought for and won and sustained, and how tragic it would be, after 75 years, after the noble sacrifice of so many of the Greatest Generation, to see the international order that followed who served in Korea, who served in the first Gulf War, who are serving today in our wars that followed the attacks of 9/11, how terrible would it be for us to lose what we worked so hard to gain in the span of one administration?

It does not have to be that way. I think working together, across party lines, with this administration, with Congress, both Houses, with the American people, certainly supporting our servicemembers and honoring the sacrifices of our veterans, I think together we can meet this challenge, just as we have met serious challenges in the past. But we are going to need to correct our course, and we will need to do so immediately.

No longer can we mock allies, try to humiliate our neighbor to the south, the country of Mexico.

No longer can we fall into question an alliance that, with our help, has stood the test of time and has ensured the peace of this country and the continent of Europe: the NATO alliance.

No longer can we threaten to withdraw from international obligations, whether they are at the U.N., whether they are bilateral trade negotiations or multilateral trade agreements.

No longer can we think that the United States can serve as a bunker against the rest of the world. It is too late for that. It was too late for that in World War II when the three brave gentlemen that I began my speech with decided to serve this country and to pursue the freedom and the world order that so many take for granted today. It is incumbent upon us to try to offer an alternative to the course that we are currently on, an alternative that I would say starts here at home and with those countries that border ours. It starts with acknowledging that Mexico, for example, is far more an opportunity than it is a threat to the United States, that today we do hundreds of billions of dollars of trade with Mexico, trade that is unique in its character such that, when we export to Mexico, we win. When we import from Mexico, we win. We win jobs, 6 million American jobs that, today, are dependent on U.S.-Mexico trade.

Nearly half a million of those are in the State of Texas alone, each one of them jeopardized by the course that this country has taken under this new administration, each one of those potentially lost if we cannot redevelop a positive relationship with the country of Mexico, certainly one in which our interests are most important to the United States, where the U.S. worker is preeminent, but where, nonetheless, we understand the larger picture and the longer game, that our future—the United States and Mexico—is a shared future, that the way we manufacture today is done together, both countries producing products that are made in Irvine, California, and sold in Canada. That is what is going on here today, that we are linked in a way that cannot be unlinked without causing serious trauma, job loss, economic downturns, and insecurity for the United States.

In the last 30 years, as we have grown closer to Mexico and had a stronger economic relationship with that country that results in the hundreds of billions of dollars of trade that cross our ports of entry every year, at the same time, we have grown a stronger, closer security relationship such that the most notorious criminal mastermind in the history of Mexico, Joaquin Guzman, El Chapo, was recently extradited to the United States despite considerations of Mexican sovereignty. Despite, perhaps, the loss of pride that is entailed in sending that country's criminal who is responsible for countless deaths, for drug production, drug transit, and the drugs that cross into the United States and are consumed in Mexico and other parts of the world, Mexico did that precisely because of the strong security relationship that has grown between these two countries.

So should we pursue a path of humiliation for our southern neighbor? Should we build a 2,000-mile wall in a hopeless effort to seal that country off from ours? Should we propose imposing a 20 percent tax on all this coming in from Mexico which, again, remember, will not just hurt the Mexican worker, but will hurt the U.S. worker as well? Should we do all that, not only will we hurt ourselves economically, we will deeply damage the security bonds that exist today between those two countries, security bonds that keep us safe, that keep us secure, that help explain why today, despite the headlines, despite the campaign rhetoric, the facts show that the U.S.-Mexico border has never been more safe. It has never posed less of an immediate risk or hazard to Americans.

It has a lot to do with the brave men and women in the United States Border Patrol, those who also serve in police departments like ours in El Paso, in sheriff's departments like those under the command of Sheriff Richard Wiles in El Paso County. It has a lot to do with those who live in the communities along the U.S.-Mexico border who are such a part of our safety because they are striving to get ahead, to keep out of trouble, to learn, to study, to do better, to contribute to, participate in, and reap the benefits of the American Dream.

But we are also safe because the country of Mexico has made a commitment to help keep us safe. When we are concerned about transnational criminal organizations coming from the three most dangerous countries in the world today—El Salvador, Guatemala, Honduras—we have a partner in Mexico, who checks their advance at Mexico's southern border, who ensures, when we have the greatest humanitarian crisis this hemisphere has ever seen because of the brutality and violence that we see in those northern triangle countries in Central America, that Mexico is our partner in helping to provide shelter, sustenance, and aid to those frightened young children leaving the northern triangle.

But as many as are coming from Central America today, we have record low levels of northbound migration and asylum-seeking attempts crossing the U.S.-Mexico border. The number last year was somewhere around 400,000 northbound apprehensions. The number 16 years ago was 1.6 million northbound apprehensions.

For all the reasons that I gave, and for one of them an important one—and we must keep that in mind—is Mexico: our relationship, our partnership, part of that world order that we have fought for, worked so hard for, sustained at such great cost. These are the dividends that world order is producing for the United States today in jobs, in economic growth, in the security and safety of our communities and the people we represent.
to honor the ones who are already

But short of that, we must at least be

form our system of immigration laws.

greatness. I call on my colleagues to

strength, our exceptionalism, and our

and is a source of so much of our

to offer an alternative, one that has

people around the world who are look-

to the refugees, the aspirational

this indispensable Nation, the United

success story, this exceptional country,

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administrations. But after that screen-

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world’s refugees.

Values that include taking in the

and for leadership.

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sionmakers within those countries—

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have provided for the world.

It is the American people, and it is totally

in the world is not sustained on blood

heirs to.

something today that we are the lucky

who have fought so hard, worked so

Deep disservice and dishonor to those

now, not only will they suffer, which I

lied and partnered for so many years

countries with whom we have been al-

now, not only will they suffer, which I

only assume is the intent of the

President, but so will we. We also do

dep deep disservice and dishonor to those

and have fought so hard, worked so

long, and much to build up something today that we are the lucky

heirs to.

Furthermore, our leadership position

in the world is not sustained on blood

and is a source of so much of our

strength, our exceptionalism, and our

and is a source of so much of our

weighty, those asylum seekers, those asy-

lum seekers, and those immigrants are

the ones who have helped to build this

success story, this exceptional country,

this indispensable Nation, the United

States.

And when we turn off the lamp of lib-

erty, what we no longer shine as a bea-

con can, the refugees, the aspirational

people around the world who are look-

ing for a better life, who were called to

our shores by our values and what we

represent around the world, and what

we have always fought for and proved

in actions beyond our words, when that

lamp goes out, when we begin religious

tests for the kinds of immigrants who

we will bring into this country, when we

do things that are immediately po-

litically popular but are not in the best

traditions of this country, we lose that

place of prominence around the world,

not just to the countries and the deci-

sionmakers within those countries—

the kings and queens and presidents

and prime ministers—we lose that

place of prominence with the people

around the world who have always

looked to the United States for exam-

ple and for leadership.

And so I ask my colleagues to join

me in ensuring that, as troubling as this

moment in the first few weeks of this

administration, we re-

member that we still have time to cor-

rect it and that we have an obliga-

tion to offer an alternative, one that has

served this country so well for so long

and is a source of so much of our

strength, our exceptionalism, and our

greatness. I call on my colleagues to

move beyond Presidential fiat, beyond

executive order, beyond the whims of a

new administration, and to set in law

our values and our priorities.

Ultimately, we must be able to re-

form our system of immigration laws.

But short of that, we must at least be

able to honor the ones who are already

on the books. We have to do more to

ensure that those who need us most in

the world can find a home in this coun-

try, not solely for their benefit. That is

the moral imperative. That is the argu-

ment that can persuade us in our

hearts that the good and the right and

the benefit will accrue to this country

economically in our security, in our vi-

brancy, and in ensuring that the next

generation is going to be the leaders,

whether it comes to the businesses

that are created, the books and the art

that are created, the leadership that is

needed, and the service that we demand

in uniform throughout the world.

Certainly that comes from native

born U.S. citizens, but it also, as we

know when we think about the history

of this country, that comes from those

who came to our shores. Or, like most

of the Western Hemisphere, whether

your family came from Mexico or El

Salvador or Argentina, there is a good

chance that your Ellis Island was El

Paso. And as the first set of foot on U.S.

soil in the community that I have the honor to represent

today. Whether it was in Segundo

Barria, or the Chihuahuita neighbor-

hood, or the Chamizal district, El Paso

has always been the gateway to this com-

munity to millions who have answered

the promise, the potential, the oppor-

tunity, and the beacon of hope that we

have provided for the world.

So imagine in the Ellis Island of the

Western Hemisphere—El Paso, Texas—

building a wall that would forever sepa-

rate and divide us from the rest of the

hemisphere, from the place where we

meet the rest of the world. That, too, will

compromise our leadership posi-

tion in the world. That, too, will dis-
honor the noble sacrifice that we have

seen from countless servicemembers

from those who pursue U.S. policy

around the world, and to those who are

now serving in more than 140 countries

around the globe. I think about another country and another wall at another time that proved American exceptionalism when the Soviets constructed the Berlin Wall to keep East Germans from being able to fle to the West, those East Ger-

mans who, in some way, were respond-

ing to the hope that I am talking about

that we have so long represented

around the world. It was the United

States that overcame that wall. It was

people like General James H. Polk who

in the war and the American people who

East Berlin had hope, that the people of West

Berlin had hope, that we made every effort

to fulfill our commitments, not just to

Americans on American soil, but to

American values wherever they may be

represented around the world. While

other governments were building walls,

the United States was doing the right

thing.

And it was a President of the United

States, Ronald Reagan, who challenged

the Soviet empire to tear down this

wall. How far have we come today, in

2017, in the living lifetime of those

who served with President Reagan, who

voted for President Reagan, who lived

in the America that President Reagan

was a President of, that we are contempt-

uating building a wall that would keep

people out, that would separate people

who have a common identity, a common

history? And in places like El Paso and

Ciudad Juarez. 3 million people who

form the largest binational community

in the world, two people who have a

common identity, nothing to be afraid

of, and yet to be a source of some-thing

to be scared of. We, the United

States, are at our best when we are

strong, when we are confident, when we

are bold. We are at our worst when we

are anxious, when we are afraid, when

we are scared.

Mr. Speaker, I ask that we not make

policy out of fear, that we not stoke

anxiety, that we not lose the best,

strongest traditions of who we are as

Americans, but, instead, follow those

traditions. And we will be able to

change the course that this country is

now on. We will be able to help this

President to do the right thing, the right

thing for this country, in this country

more importantly, but to do the right

thing for this country when it means

standing up for our values,

our interests, our allies around the

world.

Mr. Speaker, for many in this coun-
try, for many around the world, these

are some of the darkest days in

recent memory. But I have hope be-

cause we have had far darker days in

this country before. And the institu-

tions, such as the one that we are in
today and the American people whose

work we do at whose pleasure we serve,

who we represent in this Chamber, are

a remarkable, resilient people. And

they will help to bring this body, this

administration, this government, and

this country to its senses. And when

we get there, I am confident that we are
going to do the right thing. I am con-
fident that we are going to honor the

best traditions of this country, we are
going to honor the brave men and

women who have served, who have

helped to build what we have today,

which so many people take for granted.

Mr. Speaker, I am confident that work-
ing together, Republican and Democrat,

we are going to do what is best for the

world and what is best for America.

I yield back the balance of my time.

SECURITY AND GENEROSITY: ON

BEING AMERICA

The SPEAKER pro tempore (Mrs.

COMSTOCK). Under the Speaker’s an-
nounced policy of January 3, 2017, the
Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY) for 30 minutes.

Mr. FORTENBERRY. Madam Speaker, if the gentleman from Texas (Mr. O’ROURKE) would mind lingering in the Chamber for just a moment, I want to make a connection of events to what he said. Because he began his talk with a commemoration of some extraordinary Americans, World War II veterans. And as I was waiting my turn to speak, I couldn’t help but reflect upon perhaps one of the most extraordinary opportunities that I have been given as a Member of the House of Representatives.

A bipartisan delegation went to the 70th anniversary of the D-Day invasion. President Obama, of course, spoke, and dignitaries from around the world, including the Queen of England, also made an appearance.

When we got to the cemetery area at Omaha Beach, we were meeting veterans who had fought there or in the vicinity. One of the first gentlemen I met, he had only a thumb, and he was sitting in a wheelchair. And I just asked him, because it was such a celebratory atmosphere and everyone was so engaged by the heroism of these men and the opportunity to be back so many years later—I just asked him: Did that happen here?

He said: Yeah, right over there on the beach.

Well, his daughter was with him, and she told me a moment later: Actually, what happened was we think that he was shot on the hip and one of his grenades began to go off and he was throwing it away from himself.

I looked at him and I said: How are you here?

And he said: I don’t know.

Another man had been a part of the paratroopers who dropped in behind enemy lines the night before near the town of Sainte-Mere-Eglise, and I will come to that town in a moment. And I asked him: Was this your assignment?

He said: Hill 60, or some number.

And I said: Where is that?

He said: Right over there. He said: Guard the bridge at La Fiere.

I said: That is the bridge at La Fière. An old Norman-style, arched stone bridge, maybe a car-length wide, obviously just one lane to get a horse and cart over.

He said: Do not let the Germans cross that bridge, that was our assignment, and we held them.

Another man looked at me and said: I haven’t been here in 70 years. A much better reception this time.

This great humor, this depth of character that these extraordinary men showed was so evident that day.

Mr. FORTENBERRY. Madam Speaker, I want to give this opportunity tonight, to some of the dynamics of the moment. Before I begin, I would like to share with you that, outside of my office, there hangs a framed copy of a piece of legislation. In fact, it was one of the earliest pieces of legislation that I considered. It addresses the issue of refugees from Syria who could come to the United States. These persons served alongside our troops and put themselves and their families at great personal risk in service to our country. Among those who benefited from this expanded policy were members of the Yazidi faith tradition—a peaceful, ancient faith—that, very sadly, ISIS has targeted as a part of its extermination campaign against Christians and other religious minorities, including innocent Muslim communities.

Madam Speaker, as we all know, America has long opened her arms to persons who flee persecution, who wish to build and lead their lives and be good citizens here. My hometown of Lincoln, Nebraska, is a diverse, welcoming community with a number of first-generations Americans, and we are the better for it. However, when there is chaos and disorder at our border or if there is uncertainty in immigration policy and procedures, this problem undermines the ability of our country to be generous; or, worse, it affects our safety. There are two principles being held in the balance here: keeping America safe and keeping America generous.

President Trump’s executive order to protect the Nation from foreign terrorist entry into the United States has suspended all new refugee admissions into the U.S. for 120 days. In addition, it blocks all travelers for 90 days from seven countries of concern—Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen—which was a list, by the way, created by the Obama administration in 2015. Refugees from Syria are banned indefinitely, and travelers from these countries with a green card will be allowed since they are permanent United States residents.

Madam Speaker, from my perspective, I believe it is important to understand and review our refugee policy from dangerous parts of the world; but, clearly, the implementation of the policy has caused some confusion, difficulty, and concern, some of which has been clarified.

In example, there is a Yazidi man named Nafaa, who was one of those military translators—again, putting himself at great risk to serve alongside our troops. Nafaa visited my office last Monday. It was in the evening. He recognized me by sight. Two of his brothers live where I live—in Lincoln, Nebraska. Although I didn’t recognize him at first, I remembered that
Madam Speaker, there is a story I would like to tell. There is a man, and he is talking to his young son. He said: Son, you see that beautiful, lovely home there on the hill? One day, if it is your heart’s desire, if you are willing to work hard and be patient, and if you do what is right, then maybe you could earn that home one day.

Another man in another country took a very different approach talking to his young son. He said: See that big mansion on the hill there? If you work hard enough, if you stay focused, and if you position yourself right, one day you can get that guy.

You see, Madam Speaker, our country is not based on the principle of envy. It is based on respect and responsibility. To make America flourish again, politically, economically, and culturally, a restoration of this ideal is necessary to create the conditions for a true and lasting freedom.

Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POTTER of Texas (at the request of Mr. McCARTHY) for today on account of personal reasons.

Mr. JEFFRIES (at the request of Ms. PELOSI) for today.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON SMALL BUSINESS FOR THE 115TH CONGRESS

COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, WASHINGTON, DC, FEBRUARY 1, 2017.

HON. PAUL D. RYAN, Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN: Enclosed herewith are the Rules and Procedures for the 115th Congress that were adopted by the Committee on Small Business at its organizational meeting on February 1, 2017.

Sincerely,

STEVE CHARLOT, Chairman.

1. GENERAL PROVISIONS

(A) Rules of the Committee. The Rules of the House of Representatives, in total (but especially with respect to the operations of committees, Rule X, cl. 1(q), cl. 2, cl. 31) and Rule XI, are the rules of the Committee on Small Business (“Committee”) to the extent applicable and are incorporated by reference.

(B) Appointments by the Chair. Pursuant to the Rules of the House, the Chair shall designate a Member of the Committee Majority to serve as Vice Chair of the Committee. The Vice Chair shall preside at any meeting or hearing during the temporary absence of the Chair. The Chair also reserves the right to designate a Member of the Committee Majority to serve as the Chair at a hearing or meeting.

2. REFERRAL OF BILLS BY THE CHAIR

The Chair will retain consideration of all legislation referred to the Committee by the Speaker. No action will be required of a Subcommittee before legislation is considered for report by the Committee. Subcommittee chairs, pursuant to the rules set out herein,
may hold hearings on any bill referred to the Committee.

3. SUBCOMMITTEES
(A) Generally. Each Subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee, and to the Rules of the House and the rules adopted herein, to the extent applicable. The Chairman and Ranking Member of each Subcommittee are ex officio Members of all Subcommittees for the purpose of any meeting conducted by a Subcommittee.

(B) The Subcommittee shall be organized into the following five subcommittees:
(1) Subcommittee on Agriculture, Energy, and Trade.

This Subcommittee (which will consist of six (6) Republican Members and four (4) Democratic Members) will address policies that enhance rural economic growth, increasing America’s energy independence and ensuring that America’s small businesses can compete effectively in a global marketplace.

Oversight of agricultural policies.

Oversight of environmental issues and regulations (including agencies such as the Environmental Protection Agency and the Army Corps of Engineers).

Oversight of energy issues, including expansion of domestic resources, whether they are renewable or non-renewable.

Oversight of international trade policy with particular emphasis on agencies that provide direct assistance to small businesses, such as the Small Business Administration’s (SBA) Office of International Trade, the Department of Commerce’s United States Export Assistance Centers, the Department of Agriculture’s Foreign Agricultural Service, and the Export-Import Bank.

Oversight of infringement of intellectual property rights by foreign competition.

(2) Subcommittee on Health and Technology.

This Subcommittee (which will consist of six (6) Republican Members and four (4) Democratic Members) will address how health care policies may inhibit or promote economic growth and job creation by small businesses. In addition, the Subcommittee will examine small business job growth through the creation and adoption of advanced technologies.

Oversight of the implementation of the Patient Protection and Affordable Care Act.

Oversight of availability and affordability of health care coverage for small businesses.

Oversight of general technology issues, including intellectual property policy in the United States.

Oversight of United States telecommunication policies, including, but not limited to, the National Broadband Plan and allocation of electromagnetic spectrum.

Oversight of the Small Business Innovation Research Program.

Oversight of the Small Business Technology Transfer Program.

(3) Subcommittee on Economic Growth, Tax, and Capital Access.

This Subcommittee (which will consist of six (6) Republican Members and four (4) Democratic Members) will address how policies and regulatory initiatives of the various financial institutions and agencies, including, but not limited to, the SBA, impact access to capital and technology to small businesses.


SBA financial assistance programs, including guaranteed loans, microloans, certified development company loans, and small business investment companies.

Oversight of the Department of Agriculture and industry guaranteed loan program.

Oversight of general tax policy affecting small businesses.

The management of the SBA disaster loan program.

(4) Subcommittee on Investigations, Oversight, and Regulations.

This Subcommittee (which will consist of six (6) Republican Members and four (4) Democratic Members) will address the efficient operation of government programs that affect small businesses, including the SBA, and develop proposals to make them operate in a more cost-effective manner. This Subcommittee will also review the regulatory burdens imposed on small businesses and how those burdens may be alleviated.

Oversight of general issues affecting small businesses and federal agencies.

Oversight of the management of the SBA.

Oversight of implementation of the Regulatory Flexibility Act.

Oversight of the Office of Information and Regulatory Affairs at the Office of Management and Budget.

Use of the Congressional Review Act.

Oversight of transparency and rulemaking processes as required by the Administrative Procedure and Data Quality Acts.

Implementation of the Paperwork Reduction Act.

(5) Subcommittee on Contracting and Workforce.

This Subcommittee (which will consist of six (6) Republican Members and four (4) Democratic Members) will assess the federal procurement system, including those programs that encourage participation by small businesses in providing goods and services to the federal government. The Subcommittee will examine various programs designed to provide technical assistance to small businesses, whether specifically aimed at federal contractors or small businesses in general. Finally, the Subcommittee will oversee the work of the Small Business and Innovation Council.

Oversight of federal procurement policies that inhibit or expand participation by small businesses in the federal contracting marketplace.

All contracting programs established by the Small Business Act, including HUBZone, 8(a), Women- and Service Disabled Veteran-Owned Small Business Programs.

Oversight of government-wide procurement practices and programs affecting small businesses.

Oversight of federal procurement policies that inhibit or expand participation by small businesses in the federal contracting marketplace.

B. Majority Staff.

The employees of the Committee shall be appointed or assigned, to the extent provided herein, to each Subcommittee, and the Subcommittee Chairs may hold field hearings that conflict with those held by other Subcommittees of the Committee.

1. COMMITTEE STAFF
(A) Majority Staff of the Committee, except those assigned to the Minority as provided below, shall be appointed and assigned, and may be removed by the Chairman with the consent of the Committee. The Chairman shall fix their remuneration and they shall be under the general supervision and direction of the Chair.

(B) Minority Staff. The employees of the Committee assigned to the Minority shall be appointed and assigned, and their remuneration determined, as the Ranking Minority Member of the Committee shall fix.

(C) Subcommittee Staff. There shall be no separate staff assigned to Subcommittees. The Chair and Ranking Minority Member of each Subcommittee shall propose to the Committee and the Committee staff is made available in order that each Subcommittee may carry out the responsibilities set forth in Rule 3, supra.

5. MEETINGS
(A) Regular Meeting Day. The regular meeting day of the Committee shall be the second Wednesday of every month when the House is in session. The Chair may dispense with the meeting of the Committee, if in the sole discretion of the Chair, there is no need for such meeting.

(B) Additional Meetings. Additional meetings may be called as deemed necessary by the Chair or at the request of the majority Members of the Committee pursuant to Rule XI, cl. 2(c) of the Rules of the House. At least 3 days’ notice of such a meeting shall be given unless the Chair, with the concurrence of the Ranking Minority Member, determines that there is good cause to call the meeting on less notice or upon a vote by a majority of the Committee (a quorum being present). To the extent possible, the three days shall be counted from the 72 hours before the time of the meeting. Announcements of the meeting shall be published promptly in the Daily Digest and made publicly available in electronic form.

(C) Notice of Meetings. The determination of the business to be considered at each meeting shall be made by the Chair subject to limitations set forth in House Rule XI, cl. 2(c).

(D) Meeting Materials. The Chair shall provide to each Member of the Committee, to the extent practicable, at least 48 hours in advance of a meeting, a copy of the bill, resolution, report or other item to be considered at the meeting, but no later than 24 hours before the meeting. Such material shall also be made available to the public at least 24 hours in advance in electronic form.

(E) Special and Emergency Meetings. The rules for notice and meetings as set forth in Rule 5 of these Rules shall not apply to special and emergency meetings. Clause 2(c)(2) of Rule XI and clause 2(g)(3)(A) of Rule XI of the Rules of the House, as applicable, shall apply to such meeting.

6. NOTICE AND ANNOUNCEMENT OF HEARINGS
(A) Announcement of Hearings. Public announcement of the date, place and subject matter of any hearing to be conducted by the Committee shall be made at least 7 calendar days before the commencement of the hearing. To the extent possible, the seven days shall be counted from 168 hours before the time of the Committee hearing. The Chairman of the Subcommittee shall obtain the approval of the Chair of the Committee.
upon a vote by the majority of the Committee (a quorum being present), may authorize a hearing to commence on less than 7 days' notice.

(C) Witness Lists. Unless the Chair determines it is impractical to do so, the Committee shall make a tentative witness list available at the time it makes the public announcement. If a witness list is not made available at the time of the announcement of the hearing, such witness list shall be made available as soon as practicable after such announcement is made. A final witness list shall be issued by the Committee no later than 48 hours prior to the commencement of the hearing.

(D) Committee shall provide to all Members of the Committee, as soon as practicable after the announcement of the hearing, a memorandum explaining the subject matter of the hearing, the number of witnesses, and any other information which Members of Congress may wish to have. The Chair shall authorize a hearing to commence on less than 7 days' notice if such a quorum is present under Committee rules for the announcement of the hearing. Material prohibited from disclosure to witnesses selected by the Ranking Minority Member, shall be placed on the Committee website no later than 48 hours after the commencement of the hearing. Material provided to or at the hearing, shall be marked sensitive or classified information, in which case such material shall be handled pursuant to Rule 16 of the Committee's Rules.

7. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) Meetings. Each meeting of the Committee or its Subcommittees for the trans- action of business, including the markup of legislation, shall be open to the public, in- cluding to radio, television, and still photography coverage. If the Committee or Subcommittee (as appropriate) selects such executive branch representatives they may authorize, shall be present in any meeting which has been closed to the public.

(B) Hearings. Each hearing conducted by the Committee or its Subcommittees shall be open to the public, including radio, television and still photography coverage. If the majority of the Members of the Committee or Subcommittee present at the hearing determine by a recorded vote in open session that all or part of the remainder of the hearing on that day shall be closed to the public because the disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person or otherwise would violate any law or rule of the House; provided however, that no person other than Members of the Committee or Subcommittees or professional staff of the Committee shall be placed on the Committee website no later than 48 hours after the announcement of the hearing. Material prohibited from disclosure to witnesses selected by the Ranking Minority Member, shall be placed on the Committee website no later than 48 hours after the announcement of the hearing. If a tentative hearing adjourns, supplemental material provided after the hearing adjourns shall be placed on the Committee website no later than 24 hours after receipt of such material.

(H) Questioning of Witnesses. Except when the Committee adopts a motion pursuant to subdivisions (B) and (C) of clause 2(1)(2) of Rule XI of the Rules of the House, Committee Members may question witnesses only when they have been recognized by the Chair for that purpose. Members shall have the opportunity, as set forth in Rule XI, cl. 2 (j) of the Rules of the House, to question each witness on the panel for a period not to exceed five minutes. For any hearing, the Chair of the Committee or Subcommittee may extend the time for questioning its witnesses for the purpose of reporting a measure or recommendation. The Chair may take into consideration the ratio of Members to question witnesses, the Chair for that purpose. Members shall have the opportunity, as set forth in Rule XI, cl. 2 (j) of the Rules of the House, to question each witness on the panel for a period not to exceed five minutes. For any hearing, the Chair of the Committee or Subcommittee may extend the time for questioning its witnesses for the purpose of reporting a measure or recommendation.

3. WITNESSES

(A) Number of Witnesses. For any hearing conducted by the Committee or Subcommittee there shall be no more than four non-governmental witnesses of which at least one shall be the Ranking Minority Member, if present, or the Committee Chair. If the Committee or Subcommittee (as appropriate) selects such executive branch representatives they may authorize, shall be present in any meeting which has been closed to the public.

(B) Witnesses Selected by the Minority. Witnesses selected by the Ranking Minority Member of the Committee or Subcommittee shall be invited to testify by the Chair of the Committee or Subcommittee (as appropriate). Rule 8(D) shall apply with equal force to witnesses selected by the Ranking Minority Member of the Committee or Subcommittee.

(C) Small Business Week Exception. The limitations set forth in the preceding para- graph shall not apply if the Committee holds a hearing on a small business community in conjunction with the annual celebration of Small Business Week. Witness limitations for such a hearing shall be determined by the Chair in consultation with the Ranking Minority Member.

(D) Statement of Witnesses. (1) Each witness who is to appear before the Committee or Subcommittee shall file an electronic copy of the testimony with the Committee and the Ranking Minority Member no later than 48 hours before the commencement of the hearing. For any hearing with simultaneous broadcast, the witness shall provide 25 copies of the testimony to the Committee and the Ranking Minority Member no later than 48 hours before the commencement of the hearing. The Chair may waive the requirement by the Chair in consultation with the Ranking Minority Member of the Committee or Subcommittee shall provide the 25 copies.
quorum shall be one Member from the Majority and one Member from the Minority. The Chair of the Committee or Subcommittee shall exercise reasonable courtesy by waiting for the Ranking Minority Member with the assurance that a quorum is present before striking the gavel to commence the hearing. For hearings held by the Committee or a Subcommittee in a location other than Committee Room 216 in the Longworth Office Building in Washington, DC, a quorum shall be deemed to be present if the Chair of the Committee or Subcommittee is present.

(A) When Provided. A record vote of the Committee shall be provided on any question before the Committee upon the request of any Member of the Committee. A record vote shall be available in electronic form within 48 hours of such record vote, and, with respect to any roll call vote on any motion to amend or repeal, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those Members voting for and against.

(B) Public Access to Record Votes. The Chair of the Committee shall, not later than 24 hours after consideration of a bill, resolution, or amendment to the same extent as when the question was postponed.

12. AMENDMENTS DURING MARKUP

(A) Authorization and Issuance. A subpoena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witness and the production of such books, records, correspondence, memoranda, papers and documents, as deemed necessary. Such authorization shall be made by a majority of the full Committee. The requirement that the authorization of a subpoena requires a majority vote may be waived by the Ranking Minority Member of the Committee.

(B) Issuance During Congressional Recess. The Chair may issue a subpoena, in consultation with the Ranking Minority Member, when the House is out for session for more than three legislative days.

13. POSTPONEMENT OF PROCEEDINGS

(A) When Postponement is Permissible. The Chair, in consultation with the Majority Member, may postpone further proceedings for the question of approving any measure or matter or adopting an amendment. The Chair may resume postponed proceedings, but no later than 24 hours after such postponement, unless the House is not in session or there are conflicts with Member schedules that make it unreasonably difficult to conduct business on the postponed proceeding. In such cases, the Chair will consult with Members to set a time as early as possible to resume the proceedings. In no event later than the next meeting date as set forth in Rule 5 of these Rules.

(B) Resumption of Proceedings. When proceedings on a question are interrupted by a recess, notwithstanding any intervening order for the previous question, an underlying proposition decided by voice vote, the record shall include a description of the amendment, motion, order, or other proposition decided by voice vote for and against such amendment, motion, order, or other proposition, and the names of Members present but not voting. For any amendment, motion, order, or other proposition decided by voice vote, the record shall include a description and whether the voice vote was in favor or against.

(C) Transcripts. The Committee shall keep a complete record of all Committee and Subcommittee activities which, in the case of a meeting or hearing transcript, shall include statements, discussion, and the remarks actually made during the proceedings subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks.

(D) Availability of Records. The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule VII of the Rules of the House. The Chair of the Committee shall notify the Ranking Member of the Committee of any decision, pursuant to Rule VII, (a) to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination of the written request of any Member. Such request shall be determined in writing to be in the national interest of the United States and shall be maintained in the Committee or Subcommittee to so rule. With respect to information and materials provided to the Committee by the Executive Branch or an independent agency as that term is defined in 4 U.S.C. 302, the classification of information and materials as determined by the Executive Branch or independent agencies shall prevail unless affirmatively changed by the Committee or Subcommittee involved, after consultation with the Executive Branch or independent agencies.

(E) The Chair of the Committee shall maintain an accurate access log, which identifies the circumstances surrounding access to the information, without revealing the material examined.

(F) If the material desired to be reviewed is material which the Committee or Subcommittee deems to be sensitive enough to require special handling for access to such information, individuals will be required to sign an access information sheet acknowledging such access and that the individual agrees to respect the rules and procedures under which access is being granted.

(G) Material provided for review under this rule shall not be removed from a specified room within the Committee office.

(H) Individuals reviewing materials under this rule shall make certain that the materials are returned to the proper custodian.

(I) No reproduction or recordings may be made of any portion of such materials.

(J) The contents of such information shall not be divulged to any person by any way, form, shape, or manner and shall not be discussed with any person who has not received the information in the manner authorized by the rules of the Committee.

(K) When not being examined in the manner described herein, such information will be kept in secure safes or locked file cabinets within the Committee offices.

(L) These procedures only address access to information the Committee or Subcommittee deems to be sensitive enough to require special handling.

(M) Other materials in the possession of the Committee are to be handled in accordance with normal practices and traditions of the Committee.

17. OTHER PROCEDURES

The Chair of the Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

18. AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed by a majority vote of the Members of the Committee, at the discretion of the Committee staff and stenographic reporters who have appropriate security clearance when the Chair determines that such access or attendance is essential to the functioning of the Committee or one of its committees.
been provided to each Member of the Committee at least 72 hours prior to the time of the meeting of the Committee to consider such change or changes.

97. BUDGET AND TRAVEL.

(A) Allocation of Budget. From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives in the 115th Congress, the Chair, after consultation with the Ranking Minority Member, shall designate one-third of the budget under the direction of the Ranking Minority Member for the purposes of minority staff travel, expenses of minority staff and Members, and minority office expenses.

(B) Authorization of Travel. The Chair may authorize travel in connection with activities or subject matters under the legislative or oversight jurisdiction of the Committee as set forth in Rule X of the Rules of the House. Before such travel, there shall be submitted to the Chair of the Committee in writing the following at least seven (7) calendar days prior specifying:

a) the purpose of the travel; b) the dates during which the travel is to occur; c) the names of the states or countries to be visited and the length of time spent in each; and d) the names of Members and staff of the Committee participating in such travel.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 356. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Vietnam War Veterans Day; to the Committee on the Judiciary.

ADJOURNMENT

Mr. PORTENBERRY. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 7, 2017, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

495. A letter from the Acting Secretary, Department of Education, transmitting the Department's final regulations — Open Licensing Requirement for Competitive Grant Programs [Docket ID: ED-2015-08-0105] (RIN: 1894-AA07) received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.


500. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2016-0083] [RIN: 8907-5557] received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

501. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting the FY 2016 annual report of Military Assistance and Military Exports, pursuant to 22 U.S.C. 2415(a); Public Law 97-198, Sec. 656 (as amended by Public Law 104-164, Sec. 146); (110 Stat. 1465); to the Committee on Foreign Affairs.

502. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting the Agency's proposed Letter of Offer and Acceptance to the Republic of Korea, Transmittal No. 16-83, pursuant to Sec. 253(j) of the Exports Control Act, as amended; to the Committee on Foreign Affairs.

503. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting the Air Force's proposed Letter of Offer and Acceptance to the Republic of Korea, Transmittal No. 16-84, pursuant to Sec. 253(j) of the Exports Control Act, as amended; to the Committee on Foreign Affairs.

504. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting the Agency's reports containing the September 30, 2016, status of loans and guarantees, issued under Section 253(a)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

505. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's 2016 Data Mining Report to Congress pursuant to Implementing Recommendations of the 9/11 Commission Act of 2007; to 5 U.S.C. 8003ee-3(c)(1); Public Law 110-53, Sec. 801(c)(1); (121 Stat. 3653); to the Committee on Foreign Affairs.

506. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's 2016-based beneficiary list; to the Committee on Foreign Affairs.

507. A letter from the Deputy Assistant Administrator for Legislative, Office of Legislative and Intergovernmental Affairs, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants — Final Rule Regulates Two Guitarfishes as Threatened Under the Endangered Species Act [Docket No.: 150211138-7024-02] (RIN: 0648-XD71) received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

508. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States: Atlantic Surfcorm and Ocean Quahog Fisheries [Docket No.: 160608764-9999-02] (RIN: 0648-XS19) received January 26, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

509. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Western Gulf of Mexico; Fishery for Bluefin Atlantic Tunas [Docket No.: 160608755-6605-01] (RIN: 0648-BG07) received February 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

510. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States: Bluefin Tlefishery; Secretarial Interim Action [Docket No.: 160608550-6665-02] (RIN: 0648-XS23) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

511. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the Annual Report to Congress on the implementation, enforcement, and prosecution of registration requirements of the Adam Walsh Child Protection and安全 Act, pursuant to 42 U.S.C. 16991; Public Law 109-248, Sec. 633; (120 Stat. 644); to the Committee on the Judiciary.

512. A letter from the Regulations Coordinator, ASPR/OGAPA/Division of Grants, Department of Health and Human Services, transmitting the Department’s final rule — Annual Civil Monetary Penalties Inflation Adjustment Act [RIN: 0991-AC0] received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

513. A letter from the Chief, Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting the Department’s final rule — Civil Monetary Penalty Inflation Adjustment [Docket ID: BSEE-2017-0001; 17XE1700DX E1XSF00000 DAQ000 EEE50000] (RIN: 0648-AC0) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.
Reports of Committees on Public Bills and Resolutions:

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper committee.

PUBLIC BILLS AND RESOLUTIONS:

Under clause 2 of rule XIV, public bills and resolutions then introduced and severally referred, as follows:

By Mr. BYRNE: Committee on Rules. House Resolution 91. Resolution providing for consideration of the joint resolution (H.J. Res. 44) disapproving a rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976; providing for consideration of the joint resolution (H.J. Res. 37) providing for congressional disapproval under chapter 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965; and providing for consideration of the joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues (Rept. 115-9).

Referred to the House Calendar.

February 6, 2017

H1011

CONGRESSIONAL RECORD — HOUSE

rule — Rules of Practice and Procedure; Adjudging Civil Money Penalties for Inflation (RIN: 3052-AD21) received February 2, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 315 (110 Stat. 866); to the Committee on the Judiciary.

515. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Uniform National Discharge Standards for Vessels of the Armed Forces — Phase II Batch One: Delay of Effective Date (EPA-HQ-AP-2010-0083; FRL-9660-30-GW) received February 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 866); to the Committee on Transportation and Infrastructure.

516. A letter from the Acting Secretary of the Army, Department of Defense, transmitting a copy of a memorandum, entitled “Construction of the Dakota Access Pipeline”; jointly to the Committees on Transportation and Infrastructure, Natural Resources, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS:

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BYRNE: Committee on Rules. House Resolution 91. Resolution providing for consideration of the joint resolution (H.J. Res. 44) disapproving a rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976; providing for consideration of the joint resolution (H.J. Res. 37) providing for congressional disapproval under chapter 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965; and providing for consideration of the joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues (Rept. 115-9).

Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS:

Under clause 2 of rule XIV, public bills and resolutions then introduced and severally referred, as follows:

By Mr. SMITH of Missouri (for himself, Mr. LARSON of Connecticut, and Mr. ROYCE of California):

H.R. 873. A bill to amend the Internal Revenue Code of 1986 to exempt premiums paid under section 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 866); to the Committee on Ways and Means.

By Mr. TIEU of California (for himself, Ms. JUDY CHU of California, Mr. CUMMINGS of Maryland, Ms. MOORE of Maryland, and Ms. SLAUGHTER): H.R. 872. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance medical device transparency and ensure device cleanliness; to the Committee on Energy and Commerce.

By Mr. GALLAGHER (for himself and Mr. SCHILDKREUTZ): H.R. 873. A bill to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes; to the Committee on Natural Resources.

By Mr. BIGGS (for himself, Mr. STEVIES, Mrs. BUSTOS, Mr. LEWIS of Georgia, Ms. KELLY of Illinois, Mr. WEXNER of Texas, Mr. LOBONGIO, Mr. HNING, Mr. PALMENBERG, Mr. BARLETTA, Mrs. NAPOLITANO, Mr. LIPIFSKI, Mr. O’ROURKE, Mr. MCCaul, Mr. THOMAS J. ROONEY of Florida, Mr. QUIGLEY, Mr. OLSON, Mr. GALLAGHER, Mr. DELANY, Mr. GARAMENDI, Mr. SARLAN, Mr. CURIELLO of Florida, Ms. SLAUGHTER, Mr. JONES, Mr. COOPER, Mr. JOHNSON of Texas, Mr. GUESS, Mr. YOUNG of Alaska, Mr. CARDENAS, Mr. VALADAO of California, Mr. KING of New York, Mr. PAULSEN, Mr. PAULSEN, Mr. SCHAEFFTER, Mr. PORTER, Mr. SOTO, Ms. GABBARD, Mr. RYAN of Ohio, Mr. EMMER, Mr. GOODLATTE, Mr. SWALWELL of California, Mr. KATKO (for himself, Mr. MCCaul, Mr. ROGERS of Alabama, Mr. FITZPATRICK, Mr. HIGGINS of Louisiana, Mr. KING of New York, Mr. VEILA, Mr. KEATING, and Mrs. WATSON COLEMAN): H.R. 874. A bill to amend title 38, United States Code, to ensure that certain veterans receive in-patient psychiatric care provided by the Department of Veterans Affairs; to the Committee on Veterans’ Affairs. H.R. 875. A bill to facilitate and streamline the Bureau of Reclamation process for creating or expanding water storage, rural water supply, and water recycling projects and the Reclamation Act for other purposes; to the Committee on Natural Resources.

By Mr. AMODEI (for himself, Mr. BARRERA, Mr. BURGESS, Mr. KIMBERLY, Mr. BARLETTA, Mr. WEBSTER of Florida, Mr. DEFAZIO of New York, Mr. THOMAS J. ROONEY of Florida, Mr. JONES of New York, Ms. CLARK of Massachusetts, Ms. KUSTER of New Hampshire, Mr. HECK, Mrs. BLACKBURN of Tennessee, Mr. BILL, Mr. KELLY of Pennsylvania, Mr. BORDUAS, Mrs. BROOKS of Indiana, Mr. RINACCI, Mr. CRAMER, Mr. SEAN PATRICK MALONEY of New York, Mr. BYRNE, Mr. ROUZER, Mr. LOUDERMILK, Mr. CARTWRIGHT, Mr. MARINO, Mr. AUSTIN SCOTT of Georgia, Mr. STEWART, Mr. POCAN, Mr. FRANKS of Arizona, Mr. KING, Mr. CARVER of South Carolina, Mr. ROSS, Mr. KING of New York, Mr. WITTMAN, Mrs. ROBY, Mr. PHARCE, and Mr. ROYBAL CASTRO): H.R. 877. A bill to direct the Secretary of the Army to place in Arlington National Cemetery a monument honoring the helicopter pilots and crewmembers who were killed while serving on active duty in the Armed Forces during the Vietnam era, and for other purposes; to the Committee on Veterans’ Affairs. H.R. 878. A bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with state law, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself and Ms. ESTY): H.R. 879. A bill to require the Government Accountability Office to conduct periodic reviews of the flood insurance rates and flood insurance rate maps under the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. BURGESS (for himself, Mr. GENE GREEN of Texas, Mr. HUDSON, and Ms. CASTOR of Florida): H.R. 880. A bill to amend the Public Health Service Act to facilitate assignment of military medical care providers to trauma centers in order to maintain military trauma readiness and to support such centers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. THOMAS J. ROONEY of Florida, Mrs. BLACKBURN, Mrs. BROWNLY of California, Ms. JUDY CHU of California, Mr. COHEN, Ms. ESHOO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. MCCaul, Mr. NADLER, Ms. SCHWAB, Mr. SHERMAN, Mr. SLAUGHTER, Mr. SMITH of Texas, Mr. TIPTON, Ms. WASSERMAN SCHULTZ, Mr. SCHIFF, Mr. FRANKS of Arizona, Mr. ISA, Mr. DEUTCH, Mr. CONVERSE, Mr. MARINO, and Mr. COLLINS of Georgia): H.R. 881. A bill to amend title 17, United States Code, to provide a mechanism of statutory sound recording performance royalties to record producers, and for other purposes; to the Committee on the Judiciary.

By Mr. CURLLAR (for himself, Mr. HURD, Mr. GENE GREEN of Texas, Mr. DOGGETT, Mr. GONZALEZ of Texas, Mr. AL GREEN of Texas, Mr. O’ROURKE, and Mr. VELA): H.R. 882. A bill to provide for a general capital increase for the North American Development Bank, and for other purposes; to the Committee on Financial Services.

By Mr. DeSANTIS: H.R. 883. A bill to amend title 18, United States Code, to provide a certification process for the issuance of nondisclosure requirements accompanying certain administrative subpoenas; to provide a mechanism of such nondisclosure requirements, and for other purposes; to the Committee on the Judiciary.

By Mr. HILL: H.R. 884. A bill to clarify that volunteers at a children’s consignment event are not employees for the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself and Mr. LARSON of Connecticut): H.R. 885. A bill to extend the waiver of limitations with respect to excluding from gross income amounts received by incarcerated individuals; to the Committee on Ways and Means.
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By Mr. JONES:
H.R. 886. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to permit dependents of retired members of the Armed Forces who reside in military housing to attend Department of Defense elementary and secondary schools; to the Committee on Armed Services.

By Mr. JONES:
H.R. 887. A bill to amend the Immigration and Nationality Act to extend humanitarian citizen- ship to otherwise qualified noncitizens who resided in the Philippines and died while serving on active duty with the United States Armed Forces during certain periods of hostilities, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES:
H.R. 888. A bill to amend title 38, United States Code, to increase dependency and indemnity compensation for survivors of cer- tain totally disabled veterans; to the Com- mittee on Veterans’ Affairs.

By Mrs. CAROLYN B. MALONEY of New York (for herself and Mr. POE of Texas):
H.R. 889. A bill to provide for the establish- ment of an officer within the Internal Re- venue Service to focus on violations of the internal revenue laws by persons who are under investigation for conduct relating to the promotion of sexual acts and trafficking in persons crimes, and to in- crease the criminal monetary penalty limita- tions for the underpayment or overpay- ment of taxes, to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provi- sions as fall within the jurisdiction of the committee concerned.

By Mr. MARINO (for himself, Ms. Judy Chu of California, and Mrs. COON- STOCK):
H.R. 890. A bill to establish the United States Cryptography Office as an agency in the legislative branch, and for other pur- poses; to the Committee on the Judiciary.

By Mr. MEADOWS (for himself and Mr. FARENTZOLI):
H.R. 891. A bill to amend title 49, United States Code, with respect to employee pro- tective arrangements, and for other pur- poses; to the Committee on Transportation and Infrastructure.

By Ms. MENG:
H.R. 892. A bill to adjust the amount of monthly survivors, disability and inden- nity in- surance payments under title II of the Social Security Act based on locality-based com- parability payment rates; to the Committee on Ways and Means.

By Mr. MENG:
H.R. 893. A bill to protect, improve, and modernize the act of voting; to the Com- mittee on House Administration, and in ad- dition to the Committee on Rules, for a pe- riod to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdic- tion of the committee concerned.

By Mr. PAULSEN:
H.R. 894. A bill to amend the Internal Re- venue Code of 1986 to exclude from gross in- come certain interest and money market fund dividend income payments to charity and to modify the requirement for reporting on the reporting of such payments; to the Com- mittee on Ways and Means.

By Mr. ROKITA (for himself, Mr. MURDOCH of Arizona, and Ms. FRANKS of Arizona):
H.R. 895. A bill to amend the Internal Re- venue Code of 1986 to allow a credit against tax for qualified elementary and secondary education expenses incurred by the Committee on Ways and Means, and in addition to the Com- mittee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdic- tion of the committee concerned.

By Mr. TIBERI (for himself, Mrs. BEATY, Mr. KELLY of Pennsylvania, Mr. RENACCI, Mr. STIVERs, and Mr. WENSTRUP):
H.R. 896. A bill to amend the Internal Re- venue Code of 1986 to exempt amounts paid for aircraft management services from the ex- cise taxes imposed on transportation by air; to the Committee on Ways and Means.

By Mr. ZELDIN (for himself, Mr. KING of New York, Mr. SUOZZI, and Miss New York):
H.R. 897. A bill to authorize the Secretary of Veterans Affairs to make grants to State and local entities to carry out peer-to-peer mental health programs; to the Committee on Veterans’ Affairs.

By Mr. SCHRADER:
H.J. Res. 61. A joint resolution proposing an amendment to the Constitution of the United States giving Congress power to regu- late campaign contributions for Federal elections; to the Committee on the Judici- ary.

By Mr. ZELDIN (for himself, Mr. SMITH of New Jersey, Mr. ENGEL, and Ms. MENEN):

By Mr. ENGEL (for himself, Mr. ISSA, Mr. SHERMAN, Mr. KEATING, Mrs. NAPOLITANO, Ms. GABBARD, Mr. SCHUMCH, Mr. BECH, Mr. TED LIEU of California, Mr. CASTRO of Texas, Ms. KELLY of Illinois, Mr. SUOZZI, Mr. MEKES, Mrs. TORRES, Mr. SHRES, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. SPEIER, Mr. CONNOLLY, Ms. HANABUSA, Ms. BORDALLO, Mr. HAY- TINGS, Mr. EVANS, Ms. SMITH of Washing- ton, Mr. ESPAILLAT, Mr. COURT- NEY, Mr. CROWLEY, Mr. HINES, Mr. SCHNEIDER, Ms. TITTS, Mr. COHEN, and Mr. MCGOVERN):
H. Res. 62. A resolution condemning North Korea’s development of multiple intercontinental ballistic missiles, and for other pur- poses; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself and Mr. GRIJALVA):
H. Res. 93. A resolution providing amounts for the expenses of the Committee on Nat- ural Resources in the One Hundred Fifteenth Congress; to the Committee on House Admin- istration.

By Ms. CLARKE of New York (for her- self, Mr. RASKIN, Ms. JAYAPAL, Mr. TED LIEU of California, Mr. VARGAS, Mr. GOODE, Ms. LOBOREn, Mr. SOZO, Ms. VELAZQUEZ, Mr. COHEN, Mr. CONYERS, Ms. SPEIER, Ms. MCCOLLUM, and Ms. BASS):
H. Res. 101. A resolution honoring commendation Sally Quinn Yates for refusing to enforce Donald Trump’s discriminatory Executive Order 13789 (82 Fed. Reg. 8677; relating to “Protecting the Nation From Foreign Terrorist Entry Into the United States”); to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa- tives, the following statements are sub- mission regarding the specific powers granted to Congress in the Constitu- tion to enact the accompanying bill or joint resolution.

By Mr. SMITH of Missouri:
H.R. 871. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, clause 1 provides Congress with the power to "lay and collect Taxes, Duties, Imposts and Excises."

By Mr. TED LIEU of California:
H.R. 872. Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8, and Article I, Section 9, clause 3, the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. LOESBACK:
H.R. 874. Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation provided by Article I, Section 8 of the United States Constitution.

By Mr. NEWHOUSE:
H.R. 875. Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 18 of the United States Constitution

By Mr. KATKO:
H.R. 876. Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Arti- cle I, Section 8, Clause 18 of the United States Constitution

By Mr. AMODEI:
H.R. 877. Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Arti- cle I, Section 8, Clause 18 of the United States Constitution

By Mr. GIBBS:
H.R. 878. Congress has the power to enact this legislation pursuant to the following:

Pursuant to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. BIGGS:
H.R. 879. Congress has the power to enact this legislation pursuant to the following:

Pursuant to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. BILIRAKIS:
H.R. 880. Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 1 of rule XII of the Rules of the House of Representa- tives, the following statements are sub-
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United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. BURGESS:

H.R. 359: Mr. LAVALLE.
H.R. 367: Mr. MITCHELL, Mr. MART, Mr. SAM JOHNSON of Texas, Mr. RENACCI, Mr. JOHNSON of Ohio, Mr. COLLINS of Georgia, Mr. COMER, Mr. JORDAN, and Mr. REGGINS of Louisiana.
H.R. 369: Mr. McCLINTOCK.
H.R. 387: Ms. HERRERA BRUTTLER, Mr. ROUZER, Mr. GRAVES of Missouri, Mr. LIVNISKI, Mr. JORDAN, Mr. NEWHOUSE, Mr. LARADOR, Mr. BARR, Mr. THOMPSON of Tennessee.

By Mr. CULELLAR:

H.R. 382.

Congress has the power to enact this legislation pursuant to the following:

By Mr. DESANTIS:

H.R. 398.

Congress has the power to enact this legislation pursuant to the following:

By Mr. HILL:

H.R. 391.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 386.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 387.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 388.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 389.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 390.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 391.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 392.

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H.R. 393.

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H.R. 394.

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H.R. 395.

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By Mr. JONES:

H.R. 396.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 397.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 398.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 399.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 400.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 401.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 402.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 403.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 404.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 405.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 406.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 407.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 408.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 409.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 410.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 411.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 412.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 413.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 414.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 415.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 416.

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H.R. 417.

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By Mr. JONES:

H.R. 418.

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By Mr. JONES:

H.R. 419.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 420.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 421.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 422.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 423.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 424.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 425.

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By Mr. JONES:

H.R. 426.

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By Mr. JONES:

H.R. 427.

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H.R. 428.

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H.R. 429.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 430.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 431.

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By Mr. JONES:

H.R. 432.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 433.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 434.

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By Mr. JONES:

H.R. 435.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 436.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 437.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 438.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 439.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 440.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 441.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 442.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 443.

Congress has the power to enact this legislation pursuant to the following:

By Mr. JONES:

H.R. 444.
H.R. 777: Mr. DeFazio.
H.R. 781: Mr. Murphy of Pennsylvania, Mr. Johnson of Louisiana, Mr. Banks of Indiana, Mr. Massie, Mr. Duncan of South Carolina, Mr. Pittenger, Mr. Rogers of Alabama, Mr. Palmer, Mr. Renacci, Mr. Byrne, and Mr. Gartz.
H.R. 782: Mrs. Wagner, Mr. Rouzer, Mr. Pittenger, and Mrs. Comstock.
H.R. 785: Mr. Gohmert, Mr. Barr, Mr. Bushman, and Mr. Goodlatte.
H.R. 787: Ms. Schakowsky, Mr. Swalwell of California, Mrs. Beatty, Mr. Jeffries, Mr. Carson of Indiana, and Mr. Raskin.
H.R. 789: Mr. Dunn, Ms. Cheney, and Mr. Brat.
H.R. 793: Mr. Gallego and Mrs. Bustos.
H.R. 804: Mr. Engel, Mr. Payne, Mr. Gottheimer, Mr. Hastings, Ms. Slaughter, Mr. Schiff, Mr. Lynch, Mrs. Watson Coleman, Mr. Deraulder, Mr. Hick, and Mr. Espaillat.
H.R. 816: Mr. Grijalva and Mr. Blumenauer.
H.R. 820: Mr. Cicilline, Mr. Mehian, Mr. Westrup, Miss Rick of New York, Mr. Pittenger, Mr. Foster, Mr. Farenthold, Mr. Garamendi, Mr. Wittman, Mr. Lance, Mrs. Blackburn, Mr. Hurd, Ms. Sinema, Mr. Pascrell, Ms. Pingree, Mr. Knight, Mr. Rodney Davis of Illinois, and Mr. Duncan of Tennessee.
H.R. 821: Mrs. Watson Coleman, Mrs. Beatty, Mr. Cicilline, Ms. Bonamici, Ms. Frankel of Florida, Mr. Thompson of California, Ms. DelBene, Ms. Kaptur, Ms. Bass, Mr. Beyer, Mr. Clyburn, Mr. Cohen, Mr. Michael F. Doyle of Pennsylvania, Mr. Cummings, and Mr. Courtney.
H.R. 841: Mr. Gutiérrez.
H.R. 842: Mr. Amash.
H.R. 850: Mr. Banks of Indiana and Mr. Ferguson.
H.R. 852: Ms. Hanabusa, Mr. Lawson of Florida, Mr. Schneider, Mr. Panetta, and Mr. Huffman.
H.R. 860: Mrs. Blackburn.
H.R. 866: Mr. Gutiérrez.
H.R. 868: Mr. Sablan and Mr. Takano.

H.R. 869: Mr. Sablan and Mr. Takano.
H.J. Res. 6: Mr. Thomas J. Rooney of Florida and Mr. Davidson.
H.J. Res. 27: Mr. Marino, Mr. Wittman, Mr. Marshall, Mr. Olson, Mr. Duffy, Mr. Lauder, Mr. Schweikert, Mr. Gohmert, and Mr. Byrne.
H.J. Res. 43: Mr. Calvert, Mr. Chaffetz, Mr. Rogers of Alabama, Mr. Austin Scott of Georgia, Mr. Harper, Mr. Davidson, Mr. Westerman, Mr. Turner, and Mr. Gohmert.
H.J. Res. 44: Mr. Labrador.
H.J. Res. 46: Mr. Huffman and Ms. Norton.
H.J. Res. 53: Mr. Raskin.
H.J. Res. 57: Mr. Gohmert, Mr. Mitchell, Mr. Yoho, Mr. Allen, Mr. Bigos, Mr. Thompson of Pennsylvania, Ms. Stefanik, Mr. Ferguson, and Mr. Budd.
H.J. Res. 58: Mr. Mitchell, Mr. Yoho, Ms. Jenkins of Kansas, Mr. Allen, Mr. Bigos, Mr. Thompson of Pennsylvania, Ms. Stefanik, and Mr. Ferguson.
H.J. Res. 59: Mr. Thomas J. Rooney of Florida.
H.J. Res. 60: Mr. Ross.
H.J. Res. 63: Mr. Curhelo of Florida.
H.Con. Res. 8: Mr. Faso.
H.Con. Res. 13: Mr. Westrup, Mr. Lamborn, Mr. Carter of Georgia, and Mr. Newhouse.
H.Res. 15: Ms. Kaptur, Ms. Bonamici, Ms. Pingree, Ms. Matsui, Mr. Costa, Mr. Rush, Mr. Reed, Mr. Griffith, Mr. Ben Ray Lujan of New Mexico, Mr. Pascrell, Mr. Webster of Florida, and Mr. Lowenthal.
H.Res. 28: Ms. Shea-Porter, Mr. Espaillat, Mr. Peters, and Mr. Lowenthal.
H.Res. 30: Mr. Brendan F. Boyle of Pennsylvania, Mr. Lipinski, Mrs. Davis of California, and Mr. Wasserman Schultz.
H.Res. 31: Mr. Lowenthal, Mr. Ben Ray Lujan of New Mexico, Mr. Griffith, Ms. Matsui, Mr. Swalwell of California, Mr. Scott of Virginia, Ms. Judy Chu of California, Ms. Pingree, Ms. Tittus, Mr. Peters, Ms. Bonamici, Mr. Price of North Carolina, Mr. Carson of Indiana, Mr. Goodlatte, and Mr. Bishop of Michigan.

The provisions in H.R. 428 that warranted a referral to the Committee on Natural Resources do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

OFFERED BY MR. BISHOP OF UTAH

The provisions in H.J. Res. 44 that warranted a referral to the Committee on Natural Resources do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

OFFERED BY MS. FOXX

The provisions warranting a referral to the Committee on Education and the Workforce in H.J. Res. 57 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MS. FOXX

The provisions warranting a referral to the Committee on Education and the Workforce in H.J. Res. 58 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.
The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God of infinite goodness, confirm Your past mercies to us by empowering us to be faithful to Your commands. Help our lawmakers this day to use their understanding, affections, health, time, and talents to do what You desire. May they desire to please You with faithful service as You rule their hearts without a rival, guiding their thoughts, words, and works.

Lord, enable them to fulfill their duty to love You with all their heart, mind, soul, and strength. Take possession of their hearts, and order their steps by the power of Your loving providence. Pour down Your blessings upon our Senators that they may ever promote liberty and justice for all.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE
The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME
The PRESIDING OFFICER (Mrs. Fischer). Under the previous order, the leadership time is reserved.

LEGISLATIVE SESSION

MORNING BUSINESS
The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with leaders permitted to speak therein for up to 15 minutes.

CONCLUSION OF MORNING BUSINESS
The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR
The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the nomination of Elisabeth Prince DeVos to be Secretary of Education, which the clerk will report.

The senior assistant legislative clerk read the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

RECOGNITION OF THE MINORITY LEADER
The PRESIDING OFFICER. The Democratic leader is recognized.

THE CABINET
Mr. SCHUMER. Madam President, I rise this morning to speak directly to my friends on the other side of the aisle.

Now is the time to put country before party. I understand the pull of party loyalty. I understand deference to a new President. But from what we have seen in the first 2 weeks of this administration, party loyalty is demanding too much of my Republican colleagues on several issues. On the matter of the Cabinet, on the matter of the President’s Executive order on immigration, and on the matter of dealing with Russia, we need Republicans to set aside partisan considerations in favor of doing what is best for the country; otherwise, our institutions of government, our Constitution, and our core American ideals may be eroded.

My friends on the other side of the aisle are going along with the President and treating many of these things as if they are normal, but America knows they are not. We need Republicans to start recognizing it, saying it, and stepping up to the plate to do something about it.

I understand my Republican colleagues will go along with the President 90 percent of the time, but there are certain issues that are too important that demand putting country above party. Now is the time to put country above party.

First, on the Cabinet, our norms of good government and above all ethics are being tested by a Cabinet unlike any other I have seen in my time in public office. There are so many billionnaires with so many conflicts of interest and so little expertise in the issues they would oversee.

Take the nomination we are now considering: Betsy DeVos for Education Secretary. In my mind she is the least qualified nominee in a historically unqualified Cabinet. On conflicts of interest, she ranks among the worst. In her ethics agreement, which was delivered to the committee after the first hearing, it was revealed that she keeps interests in three family-owned trusts that have holdings in companies that could be affected by matters related to the Department of Education. Independent ethics watchdogs have criticized her ethics agreement for failing to deal with these conflicts of interest.

On philosophy of education, her views are extreme. She seems to constantly demean the main purpose of public education. Nine out of 10 American kids attend public schools. Her views on public education are a major concern, particularly for Senators from rural areas. There is not a lot of choice of schools outside major metropolitan areas. If you don’t have a good public school in your neighborhood or in your community, you have nothing. Any Senator from a rural State should be worried about her commitment to public education.

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Madam President, second, the President's Executive order on immigration and refugees is so poorly constructed, so haphazardly implemented, so constitutionally dubious, so wrong in terms of what America is all about, and so contrary to our basic values as Americans that my Republican friends should feel a duty to country to help us rescind it. Several Members on the other side—I think it is over a dozen—have expressed concerns about it. Several spoke out strongly and unequivocally about imposing any type of ban during the campaign, but now that we have such a ban, they are unfortunately silent. It is time for that silence to end and for Republicans to step up to the plate and start backing up their words with actions.

On Friday, the order was temporarily blocked by a Federal judge, Judge Robart. On Saturday, the President questioned his court credibility via tweet and then asked the country to blame any potential attacks on the country on the judge and the courts. He is not a "so-called" judge as the President tweeted but rather a Senate-confirmed Bush appointee. That is not how we do things here in America.

There is a separation of powers for a reason. An independent judiciary is absolutely necessary to ensure Presidents and Congresses do not break the law or impinge on the Constitution, but this President has shown a certain callousness when it comes to judges who rule against his whim—Judge Curiel during the campaign and Judge Robart now. Instead of attacking the judge, the President should be working with Congress to tighten up security where it is actually needed.

The President has said that if there are attacks, the judge will be to blame. I will remind him that not one attack on U.S. soil has been perpetrated by a refugee from one of the seven countries in the Executive order. This order doesn't make us any safer; if anything, the Executive order increases the risk of lone wolf attacks, our greatest threat. That is what happened in San Bernardino, it is what happened in Orlando, and no authority less than Senator JOHN MCCAIN has said exactly that—that it will increase the likelihood of attacks by lone wolves, those disaffected people who are egged on by the evil ISIS. And they do.

So let me repeat: The stakes are too high for party loyalty to stand in the way of what America truly means and what America truly can stand for. We ought to scrap the order and start over. The order not only does not protect us from terrorism but makes it worse. It stands in the face of what America is all about. Our country has a proud history of receiving and welcoming immigrants and the beautiful lady with the torch in the harbor of the city in which I live has beckoned us for generations.

Finally, Madam President, I ask my Republican colleagues to put country over party when it comes to Russia. This administration has shown a disquieting reluctance to criticize Russia when it flouts international norms and laws. The administration seems hesitant to enforce new sanctions and has even pointed at relaxing existing sanctions at what has always been our most formidable enemy along with ISIS: Russia and Putin.

Unbelievably, just yesterday the President insinuated that the Russian Government has become, how morally equivalent. When asked about Putin's authoritarian regime, President Trump responded: "There are a lot of killers. You think our country is so innocent?" Can you imagine if a Democrat were to say Putin, a dictator of one of the seven countries in the refugee visa waiver program where people from countries—just because they are generally friendly to us—are not checked. We know places such as France and Belgium have homegrown terrorists lured by ISIS. They can get on a plane and come here faster than a refugee from those seven countries. Let's tighten that up. Instead, the President gives us this Executive order. Lord knows how he came to it. Every expert on terrorism will say there are a lot more important and better things that we need to do.

So let me repeat: The stakes are too high for party loyalty to stand in the way of what America truly means and what America truly can stand for. We ought to scrap the order and start over. The order not only does not protect us from terrorism but makes it worse. It stands in the face of what America is all about. Our country has a proud history of receiving and welcoming immigrants and the beautiful lady with the torch in the harbor of the city in which I live has beckoned us for generations.
other way when Russia supports separatists in Ukraine, commits human rights violations alongside Iran, Hezbollah, and the Assad regime? Putin is the kind of person who, if you give him an inch, he takes 10 miles. We all have people like that.

President Trump’s rhetoric is ceding more of the battleground to our enemies each day. So what we must do in this body is ensure that current sanctions stay in place and are robustly enforced. We also need to increase sanctions on Russia. Its response with our election. We ask our colleagues to step up to the plate, do what they know is right, and join us in making sure that the President cannot unilaterally reduce sanctions and that we strengthen sanctions for what he has tried to do in our election. The stakes are too high to let loyalty to this President—any President—stop this body from doing the right thing for the American people.

On the Cabinet and particularly Mrs. DeVos, on the Executive order, the lack of respect for an independent judiciary, and on Russia, I ask my Republican colleagues once again to consider principle over party and their duty to country before deference to the President.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. MURRAY. Madam President, over the last few weeks, people across the country have continued to make their voices heard in opposition to the nomination of Betsy DeVos—moms and dads, grandmothers and grandfathers, students young and old, and cities, towns, urban, suburban, and rural communities. People are standing up and they will not be silenced. Thousands upon thousands have joined protests in their communities. Hundreds of thousands have emailed or called their Senators, jamming our phone lines, swamping the voicemail system, and shattering records. Millions have engaged on social media, sharing information with their friends, signing petitions, and pressuring their elected officials.

It has made a difference. Every single Democrat will be standing with their constituents and opposing Betsy DeVos. Just last week, two Republicans announced their opposition as well. I can tell you, if I knew for a fact that there are other Republicans who are feeling the heat and could come around.

This nomination is dead even right now, on the razor’s edge. Fifty Senators, Democrats and Republicans will vote to reject Betsy DeVos. We need just one more Republican to join us, to stand on the side of students, parents, and public education in America and say no to Betsy DeVos.

I came to the floor to kick off the final day of debate on this nomination. On Friday, I spoke at length, making my case for why the Senate should oppose Betsy DeVos. Democrats will hold the floor for the next 24 hours, until the final vote, to do everything we can to persuade just one more Republican to join us.

I strongly encourage people across the country to join us. Double down on your voices heard for these last 24 hours. Over the past 3 weeks, I have heard a number of Republicans wonder why Democrats and so many parents and teachers across the country were so focused on this nomination in this moment. President Trump has done so much in these first few weeks, and so many of his people he has nominated to run critical agencies have not been people I can support, but what is it about Betsy DeVos that has inspired so much grassroots energy and opposition across this country? I think I understand. It is very clear to me. For the vast majority of people across the country, public education isn’t just a job, it is different. For those of us who owe everything we have to the strong public education we received, for those who saw our children and grandchildren move through our public schools, for those of us who walked into a public classroom ourselves, to teachers or family who have dedicated their lives to teaching, for those of us who see the role strong public schools play in our communities, especially our rural communities, often offering an educational experience and support area where it simply wouldn’t otherwise be offered, we believe that a commitment to strong public schools is part of America’s core, the idea that every student in every community should have the opportunities that strong public schools offer. This is a notion that is embeded in our values. It is who we are. It is in our blood.

For those people across the country who feel that way, who believe those things, the nomination of Betsy DeVos truly hits close to home. It was a slap in the face because she doesn’t approach this the way most of us do. She doesn’t cherish public education. She doesn’t value it. She is someone who has dedicated her career and her inherited fortune to privatizing public schools, to tearing down public schools, not tearing them down. Public education is something that should be valued as an important piece of families, people across this country pay even more attention, and they start to make their voices heard.

I am not surprised that opposition to Betsy DeVos has caught fire across the country. I am not surprised that we are talking about it to their friends, writing letters to the Senators, and showing up to protest when they have never done anything like that before because this is about their kids, their schools, and their communities. It is about the core idea that we are a nation that invests in strong public education and one that strives to guarantee the promise and opportunity it affords to every student in our country—not that public education is perfect. We have a lot of work to do, but that work should be directed toward strengthening public schools, not tearing them down. Public education is something that should be valued as an important piece of families, people across this country, and the expansion of our middle class, not scorned and ridiculed by billionaires who never had any use for it themselves.

On Friday I spent a lot of time on the floor laying out my case in detail opposing Betsy DeVos. I talked about the open questions that are remaining regarding her tangled finances and potential conflicts of interest. I ran through the strong concerns with her record, her lack of experience, and her lack of clear understanding of basic education issues. I discussed my strong belief that her vision for education in America is deeply at odds with where parents, students, and so many of our country want to go. I went through the process of how Republicans jammed this nominee through our committee, cutting corners and doing everything possible to protect her from scrutiny. I know the next step is to go to the final vote, but I do want to make one more point, one I hope will be compelling to my Republican friends who are still resisting pressure from their constituents and sticking with Betsy DeVos: I do not think about Betsy DeVos’s policy ideas, no matter what you think of her qualifications to run this agency, no matter
what you think about her personal understanding of the issues or her financial entanglements, one thing is very clear: if she is confirmed, she would enter this job as the most controversial and embattled Secretary in the history of the Department. She would inherit this job with a credibility inside the agency she is supposed to lead, with no influence in Congress, as the punch line in late-night comedy shows, and without the confidence of the American people.

A vote for Betsy DeVos is a vote for a Secretary of Education who is likely to succeed only in further dividing us on education issues and who may try to take steps to try to implement her anti-student agenda but would do so with people across the country. So many of us in the Senate are on guard and ready to fight back.

I urge my Republican friends—and we just need one more—let’s cut this off right now. Let’s ask President Trump to select a Secretary who is qualified, who understands the issues, and who truly cares about public education. Together, let’s stand with our constituents and say no to Betsy DeVos.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I wish to start by thanking Senator MURRAY and the Members of the HELP Committee for the work they have done to cast light on the record and the lack of record of Mrs. Betsy DeVos. President Trump’s nominee to be Secretary of Education.

As the Senator from Washington has told us, the more the American people learn about the record of Betsy DeVos, the more concerned they become. The American people are making their voices heard in every Senate office.

The switchboard has been essentially shut down, and I can tell you that I have received over 14,000 calls from Maryland on this nominee alone.

People are calling because the more they look at the record, the more they realize this nominee’s lack of commitment to the essential mission of the Department of Education. That mission is to provide every child in America with access to a quality public education. This concern about the nominee is shared across political parties.

As Senator SUSAN COLLINS of Maine said when Mrs. DeVos testified to her nomination: “Raising the question about whether she fully appreciates that the Secretary of Education’s primary focus must be on helping States and communities, parents, teachers, school board members, and administrators strengthen our public schools.”

Regardless of ZIP Code, our mission must be to provide every child with access to a high-quality neighborhood public school. It is absolutely true that in too many places around in country we are failing to meet the goal, but the response to a troubled school should not be to walk away from it in favor of sketchy voucher schemes. Instead we must work together to provide the necessary resources and interventions to help those schools and those students achieve success.

Over the last 2 years, I have spent a lot of time traveling in Great State of Maryland. I visited schools, talked to college students, and heard from parents. No matter where I went, in every part of our State, everybody wanted the same thing: a good school, affordable college, either community college or 4-year college, and a fair shot at reaching their dreams.

The U.S. Department of Education is supposed to help them get that opportunity. Let me take a moment to talk about what the Department of Education means to some neighborhoods in my State of Maryland. Not long ago, I visited a pair of community schools in Baltimore City, the Historic Samuel Coleridge-Taylor Elementary School in Upton/Druid Heights and the Benjamin Franklin High School in Brooklyn, South Baltimore.

Upton/Druid Heights is a historic African-American community in Baltimore. Supreme Court Justice Thurgood Marshall, jazz great Cab Calloway, and civil rights leader Mac Carrol Jackson all walked its streets, but today it is a community in distress.

Most of its children live in poverty. 95 percent of the students at Samuel Coleridge-Taylor Elementary are on free or reduced lunch. Despite its challenges, it has a strong faith-based institution and community groups. Mrs. DeVos’s approach to schools such as Samuel Coleridge-Taylor has been to give up on them, to abandon them, and to divert resources to voucher programs.

Fortunately, the Department of Education did not abandon this school. In 2012, it designated Upton/Druid Heights as a Promise Neighborhood. The Department provided resources to support comprehensive services for families. These include B’s for Healthy Babies, which has dramatically reduced infant mortality rates in the city; Parent University, to help educate parents of young children; and financial literacy and education, to help with filling out income tax forms and to help families manage their budgets.

In 2012, Samuel Coleridge-Taylor became a community school. It has a community school coordinator, a position that can be filled using funds under title I of the Elementary and Secondary Education Act, which provides financial assistance to schools with high numbers of children from low-income families. The community school coordinator works with parents, students, educators, and community residents to learn the needs of the neighborhood and form partnerships to meet them. The University of Maryland School of Social Work, which is focused on helping parents to join them to provide trauma training so that teachers could recognize and respond to trauma among the children and go on home visits to work with families. They received a grant to build a first-ever playground on campus—something that most schools take for granted. Local churches provided safe spaces for kids. The Weinberg Foundation donated a beautiful library. There was a job center looking for employment, and a food bank, to send kids home with something to eat over the weekend. The school was transformed into a place where kids want to be, receiving the mayor’s award as the greatest drop in students at risk for chronic absenteeism. It has been a success story.

In a little different part of town, Ben Franklin High School exists, and it is isolated geographically in the Brooklyn neighborhood. It is on a peninsula at the southern part of the city. Brooklyn is a historic waterfront neighborhood with strong ties to manufacturing. The Brooklyn community built ships for the United States in World War II. Many have been there for generations. As manufacturing left and Bethlehem Steel closed—Bethlehem Steel provided about 12,000 good-paying manufacturing jobs—times got tougher for these working families.

In the year 2011, Benjamin Franklin was one of the bottom 5 percent of schools in the State of Maryland—again, one of those schools that this nominee would have walked away from in favor of vouchers. Again, the good news is the Department of Education did not walk away. It provided extra funding to help turn things around.

Using the community schools model, they assessed and responded to the needs of the students.

Interns from the University of Maryland School of Social Work provided mental health services. The United Way offers a workforce development program and an onsite early childhood program. More than 90 students graduate, knowing their children have quality care. A family stability program helps families avoid homelessness. CSX is working with the school to build a football field.

Students worked together with their neighbors to take ownership of their communities and protest the placement of an incinerator near them. Some figured that this low-income neighborhood was a good target to put an incinerator, but the community fought back and won. They put thousands of hours into community service, including the Chesapeake Bay cleanup. The school’s office of student service learning helps connect students to internships and job-training programs.

In Brooklyn, the crime rate and the teen pregnancy rates have dropped, and attendance at Ben Franklin is up. When I asked the students what they liked about the school, they said: “We feel like someone cares now,” and “everyone is positive.”

At both of these schools, Samuel Coleridge-Taylor and Ben Franklin, the
would drain huge amounts of resources of his $20 billion voucher scheme that we have today. The establishment of a neighborhood school for every child that meets their needs. We cannot abandon the families who cannot afford to make up the difference between the value of the voucher and the tuition at the private school. What do we say to them? We cannot abandon the students who cannot get accepted into private schools because many of these private schools say yes to some and no to others. What do we say to those who have the doors closed on them? We cannot abandon the schools that a voucher program would drain because an additional $20 billion is a huge amount of the resources that we currently provide for schools like the two I mentioned in Baltimore City and schools in neighborhoods throughout the country. So instead of a risky voucher program, let’s make our schools better by giving them the flexibility to meet student needs and the support to make sure that our children are all ready to learn.

In her hearing and in the responses to the questions for the record, Mrs. DeVos displayed an astonishing ignorance about the agency that she intends to run and, indeed, about the role of public schools in our country. All of us who have been part of this debate know that in fundamental discussions in K-12 policy has been over accountability and how best to measure student knowledge and school performance. There has been an intense discussion over whether to impose that fiasco on the rest of the country. Seventy percent of Detroit charter schools ranked in the bottom quarter of Michigan schools. The nonprofit online school operator, K-12, Inc. imposed that fiasco on the rest of the country.

Mrs. DeVos has also advocated for online charter schools, and she was formerly an investor in the largest for-profit online school operator, K-12, Inc. In her response to questions about this model, she cited questionable statistics for the accomplishments of several virtual academies. Those statistics were disproven in an article in Education Week which compared them to the publicly reported figures used for State accountability.

For example, Ms. DeVos wrote that Utah Virtual Academy has a 92-percent graduation rate. In fact, the most recently publicly reported figure is 42 percent. The last thing we need is a Secretary of Education coming up with alternative facts. While I believe that nonprofit public charter schools are important incubators for innovation, they have to play by the same rules as the rest of our schools. But Mrs. DeVos has rejected that equal playing field.

In an exchange with Senator Kaine from Virginia where he repeatedly asked her whether or not the charter schools would have the same standards applied to them as public schools that received Federal funding, she refused to agree. It is pretty extraordinary when we have a nominee saying that she is going to impose the same rules as the rest of our schools but that she refuses to impose the same rules as the rest of our schools. She received a return in Michigan, which she played a role in pushing for a law that created incentives for charters to come to Michigan. The for-profit industry, in particular, responded, and they operate nearly 80 percent of the charters in the State of Michigan. But Mrs. DeVos has rejected that equal playing field.
are delivering quality and results for students.

Another area where Mrs. DeVos raises serious concerns is that of enforcement of equal rights, especially the rights of children with disabilities. All of us must understand that the IDEA legislation has the very important job of enforcing civil rights laws and making sure we have equal access to education throughout the Nation. Congress prohibited discrimination in education on the basis of disability, race, color, and national origin in title VI of the Civil Rights Act of 1964. Title IX of the Education Amendments of 1972 prohibited sex discrimination. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability.

But all of us know that as late as the mid-1970s, public schools still accommodated only one of five children with disabilities, and many States had laws that explicitly excluded children with certain disabilities. When Congress addressed this with the passage of the IDEA legislation, it was a big breakthrough for our country and for our children. The IDEA was very straightforward and very simple: Every child deserves a “free appropriate public education” in the least restrictive environment.” The law requires schools to design an “individualized education program” for each child with a disability.

IDEA has been a lifesaver for children with disabilities and their families. It has empowered them to get the quality education they could not earlier receive, and the law gives them tools with which they can fight to ensure that schools address their needs. This is why it was so alarming at the hearing to hear Mrs. DeVos say that the application of IDEA and the rights behind IDEA really was a State function—the same States that historically discriminated against these very children. Yet, what the IDEA legislation is all about is that it is a national standard to make sure we do not have discrimination based on disability. Yet, Mrs. DeVos in exchange concluded with: “I think that’s an issue that’s best left to the States.”

So whether it is her position with respect to vouchers and poaching resources that otherwise would go to improve our public schools or lack of support for the very idea behind IDEA, we have a nominee who the overwhelming majority of the American people recognize is the wrong choice to be the custodian of the Department that is responsible at the Federal level for providing support and educational opportunities to our students.

In closing, with respect to the issue of guns in schools—and Senator Murray, the ranking member, has addressed this as well—it was pretty shocking to hear Mrs. DeVos trivialize the issue of gun violence in schools when we were asked about this by the Senator from Connecticut, Mr. Murphy, quipping that guns might be necessary to kill grizzly bears. We have had lots of debates in this Chamber, and obviously there are strong feelings. But I think we would all agree that the safety of our kids and our schools is not something that should be trivialized.

In conclusion, let us heed the words of the editorial board of the Detroit Free Press. They have witnessed firsthand the experiments that Mrs. DeVos has made about education and have written in an editorial: “Make no mistake: A vote to confirm Betsy DeVos as U.S. Secretary of Education is a vote to end public education in this country as we know it.”

In a speech in 2015, Betsy DeVos said bluntly: “Government really sucks.” I suggest that she should not be leading the agency entrusted at the Federal level with the education of our children, which, as our Founder said, is really the root of equal opportunity and the opportunity for every child to achieve their dreams.

I join with the distinguished Senator from Washington State in urging my colleagues to vote no on Betsy DeVos for Secretary of Education. We can do better. We can do a lot better for our kids.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Madam President, constituents from every State who care about our public schools and our students in public schools have broken record calling us, their Senator, in opposition to Betsy DeVos as Education Secretary.

In the past few weeks, I have heard from thousands of Hawaii residents concerned about voting for an Education Secretary who clearly does not believe in our Nation’s public schools. I wish to share two of their messages today.

One constituent wrote to me:

Dear Senator Hirono,

As a principal for 30 plus years, I’m deeply troubled by the possible appointment of Betsy DeVos to the position of US Secretary of Education. Although I have never considered applying for a job I am not qualified to serve in, it’s baffling to me that our new Commander in Chief thinks someone who has no experience as a teacher or administrator could be remotely prepared to lead our nation in this role.

I don’t have to explain to you what a self-less calling being a teacher is, nor do I believe our Hawaii delegation takes educating Hawaii’s keiki lightly, so I implore you to work with other leaders in DC to make sure we have a suitable nominee for this essential position.

Mahalo,

Sandy from Honolulu

Sandy and teachers like her deserve more time and effort than is mandated to ensure that our public school students have a solid foundation in education and for life. Teaching is a calling, and I have met with many teachers who are totally committed to doing the very best they can for their students, and they want nothing less from the next Secretary of Education. They deserve a better qualified, better experienced, better prepared, and more committed Secretary of Education than Betsy DeVos.

Next, I wish to share a message from Lorelei, a middle school principal on Oahu. Her letter begins:

Dearest Senator Hirono,

As a strong supporter of public education, I ask that you oppose the confirmation of Betsy DeVos as Secretary of the U.S. Department of Education.

Educators and students deserve a secretary who can commit to supporting every student in public schools and who will work tirelessly to promote a public education system that provides each child with the optimum conditions for teaching and learning.

Betsy DeVos’ past work in education and her performance at the recent confirmation hearing demonstrated neither a depth of experience nor knowledge base in education policy and on critical issues facing the community.

She ends her letter by saying:

As a principal, I have spoken with teachers, parents, students, and community members across the political spectrum and there is widespread agreement that Betsy DeVos is not the right person for the job.

As Lorelei said, shouldn’t we be asking too much to have an Education Secretary who will stand up for public schools and the millions of our children who attend our public schools. That person is certainly not Betsy DeVos.

In closing, on this opening day of Betsy DeVos’s confirmation hearing, the chairman of the HELP Committee said that Mrs. DeVos was in the “mainstream” for supporting vouchers to send students to private schools, instead of investing in our public schools. This is not mainstream thinking. Being told otherwise is again dealing in “alternative facts.”

The chairman went on to repeat a so-called argument that Betsy DeVos and other school choice advocates make—that vouchers are simply Pell grants for primary and secondary education. Now, this is a real head scratcher, and I say: What? Here we go again down the rabbit hole, where up is down and down is up.

Pell grants and vouchers are fundamentally different. Pell grants help offset the ever-rising cost of a voluntary college education. All colleges charge students tuition, and Pell grants provide opportunity to low-income students to be able to go to college.

In contrast, every American child has a right to a free primary and secondary education. State schools actually take resources away from public schools and make it that much harder to provide a good education for all of our students.

Vouchers take money away from public schools; Pell grants don’t. When a student uses a Pell grant at a private college or university, it has no impact on the funding a State college or university receives. But when a student uses a voucher to attend a private school, it takes away money from local public schools. How is taking money away from local public schools mainstream thinking? The Secretary of
Education should be focused on improving our public schools, not taking money away from them.

Furthermore, saying that Pell grants are similar to vouchers reveals a fundamental lack of understanding of the Pell grant program. Among other duties as Secretary, Betsy DeVos would be in charge of managing $30 billion per year of Pell grants, which help more than 8 million students afford a college education in this country.

During the 2015-2015 school year, more than 21,000 students in Hawaii were able to finance their college education with nearly $81 million in Pell grants. Last Congress, I led legislation to protect and strengthen the Pell grant program. But under Republican majorities, Pell grants are under the constant threat of irresponsible cuts and dismantlement, even though college today is more expensive than ever.

Can we really trust Betsy DeVos to fight to protect Pell grants? Someone who is capable of taking money away from students who go to public schools and vote against her nomination.

I want to review some of the concerns I have about her nomination in the allotted time that I will have—I guess about 15 minutes.

The first concern I have is a broad concern that I think is shared by a number of Senators on the Health, Education, Labor, and Pensions Committee. The ranking member, Senator Murray, is here with us on the floor, and I am grateful for her leadership on this nomination debate, as well as many other issues.

I guess the broad concern I have is Betsy DeVos’s commitment to public education. I come from a State where we have had a tradition of public education since about the 1830s. I am fairly certain—I will come back to this—but Pennsylvania might have been the first State to have public education as far back as the 1830s. It is part of the bedrock of the foundation of our State.

Still, today, 92 percent of Pennsylvanians attend public school. We have charter schools. We have roughly 175 or so, but all of those charter schools in Pennsylvania have to be, by statute, public nonprofit entities. Public charter schools are not allowed to transfer with Pennsylvania. We don’t have for-profit private sector charter schools. It is not allowed by law.

There are some limited circumstances when one entity could affiliate with a for-profit entity, but we have nothing like what Mrs. DeVos has supported in Michigan and across the country. For a Senator from Pennsylvania to be questioning a nominee for Secretary of Education about for-profit charter schools is unusual because we have—by statute, public nonprofit entities. Public charter schools are not allowed to transfer with Pennsylvania. We don’t have for-profit private sector charter schools. It is not allowed by law.

If this is the message you want to send to our students and their families, then vote for Betsy DeVos. On behalf of the nearly 200,000 public school students in Hawaii and their teachers and other educators in Hawaii, my answer is a strong, strong no.

I urge my colleagues to question Betsy DeVos’s commitment to our public schools and to the millions of students who go to public schools and vote against her nomination.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Mr. Kennedy.

Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise to speak against the nomination of Betsy DeVos to be Secretary of Education. I know we will have some time later today and even tonight, but I wanted to review some of the concerns I have about her nomination in the allotted time that I will have—I guess about 15 minutes.

The first concern I have is a broad concern that I think is shared by a number of Senators on the Health, Education, Labor, and Pensions Committee. The ranking member, Senator Murray, is here with us on the floor, and I am grateful for her leadership on this nomination debate, as well as many other issues.

I guess the broad concern I have is Betsy DeVos’s commitment to public education. I come from a State where we have had a tradition of public education since about the 1830s. I am fairly certain—I will come back to this—but Pennsylvania might have been the first State to have public education as far back as the 1830s. It is part of the bedrock of the foundation of our State.

Still, today, 92 percent of Pennsylvanians attend public school. We have charter schools. We have roughly 175 or so, but all of those charter schools in Pennsylvania have to be, by statute, public nonprofit entities. Public charter schools are not allowed to transfer with Pennsylvania. We don’t have for-profit private sector charter schools. It is not allowed by law.

There are some limited circumstances when one entity could affiliate with a for-profit entity, but we have nothing like what Mrs. DeVos has supported in Michigan and across the country. For a Senator from Pennsylvania to be questioning a nominee for Secretary of Education about for-profit charter schools is unusual because we don’t have that entity in Pennsylvania.

My concern is substantial—and I will develop this later—about her commitment to public education. In fact, in my meeting with Mrs. DeVos, because of my concerns, I said something very simple, but I said it for a reason, to remind her about her obligation if she were to be confirmed. I said: You will not be the Secretary of private education; you will be the Secretary of Education, and for most of the country, that means traditional public schools, and I hope you understand that.

That is a broad concern that I have, and I will talk more about it. My line of questioning the day of our hearing—I should say the evening of our hearing—focused on campus sexual assault; and that, of course, is an area of urgent concern to all of us, a lot of members of the United States. It is also of greater concern now because of her nomination. What do I mean by that?

Let me walk through how I got to my questions with her. We know the Department of Justice tells us that college women are twice as likely to be sexually assaulted than robbed in the time they are in college. This is a number that comes from the Centers for Disease Control. We also know that one in five college students experience attempted or completed sexual assault while they are in college.

This is a direct threat to young women all across the country, and I think we have only begun as a country—as a nation, I should say—to begin to take steps to combat sexual assault, to insist that colleges and universities are not to insist to begin wrestling with this problem and give young women on our campuses more protection is because of recent legislation. We are not done. We have a lot more to do, but I will highlight one bill that I led the fight on—the Campus Sexual Violence Elimination Act, known as Campus SaVE. That became law in 2013, when we were reauthorizing—a fancy Washington word for doing it again or improving the law—the Violence Against Women Act. I was glad to see that that was a step to tackle this horrific problem of sexual assault on campus.

That legislation was followed by regulations. If I could summarize them, that law and the regulations that followed, I am sure that colleges and universities have clear guidelines, that victims know what their rights are, that victims know where to turn in the event of an assault, that we do a lot more on prevention, that bystanders can no longer be inactive. That they have to be trained and prepared to help, and that the entire college campus is focused on preventing sexual assault and then making sure, in the aftermath of an assault, it is dealt with appropriately.

This legislation has helped campus communities respond to not only sexual assault but domestic assault, dating violence, as well as stalking. It does give students and employees the opportunity to do more than has been done on college campuses.

When I was questioning Mrs. DeVos, I asked her if she would commit to upholding title IX, the nondiscrimination statute that includes important protections against sexual assault. I asked her very specifically about the Department of Education’s Office for Civil Rights, which had issued guidance in 2011 that advises institutions of higher education to use the so-called preponderance of the evidence standard for campus conduct proceedings. Some may be familiar with that standard. It is a standard that we have used in our jurisprudence for civil cases across the country. You don’t have to prove, nor should a victim of sexual assault on campus have to prove by the higher standard; say clear and convincing is a higher standard or beyond a reasonable doubt is a criminal standard. What the Department of Education said to the university campuses across the country is that the burden in these cases is the preponderance of the evidence. They based that determination after consulting with experts and advocates
across the country. That is the state of law currently, the guidance from the Department of Education about that evidentiary standard, my legislation Campus SaVE, and that is where we are now.

I simply asked Mrs. DeVos whether or not she would commit to enforcing current law and abiding by the 2011 Department of Education guidance. Her response was that it would be premature—I am using her word “premature”—to make that kind of commitment. I was stunned by that answer. Why would it be premature to say you are going to enforce current law? Why would it be premature to say that you can’t make a commitment to insisting upon an evidentiary standard that is in place right now? That made no sense to me, and I don’t think it made any sense to people across the country who have been working on this problem and trying to get the attention of the Senate and the House and any administration for years, if not for decades.

We finally arrived at a place where we are at long last dealing with sexual assault in a very aggressive and appropriate and fair manner. Now we have a nominee who is saying she is unsure whether she can commit to that. That gave me great pause and is one of the reasons I don’t support her nomination. I have several reasons. I know I am running low on time, but I will wrap this portion in a moment.

Another area of concern is the answers to questions she gave with regard to specific questions about students with disabilities. This was a set of questions asked by a number of Senators, but I will try to summarize it this way. She seemed to have a lack of knowledge, an apparent and I think obvious lack of knowledge, about basic Federal law, a law that was passed decades ago, the Individuals with Disabilities Education Act. She didn’t seem to know that was a Federal statute. She seemed to assert that somehow States would decide whether to enforce the Federal law, a law that was passed decades ago, the Individuals with Disabilities Education Act. That, of course, is not the case. It is Federal law, and we have to make sure individuals—in this case, students with disabilities—get the rights they are accorded by virtue of that law. Her lack of knowledge in this area was of concern, but maybe even greater concern, about basic knowledge, an apparent and I think obvious lack of knowledge, about basic Federal law. That made me conclude that Mrs. DeVos’s opposition toward providing equal educational opportunities for students with disabilities does not meet that moral test.

I occupy the Senate seat that was once held by Minnesota’s own Hubert Humphrey. He was someone who was never at a loss for words. He delivered a speech to the Minnesota AFL-CIO 40 years ago. One line of that speech is just as appropriate and meaningful today as it was back then. He said:

> The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the needy, the sick and the disabled.

I submit that Mrs. DeVos’s opposition toward providing equal educational opportunities for students with disabilities was not receiving appropriate educational services, and 1 million children with disabilities were excluded entirely from the public school system. In an impassioned floor speech, then-Senator and later Vice President Walter Mondale of Minnesota talked about the need for IDEA. Before the 1975 law, disabled children were placed in segregated schools and classes with little emphasis on an education, training, or development. Many parents also gave up on the poor services offered by the public schools. As a result, disabled students remained at home. To tackle this problem, Republicans and Democrats came together to pass legislation ensuring that students with disabilities would have equal access to education, just like all other kids. The law guaranteed and continues to guarantee today—the Federal law—that students
with disabilities get a free and appropriate public education. It is not a State-by-State requirement. It is a Federal requirement.

In 1975, both Minnesota Senators played a significant leadership role in enacting the landmark civil rights legislation. Senator Humphrey called IDEA one of the most significant pieces of legislation and a major commitment in this Nation's commitment to its children. Then-Senator Mondale argued that this landmark legislation holds a promise of new opportunity for 7 million children in this country. When Congress first enacted this law in 1975, this was not a partisan issue. The law passed both Houses with overwhelming majorities. The Senate voted in favor of the landmark legislation by a margin of 87 to 7; the House, by a vote of 404 to 7. Bipartisan support for IDEA grew stronger over time.

In 1991, President George H.W. Bush signed into law a bill that reauthorized the Disability Act. That bill was introduced by former Democratic Senator Tom Harkin and former Minnesota Republican Senator Dave Durenberger. The reauthorization was so uncontroversial that it passed by a vote in both the House and the Senate. Members from both parties supported IDEA when it was reauthorized again in 2003. Every single member of the Minnesota delegation, all 10—Democrats and Republicans alike—supported its reauthorization that year. For four decades, IDEA has garnered support from both sides of the aisle because we all understand the need to support the most vulnerable among us.

Every Member of Congress knows a family member or a person who has been affected by disability. For a lot of lawmakers, this is personal. When my daughter was born, she couldn’t swallow for nearly 2 years. She had a feeding tube, and doctors didn’t know what was wrong with her. It ended up being a temporary problem and not a permanent disability, but those 2 years I still look back at as a gift. They were a gift that brought our family closer together, but they were a gift because they made me understand what parents of kids with disabilities face every single day. This wasn’t just a temporary thing for the parents I met. This was something they face every single day.

Support of IDEA, of course, has moved to fulfill the promise of providing a high-quality education to kids with disabilities. Today, more than 4.7 million children with disabilities rely on IDEA to protect their access to high-quality education. Over the last 40 years, the Democratic and Republican Members who have come before me have all fought to preserve those critical rights and opportunities. These are American values. But they are especially near and dear to our State, where we have this long and proud tradition of working to ensure that people with disabilities have access to the same basic resources and opportunities as everyone else. This is not just the original work by Senators Humphrey and Mondale, carried on, of course, by Senator Durenberger and others, but it happened in our State as well.

To cite a few examples, it was the Minnesota Ramp Project that introduced a new American model for building statewide standardized wheelchair ramps. Minnesota was the State that sent Paul Wellstone to the Senate, founding the center for mental health parity. My State is also home to some of the most innovative centers for the disabled in the country, including PACER, the Courage Center, and ARC.

When it comes to educating children with disabilities, Minnesota has also been one of the Nation’s leaders. In 1997, our State became one of the first States in the Nation to pass a law recognizing that every student with special needs must be provided to children and youth with disabilities. In our State, from birth to adulthood, Kids with disabilities have access to the quality of life they deserve.

Through IDEA, our State is able to receive Federal funding for early intervention services that help diagnose disabilities or developmental delays among infants and toddlers. Minnesota also provides each child with a disability and their family a personalized education plan and the support needed to transition from high school to postsecondary education.

These civil rights protections and funding under IDEA have also been an area of bipartisan cooperation among members of the Minnesota delegation. We would like to see even more funding. We don’t see us move backwards. At least one Minnesota Republican has cosponsored every version of IDEA and its reauthorization over the last 40 years. We have never had a Secretary of Education who has put these common-sense bipartisan benefits at risk.

Today, over 124,000 Minnesota children rely on IDEA. I have heard from families in my State, and so many of them tell me how that Federal law has made a real difference in their lives. A mom from Watertown, MN, told me all about her son who was born with Down syndrome. She is so thankful for the Federal law because this protection ensures that he can have everyday experiences like other kids.

It allows her son to be fully integrated with the rest of the students in his high school. As a result, he has developed many friendships and a strong social network. When she asks her son whether he likes school, he always says a resounding “yes.”

A mother of two autistic kids who are deafblind, reached out to me from Farmington, MN. She tells me that she depends on IDEA because the law gives her an opportunity to participate in designing individualized education programs for her children. These programs allow her to tailor the best possible educational plans.

A woman from Lakeville, MN, told me that when her son was born with intellectual and developmental disabilities in the late 1980s, and she was so worried about what his future would look like. But because of IDEA, she received specialized services at school that would bring him to activities with the rest of his peers. Today, she tells me that he is a successful young adult who happily lives, learns, and works in his community.

During my time in the Senate, I have worked to share the Minnesota values that you hear resonating in those letters across the country. That is why I helped lead the push in Congress to successfully pass bipartisan legislation with Senators Burr and Casey called the Achieving a Better Life Experience Act, or ABLE Act, a law that will help people with disabilities and their families better plan for their futures. It is a law that President Obama signed.

We have made progress in removing barriers and empowering people with disabilities. Of course, we know that the ABLE Act alone is not enough. We still need to ensure that the Federal Government lives up to its promise to support education for those with disabilities by enforcing and protecting the IDEA and fully funding special education. Providing equal educational opportunities for children with disabilities is an issue that cuts across partisan lines.

It is an issue of decency and an issue of dignity, and I believe it is an issue that we must all stand behind as Americans. I cannot support a nominee that would jeopardize the education of millions of disabled children across our country or someone that is not fully informed at her own hearing about such an important law. We have continuously maintained and strengthened educational laws for children with disabilities because every child deserves a chance to succeed.

I think about my mom and all those years of teaching—teaching 30 second graders at age 70. I think about that boy, who is now a man, who in the second grade had her as a teacher. He had severe disabilities, but she did everything to make his learning experience as good as all the other kids that were in that class.

I think of how he loved that butterfly unit and felt the passion that my mom brought to teaching it. In her own free time, she would go visit him at his job at that checkout line in the grocery store in her butterfly outfit. That was integrating kids with disabilities into our school systems. That is what special teachers and special education experts who see all children as special are all about.

Thank you. I urge my colleagues to join me in opposing Mrs. DeVos’s nomination.

I yield the floor.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from
Minnesota for her comments. She speaks from experience and knowledge, as has the senior Senator from Washington State, on this issue.

In my years here, I have seen thousands of confirmation votes, literally at all times. I have included confirmation votes by cabinet members and Supreme Court justices. I have voted for a large majority of a President’s nominations—both Republican and Democratic Presidents. Some may not have been those I would have voted for, but I felt that, at least, the President should be given the prerogative, if the person is qualified.

Now, ideology is one thing, and qualification is another. Out of those thousands of confirmation votes, I have a hard time remembering any that were like this one. This one had a whirlwind confirmation hearing and committee vote. It was almost as though they were afraid to have the nominee actually have to appear and answer questions. The Senate is going to vote on the nomination of Betsy DeVos to lead the Department of Education. I will be very blunt. On the very little time that she was allowed to be shown something, she showed—and I certainly believe this—that she does not have the qualifications to uphold the Department of Education’s primary goal—that of ensuring that all students—all students, not just the wealthy, but all students—have access to a quality, public education that allows them to succeed.

I am both a father and a grandfather, and I am proud of it. I watched my children’s school. And now, I see my grandchildren going to school. I understand well the impact of education on our children. When students have access to strong public education from the very beginning, they are more apt to succeed in the long run.

Our Nation’s public schools—as is the case in my home State of Vermont—hold the promise of student success through strong State accountability measures and legal protections regardless of income, or learning ability. They offer nutritious meals for underserved students, many of whom receive their only meals of the day at school. Any teacher will tell you that if you have a hungry child, you have a child who cannot learn. If a child is fed, you have a child who can learn.

Public education means strong teachers and school leaders, technology in the classroom, an assessment to test not just students, but student content and capability. They offer nutritious meals for underserved students, many of whom receive their only meals of the day at school. Any teacher will tell you that if you have a hungry child, you have a child who cannot learn. If a child is fed, you have a child who can learn.

Many of the schools have counselors and social workers and operate under a modern infrastructure to support those with disabilities and children in foster care. But public education also means that both the States and the Federal Government are held accountable for everyone having access to the same excellent resources.

In fact, just over 1 year ago, this body agreed to these protections. We passed the Every Student Succeeds Act here in the Senate by a vote of 85 to 12—an amazing, overwhelming, bipartisan vote. It was the firm agreement among the majority of the Senate—Republicans and Democrats alike—that all students are entitled to critical public school resources in order to succeed. We made a promise that we would do better by our students; that public schools would be the premier standard for outstanding education for all. Unfortunately, the nominee before us—in the very little time that she was allowed to testify and be questioned in the confirmation hearing—showed that she does not share these same goals. Instead, she has referred to public schools as a ‘dead end.’

Well, if you are a billionaire, you have a choice to go wherever you want to school. Maybe these people in a public school are not good enough for you? Well, then, go buy a school if you want. Most people don’t have that option. Most people are hard working. My wife and I were when our kids were in school. Our children are today.

What does Betsy DeVos advocate for? She advocates for charter schools. She advocates for the privatization of education. She has funneled millions of dollars into organizations and initiatives to promote private school vouchers and school choice. These efforts have diverted public funds toward private schools, schools that are not held to any antidiscrimination or accountability standards. These schools can discriminate all they want.

At her confirmation hearing—in the very little time that she did speak—she did not understand the Individuals with Disabilities Education Act. This is a landmark law. It is a Federal law that public schools in all 50 States must follow.

Lastly, Mrs. DeVos and her family have contributed to anti-LGBT causes and anti-women’s health efforts, which are in direct conflict to the one who is supposed to lead the Department of Education. How can a nominee disagree with the mission of the Department of Education and be fit to oversee that agency and promote the civil rights of schools and college campuses?

She also appears to oppose efforts to expand college access, in an era when college is so important. Again, in the little bit of time she was allowed to testify before the Senate HELP Committee in January, Mrs. DeVos, when asked by Senator Whitehouse of Rhode Island to ask how States to offer free community college to eligible students, instead saying that “nothing in life is truly free.” This is an easy thing to say if you are a billionaire.

She also admitted to knowing little about the Pell Grant Program and Federal student loans, as neither she nor her children have ever had to use such resources. As most of us know our children will have to use them, this is simply out of touch with the real life expectations of millions of students and families who rely on these funds to make college attainable.

It is what I hear from hard-working families in Vermont. Parents tell me that their child is going to be the first one in their family to go to college, and the only reason they can do it is because they can get Pell grants or Federal student loans. Mrs. Devos’s answer is: What are the others?

College tuition rates have climbed more than 300 percent in the last decade. It is unacceptable to deny students Federal financial resources. To say, well, if you are rich, you can have them, but otherwise, no. As it is, students are increasingly saddled by insurmountable student loan debt. Many forgo starting a family, or buying a house or a car. Many of these students have also fallen prey to for-profit institutions, many of which continue to offer the false promise of gainful employment upon graduation. In reality, many of these institutions offer nontransferable credits or unaccredited degrees, and are increasing shuttering their doors, leaving students with egregious debt and nowhere to turn to finish their degrees.

The Department of Education has an extremely important role to ensure that all students—of every race, income level, or learning disabilities or not—have access to the critical tools provided by public schools and by student financial aid programs.

Thousands—thousands—of Vermonters have called or written to me worried that Mrs. Devos does not agree with these principles. When I say thousands, to put that in context, we are the second smallest State in the Union. Thousands have contacted me. I share these concerns of my fellow Vermonters.

They know their children went to public school. They want to be able to send their children to public school too. They want the best education. I am telling these Vermonters I will not support this confirmation. It is dangerous and shortsighted to confirm someone who has so much to learn about our Nation’s public schools and the challenges they face.

Universal free public schools were a revolutionary American invention. It has helped make America the great Nation it is today. So in the United States, we should strengthen public schools, not snub them.

Mrs. DeVos is the wrong choice for Vermont. They want the best education. I am telling these Vermonters I will not support this confirmation. It is dangerous and shortsighted to confirm someone who has so much to learn about our Nation’s public schools and the challenges they face.

TRAVEL BAN

Mr. President, while I have the floor, I will just take another minute or two to mention something else, as I have mentioned Vermont.

On February 1 of this year, Vermont welcomed 31 new U.S. citizens from 14 countries through a naturalization ceremony in Rutland, VT. Later that night, more than 1,000 people from our
small city in Vermont gathered on our statehouse lawn—just a few feet from where I was born and raised—in support of refugees and immigrants.

We Vermonters understand what community means. It is a helping hand in a time of need. An arm of protection every day by our courts. But let me ask you one question: Do you hold on to the hope and great expectations for your children? Do you think it is possible and millions have succeeded before you. One job leads to another. Your first job is not going to be your last. You are already in a select group—people who have chosen to come here and have the drive and enthusiasm to make a new start. It is a helping hand in a time of need. It is a kind word in a time of fear. We may be lucky that you have chosen to make your home in Rutland, VT, be friendly to our neighbors, and sent a truly Vermont message to Muslims wondering what next steps this administration will take in the name of security, but are just rooted in politically charged scare tactics. Vermonters have already proven that we will not back down. Marching in Montpelier and in Washington on January 21, Vermonters’ voices were heard. In candlelit vigils across the State, their empathy has been seen. At the naturalization ceremony on February 1, Vermont’s welcoming spirit could be felt. A man I admire greatly, Federal District Court Judge Geoffrey Crawford, gave stirring remarks at that naturalization ceremony, and the impact of those words are summarized by this one line, which he directed particularly to our new Muslim citizens: “You are equal in the eyes of the law.” Judge Crawford’s message was simple: You are welcome. You are equal. You are protected.

My fellow Vermonters inspire me every day. We should all take note from their example of what it means to be patriotic Americans. Let me speak directly about our new citizens. For decades, we have had a select group—people who have chosen to come here and have the drive and enthusiasm to make a new start. It is a helping hand in a time of need. It is a kind word in a time of fear. We may be lucky that you have chosen to make your home in Rutland, VT, be friendly to our neighbors, and sent a truly Vermont message to Muslims wondering what next steps this administration will take in the name of security, but are just rooted in politically charged scare tactics. Vermonters have already proven that we will not back down. Marching in Montpelier and in Washington on January 21, Vermonters’ voices were heard. In candlelit vigils across the State, their empathy has been seen. At the naturalization ceremony on February 1, Vermont’s welcoming spirit could be felt. A man I admire greatly, Federal District Court Judge Geoffrey Crawford, gave stirring remarks at that naturalization ceremony, and the impact of those words are summarized by this one line, which he directed particularly to our new Muslim citizens: “You are equal in the eyes of the law.” Judge Crawford’s message was simple: You are welcome. You are equal. You are protected.

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shady investments while she runs the Department of Education. We need someone in charge of the Nation's education policy who knows what they are doing and who will put America's young people first, and that is not Betsy DeVos.

Let's start with her record. Betsy DeVos has used her vast fortune to undermine Michigan's public schools. She is sure she knows what is best for everyone else's children, even though she has no actual experience with public schools.

In Michigan, the K-12 policy she has bankrolled has drained valuable taxpayer dollars out of the public schools and shunted that money into private schools, sketchy online schools, and for-profit charter schools. Even worse, DeVos believes these schools should get the money with virtually no accountability for how these schools do or don't have enough problems already, to make sure that students get an education that will help them pay back their loans.

The student loan debt that by law they are not required to guarantee debt relief for defrauded students, breaking the law and cheat students and taxpayers. Betsy DeVos's refusal to get it right because $1 trillion of student loan debt currently out there will impact the future of an entire generation.

Betsy DeVos has no experience in higher education. During her confirmation hearing, I gave her the opportunity to show that she is at least serious about standing up for students. I asked her basic, straightforward questions about protecting students and taxpayers from fraud by these shady for-profit colleges. Her response was shocking. She refused to commit to use the Department's many tools and resources to keep students from getting cheated when fraudulent colleges break the law.

In her responses to my written questions, she even refused to commit to doing what the law requires by canceling the loans who have been cheated by lawbreaking colleges. An Education Secretary who is unwilling to cut off Federal aid to colleges that break the law and cheat students would be a disaster for both students and taxpayers. Betsy DeVos's refusal to guarantee debt relief for defrauded students could leave thousands of Americans saddled with student loan debt that by law they are not required to pay.

Betsy DeVos also refused to rule out privatizing the Direct Loan Program. Think about this. As if our students don't have enough problems already, DeVos is ready to let Wall Street banks get their claws into our students and start charging extra profits on top of the already high cost of student loans.

If Betsy DeVos won't commit to strengthening the Federal student loan program and running it for students, then she is absolutely unfit to be in charge of it.

I am also deeply concerned about the conflicts of interest and potential government corruption if Betsy DeVos is allowed to take the reins of the Department of Education. Betsy DeVos is a multibillionaire, and that is fine, but for her, that is apparently not enough. She already makes money off of several businesses that from the decisions she makes as Secretary of Education—several businesses, at least, that we know about. She said she will get rid of the ones we know about, but she wants to keep her family trusts and her nonprofit. She even tried to keep them hold a secret—secrets from Congress and a secret from U.S. taxpayers. She says she doesn't have to follow rules that everyone else follows and tell the Senate what her investments are or what they will be in those secret trusts. I want you to think about that for just a minute. She already has billions of dollars, but she won't give up her secret trust and her chance to make investments that could create conflicts of interest while she is running the Department? Who exactly does Betsy DeVos want to help out—the young people of America or her own bank account?

You know, I really don't get this. I disagree with her education policy, but the one thing we ought to be able to agree on is that no one, especially not some billionaire, ought to keep investments that go up or down in value depending on the decisions she makes while she has a job working for the American people sideways. Here are just a few egregious examples.

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strong public education because I have seen how public education opened a million doors for me, and I know it opens doors for young people in Massachusetts and all across this country. I believe that strengthening America’s public schools is critical for securing a better future for each and every child in this country. I also understand the vital role the Secretary of Education plays in making sure every young person has real opportunities and a fighting chance to succeed.

We are on the wrong side of making sure this job is not entrusted to Betsy DeVos. One vote. We need just one more Republican to stand up for the children of America, to stand up for public education, to stand up for college students, to stand up for basic decency and honesty in government. With just one more Republican, we can say this Senate puts kids ahead of par-tisan politics. With just one more Rep-ublican, we can say this Senate still cares about public officials who put the public interest ahead of their own personal interests. Just one more Republican, that is all we need. Just one.

I assumed that the rush to complete this nomination has something to do with the fact that Republicans’ phones have been ringing off the hook from voters who are outraged by the idea of this nomination. Before these Rep-ublicans decide whether to help Don-ald Trump reward a wealthy donor by putting someone in charge of the De-partment of Education who doesn’t really believe in public education, I want them to hear from the people of Massachusetts, the people who on their own have contacted me about this nomination.

I have received countless letters and calls from constituents in Massachu-setts, including a batch of letters from a new local grassroots organization—Essex County #6 Indivisible—that is very concerned about Betsy DeVos as Secretary of Education. I have shared a few of those letters with my colleagues right now.

I heard from Matt Harden, who is a teacher from Plymouth, and he wrote this:

You know, this isn’t just politics, this is deeply personal. It is personal for me. My first job out of college was as a teacher. I taught little ones, chil-dren with special needs, in a public ele-mentary school. I have never lost my appreciation for the importance of

I also heard from Alexandra Loos, a special education teacher from Cam-bridge. She had this to say:

I am also a special education teacher who works with children with developmental dis-abilities, and I urge you to vote against the confirmation of Betsy DeVos as Secretary of Education.

I have grave concerns about the qualifica-tions of Betsy DeVos. DeVos enjoys experi-ence in the public education system as well as her record of support for charter and pri-vate schools that are not obligated to follow Federal education standards or guidelines. Most urgently, as a professional who spe-cializes in evaluating and treating children with autism, Down’s syndrome, dis-abilities, ADHD, and other developmental and behavioral disorders, I am extremely concerned about Ms. DeVos’s apparent lack of understanding of the Individuals with Dis-abilities Education Act (IDEA), the federal law that guarantees “a free and appropriate public education” to children with disabil-ities. During her confirmation hearing this week, Ms. DeVos appeared to be unfamiliar with IDEA . . . stating that she felt that en-forcement of this federal law should be left to the states. This clearly indicates that Ms. DeVos is unquali-fied to serve as Secretary of Education.

With approximately two million school children in special education, it is essential that an Education Secretary be knowledge-able and supportive of the federal laws that guide special education services. Please vote “no” on Ms. DeVos’s confirmation.

Yes, Alexandra. Yes.

My office also heard from Diana Full-erton, a school adjustment counselor from Salem. Diana said she had never written to a politician before, but she felt strongly enough about Betsy DeVos to write:

I am a school adjustment counselor in an elementary school in Gloucester. I have never gotten involved in politics until this election. I went to the Boston Women’s March on Saturday and this is my first time writing to a politician. I am extremely con-cerned about Trump’s nomination for Sec-retary of Education. I believe in my work I support students who are very vulnerable: on IEPs, in high-poverty environments, serving as gay or transgender, coming from backgrounds where English is a sec-ond language. I believe that Ms. DeVos’ ex-treme and uneducated positions on the needs of children in public education could harm my children. Please vote against her nomination as Secretary of Education.

Thanks, Diana. I will.

I heard from another teacher from New-ton, who said:

I am opposed to Betsy DeVos as the next Secretary of Education. I have spent my en-tire life as a teacher—first in public and pri-vate schools for 14 years teaching French, then as a member of the faculty of Lesley University for 26 years, and now as a teacher in a Life Long Learning program at Bran-des. I cannot imagine having a Secretary of Education who has never had any public edu-cational experience. I am also very worried about her views of public education and her appalling record on civil rights. Strong edu-cation is the foundation of our democracy. Please do what you can to maintain and im-prove our current system.

Thank you.

Yet another teacher contacted our office this one from Abington. She wrote:

I believe in my community’s public schools. In fact, I’ve worked in them as a
teacher for over 15 years. The nomination of Betsy DeVos has me seriously considering a change of employment. Betsy DeVos believes in school privatization and vouchers. She has worked actively and successfully to take Michigan charters, even when they clearly fail, and yet she has never worked in a school. The marketplace solution of DeVos will inevitably disempower our community schools. Her hostility toward public schools disqualifies her. I am asking you to vote against the confirmation of Betsy DeVos.

We also heard from parents all across the State, including Leslie Bololian, a mother from Andover. Leslie said:

I am a mother of an 8 year old who is dyslexic and very aware of learning what other kids can learn; however, she needs specialized education. Through the public school system, she is learning to read and continues to reach new milestones daily. I fear that Betsy DeVos could put my daughter’s education at risk.

I urge you to oppose Secretary of Education nominee Betsy DeVos, who is best known for her anti-public education campaigns!

The chance for the success of a child should not depend on winning a charter lottery, being accepted by a private school, or living in the right ZIP code. It is our duty to ensure all children have access to a future great public school in their community and the opportunity to succeed. Betsy DeVos has consistently worked against these values, and her efforts over the years have done more to undermine public education than support all students.

Betsy DeVos has no experience in public schools. She is either a student, educator, administrator, or even as a parent. She has lobbied for failed schemes, like vouchers to fund private schools at taxpayers’ expense. These privatization schemes do nothing to help our students most in need, and they ignore or exacerbate glaring opportunity gaps.

We need a Secretary of Education who will champion innovative strategies that we know help to improve success for all students, including creating more opportunities and equity for all. Betsy DeVos is not that person. I urge you to vote against her for Secretary of Education.

Thank you, Leslie.

Kate Brigham, a mother from Somerville, also wrote. She said:

My name is Kate Brigham, and I am a constituent of yours from Somerville. ... I am writing to urge you to vote against Betsy DeVos’ confirmation as Secretary of Education. The future of our kids here in Somerville and across the country are depending on you to see the difference between education progress and privatization.

The majority of America’s school children attend public schools. We cannot leave their futures and the future of our country in the hands of a woman whose ideas to privatize schools left the state of Michigan and its children in shambles. Her personal financial conflicts of interest are staggering.

The Individuals with Disabilities Education Act—which DeVos did not know was a federal law—guarantees rights to both students and their parents. So this isn’t just about civil rights; it’s also crucial to families. We cannot afford a Secretary of Education who is “confused” on what IDEA is and needs. A 3-year-old daughter benefits from MA’s wonderful Early Intervention program and will need special education services when she turns 3 in September.

IDEA and the ADA were both signed into law by Republican Presidents. Disability rights are not and cannot become a partisan issue. Thank you for ensuring that public education for ALL will be protected. Somerville, and Massachusetts, needs it. And we are not alone in opposing Betsy DeVos as Secretary of Education.

Thank you, Kate. Thanks for writing.

Samantha Lambert, a mother of four from Everett, also contacted us with her concerns. Samantha wrote:

I am a voter from the MA who has struggled with the change coming as a result of this election. ... It is difficult to focus when there is a new outrage at every turn.

No one fight is any more important than Betsy DeVos. Why? The impacts of her ignorance and disdain for public education will remain with us for a generation. I have 4 children, all educated in the Public School System, one of whom benefits from Special Education.

We have one opportunity to get it right with our children. I was asked by a conservative friend who was curious why this appointment brought such a backlash, and the answer was simple for me. Our job is to protect our children. Those unable to influence their future with a vote. There is no mandate for the destruction of our most treasured institution, the foundation of our democracy.

My son deserves a free and fair education, as do his siblings. As do their peers. The children in our school district are in the lower socioeconomic strata. The school is 100% public transportation and neighborhood public schools. That takes the choice out of school choice, doesn’t it? It favors students on economic lines, furthering the divide and putting an undue burden on the schools left behind who will struggle to serve the students that need this gift of education most.

The primary reason that Mrs. DeVos is wholly unqualified for this appointment. Her answers or lack of answers, specifically regarding IDEA and school choice, were frightening. As a parent, I was literally shaking.

My nine-year-old son was listening to a portion and heard Senator Hassan mention dyslexia in her question. He cheered and asked if we were going to make sure all kids get special help to read. I couldn’t answer him because in Mrs. DeVos’ answer, it seemed not to know that IDEA is a Federal law protecting these beautiful minds. Protecting them from being a line item that can be wiped away with success and achievements going right along with it.

I ask you, please oppose Betsy DeVos for Education Secretary, for the good of ALL our nation’s children.

Thank you, Samantha. Thanks for writing.

We also heard from Laura Fukushima, a mother and former teacher from Dedham. She wrote to say:

Before having my own children, I taught in public schools for five years—three in Boston and two in Tennesse (Sumner Country)— and I’m writing to ask you to vote against confirming Betsy DeVos as Secretary of Education.

It’s evident that Ms. DeVos is passionate about education—judging from the enormous amount of money she has poured into shaping policy—and I have no reason to doubt her intentions are good. But that doesn’t qualify her for this job. Here are my concerns:

1) Aside from having no experience in public schools, either as a parent or a student, she has no experience in any kind of school as an educator.

2) At her confirmation hearing, she demonstrated a lack of basic understanding of many pertinent issues and concepts—an intimated knowledge of which is required to shape good educational policy.

3) Despite lacking both the prerequisite knowledge and experience within the field of education, she actively used her wealth to sway legislators in Michigan away from their initial support of bipartisan measures, including a $100 million bond to support a broad coalition of informed participants, to regulate and improve charter schools. (For the record, I do support charter schools, but understanding that there is a need for rigorous oversight of the need for rigorous oversight.) Her efforts, I believe, have been more detrimental than beneficial to the children of Detroit.

Her suggestion that enforcing IDEA should be left to the states is very troubling. Such policy would leave our most vulnerable students very far behind.

While I agree with Ms. DeVos that our educational system would benefit from some additional choice for parents, I think she’s wildly mistaken if she believes a completely free market will fix our schools. We need a Secretary of Education who believes in proper oversight and can help create effective measures of assessment and accountability to improve education for all our children.

That’s what the Department of Education is for. To run it successfully, we need a Secretary like Michelle DeVos, who is well trained in the field.

Thank you, Laura.

A mother from Clinton also wrote about how she would be personally affected by Betsy DeVos, saying:

I have an 8-year-old daughter with Autism Spectrum Disorder who receives services through our public elementary school. I believe that every individual deserves an equal education. IDEA must be upheld! My daughter is very smart but needs and deserves accommodations. I am thankful there are laws to protect her.

Betsy DeVos thinks that states should decide how to fund education for individuals with disabilities. I believe it should remain federally mandated. I wouldn’t be able to afford a private education for my daughter in a special school. I know there are many more parents like me.

I also opposed expanding Charter schools in our state. I believe publicly funded schools should be publicly run and overseen.

I urge you to reject Betsy DeVos for Education Secretary.

Thank you.

Another parent wrote to say:

I am writing to express my strong opposition to the confirmation of Betsy DeVos as Secretary of Education. She has demonstrated NO commitment to public education throughout her life, and her support of charter schools in Detroit has been a devastating failure. They rely on for-profit charter schools as providing “choice” for parents is a false framing—it provides the illusion of a poorly regulated and poorly supervised choice for some parents while limiting the resources and choices left to the other parents and leading to a downward spiral in the quality of public education. Transferred to a broad coalition of informed for-profit charter schools, creaming off the children of the most motivated parents, and leaving the more difficult, lower income, and special needs students behind is a prescription for failure of public schools and will result in herding lower-income students into dysfunctional schools, setting them up for a lifetime of underemployment.

I am not a teacher, nor a member of a teacher’s union. I am a mother, and I was...
February 6, 2017

CONGRESSIONAL RECORD — SENATE

S699

proud to send my son to the Brookline Pub-
lic Schools for his entire K–12 education. I
want other children to have a chance for a
quality education, not to be the fodder for a
private system. My public school with no commitment to the public good.

Quality public education is the founda-
tion of a free society and the key to sustain-
ing a vibrant future. Please oppose the con-
firmation of Betsy Devos.

A woman from Canton also wrote in.
She said:
As a parent of public school children, I
urge you to reject the nomination of Betsy
Devos for Education Secretary. Quality
appropriate education is the cornerstone of
our democracy, but Ms. Devos has shown no
interest in preserving public education. In
fact, she has worked tirelessly to divert pub-
lic funds into private pockets by way of de-
regulating and expanding charter schools
and to offer vouchers which can be used at
private and religious schools. This is a clear
violation of our principle of separating
church and State.

Ms. Devos’s strategies have had disastrous
consequences in Michigan. Eighty percent of
charter schools there operate for profit. When
schools look first to satisfy investors, they
are far more concerned with standardizing
and testing, not on educating children. Here in Massachu-
setts, we overwhelmingly rejected the idea, one
funded by billionaires, and resisted by parents and
school teachers.

Please join us in opposing a “lead educa-
tor” who has never gone to a public school
nor sent her children to one. Please consider
that the nation’s future depends on edu-
cating every child, and that to do so, we need
to restore and strengthen our public school
system, not dismantle it in favor of profiting
off the backs of our youth.

Thank you.

It is no surprise that we also heard
from many constituents struggling
with student loans. One of those was
Liam Weir, a college student from
Brighton, who had this to say:
As a college student and a resident of the
State of Massachusetts, I am writing you to
express my deep concern over the potential
appointment of Betsy Devos to the position
of Secretary of Education. Ms. Devos is
extraordinarily unqualified to lead such a
department. The fact that the President has
chosen such a person, with no experience in
education administration in any capacity at
any level, to the most important position of
teachers, students, and school administra-
tors across the country. Ms. Devos’s policies
will undermine already straggling public
school systems by allocating taxpayer funds
to advance a cynical and deeply troubling
agenda against established science. I myself
am a first generation college graduate and
借款人，I am growing increasingly con-
cerned about Ms. Devos’s competency in
managing the looming student debt crisis.

Now more than ever is a time for the Edu-
cation Department to be run by capable and
caring individuals, not willfully ignorant
ones.

A young mother from Winthrop also
reached out to us. She had this to say:
I urge you to vote No on the confirmation
of Betsy Devos, a singularly unqualified
individual . . . among a veritable sea of un-
qualified individuals this administration has
choosen to lead our country.

My husband and I have no personal stake
in public education over the next 4 years.
Our daughter is only 7 months old. But I am
the child of two public schoolteachers in RI,
the child of two public schoolteachers in RI,
our children are in school, my nephews, cousins, etc. I be-
lieve in public schools and I believe that
Betsy Devos is not the right direction for our
public education system. She is dan-
gerous, and her lack of knowledge is appall-
ing.

Also, and I thank you so much for asking
about this at her hearing—student loans are
nearly paid off—because I was loaned a rea-
sonable amount at a reasonable 2 percent
interest rate. We are a case study in how the
program should work vs. predatory lending.

That is so true. Thanks for writing.

Liz Bosworth, a mother of two from North Dartmouth, had this to say:
While I am fully aware that you do not
support the nominations for many of Presi-
dent Trump’s nominees, I am currently most
concerned about Ms. Devos. I watched parts
of her hearing and I remain concerned that
there was a denial for a second hearing. I
hope this leads to continued questions and a
full understanding of her qualifications for
Education. Your lines of questioning served to
highlight her lack of qualifying experience
but still, in light of this last six month’s poli-
tics, I believe it is possible.

As the mother of two small children and a
daughter-in-law, niece, cousin, friend, and
wife of public school teachers, I find her to
be quite alarming and somewhat scary as the
potential leader of that office. We are strong
proponents of public education and of teach-
ing our children in a public school and to
achieve high levels of success.

With that some anxiety around their aspirations to higher learning. As a
father of two college students, I will be paying
off my loans until I start to pay for my son’s
higher education. I do not want the debt for
my children that I have. At this rate, I am
saving far less much less money per month
for their college funds while paying off my own.

I want my children to go higher than myself, but
I want them to do so with a level of confi-
dence in themselves that I was not af-
forded. Ms. Devos, highlighted by you in her
confirmation hearing, has not been involved
with student loans on any level and does not
have the experience needed with my current
debt or the debt of my chil-
dren.

Finally, I would like to highlight my ab-
ject fear of the treatment of those students
with learning disabilities, particularly se-
vere and profound disorders, if she is con-
formed. While I see many walks of life in my
field, my mother was a proud special educa-
tion teacher in New Bedford for 33 years.
She was proud to be able to teach life skills
like budgeting, simple cooking and social
skills much earlier than ever being allowed in
college ready. We worry about those kids and
what will become of them if Ms. Devos is con-
formed. Many of us currently em-
ployed in a collaborative that works with
mentally ill children who need a different
type of educational process but can still
achieve the same goals. I am not sure they
would ever qualify for a voucher to attend
some Charter school.

We are committed to families and commu-
nity members of all backgrounds and
right care at the right time. I am not sure
that Ms. Devos is committed in the same
way.

Please vote to oppose Ms. Devos.

Thank you, Liz. Thanks for writing.
I heard from another student in Bos-
ton who told me the following:
I am writing to you today as a public
school teacher and a Ph.D. Candidate in
Urban Education, Leadership and Policy
Studies. I believe in public schools. Betsy
Devos does not believe in public schools and
vouchers. She has worked to undermine ef-
forts to regulate Michigan charters, even
when they clearly failed. The final oppos-
sion of Devos will destroy our democrati-

cally governed community schools. She has
no professional experience in the education
field. She does not truly understand the nu-
ances of public education nor does she want
to understand.

I managed to earn scholarships that took

care of most of my school bills, but I still have
about $80,000 in student loans. (Not bad for 2
expensive private institution degrees!) I am a
full time educational policy analyst. I am a sin-
gle mother could not afford to help me pay
for my schooling. Betsy Devos just doesn’t
have experience in K–12 public schools, but
she has no experience in running the student
loan department. The Federal student loan
program is far from perfect. We need some-
one running it who is knowledgeable in the
process, believes in making college more af-
fordable, and understands what it feels like
to not be sure how you will pay for college.

She has no qualifications of any kind in this
area.

I am asking you to vote against the con-
firmation of Betsy Devos. Please consider
this request and the thousands of people ac-
cross the country who vehemently dis-
agree with Ms. Devos’s candidacy.
Thank you.

Sarah Rothery, a mother of two from Northborough, told me about her two
sons, saying:
I am writing to ask that you oppose the con-
firmation of Ms. Devos for the cabinet
position for which she was nominated under
President Trump. I have put 2 sons through
college thanks to Stafford loans and personal
savings and I think she has no idea what is
involved in middle class families financing
college education today. One of my sons is
now an 8th grade history teacher in a public
charter school, Abbot Kelly Foster, in
Worcester, and worries that Ms. Devos has
no real understanding of urban education as
well.

Thank you, Sarah. Thanks for writ-
ing.

I have also heard from Alicia
Bettano, a former student from
Merrimac who bravely shared with me
her own experiences. This is from
Alicia:
I suffer from a Non Verbal Learning Dis-
order. Up until I was 13 years old I was not
diagnosed with anything. I went to aides,
speech therapists, everyone. I had trouble in
maths and in sciences. I was thought of as
stupid. I was yelled at by aides. When I
was 13 and diagnosed, my teachers didn’t un-
derstand. They thought setting me closer to the
board was all I ever needed to understand
better, despite the fact that it was
their teaching methods that confused me. I
wished that I would not have to gradu-
ate. My parents had to hire an advocate to
work for me to get my teachers and school
to understand my disability. It took me
some time to figure out what I wanted to
be and who I was. It was a struggle. I am
still a work in process. I had to work for me to get my teachers and school
to understand. It took me
some time to figure out what I wanted to
be and who I was. It was a struggle. I am
still a work in process. I had to
Thank you, Alicia, thank you for writing. I really
appreciate it. Congratulations on your
graduation.
A man from Brookline also wrote in, saying this:

As someone passionate about education, especially the education of students in Massachusetts, and as a graduate of a public elementary school, high school and college; as a young professional burdened by education debt; as the husband of an early childhood educator working in a struggling neighborhood; and member of a family filled with men and women dedicated to careers in public education, I strongly urge you to oppose Secretary of Education nominee Betsy DeVos. My vote is not for or against candidates in future elections will be informed by whether the candidate publicly opposed this Secretary of Education nominee.

Betsy DeVos has consistently worked against public education and she is incredibly unqualified for this position. At best, she should be an undersized secretary focused on public-private partnerships. If you must work with the incoming administration, suggest her nomination for that role, but you must vote against her for Secretary of Education.

DeVos has no experience in public schools, either as a student, educator, administrator, or even as a parent. She has lobbied for, and been involved in initiatives that have undermined public education in America.

We need a Secretary of Education who will champion the students and school districts that we know help to improve success for all students, including creating more opportunities and equity for all. I urge you to vote against Ms. DeVos for Secretary of Education.

What does Betsy DeVos have to say to Matt and Diana or to the thousands of other teachers who have more experience in public education than she does? What does she have to say to Leslie and Samantha, whose children have benefited from the programs she wants to cut? What does she have to say to Sarah, who relied on Stafford loans to put her sons through college?

It is not just individuals who are worried about Betsy DeVos. We have heard from groups across the State as well. The Massachusetts Charter Public School Association wrote me, saying this:

Dear Senator Warren,

As the Association representing the 70 Massachusetts charter public schools, we are writing to express our concerns over the nomination of Elisabeth DeVos as U.S. Secretary of Education. We do not express these reservations lightly, but we believe it is important to raise certain issues that should be addressed by the nominee.

Both President-elect Trump and Ms. DeVos are strong supporters of public charter schools, and we are hopeful they will continue the bipartisan efforts of the Obama Administration to promote the continued expansion of high quality charters while pursuing reforms that will strengthen public schools.

But we are concerned about media reports of Ms. DeVos' support for school vouchers and her critical role in creating a charter school in her home state of Michigan that has been widely criticized for lax oversight and poor academic performance, and appears to be dominated by for-profit interests.

As a member of the Massachusetts Charter Public School Association Board of Directors, I am concerned that if the nominee is confirmed to hold the position of Secretary of Education, it will reduce the quality of charter schools across the country. We hope you agree that quality, not quantity, should be the guiding principle of charter expansion.

The cornerstone of the Massachusetts charter public school system is accountability and oversight that are high quality public school choices for parents across our state. Our urban schools are serving the highest need students, and are making progress and keeping a charter is deliberately difficult. The state Board of Elementary and Secondary Education is the sole authority and historically has approved only one out of every five applications. Once approved, each charter school must submit to annual financial audits by independent auditors and annual performance reviews by the state Department of Elementary and Secondary Education. Every five years, each charter must be renewed after a process as rigorous as the initial application process. Poor-profit charter schools are prohibited by Massachusetts law.

Our schools have also created partnerships with mass. We made a commitment to work with our public school districts to foster collaboration and best practices sharing, and have forged an historic Compact between Boston charter public schools and the Boston Public Schools that has become a national model.

Bipartisan support has been key to the development and success of the Massachusetts charter public school system. Charter leaders have worked with both Democratic and Republican governors, public charter school leaders, and Democratic and Republican legislators.

If the new President and his nominee intend to advance the cause of school choice across the country, they should look to Massachusetts for their path forward.

The history of charter schools in Michigan offers a warnings tale. The same research and analytics that showed the benefits of charter schools in Michigan have also shown that Michigan charters have not had a strong track record of providing quality education.

According to media reports, last year Ms. DeVos actively campaigned against bipartisan legislation that would have provided more oversight for Michigan's charters. If these reports are true, it is concerning that efforts to grow school choice without a rigorous accountability system will result in the quality of charter schools across the country. We hope you agree that quality, not quantity, should be the guiding principle of charter expansion. Without high levels of accountability, this model fails.

We ask that you bring to the incoming Administration's intentions regarding education policy in general and school choice and quality specifically. We'd be happy to brief you with more information on the Massachusetts model and would welcome a meeting with your staff to brief them on our concerns.

Sincerely,

Massachusetts Charter Public School Association Board of Directors.

The people of Massachusetts cannot afford Betsy DeVos. This is why I will vote no on her nomination and why I urge my colleagues to do the same.

Mr. President, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

THE PRESIDING OFFICER. The majority leader is recognized.

NOMINATION OF NEIL GORSUCH AND THE CABINET

February 6, 2017

Mr. McConnell. Mr. President, President Trump's outstanding Supreme Court nominee Neil Gorsuch has earned high praise from all across the political spectrum.

Some of it has come from unlikely corners, whether Democratic Senators, left-leaning publications, President Obama's own legal mentor, even his former top Supreme Court lawyer. We have heard from those Gorusch has taught. We have heard from many who have worked alongside him. In fact, just a few days ago we received a letter from several of his former law colleagues. So let me share some of that with you now. The letter began:

We are Democrats, Independents, and Republicans. Many of us have served in government, soft groups and Democratic administrations; some of us have served in both. We have clerked for Supreme Court justices and appellate and district judges appointed by Republicans. We represent a broad spectrum of views on politics, judicial philosophy, and many other subjects as well. We are united on this: Our former colleague, Neil M. Gorsuch . . . is superbly qualified for confirmation.

Clearly, it is not going to be easy to paint Judge Gorsuch as anything but extremely qualified and exceptionally fair, but that has happened once on the left from trying. They started mus- ing about blocking any nominee before the President had even nominated any one. It is a good reminder that much of the opposition we are seeing from far left judicial activists and Democratic senators isn't so much about Judge Gorsuch as it is about their dissatisfaction with the outcome of the election.

As a Washington Post headline recently declared, "Democrats' goal with court nomination: Make it a referendum on Trump."

"[P]rominent Senate Democrats," the article read, are "giving the nominee's 10-plus years on the U.S. Court of Appeals for the 10th Circuit almost secondary consideration." It seems they believe their best, and perhaps only, bet to bring down this highly qualified judge is by "inject[ing] Trump into the process."

The very next day, the New York Times ran an article about Democrats' apparent hope that this Supreme Court fight will be "More About Trump Than Gorsuch." In other words, our Demo- cratic colleagues are finding it hard to oppose Judge Gorsuch on the merits, so they are trying to divert attention and invent new hurdles for him to surmount. That is the playbook. Sure enough, we see them running the play. Consider the assistant Democratic leader's speech the other day. He was supposed to be talking about Judge Gorsuch. He sure had a lot to say about President Trump, about things President Trump has done, about things President
Trump might do, about refighting old battles but precious little about the qualifications of the actual nominee before us, and precious little about the increasing number of accolades he has been receiving, especially from well-known folks on the political left. I mention them now to dismiss them.

Now we can add another to the list: Alan Dershowitz, the famous constitutional scholar and longtime Harvard law professor. Dershowitz described Gorsuch as "highly credentialed and hard to dismiss," noting that he would be caricatured as some sort of "extreme right-wing [ideologue]." "[T]hat doesn't seem to fit what I know about him," Dershowitz said, adding that Gorsuch will "be hard to oppose on the merits." Indeed, he will.

That is precisely why our Democratic colleagues are making the debate on his nomination about other things and other people. That is also why they are arguing that special hurdles are required for Judge Gorsuch to clear—hurdles they are forced to admit were not there for the first-term nominees of Democratic Presidents. When even a softliner like Rachel Maddow had the help but admit that Judge Gorsuch is "a relatively mainstream choice," when even Maddow characterizes a Democratic attempt to filibuster his nomination as "radical," it is hard to argue otherwise. That will not stop many on the far left from trying.

I invite Democrats, who spent many months insisting "we need nine," to now follow through on that advice by giving this superbly qualified nominee fair consideration and an up-or-down vote. It is time to finally accept the results of the election and move on so we can all move our country forward.

That would also apply to other nominations before the Senate. Just before the election, the Democratic leader said he believed the Senate has a "moral obligation, even beyond the economy and politics, to avoid gridlock." Put simply, he said: "We have to get things done." Yet just a few months later, Democratic obstruction has reached such extreme levels that the smallest number of Cabinet officials have been confirmed in modern history at this point in a Presidency. It is a historic break in tradition, a departure from how newly elected Presidents have even gone to unprecedented lengths to delay for delay's sake. They have forced meaningless procedural hurdles, they have stalled confirmation votes as long as possible, they have postponed hearings, and they have even boycotted committee meetings altogether. Their excuses are ever-changing, ranging from the absurd. "We don't like the seating arrangement," they say. "We can't be late to a protest," they argue. There was even some excuse about a YouTube video.

Look, enough is enough. The American people put a new President in the White House last November. Democrats don't have to like that decision, but they do have a responsibility to our country. The American people want us to bring the Nation together and move forward. It is far past time to put the election behind us and put this President's Cabinet into place, just as previous Senates have done for previous newly elected Presidents of both parties.

Mr. President, now I wish to say a few words about one nominee whom we will be voting on tomorrow. The nominee for Education Secretary, Betsy DeVos, is a well-qualified candidate who has earned the support of 20 Governors and several education groups from across the Nation. As Education Secretary, she will be our students' foremost advocate, working to improve our education system so that every child has a brighter future.

Importantly, she also understands that our teachers, students, parents, school boards, and local and State governments are best suited to make education decisions—not Washington bureaucrats. I have every confidence that Mrs. DeVos will lead the Department of Education in a way that will put our students' interests first, while also strengthening the educational opportunities available to all of America's children.

I urge colleagues to join in confirming Betsy DeVos so that she can begin the very important work before her without further delay.

The PRESIDING OFFICER. The Senator from Texas.

The CABINET AND CONGRESSIONAL REVIEW ACT

Mr. CORNYN. Mr. President, I sat here yesterday listening to the majority leader's comments about this strategy of obstruction and slow walking the President's Cabinet. I share his frustration. More than that, on behalf of the people we were sent here to represent—the American people—I regret that petty politics has gotten in the way of the ability of our colleagues across the aisle to get over the fact that the election didn't turn out quite like they thought it would and work on behalf of the American people.

This week we will continue to grind our way through consideration of President Trump's nominees, despite the efforts of some to block the aisle to obstruct and to slow walk. Because of their insistence on taking advantage of every possible procedural delay, they have tried to grind the Senate to a near halt, but we have overcome that obstruction. We came together early Friday morning and voted to move forward with the President's nominee for Education Secretary—about 6:30 in the morning. It was a little earlier than we usually convene, but I am glad we were able to get it done.

I am confident that we will get Mrs. DeVos confirmed soon. Then, thanks to former Democratic leader Harry Reid, the Democrats know they cannot block these nominees from taking office. Because of the so-called nuclear option, they reduced the voting threshold from 60 to 51, meaning that, with 52 Republicans and, hopefully, with a little help from some of our friends across the aisle, every single one of President Trump's Cabinet nominees will be confirmed. We can take that to the bank. All they can do, which is all they have done up to this point, is to slow the process down for no reason other than the fact that they can. Again, thanks to Senator Reid, all of the President's nominees will be confirmed. This type of behavior is really pretty juvenile, if you ask me, and it can't actually accomplish anything. It is a strategy in search of a goal. They have done it once, twice, three times because at the end of the day, the President will get the Cabinet that he has nominated and deserves.

After the vote tomorrow on Mrs. DeVos for Cabinet Secretary of Education, we will vote to confirm Senator Sessions, our longstanding colleague, as Attorney General. In addition to him and the Education Secretary, we have the Secretary of Health and Human Services and the Secretary of the Treasury who have key positions in the new administration.

Now, 18 days after President Trump's inauguration, he still doesn't have the help he needs in these critical posts. I believe this kind of mindless obstruction is actually irresponsible, if not downright dangerous. I know our Democratic colleagues said they confirmed General Mattis, the Secretary of Defense, and later on the Director of the CIA and, yes, they finally confirmed the Secretary of State. But the fact remains that the majority of the national security Cabinet. They run a lot of the counterterrorism efforts for the Department of Justice.
This is not only irresponsible, but this is, I believe, dangerous. It should also be an embarrassment. The American people expect their Senators and Congress to do our jobs and fulfill the duties to those who we represent. If our Democratic colleagues don’t want to support a very well-qualified nominee of the President, that is fine. That is their right, but don’t slow walk and slow down the institution of the Senate just to score some political points or to feed some of the irrational rage that you see depicted in some quarters.

Dragging this out doesn’t do any good. It won’t change the outcome, and it ill serves the American people. Let’s get these nominations done so they can be sworn in and begin their service to this new administration and, more importantly, to the American people.

In addition to our work on nominations, last week the Senate started to consider a number of measures to block a host of regulations put in place by the Obama administration during the last 6 months that President Obama was in office. Under President Obama, our country witnessed a volcanic profusion of rules and regulations that empowered unelected bureaucrats and shut out the voices of the elected representatives of the people.

The result? Job creators have less freedom to operate and innovate and are instead suffocated by more and more complex and onerous regulations.

That translates into a slower growing economy, which means less jobs and which means the American people are the ones who get hurt, directly as a result of this profusion of red tape and regulation.

According to recent reports, the 600-plus regulations issued by the Obama White House came with a $700 billion pricetag for our economy. Our economy is not even growing at 2 percent. I think this overregulation is largely responsible because this profusion of regulations hit businesses both big—they can absorb some matter of the costs—and small businesses, including local community banks that are going out of business on a daily basis because they simply can’t afford to compete and to pay for the countless lawyers to comply with all of the red tape and the mindless regulation from the previous administration.

It is not just financial services. It is health care, it is agriculture, and it is all sectors of the economy.

I am grateful that President Trump has made it clear where he stands on all of this, and he has already issued guidance requiring the government to cut regulations should it want to add more: Cut two regulations for every one you want to add. With President Trump in the White House, Congress can reverse many of the Obama regulations. That gives the American people and our anemic economic growth some relief.

Through the Congressional Review Act, Congress can review and ultimately block recent regulations handed down by the Federal Government. That is what we did last week, and that is what we are going to continue to do. We can roll back many of the Obama administration rules that are killing jobs and stifling economic growth.

On Friday, Congress passed another resolution—one I was happy to cosponsor. That was aimed at clipping away the regulatory burdens for our community banks and other financial services organizations brought on by Dodd-Frank.

I am all for transparency, but I am against laws that give advantages to foreign companies over our own. This Securities and Exchange Commission rule would have forced American companies to disclose confidential information that their foreign competitors can keep under wraps. It should go without saying that each of us want a level playing field for our domestic entrepreneurs and our international competitors aren’t suffocated by unnecessary paperwork and bureaucracy. That is part of what the American people sent us here to do. Certainly, the verdict they rendered on November 8 is that they did not want a continuation of the status quo under the previous administration. They wanted change.

It is integral to restoring our economy—the kind of change we are bringing about to restoring our economy and helping it grow for everyone.

I look forward to working with the White House and with our colleagues as we continue to find new ways to build up the American economy.

Mr. President, if I can just close on one last topic. I see some colleagues here wishing to speak. Tomorrow we will vote on the nomination of Betsy Devos to the Department of Education. The Federal Government, through the Department of Education, funds about 43 percent of all education in our country. And most of that comes from our States; that is, the funding and the regulation of education from kindergarten through the 12th grade. What this fight over this well-qualified nominee is all about is power—as so many of these fights in Washington, DC, are about—and the desire to keep power over public education in all of our States and all across the country right here inside the beltway.

I believe President Trump chose wisely, not because he chose another education bureaucrat who knows all the acronyms and knows the arcana known to people who have been brought up within that establishment. Instead, he chose an outsider, someone much like himself but someone more interested in results, rather than paying homage to and feeding the education establishment here in Washington, DC, and retaining the power over important decisions that should be handed back down to the States, down to teachers, parents, and students, as they choose how best to get to accomplish our universal goal of making sure every child has a good education.

This fight isn’t about the quality of education in our country. This fight, for those who are opposing Mrs. DeVos, is largely about whether we should retain power here in Washington, DC, so that Washington can continue to dictate to the States, parents, and teachers what policies they need to apply in our K-12 education system or whether we are going to return that power back where it should be—back into the hands of parents, parents, teachers, and local school districts.

That is what this fight is all about. That is why I am glad that tomorrow we will confirm Betsy DeVos as Secretary of Education. Listen to what the American people told us here to do. Certainly, the verdict they rendered on November 8 is that the status quo is not working for them, it is not working for our economy, and, certainly, it is not working for our education system. Each of whom deserves a good education.

Yes, Mrs. DeVos will shake things up a little bit but, more importantly, she is going to be part of this effort to return power to parents and teachers and to our local school districts. That is what this vote will be about tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise to briefly discuss a number of ongoing efforts in the early days of the 115th Congress. It is a strange time to be working on Capitol Hill, as strange as I have seen in my four decades in the Senate. That is true for a number of reasons. Let me give you an example. Republicans currently control the Senate, the House, and the White House, and are in widespread agreement about most major policy issues. Sure, there are details that need to be worked out, both on the process and the substance on things like tax reform, trade, and of course health care reform, but by and large Republicans all have the same ultimate goals for these key areas. Yet despite the overwhelming consensus that exists on most of these issues, there seems to be an obsession with advancing a narrative of a deeply divided Republican majority. According to this popular narrative, House and Senate Republicans have completely different tax reform plans in Congress oppose everything President Trump wants to do on trade, and Senate Republicans are deeply at odds on
how to press forward on repealing and replacing ObamaCare.

As chairman of the Senate committee that is right in the middle of all these issues, I get asked to comment on these matters, literally, dozens of times every day. The questions take many forms. Senator X says Congress should do “blank” with ObamaCare. What do you think? Can the House’s tax reform plan pass in the Senate? President Trump said “blank” today. Is that going to fly in your committee?

These questions may seem straightforward. However, the underlying question behind all of these lines of inquiry is: Will you publically disagree with or criticize another Republican so we can write another story about Republican divisions? Matters such as repealing and replacing ObamaCare or reforming the Tax Code are certainly important topics that are rightly under intense public scrutiny. However, given that these issues are at the heart of the legislative process—and in the early stages, the fact that there are some relatively minor differences of opinion shouldn’t be all that noteworthy. The existence of these differences in the initial stages of the process doesn’t significantly jeopardize the process as a whole. The purpose of the legislative process—particularly the process we use in the Senate—is to allow differences to be aired and worked through so, at the end of the process, consensus can be reached. Differences in some issues at the beginning of the process are to be expected. Once again, they are hardly noteworthy.

Case in point, Republicans are united in our desire to repeal and replace ObamaCare. The vast majority of us want reforms that are more patient-expected. Once again, they are hardly noteworthy.

Is that going to fly in your committee?

I have little doubt that we can work through whatever differences do exist, and, more importantly, I think we will. I am not going to speculate today on the floor about what the final process or product will look like, but I will say that at the end of the day, only 3 numbers matter: Where are the numbers of supporters we need at each step to pass an ObamaCare repeal and replacement.

At this point, given what we currently know, I strongly believe that the process I described earlier—a full repeal and a responsible transition, coupled with a sizable downpayment on replacement, followed by a committed effort to implement additional replacement policies in the coming months—will provide the forward movement in achieving those thresholds. Like I said, most Republicans in Congress agree with me.

We can discuss other ideas, and I am happy to engage in that discussion, but generally, I believe we have to be the standard by which we judge any alternatives. And while I would love to see the final product pass with even larger numbers, and even with some Democrats on board with us, those numbers do not necessarily define how much consensus is necessary.

Once again, I think we can get there, and I am continually working with colleagues in both the House and Senate to make sure we do.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor this afternoon to oppose the nomination of Betsy DeVos, President-elect Trump’s choice to be Secretary of Education. I fundamentally disagree with my colleague from Texas who said earlier that this is a fight about power and who maintains power, whether it is going to stay in Washington or whether it is going to be in our State and local communities.

In New Hampshire, we believe in local control of education. It is a bedrock principle of our public education system. This fight, today, is not about Washington versus power in the States; this is a fight about whether we are going to continue to support our public school system and our system of public higher education, or are we going to take the money out, the support out, and divert it into private and religious schools, and gut the public education system in this country?

My parents were part of the “great generation,” and they raised me in post-World War II America. They understood that the best way for my sisters and me to have opportunities for the future was to make sure we had a solid education. I benefited by going to great public schools in the State of Missouri and in the State of Pennsylvania, and I was also able to receive a quality public higher education. Without the opportunity to attend public universities in Pennsylvania and later in West Virginia and in the State of New Hampshire, I would not have been able to get a college education because my parents wouldn’t have been able to afford to send me to a private college or university, just like they wouldn’t have been able to afford to send me to public K-12 schools.

I am grateful for the public schools I attended and proud of the support my parents and so many other parents have given to public schools across America. My children and grandchildren have benefited from the great public schools in New Hampshire.

As Governor, I was proud to work with the Republican legislature to improve the public schools in the State of New Hampshire. In New Hampshire, we believe in the importance of education for all students. We were able to open the door for an additional 25,000 kids to go to public kindergarten and also to increase funding for schools in New Hampshire during my time as Governor. I learned during those experiences and also as a teacher—I taught in public schools in Dover, New Hampshire, and also in Mississippi—the close connection between quality public education and a strong, growing economy.

I taught in Mississippi in 1970. At that time, there was no requirement for young people to attend high school. So if you didn’t want to go to school, you didn’t have to. We saw the negative impact that had on economic indicators in the State of Mississippi. Since then, the State has adopted compulsory education laws. So if you didn’t want to go to high school, you had to. We saw the positive impact that had on economic indicators in the State of Mississippi. Since then, the State has adopted compulsory education laws. So if you didn’t want to go to school, you had to.

Mrs. DeVos’s record as an activist, I think, is not one that will contribute to a strong economy in this country.

As Governor, when I talked to businesses in the State of New Hampshire, one of the things they told me that they needed in order for their businesses to succeed was a skilled workforce, young people who had a good education, who could learn advanced skills on the job. They looked to communities where there was a strong system of public education.

I value public schools as one of our Nation’s bedrock civic and democratic institutions because they are the best opportunity for kids from all walks of life to get a quality education. They pass on to each new generation, including the children of immigrants, America’s shared ideals and values.

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and countless millions of dollars of her personal fortune working not to improve public schools but to privatize them, to weaken them by diverting public funds to private and religious schools. Given her past record, it makes me wonder if Mrs. DeVos, in charge of the Department of Education unless the aim is to devalue, defund, and perhaps eventually destroy our public schools, I think that is unacceptable.

In my State of New Hampshire, support for our public schools is bipartisan and it is passionate. In rural communities and small towns and our cities across the State, public schools are institutions that have strong support within our communities. They are a big part of our communities’ identities and shared experiences. Across centuries and generations in the Granite State, public schools have been at the heart of our common civic life.

I think it is not surprising that my office is inundated with letters, emails, and phone calls strongly opposing the DeVos nomination. My office has received more than 4,000 letters and emails from Granite Staters. That may not seem like a lot to somebody from the State of California, but from the State of New Hampshire, to have 4,000 letters and emails on a nomination is unheard of. And almost all of them oppose this nomination. In addition, we have received 1,405 telephone calls in opposition and only 3 in support. That is not only by the volume of constituent messages but by the intensity of their opposition.

Megan is a social studies teacher in New Hampshire. She writes:

Mrs. DeVos clearly lacks even a basic understanding of Federal education policy, laws and instructional practices. She has no relevant experience. There is just no way I would ever be certificated to instruct students in New Hampshire if I lacked as much knowledge and experience in my field. But she gets to be the nation’s chief educator? How is this good for kids?

Roger is a retired public school teacher from the central part of my State, and he writes:

Please reject DeVos because she is anti-public education in word and in practice, lacking the understanding of the public education system and having no understanding of the dreamers sitting in public schools this morning, creating their own American dreams, learning of the promise and justice that is America.

Sam from our Seacoast region writes:

It is important that we maintain a strong public school system. This is not a partisan issue. Any person, regardless of party, can see that Miss DeVos is unqualified for the position. You need to vote “no” to save our education system.

Mike from one of our university towns writes:

I am really concerned that we might have someone who lacks experience in education and with seemingly anti-public education views as our next education leader. I fear that a DeVos confirmation will only exacerbate the segregated school experiences that children have in our country. I want all students to have a fair shake at a high-quality school experience, not just those who live in wealthy communities or who have parents savvy enough to advocate on their behalf.

Many of the letters I have received are from parents who are outraged by Mrs. DeVos’s comments on the Individuals with Disabilities Education Act, which is one of the landmark civil rights laws of the 20th century. In response to a question from my colleague, Mrs. DeVos made it clear that she was unaware that that law was a Federal law and that it governs all our public schools in the United States.

IDEA ensures that children with disabilities have the opportunity to receive a free appropriate public education and that they are accommodated in our schools and classrooms, just like all other children. In her testimony, Mrs. DeVos said that decisions about how to treat students with disabilities should be left to the States. Can you imagine? What would happen in States that decide they don’t want to make sure that those students can go to school?

I received this message from Marilyn, who lives in the western part of New Hampshire. She says:

Thank you for opposing the confirmation of Betsy DeVos as Education Secretary. She is a dangerous, unqualified choice. As the parent of a daughter with Down syndrome, I fear for the future of IDEA if DeVos is in charge.

Ashley Preston, who was the Teacher of the Year in New Hampshire in 2016, wrote this to me:

If our Secretary of Education does not understand and value the importance of Federal laws such as IDEA, how can we expect states and local school districts to do that? These are the elements crucial to ensuring the best chance for our future.

Mr. President, the Department of Education has oversight not only of K-12 public schools but also higher education, including a portfolio of more than $1.2 trillion in Federal student loans. I have had the opportunity not only to teach in our K-12 schools but to work in public universities in New Hampshire and in private universities. Listening to Mrs. DeVos’s testimony, I was appalled by her lack of understanding of higher education policy. She acknowledged that neither she nor her children had ever received a Federal loan or Pell grant. And this is the woman who wants to commit to enforcing rules that ensure students are not cheated and end up with no degree but a mountain of student debt—in other words, the predication of students who went to Trump University and so many other for-profit colleges. If she refuses to say that this is something that we should support as a policy in America. I am also deeply concerned by her support for charter schools that are not accountable and her reputation as “the four-star general of the voucher movement.” I believe there is a role for charter schools. I think as we try to improve our public system of higher education, we need to look at a number of models. I voted for New Hampshire’s charter school law, but we should hold them accountable just as we hold our public schools accountable. We should ensure that they do not drain resources from public schools. The DeVos confirmation was not a mixed blessing; it was a disaster for public education.

There was a report that came out in 2013 that was done by a working group under the auspices of the Annenberg Institute for Social Reform. They uncovered similar charter school problems.

They found that there was uneven academic performance; that some of them had overly harsh discipline practices; that funding sometimes destabilized traditional schools; that there was a lack of transparency and oversight that led to conflicts of interest and, in some cases, fraud; and that many of them practiced policies that kept students out for various reasons.

Roger is a retired public school teacher from the central part of my State, and he writes:

Mrs. DeVos was one of the architects of Michigan’s first charter school law in 1993. It has been widely criticized for lacking accountability and safeguards for students. In her confirmation hearing, Mrs. DeVos refused to agree that for-profit charter schools should be held to the same standards as public schools. Just as disturbing is her support for school vouchers, which would siphon funding from public schools and divert it to private and religious schools.

Advocates of vouchers like to call it school choice, but, in practice, parents have learned that choice is not a reality. Florida, under Governor Jeb Bush, was the first state to enact a statewide voucher system, and nearly 93 percent of private and parochial schools in Florida—after that law—refused to accept any voucher students.

In New Hampshire, we have parts of the State where, if we don’t have public schools, there are no other choices for our students. I don’t care whether you have a voucher or not. You can’t drive 3 or 4 hours to get to the closest private school. So let’s be clear: Vouchers and other privatization schemes advocated by Mrs. DeVos are not about pedagogy; they are about ideology. They are all about disdain for what many voucher advocates like to call government schools. Well, what they call government schools are our public schools. They are schools that our communities have created and control locally for the education of their kids.

What Mrs. DeVos seems to understand is that quality education has nothing to do with whether a school is public or private. We have public schools in New Hampshire that can do better, and we have public schools that are world class. These same can be found in our private schools in New Hampshire. But what counts in public and private schools alike are high-quality teachers, support from parents and communities, facilities where kids can learn and be safe, rigorous academic standards, and the resources to make sure that children get the instruction they need, including individualized assistance for
kids with special needs. What counts is the political and budgetary commitment to create high-quality schools in every neighborhood, regardless of ZIP Code. Because Betsy DeVos does not understand these basic truths about education in America, because she is driven by an ideological hostility to our public schools, she is the wrong person to serve as our Secretary of Education.

I intend to vote no on the nomination of Mrs. DeVos, and I urge my colleagues on the ethics committee to oppose the Department of Education, an agency that serves over 50 million public school children across America.

Despite spending many years giving hundreds of millions of dollars to back political candidates and ballot initiatives that have proven educationally ineffective, she remains shockingly unfamiliar with Federal law and even some very basic education concepts. Educating our children is an incredibly important job, and we need someone who is educated, prepared, and qualified to lead the Department of Education.

As I have said before, Mrs. DeVos has no experience in public education at any level, not as a teacher, not as an administrator, not as a student, not as a parent, not as a school board member, and not even as a borrower of public loans for college.

Ask any parent; our children are what we hold most dear. It only makes sense that the individual whom we entrust with our children’s education should have at least some—some—experience in public education. Mrs. DeVos has absolutely no experience—I repeat, no tangible experience—with neighborhood public schools. In fact, her only experience in education is her work lobbying for the transfer of taxpayer money to private schools.

She has also pushed for the rapid expansion of charter schools without sufficient accountability to parents and to students, which brings me to her track record in my home State of Michigan. Mrs. DeVos has pushed for public voucher programs to send our public tax dollars to private schools. Her staunch advocacy for the use of taxpayer funding for private and charter school systems earned her the nickname as the “four-star general of the pro-voucher movement.”

The vast majority of children in Michigan and in the United States attend and succeed in neighborhood public schools. Voucher programs rob these children of the resources they need to receive high-quality education near where they live. Michigan voters soundly rejected her plan, and we cannot—I repeat, we cannot—put her in a position to push for voucher programs on a national scale that will weaken our neighborhood schools and will weaken, in particular, our rural schools.

Let’s support innovative models for improving our education system but only when those models are proven to work. For example, I worked hard to ensure that all children have access to the education that are vital to joining the modern workforce and competing in today’s global economy. I introduced legislation that will reduce the price tag for higher learning by allowing students to complete college-level courses while they are still in public high school.

The Making Education Affordable and Accessible Act will help students save time and money as they kickstart their careers through a very personalized curriculum. Whether an early-middle or dual and concurrent enrollment program, these models help traditional public school students save money and get ahead by earning college credits while they finish their high school education. They can be run by a local school district or an intermediate school district and are offered at little or no cost to the student. They also help students identify their major or interest area sooner so that they can complete their college degree and graduate as much as 1 year earlier. Across the State of Michigan, students are participating in more than 90 early and middle college programs, programs that are proven to significantly increase high school graduation rates.

Jobs for the Future found that, nationally, 90 percent of early college students graduate high school versus 78 percent nationally. This is just one example of the kind of innovative approaches that we need, and policy makers should support to improve education outcomes.

Education reform must be driven by data and validated outcomes and not by political ideology. Our primary focus must always be on increasing opportunities for the millions of students in our neighborhood public schools. Given Mrs. DeVos’s history of supporting policies that undermine traditional public schools and the communities they serve, I do not think she would act in the best interests of American students.

Michigan has been devoted to great public education for generations, a commitment that stretches back to even before the founding of our State. Some of our State’s earliest pioneers, including my ancestors, settled under the guidance of the Northwest Ordinance, which stated that “schools and the means of education shall forever be encouraged.” Our Nation has strived to live up to this creed ever since, honoring the fundamental truth that all of our children have the right to an education no matter who they are, where they live, how much money their parents have, or how they learn.

All levels of government—State, local and Federal—share the responsibility of ensuring that our children have access to quality education. In addition to providing significant Federal dollars to local school districts, the Federal Government plays a critical role in preventing discrimination and creating opportunity. If Federal education laws play a vital role in ensuring that all students have equal access to learning opportunities, laws like the landmark 1975 Individuals with Disabilities Education Act, or IDEA, are vital.

Before the enactment of IDEA, too many of our children with disabilities were denied the chance to learn from our broader communities. Likewise, our broader communities were denied the chance to learn from these youth and the contributions they offer to American society.

Now, thanks to IDEA, 6.5 million of our children, or 13 percent of all public school students, are not condemned to a life of isolation and accommodation. Instead, Federal law ensures that every child has access to the resources he or she needs to become productive and included members of our increasingly diverse 21st-century society.

IDEA assists public schools with offering high-quality special education and early intervention services for children with disabilities from birth to age 21. As a result, IDEA is responsible for millions of youth with disabilities graduating from high school, enrolling in college, and finding jobs as valuable participants in the American economy.

But IDEA will not enforce itself; it is the responsibility of the Department of Education and its leadership to monitor, evaluate, and provide technical assistance to States, making sure that our schools are offering learning opportunities that meet every student’s needs.

It is the responsibility of the Senate to determine whether Mrs. DeVos can carry out this task and live up to the creed of “forever encouraging” education. Unfortunately, Mrs. DeVos has demonstrated little comprehension of the Federal role in protecting students with disabilities’ equal right to an education. This became evident when she was asked directly about IDEA during her confirmation hearing, and Mrs. DeVos tried to evade the straightforward answer by saying, “I may have confused it.” Every student knows the importance of doing their homework, studying for their exams, and practicing for any class presentations in their homework. Every student knows that the answer “I may have confused it” is not a response that leads to a passing grade.

With the stakes as high as they are, it is clear that Mrs. DeVos did not do her homework. She did not study for her potential role. She did not practice for her interview with the Senate committee and, most importantly, the
American people. She has contributed millions of dollars to Republican politicians over the years and probably thought that was the only qualification that she needed. We need to prove to the American people that she is wrong.

I take my responsibility under the U.S. Constitution to provide advise and consent to the President very seriously, and I know my colleagues here in the Senate do so as well. Given Mrs. DeVos’s weak performance in her interview before the American people and her inability to demonstrate a basic understanding of key education concepts, I do not think we can give her a passing grade.

As Senators, we do not operate under a model of social promotion under which we pass an unqualified individual to a higher office simply because they showed up. Perhaps this is why Mrs. DeVos’s nomination is expected to see the most bipartisan opposition to her confirmation of all of the President’s nominations to date.

Mrs. DeVos’s response regarding IDEA during her confirmation hearing was not the only response that I found alarming. As the father of two college-age children, I am extremely concerned about ensuring that our college campuses provide safe environments where students can learn and grow.

I was shocked by a recent comprehensive report done by one school that found that over 20 percent of female undergraduates experienced unwanted sexual contact. Sadly, this problem is not confined to one school. It is a public safety and health crisis that we must immediately take action to address.

The Department of Education has taken important first steps to combat the prevalence of campus sexual assault by opening investigations in over 200 schools and publishing guidance to ensure that universities are affording students title IX protections, the freedom from discrimination on the basis of sex and freedom from sexual violence.

Mrs. DeVos apparently has a different reaction to the threats many young students face while pursuing their higher education. As we saw during her confirmation hearing, she said it is “premature” for her to say if she will choose to uphold the Department of Education’s guidance on preventing sexual violence. This is completely unacceptable to me as a Senator representing over 500,000 undergraduate students attending one of Michigan’s outstanding colleges and universities, and this is completely unacceptable to me as a father.

It is also unacceptable in the eyes of over 1,000 graduates of the same school in Michigan that Mrs. DeVos attended herself: Calvin College. Calvin College alumni from the class of 1947 to the class of 1960 sent my office an extensive petition expressing their deep concern with Mrs. DeVos’s nomination. In their letter, these alumni presented several reasons they oppose Mrs. DeVos’s confirmation. Specifically, they expressed concerns that she does not understand or support the many Federal policies—like IDEA and title IX—that she would be required to enforce. They wrote: “This is alarming given that the Individuals with Disabilities Education Act and title IX, which ensure that all students’ educational experiences are free of discrimination that impede learning, are not of value to Mrs. DeVos. She does not agree more with her fellow alumni.

My office has received over 8,000 calls in opposition to the nomination of Betsy DeVos, and I am sure my colleagues have also heard from thousands of their own constituents all across this country. The American people are making their voices heard, and they are telling the Senate that Mrs. DeVos is not the right choice to lead the Department of Education.

As Senators, we do not operate under a model of social promotion under which we pass an unqualified individual to a higher office simply because they showed up. Perhaps this is why Mrs. DeVos’s nomination is expected to see the most bipartisan opposition to her confirmation of all of the President’s nominations to date.

I will be standing with the people of Michigan, and I once again call on my colleagues to join the bipartisan opposition to Mrs. DeVos’s nomination. Our children’s future depends on it, and for their sake, please vote no.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe Betsy DeVos is going to be an excellent Secretary of Education.

NOMINATION OF JEFF SESSIONS

Mr. President, I have been fortunate enough to get to know Jeff Sessions over the past 20 years. Not only is he a colleague of Edward. I admire you, and respect, he is also one of my very best friends. I actually suffered through with him a cancer of the oral cavity a number of years ago. As a result, I have found him to be a tremendous source of support and encouragement to me. He has been a close friend and a mentor to me ever since.

Jeff Sessions was first elected to the Senate in 1996. That was 2 years after I was elected, and we have been very close friends ever since. For 20 years now, we have known each other and worked alongside each other on both the Senate Armed Services Committee and the Senate Committee on the Judiciary. Sessions has been a fierce advocate for keeping our country safe from terrorism, and he understands the risks we face.

As you know, Senator Sessions has been nominated by the President to be the next Attorney General of the United States. It is an incredible honor to be nominated to this position, and I know he will keep his word when he says he plans to uphold the laws we pass in Congress.

I will be standing with the people of Michigan, and I once again call on my colleagues to join the bipartisan opposition to Mrs. DeVos’s nomination. Our children’s future depends on it, and for their sake, please vote no.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe Betsy DeVos is going to be an excellent Secretary of Education.
State attorneys general, and many more. All of the law enforcement professionals are behind him, and there is a reason for it: It is because that is his record, and people are aware of it.

So I would like to take a minute to point out that it is cruel and unfair that people have tried to paint a picture of Senator Sessions as someone and something he is not. I think this is something that needs to be said.

The man the opposition has painted does not exist. You all know Jeff Sessions. You know that the awful things being said about him are completely false. In fact, back in 1981, the Ku Klux Klan ordered the tragic, extremely undeserved murder of a young African-American man by the name of Michael Donald. Because of Senator Sessions’s help and support, these Klan members were convicted and given either life sentences or the death penalty. That is something that needs to be said.

After the untimely death of Justice Scalia a year ago, it was clear that the Presidential election would be about the next generation or maybe even generations. With the results of the election—the Republican President and Republican Congress—the American people have entrusted us to confirm a Supreme Court Justice who will adhere to the rule of law. It is crucial to read between the lines when interpreting legislation or the Constitution. With the selection of Judge Gorsuch, I believe President Trump has picked such a Justice. The President might not know or remember, but George W. Bush nominated Judge Gorsuch to his current position, and the Senate confirmed him unanimously by voice vote. We went back and looked at the record, and no one voted against him.

The record is clear that Judge Gorsuch is qualified for the Supreme Court. He is a graduate of Columbia University, Harvard Law School, and Oxford. He clerked for Judge Sentelle of the U.S. court of appeals for the DC Circuit and for Supreme Court Justices Byron White and Anthony Kennedy, so he knows the job. There is no need for on-the-job training for him. He has been in private practice. He has been a principal deputy to the Associate Attorney General and Acting Attorney General at the U.S. Department of Justice.

Much like the Justice he has been nominated to replace, Judge Gorsuch has become known for his writing style. One of his former law clerks said that his “favorite aspect of the judge’s writing is his ability to humanize disputes.” It appears that Gorsuch has more in common with the late Justice Scalia than any judge left on the court has said that “assiduous focus on text, structure, and history is essential to the proper exercise of the judicial function.” That judicial philosophy has been borne out in his record on the Tenth Circuit.

My home State of Oklahoma is within the Tenth Circuit jurisdiction, so we know him very well. Oklahoma is the home of Hobby Lobby. Everyone is familiar with what Hobby Lobby is. A lot of people realize this, but it started out when I was in the State legislature. The Greens, who have Hobby Lobby, started out in their garage. At that time, they were putting together things that they could frame—miniature picture frames and the type of thing. With a loan of $600, David and Barbara Green began making miniature picture frames.

Today, Hobby Lobby is the largest privately owned arts and crafts store in the world, with over 700 stores in all 50 states. They are people of faith, and when they were facing fines under Obamacare for not providing certain insurance coverage that violated their faith, they were faced with an impossible choice. They took it to court, risking millions of personal dollars in doing so.

In siding with Hobby Lobby against ObamaCare’s contraceptive mandate, Judge Gorsuch stressed the point that it is not for a court to decide whether the owners’ religious convictions are correct or consistent, but instead the court’s role is “only to protect the exercise of faith,” and the Supreme Court agreed.

Judge Gorsuch defended the religious beliefs of the Little Sisters of the Poor in his dissent of the Tenth Circuit’s refusal to rehear their case against the Obama administration regarding the same mandate that Hobby Lobby was contesting.

Time and again, Judge Gorsuch has defended religious expressions in public space. In addition to defending the First Amendment protections regarding the free exercise of religion, he is critical of the idea that agencies should be given a wide latitude when interpreting statutory language. In a recent opinion, Judge Gorsuch suggested that the precedent of the judiciary to give deference to agencies on interpretative limitations limits the courts when reviewing the legality of agency actions. Gorsuch believes it is for Congress to write the laws, the executive to carry them out, and the judiciary to interpret them, just as our Founding Fathers intended.

I look forward to working with my colleagues to move Judge Gorsuch’s nomination forward. He is going to be confirmed, and he will make a great Justice of the U.S. Supreme Court. With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, before my colleague from Oklahoma leaves the floor, we disagree on this current debate in terms of voting. I just have to say when I see him that I constantly thank him for his efforts last year to work with us for the community of Flint. We are finding some hope in terms of replacing and addressing the lead contamination, and without the distinguished Senator from Oklahoma, that literally would not have happened. We have things we disagree on and agree on, and this one—considering the families of Flint, particularly with the children and the water impacts—he will always have a warm place in the hearts of all of us who care deeply about that issue.

I thank my colleague very much.

Mr. President, I want to speak today about the nomination of Betsy DeVos. Betsy Devos’s nomination is very personal to many people who live in Michigan because Betsy DeVos is from Michigan, and her vision of education and her actions have unfortunately played a major role in undermining our public schools.

Families all across our State can tell the story of her work with Michigan
schools firsthand because they have seen it firsthand. They have lived it firsthand. They all say the same thing. Democrats, Republicans, Independents, people who live in cities that are big and small, parents and teachers, principals, and community leaders from across the country—overwhelmingly, they have told me that Betsy DeVos should not be our next Secretary of Education.

Everywhere I go, I can’t believe how people will stop me about this and how strongly they feel in Michigan about this. They are saying this because, among other things, she has pushed for policies that have made charter schools in Michigan less accountable and has taken dollars away from public schools where the vast majority of children get their education. These are policies that have hurt our children and put their futures at risk.

I have received so many emails and phone calls from people involved every which way: at the grocery store, out at public events, people come up to me. I just want to share a couple of e-mails.

Chris is a teacher from Harper Woods and worked as a teacher in the Detroit public schools for over 20 years. He wrote: ‘I believe in high-quality schools. I believe in school privatization and vouchers. She has worked to undermine efforts to regulate Michigan charters, even when they clearly fail. The marketplace solutions of DeVos will destroy our democratically governed community schools. Her hostility toward public education disqualifies her.’

Those were Chris’s comments.

In Michigan last year, State legislators put together a bipartisan plan, and our State legislature—House and Senate—majority is Republican. They put together a bipartisan plan to increase both funding and accountability for Detroit public schools.

There are a lot of wonderful things happening in Detroit. Businesses are coming back to Detroit, and economic development is also, but we have major work to do for our children and their schools. So there was a huge bipartisan effort that came together to increase funding and accountability for the public schools, including charter schools.

It was a commonsense proposal. Betsy DeVos led the effort to stop it, particularly the part that brought critically needed public accountability for for-profit charter schools.

Unfortunately, right now in Michigan we have a system where anyone can apply to open a charter school. There are no statewide standards for revoking the charter, and taxpayer money is sent to them with virtually no public disclosure requirement. For example, we have for-profit charter management companies that say they are private businesses; therefore, even though they are getting public money, they say they are private businesses and do not have to comply with a series of disclosure requirements regarding teachers and other information that, frankly, parents would want to know and taxpayers have a right to know.

Thirty-eight percent of charters in Michigan are at the bottom 25 percent of the schools in our State. When you look at the bottom one-fourth, 38 percent of the schools fall in that category, and there is unfortunately very little accountability for their performance.

Sadly, precious taxpayer dollars have been taken away from public schools—neighborhood schools—to fund these charters. When it comes to funding for public schools, she will not commit to protecting the critical Federal dollars that serve our children.

One mom, Hillary Young from Detroit, came to Washington to watch the confirmation hearing on Betsy DeVos in the HELP Committee. She wrote to me. She said that she was not impressed and told a group of parents afterwards: As a parent I can’t stand silently and watch other children be subjected. She went on to say: ‘I have a child in Detroit. My sixth grader was without a math teacher for over half the year last year because of funding reductions. The effect of DeVos’s policies is not parents voting with their feet. It is parents having to go to better schools for special needs. My own son was not allowed to go to the public school of his choice. One of the things that at the end of the day I have to say is this child is at risk.’

She goes on to say: ‘We are going to have charter schools on public money. I think it’s important to say that we have a strong free market system, and that is a good thing. It is open, and if they don’t work for educating our children better, they have to compete, and if they don’t do well, then they should go away completely. That is a good thing.’

People like Kathleen, who is a farmer and a grandmother from Farmington Hills, wrote to me: ‘We have 15 grandchildren who are in the public school system, and we are terrified that there will be no more public schools and that the quality will be far inferior to charter schools. We have been taking dollars away from public schools—everyone can’t afford losers when it comes to something as basic as fundamental education.’

I support having choices. I support magnet schools and public charters—I did that as a State Senator—as well as other choices that are great opportunities for children to compete. It is a test case, and we can’t afford losers when it comes to something as basic as fundamental education. I support the quality of our system, the public process, and only if they are in addition to quality neighborhood schools in every neighborhood and in every ZIP Code.

I am deeply concerned about what we heard in committee about her views on special education. I support the right to know. I support that. Business is open. They compete, and if they don’t do well, then they should go away completely. That is a good thing.

Betsy DeVos’s record of working against the vision of accountability and standards and choice within a system where every child has a quality neighborhood school, their neighborhood in every ZIP Code. She has worked against that vision. She doesn’t believe in it. We have fundamental differences in what will help our children
for the future. That is why I will be voting no on her confirmation.

Thank you.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I wish to thank my friend the Senator from Michigan for her comments and her views on this nominee.

I rise today to add my voice to those expressing concern about the nomination of Betsy DeVos to serve as U.S. Secretary of Education. The chorus of concerns not only comes from those colleagues who have already come to the floor last week or earlier today or throughout the evening and into tomorrow morning, but it also comes from literally tens of thousands of my constituents who have contacted me about Mrs. DeVos.

I have been flooded with phone calls, emails, and social media messages from Virginians all across the Commonwealth, in many ways. In numerical terms, that is in numbers that I have been associated with in that job for how we were preparing our students for success in college and in the workforce. I took that responsibility very personally.

As somebody who attended good public schools all of my life, as somebody who was lucky enough to be the first in my family to graduate from college, I realized that I wouldn't have been able to have been Governor or, for that matter, obviously, Senator without that foundation I received from my education. Those public schools—and I had the opportunity to go to public schools in three different States growing up, and many of those public school teachers were the folks who framed my views about government, about our system, about how we actually get through life. I believe in many ways public schools and the whole notion of public education really form the cornerstone of what we stand for as a nation—and getting that basic public education is the right of all individuals.

When I think back on everything I was able to accomplish as Virginia's Governor, the validation I valued the most was that when I left the Governor's office in 2006, Virginia was consistently ranked by independent validators as the Nation's best State for a lifetime of educational opportunity from pre-K to college and beyond.

So I am committed to reforming and looking at how we can make sure our public education can work for all, as someone who spent a career before in business and tried working in a philanthropic sense on how we could expand educational opportunities, I believe I bring some experience to this debate. That is why I stand here today unable to support the nomination of Betsy DeVos to serve as Secretary of Education.

To put it simply, Mrs. DeVos's single-minded focus on charter schools, on vouchers, and on converting Federal education dollars into a different program is simply out of step with the values that I hold as a public servant for the Commonwealth of Virginia. Let me make clear that I have supported public charter schools. I believe they are a tool that ought to be in the toolkit. I have taken on those forces who stand for simply no reform in education. But I am unconvinced that Mrs. DeVos's complete setting of different priorities at the Federal level is in the best interest of our students, our teachers, or our public schools. That is exactly what I have seen as I have been hearing from constituents all over the State, and I would like to very briefly share some of those concerns I have heard.

Laura from my hometown of Alexandria writes this: "While many . . . President's cabinet picks worry me, none worry me more than Betsy DeVos for Secretary of Education.

She says:

I come from rural Appalachia, where [I] worked as was school in one of the poorest counties in the country, but that didn't stop me from ending up here in Northern Virginia working for the intelligence community.

In areas like my hometown, where public schools are the only option, they become the lifeblood of a community. . . . On limited resources, our high school had to get creative about how to provide for the students, often partnering with the local university. But shutting the school down in favor of charters, or adding a for-profit alternative, definitely wasn't an option in my low-income area.

Another letter from a school administrator from the Shenandoah Valley says this:

At her confirmation hearing it was quite clear she had no knowledge of instruction, curriculum, federal programs and—most disturbing—had no understanding of the federal laws that are in place to protect children with disabilities.

It is a serious business to educate children, and the consequences are huge if we do it wrong.

Another comment—and again, these are just samples of thousands—is from Olivia, a teacher in Williamsburg, who shared this:

I see so much potential in my students every day, and I feel very energetic as a young teacher about the opportunities that I know our public schools are providing already—and are capable of providing in the future.

She said:

I am concerned for my LGBT students, low-income students, and for the future of myself and my colleagues as public school educators trying to do good for our students.

I have received thousands of similar heartfelt messages from every corner of Virginia. I welcome this level of public attention and citizen engagement.

Sometimes, as the President's nominees have come forward, I voted for many of them, much to the consternation of some folks. But it is my job to weigh, regardless of that public opinion, what I think is best for students in Virginia, and that matter, students across the country.

With this outpouring from teachers, parents, students, administrators, civil rights groups, charter school proponents and opponents, and from both sides of the political aisle, I believe it does weigh. That is what I have done. I have listened to my constituents, but more importantly, I have listened to Mrs. DeVos's own words before the Senate HELP Committee, and let me say that I still have a lot of unresolved questions after reviewing Mrs. DeVos's testimony.

For starters, Mrs. DeVos did not demonstrate that she understood the Individuals With Disabilities Education Act, IDEA. It is my understanding that it is actually a Federal law passed by Congress and signed by President George H.W. Bush, contrary to the impression Mrs. DeVos seemed to have at her confirmation hearing, saying that something complying with IDEA was simply a voluntary measure. That is not right, it is not the law, and, boy oh boy, did that frighten a whole lot of parents whose kids have special needs and without IDEA, would not have those needs met. They are concerned that Mrs. DeVos's seeming lack of familiarity with IDEA is indicative of how, if confirmed, her Department of Education would fail to protect the rights of these children—and every child—toward a free and appropriate public education that allows even kids with special needs to flourish.

Another area under the Department of Education's jurisdiction where I have concerns about Mrs. DeVos's commitment and level of understanding is the issue of sexual assault and enforcement. Since 2014, I have been proud to support bipartisan legislation led by my colleagues, Senator Gillibrand and Senator McCaskill, the Campus Accountability and Safety Act. At the end of last Congress, this legislation had the support of more than one-third of the U.S. Senate, as well as a broad coalition of advocacy groups, law enforcement organizations, and many of our leading colleges and universities. The Department of Education's own Office of Civil Rights has also played a very important role in initiating and in conducting title IX investigations. So you can understand why so many folks, including myself, were concerned when Mrs. DeVos did not demonstrate any depth of knowledge about the difference of opinion surrounding particular policy issues related to campus sexual assault.

Similarly, when asked about a basic priority of the administration related to measuring student achievement, Mrs. DeVos was not able to articulate an understanding of the difference between growth and proficiency.
In the same vein—and while this has become the subject of late night comedy, I think it is a very serious matter—Mrs. DeVos was not able to clearly express her understanding or her commitment to enforcing the Gun-Free Schools Zones Act, which, again, is Federal legislation signed by President Bush, where compliance is not optional.

These are fundamental tenets of Federal education policy, not some obscure metrics, not small bills that languish in committee, but core principles. These are the principles and cornerstones of Federal education civil rights policy, and they cannot be more central to the Secretary of Education’s core responsibilities of safeguarding students’ civil rights and safety.

For all of those reasons and others, I am not able to support Mrs. DeVos’s nomination to be Secretary of Education.

I know the Presiding Officer has had to hear a number of these comments. I hope that if she is not confirmed, the President will send down an Education Secretary nominee who brings more mainstream views to this very important issue. There are those of us, like me, who are all for education reform, but it has to be led by someone who will always put the needs of our kids first, and making sure they get a fair and appropriate education is guaranteed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I am deeply disappointed by the qualifications of President Trump’s nominee to be the leader of our Department of Education. Betsy DeVos has clearly shown a disregard—even a hostility—of the public school system. As someone who grew up going to public schools, who is sending my own children to public schools, who is committed to ensuring that every student has access to quality education, regardless of their background or their ZIP code, regardless of their ethnicity or their religion, and regardless of their gender or sexual orientation, we have considered to date. Never has an Education Secretary nomination received so much attention and opposition.

I stand with the thousands of parents, teachers, and students of New Mexico in fighting for confirmation.

Simply put, education is too important to New Mexico children and our State’s economy to have a Secretary of Education not fully invested in the success of our public schools.

As someone who grew up going to public school, who is sending my own kids to public schools, I am deeply troubled by Betsy DeVos’s record on privatization, which goes well beyond simply voicing support for vouchers and charter schools. Mrs. DeVos has been a key player in the well-funded effort to privatize and siphon funds away from public education, and she has time and again undermined the teachers we all rely upon.

It appears as though Betsy DeVos’s most notable experience in education is spending her career and her fortune advocating for policies that divert public tax dollars away from public schools and into private schools. I cannot support a nominee who wants to weaken the kinds of public schools that so many New Mexicans rely on.

The privatization policies pushed by Mrs. DeVos would be especially dam-

aging to rural New Mexico, where there are few options to begin with. It is not uncommon for students to travel more than an hour to get to and from school in those parts of the State. School administrators often wear multiple hats, running the after-school program or driving the local schools. In rural areas in my home State, the public school is often the only choice, and there simply aren’t enough students to support the kinds of for-profit private schools that Mrs. DeVos wants to replace them with.

Having a Secretary of Education who has spent her entire career pushing a privatization agenda is not reassuring to New Mexicans and is at odds with the values of the students and families across my State.

Further, I do not believe that Mrs. DeVos understands the Federal Government’s trust responsibility in serving Native American students. Given Mrs. DeVos’s rushed nomination hearing in the HELP Committee, Senators were given very little opportunity to question her about her understanding of tribal issues and impact aid. So I am concerned that she will push her privatization agenda in these areas as well.

For example, the Zuni Public School District is a small rural district in Western New Mexico. Earlier this week, their school board sent me a letter requesting that I oppose Mrs. DeVos’s nomination. I want to take a moment and read a few passage from this letter:

The beauty of the United States public school system, unlike many in the rest of the world is that we take everyone who walks through our doors and love every child who sits in our desks, without question. This Board therefore stands by all of our students, no matter what color or ethnicity, regardless of their creed; every child who identifies on the spectrum of L.G.B.T, or Q; every child with either a physical or learning disability, or every child who speaks a second language; every immigrant child as well as every Native American child who can trace their lineage in this land back thousands of years; every child who sees their education as the bridge between their most ardent dreams and their most hopeful futures.

These are powerful words that I fully support, and I thank the Zuni Public School District for speaking out on this matter. We should all be concerned.

Mr. President, I ask unanimous consent that I be allowed to read a letter from the Zuni Public School District be printed in the RECORD at the conclusion of my remarks.

During her nomination hearing, Mrs. DeVos demonstrated over and over that she neither understands basic education issues, and she failed to commit to uphold the responsibilities of the Secretary of Education to support public schools. Given that Mrs. DeVos has no relevant experience as a teacher or school administrator, we should be asking her to enforce key protections under title IX, under IDEA, and under other civil rights laws. In particular, Mrs. DeVos’s lack of commitment to the Office of Civil Rights within the Department of Education, combined with the fact that she and her family have donated enormous sums of money to organizations that are anti-LGBTQ, anti-women’s rights, and anti-Muslim, is simply troubling.

The mission of the Office of Civil Rights is to ensure equal access to education and to promote educational excellence throughout the Nation with vigorous enforcement of civil rights. During her nomination hearing, Mrs. DeVos would not commit to continuing the Office’s policies that are making our college campuses safer by focusing on prevention and response to sexual assault. In fact, she has donated money to organizations that actually make it harder to prosecute sexual assault on our college campuses. As amazing as that sounds, it is true.

If my Republican colleagues rubber-stamp this nominee, they will confirm a Secretary of Education who doesn’t believe in women who will unravel rural education, and who has even worked to make it harder to protect women against sexual assault on college campuses. I believe that we have a moral imperative to ensure that all students have equal protections while attending school. Mrs. DeVos will be a massive step in the wrong direction.

As the members of the Zuni Pueblo wrote to me in their letter, “our children are our most sacred gifts.” This is what we are voting on with this confirmation.

We need an Education Secretary who is committed to upholding these principles. We need an Education Secretary who is committed to ensuring that every student has access to quality education, regardless of their background or their ZIP code, regardless of their ethnicity or their religion, and regardless of their gender or sexual orientation.

In the last few weeks, my office has fielded thousands of calls and letters asking me to oppose this nomination. I have heard from more than 8,000 constituents on this one topic alone, many of whom called as parents, teachers, and some as students. That is more than any other Trump nominee whom we have considered to date. Never has an Education Secretary nomination received so much attention and opposition.

I stand with the thousands of parents, teachers, and students across the country, and in my home State of New Mexico, fighting to stop this nomination. I urge my colleagues to join me in voting no.

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

ZUNI PUBLIC SCHOOL DISTRICT #89,
12 TWIN BUTTES DR., ZUNI, NM


TO OUR HONORABLE REPRESENTATIVES: We, the Board of Education of Zuni Public School District, ask you to add
your support as we stand in opposition to the appointment of Betsy DeVos as United States Secretary of Education on the following grounds:

During her confirmation hearing, Mrs. DeVos demonstrated that she was woefully ill-equipped to head the Department of Education. After attending a public school, never taught or administered in a public school, and her children have never attended a public school. She does not hold any degree of education, nor is she in theory, administration, or practice. She has a documented history of promoting a charter and voucher based system that she supported in her home state of Michigan, diverting funding and support away from public education and deserving children. Furthermore, when questioned in her hearing, Mrs. DeVos was unable to explain the difference between growth and proficiency, nor was she familiar with the federal law behind IDEA, two essential and basic aspects of education. As well, Mrs. DeVos advocated in her hearing to allow the presence of guns in schools during an era of rampant mass violence based primarily to see literacy in the American Charter. DeVos has also publicly stated that she sees education as a way to further proselytize for the Christian faith, which would constitute a violation of the Constitutional separation of Church and State in public schools as it would in all federal institutions.

Our Zuni Board of Education in a small community in a western pocket of rural New Mexico. We are neither a rich district nor one that wields a great deal of political influence. What this record does represent is a rich indigenous tradition and culture that holds high the ideals of hard-work, humility, and integrity. We are an agricultural, peace-loving society that has lived in this land since time immemorial.

Yet our memory is long. We remember the era during which education was combined with religion to be used as a weapon against the Native peoples of this great nation. We know the trauma such action has caused to reverberate through generations of good, decent Americans We also know the resilience of those same people who, despite the infliction of weaponized education, have come today to see literacy as their American birthright, and to crave that sacred American Dream for which we are all Constitutional entitled to strive. This is a living medium that must not be undone through the dissolution of the separation of church and state, one that we must nurture and safeguard for all American children.

We are reminded during this time that, as you do, we hold publicly-elected positions designed to represent a broad spectrum of constituent. The beauty of the United States public school system, unlike many in the rest of the world, is that we take everyone who walks through our doors and love every child who sits in our desks, without question. This Board therefore stands by all our students, no matter what color or ethnic origin we come from, that must not be undone through the dissolution of the separation of church and state, and one that we must nurse and safeguard for all American children.

And we, the Board of Education in Zuni Public School District, stand by the teachers, aides, administrators, counselors, liaisons, nurses, secretaries, custodians, cooks, and bus drivers who make their work participate in the painstaking and deeply patriotic act of ensuring equitable access to education for all of our students. It is through the diligence and sacrifice of such citizens that this nation is able to deliver unto each new generation of American a passport to the possibility of American success.

The children, families and hard-working faculties and staff of the American public school system deserve a Secretary of the Department of Education who is most emphatically qualified in education and experience, to advocate for all Americans: diverse, complex, and brilliant citizens; to work toward the most equitable education for all; and to uphold this cornerstone of our democratic republic.

It is for these reasons that the Zuni Public School District Board of Education respectfully requests your most passionate and vocal support in opposing the appointment of Mrs. Betsy DeVos. We also ask that you look toward the educational professionals working within the public school system to fill this highest position in the field.

E-k'wa! (Thank you for your representation.

ZUNI BOARD OF EDUCATION:
MS. BERNADETTE PANTEAH,
Board President
MR. JEROME HASKIE,
Vice Board President
MS. STEPANIE VICE AND,
Director
MS. MARIKA SWEETWYNE,
Assistant Director
MR. BERNADETTE PANTEAH,
Member
MS. SHERRY CHIMONY,
Member
MR. HEINRICH. 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. MANCHIN. 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. MANCHIN. Mr. President, I rise to express my concern with the nomination of Betsy DeVos as the Secretary of Education.

The State of West Virginia is a State made up of a lot of small towns. We don't have any way that you call large metropolitan areas. We are an urban rural State. For many communities in West Virginia, our schools are more than just classrooms, teachers, and textbooks. Our children learn more in their public school than reading, writing, and arithmetic. They are the heart of the community and a home away from home for most of them. They are a safe place to stay after school where no harm will come to them. They are the place where you have a hard time believing she has the qualifications to be the Secretary of Education. I believe in local control of education and also that strong public schools are vital to our State's future.

Education is local. Each one of our 55 counties is responsible for the financing of the schools. If the counties do not have the sufficient funds, we have to call a school aid formula that basically offsets that so that every child in West Virginia will get a quality education.

In my State, charter schools and school vouchers would pull already limited public funds and resources from the schools, students, and teachers who need them the most and would probably be harmed.

There are some towns in West Virginia with only one school—one school only—or where students have to travel for more than an hour on a bus to get to the school that has been consolidated. Voucher policies would be completely unfair. There is no place for us to have the funding we need.

In areas where there are a few private schools in my State, a voucher program would have devastating effects on our public school children. The limited dollars that we do have, if you deviate that money whatsoever, then basically you are going to have the strain on the public system that will not be able to pick it up in the rural areas. There is no other way for us to have the funding we need.

Vouchers will siphon public funding away from our public schools, causing them to have to cut resources like teachers, advanced coursework, and special programs. They often do not pay the entire cost of attendance at a private school, making them unusable by low-income students and families.

Vouchers also can strip students with disabilities and their families of their rights under the Individuals with Disabilities Education Act. The most troubling part of that hearing, if you watched it or saw any parts of it, was the lack of understanding that every child deserves Education. No matter what his or her disabilities may be. That is a responsibility we have as Americans.

With that, if you have never been in a public school setting, you have never attended a public school yourself and have always been privately schooled, your children have never attended a public school and have always either been privately schooled or home schooled, you have probably never been in a school where you have seen a disabled child trying to get the opportunities that other children have, with a special aide who is working with them. You can say that is a waste of resources. I guess you could say that if it wasn't somebody you knew, it would be easy to say that. But just the empathy you would have—it would be hard for a person to understand that. I believe that is a compelling reason to make me take the time believing she has the qualifications to be the Secretary of Education.
Another thing—never to be in a PTA meeting where you have problems with schools. You might have problems with the bus and transportation. You might have problems with extracurricular activities or lunch programs or a routine study program, where you can sit down with the students and work through these programs. That is something that is hard for most of us in West Virginia to ever conceive, that you could never be in that position and never have that experience in life. I believe classroom teachers, who work with our students’ needs better than someone who never attended or worked in the public school system.

Many West Virginians have called and written to me expressing their concern about Mrs. DeVos. I have a letter I want to read from Diane from Marion County, my home county. We have hundreds of letters that have come in. Diane writes:

I am asking you to vote against the confirmation of Mrs. Betsy DeVos as Secretary of Education. As an educator with 44 years of experience in public schools, I recognize we have many issues, but I also know we do much that is right for children. Education is not simply teach core content. We know that children can only thrive if their social, emotional and physical needs are met. The whole child is now the focus of every teacher, and teaching has become a very difficult but a very rewarding job.

Educators need and DESERVE a Secretary of Education that knows and understands the tremendous responsibility each of us has accepted. We do not have the time to get the leader “in step” with us. We need and DESERVE someone who understands our policies can impact what we are able to do for our children. . . . We need and DESERVE someone who understands the value of academic growth versus proficiency. We need and DESERVE someone who understands how important it is to send food home in backpacks because our children will not eat during the holiday break.

I want to stop there and give you a personal experience. When I was Governor of the State of West Virginia, I would go around to the schools. The school would tell me what was going on in the community. I would always go to the school where they really needed the pulse of the school. This was May, and school was getting ready to let out for the summer. One of the cooks was crying in the kitchen. I couldn’t figure out what was wrong. I went back and tried to console her and talk to her. I said: Can you explain why you are so upset? You are just about out for the summer.

She said: I know these little kids aren’t going to eat much this summer. She and cook through the summer, have all year so the kids would have nutrition. That tells you what we are dealing with in an awful lot of rural settings.

We need and DESERVE a leader who knows the teacher utilizes her own personal funds to buy pencils, paper, classroom supplies and instructional materials for our students because the budget for what the DESERVE is not given to us. That is the strain we already have on the system now. If you put any more strain on that by taking funds away makes it almost impossible. My request is not politically motivated—my request for you to vote against Mrs. DeVos is about the teachers I work with in Marion County and across WV. One of the pillars of a great civilization is education. Although the American system of education is not perfect, we are still envied by many nations.

Education is a hope for children of poverty as well as those who have economic security. Please encourage President Trump to seek out a former or current state superintendent of education or a chancellor of higher education to walk in step with us as we make a brighter future for our children.

During her hearing, Mrs. DeVos demonstrated a lack of knowledge about the basic issues in public education, including the debate about how best to measure student progress. She also did not appear to have a solid understanding about the amount of student loan debt in this country, which is now the second-largest source of consumer debt in the U.S., surpassed only by home mortgages.

Not only does she lack the institutional knowledge, but she has no personal or family experience with the student loan system or any experience working in public education. She only would be in charge of as Secretary of Education. This leads me to believe that she would be unable to run the program effectively and efficiently.

We have said and spoke to other people about— if we understand and I think most of us have been in Washington long enough to understand how the system works. Even though the person would have the greatest of intent, the most honorable of intent, wanting to do a balanced job, if they never had the experience and they are charged with setting up programs that are supposed to incentivize schools, school districts, States, those programs are not going to lean to where they have no knowledge; they have the knowledge where they have the most knowledge and in a direction of the policies they believe in. With that being said, incentives would go in that direction. When the incentives go in that direction, it pulls further resources away from a rural public education system.

At her hearing, Mrs. DeVos failed to recognize that the Individuals with Disabilities Education Act is a Federal law protecting access for individuals with disabilities to a decent public education and that she would be in charge of ensuring that the school implemented the act. No child should ever be denied access to the same public education because they suffer from a disability. As both a Governor and a father, I can never look a parent in the eyes and tell them their child cannot get the same education as another child simply because they suffer from a disability and it would be too costly for us to do so.

West Virginians need an Education Secretary who has an understanding of the needs of all children, including those with disabilities, and is committed to ensuring they receive a quality education. A strong education is the building block for success for every child and the foundation for our country’s long-term economic strength. We need an Education Secretary that understands the challenges that students, teachers, and schools in rural areas face.

Betsy DeVos has spent her career working in the private school system, not investing in and improving the public school system. Much of the policies that Mrs. DeVos supports would divert public funds to private schools—whether it was intentional or not—strip accountability from these schools, and significantly harm the public school system in my little State of West Virginia, which is all we have.

It is difficult to speak—and I try not to make it personal because I don’t believe in the toxic rhetoric that goes on sometimes in this room, and it shouldn’t be in this this chamber. Because you have the power, they are all in this room. We have the flexibility. They are saying: Well, we will give you flexibility. We need the support from Washington to have the flexibility to make sure the children of West Virginia have the same opportunities that a child in Pittsburgh, PA, might have in a larger school district, one in a metropolitan area that could afford—because you don’t have all the travel and everything else that is involved—to have a charter school.

In my State, even the legislature couldn’t. They looked at charter and voucher systems, and they couldn’t find a pathway forward because of the limited funding amount. Much of the funding would divert. If there is no more funding going into it, that means you have to cut the pie more. They were concerned about even going in this direction. My legislature, in the last 2 years, has flipped completely to a Republican majority in both the House and Senate. They are all good people, well-intended. They are looking at all these different avenues, but at the end of the day, you have to take care of those whom you are responsible for. In rural West Virginia, that is a child who might have to ride 1 hour just to go to school. I don’t know where you would put a charter school. I don’t know where, with the voucher system, you could send him.

The problem in deficiencies, that is basically the responsibility of the county and the community. It is the responsibility of the parents and guardians to be involved. It is a responsibility for all of us to speak up. I guess that we are ways go in one direction, and that is the flexibility. They are saying: Well, we will give you flexibility. We need the support from Washington to have the flexibility to make sure the children of West Virginia have the same opportunities that a child in Pittsburgh, PA, might have in a larger school district, one in a metropolitan area that could afford—because you don’t have all the travel and everything else that is involved—to have a charter school.

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is able to drive them or take them to a special school; they are all going to be left, so-called, behind.

It is just not who we are in West Virginia. I ask for your consideration that maybe we can find a Secretary who has the experience, understanding and has the real-life experience who might have attended a public school themselves. I am a product—I am sure you are a product of public schools. We are a product of the public school system, probably, more than likely, rural public schools. We did pretty well with them. People cared. We had to give a little bit and make some sacrifices, and we did that. The bottom line was that there were no options. We made the best out of what we had. These kids aren’t going to have options. The majority of kids in West Virginia or Oklahoma will not have those options. You better make sure that school system you have, a public school in a rural setting, is giving that child the opportunity that he and she can excel. Who knows, maybe one day they will be sitting in my seat or your seat. I hope so.

With that, I say I must oppose her achieving the Secretary position that President Trump has nominated her for, with all due respect. I think I stated my reasons for that. I would hope that people understand our rural public schools truly need a champion. We need that champion to really step forward and fight for all up. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I am here this afternoon to stand up to one of the most dangerous nominees in President Trump’s Cabinet of Big Oil, big banks and big billionaires who are going to be populating the Cabinet of the United States.

The Secretary of Education is responsible for a budget that includes $36 billion for education, $150 billion for higher education. This nominee, Betsy DeVos, would be the Secretary of Education. Betsy DeVos has a long and well-documented record of opposing public schools. She has simultaneously expanded and deregulated charter schools. In Massachusetts, we recognize that education is a passport to the job opportunities of the 21st century. Massachusetts students at the 4th, 8th, and 10th grades are No. 1 in America in math, verbal, and science. We are No. 1 in math, verbal, and science, 4th, 8th, and 10th graders were a country, we would be second behind Singapore in reading for the whole planet. That is Massachusetts.

We have a very high percentage of our students lives in our own State. I live in Malden. Malden is a city of 60,000 people. Malden High School, 2016 graduation class, 28 percent White, 25 percent Asian, 24 percent Latino, 23 percent Black, 1 percent Pacific Islander. What is our goal? Our goal in Malden—our goal in Massachusetts—is to be No. 1. No. 1, not just in the United States but No. 1 in the world. We know you can do it if you make a commitment to these kids.

It is not just our traditional public schools that have been pushed by charter schools, our private schools, our preparatory schools that are enormously successful. Many of them are world famous, these high schools. People send their children from around the country to go to those schools.

The success of our public charter schools is largely due to very strong accountability measures brought about through State regulations and rigorous oversight. That is the key to our charter schools accountability. It is oversight. It should not be draining money out of the charter school system for profits for private corporations. It has to be invested in the kids, but Betsy DeVos wants charter schools to have less accountability and has fought to keep charter schools unregulated across Michigan.

When the Michigan State Legislature introduced a bipartisan bill that would have expanded oversight of charter schools in Michigan. She and her family donated $1.45 million to State legislators in order to strip the helpful oversight accountability language out of the bill. That works out to $25,000 a day over the 7-week period the bill was being debated. Betsy DeVos and her unlimited funding ultimately succeeded in blocking the commonsense accountability legislation. The students and families of Detroit were denied the key protections in oversight that the bill was seeking.

Betsy DeVos’s school choice priorities go beyond expanding and deregulating charter schools. She has pushed for voucher programs that would use taxpayer money, your money, to pay for a child’s private school tuition. Under a national voucher system, the funding that would normally go to local school districts would instead be diverted away from public schools toward-for-profit, private institutions. In addition to the private schools that benefit from these vouchers, 80 percent of the charter schools in Michigan are run by for-profit companies, a much higher percentage than any other State. These companies are focused first and foremost on making money. We don’t allow this to happen in Massachusetts. We have only one goal, and that is to be No. 1.

That money must stay in the schools system, especially if you are trying to educate a minority population, which is the future workforce of our country. That is key. They don’t come from the traditional backgrounds in many circumstances. The Secretary of Education must fight for all children and families, not promote companies seeking to profit off the backs of our students.

Despite spending $5.6 million on a campaign to promote school vouchers, the DeVos family failed to amend the Michigan State constitution. If Betsy DeVos is allowed to expand her school choice policies across the United States, it would be devastating for our students and for the future of our country. Her ideas are too extreme. They will not work for our students or for school districts in our Nation.

I also share serious concerns that Betsy DeVos will support all students in America. The Individuals with Disabilities Education Act is the primary Federal law that ensures that all students in every State have access to a free and appropriate public education. In Massachusetts, we recognize that education must fight for all children and families, not promote companies seeking to profit off the backs of our students.

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Not even Michigan—the State where DeVos and her family money have tried to exert the most influence over education policy—has implemented a state-wide voucher system. Despite spending $5.6 million on a campaign to promote school vouchers, the DeVos family failed to amend the Michigan State constitution. If Betsy DeVos is allowed to expand her school choice policies across the United States, it would be devastating for our students and for the future of our country. Her ideas are too extreme. They will not work for our students or for school districts in our Nation.

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not in our high schools. I am proud to have stood with Senators Chris Murphy and Richard Blumenthal on the floor of the Senate for 15 hours calling for congressional action on commonsense gun safety legislation. As a Senator, the safety and security of Massachusetts neighborhoods and communities are my top priority.

Our Secretary of Education has the safety of every student in every State in his or her hands, and I do not believe Betsy DeVos is up to that job. I do not stand alone in this conclusion that Betsy DeVos is unfit to be Secretary of Education. I received tens of thousands of letters and phone calls from constituents all across Massachusetts urging me to reject her nomination. These come from teachers, parents, students, and community members who agree with their concerns. All children deserve that standard. So, from my perspective, you cannot have a more fundamental issue before us, this privatization of the public school system in America, the voucherization of our public school system in America. There is a model. It is Massachusetts. We do it right now. We provide if the standard for that education is high. I commend them, and I hope that other States will follow their lead.

The offices of so many of my colleagues who have spoken on the floor already have, like me, received these kinds of letters and messages literally on a minute-by-minute basis from our constituents. Their passion is born of a deep commitment to ensuring that the safety of every student in every State in this country is high. I commend them, and I support them in their commitment to our Nation’s public schools.

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CONGRATULATING THE NEW ENGLAND PATRIOTS

Mr. MARKEY. Mr. President, American history was made last night. The New England Patriots won the Super Bowl. This triumvirate of Robert Kraft, Bill Belichick, and Tom Brady continues this historic journey to being recognized as the greatest single football team in the history of the United States. Even as the Falcons were ahead by 25 points, even as the rest of the country thought the game was over, we in Massachusetts knew that we in New England have our own motto: In Belichick we trust. In Brady we trust.

We knew it was not over. We knew there was still hope. We knew there should be implementation that would ensure that the Patriots once again would prevail.

I thank the President for giving me this opportunity to be recognized on this most important of all subjects. This incredible Patriots victory has brought joy to people all across New England. It has brought dismay to people in other parts of the country. They still continue to be mystified by this incredible team and the incredible leadership those three great leaders provide. But for us, we realize we are in the presence of greatness. We know how spoiled we are to have such a great team.

I just wanted to rise and congratulate the New England Patriots, their leadership of Robert Kraft, Bill Belichick, and Tom Brady, but all of this team, because their motto is a very simple motto. It says: Do your job. That is what every Patriot did last night. Because their motto is a very simple motto, at the end of the day, they were able to enjoy that historic victory.

For my part, I can’t be more proud of any group of New Englanders. It was just a fantastic victory. As a season ticket holder, when I was 19 years old, when it was seven games at $6 apiece—$42 as a season ticket holder at Fenway Park. You can imagine how almost impossible it is to believe that we have reached such a stage where every Patriots fan to be a part of this incredible Patriots franchise is to be recognized. Bill Belichick is the greatest coach of all time; Tom Brady is the greatest quarterback of all time; and the Patriots, led by Robert Kraft, is the greatest franchise of all time. We are very proud that victory last night cemented that place in history.

Once again, I just want to congratulate each and every one of them and especially all of the Patriots fans who, through thick and thin, have been with that team every step of the way. I yield the floor.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

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

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

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I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

Mr. MENENDEZ. 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. MENENDEZ. Mr. President, I rise today as a product of New Jersey public schools, the son of Cuban refugees whose parents—under the Castro regime—I must say—were seeking to overthrow that government from the right, and who fled their own country to seek a better life in the United States.

They were the lucky ones. They saw the handwriting on the wall, and they got out before the true brutality of the Castro regime took hold in Cuba. When they arrived here, they had nothing more than the promise of a brighter future and, if not for them, then for their children.

In so many ways, it is the quintessential immigrant story; indeed, the quintessential American story. My mother worked as a seamstress in the factories of New Jersey. My father was an itinerant carpenter. We didn’t have a lot of money—just enough to live in a small apartment in a tenement in Union City and put food on the table. But that was plenty. It was plenty because my parents knew that living in America gave their children access to a free public education, and they always taught us that an education was the key to a better life.

Growing up, I was a quiet kid. I was very studious. I got good grades, but I struggled with public speaking. I know some of my colleagues wouldn’t believe that today, but it is true. My parents, and my great-uncle, one of the final requirements before I graduated high school was a public speech class. Again, I did all the work, but I refused to actually stand up in front of the class and speak. I thought I could get away with it, but my teacher, Gail Harper, had other ideas.

She kept me after class. After my teacher and I had this conversation, I went back to my good friend and mentor, Robert Kraft, and I told him that I would do it. He said, “You have to do it.” So, I did it. I gave a speech. I got a B. It’s not the A that I would have liked, but it was better than the D I would have gotten if I had not done it.
petrified—petrified. And I was inclined to refuse.

I am not sure if there would have been a more terrifying thought to me in the world than having to get up in front of my entire student body, but Ms. Harper was credible, and I knew that she knew better than I could succeed. If I refused, however, she would have no choice but to fail me. And if you knew my late mother, that was not an option.

So I swallowed my fear, and when I got out of my parents' house, I found that Ms. Harper's work paid off. Not only did I realize that I could overcome all of that fear and anxiety, but it had instilled in me a hunger to keep working, to get better at speaking in front of people, a skill that I honestly owe my life's work to.

For me, Ms. Harper was so much more than a teacher; she was a mentor and one of the unsung heroes of our public education system. And I am privileged to have had an opportunity to tell her that during her lifetime.

Now, links to my parents' commitment and incredible public school-teachers like Ms. Harper, this product of New Jersey public schools went on to get a law degree from Rutgers University, a State institution, and was able to rise from a tenement in Union City to 1 of 100 Senators in a country of over 300 million people.

I got my start in politics fighting for public schools in my hometown. When I was in high school, I was told that because of my grades and my activities, I could be in the senior honors program but that I had to cough up $200 for the books. My parents were poor. We lived in a tenement. I didn’t have $200 for the books. And I couldn’t understand, for the first time in my life, if I had the ability and the grades but not the money, that I would be barred from being in the honors program. So I raised such a racket that they gave me the books, told me to be quiet, and they put me in the honors program and my activities. And I had friends of mine who had the same circumstances; they had the ability and the grades, but they didn’t have the money. Unlike me, they didn’t say anything, and they didn’t get in. So I didn’t think that was right.

I petitioned to change the school board from being appointed by the mayor at the time to being elected by the public. Ultimately, I won the fight to change that school board and became the youngest school board member at that time in history when I was 20 years old.

So I understand the promise of public education. I understand the challenges that come with it. I understand the need for parental engagement and the extraordinary impact that good teachers can have on our children’s lives.

I understand that our schools need access to adequate resources in order to allow every student to reach their full potential. And I understand that we have a long way to go to ensure that we truly do guarantee every child in America equal access to a high quality public education regardless of where they live, regardless of the happenstance of where they were born, regardless of their station in life.

Most importantly, I understand that our public education system has formed the foundation upon which the American dream has been built for generations. It is the great socializing factor of our Nation, and there is no substitute for it. At its core, it is an all-taker system. It does not care whether you are White or Black or Hispanic or Asian or Christian or Jewish or Muslim. It does not care whether you struggle with learning disabilities or autism or Down syndrome.

Our public education system welcomes you with open arms and adheres to the fundamental principles that all are equal and deserve a chance to learn and earn a better life for themselves and their families.

While we work to improve public education and school readiness, our commitment to our children, we need a partner in the Federal Department of Education that also understands these challenges and shares our values. Unfortunately, I do not believe that Betsy DeVos is that candidate.

While I do not question her intentions, her limited experience and advocacy for policies that fundamentally undermine public education make her unqualified to be the Secretary of Education.

Mrs. DeVos has never participated in the public education system that she would be tasked with overseeing either as a student or a parent or a teacher or an administrator. I don’t see that fact in and of itself alone as a disqualifying but, coupled with the policies that she has advocated for in her home State of Michigan—pushing for more charter schools while simultaneously working to undermine them, even as they profit off the backs of children while showing little improvement in student outcomes; advocating for voucher schemes that put public funding into private schools even for families that do not need the additional assistance, while depriving public schools of vital funding that they depend upon to provide a quality education to every student—it becomes clear that Mrs. DeVos does not understand that fundamental commitment to American children.

My concerns about Mrs. DeVos were compounded by the answers she gave in her confirmation hearing before the HELP Committee. Guns have no place in our schools. We cannot risk our children’s safety with the gun that she believes is the answer. As a mother, I would not be able to support Mrs. DeVos’s answer to the question with a nonanswer about grizzley bears attacking schools, said she would “support the President.”

I do not believe that it is the role of a Cabinet Secretary to simply and blindly support the President, regardless of how misguided or dangerous an idea might be, nor do I believe that it is reasonable or responsible to make it even easier for bad people to get into our schools, where they endanger our children. We must do a better job of securing universal background checks and treating mental health issues, but more guns is not the answer.

Mrs. DeVos also said in her testimony that she believed that compliance with the Individuals with Disabilities Education Act should be left up to the States. IDEA, as the act is known, guarantees a ‘free, appropriate public education’ that is individualized to meet the needs of every student with disabilities.

When Congress first passed IDEA in 1975—though it was called then the Education for All Handicapped Children Act—it came with a promise that the Federal Government would cover 40 percent of the cost to educate those with special needs. Unfortunately, we have not met that obligation, proving that less than half of that funding in recent history.

IDEA is Federal—not State—law. It is Federal law that needs increased funding and attention from the Federal Government. And when this was pointed out to Mrs. DeVos, she said simply that she “may have been confused.”

Our children with disabilities deserve a real Federal partner that understands the challenges they face and is committed to getting them the resources they deserve, not a Secretary of Education who is confused about the Federal role in education.

These are only a few examples of how Mrs. DeVos has shown herself to be unprepared and unqualified for the very serious position to which she has been nominated.

If confirmed, Mrs. DeVos would take over a multibillion-dollar Federal student aid and student loan program that helps America’s families afford the skyrocketing cost of higher education.

I, myself, was a recipient of Pell grants and other Federal student aid and would not have been able to afford the cost of a college degree without them. Yet not only does Mrs. DeVos have no experience with student loans or managing such a program, she has very little, if any, engagement with any policy issues pertaining to higher education.

At a time when trillions of dollars of student debt are acting as a barrier to obtaining a higher education, hindering a generation of graduates from entering the middle class, and acting against our country’s economic growth, it is not the role of a Cabinet Secretary to take the ‘easy’ way out. As we continue to struggle with the best ways to measure student progress and achievement, we deserve a Secretary of Education who understands basic concepts like the difference between proficiency and growth. So let me just say, my own experiences have given me an incredible faith...
in the power of public education systems, while Mrs. DeVos has worked only to undermine them. I believe that the Federal Government can be a strong partner in ensuring a free, quality public education for all students, especially those with disabilities, while Mrs. DeVos repeatedly stated that the Federal Government should not be involved in these endeavors.

I believe that guns must remain out of our schools, but Mrs. DeVos seemed to indicate that they could have a place there. Even more importantly, I believe that our students, parents, teachers, and educators should be able to trust the person tasked with overseeing them. And the 50,000 New Jerseyans who have reached out to me to oppose her nomination have clearly shown that she has not earned that trust.

Here is one example of a constituent who reached out to my office:

Dear Senator,

My name is Beth More and I live in your great State of New Jersey in Fanwood in Union County. I am writing today to express my deep opposition to the appointment of Betsy D. DeVos as Secretary of Education. As a mother of two boys in our public school system, and one with special needs, I am deeply concerned and troubled by Mrs. DeVos’s lack of public school experience. In fact, the thought of her steering money and funding away from public schools is not only a threat to my children, but a threat to the 50 million other children only recently receiving a public education. She lacks understanding in even the most basic issues that affect our schools, and that, my Senator, is scary. I urge you to strongly oppose this and tell your other colleagues in the Senate the same.

So I implore my colleagues to put politics aside, to examine Mrs. DeVos’s qualifications closely, and to be open to the input that you all are receiving from your own constituents, like Beth More.

I hope that if you are open in your mind in that regard, you will oppose Betsy DeVos’s nomination to be Secretary of Education, as I will.

With that, Mr. 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 and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2 Ex.]

The PRESIDING OFFICER (Mr. MORAN). A quorum is not present.

The senior assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2 Ex.]

The PRESIDING OFFICER. A quorum is not present.

The majority leader, Mr. MCCONNELL, Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The PRESIDING OFFICER. Is there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Recall Vote No. 53 Ex.]

YEAS—91

Alexander
Baldwin
Blumenthal
Booker
Boozman
Brown
Barrasso
Bennet
Blunt

NAYS—4

Collins
Heller
Hickenlooper
Joshua Muranetz

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The Senator from Tennessee. (The remarks of Mr. ALEXANDER pertaining to the submission of S. Res. 50 are located in today’s RECORD under “Submitted Resolutions.”)

Mr. ALEXANDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I rise to urge my colleagues to join me in opposing the nomination of Betsy DeVos to be Secretary of Education. Simply put, Betsy DeVos is completely unqualified to serve as Secretary of Education in this great Nation.

Many others share this view. I have heard from thousands of parents, teachers, and other citizens of Wisconsin who are concerned about the future of our education system and urge us to oppose Mrs. DeVos and certainly opposing her vision for America’s students. As of today, over 20,000 Wisconsinites have emailed me, and we have had over 7,000 phone calls opposing the confirmation of Mrs. DeVos. Senate Democrats are unified in our opposition to Mrs. DeVos. While Ms. DeVos clearly has not earned the trust of Wisconsin, we have heard from a number of Senate Republicans who have announced that they cannot support Betsy DeVos. If just one more of my Republican colleagues were to announce their opposition and were to vote no, we could do the right thing and tell President Trump that he really needs to find a new candidate, a new candidate for Secretary of Education who is qualified to run that Department.

While Betsy DeVos has spent decades advocating for a particular vision for education, she has never actually worked as a teacher or as an administrator. Her career has involved investing in and her family’s considerable
wealth and using those resources to advance the privatization of our K-12 education system. She did not attend a public school either for grade school, high school, or college, and nor did her children. She has never worked as a teacher, principal, professor, counselor, or in any other formal role in our education system.

Her confirmation hearing before the Health, Education, Labor, and Pensions Committee clearly demonstrated how little she knows about Federal education law and policy. It was startling to see her ignorance about critical measures like the Individuals with Disabilities Education Act or the debate over growth versus proficiency as a measure of student achievement. Betsy DeVos has demonstrated that she has neither the knowledge nor the experience in education that would allow her to be a successful leader of the Department of Education. Mrs. DeVos has worked to advance a vision of K-12 education that is fundamentally hostile to our public education system.

My home State of Wisconsin has a long and very proud tradition of support for public education. Back at the founding of our State, we wrote the very founding document, our State Constitution. Wisconsin had the first kindergarten in the United States. Wisconsin is proud of something that we actually call the Wisconsin idea in higher education; that the walls of the classroom should be the borders of the State, if not the borders of this Nation or the entire world.

Mrs. DeVos’s experience in education, however, has been a decades-long effort to privatize it. Her record of support for vouchers as well as charter schools that lack adequate accountability and oversight is very troubling and would lead to diversion of public dollars in even greater amounts out of public education.

Regardless of any vision or experience on education, Mrs. DeVos is a nominee with, let’s say, complex and opaque finances. She has a very opaque record of financial dealings and political giving, including on matters directly related to the work that the Department does which she seeks to lead. Given her and her family’s investments in companies that benefit directly from Federal education programs, I remain very concerned about what we simply still don’t know.

I am also troubled by Mrs. DeVos’s and her family’s long history of contributing to organizations that have been hostile to the lesbian, gay, bisexual, and transgender community, even promoting the discredited idea that sexual orientation or gender identity can be changed through conversion therapy.

When she told me and several of my colleagues at her hearing that she believes all students should be treated equally, I really remain concerned about how this long history of support for these anti-LGBTQ organizations will influence a Department which, over the last 8 years, has shown some tremendous leadership in supporting LGBTQ students and parents in the education system.

The Department’s primary role in elementary and secondary education is to promote equity. I am not convinced that Mrs. DeVos will be the leader the Department needs to do just that. Congress passed the Elementary and Secondary Education Act in 1965 as a civil rights measure. It was designed to ensure that every student, regardless of ZIP Code or parents’ income, has access to a quality public education.

We continued that important tradition in reauthorizing this law, which is now in the form of a very strongly bipartisan bill, the Every Student Succeeds Act. The next Secretary of Education will have to implement that Act. She has to serve as a vocal proponent of State and local control, will not be the strong voice we need to hold States accountable for serving all students, particularly those who have been historically left behind.

Mrs. DeVos, when she passed the Every Student Succeeds Act, we made sure there were strong Federal guardrails to assure that we never forget why there is a Federal role in education to begin with, for equity and civil rights and to make sure every child can succeed. Furthermore, I am very concerned that Mrs. DeVos would not commit to robustly supporting the Department’s Office for Civil Rights or enforcing the very guidance that protects transgender students from discrimination.

Betsy DeVos lacks knowledge about and commitment to the Federal laws that ensure students with disabilities have access to the various supports that they need to receive an benefit from a quality public education. As I noted, she has demonstrated a complete lack of understanding about our Federal obligations to these students. I have heard from numerous parents in Wisconsin, parents of students with disabilities who were appalled by her inadequate answers to questions at our education panel hearing. She was unprepared to answer questions about the Individuals with Disabilities Education Act, and these parents have written to me expressing concern about what her filling the role of Secretary of Education could mean for their children if she were to be confirmed.

One Wisconsin mother of three special needs children wrote to me about how this Federal law provided the legal rights that she needed to advocate for them, to advocate for the best possible educational environment for her three children with special needs.

I heard from another mother, Melissa from Beloit, who detailed how the Individuals with Disabilities Education Act makes it possible for her daughter, Rowenna, who has Down Syndrome and autism, to actually thrive in a public education setting, along with her peers.

Finally, as a strong proponent of making college more accessible and affordable, I do not believe that Mrs. DeVos has the experience or vision that will allow her to successfully lead the Department in supporting higher learning.

There is a student debt crisis in this country, but Mrs. DeVos doesn’t have a plan to address it and has even expressed skepticism about a Federal role.

While she has acknowledged that there are some bad actors in higher education, she has also refused to commit to enforcing regulations that help students who are defrauded by dishonest schools like Corinthian Colleges. We need a Secretary of Education who is an advocate for those students, not one who is looking for ways to shirk that responsibility.

Despite the fact that the Department oversees billions of dollars in grants and loans that allow students to pursue higher education, she has also refused to express skepticism about any Federal role in making college more affordable. She has even refused to oppose cuts to a program that helps students who commit to a career in public service or to support efforts to ensure that the value of the Pell grant keeps pace with the cost of college.

For all of these reasons and many others, Betsy DeVos is not the right choice for Secretary of Education. I call on my colleagues on the Committee to carefully consider the nomination before Senate confirmation hearing and to oppose sending us a nominee who is prepared to commit to enforcing regulations that help students who are defrauded by dishonest schools like Corinthian Colleges.

While she told me and several of my colleagues that she would lead to diversion of public dollars in even greater amounts out of public education, she has also refused to oppose cuts to a program that helps students who commit to a career in public service or to support efforts to ensure that the value of the Pell grant keeps pace with the cost of college.

For all of these reasons and many others, Betsy DeVos is not the right choice for Secretary of Education. I call on my colleagues on the Committee to carefully consider the nomination before Senate confirmation hearing and to oppose sending us a nominee who is prepared to commit to enforcing regulations that help students who are defrauded by dishonest schools like Corinthian Colleges.

We are a vibrant society engaged in a heated debate, as we often have been throughout our history, about items of political matters. If you look here today, there are people standing up to speak on different sides of an issue. You see that the Republican Party today controls the White House, the Senate, and the House, and yet you have people with the freedom in this country to be able to express or oppose that. We have seen that across the country with demonstrations and speeches and all sorts of other protected speech. We are very fortunate
and blessed to live in a nation with those freedoms. That is not the case all over the world.

I wanted to take this opportunity in the midst of all of this debate and discussion about an important topic, the nomination before the Senate, to remind the people that despite our differences on these issues, we are truly blessed to be able to live in a country where opposing the party in power does not mean you go to jail.

As I have been doing for some time now, I wanted to come this evening and highlight yet another example of human rights abuses that is taking place in a very important part of the world. For the past couple of years, my office and I have been highlighting human rights cases through our social media campaign. We call it hashtag “Expression NOT Oppression.”

The goals of this are to raise awareness about these cases and the individuals who are suffering at the hands of these repressive governments. We know that through history some of the oppressed people—we may not think these floor speeches matter; we may not think that mentioning it here in this forum matters, but it does to them because first thing’s responders tell them is that the world has forgotten about them, and they don’t matter anymore. That is one of the first reasons we come: to raise awareness and let them know we know their name, we know their story, and we will continue to speak out on their behalf.

The second reason is to show their families and their loved ones that elected officials—like me here in the United States—have not forgotten them because we know that tyrants, as I said, like to tell political prisoners that they are alone in their struggle.

The third reason is to call for action, whether it is for the administration to make human rights a priority, too, or to call on these governments to release these individuals.

There is one more reason I think that this effort, hashtag “Expression NOT Oppression,” is important. As well as all the good work being done here on both sides of the aisle in defense of human rights, promotion of democracy and the defense of God-given freedoms like religious freedom and freedom of the press and free speech, which we celebrate here even in this debate, have to continue to be pillars of our foreign policy. I hope that these cases we highlight bring those guiding principles to light.

Today, I want to discuss the cases of two Chinese political prisoners whose courageous wives I had the opportunity to meet last week when they visited in Washington, DC. These women personally requested that I intervene on behalf of their husbands, pressing on the Chinese Government to unconditionally release them. While I do not know all the details of their case, I do know that they are being held without due process. In the coming weeks, I will bring up these cases and others and urge them to make their freedom a priority of their work if confirmed.

Jiang Tianyong is a 45-year-old lawyer. He was disbarred by the Chinese Government because of his vigorous human rights advocacy, including his support of political prisoner Chen Guangcheng, fellow rights lawyer Gao Zhisheng, Falun Gong practitioners, and other human rights cases. Despite the risks of this work, he has been steadfast in his support of the right to counsel and other basic human rights protections for lawyers and legal advocates caught up in China’s sweeping nationwide crackdown on the legal community in July of 2015, which ensnared roughly 250 lawyers and advocates.

Consistent with a spate of recent media stories, Jiang’s wife indicated that his family and friends lost contact with him in late November of last year. That is when a Chinese state-controlled newspaper reported he had been detained for a series of trumped-up charges.

His wife has received no formal confirmation of his precise whereabouts, and, to date, he has been denied access to a lawyer of his choosing. Even more troubling is that this is entirely legal under China’s laws, even though it violates all international norms of justice. Under China’s own laws, authorities may hold him, or anyone, for up to 6 months with absolutely no right to counsel, to see his family, where he is held and without allowing him to access a lawyer, conditions that the United Nations Committee Against Torture has found place “detainees at a high-risk of torture.” Indeed, reports over the past months about four other human rights lawyers provide detailed information about the Chinese authorities’ use of torture to extract “confessions” and impose unbearable psychological pressure.

All of these realities underscore that China remains a country of rule by law. If Congressmen Chris Smith of New Jersey and I cochair the Congressional-Executive Commission on China, which found in our 2016 annual report that “the Chinese Communist Party has continued to reject the notion that the rule of law should supercede the Party’s role in guiding the functions of the State.” As such, lawyers, advocates, dissidents and others often find themselves in the line of fire, persecuted under the law, rather than protected by it, and they have no recourse of justice.

A second Chinese individual I want to highlight today is lawyer Tang Jingling, who has also been disbarred for his rights advocacy. He first gained prominence as a lawyer working on cases related to village compensation, demolition and by representing activists. In January of last year, he was convicted of “inciting subversion of state power.” That is the charge, and he was sentenced to 5 years in prison. He was first detained in May 2014 on conviction of “picking quarrels and provoking troubles.” Just imagine that. Picking quarrels and provoking troubles is a crime in China. This happened, by the way, during the lead up to the 21st anniversary of the Tiananmen Square protests, when the Chinese Government worked desperately to wipe out any discussion or memory of this historically brutal crackdown. In reality, all Tang and other activists did was participate in a nonviolent disobeience movement standing up against legal and social reform in China.

Following his conviction, Tang eloquently wrote:

The Holy Bible has a passage that reads: “Blessed are those are persecuted for righteousness’ sake.” I have been pronounced guilty, thrown in prison, separated from my families, and have endured humiliation and difficulties—and I am far from being able to convince and prove to others how these tribulations could have become my blessings. But God’s will is inevitably difficult to understand. I often pray and ask him to give me more strength, so that I may persevere until the moment of revelation. I dare say, in 2011, while in a secret jail, and now in detention, almost every day of my past has been calm and fulfilling. I have never lost my direction.

The courage and conviction of these men should be an inspiration to us all—an inspiration that should propel us to act. I would add a reminder again of how blessed and fortunate we are to live by the grace of God in a nation where we have the freedom to speak, to object, to state our views without fear of the circumstances and the consequences that these brave men now face. The Chinese given for the protection of their most basic human rights and bravely stand with their fellow marginalized countrymen are China’s greatest asset—not its biggest threat, as the government of the Communist Party wrongly believes. As a government working on the behalf of its people with such fear and hostility will, as has often been said, find itself on the wrong side of history.

So I hope more of my colleagues in this body, in the House, and especially in the administration will join their voices in support of these political prisoners and all who languish in jails, prisons, and gulags simply because...
they want a better life, because they want a say in their future and have bravely made these aspirations clear.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, before getting to the matter at hand, I thought I would take a minute to congratulate the New England Patriots, the Kraft family, Bill Belichick, Tom Brady, and all of the Patriots players and coaches for the greatest comeback victory in Super Bowl history. They really demonstrated the grit and determination and resilience that New Hampshire and New England is known for, and we are very, very proud of them.

Mr. President, I rise today to join my colleagues in opposing the nomination of Betsy DeVos to serve as the Secretary of Education. Our Nation recognized early in its history that public education is a necessary foundation for our democracy. It is critical that we continue to support a strong public education system that prepares all of our young people to participate in our democracy and to compete in the 21st century workforce.

All public officials, regardless of their party affiliation, should share a reverence for the importance of public education to our country’s success, both now and into the future. They must show a commitment to enforcing our laws so that all students have the opportunity to succeed. I agree with my colleagues that Mrs. DeVos has not shown a commitment to or an understanding of these principles, and that is why I oppose her nomination.

This nomination process has been extremely disappointing from the start. Mrs. DeVos failed to provide critical information on her finances. Members of the HELP Committee were only given 5 minutes to question Mrs. DeVos on her views on our Nation’s education system.

In the questions she did answer before the committee, Mrs. DeVos demonstrated a complete lack of experience in, knowledge of, and support for public education. She was unable to address basic issues—is any New Hampshire school board member could discuss fluently.

She showed that she lacks an understanding of issues facing students with disabilities. She showed potential conflicts of interests that she still has not answered basic questions about. She supports diverting taxpayer dollars to private schools without accountability requirements.

As Governor of New Hampshire, I supported public charter schools. They play an important role in driving innovation in education and in providing additional opportunities for nontraditional learners, but they must meet the same standards as other public schools.

In Detroit, Mrs. DeVos led efforts to oppose accountability requirements, even for for-profit charter schools. In her testimony before the HELP Committee, she declared her support enforcing accountability requirements. It is clear that Mrs. DeVos would pursue policies that would undermine public schools in my home State of New Hampshire.

In the past several weeks, thousands of Granite Staters—including students, parents, teachers, principals, and superintendents—have called and written to me. They have shared their concerns about Mrs. DeVos. They understand that she is completely unqualified for this position. Our children, their families, and our Nation deserve better than a Secretary of Education who does not value public education.

Ensuring access to public education for every student is an issue that is deeply personal to my family. Shortly after my husband Tom and I welcomed our first child into the world, our son Ben was diagnosed with severe and pervasive physical disabilities. It became clear to Tom and me that we were going to need a little bit of extra help if our son was going to have the kind of future we all want our children to have.

We were lucky because we found that help in our community—not only among friends and neighbors but in a public school system that welcomed Ben. I still remember the day that a principal and a teacher came into our home and said: "We can fix that." Their confidence in our son, their commitment to him, and their care for him was immediately obvious.

Ben went to preschool in a public school system that welcomed him. We wheeled Ben onto the lift and up into the bus, and off he went at age 3 to his first day of preschool—a publicly funded, inclusive preschool. As I sat on the stoop and watched the bus pull away, I found myself thinking that if Ben had been born a generation or two earlier, Tom and I would have been pressured to put Ben in an institution. There wouldn’t have been the resources in our community or in our school system to include him.

But because of the work of the champions—the families, the advocates—who went before the Hassan family, Ben was able to go to school in his hometown. He was able to learn and to make friends, to do what we all want our children to do. That is the power of public education. It is the power of making sure that all kids are included.

Our family was able to live like any other family and feel like any other family. It was to say that it was okay that Ben had disabilities. It was okay to love Ben and have him in our community.

When I served in the New Hampshire State Senate, I grew to know a woman named Roberta. Roberta, born in the early 1950’s, had spent a good portion of her life in our State’s school for individuals with disabilities. Roberta left that State school as we began to work, after the passage of the IDEA, to bring people out of institutions and into the communities.

Later, as Roberta learned to advocate for herself and tell her story, she recorded some of her memories from the Laconia State School, the separate school—so-called school—for students with disabilities.

Roberta was among the attendees and residents at the Laconia State School sexually, verbally, emotionally and physically abused and assaulted me. The staff said they did this to me because I misbehaved or acted silly. The attendants and residents there hit and kicked me with their hands and feet. They pulled my hair, whipped me with a handbag, or threw me against walls or floors, hair brushes, mop and broom handles, hard leather belts, straps, rulers and hard sticks, stainless steel serving utensils and clothes.

Roberta adds:

Additionally, they bullied me by laughing at me and calling me names. They spat at me, bit and pinched my arms and other body parts causing me pain. The employees and supervisors at the institution threw buckets of cold water on my body, clothes and all. They said that the cold water would calm me down.

Roberta’s experience was, unfortunately, what life was like for some students with disabilities before IDEA. Years later, after Roberta left Laconia State School, after she was reintegrated into her community, she appeared before a State senate committee that I was chairing because she was the main proponent of a law that we passed in the New Hampshire State Senate to remove the word "retarded" from all of our State statutes. Roberta was there to tell stories from her own life, stories from the lives of people who first interacted with her, people who believed she had intellectual disabilities, that caused her parents to believe that they had to put not only Roberta but her sister Jocelyn in an institution. Both Roberta and Jocelyn happened to have the misfortune of being born with disabilities.

It is that contrast between Roberta’s experience and my son’s that keeps me focused on the importance of making sure that we include all children in our public school system. It is that contrast that we have the laws in place to ensure that they get the free appropriate education that all American children deserve.

February 6, 2017
Unfortunately, Mrs. DeVos has demonstrated a lack of understanding of the challenges facing students with disabilities. At our hearing earlier this month, I questioned Mrs. DeVos on whether she would enforce IDEA. Not only did she decline to assure Senators that she would enforce the law to protect students with disabilities, but she was confused about whether IDEA was indeed a Federal law to begin with.

While I am pleased that Mrs. DeVos later clarified that she is no longer confused about whether IDEA is a Federal law, she has done nothing to reassure me that she would enforce it or that she understands how fragile the gains we have made under IDEA are.

The voucher system that Mrs. DeVos supports has often, intended or not, hurt individuals who experience disabilities. Children and families lose legal protections enshrined in the IDEA. In some cases, students and their families have to sign away their civil rights so they can receive their vouchers. Yet many of the private schools that take those vouchers—the schools that Mrs. DeVos wishes to push students to—lack basic resources or accommodations for children with disabilities.

So if a family determines that the school that has accepted their voucher really does not have the resources or the expertise to educate their child, they have no legal recourse. Mrs. DeVos’s unfamiliarity with IDEA, her comments on students with disabilities was something my office heard about often from Granite State parents who contacted the office with concerns about her nomination.

A mother from Hopkinton, NH, wrote to tell me about her daughter who attends Hopkinton High School and experiences severe disabilities—is nonverbal and requires assistance for all aspects of her daily care.

This mother also called Mrs. DeVos’s lack of understanding of IDEA “appalling.”

I also heard from a parent from Concord, NH, who said:

My stepdaughter currently has a 504 plan for both a physical and cognitive disability at Concord High School, who, incidentally, are doing an excellent job of working with her to make sure her learning needs are met. My children deserve a future and so do all children.

This parent said she was feeling “vulnerable” as a result of Mrs. DeVos’s nomination. Parents all across our Nation deserve to know that the rights of their children will be protected, and they are rightfully concerned with Mrs. DeVos’s nomination.

In New Hampshire, I am proud of our work to build a future where every child can get the kind of education they need to be competitive and successful leaders in the 21st century economy. Just last week, I visited Souhegan High School in Amherst, NJ. Souhegan has become a pioneer in competency-based education. I visited summer programs where students were doing hands-on lessons in Earth science, in literature to make sure they could master the material before them in a way that would stick with them.

There were great examples of what we have learned about the importance of hands-on, project-based learning, how much better students retain information, knowledge, problem-solving skills, when they actually have a problem to solve, and how important it is for them to learn to collaborate with their fellow students, just the way we expect people to collaborate as a team in the workplace.

After I visited the classes, the students at Souhegan had formed a panel to talk with me. There, students with a variety of interests, backgrounds, and education levels talked to about how important it was for them to have control of their learning in a way, in a style that worked for them to work with their peers and build off of each other’s strengths and learn from each other.

I also talked with them about New Hampshire’s pilot, project-based competency assessment program called PACES. New Hampshire received waivers to do over the last year, and they are in the process of implementing Governor Sununu’s vision. The system that Mrs. DeVos is promoting is a system where school founders and employers steer lucrative deals to themselves or to other insiders, where students are allowed to operate for years despite their poor academic records.

The Detroit Free Press described a system with no State standards for those who operate charter schools, where a record number of charter schools, run by for-profit companies, refuse to detail how exactly they are spending tax-payer dollars.

One Detroit mother said that Mrs. DeVos’s “push for charter schools without any accountability exposed my children and their classmates to chaos and unacceptable classroom conditions.”

In Florida, the McKay Scholarship Program is a voucher for students with disabilities that Mrs. DeVos has pointed to also raises significant concerns, including no due process rights for students under IDEA, no accountability requirements for participating schools, and absolutely no evidence of student success.

Additionally, the McKay voucher often does not cover the full cost of the
private school, leaving parents responsible for tuition and fees above the scholarship amount, not to mention reponsibility for transportation. This puts students and their families at risk. Rather than taking the approach we advocated for, Mrs. DeVos proposed charter schools supplement a strong public education system, this system of unaccountable schools destabilizes and undermines public schools.

Now Mrs. DeVos’s goals for K–12 education are what they are and the fact that we were only given 5 minutes to question her at the hearing, many key issues facing American students were not discussed at all in her confirmation hearing. In particular, we did not talk about higher education. When I was Governor of New Hampshire, I was proud of our work to make college more affordable, building a 21st century workforce pipeline for our businesses.

We froze tuition for the first time in 25 years at our public university system, and we actually lowered it at our community colleges. We engaged in increased robust job training efforts, where we partnered businesses with community colleges or other learning centers to make sure we were engaged in the kind of job training that would prepare students for the 21st century economy.

I was hoping that at our hearing for Mrs. DeVos’s confirmation, we would discuss higher education, but issues relating to higher education have been lost in this discussion. What is clear, though, is that Mrs. DeVos has absolutely no experience in higher education. Her written responses following our hearing were troubling. On student debt, Pell grants, reauthorization of the Higher Education Act, and job training efforts, her responses were vague and offered no vision for issues that are critical to millions of Americans. When asked about for-profit colleges, which are a casualty of taking advantage of students, including but not limited to our veterans, Mrs. DeVos said she was agnostic—that is her word—about the tax filing status of for-profit institutions. That is just not acceptable.

I believe we should be expanding Pell grants. We should lower the interest rates on student loans. We should be expanding apprenticeship and job training opportunities. We need to crack down on predatory for-profit colleges.

We need an Education Secretary who understands and is able to focus on higher education, and it is clear that Mrs. DeVos does not have that experience or focus.

Mr. President, our Founders understood that public education for our citizens was essential to the functioning of our democracy. In 1786, Thomas Jefferson wrote: I think by far, the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be laid for the preservation of freedom, and happiness.

Generation after generation has worked to build on those ideals, including, as we do that work, more and more Americans in the process and creating a system that gives all students an opportunity to succeed.

We need an Education Secretary who is committed to upholding that principle. I have graduated from federal student aid programs, which allow many of my fellow students and I to attend our nation’s fantastic public universities.

A mother of three children in Fishers worried about Betsy DeVos’s goals for K–12 education are what they are and the fact that we were only given 5 minutes to question her at the hearing, many key issues facing American students were not discussed at all in her confirmation hearing. In particular, we did not talk about higher education. When I was Governor of New Hampshire, I was proud of our work to make college more affordable, building a 21st century workforce pipeline for our businesses.

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Generation after generation has worked to build on those ideals, including, as we do that work, more and more Americans in the process and creating a system that gives all students an opportunity to succeed.
A retired special education teacher who taught in Mishawaka for 24 years wrote:

I implore you to vote “no” on the confirmation of Betsy DeVos as Secretary of Education. Her selection by Donald Trump was clearly an attempt to further dismantle the public school system in the United States. The poor, the disadvantaged, and the disabled would suffer great educational setbacks.

A woman in West Lafayette wrote:

As a future special education teacher, I find it horrifying that [Ms. DeVos] seems to be unaware of the IDEA Act, which protects the rights of children with disabilities. It is completely unacceptable that our country should have someone in charge of education who is unaware of this monumental law. Education is so important for the future of this country and everyone deserves equal opportunity to get a good education.

This is why I ask you to please vote no for DeVos.

In a letter from Greenwood, a woman wrote:

As a mother of two children, one with severe disabilities, please know I do not support Betsy DeVos as Secretary of Education. I can only hope you will bear with me as I offer the story of my son below.

My son was born full-term and healthy. From 18 hours until two weeks old, he fought for his life. At two weeks old, a heart defect was discovered. Next was heart surgery, recovery, and he was home at exactly one month old. Saying we were ill-prepared for his brain and body. He was eventually gifted a special seating device, feeding pump, and communication device, standing equipment, coordinating medical equipment: wheelchair, communication device, standing equipment, a special seating device, feeding pump, and leg braces.

Skip ahead to today and you’ll discover a 15-year-old doing his absolute best to find his place in the world. He took a long time, but over the past 3 to 4 years, he mastered his communication device and has shown he is capable of learning and understanding.

While it took all this time for him to show us, it took the relentless dedication of very special teachers to really make it happen. His teachers worked tirelessly to develop extremely specific Individualized Education Plans for him. I am certain without the Individuals with Disabilities Act and Free Appropriate Public Education, he would not have achieved his current level of learning. I also feel his teachers would not have been able to get him to this level without the right tools in our public schools.

I wanted you to feel my emotions and how difficult his life truly is. Please don’t make his education any harder than it already has been. I also feel his teachers would not have been able to get him to this level without the right tools in our public schools.

A former public school teacher in Indianapolis wrote:

I watched all of Betsy DeVos’s Senate confirmation hearing. As the minutes churned by fear, fury, and grief built within me. I will not sit idly by as a former nominee for Secretary of Education prepares to take the helm who does not commit to protecting children in public schools. I hope you stand with me and vote “no” on Betsy DeVos for Secretary of Education. We must commit our care, our love, and our attention to upholding the promise that all kids deserve a shot at success through education.

These kids are our future, and we owe it to them to lead wisely. Unfortunately, Ms. DeVos will not be our future.

A mom in Evansville wrote:

I have one child in college and two others in public elementary schools. My children have received and are getting very good education in public school and are in advanced classes. I am alarmed about the appointment of a woman who has been advocating against our public school system for years. We must do better for our children. Please stand up and voice our concerns and do everything in your power to keep Betsy DeVos from becoming our Secretary of Education.

This is just a small sampling of the letters and emails I have received from Hoosiers all over our State who are deeply troubled and who are opposed to Betsy DeVos. They wrote to me not as Republicans, Democrats, or Independents but as concerned Hoosiers, as moms and dads who love their kids. They are worried about an issue we should all be able to agree on: the importance of ensuring our children have access to a quality education.

While I said I would vote against Betsy DeVos, I will continue to fight for our public schools, our teachers, and our students. I will continue fighting for them because ensuring our students have access to good schools and good teachers lays a foundation for our students to reach their potential, and is fundamental to their success and in turn our country’s success.

We love our schools, we love our kids, and all we want is the best for them and an extraordinary education. That is why I will be voting against Betsy DeVos for Secretary of Education.

Mr. President, I yield the remainder of my postcloture debate time to Senator SCHUMER.

The PRESIDING OFFICER. The Senator from New York may accept 18 minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Ms. HARRIS. Mr. President, I rise to speak about the nominee for the Department of Education, Betsy DeVos. I cannot vote for her confirmation.

The mission of the Department of Education is “to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.” The Department achieves this by establishing policies on Federal financial aid for education and monitoring those funds, collecting data on America’s schools and disseminating research, focusing national attention on key educational issues, prohibiting discrimination, and ensuring equal access to education. After considering that mission, I do not believe Betsy DeVos should be the next Secretary of Education.

Then we can agree that every child in the United States should have access to a first-rate education to ensure a chance of a good job and good pay. I know this from my own life experiences and, in particular, the impact that the education I received had on a young child. You see, my first grade teacher, Mrs. Frances Wilson, God rest her soul, attended my law school graduation. I would not be standing here were it not for the education I received. I know that it is true for so many of our colleagues in the Senate.

After I reviewed Betsy DeVos’s nomination, including her record and confirmation testimony, and after speaking with teachers and students and parents from across California, it is clear she does not understand the importance or the impact of a public school teacher like Mrs. Frances Wilson.

Why? Well, first and foremost, our country needs a Secretary of Education who has demonstrated basic competency when it comes to issues facing children. They just need to know what they are talking about. When questioned about the good teacher, my colleague Senator FRANKEN, it was clear Mrs. DeVos didn’t know the difference between two basic theories of testing: proficiency and growth. This, in fact, is one of the biggest debates occurring in the education community, and she was unaware of the significance of the nuances and the difference between the two. As we know, proficiency essentially asks whether a student has a basic competency or understanding of a subject; looking at a child and asking: Is that third grader reading at third grade reading level?

Growth. It is a question of whether a student is progressing from year to year or asking if a student, who started their year reading at first grade level can now read at second grade level. Has there been progress? This debate will define how we are judging schools across the country, and her lack of knowledge and fluency demonstrates her complete lack of experience, understanding, and curiosity about one of the hottest issues in modern education.

Now let’s talk about guns in schools. At first, she at best showed ambivalence toward gun-free school zones, but it gets better. She went on to say that she does not have any questions, and that without any questions, she does not believe you need guns in schools. Then she went on to say that we need guns in schools, yes, because grizzly bears may pose a significant threat to the safety of our children and perhaps their education.

I say Ms. DeVos poses a far greater threat to public education.

Let’s talk about title IX. Another moment in her hearing is when the
nominee refused to commit to actually enforcing title IX. Now, let's be clear that title IX was brought into being because our country had a rampant policy of discrimination against women in our education system. For example, women were not being admitted in time that if she was married, then that is what she should pursue. She should pursue a career in the home and could not be capable of doing that as well as working outside the home. Title IX is a law that guarantees women and girls the right to a safe education, free from discrimination.

Let's be clear how title IX helps today. It is title IX that required universities to stop sexual assaults. We know this is a real issue. In fact, the Department of Education estimates that one in five women has been sexually assaulted during their college years. As attorney general of California, I was proud to bring together colleges and local law enforcement agencies to create protocols for investigating and prosecuting sexual assaults. It has helped schools and law enforcement implement changes to California law to better protect survivors of sexual assault. I championed new methods to allow California to process rape kits and funding for much-needed bar rape kits in the State crime labs.

I fought to ensure that survivors have the support they need and that their attackers face swift accountability and consequences for their crimes.

There is no question that ending campus sexual assault should be a moral imperative for our country, and it should be a priority for the next Secretary of Education of the United States. For that reason, it is unfortunate that we are troubleshooting—that Mrs. DeVos will not guarantee enforcement of title IX.

Then let's talk about the Individuals with Disabilities Education Act, or IDEA. I know my colleague Senator Hassan has spoken extensively about this. This act has been around for decades—four decades, to be exact. Before it existed, we were not prioritizing these children. We did not give them the support they needed. We were often turning off a whole population of our children. When asked by my colleague Maggie Hassan about this piece of legislation, the nominee showed a complete lack of knowledge about how it is implemented, that it is simply unanswerable. We cannot go back to a time when we wrote off a whole population of people, and it cannot only be the parents of those children—but all of us, as the adults of a society and a country—who look out for our most vulnerable children.

Then, let's talk about for-profit colleges, which I know something about since I had to sue one of the biggest for-profit colleges, which was defrauding students as well as taxpayers. I know about the reality of abuses of for-profit colleges, and I applaud my colleague Elizabeth Warren, who asked the nominee to protect our students against waste, fraud, and abuse at for-profit colleges. She asked this of the nominee, and it was troubling to see that the nominee was equivocal at best.

Now, let's talk about the nominee's record as it relates to the children of her home State of Michigan. Since the growth of charter schools, Michigan has gone from performing higher than average on the National Assessment of Educational Progress in the year 2000 to below average by the year 2015. A 2015 Federal review found an "unreasonably high" number of charters in Michigan which were among the bottom 5 percent of schools nationwide. According to a report from Chalkbeat, when education was a much higher priority. The Michigan legislature attempted to add oversight for both charter schools and traditional public schools in Detroit, the nominee's family opposed the measures and poured $1.45 million in the legislative races—an average of $25,000 a day for 7 weeks. The oversight measures, she is happy to say, never made their way into the legislation. We cannot have someone who wants to lead our highest priority programs not support the importance of oversight, of making sure that the children are getting the benefit of their bargain.

According to data released from the Michigan Association of Public School Academies in 2015, only 17 percent of Detroit charter school students were rated proficient in math, compared to 13 percent of students in traditional public schools. Even Eli Broad, a great Californian and strong supporter of dramatic education reform, has expressed strong concerns about the nominee's nomination. That should tell us all something.

Now let's talk about the impact on California. During the campaign, President Trump said he would take $20 billion from existing Federal education programs—which, by the way, is more than half of the Department's budget for K–12 education—and instead put that money into a voucher-like system. The President's letter to get rid of the clues I've mentioned, we thought was an emendation. We thought it would get rid of the Department of Education in its entirety, which would put half a million teachers out of work. The nominee has committed to working with him on these plans.

Let's be clear. This plan would be devastating for public schools, including the schools in California that serve over 6 million students. This also means California students could lose $2.3 billion in Federal education funding, which could end critical programs. For example, education for Individuals with Disabilities Education Act serves thousands of California's disabled students and serves them well. But his plan would slash $1.3 billion in Federal funding—money that our children rely on. The Trump proposal to cut the Department of Education budget would also harm California's students. Some $3.8 million in Pell grants for California students could be lost, $3,000 or more teacher positions in California could be eliminated, and $8.96 billion in student loans could be at risk for California's college students.

The bottom line is this—fewer teachers, fewer resources for students and parents, and less aid to make college affordable. Maybe one school will cut their after-school program or stop teaching the arts, or it doesn't have a guidance counselor or decides they will just let class size balloon because they don't have enough teachers. We know that is not good enough for any of us.

There is a clear connection between public education and public safety. When I was the district attorney of San Francisco, there was a rash of homicides one year. All of us in a position of leadership were rightly concerned, and we did the predictable and the right thing: We figured out how to put more cops on the street, we looked at our gang intervention strategies, and we figured out very predictable and good ways of reacting to these crimes after they occurred.

I had asked a question. I asked a member of my staff: Do an assessment and tell me who are these homicide victims? In particular, who are the homicide victims under the age of 25? The reason I asked that question is prevalence example. There are a lot of them. Sure enough, the data came back to me. It included the fact that, of the homicide victims under the age of 25, 94 percent were high school dropouts. Over the years, I have taken a closer look at this issue. I have learned that an African American man who is a high school dropout between the ages of 30 and 34 is two-thirds as likely to be in jail, have been in jail, or dead. There is a direct connection between what we do or do not do in our public education systems and the price we all pay in terms of our public safety. I say to everyone concerned: There are good reasons to care about the education of children. If nothing else, be concerned about why you have three schoolchildren on your front door. If we don't educate our children, our public education and public safety. I say to everyone concerned: There are good reasons to care about the education of children. If nothing else, be concerned about why you have three schoolchildren on your front door. If we don't educate our children, our
If Betsy DeVos gets her way and cuts funding for public schools, that means fewer teachers. If she does what she did in Michigan, that will mean poor outcomes with fewer high school graduates. What we know is that these are the kinds of policies that present us from moving forward. What we also know is that we know we can as a country, which is about paying attention to all the members of our society, and, in particular, our children, and investing in them with the education they so richly deserve. They can one day stand in this Chamber as a Member of the Senate, doing the best of what we know we can do as a country.

Simply put, I will say this. It is clear from her testimony that Betsy DeVos has not done her homework. She hasn’t done her homework in terms of preparing for the job, and she did not do her homework in terms of preparing for her hearing. I say that right now the Senate must do our job, we must do our homework, and we must refuse to confirm her as the next Secretary of Education.

Mr. President, I yield the floor.

Mr. BENNET. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BENNET. 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. BENNET. Mr. President, I wish to begin by congratulating our new Senator from California for her first speech in the Chamber. I know it is not her first official speech, but she is here on this important night to talk about the state of public education in this country and this confirmation process. So I thank her for her remarks. I also want to thank the ranking member of the Education Committee of the Senate, Senator MURRAY from Washington State, who is here tonight as well. I know she has been here all day today and was here all day on Friday as well, because the set of issues we are discussing are so important.

As I sat here listening to the Senator from California, I was thinking about the work we have done recently on the committee on which we both serve—the Health, Education, Labor, and Pension Committee—with the leadership of Chairman ALEXANDER, a Republican from Tennessee, and Ranking Member Senator MURRAY, from Washington State, to pass a new reauthorization of No Child Left Behind—a bill that if you said: ‘Let’s have a rally on the steps of the Capitol to keep No Child Left Behind the same, not a single person in the United States would have shown up for that rally. It took this body 7 years—7 years after we were supposed to reauthorize No Child Left Behind—to actually do the work. But when we did the work, we were able to get it through the committee once unanimously. This committee has on it, among other people, Senator BERNIE SANDERS from Vermont and Senator RAND PAUL from the Commonwealth of Kentucky. They seldom agree on anything, but they agreed on that bill. We got out of the committee almost unanimously, and then passed it on the floor of the Senate with over 80 votes. It passed with a huge bipartisan vote in the House of Representatives, and it was signed by the President. It was 7 years too late, but we were able to do it in a bipartisan way—which is what education issues should always require. It is a shame that tonight we are here with a partisan divide because of the selection President Trump has made to lead the Department of Education.

Since our first days before we founded this country, education has been an American value. In Massachusetts, Pennsylvania, and elsewhere, colonists recognized their collective responsibility to educate their children. They wrote into law that children, both wealthy and poor, must be taught to read and write. And we, as a country, have taken that step, that readiness step, like blacksmithing, weaving, or shipbuilding, to secure their economic independence. As democracy took root in early America, public education became not just but an imperative. An enlightened public, the Founders believed, was essential to self-government.

Thomas Jefferson wrote that we must ‘educate and inform the whole mass of the people in the common cause of our liberty.’ Benjamin Franklin believed: ‘The good education of Youth has been esteemed by wise Men in all Ages, as the surest Foundation of the Happiness both of private Families and of Common-wealths.’

With education, the common man would be able to select leaders wisely and fight back against the tyrannical instincts of those in power. He would be able to understand, maintain, and protect his rights, so that government could not usurp authority and devour into despotism.

In a country ‘in which the measures of Government receive their impression so immediately from the sense of the Community as in ours,’ George Washington explained, ‘knowledge . . . is proportionately valuable. This set of beliefs represented a fundamental break from the aristocratic ways of the old world. A republic that was ‘for the people’ and ‘by the people’ required an educated people.

With this new world also came a new conviction that individuals could determine their own future, that their birth or circumstance no longer limited their potential. This foundational idea grew to become the American dream: Every child, regardless of who their parents are or where she came from, could achieve an education and grow up to achieve a better life.

Over time, as our Republic became more and more democratic, as the right to vote and lead was secured by African Americans and women, education became the fundamental means by which Americans sought to secure their liberty and their equality.

Unfortunately, expanding education has not come without struggle, but we have often succeeded because we have recognized that symbiotic relationship among the needs of our country and the success of individual Americans to move forward. This included the need for a universally literate workforce in the 1830s and the creation of Horace Mann's Common School Movement; the demand at the turn of the 20th century to replace out-of-date Latin schools with progressive high schools that prepared students for the emerging industrial workforce; the challenge of providing World War II veterans with a career path and the creation of the GI bill; and the nation’s need to tear down the barriers of Jim Crow school systems in the 1950s and 1960s.

Too often, as a country, we confronted these challenges too late and at the tragic expense of our fellow Americans’ potential. ‘Invisible speed’ has proven not fast enough, especially for children living in places like the Mississippi Delta and South Central Los Angeles.

At each of these turning points, we have asked for more from our public schools. To their credit, our educators—teachers, specialists, and principals—have risen to the challenge, many times much sooner than the rest of us. They have helped us build a nation admired for our forward progress, for opportunity, and for equality.

That is the American ideal from our founding until today. I come to the floor tonight with a sense of urgency because our generation is at risk of breaking the American promise. As a country, we have asked for more from our public schools. To their credit, our educators—teachers, specialists, and principals—have risen to the challenge, many times much sooner than the rest of us. They have helped us build a nation admired for our forward progress, for opportunity, and for equality.

That is the American ideal from our founding until today. I come to the floor tonight with a sense of urgency because our generation is at risk of breaking the American promise to our children.

In our Nation, education is supposed to be at the heart of opportunity, but today our education system falls far too many kids. Schools that once were engines of opportunity and democracy are now too often traps for intergenerational poverty.

As a result, only 3 out of 10 children born to very low-income families in the United States will make it into the middle class or higher. Only 4 out of 100 will make it to the top 20 percent of income earners. Already, the United States has less social mobility than at least 12 other developed countries—among them, Canada, Japan, and Germany.

In America, children growing up in poverty here hear 30 million fewer words than their more affluent peers by the time they reach kindergarten. In fourth grade, only one in four of our students in poverty is proficient in math, and fewer than that can read at
grade level. As few as 9 will receive a bachelor’s degree by age 25.

As a nation, we are falling behind the rest of the world. When George Bush, the son, became President in 2000, we led the world in college graduates. Today in the world, American 15-year-olds score lower than their peers in 14 countries in reading, 36 countries in math, and 18 in science.

Much of the rest of the developed and developing world is figuring out how to produce more educated students, while the United States is standing still and therefore falling behind. We must refuse to accept outcomes that are a tragedy for our children, a threat to our economy, and an immes-
urable risk to our democracy.

To make change, we need to stop treating America’s children as if they belong to someone else. To meet our children’s needs, we must invent a 21st century approach to education, a system for the delivery of free, high-quality education built for the future, not for the past.

We must have the courage to shed old ways of thinking, abandon commitments to outdated approaches, and explore new ideas. This reenvisioned system must be a laser on what is best for kids, not what is convenient for adults. It must be comprehensive and integrated from early childhood to postsecondary education.

A 21st century system of public education must set high expectations, demand rigor, and create meaningful accountability. This system must embrace different kinds of schools and create a culture that is focused on continuously learning from each other—among traditional, charter, and innova-
tion schools, and across districts, cities, and States.

We need to change fundamentally how we prepare, recruit, place, train, retain, and pay teachers and school leaders. Our system belongs to a labor market that discriminates against women and said you have two professional choices: one is being a teacher and one is being a nurse. So why don’t you come teach Julius Caes-
ar every year for 30 years of your life in the Denver Public Schools, where we are going to pay you a wage far lower than anybody else in your college class would accept.

Those days are gone. We had discriminated our market that actually subsidized our school system because very often the brightest stu-
dents in their class—very often women—had no other career options and therefore were willing to teach.

That whole system needs to be trans-
formed in the 21st century. We have 1.5 million new teachers whom we have to hire over the next 6 to 8 years in this country, and we have no theory about how to hire them or how to keep them. Fifty percent of the people are leaving the profession now in the first 5 years.

This new system of public education should embrace technology and personalized learning. We must create space
for innovation in school autonomy, and we must also provide choice to parents and kids, but our goal is not, and should not be, school choice for choice’s sake.

For a youngster in a low-income fam-
ily, being forced to attend a lousy school and being given the chance to choose among five lousy schools. That is no choice at all. It is certainly not a meaningful one. The goal is, and must be, to offer high-quality education at every school. Parents can choose among grade schools in their neighborhood and throughout their cit-
ties and towns.

We must refuse to accept the false
choice I have heard over and over again during this confirmation process that you either support school choice in whatever form or you defend the status quo, just as we must reject the idea that you cannot support public schools and advocate for change.

This is why our self-manufactured political division will not work for our kids. We need to rise above the narrow, small politics that consume our atten-
tion and permit and prevent us from making tough choices. Instead, we need to rely on what every education can and should look very dif-
ferent than a 19th century education or a 20th century education, and no mat-
ter what approach or method of delivery, it must be high quality.

The goal must be to now it is pos-
sible to reverse course and create meaningful change. Several cities around the country have already begun creating roadmaps to this 21st century approach. Denver is one of them.

In Denver, we made a deal—create a public choice system that authorizes charters, creates innovation schools, and strengthens traditional schools. We empowered schools through auton-
omny and worked to create a culture of shared accountability and innovation focused on all ships rising. We demanded qual-
ity, and we implemented strong ac-
countability. High-performing schools were rewarded, replicated, and ex-
panded. Low-performing schools had to be improved or be shut down.

We made tough decisions. We closed schools. I sat in living rooms, class-
rooms, and gymnasiums with parents urging them to demand more from the school district, even if it meant that their child had to go to a different school. I heard from concerned citizens, teachers, and principals, I went door-to-door to enroll kids in new schools.

Denver created innovative teacher and school leadership policies. We tried to rethink the tired model of the last century and create a new career for this one. That is why today in Denver you will find teachers teaching other teachers and being paid for it, knowing that their job is not only to educate their students but also to improve the honorable craft of teaching so our kids can achieve even more.

We used the levers of Federal law, strong accountability, and civil rights protections as the backbone of change. We cannot have made the changes we did had it not been for the national demand for improvement in our schools— the civil rights impulse that underlies the Federal involvement in public edu-
cation, as well as the courage of our country to demand better for our children. Denver has begun to see the results of hard work.

Over the last decade, Denver Public Schools students’ achievement growth is faster than in any State in both math and English. This outcome was achieved by students qualifying for free and reduced-price lunch and also students not qualifying for free and re-
duced-price lunch. Latino and African-
American students’ achievement in English and math grew faster than their counterparts throughout the State.

Sixty-one percent more students graduated in 2016 than in 2006. We have a long way to go, but I would suspect that we could say of every urban school district in America that we are graduating 60 percent more students this year than we were a decade ago, we would be feeling a lot better about where we are headed as a country. In Denver over that same time, the overall ontime graduation rate increased almost 30 points, and the ontime gradua-
tion rate for Latino students has dou-
bled since 2007.

Denver Public Schools’ enrollment has increased—many cities have lost enrollment—over 25 percent, making it the fastest growing urban school district in America, partly be-
cause Denver has grown but also be-
cause parents and kids and families have now found schools that are re-
 sponsive to their families’ needs and supportive of their children.

I am the first to say, and I always will be the first to say, that we still have a lot of work to do to make sure that the Denver Code Denver are born into doesn’t determine the edu-
cation they receive. But cities like Denver are moving in the right direc-
tion. Now we need to move a nation in the right direction.

Tonight, as we stand here in this marbled Chamber among these statues that tie us to our past, I am thinking of our future. I am thinking of the mil-
ions of poor children across time zones our Founders could not have imagined, heading home after a long day at school, shifting their backpacks of books to find a comfortable spot, sharpening pencils for math and past-
tels for art, clearing a space on a busy
dinner table for homework. I am think-
ing about children teaching other chil-
dren, older brothers and sisters teach-
ing their younger siblings, expecting that they will have more opportunity than their parents. I am remembering the naturalization ceremony I attended just last Friday at Dunn Elementary School.

Kara Roth’s fifth grade class welcomed 26
new Americans from 13 countries to the United States. I am thinking about
teachers and principals and students—while we are here speaking—who are up tonight, planning for tomorrow, and hoping for a future that allows them to review at home before they teach tomorrow the best lessons for teaching the potential destructive forces of volcanoes, what Scout learns in “To Kill a Mockingbird,” or the mathematical reasoning that calls on us to invert the second fraction when we divide. I am imagining a country that fulfills its responsibility to its children by providing quality early childhood education to every American family who wants it—a K–12 school for every child, to which every Senator would be proud to send his or her child or grandchild and access to college and skills training that prepare students for economic success without shackle them to a lifetime of debt.

All of that leads me to comment briefly on President Trump’s nomination for Education Secretary. I have no doubt Betsy DeVos is sincere about children. It is not her fault that President Trump nominated her. So let me be clear that I am addressing the President and not Mrs. DeVos when I say that this nomination is an insult to schoolchildren, their families, their teachers and principals, and to communities fighting to improve their public schools all across this country.

Even with the limited questioning allowed at the confirmation committee hearing, it quickly became clear that Mrs. DeVos lacks the experience and the understanding to be an effective Secretary of Education. The bipartisan progress of American education achieved over the last 15 years was predicated on a deep commitment to three principles: transparency, accountability and equity.

Mrs. DeVos’s testimony and public record failed to establish her commitment or competence to protect any of these foundational principles. Her “let a thousand flowers bloom” approach asks American school children to take a huge step backward to a world without the high expectations and transparency that we need to give parents and taxpayers the information they deserve on how our schools are performing. Those high expectations, paired with the clear commitment to accountability, ensure that our successful schools should be replicated and our struggling schools should be held accountable for improvement, regardless of whether it is a choice school or a district school.

Finally, we know that the Secretary of Education holds the sacred job of ensuring that every child in America gets the resources and the support they deserve, regardless of their income, background, or educational needs. This commitment to equity is at the core of the Elementary and Secondary Education Act. Mrs. DeVos has shown no evidence of her commitment to the torch bearer for both excellence and equity. Her ideology and dogmatic approach communicates a lack of understanding and appreciation of the challenges we face and the depths of solutions they demand.

A commitment to choice without a commitment to quality serves ideology rather than improvement, and a commitment to competition without an emphasis on the commitment to orient our mighty education system to build opportunity for all. For the first generation of students to whom that promise feels elusive, they deserve an Education Secretary who has the courage, competence, and commitment to orient our mighty education system to build opportunity for all. Mrs. DeVos shows none of those skills, and our young people cannot afford to wait 4 years for their chance at the American dream.

Millions of Americans recognize this, which is why this nomination has generated more controversy than any other. I look forward to working with any warmhearted Democrat, including even Mrs. DeVos—anyone interested in improving our children’s opportunities and taking seriously the future of our democracy. But I will not support her nomination. I will vote no for this nomination and urge my colleagues to do the same.

Mr. President, 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.

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

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

Mrs. MURRAY. Mr. President, over the course of this debate, over the last 9 hours, plus 6 hours on Friday of the 30 hours that we have on this, many Senators have come to the floor to talk about what has been done and what must be done for our kids. This nomination by the President to hold schools accountable for stronger, more effective efforts to prevent sexual assault, she wouldn’t commit to that. She would not commit to that. When I asked whether she would continue the Obama administration’s policy to hold schools accountable for stronger, more effective investigations of sexual assault, she dodged the question.

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These answers are especially concerning given that Mrs. DeVos has gone so far as to donate to an organization dedicated to rolling back efforts to better support survivors and increase accountability. Let me tell you that again. Mrs. DeVos has gone so far as to donate to an organization dedicated to rolling back efforts to better support survivors and increased accountability.

Let’s be clear. The epidemic of sexual assaults on our college campuses is a public health threat that has to be taken on now. The reauthorization of the Violence Against Women Act has finally been able to find common ground.

There is much more to do. The next Department of Education should not be standing on the sidelines, much less taking us backward on an issue that is so critical to student safety on campus.
So I hope that as my colleagues are listening to the debate here today, tonight, and tomorrow, that they consider what Mrs. DeVos’s leadership at the Department of Education means on this issue, the issue of making sure men and women on our college campuses—and the women students on these campuses—are not worried about being a victim of sexual assault and having nowhere to turn and not have the confidence that their voices will be taken seriously.

On another area, nominees for Secretary of Education have largely been people, over the past, who were very committed to our students, who had long careers dedicated to education, and who were focused on keeping public education strong for all of our students and for all of our communities.

Public education is a core principle that our country was founded on, that no matter who you are, where you come from, or how much money you have, this country is going to make sure you get an education. That is how our country has been strong in the past. That is how our country has to be in the future. Free public education.

Well, Betsy DeVos is a very different nominee. She has spent her career and her fortune rigging the system to privatize and defund public education, which will hurt students in communities across our country. She is not personally connected to public schools except, through her work over the years trying to tear them down. She has committed herself for decades to an extreme ideological goal to push students out of our public schools and weaken public education.

I can talk at length about Betsy DeVos’s record of failure and her devastating impact on students, but all people really need to do is watch her hearing in our Health, Education, Labor, and Pensions Committee. Just go back to the hearing. What was a hearing that people across the country heard about—and for good reason—from local newspapers, to local news, to “The Daily Show,” to “The View,” and posts that went viral on social media. A lot of people in our country heard Betsy DeVos for the first time in that hearing. They were not impressed.

She refused to rule out slashing investments in our public schools. She was sent through a federal law to provide protections for students with disabilities. She did not understand the basic issues in education policy or the debate surrounding whether students should be measured based on their proficiency or their growth. She argued, as we have all heard, that guns needed to be allowed in schools across the country to “protect from grizzlies.” Even though she was willing to say that President Trump’s behavior toward women should be considered sexual assault, as I just talked about, she would not commit to actually enforcing Federal law protecting women and girls in our schools. Her hearing, quite frankly, was a disaster. It was so clear to millions of families how little she really understood about education issues.

I have to tell you, as a former preschool teacher myself and a former school board member, someone who got involved in politics today by being a strong supporter of our public schools, as a Secretary committed to standing strong for public education in America, as a mother and a grandmother who really cares deeply about the future of our students and our schools, I know that we can and we must do better for our children and our students and our parents and our teachers.

The decision we are making here on whether to confirm Betsy DeVos for Education Secretary will help set the course for our public education system for years to come. So I hope, again, that our colleagues are listening to this debate and thinking about it and not just voting rotely on this. This is so important.

Quite frankly, I am disappointed that our Republican colleagues have moved us so fast into this debate. I have been in the Senate a long time. I know what the usual practices are when we go through hearings and listen to nominees from Republicans and Democrats. I was here when the Senate was 50-50. There are practices we have to make sure that all Senators get the information they need to make a wise and fair decision with their vote for which they will be held accountable.

Quite frankly, the usual practices here were really being ignored. The right thing to do was being ignored. This nominee was jammed through like I have seen none other. Corners were being cut. The minority was being brushed aside. I really think that is wrong.

Earlier this month, Republicans on the Health, Education, Labor, and Pensions Committee scheduled Mrs. DeVos’s hearing even though she had not yet finished her standard ethics paperwork and even though she had not and still, by the way, has not answered my questions about her financial disclosures to our committee. In fact, when we started the hearing, the Republican chairman, the senior Senator from Tennessee, whom I have worked with greatly—we worked together to pass No Child Left Behind. I have a tremendous amount of respect for him. But I was shocked and surprised when he preemptively declared that he would be limiting questions for each Senator to just 5 minutes—a shocking and disappointing breach of committee tradition, clearly intended to limit public scrutiny.

Mrs. DeVos is a billionaire. She has extraordinary complicated and opaque finances, both in her own holdings and those in her immediate family. She has invested in education companies, for-profit companies, for decades. Over 100 conflicts were identified. Her ethics paperwork raises questions about the company in which she plans to remain invested. She still, by the way, has not fully answered my questions about her committee paperwork.

As I told the Republican chairman at our markup, the process that has taken place on Mrs. DeVos’s nomination is a massive break in the tradition of this body. We should not have had a vote in this committee until all Senators had received appropriate responses to reasonable questions and until a second hearing was held so that Senators could get these serious concerns addressed and do their job scrutinizing the nominee.

Understand, we had a hearing. We were limited to 5 minutes each. And we did not have all of the paperwork, so we could not do our homework to make sure we were asking the questions we needed that have to a public debate. So, again, I am shocked and I am deeply concerned about this nominee. We do not yet know whether there are conflicts of interest.

For a Secretary of Education who wields tremendous power over our K-12 system and our higher education system—as we all know, there have been tremendous questions over the past decade about access to higher education; whether you go to college and get the degree you have been promised; whether institutes have been responsible and accountable; and how we as the Senate and House can come together to make sure that when a student takes out a student loan or invests in a higher education institution, they know they are getting their money’s worth and if there are taxpayer dollars involved, that the taxpayers are getting their money’s worth as well. So conflicts of interest are extremely important. To this moment, we do not have the answers to those questions.

So these are just a few things. I have been here on the floor to talk about them. We have heard from many of our other colleagues. It is no surprise to me that this has lit a firestorm across the country. Having a Secretary of Education, someone who is responsible for our children’s education—schools are the center of our community. Community members own those schools in their minds. This is where they send their kids to school, where they have basketball games, music concerts. It is where our community comes together. Yes, we all complain about public education. Who hasn’t? But at the end of the day, we love our local schools, and we want them to know that the Secretary of Education—the highest person in the land to oversee education—will stand up for our students and our parents and our teachers and our communities. That is how our country has been strong in the past. That is how our country has to be in the future. Free public education.
are proud of in their own communities and want to make better. So I, like everybody else, have heard from many of my constituents, more than I can ever remember in my entire Senate career. This has ignited a public storm. I want to share some stories from my constituents about is her disconnect from the working class.

A woman in Puyallup wrote to me, saying that education is the greatest gift we can give to our children, and she thinks that confirming Betsy DeVos with her plans to weaken public education will rob so many children of that gift.

Mr. President, those are just a few of the letters I am getting. There are many more, and later this evening, I will be reading from some of those letters because they tell the story better than I do.

I know some of our colleagues are wondering why this woman set off such a firestorm when her nomination came up and why so many people are calling and writing and rallying and letting their voices be heard.

It is not easy to rally the public. This came from within. This came from many people in this country who understand, as so many of us do, that public education and the right to an education, free—free education is critical and fundamental and a core philosophy of this country that all of us want to be successful and want to be great again.

To have a Secretary of Education who doesn’t agree with that, who in fact promotes the exact opposite, who has said that our public education system is a dead end, who has proposed, promoted, and paid for campaigns to take public tax dollars to send to private, for-profit schools, that is not what our country was built on. It is not the foundation that our forefathers put out in front of us.

They said: We are going to build a system unlike any other, where no matter who you are or where you come from or how much money you have or what you look like, in this country, we are going to make sure the right to an education, a free education, paid for by all of us, to go to school in your community and to be who you want to be. That is a dream of this country, and we will not stand by and give our votes to a Secretary of Education who does not share that philosophy.

That is why there is a firestorm. That is why parents and teachers and students and grandparents and community leaders and superintendents from across the country are writing us and asking us to vote no. It is not too late. If we have one more Republican who votes no, then we will be able to say to the President: Mr. President, we reject this nominee, and we ask that you send back to the Senate.

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That is why there is a firestorm.
Mr. President, I rise today in opposition to the nomination of Betsy DeVos to be our next Secretary of Education. This is one of the most important jobs in our government. The Department of Education bears responsibility for making sure that every child in America receives an excellent education—regardless of any family’s potential, which means that the Secretary of Education has an enormous amount of power to shape our Nation’s future. This is not a job for amateurs.

President Obama’s first Secretary of Education was Arne Duncan, who had spent 7½ years building a record of accomplishment as CEO of Chicago’s public school system, previous to which he had been director of a mentoring program and the founder of a charter school. When Secretary Duncan stepped down, he was replaced by Dr. John King, Jr., the recipient of a doctorate in education administrative practice. He had served as Deputy Secretary under Arne Duncan and was previously the education commissioner for the State of New York. Each brought to the job a background in public education that informed their understanding of what students, parents, teachers, and administrators need in order to succeed, which brings me to Betsy DeVos.

There are reasons to be skeptical about Mrs. DeVos’s nomination right off the bat. As my Republican colleague, Senator Collins of Maine, put it: “The mission of the Department of Education is broad, but supporting public education is at its core.”

Well, in Mrs. DeVos, President Trump sent us a nominee with no experience in public education. Mrs. DeVos has never been a public school superintendent or a public school principal or a public school teacher. She has never attended a public school. She has never sent a child to a public school. Mrs. DeVos has no formal background in education, no classroom experience, and no demonstrated commitment to supporting public education whatsoever.

In fact, Mrs. DeVos has a long history of actively undermining public education. She and her family have spent millions of dollars advocating for an ideology that would steal funds from public schools in order to fund private, parochial, and religious education. They’ve taken a moment to talk about what that means.

Mrs. DeVos ran a political action committee called “All Children Matter,” which spent millions in campaign contributions to promote the use of taxpayer dollars for school vouchers. The argument was that these vouchers would allow low-income students to leave the public school system and attend the private or religious school of their family’s choice. Mrs. DeVos has described school choice, claiming that it would give parents a chance to choose the best school for their children, but that is not how it works. In reality, most school vouchers don’t cover the whole cost of private school tuition, nor do they cover additional expenses like transportation, school uniforms, and other supplies, which means the vouchers don’t create more choices for low-income families; they create barriers to school choice for families who could already afford to pay for private school.

As it happens, we have a real-life test case that we can look at to determine whether Mrs. DeVos’s ideology holds water. Mrs. DeVos heads up a voucher program in the State of Indiana, and guess what happened. Today, more than half of the students in the Hoosier State who received vouchers never actually attended Indiana public schools in the first place, which means that their families were already in a position to pay for private school. Indeed, vouchers are going to families earning as much as $150,000 a year.

I am sure these families appreciated the extra help, but as of 2015, nearly half of Indiana’s children relied on free and reduced-price lunch programs. These are the kids Mrs. DeVos claims would be helped by school vouchers; instead, taxpayer dollars were taken away from schools that remain, in the only choice for these low-income families and given to families who could already afford private school, who were already sending their kids to private school. That is the reality of school vouchers.

That is why after Mrs. DeVos developed a similar proposal for a voucher program in Pennsylvania and an analysis projected that, just like in Indiana, the vouchers would mostly benefit kids already enrolled in private schools, voters rejected it on multiple occasions. Yet Mrs. DeVos and her family continued their fight for school vouchers. In fact, she has been such a fervent advocate that her political action committee, “Public School Matter,” received the largest fine for violating election law in Ohio’s State history—a $5.3 million fine that nearly a decade later she still hasn’t paid.

Why do this? The evidence is clear that Mrs. DeVos’s voucher obsession doesn’t help low-income families. Quite to the contrary, it represents a serious threat to the public school system—a system that as many as 90 percent of the children rely on—but Mrs. DeVos describes it as “a dead end.”

The truth is that Mrs. DeVos’s education advocacy isn’t really about education at all. She describes her goal as follows: to advance God’s kingdom. Now many families choose to send their children to religious schools, and many children receive an excellent education at religious schools, but it is the public school system that the Secretary of Education is supposed to focus on, and that is not the part that Mrs. DeVos and her family have put at the forefront of their advocacy. Mrs. DeVos spent a decade serving on the board of the Acton Institute, which seeks to infuse religion in public life, beginning with public education. She and her family have devoted millions to promote the institute’s work, including promoting ideas like this:

We must use the doctrine of religious liberty to gain independence for Christian schools until we train up a generation of people who know there is no religious neutrality, no neutral law, no neutral education, and they don’t have the luxury of neutrality—a $5.3 million fine that they will get to spend building a Bible-based, social, political, and religious order which finally denies the religious liberty of the enemists of God.

Those are the words of Gary North, a Christian Dominionist for whom the Acton Institute serves as a forum.

Of course, not everyone who believes in the potential of parochial schools shares his view, but this is the kind of stuff Mrs. DeVos and her family have spent millions and millions of dollars promoting. It is fine for someone to hold strong religious views and to advocate for those views and to spend their personally fortune to get others to adopt, but it is entirely fair to ask whether the mission of building a Bible-based social, political, and religious order is compatible with the mission of the Department of Education. So, yes, based on Mrs. DeVos’s radical ideology, I was skeptical when her nomination was sent to the Senate, but I understand that others in this body may not have shared my discomfort.

Within this Chamber we have important differences when it comes to education policy and, for that matter, the appropriateness of using taxpayer funds to advance God’s Kingdom. And do I know what? But we all have the exact same responsibility when it comes to vetting the President’s Cabinet nominees.

Each of us is called upon to determine not just whether we agree with the nominee’s ideology but whether that nominee is free from relevant conflicts of interest and, critically, whether the nominee is competent, whether he or she is capable of doing the job. Whether the nominee is competent, whether he or she is capable of doing the job, making that call is our job, and that is why we have the process that we have. It is why we ask to see the nominee’s financial information. It is why we ask them to submit written answers to questionnaires about their experience and their record. And it is why we have them come to the Senate to sit in front of committees and to answer our questions.

Unfortunately, during her hearing, Mrs. DeVos proved beyond a shadow of a doubt not only that her ideology is fundamentally incompatible with the mission of the Department of Education but that she is fundamentally incompetent to be its leader. Throughout the hearing, she was unable to answer basic questions about voucher programs. On important issues, she was unfamiliar with basic concepts of education policy, and she was unwilling to make basic commitments to continue the Department’s work on behalf of our most vulnerable children.

Let me give you one example of what I mean. During my 5 minutes of questioning, I asked Mrs. DeVos to weigh in...
on the debate about measuring growth versus measuring proficiency. I am
going to take a few moments right now
to make sure that everyone here and
everyone watching at home under-
stands what this debate is about and
just how central it is to the future of
education in this country. The difference
between the two approaches, proficiency
and growth, is very easy to explain.

Let’s say a fifth grade teacher has a
student who comes into the classroom
reading at a second grade level. Over
the course of the school year, the
teacher brings the student up to a
fourth grade level. If we are measuring
growth, we would say: Well, that teach-
er brought that student up two grade
levels in 1 year. That teacher is a hero.

If we are measuring for proficiency,
we would say: Well, that student is
still reading below grade level. That
teacher is a failure.

That is the difference between measur-
ing growth versus measuring prof-
iciency. It took me all of 30 seconds to
explain that, but I could spend all
night talking about what this debate
means for students, teachers, school
leaders, and our entire education sys-
tem.

Everyone agrees that there should be
accountability in our education sys-
tem—accountability for school sys-
tems, schools, teachers. We want to
know we are getting results. That was
the core idea behind all the standard-
ized testing we had in No Child Left
Behind. The problem was that No Child Left
Behind set up a system in which we as-
sessed student learning by measuring
proficiency and only proficiency. As
the law was implemented, all sorts of
problems emerged from taking this ap-
proach.

For example, teachers in Minnesota
would tell me how measuring prof-
iciency would lead to what they called
“a race to the middle.” See, measuring
proficiency only measures what is
right at the grade level—students who
are performing at grade level—at this line of proficiency, at
grade level—and a teacher is measured by what percentage of her students or
his students are above proficiency or at
proficiency. A teacher does not get
credit for helping kids who were al-
ready well above grade level to perform
better, and they don’t get credit for helping kids who are way below grade
level start to catch up. So we had this
culture where students were being
pushed to the middle. That is the one
thing that No Child Left Behind
wanted. They had a strong incentive
to ignore all the kids at the bottom because, no matter what you
did, that student wouldn’t reach
proficiency. The only thing—or one of
the only things—I liked about No Child
Left Behind was the name. And we
were leaving behind the kids at the top
and the kids at the bottom because of
the insistence on proficiency.

I can’t understand how we could be
so blind to this. As the debate con-
tinued to go on, I listened carefully
not only to what our leaders were
telling me, but also to what the
educators were saying. I didn’t want
the debate to stall. I had to make
sure that we were going forward,
that we were making progress on this
fundamental issue.

So when Mrs. DeVos came before the
HELP Committee, I asked for her opin-
on this very basic—this extremely
basic—extremely important question,
and she had no idea what I was talking
about. Let me be clear. She wasn’t re-
luctant to declare her opinion. She
wasn’t trying to strike a middle
ground. She did not know what I was
talking about.

We would not accept a Secretary of
Defense who couldn’t name the branches of the military. We would not
accept a Secretary of State who
wouldn’t know enough about our
foreign policy to have said who was
the Secretary of State. We would
not accept a Treasury Secretary who
doesn’t understand multiplication.

In fact, in nearly any circumstance, if
a candidate for a job is asked a ques-
tion that basic and that important and
simply whiffs on it the way that Mrs.
DeVos did, there is no second question.

There is just a thank you for your
time, and we will let you know, and
will you please send in the next can-
didate.

Earlier this year, the University of
Minnesota hired a new head football
coach. I wasn’t there for the interview.
But imagine if the first question for
a candidate for football coach of your
university was as follows: How many
yards did it take to get a first down?

And imagine if the candidate answers
can answer as follows: Thank you for your ques-
tion. Mr. Athletic Director; I can
pledge to you that I will work very
hard to get as many first downs as pos-
sible to make sure, we hope, that we lead the team to touchdowns.

This wasn’t the question. The ques-
tion was this: How many yards does it
take to get a first down?

Well, thank you again for the ques-
tion. I can tell you this: I will look for-
ward to working with you to prevent
the other team from getting first
downs also.

Understand, that is how basic my
question to Mrs. DeVos was, and that is
how shocking it was that she simply
didn’t know enough about education
policy to answer it.

This inexplicable failure alone was
enough for me to conclude that Mrs.
DeVos lacked the knowledge and un-
derstanding that should be a bare min-
imum for an education secretary, and
Secretary of Education. Where
But the entire hearing—the entire
hearing—was a showcase for her lack of
qualifications. I would urge any of my
colleagues who haven’t had a chance to
watch it. I urge you to do so before
casting a vote for this nominee. It was
one of the most embarrassing scenes I
have witnessed during my time in the
Senate. In fact, I believe it may have
been one of the most embarrassing per-
fomances by a nominee in the history of the Senate.

As a result of the hearing, the Senate
asked about the right of children
with disabilities to get a quality public
education. She didn’t know how to answer
that question. She didn’t understand how
Individuals with Disabilities Edu-
cation Act. When asked about guns in
schools, she suggested that maybe guns
should be kept on hand in case grizzly
bears attacked. This was in answer to a
question from Senator Murphy, who in
Congress represents Sandy Hook and
who, as a Senator, represents those
parents. That was her answer to him.

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round of questioning. They simply chose not to engage in one. Indeed, when I asked the Congressional Research Service, they confirmed that those hearings did not establish the precedent that our chairman claimed.

Insisting on nothing further, the chair thanked our witnesses. Mrs. DeVos, the chairman invited us to submit additional questions in writing, presumably so that she could get some help from her Trump administration handlers in answering them. Even so, her written responses largely served only to further expose her own lack of understanding of how education policy affects Americans.

For example, I asked Mrs. DeVos in writing about the effects of trauma and adverse childhood experiences on education. This is a subject I have been interested in for a long time. A lot of kids in our country live in extreme poverty. Some may have a parent in prison or a parent who has passed away. These kids may also experience physical and emotional abuse or neglect. There may be some drug or alcohol abuse taking place in the house. Some have witnessed domestic violence in their home or street violence in their neighborhood. Some have seen siblings traded right in front of them. Decades of research have shown that the trauma that comes from such adverse childhood experiences actually changes a child’s brain chemistry and affects their developmental, their mental and physical health, and their chances to succeed in school and in society longterm. But research has also shown that these challenges can be overcome and that the kids who do overcome them are the most resilient kids you have ever met.

Our public education system was designed to give these kids a shot. Teachers and administrators often lack the resources they need to give these children the chance they deserve. Because Mrs. DeVos’s rationale for school vouchers would further rob our public schools of these limited funds, I wanted to know her thoughts on this important issue.

This is take-home. Her written answer was brief and superficial. She wrote that she had heard that children are impacted by trauma and that trauma can cause difficulties in a child’s education. That was it. Was she unfamiliar with the literature? Was she unwilling to acknowledge that poor kids may face special challenges? Would she be remotely interested in addressing these challenges as Secretary of Education? I guess we may never know.

I also asked Mrs. DeVos in writing about her vision for education in rural communities. As the Presiding Officer knows—the Governor and now Senator from South Dakota—many of our children in America attend school in rural America, 10 million American kids, schools that struggle with teacher shortages and transportation problems. I asked how would her school choice agenda help them. In her response, she pointed to online schools, which are often run by for-profit companies, many with questionable records. In fact, one of the country’s biggest online schools recently agreed to a $168.5 million settlement in California for allegedly defrauding families—a $168.5 million settlement. But even if that isn’t out to rip off students often wind up failing them. A 2015 Stanford study showed that, on average, kids in online schools lose the equivalent of 72 days of learning in math, 180 days of learning in reading, and that is for each 180-day school year, which means that kids in online schools can fall up to a year behind in math.

Of course, as the Presiding Officer knows, many rural communities lack reliable broadband access. I have been on rural education tours where I find students who go to a McDonald’s parking lot so they can get WiFi to read their public school assignment or get materials to study. This is another aspect of the poor kids who do overcome these challenges. The Department of Education is the agency charged with helping us get online generally, but at very least, each illus- trated during their confirmation hearings that they have a basic understanding of the issues they will be responsible for. Mrs. DeVos is different.

I have heard from Minnesotans about many of President Trump’s nominees, but the outcry over this nomination has especially, I would say, this week ago, my office had received 3,000 calls about this nominee. A grand total of 12 were in favor of her confirmation. Additionally, we received more than 18,000 letters and emails, and again the overwhelming majority of them have urged me to oppose this nomination. For example, a woman from Brainerd, MN, wrote to say that she never contacted one of her representatives before and didn’t consider herself a Democrat nor a Republican, but she wrote in opposition to this nomination. Mr. President, I yield the floor.
The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I wish to add a few Rhode Island voices to the voice of the Senator from Minnesota. By the way, I am not cherry-picking my correspondence to find the rare and exceptional exception to this nominee. We have had an unprecedented avalanche of opposition to this nominee. It is running well more than 100 to 1 against her, and it is people from all walks of life.

Here is a letter from William, a 12th grader in Pawtucket, RI. William took the trouble to write to me. Let me start with the topic line: “Concern over Betsy DeVos.”

Hello, Senator Whitehouse!

My name is William and I am a senior at Blackstone Academy Charter School, a public charter school in Pawtucket, Rhode Island. I am contacting you today due to my concern about educational equality, specifically Betsy DeVos’ ability to commit to practices that ensure that the children who need the most help aren’t forgotten about and being given a second chance. These children are our kids of color, as well as our low-income kids attending urban public schools with limited resources.

Having attended Pawtucket public school, I can confidently say that there are some genuinely brilliant minds here in this very city, in the areas where somebody like Mrs. DeVos would least expect. Yet it also cannot be denied that the students here begin their journey on ground that is unequal to that of other kids who are not people of color, who are not part of the public school system. These bright young sappers are being crushed before they are given the chance to blossom, and that is a systemic problem that DeVos, given her various shortcomings, will only serve to perpetuate and make worse.

DeVos, given her support of the privatization of public schools and her open disdain towards the LGBTQIA community, has established that she will not improve the experiences of marginalized communities. Her interest is the enrichment of education for people, but the monetization of education to put money in her pockets and the pockets of people like her. DeVos will never spearhead programs that make sure that the students here, the students of color, are given the chance to blossom, and it worries me that he won’t continue to get the education he deserves. I am very concerned about the nominee Betsy DeVos being appointed as the Secretary of Education and there are videos on almost any social media as well as YouTube to prove it and it clearly shows she has no experience and will put our education, or I will say “future” at risk. Please Senator I hope you can do everything you can to prevent her nomination.

Sincerely, William

Next is Sara. She also lives in the city of Central Falls.

I am writing today because I’m concerned about the education in the public schools in my city. The students in Central Falls are not given the education they deserve in the environment of Central Falls as of schools in other districts. This is important to me because I’m a Latina and a woman of color, I deserve the same equal and fair education as every other individual. I want my children to go to the public school to receive the same education and resources I get.

I am concerned about Betsy DeVos (that she) will take that privilege away from students in public schools. I hope you do everything you can to prevent Betsy DeVos from taking this privilege away from students in public schools.

Thank you for your time!

Sara

The last one I will read is from Jennyfer, 10th grade at Blackstone Academy Charter School, from Pawtucket.

I am writing today because I’m concerned about students in public schools not receiving the same and fair education students in charter and private schools have. I care about students because I want every student to have the privilege of receiving fair and equal education as I have the chance too.

Fair and equal education is so important to me because I’m a Latina and a woman of color. I deserve the same equal and fair education as every other individual. I want my children to go to a public school to receive the same education and resources I get.

I am concerned about Betsy DeVos (that she) will take that privilege away from students in public schools.

There are more letters that I could read, but one point I would like to make is that these are students writing from charter schools. In the flood of opposition from Rhode Island that we have seen to this nominee, it has included teachers, managers, and students in charter schools. There has been a notion developed that this is a battle between public schools and charter schools and that public schools aren’t good, but they want to trap children with disabilities away from the public school. The parents are interested in the charter school, and that creates a slightly different demographic than the ones who are left behind. It makes the charter school population, and it makes it easier for the charter school.

Children with disabilities often get immense support from the public school system. When they try to go to the charter school, they see that the supports for the children with disabilities aren’t there, and it doesn’t make sense to move to a charter school. The charter schools tend to get a smaller population of children with disabilities. They don’t have that additional expense of dealing with and managing a child with their abilities and disabilities are. The public school keeps that expense.

In Rhode Island, we have people flooding into Providence. We teach kids who speak something like 70 original languages in our Providence public schools. A new immigrant is going to go to the public school. That is where they go. It is going to take them time to get settled and to learn about America and to pick up enough language to understand that a public school exists, to make the choice to move their child there, and by the time they do, fine, if they make the choice. But, again, the public school had to be there for them; again, it is an advantage to the charter school.

It is all great for charter schools, but the idea that they are outperforming public schools and there is no recognition of that selection bias is just unfair to the public schools. It gets worse when you move from the selection bias. We move the funding because the way it often works and the way it works in Rhode Island is that the money follows the student. If you are
in the public school and you are selected for a charter school, then a certain stipend of money goes with you to support that charter school.

The problem is that as that money gets taken out of the public schools' budgets, the public school didn't follow you to the charter school. The money followed you to the charter school, but many of the costs remained. If one child leaves a public school classroom and goes to a charter school, you still have to pay for it. So, if you still have to hire the teacher, you still have to heat the building, you may have one less pencil and one less piece of paper in the room, but those are tiny costs. The fixed costs remain.

That is a very serious threat to public schools. Anybody who truly supports the charter school movement, as our charter schools do, has to understand that the testing and accountability has to be fair between public schools and, second, this funding problem—that if you are simply pulling the money out of the public schools into charter schools and the costs are staying behind, what you are doing is crashing the revenues but leaving the costs of public schools.

The public school students are going to suffer from that. If you don't adjust for it, you are being unfair to the public schools, and you are being unfair to the students. This is a serious enough problem that our Providence City Council is debating the issue right now and, as students move to charter schools, trying to figure out: How do you provide adequate funding so you are not stripping the public schools of what they need to continue to teach the other students? Not only are they serious about trying to figure out this budget equation at the city council level, but Moody's, the service that looks at municipal budgets and determines how sound they are and rates cities, has looked at this problem of charter school movement and the remaining costs in public schools and identified it as a fiscal threat to municipalities.

These are both real problems, and the refusal of Mrs. DeVos to grapple with them suggests to our charter school leaders and to me that this is not just an effort to enhance students in being able to go to a good charter school; this is actually an attack on public schools.

There are all sorts of reasons somebody might want to knock down public schools. One is that they simply don't like teachers unions. Teachers unions tend to vote Democratic, let's face it. If you want to cripple teachers unions, you destroy the schools they work in. That is a really nasty reason to get into this charter school fight, but it is real, and it is out there.

So if you want to bring for-profit investment into this space, a lot of money gets spent on education. People who could figure out how to make money in this space want to get their

We requested you provide information about two 501(c)(4) organizations with which you have been associated: the American Federation for Children and the Great Lakes Education Partnerships Fund. You acknowledged your association with these entities in your disclosures to the Office of Government Ethics (OGE). You also acknowledged in your letter to us that "[y]ou have been involved in organizational work that [you have been involved is independent." It is not clear what you mean by "independent" since you have already acknowledged your association with these organizations. I hope you can appreciate how both fundraising and spending of these organizations (from whom? to whom?) in what amounts and your personal decisions to produce conflicts of interest in potential decisions if you are confirmed to serve as Secretary of the Department of Education.

On to the next one and back to the text of the letter:

J.C. Huizenga: Between 2005 and 2007, Huizenga donated $25,000 to All Children Matter, and in 2010 he donated $30,000 to the American Federation for Children Action Fund. Mr. Huizenga founded the National Heritage Academies, a for-profit charter network that has 80 schools in 9 states and has received $4 million in taxpayer funding. According to a 2012 review by the Michigan Department of Education of the schools in the "focus" category, due to significant gaps in achievement, more than half were marked for improvement, many of them managed by National Heritage Academies. It has been reported that Mr. Huizenga said that his involvement with charter schools was due to realizing that "[p]rivatizing public education was not only practical but also desperately needed."

Again, to step back out from the letter, here is somebody who is in the for-profit charter school business, whose charter schools are among half of the troubled charter schools reviewed by the Michigan Department of Education and who wants to privatize public education. He is linked with her through the dark money operation. We don't know anything about the dark money side.

David L. Brennan: Brennan donated a total of $200,000 to All Children Matter from 2004 to 2007, prior to AMC's wind down due to campaign finance violations.

This is a series of campaign violations, finance violations, that led to the $5 million fine that neither the entity nor Mrs. DeVos have ever paid.
In 2010, he donated $89,000 to the American Federation for Children Action Fund. He is the founder of White Hat Management LLC, a for-profit charter school management company that operates 15 schools in three states with over 12,000 students. Since 2008, Whitley and its affiliates have received $3.6 million in federal funds including IDEA funds.

How are we ever going to know if people like this—who are making big, dark money contributions into the dark money operation that she runs—will not be rewarded in a pay-to-pay fashion with grants and favors and an advantage in the position at the Department of Education? You would ordinarily evaluate that by knowing that the conflict of interest existed. But because it is dark money, we will never know.

They will know. She will know, but the public will never know. The Senate will never know. The press will never know.

While you may not have a direct financial interest in the for-profit education enterprise, you have listed above, your political fundraising relationship with them, and perhaps others, could cause a reasonable person concern over your impartiality in matters involving them.

Let me step out of the letter again. Doesn’t that make sense? If you were applying for a grant before the Department of Education and your competitor was somebody who had given $1 million to Mrs. DeVos’s Action Fund, wouldn’t you want to know that? Don’t you think the public should know that? If you were to find out later that had taken place, and they were awarded the grant and you were not, wouldn’t that rankle you a bit? Wouldn’t that suggest to you that perhaps we are not being treated fairly because of that big contribution that was made? But we will never know. We are disabled from doing our constitutional job of reviewing these nominees for conflict of interest when it is dark money that is at stake.

The OGE process does not capture conflicts that arise through political activity.

This is the first transition of Presidents since the Citizens United decision. This is the first one; so there is no history. We have to do it now, but we are not—not for this nominee, not for other nominees. We are leaving a black hole of secrecy around this enormous conflict of interest potential.

The OGE process does not capture conflicts that arise through political activity. It is incumbent upon us to assure the Senate record is complete as to such conflicts and how they will be resolved.

These are just the publically known examples of potential conflicts. Our original request asked you for information to assess potential conflicts with 501(c)(4) organizations that do not required to publicly disclose donor information. Accordingly, we reiterate our request that you provide:

A list of donations made by you, members of your family, and foundations or organizations with which you are affiliated, to other 501(c)(4) organizations over the past five years.

That seems like a perfectly reasonable request.

According to the American Federation for Children, Mrs. DeVos for the year 2014, it spent nearly $1.1 million on political activities, including a $315,000 transfer to the American Federation for Children Action Fund, Wisconsin.

I think most people here know how this works, but to make it clear for people listening, many political organizations require that the donors be disclosed. So if you want to engage in the dark money game and hide your political involvement, you do it. You take your money and you give it to a 501(c)(4), a dark money operation. Then they in turn give it to the political action group. That is what happened here. $1.1 million into the American Federation for Children, $315,000 transferred to the American Federation for Children Action Fund in Wisconsin. The only function that provides is to launder the identity of who the donor was. So that all you see is the money emerging from a dark money organization, with no transparency as to who put it in.

Because donations to a 501(c)(4) are anonymous, they effectively launder the identities of donors to the other parts of the political apparatus. But you know, and the donors know, and therein lies the potential for conflict of interest. Additionally, you refused to disclose donors to the organizations that you and your family and your foundation have made. You explained, “the information request requested has no bearing on the office to which I have been nominated nor the duties of the Department of Education.”

That was her answer to the first letter. Our letter here continues:

Your donations to 501(c)(4) organizations are indeed relevant to your nomination, just as your donations to political candidates, parties and causes are. One obvious instance would be where groups to which you have made political contributions are before the Department as advocates or grant seekers. Again, you know and the donors know, and therein lies the potential for conflict of interest. Additionally, you refused to disclose donors to the 501(c)(4) organizations that you and your family and your foundation have made. You explained, “the information request requested has no bearing on the office to which I have been nominated nor the duties of the Department of Education.”

I do hope that we can agree on that in this Body: That part of our advice and consent role is to understand the potential for conflicts of interest. If we can’t agree on that, then we have a real problem here, because that is the purpose or at least one purpose of what we do.

Your role in raising and distributing “dark money” clearly raises the possibility of such conflicts. As a result, we renew our request for information related to your 501(c)(4) organizations.

Please contact us if you have any questions regarding this request. We look forward to your additional information and disclosure and appreciate your answers.

Well, as of today, what we have is no answer at all—no answer at all. This is a recurring problem here. This business of dark money not being caught by the rather obsolete, in that respect, government ethics reporting conventions that have been carried forward from the Obama transition before all of this became a problem doesn’t just apply to Mrs. DeVos.

Testimony of State Tillerison, as CEO of ExxonMobil, ran a massive dark money operation. ExxonMobil has money all over front groups that deny climate change, all over political groups to try to discourage action on climate change, and a lot of it is dark money. There has been reporting that traces it back to Exxon, but we never know how much because it is dark money, and Mr. Tillerison hasn’t told us one thing about it in his hearing.

We will be considering shortly the nomination of Scott Pruitt as the EPA Administrator. Scott Pruitt ran a dark money operation as the attorney general of Oklahoma. Why would an attorney general want to run a dark money operation in the first place? That is a whole separate question—but he did. It was called the Rule of Law Defense Fund, and what it did was that it took in money, prevented the donors from having their identities revealed, and then funneled the money publicly to the Republican Attorney General Association. It was an identity laundering machine for the Republican Attorneys General Association for big donors who didn’t want anybody to know who the source of the money was being funneled into the Republican Attorneys General Association.

This makes sense. But, no, like Mrs. DeVos, absolute stone wall on any information related to the Rule of Law Defense Fund and Mr. Pruitt’s dark money operation, a black hole of secrecy and enormous opportunity for conflict, because obviously, given his background and given where the rest of his fundraising went, you can draw a reasonable conclusion about where the dark money came from: Devon Energy, Exxon Mobil, American Enterprise Institute, Murray Coal—the usual suspects. That is where a lot of his other money came from. You have to believe it went there. But do we know that? No. He could have taken $1 million from one of those groups and then, as EPA Administrator, begin funnelling on an application of theirs and we would not know. Please don’t anyone tell me that is not a potential conflict of interest. I mean, we can deal with alternate facts around here, but that is just crazy.

We don’t know about Mrs. DeVos’s dark money. We don’t know about Tillerison’s dark money. We don’t know about Pruitt’s dark money. It is as if
there has been an understanding—some secret handshake around here—that nobody will allow dark money information into the nomination process. That is just wrong. That is just wrong. It infects this nomination of Mrs. DeVos. We have to get answers to these questions.

Let me move on to one other point: student college debt. I had a meeting recently. I think all of us had the same experience. From our home States, groups come to visit us and to get our attention and to bring our attention to problems that concern them. I think we all get visits from the same groups. We get visits from our community bankers from our home States. We get visits from our credit unions in our home States. We get visits from the automobile dealers in our home States. We get visits from the insurance brokers in our home States. We get visits from the Realtors in our home States. When the Realtors of Rhode Island came in to visit me the last time, they raised a new issue that I had not heard before from them. The issue that they raised was this: You know, we are starting to have a real problem financing houses for the next generation of home buyers, young home buyers who are coming into the market and who would ordinarily be buying their starter homes. The problem we are finding with them is that they are so loaded up with college debt that we can’t finance the purchase of a home for them.

That is how enormous the student loan debt problem is in this country. It is now preventing so many young people from buying a home that the Realtors have noticed and put it on their problem list as something for us to take action on.

If the Realtors have noticed this, I don’t think it is asking too much for a nominee for Secretary of Education to have noticed it. In fact, she most certainly noticed this, I don’t think it is asking too much for her to have thoughts and a plan, because we are well over $1 trillion in debt for these kids. I think it is about $1.3 trillion now. It has been a known problem for some time. Over and over again, Democrats have tried to find and propose solutions here in the Senate. Over and over again, we have been shot down. But it remains a very considerable issue.

You would think that a new Secretary of Education coming in would want to hit the ground running on this issue. She would have something she wanted to get done to solve it. There would be a plan or an outline. We may not agree with it, it may be something that we have to work together to find a way to get it to the floor, but at least there would be a starting point. All I got was, well, I would be interested in your views on that issue. How is it possible that with over $1 trillion in student loan debt, that the student loan debt problem so severe that even Realtors have put it on their to-do list to get something done about it, that a nominee for the Secretary of Education has nothing? Pockets out. Nothing to get started on this problem. Is she ever going to take an interest? I don’t know.

But it would seem to me, particularly when we are in the HELP Committee—our ranking member, Senator Murray, is here. Senator Murray and Chairman Alexander helped lead us together through the ESSA, the reform of No Child Left Behind. It cannot be that. It cannot be that. It passed roaring through the Senate. The House even picked it up and took it. It came out of committee unanimously. States are still working on implementation of it because it freed them up to do a lot more things, and so they have to go through the process of deciding how they are going to take advantage of its new freedoms. So with respect to elementary and secondary education, we are actually in pretty good shape. All we have to do is implement and enforce the law. That is what we passed. Where is the attention going to be? Well, what we have not passed is the Higher Education Reform Act.

So if you know at all that has been going on in education in the Congress, which is not asking too much of a Secretary of Education nominee, you know that we have just implemented a major reform of elementary and secondary education, that our next order of business is higher education, and that an elemental part of that is going to be college debt.

So the fact that this nominee has nothing on that issue and is in the traditional deer-in-the-headlights-nominee mode of, well, I look forward to working with you on that Senator. Oh, yes, I understand that is a serious problem, Senator, but actually I don’t have any ideas; I don’t have any plans; I don’t have any strategy; I have nothing. Let’s just work together on it. That is not very convincing to me.

I see the Senator from New Jersey here. The night is going on, so I will yield the floor to him, but I will close by saying that this recurring question about nominees who are involved in dark money operations and then refuse to disclose anything about their dark money operations so that it remains a black hole of secrecy and potential conflict of interest is wrong. It is just wrong.

I know there are forces in this building that love the dark money, and there are huge special interests behind the dark money. There are a lot of people who benefit from the dark money who don’t want any light on it ever. But once a nominee has had their name put in for a Cabinet position of the Government of the United States, by God, they ought to disclose their dark money connections because otherwise it is an avenue toward conflict of interest, and there it is. So the conflict of interest, there comes scandal. It is our job to head that off by getting the information before the public so everybody can evaluate it, and we have been knee-capped in that effort by an absolutely positive shutdown from the other side of the aisle on any information about any dark money from any nominee.

They don’t have to be nominees. If they don’t want to cough up their dark money information, we can get the papers back in and tell President Trump: Find someone else. I would rather keep my secrets.

But you should not keep your secrets and get the job.

One more being to objection, the material was ordered to be printed in the RECORD, as follows:

ELISABETH DEVOS, Trump-Pence Transition Team, Washington, DC.

DEAR MRS. DeVOS, Thank you for your response of January 17, 2017, to our January 5, 2017 letter requesting additional information on your vast political fundraising and spending network. Along with various responses and objections to our request, you produced a series of already public campaign finance reports related to the DeVos Education Reform for Children Action Fund, a 527 organization, and its various state affiliates. For the reasons that follow, we view your response as, while sizeable, non-responsive.

We requested you provide information about two 501(c)(4) organizations with which you have been associated: the American Federation for Children and the Great Lakes Advocacy Fund. You acknowledged your association with these entities in your disclosure to the Office of Government Ethics (OGE). You also acknowledged in your letter to us that “[e]ach organization with which [you] have been involved is independent.” It is not clear what you mean by “independent” since you have already acknowledged your association with these organizations. I hope you can appreciate how both fundraising and spending of these organizations (from whom? to whom? in what amounts? your personal role?) might produce conflicts of interest in potential decisions because you if you are confirmed as Secretary of the Department of Education.

Our concerns are not hypothetical as known contributors to your political organizations have had business before Department of Education. For example: Vahan Gureghian: In 2010, Gureghian donated $106,000 to the American Federation for Children Action Fund. Mr. Gureghian founded and is the CEO of CSMI LLC, a Pennsylvania charter school management company and helped found the Chester Community Charter School. (he has been a major donor in promoting charter schools in Pennsylvania. J.C. Huizenga: Between 2005 and 2007, Huizenga donated $25,000 to All Children Matter, and in 2010 he donated $30,000 to the American Federation for Children Action Fund. Mr. Huizenga founded the National Heritage Academies, a for-profit charter network that has 80 schools in 9 states and has received over $43 million in federal funding. According to a 2012 review by the Michigan Department of Education schools in the “focus” category, due to significant gaps in achievement, more than half were managed by National Heritage Academies. It has been reported that Mr. Huizenga stated that his involvement with charter schools was due to realizing that “privatizing public education was not only practical but also desperately needed.”

David L. Brennan: Brennan donated a total of $200,000 to All Children Matter, from 2004...
to 2007, prior to AMC’s wind down due to campaign finance violations. In 2010, he donated $39,000 to the American Federation for Children Action Fund. He is the founder of White Envelope LLC, a for-profit charter school management company that operates 15 schools in three states with over 12,000 students. Since 2008, White Envelope’s affiliates have received $3.6 million in federal funds including IDEA funds.

While you may not have a direct financial interest, profit-driven education enterprises headed by those listed above, your political fundraising relationship with them, and perhaps others, could cause a reasonable person concerned with your impartiality in matters involving them. The OGE process does not capture conflicts that arise through proximity. It is incumbent upon us to assure the Senate record is complete as to such conflicts and how they will be resolved.

There are just the publicly known examples of potential conflicts. Our original request asked you for information to assess potential conflicts with 501(c)(4) organizations that are not required to publicly disclose donor information. Accordingly, we reiterate our request that you provide:

A list of all donations by their total donations, and affiliations, who have contributed to the American Federation for Children 501(c)(4) and the Great Lakes Education Fund 501(c)(4) organizations.

A list of donations made by you, members of your family, and foundations or organizations for which you or your family are affiliated with 501(c)(4) organizations over the past five years.

According to the American Federation for Children’s IRS Form 990 filed for the year 2014, it spent nearly $1.1 million on political activities, including a $315,000 transfer to the American Federation for Children Action Fund—Wisconsin IE Committee. Because donations to a 501(c)(4) are anonymous, they effectively launder the identities of donors to other political candidates, parties, and causes.

One obvious instance would be where groups to which they donate are affiliated with organizations before the Department as advocates or grant seekers. Again, you know, and the donors know, and therein lies the potential for conflict of interest.

Additionally, you refused to disclose donations to 501(c)(4) organizations that you, your family, and your foundation have made. You explained, “[t]he information requested has no bearing on the office to which I have been nominated nor the duties of the Department of Education.” Your donations to 501(c)(4) organizations are indeed relevant to your nomination, just as your donations to political candidates, parties, and causes are.

One obvious instance would be where groups to which you donate are affiliated with political candidates, parties, and causes.

But unfortunately, as the work of the Department of Education’s Office for Civil Rights demonstrates, the Federal Government is often at odds with some school districts that do not properly enforce protections granted to students with disabilities under the Federal law, again passed by both Houses, passed by both parties. Within our country, thou- sand children with disabilities are not receiving justice in their local school systems for their children with disabilities. They reach out to the Federal Government for help, for relief, for that justice.

I rise today, as many of my colleagues have, to speak to the nomination of Betsy DeVos and to speak specifically in opposition to her nomination to serve as Secretary of Education. I have listened to as many of my colleagues’ words as I can. I want to say that particularly those on the other side, those who have taken their office very seriously, the Education Committee has and will and continue to expand upon many of the concerning elements of Mrs. DeVos’s record, concerns that I share about her lack of support for critical accountability measures, her lack of familiarity with many of the basic financial aid policies and programs which are so essential for people to have access to higher education, her inability to say that guns should not be in school, and her seeming lack of understanding of the many of the fundamental yet critical education policy perspectives that I think are necessary for a job of this magnitude.

I know there has been much said and there will be many more issues brought up concern to many of the Democrats who spoke tonight, but tonight I would like to focus on an area that is very personal to me and also very personal to millions of Americans, that is the Office of Civil Rights. That of- fice serves to protect all students, those with disabilities. They reach out to the Federal Government for help, for relief, for that justice.

For the example of one child, the case of a 9-year-old child in California whose name is withheld for privacy. This child—and let’s call her Jane—is a student like so many others. She has the same dreams and aspirations, has a right to an education, and has untapped, unlimited potential.

At the age of 9, this child, “Jane,” had been physically restrained in her school more than 92 times during an 11-month period by her school because of her disability. As a part of that restraint, she had been held facedown for a total of 2,220 minutes.

The Office for Civil Rights at the Federal level, the Federal Government, it took them to investigate this case, and it was found that was in violation of the Federal law and required the school district to stop using these kinds of restraints on students and to actually take the time and energy to invest the resources in training the staff on alternative intervention methods, methods that recognize the dignity of that child and show that we have the potential and power to elevate that child, not to so savagely restrain them.

It was not only unconscionable treatment that the Federal Government intervened in, but clearly it was illegal within the bounds of Federal law. This is not the way that anyone here, anyone in this body with a child with a disability, any of us would want our children to be treated.

If I had a child, I know it is not the way I would want them treated. Frankly, when it comes to the children of America, they are our children. Wheth- er a Republican or Democrat, we know that the children of our kids, American children—all children, frankly—deserve better than this kind of physical abuse. It is for these kinds of reasons
that I believe we need to have an aggressive Office for Civil Rights because the story of Jane, of a 9-year-old, is not an anomaly. It is not something that is rare. Unfortunately, as we are seeing, there are many violations of Federal law that go on when it comes to our children with disabilities. There is tremendous evidence that this kind of abuse still goes on in our country, and there needs to be an ultimate authority that oversees this abuse, and, if necessary, hold those people accountable who are the abusers. And the additional step that the Office for Civil Rights does is it gives advisement, gives instruction on how to make sure the abuse does not happen in the future.

We need our Office for Civil Rights to work with school districts to establish those policies and procedures to prevent abuse.

When Mrs. DeVos, during her testimony, was given the opportunity to speak to the millions of parents who have real, legitimate concerns about their children with disabilities and the treatment they receive in school—she was given the opportunity to speak to the vital role of the Federal Government in protecting our children and affirming those rights, about the role of the Office for Civil Rights, and instead of taking that opportunity, instead of seizing the moment to talk about what she would be doing to lead, she actually denied a role for the Federal Government. When asked about protecting students with disabilities, she simply said: “It should be left up to the States.”

Well, I will tell you right now, for that 9-year-old child physically restrained more than 92 times, held face down for hours, the Federal Government clearly had an important role to play for that mom, for that family, for that child in making sure this kind of atrocity doesn’t happen and will not happen for more children.

Second, I would like to talk about what is at stake with the Office for Civil Rights as it relates to children who are different, whether that be the color of their skin, whether they wear a hijab to school as an expression of their faith or if they are a minority or, again, a child with a disability.

For example, I have spoken much as a Senator about the school-to-prison pipeline and often how certain categories of children experience different types of discipline for the same act in school just because of how they look.

School disciplinary policies, we know, play a big role in a child’s success, and those disciplinary policies are clearly higher run-ins with the law, I am one who believes we cannot allow discrimination to happen in that manner in school.

These are the facts. This is the data. Take, for example, the fact that Black students are 3.8 times more likely than their White peers to receive one or more out-of-school suspensions, while students with disabilities actually are twice as likely as those without to receive one or more out-of-school suspensions.

Let me give you the specific case of Tunette Powell, who wrote about her son who is Black. His name is Joah. He was suspended five times in 2014. He was 9 years old.

She said: “One after another, White mothers confessed the trouble their children had gotten into. Some of the behavior was similar to JJ’s;” her son’s. “Some was much worse. Most startling” to her was that “none of their children had been suspended.”

She continues to write. “After that party,” where she had heard this from other White parents, “I read a study reflecting everything I was living. Black kids who attend the same preschool enrollment but make up 48 percent of preschool children receiving more than one out-of-school suspension, according to the study released by the Education Department’s Office for Civil Rights.”

One of the critical things about the Office for Civil Rights is that they have been proactively collecting data about differences in treatment in our schools.

Now there are many people who actively agree that the role of the Office for Civil Rights has grown too large, that they are poking around in local matters too much, that even collecting such data, as was relied on by this mother, is an intrusion into States’ rights. I believe, when it comes to civil rights, when it comes to religious freedom and the treatment of our children, I do not believe that the Office for Civil Rights has grown too large. I believe they are offering critical transparency and increasing Federal oversight; that they are collecting data that parents and policymakers and civil rights groups can use to see who is being left behind, who might be facing discrimination, who is not receiving justice.

What do we have to be afraid of even on just the collection of data to allow ourselves to have that transparency, to create an environment of accountability?”

I worry that if this is not a priority for the Secretary of Education, the Secretary of Education would rise to the occasion, that she would speak to this issue. She was confirmed by this Senate, and we are seeing from the hearing the Office for Civil Rights is not rising to that challenge.

The Office for Civil Rights has risen around these issues, but I didn’t have the opportunity to talk to the nominee myself, I would have asked for more information around these issues, but I didn’t have that opportunity, and in the very rushed hearing, the issue wasn’t raised. I believe, though, that based on the testimony that was given, that the nominee may not see this as a vital function of the Office for Civil Rights and, in fact, may shrink that office and the official documentation that we see right now into such matters.

We know that the school-to-prison pipeline, particularly for young people of color, isn’t just real; it is actually pervasive. But during Mrs. DeVos’s confirmation hearing, when asked about the Office for Civil Rights within the Department of Education that is responsible for rectifying such unjust situations, she refused to comment.

She refused to comment. She refused to commit herself even to directing the Office for Civil Rights to investigate sexual abuse.

I don’t understand why it is difficult to even commit the Department to continuing such investigations, but that commitment was denied.

I want to next talk about the serious problem we have in America with sexual assault and sexual violence in schools and on college campuses. Mr. President, 1 in 5 women and 1 in 16 men are sexually assaulted in their college years, but only 1 percent of assailants on college campuses are arrested, charged, or convicted.

We still know that too many people on college campuses who have been sexually assaulted, who are survivors, are routinely denied justice and are forced to even live or even go to class with their attackers.

The Office for Civil Rights has risen to this challenge and this crisis. They have opened investigations in over 200 schools in America. There is a crisis of sexual assault and sexual violence and the Office for Civil Rights has opened investigations in over 200 schools, over 200 investigations in over 200 schools in America. There is a crisis of sexual assault and sexual violence. There is an Office for Civil Rights to investigate campus sexual assault in America, and they have opened investigations in over 200 schools in America.

As was relied on by this mother, and, as I have heard from Mr. Chairman and members, I have heard from outside organizations, they have opened investigations in over 200 schools, and now the Office for Civil Rights is expanding their work. They have stepped up to that challenge. In addition to that, they have issued guidance to all college campuses on preventing and combating sexual assault.

Mrs. DeVos, again, during her testimony—many of us were hoping she would rise to the occasion, that she would speak to this issue. She was given a chance, given a chance not just to talk to the Lexington Herald-Leader about the role of the Federal role in meeting this crisis, to acknowledge that this is an issue our Nation must grapple with and must end, but she did not speak to the concerns of parents. She did not speak to the concerns of survivors. She did not speak to America about the urgent need for all of us to be engaged in dealing with the crisis for which there has been silence for too long.

More than this, she did not speak to the role of the Office for Civil Rights, to the expanding role they have been taking, to the expanding investigations on college campuses all across the country, giving no confidence to me or
to others that this will be a role that will continue—in fact, a role that I believe should be expanded.

After Seth’s death, Wendy, experiencing a level of grief and agony I cannot imagine, decided to file a complaint with the Department of Education Office for Civil Rights. When the Office for Civil Rights came in and investigated, they found that Seth’s school district was in violation of several Federal laws, that they failed to intervene and stop the bullying and harassment and torment that this child endured from a precious age until his death, that their actions could have potentially prevented the death of one of our children, an American child, a child of beauty and of worth and of dignity and protection.

Wendy went to the Federal Government to the Office for Civil Rights, and they took her concerns seriously. They aggressively investigated. Because of their investigation and because of Wendy’s courage in her time of grief, the school district, in violation of Federal law, was required to take steps—though not there to prevent her child’s death—they were required to take steps to prevent the kind of harassment, tormenting, and bullying from happening to other students. I am not sure if any of that is solace to a mother who lost her child, but I am sure if it gave her comfort, but I am hopeful that with an active Office for Civil Rights at the Federal Department of Education, at a time where more than 10 percent of lesbian, gay, and bisexual youth reported because of that kind of fear, when one-third are reporting bullying and harassment in person or online, at this level of unconscionable treatment for any child, there is a role for the Federal Government to protect our children. I believe if we take these matters seriously that we can insure that this kind of bullying and harassment will come to an end in America. It is unacceptable in a country this great. There are laws against this. There are people who have an obligation to enforce those laws; that is, the Office of Civil Rights.

I believe things will get better, but they will not get better automatically because we hope for them, because we pray for them; they will get better because we are a country that loves our children, and love is not a being verb. It demands action. We see time and time again that children aren’t seeing the kind of action where they are, and that is aank. At this time of parents to go. They can appeal to the Federal Government. The Department of Education, the Office for Civil Rights, has to be led by someone who has seen the crisis, that sees the crisis, that sees the problem.

It was widely reported, when Mrs. DeVos’s nomination was made—widely reported—that her family had given support, significant support, and that she herself gave significant support to discriminatory extremists, dangerous and hateful groups that promote ideas that say a child who is gay is somehow lesser than a child that is not; groups that have supported things like conversion therapy, something that has been resoundingly condemned—dangerous ideas that are hurtful to children. With all of that, with all the articles that have been written, this was a chance for Mrs. DeVos to sit before the American public knowing that these concerns are out there, and it is understandable, even if she doesn’t hold them, it is understandable that this would be a moment for her to set the record straight because of the fears of the thousands and thousands of children who are being isolated and hurt by bullies, the people who are assaulting their dignity—these children have suicide rates that are uncomminonably high—for the parents mourning their kids, with all that swirl, the hearing was her chance to set the record straight to say: I will uphold the value and dignity of these children, but more than that, she would have spoken directly to the crisis in our country, and I will work with the Office for Civil Rights to do something to address this evil in our country. We have so many kids being hurt and abused. This was her chance to go beyond just denying that she believed in conversion therapy, to go beyond just words in asserting that she values equality. This was her chance. It should have been understood that because of the record and the charitable donations that there was a degree of suspicion; that there was an understandable degree of legitimate fear that she would not continue the courageous work of the Office for Civil Rights that she has done in the Federal Department of Education in combating discrimination, harassment, and physical abuse of children across our country. She had the opportunity.

Given the fears and concerns that have been expressed, I would have hoped she would have spoken directly to the work of the Office for Civil Rights to protect lesbian, gay, bisexual, and transgender teens who are factually experiencing some of the highest levels of hate crimes and violence and suicide rates of any children in America; that she would have made some affirmation that she would be a champion for their equality, for their dignity, and the Office for Civil Rights would continue its needed work, but she didn’t.

I hoped she would stand up and say: We have violence on our college campuses; that right now silence is allowing insidious realities to exist. We have violence on our campuses. We have a problem with reporting. We have a problem with reports being made and not being taken seriously; that she could have used that as an opportunity to speak against what is happening to an unconscionable level on our campuses on campuses—something that we would never want to have happen to any of our daughters; to make a pledge that the Office for Civil Rights would not just continue campus advisories but would fight to hold those college campuses accountable, but she didn’t.

For students and families across the country, this may not be a celebrated
I feel compelled to speak out on the vital importance of the Education Secretary, regardless of party, regardless of background. I feel a personal responsibility to assure that if I cast my vote as a Senator, that whoever takes that office will be tireless in the defense of all the rights, privileges, and liberties of our students because I personally stand here today because of the role of the Department of Education in enforcing civil rights laws. I stand here today because of the courageous Federal laws that were put in place—bipartisanship, Republicans and Democrats, great battles on this floor for civil rights and disability rights, for Title IX protections, for the protection of children. Sometimes the State doesn't get the job done. Sometimes, the most vulnerable child needs a little help—not just from a loving teacher or a loving parent, but from a government that stands behind her and says: You matter.

I stand here today because of our collective history. I stand here today because of our dramatic history. I believe—States and the Federal Government. It is enshrined in our Constitution, but I cannot ignore the role of the Federal Government. Brown v. Board of Education is perhaps one of the most famous Supreme Court cases affirming the Federal role.

I hung a picture in the front of my office. I come out of my office into where my assistant sits, and the first thing I see on the wall in front of me is a Norman Rockwell painting. There is this young girl in that painting, and she is strides proudly to school, and behind her are racial epithets, a tomato smashed against that wall. She is a little girl—God, her courage—named Ruby Bridges. There are these White men surrounding her walking just as tall, and they are escorting that girl to school. There is clearly hate swirling around. You can look at that picture, and you can feel it. But I don't care what your background or religion is, you look at Norman Rockwell's painting—do you ever think about leaving my office as a U.S. Senator and I see that picture—and I am reminded that sometimes when there is hate, sometimes when there is violence, sometimes the State doesn't get the job done. Sometimes, the most vulnerable child needs a little help—not just from a loving teacher or a loving parent—but from a government that stands behind her and says: You matter.

I can't stand here today without recognizing that this is my history, that this is your history, that it is all of our history, and that our Federal Government has a role to play. I drink deeply from the wells of the freedom and the struggles and the sacrifice. I reap the harvest from Ruby Bridges and her courage. Our country has come so far. There is so much love, so much more recognition of the dignity of all children. But, there are the difference makers between injustice and justice, the difference makers between violence and security, the difference makers between who we say we are as a nation, liberty and justice for all, and experiencing a terrible, awful lie.

I yield the floor to the PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I wish to thank the Senator from New Jersey, who has given us such a compelling reason to remind all of us why we are here. I say almost, but really we all intend to keep talking and keep working and keep trying to convince one more Senator to say no to this nominee. He reminds us of the basic principle in this country that our forefathers dreamed of and that they put into our Constitution and that we have fought for, which is that every child should have dignity and every child should have a public education. That is why it is so important that we have someone who leads this agency who shares that conviction. I really want to thank Senator Booker for his tremendous words tonight.

As the ranking member on this committee, who has been here throughout the day debate over the 12 hours of debate we had tonight, and we will continue to have up until the vote tomorrow, I have had the opportunity to hear many Senators speak passionately. Senator Tester was here on Friday. He is from a very rural State, and he was speaking about how important it is to not have funds robbed away from the public education systems in those small little school districts to go to students with vouchers for private schools that don't exist in the rural communities. He talked about the importance of our public schools and our public school institutions in a slightly different way than the Senator from New Jersey did. He talked about how, when his grandparents settled in Montana, instead of being ranchers like those before them, they were wheat farmers. There were cattlemen and wheat farmers who were fighting and at odds with each other in the community, and where they came together was in their schools because both cattlemen's kids and ranchers' kids were in the same school, and they played basketball together, and it healed the wounds of that community.
The Senator from New Jersey just talked about the Office of Civil Rights and why it is so important—that no matter what we look like or what this country stands for, this country says you have a right to an education. It is in our public schools where kids from all socioeconomic backgrounds learn. We have different backgrounds and different colors and different religions and different thoughts come together and heal our communities.

That is why I am here in the Senate, and that is why many of us are here in the Senate. It is why this nominee has sparked such an interest across this country. Like many Senators—my office has been inundated with mail and phone calls and emails and rallies and people saying: Please, stop this nominee, and emails and letters; these are personal. These aren’t rote in the teens. I have 48,000 pieces, and they are all personal. These aren’t rote emails and letters; these are personal.

I wouldn’t be in the Senate tonight without a public education. I come from a family of nine, and my father, who was a World War II veteran, got sick when I was in junior high. He was diagnosed with multiple sclerosis. My mom had been at home taking care of seven kids. She didn’t have a job. She didn’t have skills. We didn’t know what was going to happen to us. But we had a public education system that was there for us. Our country was there for us when my mom was diagnosed with a terminal illness, and we had a voucher that said you can go to a private school that we couldn’t afford even with it or to be able to get one, but a public education school in our community that gave the education to each one of those kids in my family—all seven of us. Then it allowed us to go on to college with Pell grants and student loans, because our government was there for us, even though my dad was sick and my mom had to stay home and take care of him. We had food stamps for a while, and it was tough, but we made it because this country had a commitment to public education for every student, no matter where you lived or where you came from or what challenges you had at home.

That is why I am here in the Senate, and that is why many of us are here in the Senate. It is why this nominee has sparked such an interest across this country. Like many Senators—my office has been inundated with mail and phone calls and emails and rallies and people saying: Please, stop this nominee, and send us someone who can actually work for all of us, because education is a critical piece for each one of us. It is across the country.

I want to share some of the letters that I have received about this nominee. I have received 48,000 pieces of mail opportunist to Mrs. DeVos; the number of emails and letters is in the teens. I have 48,000 pieces, and they are all personal. These aren’t rote emails and letters; these are personal.
This is my 16th year of being a teacher in our public school system in WA State. I am an advocate of public schools as I feel strongly that all our students deserve the right to free and quality education. I am opposed to the nomination of Betsy DeVos for the Secretary of Education system. Her past actions and beliefs clearly demonstrate that she is not advocate for our public schools. It would be so damaging if we move in the direction of privatizing public education. Please consider opposing the nomination of Betsy DeVos in the best interest for our public school system.

Let me read another letter from Rachel Guim of Seattle. She says: 

As a committed teacher, I believe in our neighborhood public schools, which open their doors to all children, because unlike Betsy DeVos, I see them work for children and their families every single day. We as a community are being undermined by charters, vouchers, for-profit schools and online schools. Precious tax dollars are being wasted, diluting a parallel school system when we’re already underfunded and not meeting the legal requirements! Our democratically governed schools—where we have vowed to represent—need your commitment and support. Choice is a disguise for school privatization, nothing more. Stop the takeover of our democratic schools.

Ms. Amanda Smith, a Kindergarten teacher, wrote to me and said: 

Hello,

I am a kindergarten teacher in a public elementary school. I am very concerned about Betsy DeVos’ potential nomination as Secretary of Education. As someone who never attended or enrolled her children in public schools and does not have an education degree and has never taught, she hardly seems like a fitting candidate for secretary of education. How can anything be done to stop this nomination?

From Gina McMather, a teacher in Port Townsend, WA:

Dear Patty Murray,

As a recently retired public school teacher, I especially urge you to fight against Betsy DeVos’s nomination for education secretary. She is not in any way qualified for the job. Her commitment to charter schools combined with a lack of experience with public schools could destroy our nation’s educational system.

Public school teachers provide an education for all of our students. Teachers need more respect and remuneration. We need the very best college graduates to be attracted to the profession. I have known so many different walks of life, all concerned about having a Secretary of Education who doesn’t represent the best values and the best beliefs of our country.

Mr. Hatch, Mr. President, the Committee on Finance has adopted rules providing by paragraph 3 of Rule XXVI of the accompanying rules for the Senate on September 19, 2014, and on September 22, 2014, the committee adopted Rule 2 of the Standing Rules of the Senate. I ask unanimous consent that the accompanying rules for the Senate Committee on Finance be printed in the Record.

Mr. President, I yield the floor.

MORNING BUSINESS

COMMITTEE ON FINANCE

RULES OF PROCEDURE

Mr. HATCH. Mr. President, the Committee on Finance has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules for the Senate Committee on Finance be printed in the Record.

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

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

Rule 1. Regular Meeting Days.—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting day shall be omitted.

Rule 2. Committee Meetings.—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate relating to special meetings called by a majority of the chairman (b) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairperson after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance.
in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials, or by a majority of the committee unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the body.

Rule 3. Presiding Officer.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking minority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a), any member of the committee may preside over the conduct of a hearing.

Rule 4. Quorums.—(a) Except as provided in subsection (b), one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) The chairman, or by any other member of the committee specified by the chairman, may preside over the conduct of a hearing.

Rule 5. Reporting of Measures or Recommendations.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. Proxy Voting; Polling.—(a) Except as provided in paragraphs 7(a)(3) and 7(b) of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. Order of Motions.—When several motions are pending in the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. Motion to Take a Matter to a Vote.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. Public Announcement of Committee Votes. — Paragraph 7(b) of section XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. Subpoenas.—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the consent of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. Nominations.—In considering a nomination, the committee may conduct an investigation or review of the nominee’s experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including information the committee may require to testify on the nomination may be required to testify under oath.

Rule 12. Open Committee Hearings.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. Announcement of Hearings.—The provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. Witnesses at Hearings.—(a) Each witness who testifies at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last day on which the witness is scheduled to testify. Any written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his testimony.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum, and propriety while testifying. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearing. If the chairman of the committee or the majority party caucus designates witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. Audiences.—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy, and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. Broadcasting of Hearings.—(a) Broadcasting of open hearings by television or radio stations upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is sought.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the dignity, decorum, courtesy, and propriety traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) The presence of television cameras in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate telecasting may be installed in the hearing room by the media after the commencement of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be reduced.

Rule 17. Subcommittees.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event of adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event of adjournment or a long recess is imminent.

(e) The chairman and ranking minority members shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members.

(f) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(g) Subcommittee meeting times shall be coordinated by the staff director to ensure that:

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no subcommittee meeting will convene more than 4 hours after the full committee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and a majority of the committee.

(h) All nominations shall be considered by the full committee.

(i) The chairman will attempt to schedule regular subcommittee meetings and the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. Transcript of Committee Meetings.—An accurate record shall be kept of all markups of the committee, whether they be open or held to the public. A transcript, marked up by the majority and minority, or in the absence of the members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the conclusion of the meeting, the committee shall make publicly available through the Internet.
(a) a video recording;  
(b) an audio recording; or  
(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by a majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. Amendment of Rules.—The foregoing rules may be added to, modified, amended, or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise matters within their respective jurisdictions:

(a) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

2. Customs, collection districts, and ports of entry and delivery.  
3. Deposit of public moneys.  
4. General revenue sharing.  
5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.  
7. Reciprocal trade agreements.  
8. Revenue measures relating to the insurance industry.  
9. Revenue measures relating to the insular possessions.  
10. Tariffs and import quotas, and matters related thereto.  
11. Transportation of dutiable goods.  

(b) Committee on Commerce, with authority to conduct sessions in the public or private, that hearing may be closed by a majority vote of the members of the committee or subcommittee when it is determined that the matters to be discussed shall not be taken at such meeting or meetings:

1. will disclose matters necessary to be kept secret in the national defense or the confidential conduct of the foreign relations of the United States;  
2. will relate solely to matters of committee staff personnel or internal staff management or procedure;  
3. will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;  
4. will disclose the identity of any informer or law enforcement agent or will disclose information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;  
5. will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent injury to the competitive position of such person; or

6. may divulge matters required to be kept confidential under other provisions of law or Governmental law; or

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

REQUIREMENTS OF CONFERENCE COMMITTEES

RULE XXVII

1. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than the first day of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the absence of either of such leaders, from his designee. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed. The record of a meeting closed by a majority vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed shall not be taken at such meeting or meetings:

1. will disclose matters necessary to be kept secret in the national defense or the confidential conduct of the foreign relations of the United States;  
2. will relate solely to matters of committee staff personnel or internal staff management or procedure;  
3. will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;  
4. will disclose the identity of any informer or law enforcement agent or will disclose information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;  
5. will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent injury to the competitive position of such person; or

6. may divulge matters required to be kept confidential under other provisions of law or Governmental law; or

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever a matter arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at or in the public gallery, it shall be the duty of the Chair to enforce order on his own motion, or to adjourn the meeting, or to take such action as he may deem necessary in such case, including the suspension or exclusion of the misbehaving individuals from further participation in such session and the recording of a vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Mr. SANDERS. Mr. President, I strongly opposed the Republicans’ efforts to gut the SEC rule regarding transparency for oil and mining industry payments to foreign governments. I hope the American people are paying attention. One of the first substantive legislative matters that Republicans are trying to send to the President is a measure that makes it easier for oil companies to corrupt foreign governments and undermine U.S. foreign policy goals.

This bill seeks to unravel human rights and transparency protections implemented by the Obama administration. The rule requires oil and mining companies to report the SEC how much money they pay to foreign governments to extract natural resources. It is a simple, common-sense requirement to improve transparency and combat corruption in some of the most corrupt and dysfunctional countries in the world. In fact, dozens of other countries require that their companies report payments to foreign governments.

Time and again, we have seen oil and mining companies go into other nations that are poor and lack basic democratic institutions and pay huge sums of money to autocratic corrupt regimes. According to a recent article in Foreign Affairs, when Rex Tillerson led Exxon as its chairman and CEO, Exxon put lucrative deals with dictators in oil-rich pockets of Africa, extending the lifespans of autocratic regimes in places such as Angola, Chad, the Democratic Republic of the Congo, and Equatorial Guinea. “Thanks to their countries’ oil reserves, the leaders of these poor countries have been able to remain in power for decades. Yet the rule is dogged by many myths and falsehoods spurred by the fossil fuels lobby. More than $200 million was spent by opponents of the rule in the oil and gas industry and the U.S. Chamber of Commerce—on political lobbying and campaign contributions. According to a report in POLITICO, when our newly confirmed Secretary of State, Rex Tillerson, was the CEO of Exxon Mobil, he personally lobbied vigorously against transparency and disclosure, saying that if other people knew how much his company paid foreign governments, it would be bad for his business. In fact, Rex Tillerson said that there was one country in particular where his rule would be hard for Exxon—Russia.

Another Republican myth is that U.S. companies are at a competitive
disadvantage because non-U.S. companies do not have to make the same disclosures and the rule applies only to public companies—not true. The U.S. law covers all oil, gas, and mining companies listed on U.S. stock exchanges—not simply companies based in the United States. This includes BP, Shell, and Total, as well as leading state-owned oil companies from China and Brazil, such as PetroChina and Petróbras.

Republicans also claim that this rule increases prices at the pump—again, not true. Corruption costs oil and mining companies millions of dollars every year from instability and fragility in resource-rich countries, which contributes to increased operating risks, waste, inefficiency, and delays.

When leaders tap a country’s oil revenues to keep themselves in power, it is called petro-authoritarianism. When the United States allows companies to secretly pay authoritarian governments for their petroleum and mineral resources, we become implicit in the resulting human poverty and rights abuses. We cannot let that stand, which is why we have this SEC reporting requirement.

I urge my colleagues to vote no on this effort to kill the important protections provided by the SEC rule regarding transparency for extractive industry payments to foreign governments. We should be putting human rights interests ahead of the financial interests of a few powerful oil companies. That is why I urged my colleagues to vote against putting the profits of industry above the interests of our Nation and lesser developed nations all over the world.

CONFIRMATION OF MICHAEL POMPEO

Ms. KLOBUCHAR. Mr. President, the Senate recently voted to confirm Representative Mike Pompeo to be the Director of the CIA. While I do not agree with many of the views that Congressman Pompeo has expressed in the past, I have worked with him on legislation, and I know that he is a dedicated and experienced public servant. I believe he is qualified to lead the CIA at a critical time in our country’s history. I was also extremely concerned about the nature of the President’s press conference in response to the financial statement honors those who lost their lives while in service. This press conference occurred before Representative Pompeo was confirmed by the Senate, and it provided an additional reason for putting seasoned leadership at the Agency without delay.

Like many of my colleagues, I was concerned about Congressman Pompeo’s past views on torture. That is why I personally asked Representative Pompeo about the use of torture, and as he did at his hearing, he stated unequivocally that he would not use illegal enhanced interrogation techniques at the CIA. Senator Feinstein and I have requested and received written confirmation to reinforce the commitment he made at his hearing to uphold laws that ban torture. As a member of the Senate Judiciary Committee, I intend to exercise robust oversight to ensure that these laws are upheld.

I am opposed to torture. In 2007, I voted against Michael Mukasey for Attorney General because of his views on waterboarding. In 2015, I voted to strengthen the legal prohibition on torture by limiting interrogation techniques and requiring that the Red Cross has access to all detainees. I have also introduced bipartisan legislation, the Torture Victims Relief Act, to support torture treatment programs in the United States and abroad to help torture survivors recover from their trauma and rebuild productive lives.

The 1984 United Nations Convention Against Torture has been ratified by 157 countries, including the United States. The world continues to look to America for its steadfast leadership and we must continue to fight against the practice of torture and other cruel and inhuman treatments.

TRIBUTE TO WILLIAM “BILL” CANTY

Mr. COCHRAN. Mr. President, I wish to recognize and commend William “Bill” Canty of Oxford, MS, on the occasion of his retirement after a distinguished 27-year career as a staff member for the U.S. Senate. Bill has earned my respect and that of the thousands of people in north Mississippi who know him as a dedicated field representative on my staff.

I am confident that the tenacity, loyalty, and work ethic that characterized Bill’s work for me were forged early in life with the lessons he learned as an outstanding student athlete.

Bill grew up in the shipbuilding town of Pascagoula, MS, where he earned letters in baseball, football. As a college freshman at Furman University, he started at quarterback for the Paladins and set school records throughout his college football career, completing 215 passes for 2,469 yards and 24 touchdowns. He was elected unanimously in 1988 for induction into the Furman University Hall of Fame.

Bill played professional football for the New York Giants and the American Football League organization, but was soon called to serve his country. After serving as an Army combat training officer, he began an extensive coaching career during which he earned a reputation for developing quarterbacks—first at Furman, then at Florida State University and the University of New Mexico.

In 1978, Bill returned home to Mississippi to coach at the University of Mississippi. He is one of the only leaders in the SEC to ever have been both the offensive and defensive coordinator in back to back seasons. Bill left coaching in 1987 and settled in Oxford.

Following his coaching career, Bill turned his leadership talents in a new direction. Fellow Pascagoula native and former U.S. Senator Trent Lott first hired Bill as a field representative, and I was fortunate to bring him on my staff in 2008.

Bill has served my office and the people of Mississippi honorably and with great dedication.

I am deeply grateful for having the benefit of his excellent service to our State and Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO TOM BURACK

Ms. HASSAN. Mr. President, today I wish to ask my colleagues to join me in recognizing Tom Burack and the Boardman Remediation Bureau, and the formation of the State Government Energy Committee, among many others.

Tom has also led and facilitated a voluntary, informal network of State agency commissioners for 8 years, helping to bring agencies together to improve the operations of and drive innovation and efficiency in State government. He is a leader on the regional and national levels as well, including envisioning and coleading an overall modernization of how environmental protection services are delivered nationwide through a joint State-tribal-Federal initiative known as E-Enterprise for the Environment. All of these actions and the many others that are too numerous to list have helped to strengthen our environment, protect public health, and combat climate change.

New Hampshire’s natural resources and scenic beauty must be protected, and doing so requires strong collaboration. As commissioner, Tom embodied New Hampshire’s “all-hands-on-deck” spirit, working collaboratively with our neighboring States on issues like RGGI, local communities on issues like water quality and contamination, other State agencies on issues like State government energy efficiency, and partners at the Federal level.

February 6, 2017
New Hampshire and our country have benefitted enormously from Tom’s vision, energy, and leadership, and I thank Tom for his tireless dedication to protecting our environment and his immense contributions that have helped make New Hampshire a special place to live, work, visit, and raise a family.

REMEMBERING BOB BOALDIN

• Mr. MORAN, Mr. President, throughout his life, Bob Boaldin was dedicated to serving God, his family, his friends, and his community in Elkhart. As a stalwart figure of southwest Kansas who worked in the communication industry for many years, he was in many ways responsible for connecting the Big First to the world.

Bob was born on November 3, 1939, in Oklahoma City. He grew up in Elkhart, KS, and graduated from the local high school living one semester at Oklahoma Panhandle State University, he met his wife of 58 years, Dian Whitecotton. He and Dian raised two sons and a daughter: Travis, Trenton, and Roxanna. Bob was a wheat and milo farmer who worked part time at the Elkhart Phone Company until 1964, when he began his lifelong career in communications.

In the 1970s, he purchased Elkhart Telephone Company and became the owner of Elkhart TV cable system. He also served as president of the State of Kansas Telephone Association and on the board of directors at the OPASTCO, Organization for the Promotion and Advancement of Small Telephone Companies. He was a founding member of the organization’s Foundation for Rural Education and Development, which continues to help graduating high school seniors succeed by offering them academic scholarships. In 1986, Bob also began serving on the board of the U.S. Telecom Association.

His service to Elkhart and to Morton County will not be forgotten—he was a city councilman, mayor, and county commissioner for many years. He also worked as a local EMT for 13 years. He was an avid supporter of the county fair and always sought opportunities to serve his city and his State.

Bob’s leadership abilities and desire to help his community led him to a number of roles advising members of the U.S. Congress at the federal and state levels of government, joining the Kansas Supreme Court Blue Ribbon Commission, helping to found WEKANDO, Western Kansas County Commissioners Organization, participating in the Kansas 911 Coordinating Council, and serving as president of the State of Kansas Legislative Policy Group.

He loved his cow-calf operation and worked hard to keep his cattle well fed. He was an active member of the Hillcrest Baptist Church community and gave his time during his younger years as a Sunday School teacher, nursery worker, school superintendent, and deacon.

Bob was an exemplary neighbor, friend, and leader. His lifelong efforts to improve the quality of life for those around him will impact generations of Kansans to come. I am thankful for my friendship with him and for his service to so many. Our prayers are with his wife and family. May he rest in peace.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated: EC-668. A communication from the Acting Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Direct Investment Surveys: BE-13, Survey of New Foreign Direct Investment in the United States, and Changes to Private Fund Reporting on Direct Investment Surveys” (RIN0691-AA85) received in the Office of the President of the Senate on February 6, 2017, to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURR, from the Select Committee on Intelligence, without amendment:
S. Res. 48. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. HATCH, from the Committee on Finance, without amendment:
S. Res. 52. An original resolution authorizing expenditures by the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAACKSON (for himself, Mrs. BASS, Mr. BARRASSO, Mr. CARPER, Mr. ENZI, Mrs. FISCHER, Ms. HASSAN, Mr. JOHNSON, Mr. Kaine, Ms. KLOBUCHAR, Mr. MCCAIN, Mr. PORTMAN, and Mr. WARRNER):
S. 306. A bill to provide for a biennial budget process and a biennial appropriations process to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mrs. ERNST (for herself, Mr. COONS, Mr. COTTON, Mr. KING, Mr. MANCHIN, and Mr. TILLIS):
S. 313. A bill to direct the Secretary of the Army to place in Arlington National Cemetery a monument honoring the Air National Guard pilots and crew members who were killed while serving on active duty in the Armed Forces during the Vietnam era, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. HATCH (for himself and Mr. BARRASSO):
S. 316. A bill to amend the Mineral Leasing Act to recognize the authority of States to regulate oil and gas activities on Federal and Indian lands and to promote American energy security, development, and job creation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LANKFORD (for himself, Mrs. McCASKILL, Mr. JOHNSON, Ms. HETT ikamp, Mr. McCaIN, Ms. HASSAN, Mr. PORTMAN, Mr. DAINES, and Mrs. FISChER):
S. 317. A bill to provide taxpayers with an annual report disclosing the total and performance of Government programs and areas of duplication among them, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Ms. MURKOWSKI):
S. 318. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COP5 ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mr. BOOKER, Mr. ROUND, Mr. FRANKEN, Ms. BALDWIN, Mrs. GILLIARD, and Mr. COTTON):
S. 319. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish within the Department of Veterans Affairs a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health
conditions relating to exposure to burn pits; to the Committee on Veterans’ Affairs.

By Mr. BURR:
S. 320. A bill to require the Federal Aviation Administration to establish annual performance objectives and to hold the Chief NextGen Officer accountable for meeting such objectives; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR:
S. Res. 48. An original resolution authorizing expenditures by the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Ms. Collins (for herself and Ms. Klobuchar):
S. Res. 49. A resolution declaring that achieving the primary goal of the National Plan to Address Alzheimer’s Disease of the Department of Health and Human Services to prevent and effectively treat Alzheimer’s disease by 2025 is an urgent national priority; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Mr. Alexander, Mr. Markey, Mr. Rubio, Mr. Durbin, Mr. Shaheen, Mr. Coons, Mr. Schatz, Mr. Booker, and Mr. Blunt):
S. Res. 50. A resolution reaffirming a strong commitment to the United States–Australia alliance relationship; to the Committee on Foreign Relations.

By Ms. HIRONO (for herself, Mr. Brown, Mr. Cardin, Mr. Van Hollen, Mr. Blumenthal, Mr. Booker, Mr. Marky, Ms. Warren, Mr. Carper, Mr. Franken, Mrs. Murray, and Ms. Cantwell):
S. Res. 51. A resolution recognizing the contributions of Federal employees and pledging to oppose efforts to reduce Federal workforces’ collective bargaining rights, eliminate civil service employment protections, undermine collective bargaining, and increase the use of non-Federal contractors for inherently governmental functions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH:
S. Res. 52. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 25
At the request of Mr. Wyden, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 26, a bill to amend the Ethics in Government Act of 1978 to require the disclosure of certain tax returns by Presidents and certain candidates for the office of the President, and for other purposes.

S. 120
At the request of Mr. Heller, the name of the Senator from Idaho (Mr. Chafee) was added as a cosponsor of S. 120, a bill to provide for the creation of the Missing Armed Forces Personnel Records Collection at the National Archives, to require the expeditious public transmission to the Archivist and public disclosure of Missing Armed Forces Personnel records, and for other purposes.

S. 223
At the request of Ms. Collins, the name of the Senator from Georgia (Mr. Perdue) was added as a cosponsor of S. 223, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 224
At the request of Mr. Rubio, the name of the Senator from South Dakota (Mr. Rounds) was added as a cosponsor of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 240
At the request of Mrs. Feinstein, the name of the Senator from Missouri (Mrs. McCaskill) was added as a cosponsor of S. 240, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S. 247
At the request of Ms. Stabenow, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 247, a bill to provide an incentive for businesses to bring jobs back to America.

S. 272
At the request of Mr. Schatz, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 272, a bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes.

S. 274
At the request of Mrs. Feinstein, the name of the Senator from Missouri (Mrs. McCaskill) was added as a cosponsor of S. 274, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S. 291
At the request of Mr. Warner, the name of the Senator from Massachusetts (Ms. Warren) and the Senator from Michigan (Ms. Stabenow) were added as cosponsors of S. 291, a bill to amend the National Security Act of 1947 to modify the requirements for membership in the National Security Council and cabinet-level policy forum, and for other purposes.

S. 301
At the request of Mr. Landford, the name of the Senator from Florida (Mr. Rubio) was added as a cosponsor of S. 301, a bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion.

S. J. Res. 1
At the request of Mr. Boozman, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S. J. Res. 2
At the request of Mr. Cruz, the name of the Senator from Louisiana (Mr. Kennedy) was added as a cosponsor of S. J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S. J. Res. 19
At the request of Mr. Perdue, the name of the Senator from Louisiana (Mr. Kennedy) was added as a cosponsor of S. J. Res. 19, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act.

S. Con. Res. 6
At the request of Mr. Barrasso, the name of the Senator from New Mexico (Mr. Udall) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. Res. 38
At the request of Ms. Hirono, the name of the Senator from Minnesota (Mr. Franken) was added as a cosponsor of S. Res. 38, a resolution recognizing January 30, 2017, as “Fred Korematsu Day of Civil Liberties and the Constitution.”

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. Daines (for himself and Mr. Booker):
S. 320. A bill to require the Federal Aviation Administration to establish annual performance objectives and to hold the Chief NextGen Officer accountable for meeting such objectives; to the Committee on Commerce, Science, and Transportation.

Mr. Daines. Mr. President, in 2003, Congress mandated NextGen Air Transportation System known as NextGen, transitioning our radar-based system with radio communication to a satellite-based one, to increase safety and efficiency. NextGen deployment has long been bogged with delays and cost overruns highlighted by Government Accountability Office reports. Final implementation is to be completed by 2025. This legislation
would simply create measurable annual performance goals and hold Federal officials accountable to meeting these goals through the remainder of implementation.

I want to thank Senator Booker for being the original cosponsor of this bill, and I ask my other Senate colleagues to join us in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD:

S. 320
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “NextGen Accountability Act”.

SEC. 2. NEXTGEN ANNUAL PERFORMANCE GOALS.
Section 214 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) ANNUAL PERFORMANCE GOALS.—The Administrator shall establish annual NextGen performance goals for each of the performance periods set forth in paragraph (1) to meet the performance metric baselines identified under subsection (b). Such goals shall be established in consultation with public and private NextGen stakeholders, including the NextGen Advisory Committee.”.

SEC. 3. NEXTGEN METRICS REPORT.
Section 101 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 40101 note) is amended—

(1) in subparagraph (D), by striking “and” and adding at the end; and

(2) in subparagraph (E), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(F) a description of the progress made in meeting the annual NextGen performance goals relative to the performance metrics established under section 214 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).”.

SEC. 4. CHIEF NEXTGEN OFFICER.
Section 106(e) of title 49, United States Code, is amended—

(1) in paragraph (2)(B), by adding at the end the following: “In evaluating the performance of the Chief NextGen Officer for the purposes of awarding a bonus under this subparagraph, the Administrator shall consider the progress toward meeting the NextGen performance goals established pursuant to section 214(d) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note)”;

and

(2) by adding at the end the following: “The annual performance goals set forth in the agreement shall include quantifiable NextGen airspace performance goals regarding efficiency, productivity, capacity, and safety, which shall be established in consultation with public and private NextGen stakeholders, including the NextGen Advisory Committee.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 48—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE
Mr. BURR submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 48
Resolved, that the Senate—

SECTION 1. GENERAL AUTHORITY.
In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 196, agreed to September 28, 1988 (100th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence (in this resolution referred to as the “committee”) is authorized from March 1, 2017, through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Sergeant at Arms and Doorkeeper, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.
(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period October 1, 2016, through September 30, 2017, under this resolution shall not exceed $3,217,448, of which amount not to exceed $17,144 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(1))).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017, through September 30, 2018, under this section shall not exceed $5,515,626, of which amount not to exceed $17,144 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(1))).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018, through February 28, 2019, under this resolution shall not exceed $2,298,177, of which amount not to exceed $7,143.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(1))).

SEC. 3. REPORTING LEGISLATION.
The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.
(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017, through September 30, 2017;

(2) for the period October 1, 2017, through September 30, 2018; and

(3) for the period October 1, 2018, through February 28, 2019.

SENATE RESOLUTION 49—DECLARING THAT ACHIEVING THE PRIMARY GOAL OF THE NATIONAL PLAN TO ADDRESS ALZHEIMER’S DISEASE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PREVENT AND EFFECTIVELY TREAT ALZHEIMER’S DISEASE BY 2025 IS AN URGENT NATIONAL PRIORITY
Ms. COLLINS (for herself and Ms. KLOBUCAR) submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions;

S. RES. 49
Whereas the number of individuals in the United States with Alzheimer’s and related dementias (referred to in this preamble as “Alzheimer’s”) is as high as 5.4 million, which is more than double the number in 1990;

Whereas based on the trajectory of Alzheimer’s, as many as 16,000,000 individuals in the United States may have Alzheimer’s by 2050;

Whereas the increasing prevalence of Alzheimer’s and other dementias is a global health crisis that afflicts an estimated 46,780,000 individuals worldwide as of August, 2015 and may afflict more than 131,000,000 individuals by 2050;

Whereas Alzheimer’s is a leading cause of death in the United States with data indicating that more than 500,000 deaths each year are attributable to the disease;

Whereas Alzheimer’s is the only disease among the top 10 causes of death in the United States without an effective means to prevent, slow, or stop;

Whereas Alzheimer’s places an enormous financial strain on families, the health care system, and State and Federal budgets;

Whereas the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) are estimated to bear more than two-thirds of the total costs of this care in 2016;

Whereas a RAND Corporation study published in 2013 and completed by the National Institute on Aging found that Alzheimer’s is the costliest disease in the United States, costing more than cancer and heart disease;

Whereas in 2015, an estimated 15,800,000 family members and friends of individuals with Alzheimer’s provided those individuals with 18,100,000,000 hours of unpaid care, an amount valued at more than $221,300,000;

Whereas Alzheimer’s disease has a disproportionate impact on women, African Americans, and Latinos;

Whereas the global cost of Alzheimer’s exceeds $81,000,000,000,000, which is equal to approximately 1 percent of the world’s gross domestic product;
Whereas in December 2013, the G-8 nations met and adopted a political declaration supporting the goal of a cure or disease-modifying therapy for dementia by 2025 as well as collectively committing to significantly increasing research resources committed to dementia research;

Whereas Alzheimer’s takes an emotional and physical toll on caregivers that results in a higher incidence of chronic conditions, such as heart disease, cancer, and depression among caregivers;

Whereas the National Plan to Address Alzheimer’s Disease of the Department of Health and Human Services makes recommendations relating to family caregivers of individuals with Alzheimer’s to provide care while maintaining personal health and well-being;

Whereas the National Plan to Address Alzheimer’s Disease supports informal caregivers by:

1. identifying the support needs of caregivers;
2. developing and disseminating modes for intervention;
3. providing information that caregivers need, particularly in crisis situations; and
4. assisting caregivers in maintaining personal health and well-being;

Whereas a strong and sustained research effort is critical to slow the progression of the disease and ultimately prevent the onset of Alzheimer’s;

Whereas while the cost to the Medicare and Medicaid programs of caring for individuals with Alzheimer’s is estimated to be $150,000,000,000 in 2016, the United States, through the National Institutes of Health, will spend about $90,000,000 on Alzheimer’s research in 2016;

Whereas the Chairman of the Advisory Council on Alzheimer’s Research, Care, and Services created by the National Alzheimer’s Project Act (42 U.S.C. 11225) has testified before Congress that the United States must devote at least $2,000,000,000 each year to Alzheimer’s research to reach the goal of preventing and effectively treating Alzheimer’s by 2025; and

Whereas the public members of the Advisory Council on Alzheimer’s Research, Care, and Services unanimously agree with the testimony of the Chairman regarding the amount of money required to reach the goal for 2025, be it:

Resolved, That the Senate—

1. (a) reaffirms the strong alliance relationship between the United States and Australia; and
(b) develops a plan for fiscal years 2018 and 2019 to significantly increase funding for Alzheimer’s research in the United States;

2. (a) reaffirms the strong alliance relationship between the United States and Australia; and
(b) reaffirms the political declaration supported by the United States and Australia at the G-8 summit in 2013, to which the United States and Australia committed to: (1) defining therapy for dementia by 2025 as well as supporting the goal of a cure or disease-modifying therapy; and (2) developing a plan for fiscal years 2018 and 2019 to significantly increase funding for Alzheimer’s research in the United States;

3. (a) reaffirms the strong alliance relationship between the United States and Australia; and
(b) reaffirms the political declaration supported by the United States and Australia at the G-8 summit in 2013, to which the United States and Australia committed to: (1) defining therapy for dementia by 2025 as well as supporting the goal of a cure or disease-modifying therapy; (2) developing a plan for fiscal years 2018 and 2019 to significantly increase funding for Alzheimer’s research in the United States; and (3) supporting the goal of a cure or disease-modifying therapy for Alzheimer’s by 2025.

Senator Grassley demanded a recorded vote on the motion to continue debate. The motion was agreed to by a vote of 91 ayes, none nays, 2 not voting.

February 6, 2017
students study in each other’s universities.

Thirty years ago, our family lived an American dream and we moved to Australia. We arrived on Australia Day, February 6, 2017.

The carrier Bob Carr and the Australian American Bil- eter Bob Carr and the Australian American Bil- eter Bob Carr and the Australian American Bil- eter Bob Carr and the Australian American Bil- eter Bob Carr and the Australian American Bil-

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I said, “You see that on flights to Tokyo. The same Qantas crews going up on Monday and coming back on Thursday. And last month the Bridgestone Tire Company president told us they have shrunk forty-five days in Japan and America, and the Bridgestone plant in Adelaide works only two hundred.”

The plywood man looked positively funereal. “We’re unusual, all right. We pay double time for afternoon work, for overtime, and we go on vacation in January.”

The car dealer was saying to Honey, “We sold our house in London. Then, Australians still spoke of ‘going home,’ and the English spoke about ‘coming there.’ Australia is coming out all round. We’re more American, too, but mainly we’re prouder of being Australian.”

The wife of the plywood manufacturer said, “Our Australians came out all right when they tried to kill the brumbies in the Snowy Mountains. Put a stop to that.”

Honey said, “The new Sheraton in Yulara was lovely, brown like the desert and built like a sail.”

The wife of the M.P. said, “Our Australians out last night and had a great time. Our bicentennial chairman who tried to kill the brumbies in the Snowy Mountains.”

Mr. W. said, “Wouldn’t it have been nice to have something beside a red desert?”

The blond woman’s friend. “We had Gallipoli,” said the car dealer. “We had Gallipoli.”

The blond woman said, “Australia’s a village, same names always popping up.”

I whispered to the wife of the member of Parliament, “It didn’t mention that the ‘settlers’ were convicts.”

“No worries,” she said. “The first bicentennial logo forgot Tasmania. Had to make a new one. But it’s a good thing, our bicentennial. Helps us remember important things.”

whereas the activities of the Federal Government encompass a broad range of activities, including—

1. conducting and supporting military operations;
2. protecting the homeland, including transportation, communications, financial, and other systems;
3. preserving and enhancing public health;
4. supporting the least fortunate;
5. defending the rights and interests of individuals and consumers;
6. enhancing and preserving the environment of the United States; and
7. promoting and facilitating commerce.

Whereas, to achieve these objectives, many Federal agencies conduct operations 24 hours per day, 7 days per week, and 365 days per year;

Whereas, according to the Office of Personnel Management, the Federal Government directly employs approximately 2,100,000 individuals to carry out the functions of the Federal Government;

Whereas, in the past 50 years, the population of the United States increased from approximately 198,000,000 individuals to more than 321,400,000, while the Federal Government workforce actually decreased from approximately 2,200,000 employees to approximately 198,000,000 individuals, while the Federal Government workforce actually decreased from approximately 2,200,000 employees to approximately 1,000,000 employees;
Whereas the Federal Government functions most effectively, and the interest of the public is served, when the Federal Government offers fair compensation, including pay, health insurance, and other benefits, to attract and retain qualified, diverse, and dedicated Federal employees;

Whereas, to ensure the integrity of the Federal civil service, it is essential that Federal employees have access to constitutionally protected due process rights and the ability to bargain collectively;

Whereas full- or part-time Federal employees should primarily be responsible for the activities and functions of the Federal Government;

Whereas the effective functioning of the Federal Government and the integrity of the civil service have been undermined by efforts to decrease pay and benefits and reduce rights with respect to due process and collective bargaining;

Whereas, through these efforts, Federal employees have already contributed more than $180,000,000,000 to the reduction of the Federal deficit, primarily in the form of higher retirement contributions and foregone wages;

Whereas reductions to pay and benefits, the removal of collective bargaining rights, and the elimination or degradation of civil service protections would make it harder for the Federal Government to attract the best and brightest to public service;

Whereas reinstatement of the “Holman Rule” by the House of Representatives as part of the Resolution entitled “Resolution adopting rules for the One Hundred Fifteenth Congress”, approved January 3, 2017, presents a direct threat to the employment and compensation of Federal employees, will not result in substantial savings to the Federal Government, and serves primarily to undermine the morale of the Federal workforce;

Whereas the Federal hiring freeze ordered by the President on January 23, 2017, will impact the ability of the Federal Government to provide services across the United States, including the ability to process the payment of Social Security and other benefits and conduct workplace, food, and product safety inspections; and

Whereas it is in the interest of Congress and the United States for the Federal Government to be able to attract a diverse, dynamic, and dedicated workforce in order to serve the people of the United States: Now, therefore, be it

Resolved, That the Senate will deny the passage of any legislation, and challenge any action of the executive branch, that—

(1) erodes fair compensation for Federal employees, including by reducing wages, unjustifiably raising health insurance premiums, and unnecessarily or irresponsibly reducing the overall Federal workforce, such as an appropriations bill passed by the House of Representatives that contains a provision adopted by the House of Representatives under section 3(a) of the Resolution entitled “Resolution adopting rules for the One Hundred Fifteenth Congress”, approved January 3, 2017;

(2) undermines the value of employee retirement programs, including by reducing earnings, savings, and other increasingly employee contribution levels, or seeking to transition fully to a private-sector styled plan consisting solely of cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986;

(3) diminishes the ability of Federal employee unions to effectively represent and protect the rights of employees;

(4) reduces fundamental protections for civil servants, including the right to due process; or

(5) increases the use of non-governmental contractors to perform inherently governmental functions.

SENATE RESOLUTION 52—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. HATCH submitted the following resolution: from the Committee on Finance, which was referred to the Committee on Rules and Administration:

S. RES. 62

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from the fund of the Senate, or (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

S. C. 2a. The expenses of the committee for the period March 1, 2017, through September 30, 2017, under this resolution shall not exceed $4,710,670, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (as authorized by section 202(1) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2017, through September 30, 2018, expenses of the committee under this resolution shall not exceed $8,075,434, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (as authorized by section 202(1) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2018, through September 30, 2019, expenses of the committee under this resolution shall not exceed $3,364,764, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,166 may be expended for the training of the professional staff of such committee (as authorized by section 202(1) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2017.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for payments of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2017, through September 30, 2017, and October 1, 2017, through September 30, 2018; and October 1, 2018, through February 28, 2019, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

AUTHORITY FOR COMMITTEE TO MEET

Mr. MCMONNELL. Mr. President, I have one request for a committee to meet during today’s session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today’s session of the Senate:

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Monday, February 6, 2017, in S-216, the President’s Room of the U.S. Capitol, during a vote on the Senate floor, currently expected to occur around 6 p.m.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that my defense fellow, Captain James Hart, be granted floor privileges for the remainder of this calendar year.

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

Mr. BOOKER. Mr. President, I ask unanimous consent that the privileges of the floor be granted to the following member of my staff: Erin Robinson.

The PRESIDING OFFICER. Without objection, it is so ordered.
### CONGRESSIONAL RECORD — SENATE
#### February 6, 2017

**FOREIGN TRAVEL FINANCIAL REPORTS**

In accordance with the appropriate provisions of law, the Secretary of the Senate hereewith submits the following reports of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

**CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016**

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* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 501(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1978.

SENATOR THAD COCHRAN,
Chairman, Committee on Appropriations, Jan. 13, 2017.

**CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016**

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* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR JOHN MCCAIN,
Chairman, Committee on Armed Services, Jan. 31, 2017.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

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* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR LISA MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Jan. 6, 2017.
### Consolidated Report of Expenditure of Funds for Foreign Travel

#### Delegation Expenses

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#### Delegation Expenses

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*Delegation Expenses include transportation, embassy overtime, as well as official expenses in accordance with the responsibilities of the host country.*
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### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22

**U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016—Continued**

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<td>94,919.93</td>
<td>27,754.56</td>
<td>165,663.16</td>
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</table>

*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 501(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.*

**SENATOR BOB CORKER, Chairman, Committee on Foreign Relations, Jan. 27, 2015.**

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22

**U.S.C. 1754(b), AMENDED 3RD QUARTER, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2016**

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<td>42,986.67</td>
<td>94,919.93</td>
<td>27,754.56</td>
<td>165,663.16</td>
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</table>

*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 501(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.*

**SENATOR RON JOHNSON, Chairman, Committee on Homeland Security and Governmental Affairs, Jan. 18, 2017.**

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22

**U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016**

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<th>Miscellaneous</th>
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*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 501(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.*

**SENATOR RON JOHNSON, Chairman, Committee on Homeland Security and Governmental Affairs, Jan. 18, 2017.**
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*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

**Chairman, Senate Select Committee on Intelligence, Jan. 31, 2017.**

**Senator Chuck Grassley,**
Chairman, Committee on the Judiciary, Feb. 2, 2017.
CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

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<th>Transportation</th>
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* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR DAN COATS,

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

<table>
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* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR ROGER WICKER,

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), STAFF DELEGATION HALPERN FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

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* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR MITCH MCCONNELL,
Majority Leader, Jan. 27, 2017.

SENATOR HARRY REID,
CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2016

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SENATOR MITCH MCCONNELL,

NOTICE
Incomplete record of Senate proceedings. Today's Senate proceedings will be continued in the next issue of the Record.
EXTENSIONS OF REMARKS

HONORING BARRY S. GALE FOR 50 YEARS OF SERVICE
HON. ELISE M. STEFANIK
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. STEFANIK. Mr. Speaker, I rise today to honor and recognize Mr. Barry S. Gale from Gouverneur, New York. This month, Mr. Gale will be celebrating 50 years as a volunteer firefighter at Gouverneur Fire Department.

He joined the Department in 1967 as a dedicated citizen and volunteer. Mr. Gale was assigned to Hose Company Number 1 and served in the position for eight years. His remarkable service gave him the opportunity to advance within the Fire Department, serving as 2nd Assistant Chief from 1975 to 1977. He then rose to 1st Assistant Chief and served in the position until 1979. From there, Mr. Gale served as Chief Engineer until 1981.

Mr. Gale has earned numerous awards for his devotion to the Fire Department. He received the Department’s “Chiefs Award” in 2006 and then again in 2009. In 2011, he was named the Department’s “Firefighter of the Year.” These awards and Mr. Gale’s years of dedicated service are a testament to his character and the community he has called home.

On this day, I want to take a moment to thank Mr. Barry Gale for his many years of public service to our district, especially to the town of Gouverneur. Congratulations on celebrating 50 years of volunteer service at the Gouverneur Fire Department.

RECOGNIZING THE SERVICE OF GARY ANDRES
HON. DIANA DeGETTE
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. DeGETTE. Mr. Speaker, I rise today to recognize the contributions Gary Andres has made to the House of Representatives.

Gary most recently served as the Staff Director for the Committee on Energy and Commerce under the leadership of Congressman FRED UPTON. In his last term as Chairman, Congressman UPTON partnered with me to author the 21st Century Cures Act. I get to know Gary very well over nearly three years as we worked to pass the bill into law.

It was a real pleasure working with Gary. Even at the darkest moments, when we couldn’t seem to find a way to come to a bipartisan agreement on Cures, Gary’s steady leadership and immutable resolve helped to light the way forward. His wise counsel is one of the reasons that bill was enacted into law. Although he is leaving Capitol Hill, the 21st Century Cures Act stands as a testament to his immeasurable contributions to this body.

Gary is a person of integrity and an incredibly effective staffer. The American people were lucky to have his service with the House of Representatives.

HONORING COLONEL BYRON P. DEEL
HON. SCOTT DesJARLAIS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. DesJARLAIS. Mr. Speaker, today I want to honor Colonel Byron Deel, Chief of the Joint Staff, Tennessee National Guard. After 32 years of dedicated service to our state and country, Colonel Deel has announced his retirement, effective February 5, 2017.

Over the course of his career, Byron has held numerous leadership roles with a wide range of responsibilities. Whether it be his time as Company Commander of the 173rd Personnel Support Company, his command of the Joint Counterdrug Task Force or his current position as Chief of the Joint Staff, Byron has exemplified a work ethic and regard for others that is second-to-none. As such, he has more than earned the utmost admiration and respect that his colleagues and peers hold for him.

Colonel Deel’s career includes two deployments: In 2001 to Bosnia, where he was responsible for supporting the State Department as military liaison and intelligence officer. In 2005, he deployed to Afghanistan as an Embedded Team Trainer as part of the 196th Field Artillery Brigade. There he served as a mentor in Intelligence and Operations to the Afghan National Army.

Byron’s exemplary service to our nation is reflected in the numerous commendations and military decorations he has received, including: The Bronze Star, the Meritorious Service Medal, the Army Commendation Medal, and the Tennessee National Guard Distinguished Service Medal, among a long list of many others.

It is also important to mention that his wife, Mary Deel, whom Byron introduces as “the Better Deal”, also serves in the National Guard as the Education Services Officer.

On a personal note, Byron has been an invaluable resource for me and my staff on issues impacting our guardsmen. While operating his business, Russ began his public service on the city’s Zoning Board of Appeals, serving from 1994 to 1996. Russ joined the Common Council in 2000, working to alleviate flooding problems in the 1st Ward, and later spearheading efforts to revitalize the NT waterfront, culminating in the opening of a restaurant at Gratwick Riverside Park.

In his retirement, Russ and his wife Mary look forward to spending more time with their family. They are parents to four children, grandparents to seven and are blessed with one great-grandchild.

In 2012, I was given the honor of having the opportunity to represent North Tonawanda. Few public officials welcomed me with a greater degree of warmth than did Russ Rizzo. Russ is a true gentleman who only had the very best interests of his hometown at heart. His constituents were well-served by him, and I am honored both by his colleagueship as well as his friendship.

Mr. Speaker, I thank you for allowing me a few moments to honor Russ and recognize all that he has done for the City of North Tonawanda. I know that you join me and all of our colleagues in wishing Russ, Mary and their entire family the very best of good health and happiness in the months and years to come.

HONORING LORETTA WEINBERG
ON HER BIRTHDAY
HON. JOSH GOTTHEIMER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. GOTTHEIMER. Mr. Speaker, I rise today, on her birthday, to honor the tireless dedication of Senator Loretta Weinberg to the people of New Jersey. Senator Weinberg has

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
been a remarkable advocate for the people of Bergen County for decades, serving first as Assistant Administrator of Bergen County, on the Teaneck Council, then in the New Jersey Assembly and now in the New Jersey State Senate. She is currently the Senate Majority Leader. Majority Leader Weinberg has used every post she’s held to fight tenaciously on behalf of the people of New Jersey. She’s advocated relentlessly for making the investments in our infrastructure that we need to keep our economy humming and create new jobs, for ethics and transparency in government, for strengthening our communities, and for women, and for all of those left out of the circle of opportunity. I salute Weinberg for her strong and dogged voice, her countless accomplishments, and for her tireless advocacy on behalf of the people of New Jersey. I look forward to working with her to serve our mutual constituents in Bergen County.

HONORING STAN JONES

HON. LUKE MESSER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. MESSER. Mr. Speaker, I rise today to honor a dear friend of mine—a policy leader who dedicated his life to providing better educational opportunities for Hoosier kids. His work spanned decades. I am speaking of Indiana’s own, Stan Jones.

Most recently, Stan founded Complete College America in order to build a network of states committed to substantially increasing the number of Americans with a postsecondary credential.

Earlier in his career, Stan was elected to the Indiana House of Representatives at age 24. As a member of both the House Education and State Budget committees, he developed expertise in higher education and higher-education finance. All told, Stan served 16 years in the Indiana state legislature and more than five years as a senior advisor to Governor Evan Bayh.

His service as Indiana commissioner for higher education spanned 12 years and the tenure of four different governors from both political parties. As commissioner, he was credited as a primary architect of several landmark education policy initiatives in Indiana. These initiatives included the 21st Century Scholars program, an early promise scholarship program aimed at increasing the number of low-income students attending and completing a postsecondary education; the development of Indiana’s new community college system; the creation of Indiana’s Education Roundtable; and the implementation of Core 40, a college prep curriculum that has contributed to a significant increase in high school seniors going to college.

Stan was also instrumental in the high school drop-out reform legislation that I authored as a state legislator a decade ago. Those reforms helped drive Indiana’s extraordinary progress with its statewide graduation rate improving to nearly 80 percent—an almost 20 percent increase from a decade before. It is no exaggeration to say those reform ideas were hatched over cheeseburgers and fries at Loughmiller’s Pub & Eatery right across from the Indiana State Capitol. Truth be told, Stan had the ideas, and I simply worked to implement them.

Another great Hoosier, former champion UCLA basketball head coach John Wooden once said, “It’s amazing how much can be accomplished if no one cares who gets credit.” At his very core, Stan Jones exemplified that ideal. You will be missed, my friend.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

SPREECH OF
HON. JAMES R. LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to H.J. Res. 40, disapproving of the Social Security Administration’s (SSA) rule-making on the Implementation of the NICS Improvement Amendments Act of 2007. While I have reservations about the rule, I do not believe the Congressional Review Act is the way to fix it.

Under the rule, individuals with a severe, long-term mental disorder who SSA determines are unable to manage their benefits would be placed on the NICS list and prohibited from purchasing a firearm. That tens of thousands of Americans die each year due to gun violence is unconscionable, and I do believe that the government has a role to play in alleviating this public health crisis.

However, as Co-Chair of the Bipartisan Disabilities Caucus, I understand the concerns of many mental health and disability rights advocates that this rule also has the potential to perpetuate the stigma that people with psychiatric or intellectual disabilities are more prone to violence, when they are often more likely to be the victims of violence. I also believe the due process procedures in this rule can and should be strengthened. Nonetheless, I believe these concerns can be addressed without resorting to the Congressional Review Act, and I cannot support this resolution of disapproval.

This is particularly true as passage of the resolution of disapproval could limit SSA’s future regulatory activity in this area and could discourage other ongoing efforts to improve gun safety laws. I look forward to working with both the disability community and the Administration to protect the rights of individuals with disabilities while maintaining the integrity of the rulemaking process.

PERSONAL EXPLANATION

HON. RUBEN GALLEGO
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. GALLEGO. Mr. Speaker, I was unavoidably detained and was not present for two roll call votes on Monday, January 30, 2016. Had I been present, I would have voted in this manner:

Roll Call Vote No. 66—Motion to Suspend the Rules and Pass, as Amended: To remove the sunset provision of section 203 of Public Law 105–384 and for other purposes—YES

Roll Call Vote No. 67—Motion to Suspend the Rules and Pass, as Amended: Ocmulgee Mounds National Historical Park Boundary Revisal Act of 2017—YES

HONORING THE CAREER OF MR. GEORGE MESKUS

HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. COSTA. Mr. Speaker, I rise today to honor the career and achievements of Mr. George Meskus, outgoing Claims Representative at the Merced Social Security branch, and lifelong resident of the San Joaquin Valley. In over 35 years of service to the Social Security Administration, Mr. Meskus has consistently shown his colleagues an exemplary degree of dedication and passion for his work, earning praise from his coworkers and the community he’s served over the course of his tenure.

Mr. Meskus’s long life of service to the United States began in 1975 with his enlistment in the U.S. Air Force, where he would remain until he began his career with the Modesto Social Security branch in 1981. Mr. Meskus was initially hired as a Service Representative, but was quickly promoted to become a Claims Representative, and eventually moved to the Merced Social Security branch to continue his services.

Throughout his time at the Modesto and Merced Social Security offices, Mr. Meskus has gone above and beyond the expectations of his peers. He has displayed a keen awareness of the sensitive nature which prefaces many of the cases he processes, and always does so with the well-being of his clientele in mind. He has proven to be a fast and efficient employee, and frequently offers his peers direction and historical perspectives on complicated technical issues that so often face members of the Social Security Administration. His willingness to take on more than his fair share of cases has been invaluable to the productivity of the branches that he has served. Such selflessness will be deeply missed by those who have been lucky enough to call Mr. Meskus their coworker.

Mr. Meskus’s decision to retire has been bitter-sweet news to process for many of his peers. The Social Security Administration is losing an integral colleague with a wealth of knowledge that has been essential to the efficiency of the branches he has served. The hard work and determination that he has demonstrated throughout his career has earned his well-deserved retirement to become a world traveler and to renew his devotion as a father and grandfather.

Mr. Speaker, I urge my colleagues to join me in recognizing the career and achievements of Mr. George Meskus. His stalwart commitment to the greater cause of the Social Security Administration has bennetered the lives of countless people in Modesto and Merced. As he prepares to travel the world with his wife, Gloria, we wish him the best of luck, and hope his journeys bring him a fruitful life in the years to come.
February 6, 2017

CONGRESSIONAL RECORD — Extensions of Remarks

E145

RECOGNIZING THE NEW MEMBERS OF THE NORTHEAST GEORGIA BUSINESS HALL OF FAME

HON. DOUG COLLINS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize three hardworking and tremendously accomplished men in our community. Mr. Randall Frost, Mr. Jim Mathis, and Mr. Paul Maney will be inducted into the Northeast Georgia Business Hall of Fame for their exemplary public service, community involvement, and business accomplishments.

Mr. Randall Frost grew up in Baxley, GA where he learned the importance of hard work, responsibility, and service to his church as well as his community. He is a managing partner with Steward, Melvin & Frost, which offers a variety of services to their clients, from litigation to tax advice. Their firm prioritizes commitment to the Gainesville community.

Mr. Jim Mathis was the CEO of the North Georgia Community Foundation which “supports nonprofit organizations by building, distributing and preserving philanthropic assets to enhance the quality of life in the region.” They have awarded more than $50 million in grants and funding to high school students and college students through 26 scholarships.

Lastly, Mr. Paul Maney, a devoted community member and philanthropist, was an executive at IBM. Since his retirement, he has been investing in small business across North Georgia and supporting many nonprofit and civic organizations for hospitals and children’s groups.

Mr. Speaker, I am honored to recognize these three distinguished men for their service to their businesses and communities. They are shining examples of the hard work and dedication that comes out of northeast Georgia.

SECURING ACCESS TO NETWORKS IN DISASTER ACT OR SANDY ACT

HON. SHEILA JACKSON LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 588, Securing Access to Networks in Disasters Act, which requires the Federal Communications Commission to submit to Congress and publish on the FCC website a study on the public safety benefits, technical feasibility, and cost of providing the public with access to 9-1-1 services during times of emergency when mobile service is unavailable.

As a senior member of the Homeland Security Committee, I am well aware of the importance of telephone service during disasters.

The Securing Access to Networks in Disasters (SANDy) Act seeks to ensure the resiliency of the nation’s communications networks during emergencies.

Acquiring cellphone service during a massive natural or manmade disaster is often difficult, if not impossible, and this is why this piece of legislation is so essential.

During the September 11, 2001 terrorist attacks that destroyed the World Trade Center in New York City, cellphone service was severely disrupted, forcing many callers to repeatedly dial to get through to 9-1-1 emergency services.

On that day, some of the most tragic, heart wrenching calls came from those trapped in the Twin Towers. It is not only during terrorist attacks that cellphone services are severely disrupted, but also natural disasters such as Hurricane Katrina, which claimed the lives of over 1,800 people.

The SANDy Act would ensure that during an emergency, consumers’ cell phones work on other carriers’ networks if a consumer’s own network goes down.

H.R. 588 would give priority to calls to 9-1-1 services and emergency alerts.

It also would increase coordination between wireless carriers, utilities, and public safety officials by creating a directory of the contact information for relevant disaster response officials.

The bill would require the FCC to report to Congress regarding whether additional outage data should be provided in times of emergency.

In addition, the bill requires the FCC to report to Congress on the viability of providing 9-1-1 services over Wi-Fi hotspots during emergencies.

H.R. 588 would be of immense benefit to the 18th Congressional District and the greater Houston area.

On April 17–18, 2016, Houston experienced a historic flood event that claimed the lives of eight people, damaged over 1,150 households, disrupted hundreds of businesses, closed community centers, schools, and places of worship due to flood waters.

On April 25, President Obama granted the request for federal Individual Assistance for Harris County residences and business owners who were affected by severe weather and flooding.

Unfortunately, that was not the end of the story of flooding in Houston for 2016—in early June another record setting rainfall led to catastrophic flooding throughout the Houston area. I am grateful to President Obama and the great work of those at the Department of Homeland Security who worked tirelessly to help people after both 2016 flood events.

I spoke on the House Floor several times about the Floods and the suffering caused by the waters that came through our communities—damaging homes, our schools, places of business, and our places of worship.

The flooding problems in the Houston area are frequent, widespread, and severe, with projects to reduce flood risks in place that are valued at several billion dollars.

In 2015, the Houston and surrounding area experienced widespread historic flooding. The importance of being able to contact emergency responders in the case of natural disasters is critical in order to save the lives of those directly affected by such events.

The SANDy Act would provide telecommunication access to victims of natural and manmade disasters.

The SANDy Act amends the Stafford Act to ensure that all communications providers:

1. Have the ability to access relevant disaster stricken areas during emergencies to restore service; and

2. Are included in the universal credentialing program for essential service providers

The SANDy Act would recognize the critical role that all communications providers—broadcasters, cable, and telecommunications—serve in emergencies, but most notably, the bill would ensure consumers have access to wireless service even if their cellphone service provider’s wireless network goes down.

I urge my colleagues to join me in supporting H.R. 588, the Securing Access to Networks in Disaster Act.

THANKING BERNARD E. BEIDEL FOR HIS DEDICATED SERVICE TO THE HOUSE

HON. GREGG HARPER
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2017

Mr. HARPER. Mr. Speaker, I rise today to acknowledge and thank Mr. Bernard E. Beidel for his dedicated and unwavering support to the United States House of Representatives.

This month, Bern celebrates his twenty-sixth year of service to this great legislative body. For his entire time with this institution Bern has served as the Director of the Office of Employee Assistance (OEA).

Through his leadership and direction, Bern’s office delivers comprehensive confidential assistance covering an array of personal and work-related issues that have the potential to impact an employee’s performance, productivity and well-being.

The idea to create the Office of Employee Assistance in the House of Representatives was rooted in the Drug-Free Workplace Act of 1988. This monumental legislation authorized Employee Assistance grant programs in the U.S. Department of Labor.

In February 1991, the Clerk of the House, Donnald K. Anderson, hired Bern to serve as the Director of OEA. Immediately upon assuming this mantle, Bern began to build one of the most recognized and respected employee assistance programs in our Nation. In 1995, OEA was transferred to the Chief Administrative Office, where it resides today.

Over the course of his tenure with the House, Bern and his team have had a lasting impact on individual employees within Member offices and Committees. In addition, his team serves employees who work for the House Offices, the Congressional Budget Office, and the USCP. The confidential nature of OEA’s services demand an individual who possesses integrity, character, and trust. Bern exemplifies the qualities and characteristics of his profession. But it is truly Bern’s personality that serves as a beacon for all who know him.

Mr. Speaker, based on the kindness, compassion and love that Bern has for his work and the House of Representatives, it is no surprise that I am not the first Member of Congress to honor him with a statement for the CONGRESSIONAL RECORD.

First, on December 18, 2001, Bern and OEA were recognized when they received the EAP Excellence Award which is jointly offered by the EAP Digest and Employee Assistance Professionals Association.

Then, on December 11, 2013, my friend and former colleague Congresswoman Candice Miller also had the distinct pleasure of recognizing Bern as the recipient of the 2013 Life-time Achievement Award issued by the Employee Assistance Professionals Association.
(EAPA). This illustrious award is given to an EPA member who has made significant contributions to the employee assistance profession. In addition to this accolade, Bern was also the recipient of the EPA Member of the Year in 2002.

Prior to his time in the House of Representatives, Bern served as a drug specialist in the United States Coast Guard, where he had the opportunity to hone his acute understanding of employee assistance. He continued his career in public service with the New Jersey State Police where he established the organization’s employee assistance program.

Based on his background with the New Jersey State Police, it is no surprise that Bern was instrumental in establishing a Memorandum of Understanding with the U.S. Capitol Police in 2000. Because of this important agreement, the men and women who guard our campus have access to the outstanding services provided by the CAO’s Office of Employee Assistance.

Mr. Speaker, I am honored and humbled to stand before you and recognize Bern for his outstanding contributions and overall impact to the House of Representatives. I also want to thank his current staff Lisbeth McBride, Jennifer Lavan, Paul Tewksbury, Margaret Hawkins-Green and all of the other staff members who have served under Bern’s tutelage during the past quarter century.

Finally, Mr. Speaker, I want to acknowledge Bern’s family. As you know, public service is an honorable and noble calling requiring great sacrifices to our time. Therefore, I would like to thank Bern’s family, including his wife Donna, their daughters, sons-in-law and grandchildren Jessica and Mather Hinders (Lily and Emmett) and Cynthia and Jonn Aitken (Alexander) for their generous devotion, unwavering support, and unconditional love.

Mr. Speaker, this legislative body and our grateful Nation owe Bern and his entire family a debt of gratitude.

INTRODUCTION OF THE HUMAN TRAFFICKING FRAUD ENFORCEMENT ACT OF 2017

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mrs. CAROLYN B. MALONEY of New York.

Mr. Speaker, I rise to reintroduce the Human Trafficking Fraud Enforcement Act of 2017 with my colleague Rep. TED POE.

This bill also amends the Internal Revenue Code to increase criminal monetary and other penalties for attempts to: evade or defeat tax, willful failure to file a tax return, supply information, or pay tax, aggravated failure to file tax returns, fraud and false statements, and underpayment or overpayment of tax due to fraud. The offense will carry a maximum sentence of 10 years and a maximum fine of $50,000.

The Human Trafficking Fraud Enforcement Act of 2017 also establishes a new felony offense for an aggravated failure to file to include failure to file with respect to income or payments derived from activity which is criminal under Federal or State law. This will target those involved in the promotion of commercial sex acts—pimps and traffickers—and not conduct of exploited persons in prostitution.

Last, this bill directly benefits those who are victimized by the traffickers by revising current IRS Whistleblower provisions so that women and girls who choose to come forward to cooperate in an investigation will be eligible to participate in the whistleblower program and may ultimately be granted up to 15% of any monetary fines levied against the trafficker.

We must use every tool possible to take down traffickers, who have often proven elusive to apprehend and prosecute. I urge my colleagues to cosponsor this important legislation.

HONORING THE CAREER OF MR. LARRY PISTORESIS, SR.

HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. COSTA. Mr. Speaker, I rise today to honor the life and career of Mr. Larry Pistoresi, Sr., lifelong resident and deeply involved community member of Chowchilla. Mr. Pistoresi’s unfailing drive to improve his community has been an inspiration to countless others who have crossed his path. His genuine character and love for the people of Chowchilla will be deeply missed by those fortunate enough to have known him.

Larry Pistoresi, Sr. was born in Berenda, California and raised in Chowchilla, where he spent his childhood and teenage years attending local schools. After graduating from Chowchilla High School in 1942, Mr. Pistoresi served in the United States Air Force for 3 years, and returned to Chowchilla to work as a car salesman with his father, Pete. After surmounting great success as a car salesman, Mr. Pistoresi eventually joined Pistoresi Chevrolet in partnership with his father, and brother Monte. After selling Pistoresi Chevrolet, Mr. Pistoresi continued working as a car salesman at Steve’s Chevrolet until he celebrated his 92nd birthday.

Larry Pistoresi, Sr. has been a leader in the community of Chowchilla for virtually every position on the Board, including the Chowchilla Chamber of Commerce since 1970, where he had perfect attendance for 46 years.

To list every accomplishment and public service provided by Mr. Pistoresi would require far more time than we have here today. However, it should be stated firmly that few if any, have served the community of Chowchilla in the same capacity, and with the same fervor as Mr. Pistoresi did throughout the course of his long, fruitful life. He is remembered by his family and friends, including his wife of 44 years, Velma, his sons Larry Pistoresi, Jr., Jerry Danieli, and Kent Danieli, his sisters Violet and Irene, his brother Monte, and many members of his extended family, 10 grandchildren, 11 great-grandchildren, nieces, and nephews.

Mr. Speaker, I urge my colleagues to join me in honoring the life and career of Mr. Larry Pistoresi, Sr., one of the most recognizable and hard-working figures in the community of Chowchilla. The level of devotion he has provided to the people around him has proven to be an unparalleled catalyst for the growth and advancement of Chowchilla.

RECOGNIZING DR. JOHN SMITH

HON. DOUG COLLINS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize Dr. John Smith for his work as the Senior Health Services Advisor for Gainesville’s own Fieldale Farms—one of the largest independent poultry producers in the world.

Dr. Smith holds a degree in veterinary medicine from the University of Georgia, a master of science in medical microbiology, and a master of avian medicine in poultry. He joined Fieldale Farms in 1991 and has continuously dedicated himself to the poultry and egg industry since that time. In 2004, Dr. Smith received USPOULTRY’S Lamplighter Award for exemplary service to the poultry and egg industry. He has been an active member of the USPOULTRY Foundation Research Advisory Committee for 16 years, and has taken many steps in order to foster the success of Georgia’s poultry industry.

Each year, the Workhorse of the Year collar is awarded to an individual who has shown steadfast service and valuable leadership to USPOULTRY and the poultry industry.

Dr. Smith was awarded the Workhorse of the Year Award at the International Poultry Expo in Atlanta as a direct result of his loyalty, dedication, and leadership within the USPOULTRY organization and Fieldale Farms. The presentation of these awards to Dr. Smith shows that his service has benefited the poultry industry in northeast Georgia and at a national level. I commend Dr. Smith for service that has strengthened a local community and respected industry.
TRIBUTE TO DARYL BUSCH

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to Riverside County, California, are exceptional. Last month, Daryl Busch completed his service on the Board of Directors of the Southern California Regional Rail Authority (“Metrolink”). He began his service on the Board in January of 2005 and served as Vice Chair between the years of 2015 and 2016.

Daryl Busch brought valuable expertise to the Board through his service as Mayor of the City of Perris and commissioner of the Riverside County Transportation Commission. Daryl ushered in a new era of service that included a fourteen percent service expansion, the introduction of express trains, bike cars, quiet cars, service to sporting events throughout the region, and increased coordination with other regional transit providers including airports. During Daryl’s service at Metrolink, major capital projects were pursued including the procurement of the Guardian Fleet, the new Tier 4 locomotives, development of the Ground Power Plug-In program, Positive Train Control and Perris Valley Line Expansion.

Daryl brought a tremendous amount of passion and enthusiasm to the agency, as he helped increase ridership on Metrolink, resulting in reductions in traffic congestion and air emissions, and providing Southern California commuters with a safe, reliable, efficient, and cost-effective means to travel. Daryl also helped institute an enhanced safety culture at Metrolink; he was essential to the implementation of lifesaving equipment onboard Metrolink trains such as crash energy management technology and inward and outward facing cameras.

I have had the privilege of knowing Daryl Busch for many years. Daryl’s contributions to the Metrolink system have generated an admirable legacy as well as many friends and colleagues that will miss him. I applaud Daryl’s service and I will truly miss working with him. His service and his achievements will have a longstanding and truly positive impact on our community.

FAIR RATEPAYER ACCOUNTABILITY, TRANSPARENCY, AND EFFICIENCY STANDARDS ACT

HON. SHEILA JACKSON LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 587, the Fair Ratepayer Accountability, Transparency, and Efficiency Standards Act (Fair RATES Act), which amends the Federal Power Act to permit administrative and judicial review of any rate change filed by a public utility that takes effect administratively or in the courts.

H.R. 587 provides those who want to challenge a similar rulings or non-decisions by FERC the ability to challenge the decision administratively or in the courts.

The bill ensures that stakeholders have recourse when a non-decision by FERC has very real consequences for consumers, producers, and others. This bill would also improve the process by which FERC votes are reconsidered. I ask my colleagues to join me in supporting H.R. 587.

PERSONAL EXPLANATION

HON. TOM REED
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. REED. Mr. Speaker, on Friday February 3, 2017, I was unable to vote on roll call vote No. 78: Passage of H.J. Res. 36. Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to Waste Prevention, Production Subject to Royalties, and Resource Conservation, Had I been present, I would have voted “yes.”

RECOGNIZING RAND ROWLAND

HON. DOUG COLLINS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize the hard work of a Georgia Tech basketball player. Rand Rowland started on the team as a walk-on, but recently received a scholarship to play basketball for his final semester.

Rand arrived at Georgia Tech from White County High School in Northeast Georgia in 2013, and spent most of his college career as a practice player with the Yellow Jackets. Recognized by head coach Josh Pastner as a “phenomenal young man,” Rand worked constantly with the team to improve its overall performance in any way that he could—even as a practice partner. His commitment to the team did not go unnoticed.

Assistant coach Eric Reveno said in regards to the decision to award Rand the scholarship, “What we do as basketball coaches isn’t always fair, the right guys don’t get rewarded all the time, it’s nice when the right things do happen.”

Rand earned his business degree in December, and is now beginning a second degree in the School of History and Sociology, hoping to become a college basketball coach himself, one day.

Currently, Rand’s main focus is working on the scouting team. During his college career, he has played in nine games, for a total of 19 minutes, and he’s still working to score his first career points for the Jackets. On and off the court, Rand has been made a valuable asset to his team. I congratulate Rand on receiving this scholarship at Georgia Tech, which he has said encourages him to follow his dreams and become a coach.

Mr. Speaker, I am honored to recognize the diligence and dedication this young man has shown to his team and to his dream. Rand is a role model for fellow students and team members, and a source of pride for Northeast Georgia.

RECOGNIZING THE PROFESSIONAL ACHIEVEMENTS OF MR. VAL MCWHORTER

HON. GERALD E. CONNOLLY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. CONNOLLY. Mr. Speaker, I rise to recognize my constituent, Val McWhorter, for his inclusion in the 23rd edition of The Best Lawyers in America in the practice areas of Arbitration, Construction Law, and Mediation, and for his designation as the 2017 Lawyer of the Year in the practice area of Construction Law in Washington, D.C. A testament to his standing in the field of Construction Law, these well-deserved honors were awarded to Mr. McWhorter on the basis of high praise and feedback from both his peers and clients alike. Such acclamations of Mr. McWhorter’s work should come as no surprise, given the more than $500,000,000 he has recovered on behalf of his clients in state and federal court, arbitrations, and private negotiations.

Additionally, I want to congratulate Mr. McWhorter on the 25th anniversary of his induction into The Moles Organization, a national organization of individuals involved in the completion of heavy construction projects, including tunnels, bridges, highways, and dams. Founded in 1936, The Moles Organization is a respected institution whose members represent the best of American industry. First elected to membership in 1991, Mr. McWhorter’s commitment to The Moles Organization led to his appointments last year to both the Publicity Committee and the Award Committee. Mr. McWhorter’s longtime membership, and his recent leadership, in this esteemed organization deserves much recognition.

Mr. Speaker, I ask my colleagues to join me in commending Val McWhorter on his remarkable achievements, and in thanking him for his years of contribution to the practice of Construction Law in the Washington, D.C. region.

TRIBUTE TO NATASHA JOHNSON

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community
of Lake Elsinore in Riverside County, California are exceptional. On Saturday, February 11, 2017 Natasha Johnson will be honored as the Citizen of the Year by the Lake Elsinore Chamber of Commerce.

Natasha is a manager of a local credit union and a strong advocate for children. In 2012, Natasha was elected to the Lake Elsinore City Council, where she continues to serve after being re-elected in 2016. As an elected official, Natasha has worked tirelessly to establish a more sustainable economic development base in Lake Elsinore to create more jobs and demonstrate that our community is a great place for families to live, work and play.

Natasha has served our region through her participation in organizations such as the Boy Scouts of America, H.O.P.E. Operation Homefront, and New Song. She also serves on the Board of Directors for the Elsinore Woman’s Club, Boy Scout Advisory, and United Way. Natasha is also a past President for the Lake Elsinore Chamber of Commerce.

In light of all that Natasha has done for the community of Riverside County and the city of Lake Elsinore, it is only fitting to honor her as Citizen of the Year. Natasha has contributed immensely to the betterment of our region and I am proud to call her a fellow community member, American and a constituent of the 42nd Congressional District of California. I add my voice to the many who will be congratulating Natasha Johnson on being named Citizen of the Year by the Lake Elsinore Chamber of Commerce.

IN SUPPORT OF H.R. 423, ANTI-SPOOFING ACT OF 2017

HON. SHEILA JACKSON LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Ms. JACKSON LEE. Mr. Speaker I rise in support of H.R. 423, the Anti-Spoofing Act of 2017, which amends the Communications Act of 1934, to make it unlawful to cause a caller identification service to knowingly transmit inaccurate caller identification information with the intent to: defraud, cause harm, or wrongfully obtain anything of value. Spoofing is a practice in which a phone number shown on a phone or caller identification device deliberately is falsified. Spoofing is a commonly used tool for a number of illegal practices, including "phishing" for personal information and "swatting"—calling in a fictitious crime in progress in order to generate a police response.

The Truth in Caller ID Act of 2009 prohibits spoofing of voice caller identification information. However, as communications methods and caller identification habits continue to evolve, so do the attempts by third parties to gain personal information for criminal use.

Many Americans now rely on text messaging to stay connected. According to CTIA, in 2015, Americans sent over 156 billion text messages per month. H.R. 423, the Anti-Spoofing Act, will extend the provisions of the Truth in Caller ID Act to include text messaging and text messaging services.
Though we have lost a champion and advocate for Santa Monica, I hope that her family and friends take comfort in the way Louise lived her life as an accomplished and astounding woman. May her memory be a blessing to us all.

RECOGNIZING THE RETIREMENT OF MICHELE Y. EVANS FROM THE GOVERNMENT PUBLISHING OFFICE

HON. GERALD E. CONNOLLY
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. CONNOLLY. Mr. Speaker, I rise to recognize my constituent, Michele Y. Evans, for her recent retirement from the Government Publishing Office after 29 years of service. Ms. Evans began her career at GPO in October 1987 as a Supply Clerk in the Springfield Warehouse in Springfield, Virginia. In 1991, she became a Micrographics Tech and in 1993 she was promoted to Supervisory Micrographics Tech before eventually assuming the position of Publications Manager Specialist.

In 2004, Michele joined the Apprenticeship Program, which trained her as Printer, Proofer, and Journey Person. In 2006, after graduating from the Apprenticeship program, Michele went to work in the proof room, where she worked in copy/mark-up and night side/bill end. In 2010, Michele was selected for the GPO detailee program, and was attached to the Office of the Clerk, Office of Legislative Operations, House Enrolling section. Her dedication and disposition made her a perfect fit for the section, and her attention to detail and years of experience made Michele an invaluable member of the enrolling team.

Mr. Speaker, I ask my colleagues to join me in congratulating Ms. Evans on her retirement and in thanking her for her years of service to this chamber as she returns to her hometown of Jacksonville, North Carolina to start the next chapter of her life.

PERSONAL EXPLANATION

HON. ELIOIT L. ENGEL
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. ENGEL. Mr. Speaker, I was unavoidably detained and unable to attend session on Friday, February 3, due to personal reasons. Had I been present, I would have voted no on the motion that directs the House to proceed to H.R. 1, the North American Free Trade Agreement Improvement and Renegotiation Act of 2017. I have been a steadfast opponent of the Trans-Pacific Partnership and the Transatlantic Trade and Investment Partnership because I believe that they do not serve the interests of American workers and the American people.

As a leading member on the House Energy and Commerce Committee, I have long been a champion for a cleaner, healthier environment for all North Americans and the American people. I have relentlessly fought to close Indian Point, oppose the Spectra Algonquin Pipeline, and resist the plan to anchor barges carrying crude oil along the Hudson River. I will continue fighting to stop Republicans in Congress from undermining our environmental regulations and turning back the clock to a time when corporations could pollute unchecked.

The Wireless Association reported that the majority of calls to 9–1–1 emergency public safety answering points (PSAP) originate from smartphones. U.S. emergency dispatch agencies report that wireless callers are responsible for at least 80 percent of their emergency call volume.

For these reasons, I urge my colleagues to support H.R. 582, Karl’s Law Act of 2017.

WELCOME ANYA CHIRAG SHAH

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Chirag Shah and his wife, Sejal, on the birth of their daughter, Anya Chirag Shah. Anya Chirag Shah was born on 6:18 p.m. on Sunday, January 15, 2017, at Georgetown University Medical Center in Washington, D.C. Anya weighed eight pounds and eleven ounces and measured 21 inches long. She is the first child for the happy couple and I look forward to watching her grow as she is raised by talented parents who will be dedicated to her well-being and bright future.

I would also like to congratulate Anya’s grandparents, Kamal and Jagruti Shah of Mequon, Wisconsin, and Vikram and Kalpana Bavishi of Secaucus, New Jersey. Congratulations to the entire Shah and Bavishi families as they welcome their newest addition of pure pride and joy.

TRIBUTE TO STEVE MANOS

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2017

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Lake Elsinore in Riverside County, California are exceptional. On Saturday, February 11, 2017 Steve Manos will be honored as the Citizen of the Year by the Lake Elsinore Chamber of Commerce.

Born in Santa Monica and raised in Lake Elsinore, Steve is a 29-year Lake Elsinore resident. In 2012, Steve was elected to serve as a Council Member for the City of Lake Elsinore, for which he served as Mayor in 2015. As an elected official Steve serves on several regional organizations. He has served as Chair of the Riverside County Habitat Conservation Agency, Commissioner on the Airport Land Use Commission, and represents all of the cities in the County of Riverside as the State Director for the League of California Cities. During his term Steve was proud to improve public safety by voting to staff and reopen the Rosetta Canyon Fire Station and add peace officers to the City’s police force.

Steve has a great passion for economic development and during his term he has actively recruited new businesses—hundreds of new businesses have opened in Lake Elsinore since 2012; bringing over one thousand new jobs. He has been a relentless, unapologetic ambassador for the City. Steve is a devoted volunteer and charitable contributor having served at the local school district, his church,
and community. He is a founding member of Lake Elsinore’s major disaster Citizen Emergency Response Team.

In light of all that Steve has done for the community of Riverside County and the city of Lake Elsinore, it is only fitting to honor him as Citizen of the Year. Steve has contributed immensely to the betterment of our region and I am proud to call him a fellow community member, American and a constituent of the 42nd Congressional District of California. I add my voice to the many who will be congratulating Steve Manos on being named Citizen of the Year by the Lake Elsinore Chamber of Commerce.

INTRODUCTION OF THE BUREAU OF RECLAMATION WATER PROJECT STREAMLINING ACT OF 2017

HON. DAN NEWHOUSE OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Mr. NEWHOUSE. Mr. Speaker, I rise today to introduce my legislation, the Bureau of Reclamation Water Project Streamlining Act. This legislation is designed to help many communities in the West that have been severely impacted by the recent droughts affecting the western United States. The legislation requires the Bureau of Reclamation to accelerate studies and provide more accountability in the agency’s process to study the feasibility of new and/or expanded surface water storage, rural and Title XVI water projects, as well as water recycling projects. By streamlining Reclamation’s environmental planning and study process for these water projects, the bill will ensure that communities in the arid West can address the critical need for water supplies that grow with demand. This is accomplished by applying the same streamlined water project development process used by the U.S. Army Corps of Engineers, which were established under the Water Resources Reform Development Act of 2014, to the Bureau of Reclamation for surface water, storage, infrastructure, and recycling projects.

Water is an indispensable resource in Central Washington and is the foundation on which our future will be built. However, water has become increasingly limited and the current supply and infrastructure is unable to meet existing human and environmental needs. The droughts and water shortages that have impacted much of the western U.S. highlight the critical need for new water supplies that are able to meet this growing demand. A streamlined process for new water storage projects is vital to prepare effectively for droughts and provide adequate water resources for future development. This bill improves the Bureau of Reclamation’s permitting process and makes new opportunities for water storage, recycling, and rural water projects. Put simply, my bill reforms the current cumbersome and lengthy process so that there is a mechanism to build new water and infrastructure projects in Central Washington and across the West.

I welcome all members to join me in supporting this legislation and I urge its swift passage through the U.S. House of Representatives and U.S. Senate.

IN SUPPORT OF H.R. 460, IMPROVING RURAL CALL QUALITY AND RELIABILITY ACT OF 2017

HON. SHEILA JACKSON LEE OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 460, the Improving Rural Call Quality and Reliability Act of 2017, which amends the Communications Act of 1934 to require voice communications that charge users to register with the FCC and comply with service quality standards to be established by the FCC.

The bill, should it become law, prohibits long-distance providers from using an internet provider to transmit voice communications and signals unless the intermediate provider is registered.

H.R. 460 would require the FCC to:
1. Ensure the integrity of voice communications to all customers in the United States.
2. Prevent unjust or unreasonable discrimination across areas of the United States in the delivery of voice communications; and
3. Make a registry of intermediate providers publicly available on the FCC website.

H.R. 460, the Improving Rural Call Quality and Reliability Act of 2016, would seek to ensure that calls to Americans living in the rural areas of our country actually make it through to the intended receiver.

Making sure a call goes through, regardless of where it is being made, is fundamental to our communications system.

H.R. 460 that would require the Federal Communications Commission (FCC) to establish basic quality standards for providers that transmit voice calls to consumers, among other things.

The Senate Commerce Committee adopted an amendment in the nature of a substitute (AINS) that made the following changes:
1. Extends deadlines for service quality standards for intermediate providers from 180 days to one year,
2. Exempts intermediate providers that have been certified as a safe harbor provider; and
3. Amends the definition of intermediate provider.

I urge my colleagues to join me in supporting H.R. 460, the Improving Rural Call Quality and Reliability Act of 2017.

PERSONAL EXPLANATION

HON. NORMA J. TORRES OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Mrs. TORRES. Mr. Speaker, due to a conflict, I unavoidably missed the following vote on February 2. Had I been present I would have voted as follows: On roll call No. 77, I would have voted “nay” on H.J. Res. 40, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

IN SUPPORT OF H.R. 511, POWER AND SECURITY SYSTEMS (PASS) ACT OF 2017

HON. SHEILA JACKSON LEE OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Ms. JACKSON LEE. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to Riverside County, California, are exceptional. After ten years of exemplary service, Dr. George Beloz is stepping down as President of the Greater Corona Hispanic Chamber of Commerce.

Dr. Beloz was born in Chicago and grew up in an ethnically diverse neighborhood, where he was interested in fine arts and fishing. At an early age he sold daily newspapers on South Lakeshore Drive in Chicago, worked for Fannie Mae as a teenager and played the piano at church. After a couple of years in college, George was drafted into the Army and was assigned to Heidelberg, Germany where his wife joined him and they lived off-post and traveled throughout Europe while stationed there. After his military service he returned to college and completed his Bachelor’s, Master’s and PhD degrees, the latter two with the assistance of the GI Bill. He received his PhD from Southern Illinois University. After college, Dr. Beloz was recruited into the Foreign Service and worked for the U.S. Department of State for seven years learning the ropes in the Asian, the Middle Eastern and Latin American regional areas.

Dr. Beloz left the Foreign Service and held several administrative and educational assignments in the Orange County College District. He and his wife, Ruth, moved to Corona in 1983. Since moving to Corona, he was a candidate for the School Board in 1989 and served on the Board of Trustees for the Corona Public Library from 1993 to 1997. Dr. Beloz was appointed to the Citizens Oversight Committee for Measure C, the $169 million bond issue affecting Riverside City College, Moreno Valley and Norco campuses. In 2016, Dr. Beloz was appointed to the Corona Regional Medical Center Board of Governors. For the last ten years he has headed up the Greater Corona Hispanic Chamber of Commerce (GCHCOC) by planning engaging evening meetings at Miguel’s restaurant with a wide variety of speakers on topics of community interest that have contributed to increasing GCHCOC membership.

Dr. Beloz has contributed immensely to the betterment of our community and I am proud to call him a fellow community member, American and my friend. To conclude, Mr. Speaker, I want to thank Dr. Beloz for his service to Corona—his dedication, insight and passion will be greatly missed.

IN SUPPORT OF H.R. 511, POWER AND SECURITY SYSTEMS (PASS) ACT OF 2017

HON. SHEILA JACKSON LEE OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 511, the Power and Security Systems Act of 2017, which will revise energy conservation standards for devices operating in standby mode.
In the early 1970s, I recall, as many of my colleagues do, the impact to our nation’s economy when OPEC nations withheld oil from the United States, causing one of the greatest peace-time energy shortages in United States history. One of the remedial steps taken by the Carter Administration was the promulgation of regulations that required large appliances and equipment that used electricity to default to a power down mode when not in use.

Today, we take for granted that machines power down when not in use, but this one change in energy policy over the last 40 years has saved taxpayers, which includes businesses and private homes, billions of dollars in energy costs.

This was only one policy solution that was used to reduce our nation’s dependence on foreign oil so that energy could go to vital services like fuel for electricity generation, gasoline, heating fuels, and diesel oil.

H.R. 511, the bill before us, would extend energy conservation to digital technology that can operate in standby mode. Most digital device technology manufacturers already provide sleep mode on their devices to assist their users in conserving power on cellphones, smartphones, MP3 players, e-book readers, as well as desktop and laptop computers.

Today, 68 percent of U.S. adults own a smartphone, up from 35 percent in 2011, and tablet computer ownership has edged up to 45 percent among adults, according to newly released survey data from the Pew Research Center.

Considering not just smartphones, but all types of mobile phones, Pew notes that cellphones continue to top the list. Roughly nine-in-ten American adults or 92 percent own a mobile phone of some kind.

Although these mobile devices are ubiquitous today, the share of adults who own one has risen substantially since 2004. Smartphone ownership is nearing the saturation point with some groups:

1. 86 percent of those ages 18-29;
2. 83 percent of those ages 30-49; and
3. 87 percent of those living in households earning $75,000 and up annually own smartphones.

These facts highlight the importance of energy conservation for mobile communication users.

The battery life for these devices is limited and without power they are of no use to the user. This bill will help users remain connected as long as possible because the energy consumption on their cellphones and other digital devices will be minimized when they are not in use.

Energy conservation will also assist consumers during times when power outages may occur due to weather or other electricity disruption.

The longer power life for cellphones will benefit consumers by reducing the amount of electricity needed to recharge their personal devices. This bill will also benefit businesses that often have many computers that when in use can consume electricity if left on after business hours—especially over weekends.

For these reasons, I ask my colleagues to join me in supporting H.R. 511.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 7, 2017 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED
FEBRUARY 8

10 a.m.
Committee on Commerce, Science, and Transportation
To hold hearings to examine Inspector General recommendations for improving Federal agencies.
SD–G50

Committee on Environment and Public Works
To hold an oversight hearing to examine modernizing our nation’s infrastructure.
SD–406

2:30 p.m.
Committee on Armed Services
Subcommittee on Readiness and Management Support
To hold hearings to examine the current readiness of United States forces.
SR–232A

Committee on Indian Affairs
Business meeting to consider S. 39, to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, S. 63, to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act, S. 91, to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, S. 245, to amend the Indian Tribal Energy Development and Self Determination Act of 2005, S. 249, to provide that the pueblo of Santa Clara may lease for 99 years certain restricted land, S. 254, to amend the Native American Programs Act of 1974 to provide flexibility and reauthorization to ensure the survival and continuing vitality of Native American languages, S. 269, to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and S. 302, to enhance tribal road safety; to be immediately followed by an oversight hearing to examine emergency management in Indian Country, focusing on improving the Federal Emergency Management Agency’s Federal-tribal relationship with Indian tribes.
SD–628

FEBRUARY 9

9:30 a.m.
Committee on Armed Services
To hold hearings to examine the situation in Afghanistan.
SD–G50

10 a.m.
Committee on Foreign Relations
To hold hearings to examine the United States, the Russian Federation, and the challenges ahead.
SD–419

Committee on Homeland Security and Governmental Affairs
Subcommittee on Regulatory Affairs and Federal Management
To hold hearings to examine empowering managers, focusing on ideas for a more effective Federal workforce.
SD–342

Committee on the Judiciary
Organizational business meeting to consider committee rules, and S. 178, to prevent elder abuse and exploitation and improve the justice system’s response to victims in elder abuse and exploitation cases.
SD–226

Select Committee on Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219
Monday, February 6, 2017

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S685–S760

Senate continued in the session that began on Monday, February 6, 2017. See next volume of the Congressional Record.

Measures Introduced: Fifteen bills and five resolutions were introduced, as follows: S. 306–320, and S. Res. 48–52. Pages S745–46

Measures Reported:

- S. Res. 48, authorizing expenditures by the Select Committee on Intelligence.
- S. Res. 52, authorizing expenditures by the Committee on Finance. Page S745

DeVos Nomination—Cloture: Senate resumed consideration of the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education. Pages S685–S741

During consideration of this nomination today, Senate also took the following action:

By 91 yeas to 4 nays (Vote No. 53), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators. Page S716

Executive Communications:

Page S745

Additional Cosponsors:

Page S746

Statements on Introduced Bills/Resolutions:

Pages S746–51

Additional Statements:

Pages S744–45

Authorities for Committees to Meet:

Page S751

Privileges of the Floor:

Page S751

Quorum Calls: One quorum call was taken today. (Total—2) Page S716

Record Votes: One record vote was taken today. (Total—53) Page S716

Evening Session: Senate convened at 12 noon, on Monday, February 6, 2017, and continued in evening session. (For complete Digest of today’s proceedings, see next volume of the Congressional Record.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following business items:

An original resolution (S.Res. 52) authorizing expenditures by the Committee; and adopted its rules of procedure for the 115th Congress.

Also, Committee announced the following subcommittee assignments:

- Subcommittee on International Trade, Customs, and Global Competitiveness: Senators Cornyn (Chair), Grassley, Roberts, Isakson, Thune, Heller, Casey, Stabenow, Nelson, and McCaskill.
- Subcommittee on Taxation and IRS Oversight: Senators Portman (Chair), Crapo, Roberts, Enzi, Cornyn, Thune, Burr, Isakson, Toomey, Scott, Warner, Carper, Cardin, McCaskill, Menendez, Bennet, Casey, and Cantwell.
- Subcommittee on Health Care: Senators Toomey (Chair), Grassley, Roberts, Enzi, Thune, Burr, Isakson, Portman, Heller, Cassidy, Stabenow, Menendez, Cantwell, Carper, Cardin, Brown, Warner, and Wyden.
- Subcommittee on Energy, Natural Resources, and Infrastructure: Senators Heller (Chair), Grassley, Crapo, Enzi, Cornyn, Burr, Scott, Cassidy, Bennet, Cantwell, Nelson, Menendez, Carper, and Warner.
- Subcommittee on Fiscal Responsibility and Economic Growth: Senators Scott (Chair), Hatch, and Wyden.
- Subcommittee on Social Security, Pensions, and Family Policy: Senators Cassidy (Chair), Portman, Crapo, Toomey, Brown, and Casey.

Senators Hatch and Wyden are ex officio members of each subcommittee.
House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 27 public bills, H.R. 871–897; and 6 resolutions, H.J. Res. 64; H. Con. Res. 20–21; and H. Res. 92–94, were introduced.

Additional Cosponsors: Pages H1011–12

Reports Filed: A report was filed today as follows:
- H. Res. 91, providing for consideration of the joint resolution (H.J. Res. 44) disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976; providing for consideration of the joint resolution (H.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965; and providing for consideration of the joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues (H. Rept. 115–9).

Speaker: Read a letter from the Speaker wherein he appointed Representative Smith (NE) to act as Speaker pro tempore for today.

Recess: The House recessed at 12:01 p.m. and reconvened at 2 p.m.

Recess: The House recessed at 2:06 p.m. and reconvened at 4:45 p.m.

Suspensions: The House agreed to suspend the rules and pass the following measures:
- **Crags, Colorado Land Exchange Act of 2017:** H.R. 618, to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado;
  - Pages H980–82

- **Elkhorn Ranch and White River National Forest Conveyance Act of 2017:** H.R. 698, to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado;
  - Pages H982–83

- **Arapahoe National Forest Boundary Adjustment Act of 2017:** H.R. 688, to adjust the boundary of the Arapahoe National Forest, Colorado;
  - Pages H983–94

- **Bolts Ditch Access and Use Act:** H.R. 689, to ensure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, by a 2/3 yea-and-nay vote of 409 yeas to 1 nay, Roll No. 79;
  - Pages H984–85, H993

- **Black Hills National Cemetery Boundary Expansion Act:** H.R. 337, to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, by a 2/3 yea-and-nay vote of 407 yeas with none voting “nay”, Roll No. 80;
  - Pages H985–87, H993–94

- **Fort Frederica National Monument Boundary Expansion Act:** H.R. 494, to expand the boundary of Fort Frederica National Monument in the State of Georgia; and
  - Pages H987–88

- **Email Privacy Act:** H.R. 387, to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs.
  - Pages H988–92

Committee Resignation: Read a letter from Representative Aguilar wherein he resigned from the Committee on Armed Services.

Committee Resignation: Read a letter from Representative Peters wherein he resigned from the Committee on Oversight and Armed Services.

Recess: The House recessed at 5:58 p.m. and reconvened at 6:30 p.m.

Permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust: The House agreed to discharge from committee and agree to H. Con. Res. 18, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

Committee Resignation: Read a letter from Representative Castro (TX) wherein he resigned from the Committee on Armed Services.

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H980.

Senate Referral: S. 305 was referred to the Committee on the Judiciary.
Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H993 and H994. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 9 p.m.

Committee Meetings

PRIORITIES OF THE HOUSE OFFICERS AND LEGISLATIVE BRANCH ENTITIES FOR FY 2018 AND BEYOND

Committee on House Administration: Full Committee held a hearing entitled “Priorities of the House Officers and Legislative Branch Entities for FY 2018 and Beyond”. Testimony was heard from Stephen Ayers, Architect of the Capitol; Carla Hayden, Librarian, Library of Congress; Davita Vance-Cooks, Director, Government Publishing Office; and Matthew Verderosa, Chief of Police, U.S. Capitol Police.

HOUSE JOINT RESOLUTION DISAPPROVING THE RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR RELATING TO BUREAU OF LAND MANAGEMENT REGULATIONS THAT ESTABLISH THE PROCEDURES USED TO PREPARE, REVISE, OR AMEND LAND USE PLANS PURSUANT TO THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976; HOUSE JOINT RESOLUTION PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION RELATING TO ACCOUNTABILITY AND STATE PLANS UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965; HOUSE JOINT RESOLUTION PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION RELATING TO TEACHER PREPARATION ISSUES

Committee on Rules: Full Committee held a hearing on H.J. Res. 44, disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976; H.J. Res. 57, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965; and H.J. Res. 58, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues. The committee granted, by record vote of 8–3, a closed rule for H.J. Res. 44. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the joint resolution. The rule provides that the joint resolution shall be considered as read. The rule waives all points of order against provisions in the joint resolution. The rule provides one motion to recommit. Additionally, the rule grants a closed rule for H.J. Res. 57 and H.J. Res 58. The rule provides one hour of debate on each joint resolution equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The rule waives all points of order against consideration of each joint resolution. The rule provides that each joint resolution shall be considered as read. The rule waives all points of order against provisions in each joint resolution. The rule provides each joint resolution one motion to recommit. Testimony was heard from Chairman Bishop of Utah, and Representatives Rokita, Guthrie, and Scott of Virginia.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, FEBRUARY 7, 2017

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to receive a closed briefing on the recent Yemen operation; to be immediately followed by a closed briefing on cyber threats, 9 a.m., SVC–217.

Committee on Foreign Relations: to hold hearings to examine the plan to defeat ISIS, focusing on key decisions and considerations, 10 a.m., SD–419.

Committee on Veterans’ Affairs: business meeting to consider the nomination of David J. Shulkin, of Pennsylvania, to be Secretary of Veterans Affairs, Time to be announced, Room to be announced.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services: Full Committee, hearing entitled “The State of the Military”, 10 a.m., 2118 Rayburn.
Committee on Education and the Workforce, Full Committee, hearing entitled “Challenges and Opportunities in Higher Education”, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, markup on H.R. 829, to amend title XIX of the Social Security Act to clarify the treatment of lottery winnings and other lump sum income for purposes of income eligibility under the Medicaid program, and for other purposes; and H.R. 181, to amend title XIX of the Social Security Act to count portions of income from annuities of a community spouse as income available to institutionalized spouses for purposes of eligibility for medical assistance, and for other purposes, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Full Committee, business meeting to consider the committee’s authorization and oversight plan for the 115th Congress, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing entitled “Countering the North Korean Threat: New Steps in U.S. Policy”, 10 a.m., 2172 Rayburn.


Committee on House Administration, Full Committee, hearing entitled “Priorities of the House Officers and Legislative Branch Entities for FY 2018 and Beyond” (continued), 11 a.m., 1310 Longworth.

Full Committee, markup on H.R. 634, the “Election Assistance Commission Termination Act”; H.R. 133, to reduce Federal spending and the deficit by terminating taxpayer financing of Presidential election campaigns; and a committee resolution regarding views and estimates for FY2018, 12 p.m., 1310 Longworth.

Committee on the Judiciary, Full Committee, markup on H.R. 732, the “Stop Settlement Slush Funds Act of 2017”, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Full Committee, organizational meeting for the 115th Congress, 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Full Committee, hearing entitled “Accomplishing Postal Reform in the 115th Congress—H.R. 756, the Postal Service Reform Act of 2017”, 10 a.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 428, the ”Red River Gradient Boundary Survey Act”; H.J. Res. 42, disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants, 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, Full Committee, organizational meeting for the 115th Congress, 10 a.m., 2318 Rayburn.

Full Committee, hearing entitled “Making EPA Great Again”, 11 a.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled “Reimagining the Health Care Marketplace for America’s Small Businesses”, 11 a.m., 2360 Rayburn.

Committee on Veterans’ Affairs, Full Committee, hearing entitled “Assessing the VA IT Landscape: Progress and Challenges”, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Social Security, organizational meeting for the 115th Congress, 10 a.m., 1100 Longworth.

Subcommittee on Social Security; and Subcommittee on Oversight, joint hearing entitled “Examining the Social Security Administration’s Representative Payee Program: Determining Who Needs Help”, to follow organizational meeting, 1100 Longworth.
Next Meeting of the Senate
Tuesday, February 7

Senate Chamber

Program for Tuesday: Senate will continue in the session that began on Monday, February 6, 2017. See next volume of the Congressional Record.

At approximately 12 noon, Senate will vote on confirmation of the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Following disposition of the Nomination of Elisabeth Prince DeVos, Senate will vote on the motion to invoke cloture on the nomination of Jeff Sessions, of Alabama, to be Attorney General.

Next Meeting of the House of Representatives
10 a.m., Tuesday, February 7

House Chamber

Program for Tuesday: Consideration of H.J. Res. 44—Disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976 (Subject to a Rule). Consideration of H.J. Res. 58—Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues (Subject to a Rule). Consideration of H.J. Res. 57—Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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(Senate proceedings for today will be continued in the next issue of the Record.)