EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER (Mr. Lee). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise this now-early morning, on a new day, to talk about this nomination, which has been the subject of so much debate, so much contention and, I believe, so much concern across the country and in my home State of Pennsylvania.

I spoke earlier today of some of the basic history of my State that principally involves public education. In the 1830s—the early 1830s, to be exact—a debate started in Pennsylvania about public education, the culmination of which led to the enactment under State law of the Free School Act in 1834 in Pennsylvania. We have had a bedrock foundation of free public education all these generations. It is part of who we are as a State.

In our Commonwealth, even today with all of the changes in education and all of the change in policy over time, we are still a State where 92 percent of our schoolchildren are educated in public schools. That is the State we are. We don’t have any for-profit charter schools, and that has been the subject of debate in this nomination.

We have, by law, public nonprofit entities as charter schools. It is a significant point of difference between what is law in Pennsylvania and what is part of our education traditions and what the nominee has stood for in her time as a private citizen. We will get to that a little bit later.

I wanted to start tonight with a basic assessment, and then I will go through a series of issues. The basic assessment and determination that I have made is that I should vote against the nomination of Betsy DeVos to be the next U.S. Secretary of Education. The principle reason for that is her views on public education—what I believe to be a lack of total commitment to public education and what that would mean for the country.

I have heard from people across my State—urban and rural, suburban, Democrats, Republicans, all kinds of people—who have spoken with one voice against this nomination. That is one of the factors that I have to consider when making a decision, but even I could not have imagined the scope of that response from people across Pennsylvania.

I know we still have a number of hours left before the vote, but, to date, if you count all of the contacts that have been made with my office—or I should say offices in Pennsylvania and here in Washington—it is over 100,000 contacts, whether made by telephone or email or by letter or otherwise.

I have been in the U.S. Senate for more than 10 years now. This is my 11th year. No nomination has even approached that number of contacts from individuals who felt that they had to speak up and speak out, literally, in the context of a nomination.

I wanted to start with one particular issue and develop it rather fully; that is, the issue of sexual assault on our campuses. This is the line of questioning that I pursued with Mrs. DeVos when she came before the HELP Committee—the Health, Education, Labor, and Pensions Committee—just a couple of days ago.

I want to start with the stark reality of sexual assault on college and university campuses across the country. Here is what the Centers for Disease Control and Prevention tell us: One in five women on college campuses experience attempted or completed sexual assault—one in five. That is an abomination. That is a stain on our country. That is something we should not allow to continue.

In the last couple of years, we have just begun to tackle that horrific problem, that insult, that outrage for young women and their families all across the country. We passed legislation that I will talk about in a moment, but this is a matter, I believe, of basic justice.

Hundreds of years ago, St. Augustine said: “Without justice, what are kingdoms but great bands of robbers?” If we don’t get serious about this problem—the problem of sexual assault and what happens to young women on our college campuses—we are robbing them of basic justice. We are robbing them of an opportunity to get a higher education.

In many instances, because of that assault, that young woman’s life is destroyed or largely compromised or harmed in some fashion. Sometimes she cannot finish her higher education, so she is robbed of that opportunity because the rest of us didn’t do enough to prevent that assault.

When we remember those words of Augustine about a basic definition of justice, we should remember and decide whether we are doing enough to prevent her from being robbed of her dignity, robbed of her safety, robbed of the ability to move forward with public education, and, of course, robbed from her basic pursuit of happiness as a young person on a college campus who should have a reasonable expectation of safety and security.

Too often, the college or the university has failed her. Often—too often, I should say—our society has failed her. This is a serious issue. As I said, some young women never recover, and others struggle for the rest of their lives.

Let me say this about the young men who engage in this kind of conduct: Any young man who engages in this kind of conduct on a college campus is a coward, and we should call them on it. They are cowards. They should be brought to justice—swift and certain justice—when they engage in this kind of a crime. It is happening too often on our college campuses.

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
As we seek to hold these young men fully accountable for sexual assault on college campuses, we better have a Secretary of Education who is fully committed—fully committed—to making sure that we are holding these students accountable. That is the least we can expect from Secretaries of Education and from a President and an executive branch and a Congress of both parties and both Houses that are committed to protecting young women on our campuses.

What have we done about it? First of all, we haven’t done enough. That is the basic foundation of what I will say, but we have made some progress the last couple of years. I introduced legislation a couple of years ago, the Campus SaVE Act, known more fully as the Campus Sexual Violence Elimination Act. That became law in 2013 as part of the reauthorization of the Violence Against Women Act.

As the process works around here, you know that in 2013 and the regulatory process starts. The regulations didn’t go into effect until the summer of 2015. We are into our second college school year of those regulations being part of our law.

Here is what they do, and I will summarize my legislation in short order. Basically, what Campus SaVE does is two or three things: One is make sure that we are taking steps—and colleges and universities are required to take steps pursuant to this law—to bring about strategies of prevention so that we are doing everything we can on that campus to prevent these kinds of assaults.

Second, we want to make sure that more and more students and faculty and administration are aware of the problem. It is everyone’s problem. It is not just the problem of that victim, not just the problem for young women. It is everybody’s problem. If you are a young man on the campus, you can’t just be a bystander. You have to be a bystander who does something about this problem. If you are in the college administration or otherwise, you have to be part of the solution.

We passed legislation, got the regulations in effect, and now colleges and universities have to abide by them. This act is now helping improve how campus communities at large respond to sexual assault, to domestic violence in those circumstances, to dating violence in those circumstances.

The fourth category is stalking. All of those circumstances are covered. All of that behavior by a college student is covered. We want to make sure that institutions have clearly defined policies and that they let the victim know way ahead of time that she has not just rights but she also has opportunities to pursue justice in more ways than one. She can leave that campus and seek the help of local law enforcement.

She has to be informed of her right to do that. If she wants to go to a court and seek a protective order, not only must the college tell her about that right, but the college or university has to help her do it. Also, of course, there are the procedures for conducting hearings in a fair and appropriate manner. We have a long way to go to hold perpetrators accountable. There is still one young man in five every year who is sexually assaulted. Too many young men over many generations have been protected in one way or another. Some institution, some individual on the campus or off the campus has protected them and swept these issues and these crimes under the rug.

We are going to continue to work on this issue, but that leads me to the nominee for Secretary of Education. I asked Betsy DeVos in the hearing if she would commit to upholding Title IX, which is a nondiscrimination statute that includes important protections against sexual assault. Specifically, I asked her to uphold the guidance from 2011 of the Department of Education’s Office for Civil Rights, which advises institutions of higher education to apply the preponderance of the evidence standard for campus conduct proceedings.

Some people know the difference between one level of evidentiary standards versus others. They made a determination that preponderance of the evidence was the right standard. I asked her a very specific question as to whether she would uphold that basic evidentiary standard, and she said it was “premature to make such a commitment.”

I also asked her whether she would enforce the law as it relates to sexual assault, and she didn’t seem to believe that she had to answer that question in a manner that would give us confidence that she would uphold the law. To say that it is premature to answer questions like that, instead of saying, “Yes, it is necessary of Education to uphold the law, to enforce the law, to hold perpetrators accountable, to protect victims”—if she had said that, and then said “Well, but I will have to review some of these policies,” that would be different. She just said that it was premature to make a commitment.

She has a duty—not a duty that she can escape if she were to be Secretary of Education—to uphold the law to protect victims. I believe that the Secretary of Education, not only must comply with the law, but the Secretary of Education as it relates to those victims on college campuses or potential victims has to be, in my judgment, not just an advocate but an unyielding advocate, a determined advocate, a champion for those students to substantially reduce the likelihood that we are going to continue to see one in five women being victims of sexual assault on our college campuses.

I have not heard an answer that has confirmed, and she better have an answer for Jess every day that she is on the job if she is confirmed.

One survivor, Jess Davidson, wrote an open letter to Mrs. DeVos as part of a “Dear Betsy” campaign. She said:

I haven’t always felt that I had the space or safety to tell my story and stand up for survivors. However, I was lucky enough to attend college under the administration that fought for survivors of sexual assault.

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about it being premature to commit to enforcing a law on sexual assault and fully embracing the guidance that the Department put forth in 2011—and by the way, the same guidance put forth in the Bush administration—if she is going to change that guidance on the evidentiary standard, thereby making it harder for victims and better for the perpetrator, by the way, when you raise the standard of evidence, she better have a good explanation for that. She better have a good explanation for the victims and the survivors as to why she changed a policy that has been in place for two administrations, not just one, two—a Republican administration and a Democratic administration.

I would apply the same test to the entire administration. Now the Trump administration has an obligation, as well, not just Mrs. DeVos if she were to be confirmed. They must display an administration to keep strong campus sexual assault protections in place and not go back to the dark days when this scourge was not a priority—not a priority here in Washington and not a priority and university campuses across the country.

If they want to fight on this, I am ready to fight for a long time against anyone who is going to try to weaken these protections. We are not going to allow this administration or any Secretary of Education to turn back the clock and allow young men to continue to prey upon young women with impunity and without consequence as they have often been able to do over the years.

Let me move to a second issue—students with disabilities. It is often overlooked in our debates about education. We have debates about funding, debates about philosophy, debates about who has the best idea, and sometimes we forget students with disabilities, who have a right under Federal law to have the opportunity for a full education, an appropriate education. Ensuring that all students have high-quality education is absolutely critical, and it is something that is particularly important for students with disabilities and their families.

In my judgment, Mrs. DeVos displayed a total lack of knowledge regarding the Individuals with Disabilities Education Act. That is a 1975 law. The so-called IDEA is four decades old, and its predecessor was the so-called Education for All Handicapped Children Act, the old version of it many years ago. Together they have been the bedrock civil rights and education laws that guarantee that students with disabilities receive the same educational opportunities as their peers who do not have a disability.

According to the Department of Education, prior to 1975—prior to IDEA—U.S. schools educated only one in five children with disabilities and many States have laws excluding students, including those who are deaf, blind, and emotionally disturbed or intellectually impaired.

Since the passage 40 years ago of IDEA, the vast majority of children with disabilities are now educated in public schools with their peers. We know that high school graduation rates are higher today than they have ever been for students with disabilities. We have seen this from the beginnings of the debate in Pennsylvania. Way back in 1971, the PARC vs. Pennsylvania case—PARC standing for the acronym P-A-R-C, one of the cases that helped establish the right of all children to have an appropriate education. We know that in the hearing, Senator Kainz from Virginia asked Mrs. DeVos whether all schools that have received Federal funding should have to meet the requirements of IDEA. She said, "I think that’s a matter that is best left to the States."

That is obviously the wrong answer when you are talking about a Federal statute. That is an opinion of not complying with Federal law. Given the opportunity to clarify her answer, Mrs. DeVos continued to insist that States should be able to determine whether they provide services to students with disabilities.

Let me say it plainly. That is dead wrong. That is unambiguously, definitively wrong. States can’t decide not to comply with the IDEA—the law that 4 years ago enshrined that basic right for students with disabilities to have an appropriate education. I hope by now, on the eve of her confirmation vote, that she has done some studying and learned that IDEA is the law of the land. If she wants to change it, she better line up votes in the House and the Senate to overturn the law that made sure that students with disabilities have those basic guarantees.

Once again, the best words are from people, including Kristin and taxpayers like me, and taxpayers like Kristin, who is from Southeastern Pennsylvania, wrote the following with regard to her son:

Kristin, who is from Southeastern Pennsylvania, wrote the following with regard to her son:

Being parents of a high-functioning autistic child, we value and cherish our public school system. In fact, our public school experience has been life changing for our son. He’s getting a great education, and has made remarkable strides. He has not only benefited from the resources, caring attention provided by teachers, administrators, assistants and school staff and an Individualized Education Plan—accommodations afforded by IDEA that private schools can simply ignore, and charter schools do a poor job of meeting—but he has also had the opportunity to meet all sorts of kids. I am proud and thrilled that his small group of friends include kids whose parents were born in other countries or who practice other religions. This is the benefit of a quality, well-funded, public school education; an informed citizenry and an introduction to the cultures and perspectives beyond our own neighborhoods.

No one has said it better, in my judgment, than Kristin, about the value of public education; the value of that public school to her son who has autism, but he is a high-functioning autistic child. The vistas of opportunities for learning that have been opened to that child because of that school and because of the IDEA that helps that child with the disability get an appropriate education under our system—and a lot of that started way back in the 1830s in Pennsylvania when the Free Schools Act was passed.

So, again, I say very directly to Mrs. DeVos as a nominee and if she is confirmed as the Secretary of Education, that Mrs. DeVos must guarantee Kristin and her son that she will support public schools and children with disabilities without exceptions, not with equivocation, not with some bizarre, erroneous argument about what States might want to do but full commitment, full compliance with the IDEA, full compliance with the law as it relates to any child with a disability. She has an obligation once she takes the oath of office, a sworn duty as a servant of taxpayers, as a servant of those parents like Kristin, to make sure she meets Kristin’s expectations, not the expectations of a President and not the expectations of insiders here in Washington. She has to answer to the expectations of Kristin and taxpayers like her and her son. So she has a heavy burden of proof based upon her testimony to date.

Mr. President, I am going to move to another topic, a topic that has been the subject of much attention lately, but frankly not enough attention over many years. It is an issue that affects all kinds of children in our schools at various ages and at various circumstances. I am talking about bullying. Something that has been a problem all through the night, day after day. Mr. Chairman and Members of the Committee, there is no question about that. But there are too many stories and too many newspaper stories, in particular,
about someone who was bullied persistently over time. That has led to suicides and lead to some terribly tragic outcomes for students and their families.

Bullying, when you think about it—or I don’t say it often—it’s built into the tolerance we have built up, I guess, over years to allow bullying to continue—in many ways is the ultimate betrayal of our kids. We say to our kids: Go to school. You have to go to school and stay in class and pay attention to your homework and study hard for quizzes and tests. If you do that, you are going to progress and you are going to be a person who has opportunities in the world. But you have to stay in school and you have to concentrate on your work.

It is the ultimate betrayal for us as parents, as a society, to tell that to a child, and then we put them in schools where the efforts against bullying are not a priority. So it is a real betrayal of our efforts and them to schools and then not protect so many of them from bullying. So in so many ways, as adults, we fail our kids when we allow that to happen.

For many LGBTQ students, schools are a threat but safe. The Centers for Disease Control in 2016 put out a report called the “Youth Risk Behavior Surveillance” annual report, which looks at the health and well-being of our 9th through 12th grade students. Students who identify as gay are almost three times more likely to stay home from school because of safety concerns. Sixty percent of students identifying as gay had felt so sad and hopeless almost every day for 2 or more weeks in a row that they had stopped doing usual activities.

Finally, the most sobering of all, the rate of suicide attempts is four times greater. Let me say that again. Suicide attempts are four times greater for young people who happen to be gay, and two times greater for young people that are questioning than that of a straight young person. With the advent of text messaging and social media and social networking, many children find they cannot escape the harassment even as they go home at night. It follows them from the moment they wake until the moment they go to sleep. I will give you one example from Pennsylvania, right in the heartland of our State, Snyder County. You can’t get much more small town and emblematic of the rural and smalltown communities in our State than a county like Snyder County.

The story of Brandon Bitner, a teenager from that part of the State, in central Pennsylvania, is a chilling reminder of the horror—the absolute horror—of bullying. This is what one news account wrote:

Brandon Bitner, 14 years old, of Mount Pleasant Mills, PA, walked 13 miles from his home early Friday morning in November of 2010 to a business intersection and threw himself in front of an oncoming tractor-trailer, after leaving a suicide note at his home. There were signs of stress in students’ mind why Brandon did what he did. “It was because of bullying,” this friend wrote to the Daily Item, a paper in central Pennsylvania, in front of the state, Snyder County. You can’t get much more small town and emblematic of the rural and smalltown communities in our State than a county like Snyder County.

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part committee questionnaire required by the committee rules. So there is a lot more to do. I know we are running out of time. There is a lot more to do, I believe, in terms of her fully disclosing information about her family’s or her husband’s transactional data and the stakes they will maintain in some of these entities if she were to be confirmed.

This is not about probing someone who has a lot of personal assets and is wealthy. This is about the taxpayers’ right to know what their Secretary of Education, or even a nominee for this job, has in her portfolio and her family.

So I will conclude with this. Our children and our families and our taxpayers deserve a Secretary of Education who is fully committed to being a champion for public schools and public education.

I will harken back to what Kristin said in part of the letter I read: Their public school experience has been “life-changing.” They “value and cherish our public school system.” I hope that Betsy DeVos, if she were to be confirmed, would value and cherish public education and make it a live-changing experience for every student in those public schools.

For the many reasons I have outlined, I will vote against her nomination tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, I appreciate the time.

I think we have had a very interesting debate on Betsy DeVos and frankly on public education. Listening to my friends on the left, I have been encouraged, encouraged because I am excited that for the first time in a very long time, we are actually having a conversation about the important role of public education in America. This is a necessary component to success in life.

I have been inspired, inspired by Senators who have spoken eloquently and passionately about the importance of our public education system, the challenges they fear might come with the appointment of Betsy DeVos to be Secretary of Education.

I have also been disappointed and frustrated by some of the statements made by my friends on the other side. What this is not, what this should not be is a partisan issue. This is not an issue of Republicans versus Democrats. That is not what this is about. This is not even Betsy DeVos. For me, the issue is simply an issue of quality education. I will, without any question, have a very specific conversation on Betsy DeVos. For me, however, this is simply about quality education and how we get there.

My story is familiar to many people in this Chamber. I have spoken about it a number of times. I will tell you that my entire time in the Senate—the 4 years I have been here—I have been talking consistently about the power of education and the importance of quality education. I call it the opportunity agenda.

The opportunity agenda, which has been my focus for the last 4 years, focuses first on education, making sure that every single ZIP Code in America has a quality choice for education. This is so important to me.

As a poor kid growing up in a single-parent household, I was not doing very well. From 7 to 14, I drifted in the wrong crowd. When I went to high school, I basically flunked out. I failed world geography. I may be the first Senator to fail civics. I even failed Spanish and English. When you fail Spanish and English, no one considers you bilingual. You do not call me, by the way, “bi-ignorant” because I could not speak in any language, and that is where I found my unhappy self.

I have two major blessings in my life: a wonderful mother who believed in my future, who encouraged me, who inspired me, who did everything necessary to try to keep me on the right track, and I had a powerful mentor.

I am so thankful that during the hardest times of my life, I found myself in the position to receive a quality education, and I learned from my sophomore year forward to take advantage of that positive, strong opportunity for a quality education, but that was not always the case.

I remember the time I was in the fourth grade, I had gone to four different elementary schools because there is something transient about poverty. So we moved around some. Picking the right school was difficult, challenging. So, for me, when I think about this topic, when I hear my friends on the left, when I think about the debate around the Nation, this is simply a clear debate and discussion around education. It changed my life for the better.

I will tell you, this is not a Republican or a Democratic issue. Both Republicans and Democrats around this Nation—maybe not in this Chamber but around this Nation—support Betsy DeVos to be the next Secretary of Education, and that is good news.

Let me just talk for a few minutes about Betsy DeVos. I have listened to the concerns as we have heard from the Senator from Pennsylvania. Tens of thousands of folks have called the offices of all Senators, to include Barry, and I have been on the phone, answering the phone in my office so I could have a chance to chat with my constituents who called in from inside the State. I certainly had a ton of calls from outside the State.

Here are some of the concerns I heard from my constituents that I know were serious concerns and important parts of the conversation. One serious concern was the lack of experience she has.

I will tell you, she brings with her a fresh set of eyes; that, yes, she has no official experience, but she has in the last 28 years of her life in improving public education. She has supported, without any question, the creation of public charter schools.

I had the privilege of speaking at a charter school in Michigan started by Betsy DeVos and her husband 3 or 4 years ago, an aviation high school that focuses on making sure the students are prepared to be competent and to qualify for good jobs in the aviation transportation sector. It is a phenomenal school. I enjoyed my interaction with the kids.

I will tell you that not only has she spent the last 28 years in public education, not only has she spent millions of her own money focusing on education, but she has a set of fresh eyes.

I yield the floor to the Chairman.

Mr. SCOTT. Mr. President, I appreciate the time.

I am so thankful that during the last 28 years, she has spent her time--she supports charter schools. She supports quality public education. She supports quality education. This is what I was talking about when I heard my friends on the left. I am not being rhetoric. I am talking about the opportunity agenda.

As a poor kid growing up in a single-parent household, I was not doing very well. From 7 to 14, I drifted in the wrong crowd. When I went to high school, I basically flunked out. I failed world geography. I may be the first Senator to fail civics. I even failed Spanish and English. When you fail Spanish and English, no one considers you bilingual. You do not call me, by the way, “bi-ignorant” because I could not speak in any language, and that is where I found my unhappy self.

The second thing I have heard from my constituents that I think is really important is that she doesn’t support accountability equally for charter schools and other public schools. I had a chance to talk to Betsy DeVos, and I would not support her if she was not going to treat all the same as it relates to accountability. That is important, and that is a place where she has been crystal clear, from my perspective.

The third issue I have heard is that supporting Betsy DeVos would somehow ruin public education. I will tell you, I have had the chance to sit down and chat with her about the role of public education. She agrees with many on our side of the aisle, when she said very clearly, she supports public education. She supports quality public education. She supports charter schools. She supports school choice.

I do not believe there is a binary choice between public education and school choice. I think that is not an accurate description that we face. I think that will help to improve public education.

One of my friends on the left said that public education is a right, but for too many of our children quality public education is not. It is simply not happening.

I will tell you, as I think about the numbers around this concept, I look at those schools around the Nation that
meet or exceed our national standard in the area of English or language arts.

In my home State, in the county where I was born, Charleston County, if you break it down—and this is a debate that has become a debate so often about education and whose voice do we look so often from my friends on the left because these are important demographics. It is very important for us to understand, and appreciate the necessity of improving quality education for all of our students.

I see in Charleston County meeting or exceeding the English standards that we have set, that 78 percent of our White kids are doing just fine in meeting and/or exceeding those national standards, but, unfortunately, only 24.4 percent of our Black students meet or exceed those standards. I heard that of the students in Charleston County, only 27.7 percent meet or exceed those standards.

I will tell you that if you think about where we are, as a nation, on the issue of public education and if you drive into our cities, like Chicago or Detroit or Philadelphia, you have to ask yourself: What is the experience of that child in public education? Because I think this is the central debate for our country. It is around education because a poor education has a strong correlation with our incarceration rates. A poor education has a strong correlation with high unemployment rates. A poor education has a correlation with low lifetime income.

So the importance of the issue of quality education—particularly in those places in our country that seem to be under tremendous stress—we should support education because a poor education has a correlation with our incarceration rates. A poor education has a correlation with high unemployment rates. A poor education has a correlation with low lifetime income.

I am a supporter of school choice; I believe that and for our communities all over the country. Philadelphia is another place. For 53 percent—barely half of the majority students—meet or exceed the standards; 24 percent of African-American students and 23 percent of Hispanic students meet or exceed the standards. This means that while we are having a debate about education, while we are having a debate about Betsy DeVos, maybe it is not about Betsy DeVos. Maybe it is not about the great teachers I have had and others have had. We should all celebrate quality public education. I do. I am a tremendous supporter of it, but there is a place in this Nation—from Appalachia, the rural areas in West Virginia, the rural areas of South Carolina, inner cities that I have just named—where a quality education is not the norm. As a matter of fact, the exact opposite is the norm, and that means we all will pay a hefty price, not financially because that is secondary. We lose human potential when it is not developed, a future for those kids that we can ill afford as a nation.

While I am seriously concerned about our debate on Betsy DeVos and I am seriously concerned about public education, I am very concerned about the quality of education experienced by our rural kids and our inner-city kids, and far too often we forget to have a debate about the children in the system.

We have a debate about the system, we have a debate about the Secretary of Education, but we haven’t thoroughly vetted the accomplishments or the lack of accomplishments within that system. So we ought not cast a shadow over all public education. We should, however, illuminate or cast a bright light into problem areas and look for options to improve the outcome for those kids not only trapped in a failing system but for the rest of their lives playing catchup. That is where our focus should be.

I see in Charleston County meeting or exceeding the English standards that we have set, that 78 percent of our White kids are doing just fine in meeting and/or exceeding those national standards, but, unfortunately, only 24.4 percent of our Black students meet or exceed those standards. Just correlate those numbers to the incarceration rates, to the employment rates, to the lifetime income rates, and to the rate of hopelessness in those communities.

I know we are having a debate about the Secretary of Education. It is an important debate, but a more important debate centers around the educational experience of our students all over this Nation and what that means long term for this Nation and for the students and for our communities all over the country.

There is a group of schools called Success Academies which are public charter schools that are performing at the highest levels in the State of New York. Here is the good news: These kids are 87 percent African American and Hispanic. And I went through the numbers earlier—dismal numbers meeting or exceeding standards in English, math, and science. But here is what is possible: In all the New York State schools, the top-performing schools in the State—
looking at their performance, 94 percent success rate in math, 82 percent in English, 99 percent in science. To break those numbers down as I did earlier with the African-American and Hispanic students, in math, here is how you reverse the achievement gap: 95 percent of African-American Success Academy scholars outperform the majority of students in New York City. Eighty percent of them are African Americans and 90 percent of them are Hispanic. They are at 80 percent.

You know, with the right focus, with the right emphasis, with options like a cafeteria, when parents have a choice, the students have a chance not just in education but a better chance in life.

Thank you, Mr. President.

Mr. BENNET. Mr. President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. BENNET. Mr. President, the hour is late, or early in the morning, and my colleague from Hawaii is here. Before I leave the floor, I want to say how pleased I am to see the Senate actually debating the state of education in America.

I said earlier today when I was here that if you are born poor in this country, you arrive at kindergarten having heard 30 million fewer words than your more affluent peers, and if you are born poor in this country, by the time you get to the fourth grade, only about one in four kids is proficient in mathematics, fewer than that are proficient readers. What it all adds up to is that if you are born poor in the United States, and maybe even people who aren’t so young, have the ability to make any sense. It doesn’t have access to it. My hope is that if we could say that every single city in America, every single urban district and every single rural district where there are poor children and kids of color going to school that we had increased the graduation rate over the last 10 years by 60 percent, I think we would feel a lot better about where we are headed as a country.

That is a fundamental challenge for this country. It is the most important domestic issue we face, and I hope this debate tonight, this 24 hours we are spending on this nominee, is not the end of our debate.

As I said the other day in the Health, Education, Labor, and Pensions Committee, I think it would be a useful exercise for that committee to spend the next year studying what is going on in public education in this country, what is working well, what is not working well, and figure out how we can work—the Federal Government can work—with States, local governments, and local school districts to provide the kind of opportunity that every kid in America deserves.

With that, I yield the floor.

Mr. BENNET. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. RUBIO). Without objection, it is so ordered.

Mr. BENNET. Mr. President, the hour is late, or early in the morning, and my colleague from Hawaii is here. Before I leave the floor, I want to say how pleased I am to see the Senate actually debating the state of education in America.

I said earlier today when I was here that if you are born poor in this country, you arrive at kindergarten having heard 30 million fewer words than your more affluent peers, and if you are born poor in this country, by the time you get to the fourth grade, only about one in four kids is proficient in mathematics, fewer than that are proficient readers. What it all adds up to is that if you are born poor in this country, the chances of getting a college degree by the time you turn 25 are about 9 in 100.

I often think about that when I am in this Chamber because there are 100 desks here, and if we were poor kids living in America, the desks that would be occupied by college graduates would be the three desks that my colleague from Hawaii is sitting at in the front row over there, the four desks behind him, and then two more desks in the following row. Every other desk in this Chamber if they were occupied by poor children in this country, would be occupied by somebody who didn’t have a college degree.

Sometimes people say to me: Well, don’t you know that not everybody will go to college. College isn’t for everybody. I find that when people say that, they are often talking about other people’s children, not their own children. Even if that is true—and I do believe we should build a robust system in this country that is not about a college degree but is about acquiring skills and knowledge that can put people on the path to acquiring a salary that is actually worth something. In fact, the President and I have a bill together that would allow students to use Pell grants for those kinds of educational opportunities that may not get you to a college degree but will put you on the path toward a lot of other skills.

I think it is very important that we have a system where people are acquiring that kind of knowledge, but it also is true that it is, I think, completely at war with what we are America; that there is a class of people in the United States, in the land of opportunity, who because they are un幸运 enough to be born poor, are unlucky enough to go to schools that nobody in this Chamber would ever be content sending their kid or their grandkid to.

In fact, if we had the results that we have for poor children in America for the children and grandchildren of the Members of this body, I am sure we would all leave and go back home and think this isn’t enough. We need to talk more about the State of public education in this country. We almost don’t talk about it at all.

We just had a Presidential election in this country where the issue didn’t come up. I am absolutely glad we are having the debate, and I strongly believe that the person President Trump has nominated is ill-equipped to help the country overcome the challenges we face in public education and put us on the path forward, on which is a path that says that we are going to provide in the United States robust, high-quality early childhood education for every family in America that wants it.

We are going to have a system of public education in this country that provides a K-12 school for every single child in America that is a school that any Senator would be proud to send their kid. We are going to make sure that every child in this country is that pyramid that says that we are going to provide in the United States robust, high-quality early childhood education for every family in America that wants it.

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required every town to provide boys a basic education.

Some 340 years later, our public education system has come a long way, but some things don’t change. Our communities still understand how public education lays a foundation for success. It gives everyone, no matter who they are, the chance to pursue their dreams. But the nominee for Secretary of Education doesn’t seem to understand that, which is why we see constituents flooding the phone lines, Facebook and Twitter, faxes, and the in-boxes of U.S. Senators.

In terms of pure volume, this last week has been the highest point for American interaction with the U.S. Congress in our history. Think about that. Think about what we have been through as a country together, and yet, this week and last, more people have called their Members of the Senate than literally ever before because that is the level of passion people feel for public schools and is not qualified for the public schools and is not qualified for the land of Molokai:

TALKING WITH COLLEAGUES, THAT IS WHAT IS HAPPENING. PEOPLE ARE, ON THEIR OWN, CALLING BECAUSE EVERYBODY HAS A STORY ABOUT PUBLIC EDUCATION. EVERYBODY HAS A REASON TO BE PASSIONATE ABOUT PUBLIC EDUCATION. LET ME SHARE A FEW OF THESE CONCERNS.

A constituent on the Big Island of Hawaii wrote:

AS A MOTHER OF TWO, AND AS A WOMAN WHO WENT BACK TO GRADUATE SCHOOL IN HER 50s, I UNDERSTAND THE IMPORTANCE OF FREE EDUCATION IN PUBLIC SCHOOLS AS A FUNDAMENTAL AMERICAN RIGHT, WHICH ONE CAN CREATE A LIFELONG LOVE OF EDUCATION AND LEARNING.

A constituent from Kihei, Maui, wrote:

PUBLIC SCHOOLS ARE NOT FAILING. WE, AS IN OUR AMERICAN CULTURE, ARE FAILING THEM.

ANOTHER ONE FROM KAHULUI, MAUI, WROTE:

CHILDREN ARE NOT A BUSINESS, THEY ARE NOT A COMMODITY. PUBLIC EDUCATION HAS ITS ISSUES (OF COURSE IT DOES), BUT PRIVATIZING TEACHERS AND TEACHING EDUCATION INTO AN OPPORTUNITY FOR THE RICH TO GET RICHER ON ONE OF THE LAST SOCIAL SERVICES WE PROVIDE TO EVERYONE IN THIS COUNTRY IS NOT THE ANSWER.

HERE IS ONE FROM A TEACHER ON THE ISLAND OF MOLOKAI:

THE NOMINEE FOR SECRETARY OF EDUCATION, BETSY DEVOS, HAS ZERO EXPERIENCE SERVING IN PUBLIC SCHOOLS AND IS NOT QUALIFIED FOR THE JOB. I DO NOT BELIEVE SHE UNDERSTANDS THE NEEDS OF KIDS AND WHAT EFFORT HAS BEEN TAKEN TO MOVE OUR SCHOOLS AS FAR ALONG AS WE HAVE. PUBLIC EDUCATION IS A GREAT RESPONSIBILITY AND CANNOT BE LEFT TO THOSE WHO HAVE NEVER WORKED DIRECTLY WITH CHILDREN IN NEED.

These children who experience school as a safe place when they are valued, fed and educated. This serious responsibility of public education in no way can be left or replaced by a voucher system.

Here is another message from a constituent on the Big Island:

MY FAMILY HAS VERY STRONG TIES TO THE EDUCATION COMMUNITY—MANY OF WHICH ARE OR WERE EDUCATORS. MY HUSBAND IS AN ENGLISH AS A SECOND LANGUAGE TEACHER, AND MY MOTHER-IN-LAW IS CURRENTLY A THIRD GRADE TEACHER, SO THIS IS PERSONAL FOR US. WE AT A MINIMUM DESERVE A LEADER WITH SOME EXPERIENCE AND WHO KNOWS AT LEAST SOME OF THE LAWS ALREADY IN PLACE AS WELL AS HOW TO ENFORCE THEM.

Mrs. DeVos has never known what a child from Mililani has to go just to get a good education. She has never had to make the choice to go to college or to stay home, try to save money while also helping to support her household. Neither her nor her children had to question if she can afford out of state tuition. She does not represent my plight and she does not know my challenges.

I ask you from the pureness of my heart as a mom. I am speaking for not only my child, but for every mother’s child, to please demand an educational representative with experience and our values in mind.

HERE IS A MESSAGE FROM ANOTHER PARENT:

THIS IS NOT ABOUT WHICH SIDE OF THE POLITICAL Avenues you fall upon. I believe there are many Republicans and Democrats who are far more qualified and knowledgeable than Mrs. DeVos or better.

She is right—our kids do deserve better. But right now, not all of them are getting the education they deserve. A 2016 report found that half a million 15-year-old students in the United States haven’t mastered the basics in any subject—not math, not reading, not science—and more than a million scored below the baseline level in science.

U.S. News and World Report noted that if we could pull those kids up to a basic understanding of their economy could grow by an estimated $27 trillion over the time period that these students are in the workforce. Set aside the human impact for a moment. Set aside the family impact. If all you care about is economic development, we are leaving $27 trillion on the table because we are not lifting up every child to learn as much as they possibly can and reach their potential.

In too many places, we are failing these kids. This is both negative and far reaching. Our failure impacts their ability to go to college or learn a trade, to make a decent paycheck, to provide for their family, and to pursue the American dream. But we don’t have to fail these children. This Congress can make choices that will improve education for all. We can make, instead of break, the future for our kids. We can decide to increase funding for disadvantaged students. We can decide to protect our students from bullying, sexual abuse and violence. We can decide to set up children for success with universal access to early childhood education.

There is abundant brain science now that confirms every parent’s instinct, which is that the first 5 years of a child’s life—of an infant’s life into being a toddler, then to being a little kid—those first 5 years are the most important years for a child. Now we have to just pass a law because there is abundant brain science and data that have come in that have shown, in terms of the efficacy of a Federal dollar spent, there is nothing that has a greater impact in terms of equal social status, in terms of economic development, than investing in early childhood education.

We can decide to adhere to commonsense accountability standards to ensure a high-quality education to all children, regardless of who your parents are or where you live. We can decide to invest in wage-boosting apprenticeship careers and technical education. We can make college more affordable so our students can access higher education without taking on crushing debt.

But to accomplish these goals, we need an excellent Department of Education to make it happen because the agency is responsible for implementing Congress’s decisions. It is up to the executive branch to ensure equal access to education and to promote educational excellence throughout the Nation. That is literally the mission statement of the U.S. DOE—to ensure equal access to education and to promote educational excellence. And that is the way I look at the Secretary nominee. Is she committed to ensuring access—equal access to education and promoting educational excellence?

The Secretary of Education is responsible for the mission of overseeing a $36 billion budget in K-12 and about $70 billion in higher education funding. This person is responsible for enforcing key civil rights protections for our students. This person advises the President on all things education in the United States, whether it is a policy that will affect our local public school or a policy that will impact millions of student borrowers.

Up until this moment, every Secretary of Education who has served in the President’s Cabinet has had the resume required to take on these responsibilities.

Shirley Hufstedler was the first Secretary of Education to be in the Cabinet, serving under President Carter. As the daughter of a schoolteacher and a part-time teacher herself, she was also a trailblazing lawyer who was considered a favorite to be the first woman nominated to the Supreme Court.

Terrel Bell was a teacher, a professor, and then a superintendent of a school district in Utah before he served under President Reagan.

William Bennett was a professor at the University of Chicago, who released research about higher education curriculums before heading the Department to serve under President Reagan.
Laurel Cavaezo was dean of Tufts Medical School before becoming president of Texas Tech University. He would go on to be the first Secretary of Education for President George H.W. Bush.

The esteemed Senator Alexander served as Governor of Tennessee and president of the University of Tennessee before becoming President Bush’s Secretary of Education.

Richard Riley championed funding and support for education as Governor of South Carolina before leading the Department of Education under President Clinton.

Rod Paige was a professor, a dean, and an innovator in education, and the superintendent of the Houston school district before he served under President George W. Bush.

Margaret Spellings advised then-Governor George Bush on education in Texas before becoming his second Secretary of Education.

Arne Duncan served as the CEO for Chicago’s public school system before joining the Obama administration as Secretary of Education.

John King, Jr., was the commissioner of education for New York and Deputy Secretary of Education before he led the Department as Secretary for President Obama.

Every Secretary who has led the Department came to the job with a history in government or in the classroom. They served as elected officials or as policy advisers in the executive branch or worked as administrators or educators. But now this administration is asking us to make an exception by confirming someone who really doesn’t have any relevant experience. She has never served in the government, never taught in the classroom, never managed a school district.

One woman from Oahu wrote me to say:

She is supremely unqualified to lead the department. Public school teacher—30 years both in regular and special education—I am aghast that she is even being considered. When one is being nominated to uphold Federal education laws and is “confused” by what IDEA entails, it becomes very apparent that this person is a poor choice for this position.

Another letter I got from an educator reads:

I taught in both public and private schools for 10 years on the mainland before moving to Hawaii and teaching for more than 15 additional years. Watching video clips on the news of her Senate hearings, it is appalling to see how little she knows about the topic and in some cases, her responses lifted language from other sources without citing them. In one response, she wrote, “Every child deserves to attend school in a safe, supportive environment, where they can learn, thrive and grow.” Fine. Well, an Obama official used the exact same language in a press release regarding the rights of transgender students. She should not cite that official or the press release.

In another example, she answered a question about title IX investigations in the following way: “Opening a complaint is a right, but that means public officials may imply that the Office of Civil Rights has made a determination about the merits of that complaint.” That is the exact language the Department of Education uses in its own guidance. There is nothing wrong with citing a source, especially when that source is the Department you want to run, but it has to be cited. That is one of the first things you teach a child in seventh and eighth grade when they are trying to learn how to do research—cite your sources. During my time as Secretary of Education—I am aghast that she is even being considered. That is one of the first things you teach a child in seventh and eighth grade when they are trying to learn how to do research—cite your sources. During my time as Secretary of Education—I am aghast that she is even being considered. That is one of the first things you teach a child in seventh and eighth grade when they are trying to learn how to do research—cite your sources. During my time as Secretary of Education—I am aghast that she is even being considered. That is one of the first things you teach a child in seventh and eighth grade when they are trying to learn how to do research—cite your sources.

DeVos refused to agree with Senator Tim Kaine that all schools that receive public Federal funds—traditional public, charter, or private schools that receive voucher money—should be held to the same standards of accountability.

DeVos refused to agree with Senator Tim Kaine that schools that receive public Federal funds—traditional public, charter, or private schools that receive voucher money—should be held to the same standards of accountability. A little background on this issue. I have a great charter school movement in the State of Hawaii, but the deal we have struck—and it is imperfect, and there are always arguments fixed costs and capital costs and all the rest of it, but the basic bargain when charters work is that they are legitimately a public school. What does that mean? That means they are held to the same standards as traditional public schools because to the extent that you have two categories of public schools with different metrics, then you are basically playing a game, trying to divert money from one to the other. OK, so Tim Kaine’s question was exactly right. If public money is involved—whether it is vouchers to a private school, school choice to a charter school, or a traditional public school—shouldn’t we measure each school’s success in the same way, just to be fair?

Kaine: If confirmed, will you insist upon equal accountability in any K–12 school or educational program that receives taxpayer funding—whether public, private charter, or private?

DeVos: I support accountability. Kaine: Is that a yes or a no?

DeVos: I support accountability. Kaine: Do you not want to answer my question?

DeVos: I support accountability. The person who either did not prepare for the hearing or is basically walking into this hearing saying: I have the votes. I don’t have to answer your questions. I don’t have to reassure the parents, teachers, and students who are desperately worried about what is going to happen to public education because I have the votes.

Kaine: Let me ask you this. I think all schools that receive taxpayer funding should be equally accountable. Senator DeVos, he is asking a very lawyerly question. He is asking a question that is very lawyerly. So he asked the question 14 different ways, trying to get the answer.
Do you agree?

DeVos: Well, they don’t. They are not today.

Kaine: Well, I think they should. Do you agree with me?

Well, no. You are interrupting her, said: You don’t not agree with me. And then he moved on to another topic.

DeVos appeared to have no idea what At. FRANKEN was talking about when he referred to the accountability debate about whether to use test scores to measure student proficiency or student growth.

I mean, there is a debate about student proficiency and student growth, and I won’t bore you with the details except to say that I don’t expect regular folks out there to be into the weeds about the difference between proficiency and growth. I get how wonky that is. I absolutely expect the Secretary of Education nominee to know more about this.

But it is not just issues like accountability or guns in schools that concern me. On a whole host of issues, Mrs. DeVos’s views are beyond me. On a whole host of issues, Mrs. DeVos’s views are beyond my line in the sand. Let’s start with K–12 education. I think we can all agree that this country has work to do when it comes to public education. But I am worried that Mrs. DeVos would prefer to privatize our public schools instead of improving them.

Take a look at her track record. She has fought to strip away protections around K–12 education and introduce a profit motive into our education system. She has lobbied for vouchers and for for-profit schools. She has been relatively successful in her lobbying efforts. In her home State of Michigan, she had an enormous influence on the State’s approach to education.

Now, I would point any Senator on the fence about her nomination to look at this case study because it speaks volumes. In 2000, Michigan fourth and fifth grade students had higher than average test scores in math and English.

Fifteen years later, students now perform below average. Last spring, the Atlantic published a fascinating article about Detroit’s education system, which has been most influenced by the policies that Mrs. DeVos champions, I would like to read a few excerpts from it.

Three months into her son’s first pass at third grade, Ariysaa Heard had a breakdown. Juda was bright, but had begun calling himself stupid. The chaos of Detroit’s precarious education landscape had forced him to switch schools every few months, leaving him further and further behind.

There was no central system to transfer Juda’s records when he moved, and according to Heard the school where he started the 2014–15 academic year had a single teacher assigned to 43 third-graders. Heard was virtually alone in trying to deal with the fact that her boy, then 8, could write only the first two letters of his name.

Heard says she was one of the parents Detroit Public Schools turned to when it needed a group of parent advocates to help run a community members to serve on a task force. She was running for the Detroit School Board. But when she needed help, she had no place to turn:

“Here I was this advocate for education, and I couldn’t find a place for my son,” she says. “I was crying in the principal’s office and I said, ‘I really need to do this.’ The principal said, ‘I don’t either.’”

The scope of the problems plaguing Detroit schools—both traditional district schools and charter schools alike—is staggering. According to the most recent National Assessment of Educational Progress, only 4 percent of Detroit’s eighth grade students can read and perform near the proficient level, the lowest rate among the nation’s big cities.

Schools aren’t located where families need them.

Think about this—and campuses often open and close with no coordination or notice. Over the last six years, most schools in the city have either opened or closed—or both. In one neighborhood, the right-wing KIPP Bridge Academy, which two years ago was solidly at the back of a flagging pack. Butting a crumbling freeway access road in the city’s working-class Castle Rouge neighborhood, several grades at the school’s elementary campus did not boast a single student reading or performing near the proficient level.

In reality, the operators of Detroit’s charter schools almost never close them because of poor academic performance. So even a school where no child is achieving at grade level cannot be made to close. This is how the fledgling network it had 8 months to fix things.

That is school choice for you. That is the charter school movement for you—not in every instance, but this is how it manifested itself in the State of Michigan, where Betsy DeVos played a major role.

And the higher-education institutions that authorize them, often have financial incentives to keep the schools open; charter networks give authorizers a percentage of the funding.

So the agency, which is often a university or some other institution, actually gets a cut of the revenue for authorizing. So they have a problem saying: This charter must be shut down—because that costs them money.

In some States in exchange for that revenue, charter authorizers are encouraged to provide support and accountability, but not in Michigan, where the trustees of the colleges authorize the schools. “Not even the governor has the authority to shut down chronically low-performing charter authorizers in Michigan,” Education Trust Midwest noted in a report released last week, “despite the fact that such authorizers serve nearly 145,000 Michigan children—and their charter schools take in more than $1 billion annually.”

Critics say this is especially problematic because almost all of Detroit’s charter schools are for-profit.

Think about that: This is public education. Right? These are public dollars. The private businesses aren’t required to disclose their earnings, but a 2014 investigation by the Detroit Free Press suggests profits are huge.

During the 2012–13 school year, the paper found, traditional Detroit public schools spent an average of $7,000 per student in the classroom. Charter schools spent about $2,000 less per pupil.

They are getting the same amount of money, and they are spending $2,000 less per kid. Yet they spent double that rate on per-pupil funding on administrative costs. That is their skin. That is their profit.

Meanwhile, the oversupply of seats in for-profit schools has arguably kept nonprofit charter networks with better track records out of the market.

So they really are operating like a business, like an airline; right? They are operating like a credit card company, a financial services company. I mean, this is the private sector at work in public education. There are some private sector models where I think: Hey, let’s have a partnership with the Department of Education to try to see how much clean energy we can develop. Let’s work with the Department of Education to try to see how much clean energy we can develop. Let’s work with the Department of Education to try to see how much clean energy we can develop.

But it is not just issues like accountability or guns in schools that concern me. On a whole host of issues, Mrs. DeVos’s views are beyond me. On a whole host of issues, Mrs. DeVos’s views are beyond my line in the sand. Let’s start with K–12 education. I think we can all agree that this country has work to do when it comes to public education. But I am worried that Mrs. DeVos would prefer to privatize our public schools instead of improving them.
is one of them. This is not some ideological test. It is just not working.

We are ripping off our taxpayers, and we are giving a bad value to the students who deserve better.

The Senate bill under consideration at the Michigan statehouse would have absolutely, positively zeroed out a Detroit commission with the power to change all of that. The leaders of the Michigan Association of Public School Academies, the main charter lobby association, and some of Michigan’s for-profit management companies have long lobbied against policies that would have tightened accountability. The message is that they are the people to make choices on behalf of their children that are right for them.

I don’t know what that means. It is not a complicated question, right? I mean, certainly in the United States Senate, there are a couple of complicated questions, right, on the Senate Foreign Relations Committee, on the Education Committee. I happen to be the ranking member of the Communications Subcommittee on the Commerce Committee, and half of what I say is pretty much unintelligible to people who don’t work in tech and telecom.

But this is a very straightforward question. The question is, Do you promise not to privatize public education? The answer is basically: No, I don’t promise. I mean, it is a word salad, but it doesn’t mean anything. And she was given a very easy opportunity to disavow her intent to privatize public education.

Privatization is not the answer. We need to champion access to public education and the accountability measures there for all of our students a chance to succeed.

But in Michigan, Mrs. DeVos lobbied to block accountability standards for charter schools and lift the cap on charter schools. These actions pushed the number of unregulated, for-profit operators of charter schools from 255 to 805.

Now, this doesn’t mean that charter schools are the boogeyman here, right? I mean, there may be some disagreements between those who support charter schools and people who support traditional public schools, but at the end of the day, the legitimate, mainstream charter school proponents will always want to be able to look into the eye and say: Look, this is not about vouchers, and this is not about privatization. This is about the flexibility to innovate. They understand the basic bargain in the charter movement has to be: OK, it is public education dollars, and there are a couple of things that are mandatory, right? You have to comply with Federal and State law. You have to be subject to the same accountability standards, and you have to take all comers. So it is very important to the mainstream charter people—

I was interested to know because I have a good relationship with education reformers and with the charter movement, so when I heard about Mrs. DeVos, I was interested to hear what they had to say. They were, in a lot of ways, more alarmed than anyone because they believed this would be the death knell for real charters because, to the extent that charters are just cover for privatizing public education, well, now it is going to be a fight. Now it is going to be a fight.

We have some great charter schools in my home State of Hawaii. They are doing innovative things for their students, and that is something we should all support, but when Mrs. DeVos talks about charter schools, she is not talking about those schools. She is talking about privatization.

The rallying cry behind privatization is school choice, but choice doesn’t work as a practical matter in many places across the country. In a lot of communities, particularly in rural areas, school choice is not a practical response to the problems. There is no school down the road, right? There is no little Catholic school. There is no public charter school. There is just the school, right? Because the town is too small to have multiple options.

So when you talk about taking—and I heard a figure of $20 billion out of the K-12 budget which is not that—I mean, it is $20 billion out of $36 billion—and providing it for school choice and for charters, well, what about Alaska, what about Nebraska? What about the Dakotas? What about parts of Hawaii, where if you give a parent and a student a voucher, and they say: Well, I have this voucher for private education, for charter schools, and yet there is only one school left, all you are doing is eviscerating the only school in your neighborhood. That is how this is going to work as a practical matter.

I don’t know if that is the intent or not. I honestly don’t know if that is the intent or not, but that is how it would end up working. To drain money from traditional public education hurts people in small communities, in rural communities, and places where there is no possibility of multiple schools.

Choice is not the answer. When a charter school opens up, the public school has to divert resources from its students, and that is something I have heard about from people in Hawaii.

One teacher whom I heard from who has worked for two decades in both Hawaii and Michigan wrote this to me:

Ms. DeVos would be a disaster for public education. She has never been a teacher to those current educational practices consist of.

Her advocacy for more unaccountable (often for-profit) charter schools and greater usage of vouchers so that students could attend private or religious schools would take needed resources away from local public schools.

Her mission, in short, is to privatize public education. I’ve witnessed firsthand in Michigan what happens when schools privatize. DeVos should be opposed not only for what she could do, if confirmed, but for what she’s done in Michigan.

The DeVos family set up the Great Lakes Education Project, which has played a leading role in thwarting efforts to regulate charter schools in Michigan. In part, this, the most part, failed to deliver on their promises of a better education for students.
I just want to pause for a moment and thank all of the people who write my office every day but in particular the people who have been writing my office on all of these nominees because it wasn’t that difficult to pull these incredibly insightful, passionate, individually, and this is happening across the country.

You know, you get the pundits as you leave the Senate. If it is the middle of the day and not 2:30 in the morning, the media kind of comes to you, and they ask you about public education. They don’t even know what their politics are, except they saw Betsy DeVos, and they said: No, this is not what I voted for. This is not what I want for my son or for my daughter or for my nieces or my nephews. This is not what I want for the country’s future, which brings me to the second policy area that I think we ought to consider and that is for-profit colleges.

What is happening with some for-profit colleges is nothing less than a national scandal. Students are being hurt, and we are wasting billions of dollars. So here are the facts:

Almost 2 million students are enrolled in for-profit programs, and they have collectively taken on $200 billion in debt to attend, but they often leave with little to show for it. More than half drop out within a few months. At some colleges, fewer than 5 percent of their students ever graduate.

For those who leave without a degree, repaying loans is an incredible struggle. Students at for-profit colleges default on student loans at double the rate of students at nonprofit colleges. This is morally outrageous on its own, but it is particularly egregious to the American taxpayer because these sub-standard programs are financed almost entirely by the Federal Government, and the amount is staggering.

In total, for-profits receive over $32 billion a year in Federal financial aid. That is 5 percent of the total aid, and they serve 12 percent of the students—20 percent of the aid, 12 percent of the students, $32 billion in Federal funding.

There are several for-profit companies that each take in more than $1 billion in Federal aid a year and graduate fewer than 10 percent of their students. Think about that. We taxpayers are paying most of the bill a year, and these kids are not graduating. They take in more than $1 billion, and they are graduating fewer than 10 percent of their kids.

Not only are the education metrics on student performance awful, but many of these for-profit colleges are also under investigation for fraud and deception. Essentially, they have been lying to students and to State and Federal agencies to cover up how bad their record is.

Even while prosecutors go after these schools for fraud, they remain accredited, and they continue to rake in Federal funds.

Here are a few examples. Education Management faces charges of fraud and deception brought by prosecutors in 13 States and the Department of Justice and was facing a lawsuit to recover $11 billion in Federal and State funds. Yet EMC is still accredited and still received $1.25 billion from the U.S. DOE last year.

Ultimately, the Department of Justice secured a $100 million settlement, and a separate coalition of State attorneys general reached another settlement for $102 million in student loan debt relief for former students.

ITT Educational Services was investigated and sued by 19 States, the SEC, the CFPB, and the DOJ. It is also under scrutiny from the CFPB for failure to meet financial responsibility standards. They remained accredited until the day they shut their doors. Think about that. They were still accredited by the U.S. DOE, right, until they were shut down by the DOJ.

The year before, they received just under $600 million. Their closure has left thousands of students in the lurch, with hundreds of thousands of dollars in student loan debt.

Another 152 schools are under investigation by a working group of 37 State attorneys general. They too are still accredited. Collectively, they received $8 billion in Federal financial aid last year.

So what do these schools have in common? They never lose their accreditation, even when there are ongoing investigations of fraud and deceptive practices that harm students.

Accreditation is the key to the castle for accessing the spigot of Federal financial aid. It is supposed to signify that a program provides a quality education for its students, but here is the thing. This accreditation doesn’t mean much. The Government Accountability Office released a study on accreditation in 2014, and its findings were shocking. Over a 4-year period, the GAO found that accreditors sanctioned only 8 percent of the institutions they were supposed to oversee for failure to meet accreditation standards.

They revoked accreditation for just 1 percent. They revoked accreditation for just 1 percent. So 99 percent of them, even if there is nothing wrong, they keep those Federal funds flowing in.

Even more troubling, GAO found that there was no correlation between accreditor sanctions and educational quality. In other words, schools with bad student outcomes were no more likely to be sanctioned by their accreditor than schools with good student outcomes.

Our accreditation system is totally broken. According to the Higher Education Act, accreditation agencies are supposed to be the “reliable authorities as to the quality of education or training offered” by institutions of higher education. That is the reason for making accreditation a core criteria for receiving Federal funds.

First, accrediting agencies are funded by the same institutions they accredit. Colleges pay an additional fee to become accredited and annual dues after that. They pay for site visits and other services.

Second, accrediting agencies are run by and are overseen by the institutions they accredit. The member institutions elect their own academics and administrators to serve on the board of the accreditation agency, which is in charge of the operation of the agency.

Here is the problem—money. Incentives are lined up against being critical and against setting high standards. The problem can be traced back to the funding and the governance of the accreditation agencies themselves.

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We have a system that is dysfunctional, if not corrupt, in which it is far too easy to become and remain accredited.

This is a very similar system to what we had with S&P and Moody’s and all of these rating agencies that had financial incentives to determine that all of these derivatives and credit default swaps and crazy financial instruments that were clearly not creditworthy were getting AAA ratings. Why? Because the financial incentives over time had enmeshed the accreditors with the accrediting. This is supposed to be a system of independence, because they are supposed to be certifying to the consumer that everything is all good, right? And what happened? The system came crashing down.

I don’t think the system will come crashing down, except that the system is already coming crashing down on the students who are getting ripped off. You ask schools that are taking in more than $1 billion of Federal funds. There are several schools, every year with Federal funds in excess of $1 billion, and 5 percent of the kids are graduating.

For the sake of students and taxpayers, the Department has to make this a top priority, but I am not convinced that Mrs. DeVos will do that.

She has no experience in higher education, a fact that does not bode well for the 6,000 colleges and universities in this country. When Senator Warren questioned her about this in her confirmation hearing, her response was concerning. This is what the transcript says:

Ms. Warren. How do you plan to protect taxpayer dollars from waste, fraud, and
Ms. WARREN. I am not going to give up. I am going to keep pushing. We have problems with waste, fraud, and abuse. I hear about waste, fraud, and abuse from colleges that take in millions of dollars in Federal student aid? Is there anything you want to do about that? You said you are committed.

Ms. DEVOS. I want to make sure we don’t have problems with that as well. If confirmed, I will work diligently to ensure that we are addressing any of those issues.

Ms. WARREN. Well, let me make a suggestion on this. It actually turns out there are a whole group of rules that are already written and are there, and all you have to do is enforce them. What I want to know is, will you commit to enforcing those rules?

Mrs. DEVOS. Senator, I will commit to ensuring that institutions which receive Federal funds are actually serving their students well.

Ms. WARREN. So you will enforce the gainful employment rule to make sure that these career colleges are not cheating students?

Mrs. DEVOS. We will certainly review that rule.

Again, this goes back to somebody who is kind of walking into a hearing saying: Look, I got the vote. I don’t have to learn about public education. I don’t have to listen to Democrats’ concerns. I don’t have to listen to teachers’ concerns or the concerns of experts in education. I don’t have to learn about higher education, which is, by money spent, about three-quarters of the U.S. Department of Education.

Ms. WARREN. You will review it? You will not commit to enforce it?

Mrs. DEVOS. And see that it is actually achieving what the intentions are.

Ms. WARREN. I don’t understand about reviewing it. We talked about this in my office. There are already rules in place.

And so on—Senator Warren’s exchanges that are very revealing. I know Republicans care very deeply about waste, fraud, and abuse. I hear about it all the time, and I hope they will consider this nominee’s tepid commitment to this issue as they talk with their constituents about how they are going to vote.

The third issue I am concerned about is college affordability. The rising cost of college is one of the biggest middle-class issues of our time. If not the biggest in recent years. No one escapes this problem. If you are a student or a parent, you worry about paying for college. I know plenty of grandparents who are worried about their children who are still paying off their college loans and are now trying to save for their grandchildren.

The Federal Government is giving $140 billion in Federal aid to institutions of higher learning in grants and loans. That is a good thing, not a bad thing. That is Federal policy. We decided to make college affordable because higher education is the straightest line for us to develop the workforce we need and for people to move up the economic ladder. But with that $140 billion, we need to be making college more affordable, and we are actually getting the opposite result. Both in raw dollars and inflation-adjusted dollars, we are spending more in Federal grants and Pell grants, and the Pell grants are going up and up. Average Pell grant awards have increased by almost 20 percent in the past 10 years. In the same period, Pell grants covered 25 percent less.

We are officially paying more and getting less. That is because college costs are growing faster than the cost of all other consumer goods—twice as fast as health care costs. It is impossible to get ahead nowadays without a college degree, but the growing cost of college is preventing some from getting a degree in the first place and leaving others with unmanageable levels of debt. It is clear that our system isn’t working.

If we are subsidizing higher education with Federal dollars, we have a responsibility to incentivize institutions of higher education to become more affordable, provide access to lower income students, and deliver quality education. We want to reward those schools that are focused on affordability and give incentives for the rest to make affordability part of the mission. But based on Mrs. DeVos’s testimony, it is unclear whether or not she agrees.

In 2011, the Department of Education sent colleges and universities a letter that made clear that sexual assault is prohibited under title IX. It advised schools to be responsive to reports of sexual violence and gave guidelines on how schools should process those reports. But during Mrs. DeVos’s hearing, she had an exchange with Senator Casey that indicates she would roll back this progress. Let’s take a look at the transcript.

Mr. CASEY. Would you agree with me that the problem, that is the understatement, in my judgment, that the problem of sexual assault on college campuses is a significant [one] that we should take action on? Mrs. DEVOS. Do you for that question. I agree with you that sexual assault in any form or in any place is a problem.

Mr. CASEY. I ask you, would you uphold the 2011 Title IX guidance as it relates to sexual assault on campus? Mrs. DEVOS. Senator, I know that there’s a lot of conflicting ideas and opinions around that guidance, and if confirmed I would work with you.

And so on.

My concerns about Mrs. DeVos go to policy, to preparation, but most of all to a basic understanding of what public education is about. It goes to a basic commitment to the mission of public education.

Every Senator’s office has phones ringing off the hook with people telling us that Mrs. DeVos is not the right choice. If I talk with my colleagues, you don’t have to take my word for it; you don’t have to take the word of the other 49 Senators who know that Mrs. DeVos will not be the leader of the Department of Education that we all need. You only have to take the word of the people in your own State and the groups whom we look to and trust when it comes to our country’s education system. These are the parents, the grandparents, the teachers, the faculty, the school board members, and the students who count on us to make the right decision.

I may not agree on who would make the perfect Secretary of Education, but we can agree that people across the country are speaking out against Mrs. DeVos, and it is up to us to listen. I will be voting no on her nomination, and I ask Republicans to follow the advice of their constituents and join me.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The legislative clerk proceeded to call the roll.

Mr. KAINE. 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. KAINE. Mr. President, I rise this evening, along with many of my colleagues, to speak in opposition to the nomination of Betsy DeVos to be U.S. Secretary of Education.

I oppose Mrs. DeVos, whom I had the chance to see at her confirmation hearing before the HELP Committee, for three basic reasons. I think the children and parents and teachers of this country are entitled to a Secretary of Education who is a champion for public education. They can be a supporter of choice, charters, vouchers, home schooling, but 90 percent of our kids go to public schools and they need a champion for them.

Second, I want a Secretary of Education who is pro-accountability and has the idea and view that if any school, whether public or private, receives taxpayer funding, they should be held to the same accountability standards for their students.

And third, very particularly, I am deeply concerned about Mrs. DeVos’s commitment to the Individuals with Disabilities Education Act which, in my opinion, is one of the best pieces of legislation that Congress ever passed.

In my 4-plus years in the Senate, I have not had a single issue that has generated so much effort to contact my office as the nomination of Betsy DeVos. Last week, we passed 25,000 contacts by constituents—letters, emails, phone calls—and those have continued. They are the parents, the grandparents, the teachers, the faculty, the school board members, and the students who count on us to make the right decision.

For example, we shut the government down in October of 2013 because
of the inability of the House and the Senate to sit down at a conference table and work out a budget. That is a hugely important issue to the Nation, and especially in Virginia, where we have nearly 200,000 Federal employees. Even during the government for 13 days didn’t lead to much contact in my office as the DeVos nomination. I want to spend some time on these three reasons for which I will oppose her, but before I do, I wish to speak about a personal story that is personally so important to me. It is important to me because of the Commonwealth I represent. It is important to me because of the personal histories of my wife and I and our kids in the public schools of Kansas, where I grew up, and in the Commonwealth of Virginia. It is important to me because of my previous public service as a mayor and Governor, where education was the largest line item in the budgets of my city and my Commonwealth. Finally, it is important to me because I have recently been added as a member of the HELP Committee—Health, Education, Labor, and Pension Committee—that shepherded this nomination through a challenging but very illuminating confirmation hearing a couple of weeks ago.

So let me start there. Why does this matter a lot to me? I will begin with Virginia.

Thomas Jefferson, when he was Ambassador to Paris in the early 1780s, wrote one of the great early works of American literature: “Notes on the State of Virginia.” It was an effort to describe the Virginia of the day but also his dreams for Virginia—his dreams for the Virginia society, even looking into the Virginia society, even looking into the future. Jefferson became the first person to really lay out a vision for compulsory public education in the United States. He had a very detailed plan for the division of the State into small school districts and that education would be compulsory at least for young people—men and women—who were White.

He used the phrase to promote his educational plan that is still—a paraphrase of it is still—in the Virginia Constitution, talking about why public education was so important. He said: “Progress in government and all else depends upon the broadest possible diffusion of knowledge among the general population.” If you want to have a great government, if you want to have a great economy, if you want to have great happiness, what you should do is diffuse knowledge among the general population. It was for that reason that he said we needed a public education system.

Jefferson wouldn’t have imagined an Internet and search engines, where all knowledge would be digitized and at the fingertips of people all around the planet, but that is kind of what he was talking about. If you diffuse knowledge among the general population, that is the best guarantee of the success of society, and so he laid out this very ambitious plan in the 1780s.

Sadly, Virginia didn’t adopt it. The first early adopter of a compulsory public education I think was Massachusetts, and other States did as well. Jefferson was talking about education not just through his proposal for a K–12 system, but he also hatched the idea for the University of Virginia—one of the three things on his tombstone at Monticello: Author of the statute of religious freedom, author of the Declaration of Independence, founder of the University of Virginia. He did not even see it fit to put that he was President of the United States or Governor of Virginia on his tombstone. Education was what he was passionate about, and he founded the University of Virginia.

So we had some great educational thinkers in our Commonwealth who understood from our earliest days that education would be the key to our success. Sadly, the great ideas weren’t carried into practice, and Virginia, as was the case with many States in the country, ran a very segregated education system. When I was born in 1958—I am 58 years old right now; I turn 59 in 2½ years—when I went to school in Virginia with somebody whose skin color was different. Women couldn’t go to the University of Virginia, and many of our major universities were segregated on the grounds of sex. So we had a tremendous recognition of the power of education, but even though our great Founders did, we really thwarted the dreams and achievements of our students by not allowing them to be all they could be.

In 1951, a young high school student by the name of Barbara Johns was attending a segregated public high school in Prince Edward County, VA. She was 16 years old. Her school was overcrowded. It was poorly heated. She saw that the White children were having a great new high school built for them. Some kids in her high school, because of poor transportation, were killed in a bus accident, and in April of 1951 she said: I am tired of this. I am a kid, but I am not going to accept second-class citizenship, and she encouraged one day with a false note to the principal of her school to go to the administrative office—and then she gathered all the students in the auditorium at Moton High School in Farmville, VA, and said: We are going to walk out. We are going to walk out of our high school because we are tired of being treated as second-class students and we are going to call civil rights lawyers and ask them to represent us. Barbara Johns and her classmates did that, and the Virginia case became part of Brown v. Board of Education that in 1954 led to the Supreme Court ruling saying that all children were entitled to an education; we couldn’t segregate kids based on the color of their skin. It was the only one of these civil rights cases that was actually led by schoolkids advocating for themselves.

Barbara Johns shared the same vision that Thomas Jefferson did: Progress in government and all else depends upon the broadest possible diffusion of knowledge among the general population. And she stood up and said: I have the right to it just like everybody else does, and I am not going to take second-class status.

Well, the Prince Edward story is one of the most powerful stories in American educational history. After the Brown v. Board decision was resolved, many Southern States fought against integration for a number of years. In 1959, finally, 5 years after Brown, Federal courts ruled that you have to integrate your schools. If you have public schools, you have to integrate them, and Prince Edward County did something that no other jurisdiction in the United States did. They decided, OK, if we have public schools, we are required to treat kids equally based on the color of their skin. I have an idea: We will close all of our public schools. So Prince Edward County, for a period of 5 years, shut down all of their public schools. What did they do? They used county funds and State funds to support vouchers to private schools, and they gave those vouchers to students who were White so they could go to private schools. They called these academies and they set them up all over Virginia. In Prince Edward County, White students, if they were wealthy enough, could go to these academies with some State support, but poor White students and African-American students were deprived of education for 5 years.

I think you can start to see why supporting public education today is very important in Virginia because in my lifetime, we didn’t. In my lifetime, we closed down public schools rather than let kids learn together if their skin colors were different. In my lifetime, we put State dollars into private schools so they could set up segregation to go forward and avoid the law of the land that kids could learn together because of the color of their skin.

This was Virginia at the time I was born. It will not surprise you that a State that didn’t want kids to learn together because their skin colors were different and a State that allowed schools to close down was a State with very poor educational performance. The Virginia in the 1950s, forget about test scores, forget about SAT scores, forget about AP exams, we were one of the worst States in the country in the percentage of our kids that attended school. It will not surprise you to know that in addition to having a poor percentage of attending school, the economy was bad. Those things are directly connected. If you don’t value education, if you say kids can’t learn together if their skin colors are different, if you say women can’t go to major universities, you know growing to be very strong. So Virginia was a low-education, low-income State when I was born.
Today, it is very different. The officials in Virginia continued to battle to try to resist the integration of schools. My father-in-law, my wife’s dad, was the first elected Republican Governor in the history of the Commonwealth, elected in 1970. The previous Governor, who had been Democrats, had fought against integration, had used all kinds of tricks and strategies to avoid integrating schools, and my father-in-law, as Governor, took a historic stand. He said: In this Commonwealth, we are putting segregation behind us. We are now going to be an aristocracy of merit, regardless of race or creed, and he embraced a court busing order in the fall of 1970. He escorted my wife’s sister into what had been a primarily African-American high school in downtown Richmond, and his wife, the First Lady, escorted my wife into a similar middle school. The picture of my father-in-law and his courageous Republican Governor, and my sister-in-law Tayloe walking into the school on that day was the front page of the New York Times. It was the front page of the New York Times because in the civil rights era, there were so many pictures of Southern Governors standing in a schoolhouse door blocking kids who were African American from coming into schools with White students. That was a common picture. There is only one picture of a Southern Governor escorting a child—into a school that was predominantly African American with a big smile on his face saying, finally, Virginia is going to embrace the vision of Thomas Jefferson. Education should be for everybody. We shouldn’t segregate it based on race. During the time he was Governor, I think immediately before, we dropped the segregation based on gender in our States’ colleges. And surprise, with those two moves, in 1974, Virginia started to move. Virginia started to move to front of the pack than Virginia has, and our State has moved be-}

because we have embraced that everybody has God-given talent. We have embraced investments in our education system, beginning with this Barbara Johns walkout and then with the courageous Republican Governor and then the courageous Lieutenant Governor and the legislatures of Democrats and Republicans, business leaders, teachers, communities leaders. We were late to the game, but we eventually embraced the Jeffersonian vision, and now we have an education system we can be proud of. It is a public education K-12 that educates about 1.2 million kids. We have great private schools. We have a vigorous home school network in Virginia. We don’t do vouchers for private schools because of our painful history of the way vouchers were used to support segregation and avoid integration in the 1950s and 1960s, but we have a system that is public and private and home school and charter. It is a system that isn’t perfect, it is a system we need to always battle the idea of a system we are so proud of, we have gone from back of the pack to front of the pack.

We care about public education in my Commonwealth, and we do not take kindly to people who trash the state of Virginia. Because we know how far we have come. We know how far we have come. That is who my State is. Personally, I went through 13 years of education K-12, 7 public education, 6 Catholic education. My wife Anne was educated in the public schools of Virginia—in Roanoke, Richmond, and Fairfax County—as were her siblings. We have been married for 32 years. Our three children have all graduated from Richmond public schools. They have had wonderful careers. I wrote a piece a few years ago when my daughter, my youngest, graduated called “Forty Years as a Public School Parent” because my three children spent a combined 40 years in the Richmond public schools.

The Richmond public schools are like a lot of school systems. There are 25,000 kids or so in an urban environment. It is a high-poverty school district; probably nearly 80 to 90 percent of the children in the school system are on free or reduced lunch. It is overwhelmingly a minority school system; three quarters or more of the students are minority. But my kids got a fantastic public education in those public schools of Virginia. And once one child gone on, one to graduate from George Washington, an infantry commander in the Marine Corps; one to graduate from Carleton College, a visual artist; and one is about to graduate from New York University—all built on the foundation of a great public education in the public schools of my city.

I told you about my wife being part of the generation of kids who integrated the public schools of Virginia. Then, in the wonderful arc of history, she went from a kid living in the Gov- ernor’s mansion and integrating Virginia’s public schools to a First Lady working on foster care reform and recently stepped down as secretary of education in Virginia. I watched my wife grapple with exactly the same kinds of challenges at a State level that the current Secretary of Education will grapple with at the Federal level. I think I know a little bit about what it takes to do this job and to do it well.

In addition to our personal connections in the history of our State, let me talk about my professional connection to our schools and why I view this as such an important position. I mentioned that I have been a mayor and I have been a Governor. I am a little bit unusual. There have only been 30 people in the history of the United States who have been a mayor, a Governor, and a U.S. Senator. There have been a lot of Governors who are Senators, but being mayor will kill you. That is why there are so few who can do all three.

But when you are a mayor, as I was—the first front line item was public schools. At the time I was mayor, we had about 53 public schools. I had a goal when I was mayor: I would go to a school every week. On a Thursday morning, I would go visit one of our schools to see what is being done. If I had to hug the biggest thing that is means it was the most important thing. I wanted to make sure I understood not just my kids’ schools but the schools that all the kids in our city went to. I wanted to know what was working.

Then I got elected to statewide office as Lieutenant Governor and Governor. I made a vow when I was Lieutenant Governor. Just like I went to a school a week when I was mayor until I visited them all, I made a vow when I was Lieutenant Governor that I would to go to a school in every one of Virginia’s cities and counties to make sure I understood public education in my Commonwealth. I should have made that pledge before I made that pledge because there are 134 cities and counties in Virginia. It took me 4½ years to travel to every one of our cities and counties to try to understand public education in my Commonwealth. I am not aware of anybody who has made that pledge, and after I did it, I can understand why nobody would ever make that pledge again. But I wanted to make sure that I understood not just the schools my own kids went to but the schools that went to all around our Commonwealth.

Northern Virginia and its high-tech suburbs, Wise County, where my wife is from, the coalfields of Appalachia, the tobacco-growing regions of Southside Virginia, manufacturing regions south of Richmond, oystermen and watermen and tourism on the Eastern Shore of Virginia—I wanted to see the schools in every part of my Commonwealth. I wanted to see them because I was writing budgets. The biggest line item in the Commonwealth budget? The biggest line item in the city was for education. I didn’t want to know our schools just from a budget or just from
a newspaper article. I wanted to know them from seeing them. I wanted to know them from seeing what came out of my kids’ backpacks every day in terms of the curricula requirements and other things my kids would do in the Virginia schools.

I am saying all this first because I am just trying to convey why this is so important. There is nothing that we do as a society that is more important to our future than the way we educate our young. We invest precious resources in the world today is not oil. It is not water; it is talent. The cities or States or countries that know how to raise talent, grow talent, attract talent, reward talent, encourage talent, and celebrate talent are going to be the most successful because they will attract and grow and reward their own talent and bring other people here, but they will also attract the institutions that want to be around talent—great companies, great think tanks, great universities.

There is an inextricable causal link between your commitment to a system of public education and the success of your city or your State or your country. That is why we do not get a Chamber or in the Federal Government that will be more likely to affect our economic outcome than the care with which we direct attention to our education system.

The reason it is important to me is because of my new membership on the HELP Committee. I have had my family background. I care deeply about my State. I professionally worked on education, and my wife has too. But now I have a platform in the Senate. I tried to get on the committee right when I got here. I wasn’t able to. I couldn’t complain because I got great committees. I am on the Armed Services, Foreign Relations, and Budget Committees. But I really wanted to be on the HELP Committee because education has been at the core of what both my wife and I have tried to do in Virginia for the last 32 years. Now I am fortunate enough to be on the committee.

In one of my first meetings on the committee, we had a confirmation hearing for Betsy DeVos for Secretary of Education. We didn’t have all the information at the time we had the hearing for Mrs. DeVos, but we had done our homework. I have a wonderful staffer, Krishna Merchant, who had helped prepare me. We had done our homework. We were put under some pretty tight time constraints: We each only got 5 minutes to ask questions. Five minutes isn’t a lot of time when you are talking about something as important as the educational mission of the Federal Government to help our society succeed in educating our kids. I decided that in my 5 minutes, I wanted to ask Mrs. DeVos about three things. I wanted to ask whether she would be a champion for public schools. That is a simple kind of a question. I wanted to ask her whether she believed in equal accountability for all schools if they receive taxpayer dollars. I wanted to ask her about her thoughts on the education of kids with disabilities because I care deeply about that topic but also because I believe that the Indi- viduals With Disabilities Education Act is the future of American public education, and I wanted to see what she thought about it.

I had three test questions. I had three test questions for our nominee, and she did not satisfy me on any of them. Let me start with the first one.

Can you be a champion for our public schools?

There are 1.2 million kids in Virginia. Ninety percent of the children who are educated in this country are educated in public schools.

I am a huge supporter of private schools. I went to Catholic schools for 6 years. When I was Governor, I did a lot of great work with kids and their parents who chose homeschooling as an option. I like options. But just as a matter of fact, 90 percent of the kids in this country go to public schools, and it is going to be at that number or near it for as long as we can see.

In Richmond, there are some great private schools. Richmond has 1 million people, and so private schools can set up and find enough students. But there are corners of my Commonwealth where it is very hard to start a private school because there just is not enough students. That is not just the case for Virginia; my colleagues on the HELP Committee from Alaska or from Maine share this. There are parts of their States where, talking about vouchers for private schools, you might as well be talking Esperanto. That is just not going to happen in some of these very rural communities. So you have to have a champion for public schools.

In my research on Betsy DeVos, she gave a speech in 2015 that troubled me. It was a speech about the state of American public education. Here are two direct quotes, one of which is not the greatest language for the CONGRESSIONAL RECORD, but she said that when it comes to education, “government really sucks.” She also said public schools are a “dead end.” This is not something she said 10 or 20 years ago; this is something she said about a year and a half ago. This is her view of public schools. When we were having a discussion in the committee, some of the colleagues who were kind of coming back at us a little bit were saying: Well, OK, we get it. You are against charters, or you are against vouchers, or you are against the Federal Secretary of Education.

Yes, absolutely.

Does the attitude of a leader affect the morale of people who are doing a job in the organization?

Absolutely.

Well, what does it say to a teacher teaching these tens of millions of kids in this country—or the 1.2 million kids in Virginia—what does it say to a teacher that the Federal Secretary of Education says that government education sucks and public schools are a dead end? I would submit, it transmits a horrible message.

I think we need a Secretary of Education who will empower kids, who will empower teachers, who will celebrate great teachers and great schools and a dead end when you are talking about something as important as the educational mission of the Federal Government to help our society succeed in educating our kids.

How important are teachers?

Teachers are very important. Is morale an important thing for teachers? Should they have good mor- ality to do their job?

Yes, absolutely.

Is morale an important thing for teachers? Should they have good morale? I am not going to miss an awful lot of really good things about American public education.

I sometimes get down on some of my colleagues on my side about this. There is kind of an anti-business attitude: Businesses are bad. There are some bad businesses, but most businesses are really good. You shouldn’t paint with a broad brush, whether talking about business or any institution, but you definitely should not paint with a broad brush and say that public schools in this country are a dead end when you have hundreds of thousands of great teachers and counselors and bus drivers and cafeteria workers and people going to work every day. They are not going there because their salaries are great; they are going there because they care deeply about students, and they want to either teach them or in other ways impress life lessons upon them so their kids can have happy lives.

On the first test I found Betsy DeVos wanting in my examination of her in the HELP Committee was that simple one. If you cannot be a champion for public schools, you should not be Secretary of Education.

There are 1.2 million kids in Virginia. Ninety percent of kids in this country. Public schools are a “dead end.” Government education “really sucks.” What gives you the right to say that?

So I asked her some questions about these statements. I asked her: Is the morale of the workforce important? How important are teachers?

Teachers are very important.

Is morale an important thing for teachers? Should they have good morale?

Yes, absolutely.

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we have a very robust homeschooling network. I have been a huge supporter of it. Choice is fine, but you have to be a champion for public schools, and if you are not, you shouldn’t be Secretary of Education. That is reason No. 1.

Second, I wanted to interview Betsy DeVos about accountability. Accountability. Should schools be accountable for the success of their students, for outcomes? This is very important, and it is very important to get this right. Sometimes my wife, as secretary of education in a State, would sometimes tear her hair out about the Federal mandates and strings and regulations and rules. The HELP Committee did a good job last year before I was on the committee rewriting No Child Left Behind—the Every Student Succeeds Act—to try to restructure the balance a little bit to allow cities, counties, and States more flexibility in trying to determine how to educate their students, while at the same time, getting their outcomes, I wanted to ask Betsy DeVos: Will you hold all schools accountable for outcomes—particularly because when he was a candidate, President Trump said some things about what he wanted to do with public education. President Trump as a candidate said that he wanted to take $20 billion of Federal money and give it to private schools to allow them to run voucher programs of the kind that Mrs. DeVos has promoted in Michigan, Indiana, Arizona. That is a lot of money, $20 billion. That is money that is taken out of the allocation for public schools. If you take $20 billion out of public schools, especially in some rural areas—in my view, having done a lot of budgets and worked on this as a mayor and Governor—you are potentially going to weaken the public schools.

(Mrs. ERNST assumed the Chair.)

I wanted to understand from Mrs. DeVos if you are going to do this, are you going to take the $20 billion out of the public schools? I think that is going to weaken public schools. I want to ask her is, When you give the $20 billion to private schools, as President Trump wants to do—and I asked her this question over and over again. I think I asked her four times. If you give Federal taxpayer dollars to private schools, will you hold them equally accountable to the public schools that are getting this money, equally accountable for the outcomes of the students, for the need to report disciplinary incidents, for working on important issues like education and kids with disabilities? Will you hold any school that gets Federal money equally accountable? I asked her this.

She said: I believe in accountability. I said: That is not my question. I believe in accountability too. But I am asking you. Should you hold all schools equally accountable if they receive Federal money?

Well, I believe in accountability. I asked her again. Should you hold schools equally accountable?

Well, they are not all held equally accountable now. I am not asking about what you think about the situation right now. I am asking you what you think is the right policy. Is it the right policy, if we are going to give $20 billion to private schools, to hold all schools equally accountable?

Well, I believe in accountability. She wouldn’t answer my question.

I phrased it a different way. I said: Let me tell you this, Mrs. DeVos. I believe all schools that get Federal money should be held equally accountable. Do you agree with me?

She said: No.

She doesn’t believe that schools that get Federal money should be held equally accountable. I have a big problem with that. The whole goal of the choice movement is to provide choices so that students can learn in environments that are best suited to them. Choice is a way to promote some competition that will encourage everybody to up their game.

If you hold the public schools accountable while you are taking some of their money away and you give that money to private schools and you don’t hold them accountable, you are not promoting fair competition. You are not promoting student outcomes. You are basically taking money away from public schools and giving it to private schools.

Again, in Virginia, we had a painful experience with that—closing schools down, defunding public schools, and giving money to private schools. That is a second reason that is very, very important to me. I don’t think that she supports the notion of equal accountability for both public and private schools that receive taxpayer funding.

If we are going to do the proposal that President Trump says—we haven’t seen a budget yet, but we may see one at the end of February, early March. If we are going to suddenly start taking billions and billions of dollars away from public schools and giving them to private schools, I want to know they are going to be equally accountable.

I asked Mrs. DeVos about was education and kids with disabilities. Let me tell you why this one is so important to me. It is important because it is right. It is also important because it points a path to the future of this country.

Before the Individuals with Disabilities Education Act was passed in 1975, we had hundreds of thousands of children with a gap between their potential and what they were doing because schools were very spotty, communities were very spotty. States were very spotty in providing meaningful educational opportunities to kids who had disabilities.

Generation after generation of kids would go to school, but they wouldn’t get an education that was tailored to their needs. They would finish their education not having the skills they needed to have all they could be. If you think about that collective delta between what these kids could do and what they could have done had they had the best education, it is tragic. That was the genesis behind the Individuals with Disabilities Education Act in 1975.

It is as if we have all these children who are capable of so much more if this society will only work to help them achieve, and the core of the Individuals with Disabilities Education Act is a simple thing. If a student is identified as having a disability of some kind, the student gets an IEP, an individualized education plan. If you have a diagnosed disability, then you are entitled under Federal law to an IEP where you get an education that is tailored to your particular circumstance.

My three kids went through the Richmond Public Schools. One had an IEP for a couple of years. That is pretty specific classes where the expectations for them you get an IEP, and with a tailored education, you don’t need it for your whole 13 years of K–12 education. You need it for a couple of years of speech therapy or a couple of years of something else. Then, within a few years, you are completely mainstreamed, and you don’t need IEP anymore. The individualized attention helps you climb up and then be completely competitive with your colleagues and with your peers.

There are other students who need an IEP for their entire educational career, and that is fine too. They are entitled to it under the Individuals with Disabilities Education Act.

What it has meant from 1975 to today—it is 40-plus years—is that this massive cohort of kids with special needs are not in the shadows. They are not shunted aside. They are not pushed into classes where the expectations for them are low. Instead, they are challenged to be all they can be, and they are happier, and their families are happier, and society is better off as a result. This is a very important thing, and I know this to be true.

Every family in this country has somebody in the family with a disability—or will at some point in the life of a family—and every person in this country has a friend with a disability. The issues dealing with the education of students with disabilities are important morally, but they are important because this is about our friends and our family and our neighbors and the voices of the children.

The other thing about the Individuals with Disabilities Education Act that I find so powerful is I think it has been the best single idea about K–12 education we have come up with. It is better than testing. It is better than choice. It is better than all the other strategies because the nub of the idea is you should have an individualized education. It raises the question, Why do you have to have a diagnosed disability to get an individualized education? With computer technology and so many other tools that a teacher can
use in a class of 20 or even 30 students, there is an awful lot that you can do to tailor the education to each individual student. I was a teacher. I ran a vocational school in Honduras that taught kids to be welders and carpenters. We individualized education, I also gathered a list of 60 carpentry projects from the simplest one to the most complicated one, and all the students started on the same project the first day of school, but then they proceeded at their own pace. You don't have to take a State exam when you're the first one to the carpenter's satisfaction could they go to the second one. That meant it was individualized because everybody worked at a different pace until they got it right and they could move to the next one. That is what the IDEA basically is: Education should be individualized to the student, and more and more, that is what we are doing in education all around the country.

I asked Mrs. DeVos questions about the law of the land and the States' rights arguments for students with disabilities but also because the notion of individualized education is the greatest single idea out there that will ultimately be the idea that I think will be the next step in American public education.

I asked her a pretty simple question. Once again, if the President pursues his plan to take $20 billion and invest it in private schools, should the public schools receiving those dollars have to follow the Individuals with Disabilities Education Act? Should they have to work with students with disabilities, diagnose the disability they have, and then move to the next step or appropriate education tailored to that disability?

It is a pretty simple question. You get the money from the Feds. Should you have to follow the law? Remember, this is a Federal civil rights law. It applies to every zip code in this country. It applies to every school district in this country.

My question of Mrs. DeVos was, If a private school gets Federal money, should they have to follow this important civil rights law?

Her answer to me was: I think the States should make that decision. I think that should be up to the States. I said: It is a Federal civil rights law. It applies everywhere.

The States should make the decision.

We struggled in my State of Virginia with States' rights arguments because after the Supreme Court decided on another really important civil rights principle, you couldn't segregate schools. Barbara Johns' walkout of Moton High School, and Brown v. Board of Education—and now it is the law of the land. You can't segregate kids on the basis of race. It is unconstitutional under the 14th Amendment.

The leaders of my State stood up in court for years and said: You can't tell us what to do; education is a State's rights thing. We just have to follow the Supreme Court. We don't have to follow civil rights statutes at the national level. We believe in States' rights.

States' rights arguments have been used throughout our history to rebut the notion that Congress or the Supreme Court can pass civil rights laws of applicability all around the country.

I was surprised. I did not know what Mrs. DeVos would be, unlike reading her speeches where she says the public schools are a dead end and government is soft. I didn't know what her position would be on the IDEA. When she told me that a Federal civil rights law should be a State decision, I was very, very troubled. I was surprised.

I blurted out: Well, what do you mean it should be a State decision? If you are a parent and you have kids with disabilities and the State isn't treating them right, you are supposed to move around the country until you find a State that treats your kids well? You are not entitled to have the law apply to you in the community where you live and you are going to have to move somewhere else?

I think it should be a State decision. Later on in the hearing, one of my other colleagues, MAGGIE HASSAN, the Senator from New Hampshire, who has served in the Senate 13 years with children with disabilities followed up on this, and Mrs. DeVos tried to back out of it: Well, I wasn't sure we were talking about a Federal or State law.

I was very, very troubled by this. I was troubled again because of the peculiar history of the States that have had in Virginia and other States where people have used States' rights arguments to try to trump Federal civil rights statutes.

I would say that the answers to the questions about students with disabilities became kind of a pivotal part of that hearing because both Senators COLLINS and MURKOWSKI, who have since said they are going to vote against the nominee, at that hearing and then in the second day session we had last week talked about that as one of the things that they found troubling.

Another member of our committee, who is supporting Mrs. DeVos, Senator ISAKSON of Georgia, also found it of enough concern that he had a written exchange with her. He wrote her a letter and asked her a question: Do you really understand what the IDEA is?

She wrote a letter back, which I have had the opportunity to review, but I still do not believe that she did demonstrate a real understanding for this issue of the rights of kids with disabilities.

This is a really important point. Some of the States that have voucher programs—we don't have these programs in Virginia for the reasons I have described, but there are States that do—Indiana, Florida. Some of the States that have voucher programs and receive public money for kids make children sign away their rights under the IDEA before they can be admitted to the school. You want to come to our private school and you want to use voucher money to do it?

We will let you in, but you have to sign saying you will never take us to court for violating your rights, for not treating you fairly under the IDEA, and only if you sign such a waiver, will we allow you to come to our school. I just don't think that is fair. I don't think this is a State decision. Even if we are now going to give $20 billion of Federal money to private schools, I think they should have to follow the law.

Many private school principals in Richmond—I talked about this issue long before the hearing on Mrs. DeVos, and they are pretty candid often with parents of kids with disabilities. My longtime secretary in my office—who has worked for me for nearly 30 years—has a daughter with a disability. She was going to parochial schools for a while in the early grades, but as she was progressing up into late elementary school, there just weren't the programs in the parochial school that were well suited to her. The principal said that she treats her OK, but it is tough to do education of kids with disabilities. You have to have some particular training to do it. The difference of a small K–8 parochial school and a larger county school is pretty big. The principal was candid and honest in a way that my secretary appreciated and I did too. "We just don't have the kind of educational program for somebody of your daughter's special needs that the public high school has. You really should think about that." My secretary agreed and made the change to the public school. It was actually a better environment because the resources—which are not cheap—the resources to help do disability-specific education were there.

Imagine now what would happen if we start to invest money in private schools, and we don't make them follow the disabilities law. Follow this through. We take $20 billion away from public schools. That is weakening public schools' ability to do a lot of things, including educating kids with disabilities. We give the money to private schools. We don't require them to follow the Disabilities Act. So families—like many we know—say, I might like to go to private school, but there is not enough appropriate education, so I am not going to. I am going to stay with the public school. So we have just taken the dollars away from the public school, but all the kids with the significant needs, the needs that are really costly to deal with, are going to stay in the public school. It is a spiral that is a bad spiral.

We will defund you, but all the kids with the significant needs that are costly to deal with will stay in the public school. That will dilute and hurt the quality of the education they will get, while the private school is getting the money and not having to follow the requirements of the IDEA. They get the money. They don't have to follow the requirements of the IDEA. This is very troubling stuff.
Those were the three questions I got to ask her in 5 minutes. Can you be a champion of public schools, do you believe that any school receiving Federal taxpayer dollars should be equally accountable for student outcomes, and should the government shutdown, higher than any other creditor, be higher than any other issue. We have been at war with ISIS for two and a half years. I have been trying to make the case that we shouldn’t be at war without a vote of Congress. I get a lot of calls in my office about it, but it is not ringing off the hook like it has been ringing off the hook with respect to the DeVos nomination. While I credit Mrs. DeVos for being philanthropic, and I credit her for caring about kids—that is very sincere. I see that in her philanthropy and her career. I fought them on a lot of other issues. We have been at war with ISIS for two and a half years. I have been trying to make the case that we shouldn’t be at war without a vote of Congress. I get a lot of calls in my office about it, but it is not ringing off the hook like it has been ringing off the hook with respect to the DeVos nomination. While I credit Mrs. DeVos for being philanthropic, and I credit her for caring about kids—that is very sincere. I see that in her philanthropy and her career. I fought them on a lot of other issues.

I was honored last week to write an op-ed about this issue with a former member of this body, Senator Harkin of Iowa, somebody the Presiding Officer knows very well. Senator Harkin was one of the congressmen authors of the Americans with Disabilities Act. Senator Harkin was a champion of the Individuals with Disabilities Education Act. All the issues surrounding Americans with disabilities were very close to his heart. We really miss that because he was such a champion, and I am not sure anybody can really fill his shoes on that issue. But we wrote an op-ed about this disabilities point in Time magazine that has gotten a lot of attention because it touches every family.

I will start to recap a little bit now as I await my colleague who is going to be following me. I will just go back to where I started. This is not a minor matter. It is a little bit unusual to be on the floor at 10 to 4 in the morning. I can tell you: I have been here for 30 hours in a row. I had some folks ask me: Why would you do 30 hours of speeches on this? I said: Well, don’t you think the Secretary of Education is important enough—education in our country is important enough to spend a day and a half, a day and a quarter talking about it?

I go back to that Jeffersonian vision: Progress in government and all else depends upon the broadest possible diffusion of knowledge among the general population. The United States, beginning in the early 1900s—then after the GI bill it really accelerated. We became the educational leader in the world. We weren’t necessarily that during the 1800s—Germany, other nations. England were—but we really became the educational leader. We made education available to all. The GI bill helped democratize higher education and make it available to many more.

Our education system is still one of our crown jewels. The number of foreign students who come to our country to go to college, compared to the reverse, is still a tribute to the fact our education system is so strong. I haven’t really talked about higher education at all. That is also within the province of the Secretary of Education. The basic point I am making is, of anything we do that is about whether we will be successful as a country tomorrow, education is key. That is why we are taking 30 hours to dig into issues of concern.

I put three questions on the table. The three I put on the table are all about K–12 education. I had colleagues at the hearing who asked searching questions about higher education, the cost of higher education, student loan debt, what is the right way to deal with debt, how do we make college less expensive. These are critical issues too. I am very passionate about a career in technical training. My father was a welder, and I ran a school in Honduras that taught kids to be carpenters and welders. This is a big and important job. It is such a big and important job, it would be wrong to expect anyone to be an expert on all of it. That would not be a fair hurdle to set for somebody. You are going to have to come in and bring expertise in and hire good people to work with you, but I think those are some threshold questions: Can you support and be a champion for public education? That seems fundamental. Do you believe in equal accountability for everybody that gets Federal dollars? That seems fundamental. Do you believe that kids with disabilities should be able to get this kind of education? That seems fundamental. And in those areas, Mrs. DeVos did not succeed.

I voted for a number of the Cabinet nominees of President Trump. I am not standing here taking the position that I am voting against all of them. In fact, I voted for quite a few because even if they would not be people who I would nominate, President Trump is the President. He is entitled to his own team, but the advice and consent function of the Senate means, in certain cases, if people do not seem to meet the threshold criteria for being able to do the job and do it well—that is how you exercise advice and consent and express opposition to a nominee. That is what I am going to do in this case.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The legislative clerk proceeded to call the roll.

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

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

Mr. MURPHY. Madam President, let me just express my thanks to all of those who have stayed open through the evening. We still have a way to go. I know that puts a lot of pressure on staff here and on all of the folks who make this place operate. We thank you for that. These are, in the minds of many of my constituents, very exceptional times and they call for exceptional tactics and probably a few more exceptional moments on the floor of the Senate. I appreciate everyone here staying through this long evening.

When I was a kid, I took an art class at a little one-room schoolhouse on Wells Road in my hometown, where I grew up, of Wethersfield, CT. That little one-room schoolhouse is still there. It is iconic. It is a part of Wethersfield’s history. The town is really proud of it. There is not a lot that happens in that one-room schoolhouse any longer.

But once upon a time there was a lot that happened in that one-room schoolhouse. Where the kids of Wethersfield, CT, the oldest town in the State of Connecticut, got their education. You know, wrapped up in the
identity of this country is this association with those little one-room schoolhouses that were peppered throughout the landscape of New England and, indeed, across the country, as our new Nation progressed west.

It symbolizes the deep connection that this country has had with this very unique idea of public education. I say that as a means of trying to explain to folks why we are here at 4:20 in the morning, why this nomination—the nomination of Betsy DeVos for Secretary of Education—has commanded this kind of exceptional attention, why the switchboards here at the Capitol have been experiencing a volume never before seen in the history of this place.

There is a special connection between our constituents and the idea of public education, because it is rooted in some of the founding ideals of this country. This country stands for the notion that you can come from anywhere, you can be of any background, and you will have the chance to make it here in the United States.

We did not just say that; we lived that value. We built a society in which people could actually take that idea of succeeding, despite any built-in impediments, and have faced it in a head-on fashion and turned it into a reality. Public education from the very beginning of this country has been at the root of that uniquely American idea—the idea that you can succeed despite any barriers that may have been presented in front of you by circumstance or by birth.

Public education at the outset was in those one-room schoolhouses. Everybody packed into one place, all sorts of ages and learning abilities, and one teacher, normally a female, at the front of the classroom. But over time, this country adapted. We learned from others. It was Horace Mann, the famous Massachusetts educator, who borrowed from ideas that he had found in Prussia, and brought to the United States, the idea of the professionalization of public education, the professionalization of teachers, the sorting of students into grades, the idea that it wasn’t just enough to put a whole bunch of kids into one classroom, that we needed to actually think through pedagogy. We needed to put some time into making sure there were high-quality teachers and instruction in all of our classrooms.

You can find the country and find a lot of schools named after Horace Mann because we have today springs forth from many of his ideas, from his commitment to high-quality public education.

The system that he helped create is the one in which many of us grew up in. I went to public schools in Wethersfield, CT. My mother went to public schools in Wethersfield, CT. My father went to public schools in Wethersfield, CT. The most recent public school I went to was Wethersfield. CT. My wife went to public schools in Fairfield, CT. My kids go to public school today. So when I try to figure out why my office got 13,000 phone calls and emails with regard to this nomination, I think it is because public education is so deeply connected to who we feel we are as a country. We feel we are the most powerful, the most affluent Nation on Earth because of our unique commitment to public education, this idea that in order to succeed, you need first to have access to learning, to the ability to read and write, to do arithmetic, to be able to think creatively about science and the history of your country and your world, and also because public education is personal.

When we talk about who we are, when we all think about our own personal biographies, it starts with where we went to school. Not everybody went to public school, but the vast majority of people in this country went to public school.

When you think about who you are today, almost everybody’s story runs through a great public school teacher. You think that you learn that when you are young, who you are today, they probably come first and foremost from your parents or from whoever raised you, but, boy, you learn an awful lot about how to relate to people, about values. You learn an awful lot about tolerance, about the mistakes in school, whether it be in the classroom or out on the playground.

For me, it was my fifth grade teacher Ms. Evanisky, who instilled in me a love of learning but also a discipline about how to learn. I don’t know that teachers would do this today, but Ms. Evanisky had a list of all the assignments each week on the chalkboard and had our initials next to each one we had completed. There were 20 or 30 each week, and she would erase your initials and move it to the next one. It probably was a little bit too much of an exercise in public shaming for the kids who fell behind, but, boy, there was accountability because every day you walked in, you saw whether you had assignments that week or you were falling behind. There was a rigor to it that attracted me and made me a better learner.

There were two male teachers I had in high school and middle school: Mr. Hansen, my eighth grade social studies teacher, and Mr. Peters, my junior-year American history teacher, who got me thinking about government and the effect it has on my life and the life of everyone around me.

My family did not have a history of politics or public service. My love of public service, my interest in government comes from teachers who inspired me to care about the role people played in our government.

So when I think about why I am here today, I think about teachers. I think first and foremost about my parents, but I think about teachers, and so do millions of other people around the country.

Our common experiences are rooted in our public schools, and, of course, it is still personal today for millions and millions of folks in my State and across the country because they have their kids, as I do, in public school, and they are seeing the great benefit that comes to their kids, the growth that happens in our public schools, and the continued learning that happens for our educators.

Public education is different today than it was when I went. We learned things, that we can’t just focus on teaching basic skills, like reading, writing, and arithmetic, but today we have to teach other skills, like social and emotional skills. We are getting better all the time in public education, and that is why people are so proud of it.

So when presented with a nominee for the Department of Education who says that public education is a “dead end” for students in this country, people take it personally. It feels different than when they listen to the nominee for Secretary of the Treasury talk about banks or when they hear the nominee for Secretary of Human Services talking about health insurance.

When you say that public schools are a dead end and then, as Mrs. DeVos has, spend your entire career trying to tear down public schools and put kids into private schools, it hurts. It hurts because, well, we all know public schools can be better. We all have our critiques of the public education we got or the public education our kids have got. We know it is not a dead end. Public education wasn’t a dead end for me. I get to be a U.S. Senator because of the public education I got. It wasn’t a dead end for my mother, who grew up in the housing projects of New Britain, CT. Because of the public schools that challenged her as a very poor little girl growing up in New Britain, she got to be the first woman in her family to go to college. It wasn’t a dead end for my father, who went to public schools and ended up running one of the biggest companies in Hartford, CT. And I hope it won’t be a dead end for my kids, who are getting smarter and smarter every single day they go to public schools.

Public schools aren’t a dead end. They can always get better. But to have someone in the Department of Education who doesn’t believe in the way that most public school parents, most public school products believe in public education, it is offensive, and that is why our offices have received this unprecedented volume of correspondence.

I represent a pretty small State. Connecticut isn’t that big. But I got 13,000 letters and emails opposing Mrs. DeVos’s nomination in a short period of time. She was only nominated a couple months ago. I don’t know that there is any other subject in the entire time that I have been in government in which I received more correspondence, and I am proud of that. I received 13,000 pieces of correspondence, and almost all of them are in opposition to it.
That is the other thing. There were a few people who called who support her nomination, but almost without exception, people are calling to my office and to Republican offices telling us that she is not the right fit.

I am writing to you as the mother of two children in kindergarten and first grade. My son is 5 and is autistic. I watched the recent nomination hearing on Betsy DeVos, and I am left sick to my stomach. I implore you to not support this woman for Secretary of Education.

I am beyond worried about what this might mean to our education systems, and particularly what this would mean for the education and development of my son. We fight every single day for my son. We work for the services he needs, and now, with doing this, I realize that my son is on the right path in our public school system. She has really no personal experience in our public school system. She

Another piece of correspondence from a college student from Old Lyme, CT:

I strongly urge you to oppose the Secretary of Education nominee Betsy DeVos, whose confirmation hearing proved that she lacks both the experience and qualifications to lead the Department of Education.

Mrs. DeVos has had no experience in public schools as an administrator, or even as a parent. Further, she admittedly has no experience with higher education or student loans.

I am a student about to earn my undergraduate degree this spring. I highly suspect that Mrs. DeVos has no interest in repairing or mending my or my fellow students' colossal debt problems, nor does she have the intent to alleviate the strain of other costs on parents and guardians.

I might read some more of these letters, but they are sort of endless, and they aren't doing anything to inspire me. Why would we have about Mrs. DeVos's commitment to public education. So let me talk a little bit about why they are concerned.

They are right to point out that this nominee has never had any personal experience in our public school system. She didn't go to public schools. Her kids didn't go to public schools. She wasn't a public school educator. But that is not disqualifying in and of itself.

I mean, all of us work on policy in which we deal with their personal experience. It is the fact that she has spent her entire career and much of her family's enormous fortune trying to undermine public education that is so concerning.

Mrs. DeVos, as it has been repeated over and over on this floor, is a big fan—perhaps the biggest fan in the country—of vouchers, which is a means of giving students a handful of money so that they can go to a private school or a nonpublic school.

In many ways, there is an attraction to this idea that you should be able to take that amount of money that we generally allocate to your education and bring it to a school of your choice. But in practice, vouchers are a disaster for our kids. Why? Well, first and foremost, it is because, contrary to what Betsy Devos and her family believe, the free market doesn't work the same for education as it does for the breakfast cereal industry, right? Kids are not free actors in the way that other consumers are. So what happens is that the parents and the families who have the means and the income to go find and afford a voucher. So they take that voucher and then they bring it into the private sector, and the kids and the families who don't have the means to do that get left behind in underperforming schools, and the imperative to fix those underperforming schools gradually disappears.

Well, vouchers are never going to equal the amount of money that it costs to send a student to most private schools. It may cover the cost of the cheapest private schools, but families of means can always supplement it with money that they already have and send their kids to private schools. So vouchers just end up taking wealthier families and moving those kids into private schools, while leaving behind kids who don't have parents who can supplement the amount of money in the voucher to allow those kids to go to private schools.

Vouchers become a means of both economic and racial segregation. Schools that have higher economic means take the vouchers and they send their kids to private schools and families with kids of lower economic means get left behind in lower performing public schools.

Vouchers are a wonderful way to guarantee that you have very little mixing of kids of different backgrounds or races and incomes, and that is what the evidence bears out. But vouchers have a way of being incredibly insidious ways over the years. Think about what has happened to disabled kids.

In many States, kids with disabilities will be offered a voucher to go to a private school that may have a basket of services that is more appropriate for them, but they have to make a deal with the school district in order to get that voucher. They have to renounce their legal rights to contest an appropriate education and that requires students to lose or sign away their right to get a quality education.

Further, we oppose voucher systems that just end up taking public dollars and putting them in the hands of Wall Street. What is exceptional about Mrs. DeVos's experience in Michigan, what makes it different, frankly, from the experience of charter schools in Connecticut, is that in Michigan charter schools are by and large run by for-profit companies. Let me tell you, the operators of for-profit charters, I am sure, have the best interests of those kids in mind, but the investors in those for-profit charter schools have profit as their primary motivation. The people telling those administrators what to do have investor returns first on their mind and educational returns for the kids second, because if they didn't, they would be a nonprofit charter school. If your primary goal was to run schools for the benefit of kids, you would be a nonprofit. The reason you set yourself up as a for-profit is so you could make money. I don't know why any school is operated on a for-profit basis. But in Michigan, 80 percent of charters are owned by for-profit operators. We have seen what has happened in the higher education States. We have seen the fraud that is perpetuated on students because for-profit colleges make as much money as possible, not the education of kids. So vouchers, under-funded, tied to the denial of rights for disabled kids, and established as a means of enrichment for investors in for-profit companies are a terrible idea.

In my own home State of Connecticut, we are extremely concerned about Mrs. DeVos's nomination for other reasons as well. I wish that every minority kid and every disabled kid and every poor kid in this country got a fair shake, but that in Michigan education is played out. The Federal Government is involved in education for one primary reason and that is civil rights.
The whole reason that the Federal Government got into the business of education is because children—primarily minority children, primarily black children—were being denied an equal education. So in Brown vs. Board of Education, what the Federal Government is really trying to do is provide equal education, and in a series of civil rights acts following that decision, the Federal Government established laws to protect children and their parents from that kind of unjustifiable racial discrimination.

It happened in schools all over this country. Black kids were not given an equal education. Even after the schools were desegregated, States and municipalities found ways around the legal requirements to give an unequal education to minority kids. Here is a news flash for you. Racism hasn’t vanished in this country. Discrimination has not been defeated. We are watching the President today pry on people’s prejudices as a means of dividing this country to his benefit. All across this country you can see examples of sometimes intentional discrimination and other times unintentional subconscious discrimination that continue to happen all over the United States, like what happens in school discipline. If you are an African-American boy in this country and you goof off at school, you are twice as likely, right now as we speak, to be suspended or expelled than if a White student engages in the same behavior. Disabled students all across this country are discriminated against.

I will give you an example from not so long ago in Texas. In Texas, an investigation by the Houston Chronicle discovered that the Texas Education Agency had arbitrarily decided that only 8.5 percent of students would get special education services. No matter if the school district had a higher percentage of kids with disabilities, the Texas Education Agency said that only 8.5 percent of students in any particular school district can get special education services. What happened? Kids all across the State who were disabled were denied the services that they needed.

In Kentucky, just 2 years ago, an autistic 16-year-old named Brennan was severely injured, with both his legs broken when he was restrained at school. An investigation found that he suffered from seizures, a partially collapsed lung, and blood loss. He spent 8 days in an intensive care unit. An investigation found out that over the past 2 years, nearly 8,000 students in one county in Kentucky had been physically restrained, and 150 of them in this one county had been badly injured. That is just one example of what happens to disabled students all across this country. They get secluded and locked into chains and ropes, literally, as a means of trying to control their behavior. The scripts don’t work. That is by and large illegal, but it happens because still today minority kids, disabled kids, and poor kids don’t have the political power that other school children have. Their parents might not be as loud as other parents are, and so they get intentionally or unintentionally discriminatory treatment. That is why, at the Federal level, we have a history of requiring that States provide equal education to minority kids, disabled kids, and poor kids. That was a bipartisan commitment in the No Child Left Behind law. It continues to be a bipartisan commitment in the new education law we passed. Republicans and Democrats voted for a bill that holds schools accountable for equal outcomes, equal opportunity for every kid.

Now we dramatically amended that accountability requirement in the new law. We recognized that it probably didn’t make sense for Washington to decide how you measure accountability and how you intervene in schools where you are not getting results for every child. A Secretary of Education can’t have intervention on a county-by-county basis. Instead we added an examination of the charter schools to prove they are doing good for all students. That is just one example of what happened two years ago in Kentucky. That was pushing for private charter schools in Michigan. (Mr. JOHNSON assumed the Chair.) Mr. President, that has devastating consequences for our children, to have a Secretary of Education who is not going to require accountability for results in schools, regardless of how they are established. It has devastating consequences for poor kids, Black kids, Hispanic kids, and disabled kids who need to have the most favor of the Secretary of Education be as loud as other parents are, and so they get intentionally or unintentionally discriminatory treatment.

That isn’t surprising because she didn’t support equal accountability when she was pushing for private charter schools in Michigan. I am a friend with some of the operators of charter schools in and around Connecticut. In my experience, the supporters of charter schools have tended to be the loudest champions of accountability because for many charter school proponents, they go hand in hand. Accountability gives you sort of a clear sense of the outcomes in public schools, which for charter school advocates tends to be an advertisement for an alternative way of education.

So charter schools, even those that are regularly critical of the public schools, like Mrs. DeVos, normally argue for accountability, but not Betsy DeVos. She has a long career of opposing accountability. And if you look at an examination of the charter schools that she has supported, you can figure out that the accountability that charter schools aren’t very good. If they had to be measured on equal footing with public schools in Michigan, the results would not be an advertisement for her or for her nomination to be Secretary of Education.

In Michigan, they have set up a Byzantine system in which there are like 30 different regulators of charter schools, all with a confusing array of different ways that they measure performance. There is no way in Michigan to get out data on disabled students are doing on a school-by-school basis. They intentionally obfuscate the results of charter schools. Why? Because many of them—many of those associated with Mrs. DeVos—are not getting good results for their kids. That isn’t surprising, because charter schools can’t get good results; many of them can. But if you don’t have accountability, if you don’t require charter schools to prove they are doing good for kids, then many of the bad ones will continue to provide inferior results without any accountability.

So many of the parents in my State are very concerned about Betsy DeVos.
Commitment to protect these kids, but at the very least you have to know what the Federal laws are that provide those protections. Over and over again, she was given the chance to show that moral commitment; she did not. And in fact, that is troubling. I think one of the reasons—I don’t think it is lack of knowledge about the statutes that protect those children. The Secretary of Education, more than anybody else in this country, is responsible for delivering results for our kids. The Federal Government is not in education except for the cause of civil rights.

Finally, I wish to speak about what was, to me, maybe the most troubling answer she gave in that hearing. We had 5 minutes to question this witness. We had 5 minutes. I worked pretty hard to become a U.S. Senator. My constituents think this is a pretty important job. I was given 5 minutes to ask questions of the next Secretary of the Department of Education—the person who is going to be in charge of the education of the thousands upon thousands of public schools in this country. There is no precedent in this committee—the Health, Education, Labor, and Pension Committees—for Senators being asked to do a Herculean task for then-Secretary John King to come up with an accountability framework that all those groups would support, but they all support it.

So I asked Mrs. DeVos in the hearing whether she would work to implement that regulation or would she work to undermine it, and she gave me no answer. She certainly refused to commit to implementing the regulation. By the way, is supported by everybody in the educational space. Undoing it would be a giant headache for everybody who works in education. Nobody wants it undone. Yet she would not commit to keeping it in place.

I then asked her another super simple no-brainer when we submitted written questions. I just said: Would you support the maintenance of the civil rights data collection system? This is like every 2 years, you have to report data on the performance of your minority kids in your State’s schools. Once every 2 years, you have to submit this report, and it is very important because it is one of the only ways the Federal Office of Civil Rights and the Department of Education can figure out if minority kids—Black kids, Hispanic kids, Native Americans—are getting a raw deal. She wouldn’t even commit to maintaining the data collection.

So at some point, you have to figure out that where there is smoke, there is fire. She has been given all of these opportunities to say: I am going to be a champion for disabled kids. I am going to stand up for minority kids. I am going to make sure that every child, no matter their race, no matter their religion, no matter their learning ability, gets an equal education. Every time she was given an opportunity to set the record straight, she obfuscated, she fudged the figures.

When she got a question about the Individuals With Disabilities Education Act, she didn’t seem to know what it was. So maybe that is why the answers were fuzzy when it came to protecting every 2 years, you have to report data on the performance of your minority kids in your State’s schools. I really wanted to ask questions about protecting disabled kids and low-income kids, so I had planned to ask all of my questions about whether she was prepared to stick up for those kids. She gave very short answers to my questions that, again, didn’t give me any confidence that she is going to stand up for those children.

When I looked down at my clock, I still had 30 seconds left. I only had 5 minutes, so I better use all of my time. So I asked her what I thought was a no-brainer. I asked her whether she thought guns should be in schools. She probably should have known that question was coming from me. I wasn’t intending on asking it, but my public service is defined by what happened in Sandy Hook, CT, in December of 2012. And she knows she is going to work for a President who has promised to ban States’ and local districts’ ability to keep guns out of schools. And so her answer, which has now been replayed on the Internet a million times, was shocking.

First, her inability just to plug in to the emotion of this issue. The first thing that is really troubling to me, this question is, our No. 1 obligation as education policy professionals is to keep kids safe. Start there. Start with a commonality about our obligation to keep kids safe. But that is where she started. She started by saying: Well, that is real. That is real.

The reason she gave for that is now infamous—that some schools in this country need to be protected against grizzly bear attacks. It is probably unfair how much attention that response was given; she sort of came up with it on the spur of the moment. I don’t suggest that it reflects her full thinking on the subject of guns in schools. But then immediately contradicted her now-infamous answer and said real- ly should be up to States and local school districts, so I asked her the next logical question: Well, if President Trump asked you to implement his proposal to ban local school districts’ ability to keep themselves as to whether they want guns in schools, would you support it? She said: I would support whatever he did, whatever he asked me to do.

So on the one hand, she says it should be up to States and local school districts whether they have guns in the classroom, and then on the other hand, she says that she would support a Federal prohibition on gun-free school zones. You can’t have it both ways.

Much of the outpouring of opposition from Connecticut is due to the answer she gave to that question.

Parents in Sandy Hook, CT, can’t understand—can’t understand—how a Secretary of Education could think that the people of Connecticut should make our schools safer. This idea the right has—and the folks the DeVos family hang around with—that if you just load up our communities with guns, it will guarantee that the good guys will eventually shoot the bad guys. There is no basis in evidence. Ruthlessly, guns that the good guys have to protect against the bad guys get used to shoot the good guys. Parents in this country are freaked out that we would have a Secretary of Education who would promote arming our schools.

Although at the end of that short back-and-forth between Mrs. DeVos and me, she did admit that kids getting killed in schools was a bad thing, suggesting that schools need to be armed in order to protect against wild animal attacks doesn’t suggest that is on the top of your mind.
arm principals and administrators and teachers with high-powered weapons so they can engage in a shootout inside a school.

Even that school in Wyoming that she referenced noted within 24 hours that they didn’t feel like they needed a gun to protect against grizzly bears. They had a fence and they had bear spray and that was good enough.

I admit, she has gotten probably a little bit of a cheer in the previous paragraph, but it capped off her performance in that hearing that was disqualifying; that showed a lack of interest in protecting vulnerable kids—poor kids, Black kids, Hispanic kids, disabled kids; showed a stunning unfamiliarity with the laws that govern education; demonstrated an enthusiasm for market-based principles in public education that simply don’t work; showed a disregard for the danger of profit motivation driving decisions in education; and uncovered some incredibly dangerous positions that we had not previously known about, like her enthusiasm for putting guns in schools. That is why 13,000 people in my little State of Connecticut sent letters and emails and made phone calls in opposition to her nomination.

I had a really nice meeting with Mrs. DeVos in my office. I concede that she could have spent her time and money on something other than trying to make schools better.

So I give her credit. I give her a lot of credit for the fact that she spent much money and with her advocacy, to make good on her promise that public schools are to be a dead end, to empty out our public schools of money and students, to use taxpayer funds to enrich for-profit investors, and to leave behind millions of children and millions of vulnerable kids who need a champion in the Department of Education.

Public schools were not a dead end for me. Public schools were not a dead end for my parents. Public schools were not a dead end for my wife. I am sure, watching only watched my kids progress through second grade and pre-K, that public schools will not be a dead end for my children. But to have a Secretary of Education who doesn’t believe the public schools that are going to have to change to lead to results for our kids like they have for generations is unacceptable. It is why this body in a bipartisan way should rise up and say no to her nomination and ask this President to appoint someone who is going to be a daily champion of our public schools and not use the Department of Education to undermine them.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. 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. MERKLEY. Mr. President, this morning and through the night, the Senate has been considering the nomination of Betsy DeVos to be the next Secretary of Education. My colleagues have come down here to the floor, and I appreciate my colleagues, who just completed his comments, for his knowledge and his insights on public education and his passion for a system of education that provides opportunity to every child in America.

We are down here speaking through the night to ask the question of why this nominee for Secretary of Education is so completely inappropriate. We see the passion that has arisen across America, ordinary citizens calling us up on the phone, inundating our phones with thousands of calls—I had more phone calls in a single day than I normally get in a couple of weeks—inundating us with thousands of emails and letters.

Why is there so much public passion about this nomination? The short answer is that public education is a cherished institution in the United States of America. Public schools are a vital pathway through which our children have the opportunity to gain the knowledge and the skills that they need to thrive in our society. We don’t want to see that system of public education, that gateway for a successful life, destroyed by Mrs. DeVos. That is why the American people are sending us so many letters and emails and making so many phone calls. Mrs. DeVos has no education experience, no public school experience.

Our students, teachers, communities, and our Nation deserve leadership that does have public education experience, someone who does have a passion for the success of every child, not someone who is simply dedicated to trying to tear down public schools so she can run private profit institutions and put money in the bank.

What do we really care about in the United States of America? Do we care about the education of our children or about an entrepreneur hijacking the public education system for personal profit? That is why the citizens of this country are so outraged by this nomination and outraged that Senators on this floor are planning to vote for her later today.

I had the chance to go to school starting in first grade down in Roseburg, OR. Roseburg is a timber town. My mother showed me the path that was somewhere between a quarter of a mile and half a mile long. I walked that path over to the first grade school. It had classrooms that did not have hallways; they opened to the outside. The school ground was a magical place for me to go in the first grade.

I still remember vividly Mrs. Matthews. Mrs. Matthews was a very stern public school teacher. She had probably about 20 people in her classroom, 20 little kids. She was determined that by the end of the first grade, we would all read at the third grade level. That was her mission in life. And we would do math at the third grade level. Thus, every moment in that classroom we were working.

She was a senior teacher. I thought of her as quite old at the time. I don’t know if she was in her fifties or sixties. Suddenly that age doesn’t seem so old to me now. She was very experienced, and she had her system of working with little kids. She would divide us into groups of about four to five kids, and we all traveled around the schoolroom. She would travel from one cluster to another keeping us on track, making sure we were progressing as we were reading to each other, as we were doing our math and our science. By the end of the school year, everybody read at the third-grade level. We were afraid of Mrs. Matthews because she was a very stern teacher, but we all thrived in that classroom because we had a person dedicated to the success of children.

One of the things that helped Mrs. Matthews was that there were 20 students in her classroom. When I went to my son’s first-grade classroom, there were 34 kids in there. I don’t know if she could have taken 34 kids and gotten them to the third grade level at the end of first grade.

It is unfortunate that we are not providing for our children the same quality of education that our parents provided for us. Yet we are living in a knowledge economy world where public education is much more important than it has been for success in the generation. So it is more important, but we are funding it less. Certainly we have growing national wealth. Why aren’t we making the investment in our public schools?

Mr. President, I yield the floor.

For first grade, I went up to Portland. My family moved with the timber economy. The mill shut down outside of Roseburg, OR. We had been in Roseburg through first grade. By second grade, my father had taken a job as a mechanic up in Portland. We moved to the public schools of Portland and the following year bought a
house outside of Portland and moved to the David Douglas High School system, where I was from third grade through graduation. That grade school and high school system provided the foundation on which I could pursue virtually any path I chose to.

Isn’t that the goal in America, that every child should have the opportunity to pursue their dreams, not to have that opportunity cut short by somebody who wants to drain the resources out of our public education system?

When I was in grade school, my father said to me: Son, if you go through the doors of that school and you work hard, you can do just about anything here in America.

I thought that was pretty cool because I lived in a blue-collar community. I knew there were fabulously more affluent communities in different parts of Portland, and our community was not one of them. We were a working-class family. The idea there if I went through those doors and worked hard, I could pursue just about anything was a really cool notion. It gave me a lot of pride in the United States of America, and it gave me a lot of pride in the community of Portland, Oregon.

That is what we want to have—not a system for the elite, not a system in which the rich get their education elsewhere and they are therefore destined to seize the best jobs in society and generationally build wealth upon wealth upon wealth while the rest of our Nation is left out in the cold—no, a system where every child has the opportunity to thrive. That is the great foundation for a nation that says we are going to dedicate our resources so that all families are lifted up. But that is not the vision of Betsy DeVos. That is why I am on the floor today at 5 a.m. speaking about my concerns about her nomination and what it represents for public schools.

We need, plain and simple, an Education Secretary who actually has experience with public education. Betsy DeVos has none. She did not attend public school. She did not send her children to a public school. She did not volunteer in a public school. She did not get a degree and teach in a public school. I don’t know if she has ever set foot in a public school. The process—the journey of becoming a teacher—is one that requires substantial education so you are prepared to convey and to find the pathway with which children can learn, absorb knowledge, move forward, and be inspired. But Betsy DeVos likes the idea of schools in which there is no accountability for the preparation of the teachers.

What undermines the success of our children for personal profit? For a moment, think about the type of backgrounds previous Secretaries of Education have had. They have been prepared to understand our school systems and issues before, here in America.

John King was our 10th U.S. Secretary of Education from March of 2016 through January of 2017, just recently. He had a J.D. and a Doctor of Education from Harvard University. He taught in the Massachusetts school system. He had been Commissioner of Education in the State of New York from June 2011 until January 2015. He had been the Deputy Secretary of Education for a little bit less than a year. He had a lifetime of study about our public education system, a lifetime of dedication to that system, a lifetime of experience in that system brought to bear to make that system work for our children.

How about Arne Duncan, who preceded him? He was the ninth U.S. Secretary of Education, serving from the time President Obama came into the office through December 2015. Arne Duncan graduated from college with a degree in education—another education person. He was the deputy chief of staff to the Chicago superintendent from 1999 through 2001. He was superintendent of Chicago Public Schools for 8 years—or almost 8 years—from June 2001 to January 2009. That grade school and high school system for a little more than a year. He had been the Deputy Secretary of Education for a little bit less than a year. He had a lifetime of study about our public education system, a lifetime of dedication to that system, a lifetime of experience and an understanding of the issues and how to address them in America.

Let’s go back to a Republican administration and Margaret Spellings, our seventh U.S. Secretary of Education. Rod Paige taught at Texas Southern University. He was a trustee of the board of education for the Texas Association of School Boards. She was executive director for the Texas Association of School Boards.

We can keep going back and see the type of experience that has been brought to bear on this important position. Rod Paige was a son of public school teachers. Rod Paige was our seventh U.S. Secretary of Education. Rod Paige taught at Texas Southern University. He was Dean of the College of Education at Texas Southern University. He was a trustee of the board of education of the Houston Independent School District. He was a superintendent of the Houston Independent School District. In other words, as we work backward through his career, he was involved in education in one role after another—public school. Betsy DeVos is different than gaining experience in public education.

She wanted to further press the case to convert public schools over to for-profit, a strategy that she was benefiting from so much on a ballot measure, and the people of Michigan rejected it. She also put a lot of money into a PAC but, again, putting money into an advocacy group—an advocacy group dedicated to depleting the public schools of their funding and raising $30 million for running public schools. It is a foundation for not running public schools.

During her confirmation hearing, it became so incredibly evident that she knows nothing about public schools. It makes sense that she has no background because she didn’t attend public schools. It makes sense that she didn’t learn anything about public schools by teaching; she didn’t teach. Or volunteering in one—she didn’t volunteer. It makes sense that she didn’t learn anything about public schools from her children going to public schools because they didn’t go to public schools.

You might have thought for all her dedication to converting our public schools over to for-profit schools, she might have learned something along the way, but we found out during her confirmation hearing that she knows literally nothing about public schools.

If she knew she was going to have a confirmation hearing, how could she have prepared for this experience. One of the major questions that we wrestled with in public schools is how to use assessment tools and whether they should be used in the context of measuring students’ growth or students’ proficiency and how that reflects on the teacher.

When asked by Senator FRANKEN about her views in this dialogue on proficiency versus growth as a tool of measurement, Betsy DeVos said: I think if you misunderstand your question correctly about proficiency, I would also correlate it to competency and mastery so that each student is
measured according to the advancement they are making in each subject area.

FRANKEN said: That is growth. That is not proficiency. I am talking about the debate between proficiency and growth, and what are your thoughts on that?

She was unable to respond to that question because she was unfamiliar with the issue. That is a fundamental debate that is going on as we try to make sure that we have accountability in our public schools. Perhaps she was not familiar with the issue because she opposes accountability in her for-profit operations, because the less you spend on a student, the more you can put in the bank.

That is a very sad point of view—to put profit over people, and those people are children. Another major issue in our school system is how to address the education of students with disabilities. We have an act called IDEA. Individuals with Disabilities Education Act. She was asked by Senator Kaine about IDEA and said that it is a matter best left to the States.

Her response worries educators and those with disabled family members because before IDEA passed in 1975 it has been with us for 42 years now—only one in five students with disabilities received a public education. I will put it differently. Four out of five or 80 percent of students with disabilities were left out in the cold. They didn’t get the benefit of a public education. Our goal from 1975 forward as a nation has been to make sure students with disabilities also receive the best education that their circumstances enable them to have.

Before 1975, many States had laws on the books that specifically excluded disabled students. That began to change with a series of court cases and the eventual passage of IDEA, a vision in which we said: Let’s embrace our children. Another major issue in the debate that is going on as we try to create a secure environment is one that any nominee for public education should have a deep understanding of.

Betsy DeVos has a questionable history in terms of her interest and concern about LGBTQ rights for students, so that is a concern as well.

She does have this history of this war against public schools in Michigan, and if we had a department for a war against public schools, maybe she would be the right person to lead it. It would be a mission I would disagree with because I am here to tell you that this vision of public schools—every child has the opportunity to thrive is a vision we have embraced in America and should continue to embrace it.

If we believe in the American dream, if we believe in opportunity for all, then we should not have millionaire Senators voting to confirm a billionaire Secretary who knows nothing about public education and the struggle for education among working Americans and Americans with modest means. That is the concern—Senators living in a bubble confirming a Secretary who lives in an ultra-rich bubble and knows nothing about our public schools.

We can take a look at some of the schools that Betsy Devos has promoted with her vision of no accountability. Seventy-nine percent of Michigan charter schools are located in poverty. Very few perform in the top tier of schools.

There is a school in Brightmoor, a charter boasting more than a decade of abysmal test scores—not good test scores, not outstanding test scores, but terrible test scores.

That school is not alone. Another charter school, Hope Academy—serving the community around Ground River for 20 years—test scores have been among the lowest in the State through the entire time. The school ranked in the first percentile. That means out of 100 schools, it was the worst. But its charter was renewed under this vision of no accountability.

How about Woodward Academy? It is a charter that has bumped along at the bottom of school achievement since 1998, while its operator, despite running an abysmal school, a terrible school, was allowed to expand and run other schools.

What about the idea of outstanding schools, not terrible schools? How about the idea of resources invested in the success of the school, not an entrepreneurial for-profit strategy designed
to squeeze as much money out of that school as you possibly can at the expense of our children?

Stephen Henderson, an editor at the Detroit Free Press, summed up the carnage in Michigan—Betsy DeVos’s destructive influence—by saying the following: “Largely as a result of the DeVos lobbying, Michigan tolerates more low-performing charter schools than just about any other State, and it lacks any effective mechanism for shutting down or even improving failing charters. And this is a powerful rea-

son, that DeVos’s assault on public schools—converting them to charters with no mechanism for shutting down poorly run charter schools, no mechanism for improving failing charter schools—Betsy DeVos’s vision of zero accountability—producing failing schools—is an assault on the opportunity for the success of our children.

And it should not be entertained, and she should not be within a thousand miles of a public education of any kind.

A columnist, an editor with the De-

troit Free Press, went on to summarize that “as a result of DeVos’s interference and destruction of the schools in Michigan, we are a laughingstock in national educational circles, and a pariah among reputable charter school operators, who have not opened schools in Detroit because of the wild West nature of the educational landscape here.

Often what we see with this strategy from the very rich who want to masquerade as helping our children and challenging communities is what they really want: They want the government to pay for their elite education in private schools. Take the money out of the public system and help the wealthy in America be even wealthier by subsidizing or paying for their children to go to elite schools.

The strategies that Betsy DeVos implements and this failing charter school system in Michigan that has become “a laugh-

ingstock in national educational circles, with no accountability for improving the schools, and no account-

ability for shutting them down.”

If anyone was running a private business with no accountability, that business would fail. But when it comes to squeezing money out of the public sys-


tem, there are opportunists who say: Here is something. Don’t care much about public education, but I sure see an opportunity and an opportunity for profit right here. I can squeeze that school, and I can make a lot of money.

That person belongs nowhere near our public education system.

There are other things that concern folks. In 1983, Betsy DeVos’s family funded the creation of the Family Research Council. FRC is known for its incendiary anti-LGBT agenda. It is known for its promotion of junk science, claiming a connection between homosexuality and pedophilia. The FRC thanks on its Web site the DeVos and Prince families of Michigan for estab-

lishing its DC base. And FRC advo-

cates for conversion or reparative ther-

apy.

Well, in all those ways, it sends a message that as the Secretary of Edu-

cation, Betsy DeVos is not going to watch out for LGBTQ students, who have difficulty figuring out their life and a pathway to life in the world in which they don’t necessarily find support in many places. And their concern is amplified by her opposition to non-

discrimination protections for the LGBT community. In fact, she has do-


einated hundreds of thousands of dollars to defeat marriage equality—an op-

portunity for opportunity in our Nation. Funding these anti-LGBTQ causes is plenty of concern for students and their parents across America.

Well, why is she nominated to be Sec-

cetary of Education? I think an objec-

tive observer would say that she has been a massive donor to the party of the President, and that objective ob-

server would be right. Some $300 mil-

lion was donated to the President’s party.

When discussing her contributions in 1997, DeVos said the following: “I have decided to stop taking offense at the suggestion that we are buying influence, and put the question to rest.” She continued: “They are right. We do expect something in return.” She con-

cluded: “We expect a return on our in-

vestment.” Well, she is seeking a re-


turn on her investment by seeking the nomina-

tion to Secretary of Education, but pay-to-play politics has no place in our public schools. Let me repeat that once more. Pay-to-play politics has no place in our public schools. Our children’s education is not for sale. That is why we are here tonight on the floor of the Senate conveying our passionate dis-

sent against this nomination.

The Secretaries in the Cabinet—their position—should not be sold to the highest bidder. Thereby, certainly one should have a small modicum of experience to bring to the post, par-


ticularly when it comes to the edu-

cation of our children. I throw on top of that this pay-to-play politics. Throw on top of that a determination to de-

stroy our public schools and to turn them into for-profit operations for the benefit of the rich, to squeeze profits out of these schools that are investing in our children, and this person is uniquely unqualified, the most un-

qualified person to be considered for a post of this nature probably in the history of the United States of America.

I was home in Oregon last week. I at-

tended a rally of folks who wanted to organ-

ize the rally, an organization that fights for progressive change, for opportunity for every child, oppor-

tunity for every family to thrive.

In a short period of time, 1.4 million Americans had signed the CREDO peti-

tion for her nomination to be blocked. Just yesterday, I was at a rally outside the Russell Senate Office Building, just a few yards from here, where hundreds of activists came out to rally against her confirmation.

The phones in my office have been ringing off the hook for weeks, with people calling in opposed to this nomi-

nation. We have received 19,667 letters and emails from constituents—that is the last count—who are writing in op-

position to her nomination—opposition to potential confirmation by the Sen-

ate.

These letters, these phone calls, they are coming from teachers and administra-

tors, they are coming from parents, they are coming from concerned citi-

zens who know what powerful role pub-

lic education has played in the oppor-

tunity for our children. Now, this vote today has been laid out as something that virtually equally divides the Sen-

ate; that there may be 50 votes for her nomination, maybe 50 votes against.

Half of the Senate saying no is a rather spectacular rejection of this indi-


dividual, but we need another Senator. We need a 51st Senator who values our children over for-profit destruction of our public schools. Is there not one more Senator who will stand up and fight for our children here in the Sen-

ate?

We need a Secretary of Education who knows about education policy, a Secretary who has experience as a teacher, who has experience as an admin-
istrator, and who wants to fight for our schools to thrive, not for our schools to be exploited. We don’t have that nominee today. So that is when this body needs to stand up and say no to the President; say, no, Mr. President. We know you were pushed to do this because this individual donated massive amounts of money to your party, but that is not a qualification for serving as Secretary of Education.

We need for the Senate to reject this and the principle it represents, the principle that experience matters, that the principle that the highest political bidder, and certainly not how much money you pump into the President’s party. I think it might be helpful to look at some of the writings that have been put forward. Let me read an op-ed from an Oregon paper, the Register-Guard, our Eugene paper. This article is by Belicia Castellano. She writes the following: After having donated $9.5 million to Donald Trump’s Presidential campaign, President-Elect Trump selected Betsy DeVos as his Secretary of Education. This decision has been widely viewed as controver-

sial. With Trump’s decision, it is appar-

ent that education policy will focus on the privatization of public education. DeVos is not a suitable candidate for the role of Secretary of Education. This decision should be taken into who has of-

ered such a significant role in our gov-

ernment and society. DeVos would not be actively supporting our public schools, and would not commit to ad-

vocating for education policy. We need a Secretary of Education advocate of all teachers, principals, staff, stu-

dents, and families within different
types of schools. DeVos never worked in a public school and will struggle to empathize with public school students and teachers. In order to hold the position of Secretary of Education, an individual should have a teaching license or have some experience working within the field of education.

I guess that is kind of the point here, is someone should have some experience working within the field of education. This Register-Guard editorial said:

The morning after Election Day, a Register-Guard editor asked University of Oregon President Michael Schill what he knew about President-elect Donald Trump’s views on higher education. Schill’s answer: hardly anything.

It goes on to say: DeVos is a long-time advocate of charter schools and school vouchers, but the Chronicle of Higher Education and other publications have turned up few grains of information after sifting through her positions on issues affecting colleges and universities. DeVos’s home State of Michigan has more charter schools run by private companies than any other State, she is expected to be friendly to for profit colleges. Maybe, maybe not—who knows.

So the point is that the Secretary of Education should also have experience related to higher education. Let me speak a little bit to that. Our public K-12 system, which has now become sometimes a preschool through community college system, or a K-20 system, has expanded vision.

We have started to understand that just as we said at some point that the equivalent of a high school education is essential for a pathway for opportunity in our country, so now is the ability for many visions of what you will do with your life, to attend school after high school; that is, higher education. Now there are pathways to success through apprenticeship programs and other routes that we should publicize and honor, many trades that need more people in them, very successful pathways to stable family finances, a foundation for raising your children. But much of our economy does require the experience of gaining a high- er education through our community and 4-year universities. The cost of this pathway has exploded. There was a chart a couple of years ago in the New York Times that showed the cost of different products over a 10-year period. Over that period, the product that had increased the most in price was the cost of a university. University education tuition, that was the very top curve. The bottom curve—the things that had decreased the most in price was large flat-screen TVs. Now, you don’t need a large flat-screen TV to thrive in life, but for many opportunities in our economy, you do need a 4-year education at a university. So the things that had increased the most in price, many pathways had increased the most in price. That cost effectively creates a massive barrier. If you are a millionaire or you live in a bubble community, a gated community, you don’t really see this because parents just write a check.

But in my community, in a blue-collar community, people worry about whether their kids can get a little money to help their child go to college. Then they look at that savings in the context of the cost of college and realize it is not enough and that their children will have to take on a lot of debt to be able to attend even a public 4-year school.

So back a couple of years ago, I held a whole series of meetings with students on different campuses in Oregon. The students brought balloons that said on the balloon what their debt was or their anticipated debt would be at the time of their graduation from college. Some of them said, $22,000, some said $14,000, but a lot of those balloons said $55,000 or $85,000. Some students came from undergraduate to graduate school, and their numbers started to get to three figures: $112,000.

It is in light of that debt in the higher education system that parents start to wonder whether college makes sense because we as a society—that is, half the price of a home in my community. You can buy a two- or three-bedroom house for $250,000 in my community, although the price has been going up.

So you are saddling a child with a debt the size of a home mortgage or at least a good portion of a home mortgage. The fear is, what happens if you graduate with that debt and you actually can’t get a job to pay off that debt. That concern has many folks saying to their children in middle school and in high school that they are not sure their child should follow that pathway.

When a child hears from their parents that they are not sure that pathway makes sense, that affects and re-verbates back to the way they treat junior high and the way they treat high school because they see it as a pathway that has been paved for them by society so they can thrive. And if they will be able to afford public education on through college, that is more inspiring and more powerful and can persuade a person to work hard in junior high and high school because they see it as a pathway that has been paved for them by society so they can thrive. And if they will be able to afford public education on through college, that is more inspiring and more powerful and can persuade a person to work hard in junior high and high school because they see it as a pathway that has been paved for them by society so they can thrive. And if they will be able to afford public education on through college, that is more inspiring and more powerful and can persuade a person to work hard in junior high and high school.

How about the issue of STEM education—science, technology, education, mathematics—and the role that plays in our schools. You know, I feel particularly lucky in life. I am the first in my family to have gone to college. My mother and father came from very, very modest backgrounds. Yet thanks to the economy after World War II, they were able to buy a home on my father’s blue-collar income. They were able to provide a foundation for the family to thrive.

My father told my sister and me: We didn’t go to college, but we hope you don’t have that sponsor and we don’t have that vision laid out for them that there is an affordable college awaiting them.

So that is an issue we need to have an advocate for, as Secretary of Education, as well as an advocate for our K-12 system, and we don’t have that in Betsy DeVos. She doesn’t bring her personal experience in life to bear with that.

I am going to wrap up my part of this conversation by pointing out that this is a potential turning point in our history. If we hand over the reins of our education system to a person who wants to see it as one more corporation, one more opportunity for profit, we will destroy a system that is the foundation of the American dream, the foundation of the vision for every child to thrive. We are a society to make sure that the pathway of opportunity is there for each and every child, including children who are English language learners, including children who have disabilities, including children who come from blue collar communities, as I do. Every child. That is the vision we are fighting for that is about to be deeply damaged.

Should the reins of public education be handed over to an individual who wants to destroy it?

That is why I am encouraging our colleagues to search their hearts, step aside from party politics and pay-to-play politics, and fight for the children of the United States of America.

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. REED. 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. REED. Thank you, Mr. President.

Mr. President, the nomination of Betsy DeVos has triggered an outcry of deep public opposition. It has also inspired an outpouring of popular support for public schools.

Public education is what has made America great. It is at the heart of the American dream. Our schools are much more than just a collection of classrooms. They are expressions of our communities and our values.

This is a lesson I learned from my parents. My father was the school custodian. He had tremendous pride in ensuring that the school was clean, in good repair, safe, and welcoming to the students. He was part of the public school team entrusted with our community’s children. He, along with teachers, principals, and every staff member at the school were deeply committed to public education. We saw that commitment each and every day. He spoke of that commitment when he came home in the evening. The teachers would do much more than what was asked of them to ensure that students got the best opportunities and best education. Everyone in our school was pulling for our children. That is the way it should be, and that is the way it must be. This was free public education, the hallmark of America, and perhaps one of the most important contributions that we have made to progress, prosperity, and economic growth, not only here in the United States but around the globe. That is what we are talking about today—the future of public education.

It is that kind of commitment to public education, going in early, working hard—I can remember of course in the wintertime, when the storms would rage through Rhode Island, it was not uncommon for my father and his colleagues to be out there on a Sunday afternoon, if the storm was bad enough, shoveling all night long so that when we arrived at school in the morning the roads were open for the children, the teachers could get there, and the food could be prepared. That is the type of commitment that has been evidenced throughout our history when it comes to public education. That investment of effort but also a trying so understand and trying to improve public education has been at the heart of what we have all done.

Indeed, I believe it is that kind of commitment to public education that has inspired millions of Americans to speak up about the nomination of Betsy DeVos. Teachers, parents, and community members have been calling across the country, writing, emailing, urging the Senate to reject her nomination. I have received over 12,500 calls and messages from Rhode Islanders, an unprecedented negative response to a Presidential nominee.

We are the richest State in the Union. We have a population of just over 1 million people, and we understand that even for the most challenging and publicized issues, we rarely get this type of response. It is because of this gravity of this moment. It touches a nerve. It touches a nerve with people who are products of public schools because they honor the success of public schools, but it also touches the nerves of people who may not have attended public schools in their own lives, and they have determined the value, the necessity, the need for good public education. Without it, we can’t move forward as a nation; without it there is no alternative except typically very expensive private arrangements to educate our children.

Once again, free public education has been a hallmark of this country. It might have been one of the most dominant factors in ensuring equality. Our country is more equal today than it was before the 13th Amendment. But without a good education, how can one be equal? How can one understand their rights and use their rights, understand their abilities and use their abilities?

Our constituents and across the country want a champion for public education at the helm of the Department of Education. They want someone committed to public schools, someone knowledgeable about the Federal role in education. They don’t want to see that Betsy DeVos is not that person. Having looked at her record and viewed her performance during the confirmation hearings, they are telling us that she is the wrong choice to lead the Department of Education, and we should heed their pleas. Of the thousands of Rhode Islanders who have contacted me to express their opposition to Mrs. DeVos’s nomination, I would like to share the sentiments of a few who exemplify the deep concerns I am hearing.

One teacher wrote:

Mrs. DeVos is not versed on the real concerns of families and their children, and does not know the issues and concerns educators face in our schools. As a teacher in a public school, I believe she is completely unqualified to lead the Department of Education. This child born out of touch she should heed their pleas. Of the thousands of Rhode Islanders who have contacted me to express their opposition to Mrs. DeVos’s nomination, I would like to share the sentiments of a few who exemplify the deep concerns I am hearing.

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Another teacher wrote:

I think many Americans agree with the sentiment that Mrs. DeVos is out of touch and out of step with American families. Neither she nor the President seems to have much, if any, experience with public schools, as students, parents, educators, or administrators.

Another theme that Rhode Islanders wrote about was the double standard of this nomination. One vice principal wrote:

We as administrators are required to be highly qualified in order to run our schools through an evaluation process. We also require this of our teachers as well. How can we support someone in a position to lead the educational process who is not held to these same standards?

That is a fair question that neither Mrs. DeVos nor the Trump administration has answered.

But again, it is not purely about her resume. Another theme I heard about from many Rhode Islanders is their fear of the empathy gap from this administration. Here is an example from a letter written by a public school principal:

[My] heart is sinking. I have worked as an educator in urban public schools for the past 19 years, as a teacher and, now, as a principal. I was an attorney before I was a teacher—I came to the profession as a second career choice, with a passion for righting the inequities our students face. I have worked all of my career with our most needy populations, a group whom I believe also to be our most brilliant, and before the law. But without a good education, how can one be equal? How can one understand their rights and use their rights, understand their abilities and use their abilities?

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Another theme that Rhode Islanders

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Another theme that Rhode Islanders
that to be who we are. Our families work incredibly hard and want the very best for their children. To say, “everything in life isn’t free,” when it has been for Mrs. DeVos’s family, is hypocritical and mean. We need a champion. Please vote against her confirmation.

This next letter I want to share is from the mother of a special needs child. Like many Rhode Islanders, she is distressed by the fact that Mrs. DeVos indicated that a landmark civil rights law should be left up to the States. She writes:

I have grave concerns about the nomination of Betsy DeVos as Secretary of Education. As a parent of a special needs child, it would not be an understatement to say that I was horrified at Ms. DeVos’ answers to the questions about the Individuals with Disabilities Education Act during her recent hearing. The one thing we rely on the Department of Education to do is to vigorously enforce and uphold the landmark civil rights laws that protect students with special needs. Our children will fall through the cracks. It is extremely difficult to navigate the system and make sure your child gets the support he or she needs. It’s been 20 years and I still don’t completely understand all of the nuances of the IDEA laws. For someone to be appointed to the highest office in the land in charge of upholding those laws and not be aware of them, is unacceptable. It’s too big of a learning curve. Surely there are more qualified candidates.

Last Congress, we came together to rewrite the No Child Left Behind Act. We passed the Every Student Succeeds Act on a strong bipartisan vote—85 to 12.

‘We moved toward giving States and school districts more flexibility in designing their accountability systems, especially regarding how they identify and intervene in schools that are struggling to serve their students as well. We strengthened transparency, including accountability, about resource equity. We agreed to maintain greater transparency about regrading to serve their students as well.

We do not want a system of elementary and secondary education where students, especially regarding how they identify and sign their accountability systems, that have pulled this country forward over generations; indeed, generation after generation. With that understanding, we have just, in fact, on a bipartisan basis, provided more flexibility and more discretion to the Department of Education. We need a Secretary who will take that discretion and flexibility in the spirit of public education with a fundamental and primary commitment to American public education, with a desire to see American public education succeed, not fail.

We need that type of Secretary. Unfortunately, Mrs. DeVos is not that type of Secretary.

So I urge my colleagues to heed the call of all of our constituents in an unprecedented outpouring of messages and phone calls and text messages and rallies, and join me in voting no against this nomination.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, we gather on the floor of the Senate at an unusually early hour. In fact, the Senate has been in session all night. The question before us is the nomination of Betsy DeVos to be Secretary of Education. It is possibly the most controversial nomination made by our new President Trump.

This is an office which doesn’t usually attract this kind of controversy. Former Secretaries of Education have included Arne Duncan, who ran the Chicago Public Schools system. He was the first to be appointed in the first term of President Obama. Senator LAMAR ALEXANDER of Tennessee—who is the Ranking Member—has a daughter who I have served with—before his service in the Senate, was also the Secretary of Education.

The choice is usually one that is bipartisan and largely supported by not only teachers but parents and administrators and education officials from across the United States. In this case, though, we have in Betsy DeVos of Michigan a person described as a crack—Donald Trump said Saturday. I spoke to the Illinois Education Association, a group of about 150 teachers who had gathered in Springfield, IL. They have been my friends for many years. Cinda Klickna, who is the President of the organization, and I have a relationship that goes back to the days when she was a classroom teacher—she now has risen through the ranks and heads up one of the major teachers organizations in our State.

Cinda is a true teacher at heart and really cares for students, cares for schools. She has devoted her life to it. She brought together 150 of her best teachers from around the State, preparing them to become more active politicians in our State.

Naturally, they were tuned into this nomination of Betsy DeVos. They have a lot on their minds these days with the selection of the new President. Nearly all of them have written me, sent me an email, or contacted me personally opposing the nomination of Betsy DeVos.

I have not met Betsy DeVos. We tried to set up our schedules so I could, but it didn’t work. I take as much blame as anybody for that. I think I have studied her background. I have paid close attention to what she has said since she has been nominated and tried to understand where she comes from.

It is true that she is a person of wealth. The Prince family, which she was born into, is well known in the Midwest and in Michigan for its success in the automotive industry and many other endeavors. Then, she married into the DeVeoses of Amway, another legendary business, where she has been able to accumulate some money.

There is nothing wrong with that in America. In fact, many people aspire to it and reach that goal and are admired for reaching it. It doesn’t disqualify her for anything in life as far as I am concerned, but it does not necessarily qualify her for certain things in life.

It is not clear to me from her record, with the choices she’s made, whether she is the partner who is committed to strengthening public schools. Mrs. DeVos is not that partner. Her life’s work has been to divert taxpayer dollars to fund alternatives to public schools.

Some on the other side of the aisle have argued that private school vouchers are no different from Pell grants or GI Bill benefits. This claim is another one of those alternative facts that the new administration is so fond of.

Public elementary and secondary education is enshrined in our States’ constitutions. Attendance is compulsory. Public schools do not charge tuition, and they must accept all students. Pell grants and GI Bill benefits support postsecondary education, which is voluntary. Schools do not have to accept all students required to attend. Individuals must pay to go to college.

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We do not want a system of elementary and secondary education where school administrators must pay and schools can choose which students they serve. That is not the universal system of public education that has made our Nation great.

Our constituents understand that, which is why we have seen the public outcry against this nomination. And with this public outcry, they reaffirm our commitment to public education, recognizing that it has been the force that has pulled this country forward over generations; indeed, generation after generation. With that understanding, we have just, in fact, on a bipartisan basis, provided more flexibility and more discretion to the Department of Education. We need a Secretary who will take that discretion and flexibility in the spirit of public education with a fundamental and primary commitment to American public education, with a desire to see American public education succeed, not fail.

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job in public education. Neither she nor her children have attended public school. That is not a disqualification. I attended Catholic schools. My children attended both. She has never been a professor or college president. She has never had anything to do with finance, I understand it. She has never been involved in a loan program—least of all one as large and complex as the Department of Education’s Direct Loan Program.

She signed out a Federal student loan, nor have her children. Admittedly, that is not a requirement to be Secretary of Education, to have had any of these experiences, but had she had even one or two of these, we could point to real-life experiences which would prepare her for this awesome administrative responsibility.

I think these gaps in her life experience are fair to raise when a nominee to be the Nation’s top authority in education has shown a lack of familiarity with even basic educational policy issues, as Ms. DeVos did in her testimony before the Senate HELP Committee.

She could not articulate the differences between proficiency and growth in the context of K–12 accountability. I can tell you that Saturday at the Illinois Education Association meeting, everyone in the room knew those terms well. They knew the central role they had played in the national debate on education since the election of President George W. Bush and the creation of No Child Left Behind.

Ms. DeVos also said in her testimony that States should be able to decide whether to enforce the Individuals with Disabilities Education Act. She apparently didn’t know that IDEA is already a Federal law and has been for more than 40 years. As a nominee, Ms. DeVos did not do her homework.

Is that the person we want as Secretary of Education? The experience Ms. DeVos has is limited to using her considerable wealth in favor of an agenda for so-called school choice. Ms. DeVos has spent years supporting school vouchers, which funnel taxpayers’ money from public schools into private schools.

I am familiar with that model, as it was implemented here in the District of Columbia years ago. It actually started with an amendment in the Appropriations Committee by a friend of mine. Mike DeWine was the Senator from Ohio and offered an amendment to create a voucher program in the District of Columbia. It was a surprise because a markup of the Senate Appropriations Committee is not usually the place you tackle something of that moment, but he offered it, and I offered some amendments. The notion behind it was that the District of Columbia would provide vouchers for the parents of children so they could choose the schools for the kids. They wouldn’t be forced to attend public schools. They might not attend charter schools. They might choose instead to use their voucher to send their kids to a private school.

I offered three amendments that day in the Appropriations Committee. The fate of those amendments told a pretty graphic story about the voucher program in the District of Columbia, and it also reflects on the candidacy of Betsy DeVos to be Secretary of Education.

The three amendments were. No. 1, that the teachers in the voucher schools had to have college degrees. That to me did not sound like a radical idea. Most of us assume that if you are going to teach in a school, you have a college diploma. It turns out my requirement was rejected with the DC voucher program that day when it was offered. The argument was made they needed more flexibility in terms of who would teach in these schools. That was worrying.

The second amendment I offered said that the schools themselves, the students, had to take the same test achievement test—as students in public schools in DC so we could measure against that voucher program was also rejected. They wanted to have the right in the so-called voucher schools to have their own set of tests that they would approve, not necessarily the same test as the kids in public school would. That amendment failed.

The third amendment I was sure would pass, but it failed as well. The third amendment said the actual school buildings used for DC voucher schools had to pass the fire safety code requirements of the District of Columbia, and that was defeated too.

I voted against the DC voucher program for those reasons. I couldn’t understand how you could push for a voucher program not guaranteeing that the teachers had diplomas from colleges, that they had schools in safe buildings, and that the students would be tested against the same public school test that DC Public School students faced. That raised questions in my mind about the true intent and motive of those who were pushing voucher schools. Ms. DeVos, in Michigan, has been a proponent of voucher schools. She has pushed the expansion of charter schools and used her extraordinary wealth to insulate them from common sense oversight and accountability in her State.

Even as the schools failed to deliver on the promises made to children of parents, Ms. DeVos continued to protect them from the same accountability standards as public schools. In 2015, a Federal review found “an unreasonable percentage of charter schools on the list of Michigan’s lowest performing schools.

Today, for-profit companies operate almost 80 percent of charters in Michigan, more than any other State, and are underperforming compared to public school counterparts.

Let me be clear. I believe some charter schools can be effective. I have visited so many schools in my State, public schools, Catholic schools, charter schools, every imaginable school. I have supported high-performing successful charter programs.

I think about the KIPP program here in the District of Columbia, in Chicago, and other places, consistently producing some of the highest results, the best results, and the highest standards for students. Is there a lesson to be learned from the KIPP model for all schools? Of course there is. You have to believe it.

But on average, charter schools don’t perform any better than public schools—on average. To say that this is a model that we should embrace regardless is unfair to students. If we are going to exalt performance and results, let’s do it in an honest fashion.

These schools that receive Federal and State taxpayer funding should be held accountable, as all schools. Ms. DeVos doesn’t agree. Senator Tim Kaine asked Ms. DeVos at her confirmation hearing if she agreed with equal accountability for any K–12 school that receives taxpayer funding, whether that school is public, charter, or private. She refused to agree and said at one point even said “no”.

Ms. DeVos also seems unwilling to acknowledge that many private and charter schools are not equipped to support students with disabilities and other special needs in the way the public schools are. If these students, along with many low-income and minority students, would certainly be left behind in Ms. DeVos’s ideal education world.

Last year, and the Presiding Officer was a major part of this decision—Congress did what seemed unimaginable. We came together and passed the Every Student Succeeds Act, or ESSA. ESSA makes important improvements to our elementary and secondary education system. It requires States to set academic standards, measure student achievement, and develop accountability plans for all schools receiving Federal money.

Giving Illinois parents, teachers, and principals a replacement to No Child Left Behind was a great bipartisan achievement. I do want to call out in a favorable way, my colleague, the Presiding Officer, Senator Alexander of Tennessee, and my colleague Senator Murray of the State of Washington. They did a great job.

While ESSA provides more authority to States and local school districts, it also included important Federal guardrails to ensure key civil rights protections and hold States and school districts accountable. Federal rules to carry out that important Federal task are now in doubt and in jeopardy.

I don’t have confidence that, as Secretary, Ms. DeVos will appropriately carry out the Federal Government’s responsibilities under the law to ensure that all students—regardless of income, race, gender, or disability—are achieving.
For me, it all boils down to this. I do not believe Betsy DeVos will keep the promise we made more than 50 years ago when Lyndon Johnson signed into law the Elementary and Secondary Education Act, which guaranteed in the United States of America a free and equal quality public education to every child.

I am not going to give up on that promise, which really is a bedrock principle of America. There is more work to be done, but I believe we can improve America’s public schools.

Let me also say that I couldn’t disagree more with what Ms. DeVos has said about guns in schools.

My colleague Senator Chris Murphy represents the State of Connecticut. Both he and Senator Blumenthal have told us many times, in heartbreaking and graphic detail, what happened that day at Sandy Hook Elementary—what they went through just as observers—what they saw in the eyes of the parents who came to realize that their children had been killed—brutally killed in the classroom at that elementary school. I have had the responsibility to meet with the parents of those kids, and to try to make some sense out of a tragedy which is just nonsensical.

Ms. DeVos was asked by Senator Murphy about guns in schools. Ms. DeVos said she would not commit to opposing efforts to repeal Federal law that keeps guns out of schools.

I went on with a hard-to-explain explanation about grizzly bears and why schools may need guns to ward off grizzly bears. That kind of statement is reckless and dangerous. We should expect more of someone who wants to be our Nation’s top education authority.

I am also concerned when it comes to higher education policy. Betsy DeVos has a tendency of siding with corporate and for-profit interests over students when it comes to education. Take for-profit colleges as an example. Despite years of fraud and abuse by for-profit colleges, the extent of which is unprecedented, Ms. DeVos does not see the connection between the business model of for-profit colleges and these abuses.

When she was asked by Senator Murray if she believes different types of corporate-controlled structures result in different decisions and behaviors by for-profit colleges compared to nonprofits, Ms. DeVos simply answered: “No.”

Even for-profit industry insiders have acknowledged that the business model indeed encourages abuse. In a 2015 interview with Deseret News, John Murphy, the founder of the University of Phoenix, admitted that the company experienced a shift in priorities that led to diminished student outcomes when it became a publicly traded company. He says the new focus became increasing the schools’ profits at any cost, including “lowering its admission standards,” and “jettisoning the academic model” it had previously relied on. Other companies soon followed the University of Phoenix’s corporate example. As John Murphy said, “Phoenix was the one that got it rolling, then all the other for-profits followed them in.”

What resulted was an entire industry built on defrauding students and fleecing taxpayers. For-profit colleges and universities in America today are the most heavily subsidized private for-profit businesses in our country. These are not colleges. These are crony capitalist ventures that have found a way to tap into the Federal Treasury at the expense not only of taxpayers but of unwitting students and their families. Nearly every major for-profit college has been investigated or sued by one or more State or Federal agency for unfair, deceptive, and abusive practices.

The numbers tell the story, and I have told them many times. Some 10 percent of college students go for-profit, and 20 percent of all the Federal education aid goes to the same schools. That is 10 percent of the students and 20 percent of the Federal aid. The schools are extraordinarily expensive. And 40 percent of all the Federal dollars in America are students from for-profit colleges and universities.

Corinthian may be one of the worst and well-known examples, though it’s not unique. Corinthian, a for-profit college, falsified and inflated job placement rates to entice more students to sign up for their worthless programs. One of the tricks they used was to pay employers to hire their graduates for a couple of months so they could count them as successfully off to work after they graduated. It was a fraud, and they were caught red-handed. The company’s predatory practices, once exposed, led to its bankruptcy. But tens of thousands of students were left with huge amounts of student debt and a worthless education.

Shame on us in the United States of America for the Department of Education’s giving the green light to these schools to do business in America and to defraud these students, their families, and, ultimately, the taxpayers.

This embarrassing episode at Corinthian led the Department of Education to create an interagency task force to coordinate Federal oversight efforts of for-profit postsecondary enforcers. She created a new enforcement unit within the Department to investigate allegations against schools participating in the Federal title IV program. Unfortunately, at her hearing, Ms. DeVos would not commit to maintaining this important office, signaling she is ready to take the cops off the beat at the Department when it comes to for-profit colleges and universities. I am afraid that is consistent with what she has done in Michigan, where she leans toward the for-profit model of the same company of these for-profit schools in her State are worthless. For-profit colleges, the most heavily subsidized private entities in America already, have friends in high places in Washington.

We know what happened to their stock prices over the years, as students and families realized how terrible they were and stopped attending them. Enrollment went down in the schools. Guess what happened the day after President Trump was elected? The stocks of for-profit colleges and universities started to rise again. They saw new opportunities. They were other words, if the Department of Education that would stop enforcing the law to stop the fraud that they have been guilty of.

At her hearing Ms. DeVos gave us no hope for any different outcome. We know from recent data released by the Obama Department of Education that many for-profit colleges actually receive nearly 100 percent of their revenue from Federal taxpayers in the form of title IV funds, Department of Defense tuition assistance, and Department of Veterans Affairs money. I don’t know how a good business-oriented Republican could overlook the fact that these so-called for-profit schools are thinly veneered operations, gleaning every available Federal tax dollar to keep their programs. Annually, they take in nearly $25 billion in title IV Federal funds alone.

The Department has a responsibility to ensure that taxpayer funding isn’t wasted by enriching investors and executives at the expense of students and taxpayers. Proactive oversight and enforcement is one thing, but when fraud and abuse do occur, Ms. DeVos would not even commit to make it right by the students harmed. She refused to say that she would ensure defrauded students received the Federal student loan discharges to which they are entitled under the law.

Maybe this shouldn’t surprise us. For one, Ms. DeVos’s would-be boss, the President of the United States, Donald Trump, operated his own for-profit college that defrauded students. And as it turns out, Ms. DeVos, a billionaire, has financial connections to the for-profit college industry. She has disclosed investments with several entities linked to for-profit colleges, including Apollo Investment Corporation, which is connected to one of the organizations that
just bought the University of Phoenix. Apollo invests in another for-profit college chain that has several programs that are in danger of losing Federal funding because of the gainful employment rule. These colleges also happen to be accredited by the Accrediting Commission of Independent Colleges and Schools, or ACICS, which put its stamp of approval on the likes of Corinthian, ITT Tech, and the notorious Westwood College. Last year, the Obama Education Department revoked ACICS’ Federal recognition, and the accredits is now actively suing the Department over this decision. Now Ms. DeVos wants to take over the Department, and she is supposed to defend against the lawsuit when she has a financial interest in the schools that are involved.

For-profit colleges aren’t the only ones who may be given free rein to prey on students under a Secretary DeVos. The private student loan industry is also lancing its chops. A recent Chicago Tribune article entitled “Student Loan Lenders May See Opportunities with Trump in The White House” told the story. It noted that, since the election, stocks of major private student loan issuers have also gone up. The article quotes a report by financial analyst Bob Napoli that says: “There could be substantial growth potential in the student lending business as we believe the Trump administration is likely to reduce government involvement in the student lending business.”

What is government involvement in the student lending business? Well, it is an attempt to have oversight so that students and their parents aren’t exploited by student loans. The fear is that with Secretary DeVos, that oversight would disappear. This government involvement in student lending, which Napoli speaks about, also includes Department of Education direct loans, which help millions of low-income college students attend college each year with lower interest rates for loans. These loans have fixed interest rates, strong consumer protection, and flexible repayment. In addition to loans, Federal Pell grants provide much needed financial support to thousands of low-income students across the country—financial support they don’t have to repay.

On the other hand, private student loans often have variable interest rates that can easily exceed 20 percent, origination fees, few consumer protections, and no alternative repayment option. Unlike nearly all other private debt, private student loans are not dischargeable in bankruptcy. That is a debt they will take to the grave. A greater role for private student lenders, without strong new protections and oversight by critical agencies like the Consumer Financial Protection Bureau, would be a “sentence to debt” for many college students across our country.

I have deep concerns about Ms. DeVos’s ability to hold this job as Secretary of Education. This morning or perhaps early this afternoon, we may see history made on the floor of the Senate. It is quite possible that the only way Betsy DeVos can become Secretary of Education is if the Vice President of the United States will come to the floor of the Senate and cast the tie-breaking vote so that she can become a member of President Trump’s Cabinet. I understand from news reports that this will be the first time in history that someone has had to rely on the Vice President’s vote to become a part of a President’s Cabinet. Doesn’t it say a lot about the controversy surrounding Ms. DeVos that it has reached this point, that she has to pull all the stops—literally, all the stops—to become part of the Cabinet?

She was asked at one point—I believe by Senator SANDERS of Vermont—how much money she had actually contributed to the Republican Party over the years. Was it $1 million? She said she just didn’t know. Well, it is not against the law to contribute money under most circumstances. It shouldn’t be held against people because many folks who receive political appointments to any branch of the Government who makes the appointments. That is not unusual. It has happened with both political parties, but it is seldom a person with such a thin resume—and such a big wallet—who is given such an important job. This goes too far. For Ms. DeVos to be the Ambassador to Aruba, or wherever she might be, that is a good political reward. To be placed in charge of the public education system of the United States of America, I think, is a step too far.

I have deep concerns about Ms. DeVos’s ability to hold this job and her commitment to public education and the students from low-in comes and the students in interest that seek to exploit them. Like tens of thousands of Illinois parents, teachers, and principals who call my office—as well as national education civil rights organizations—I oppose Betsy DeVos’s nomination as Secretary of Education.

Two of my Republican colleagues have shown extraordinary courage in announcing their opposition to Ms. DeVos. I want to salute Senator LISA MURKOWSKI of Alaska and Senator SUSAN COLLINS of Maine. I am sure it wasn’t easy for them to come out publicly against Ms. DeVos. That means right now that there are 50 “no” votes and 50 “yes” votes, by rough calculation. We need, at this moment in time, one more Republican to stand up and do what is right for America’s children and America’s students.

Who will it be? Who will join these two women from Alaska and Maine and the Democrats in saying to President Trump: We can do better. To my Republican colleagues, I say: Parents, students, teachers in your States are counting on you to stop this dangerous nomination. Please don’t let them down.

I would also like to note some excerpts from mail I have received about Ms. DeVos’s nomination from my home State of Illinois. Hannah is a graduate student at the University of Illinois in a K-12 librarian program. She writes:

I am a student who benefitted from IDEA. . . . Without this Federal protection it is unlikely I would be here now. Without IDEA [Betsy DeVos] does not share the American value of equal and free education. Confirming her is dangerous and reckless. The children who need help the most will not be helped.

Barbara, mother of two Chicago public high school students writes:

Please do not support Betsy DeVos for Education Secretary. She knows nothing about public education. We need strong support for public education.

Hanan, a certified and licensed speech language pathologist writes:

As . . . a Mother with three children who received therapy while two current students, I beg you to vote no on Betsy DeVos. I am afraid of what will become of my children, as well as my students if therapy services are not provided through the special education system. Many of my student families cannot afford private therapy. They rely on getting their therapy through the school they attend.

Michelle, a teacher from Chicago writes:

As an educator myself, I believe Betsy DeVos is unfit to serve as Secretary of Education. Our schools and our children need a leader who supports public education, is qualified and experienced, and does not have conflicts of interest.

Katie, a school counselor from Chicago writes:

I fear the impact [Betsy DeVos] will have on the lives of our students. My greatest concern is her lack of understanding of education in the U.S. For myself and my colleagues, many of the questions she was asked during the hearing were topics we share a variety of opinions and could talk about at length. The fact that she answered very few questions, did not know what IDEA is and did not appear to understand the concerns of having guns in schools does not qualify her to be in this position.

Alejandra, middle schooler from Bellwood, IL. She writes:

I do not believe that Mrs. DeVos is a suitable choice for the position of Secretary of Education for the United States. One of the many reasons for this is because she lacks experience. Another reason . . . is because she has no plans and the few plans that she does [have] may result in harm to the public school system. I believe that Mrs. DeVos does not understand how public schools function and I also believe that she should be replaced with someone with more knowledge and understanding on this subject. Mrs. DeVos does not understand that public schools have the same impact on students as private schools and should be treated fairly. This affects my community because many cannot afford to send their children to public schools are their only option. If Mrs. DeVos were to become Secretary of Education she would most likely harm the public school system and leave many students without an education.

From Loves Park, IL, Lisa writes:

While my own child attended Catholic school, I am opposed to vouchers. I do not complain about paying education taxes. It is unfair and my husband and I would not send my child to a private school. It was our choice. But as my immigrant grandmother
often said, one of the things that makes America great is education for all regardless of social class. I want every person as well educated as they can be in grades K-12. For goodness sake, vote No [on DeVos].

Travis, a principal from Southern Illinois writes:

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. We must have a leader who has the knowledge and commitment to our children's education, and public education. Mr. DeVos has no experience in public education and his investments in charter schools give him a conflict of interest. Without a solid education, there is little chance for many of these children to lift themselves out of their socioeconomic situation.

I strongly believe a voucher program would further this education gap by taking money away from schools that need it the most. Without a solid education, there is little chance for many of those children to lift themselves out of their socioeconomic situation. I support the well-being of these children and give them a better chance to be productive citizens of Illinois. Please cast your vote against Betsy DeVos for Secretary of Education.

I have a message from Daniel from the Ukrainian Village; Michelle from Bolingbrook; Kristi, a mother of two from the Rogers Park area of Chicago; Crystal from the city of Pekin; and Kristin from Naperville, IL.

Daniel from the Ukrainian Village area of Chicago:

As the proud uncle of a wonderful autistic child who is being educated in the public schools, I cannot support someone so [un]qualified to be our educator in chief. Further, as you well know, DeVos has a long and documented record of lassily supporting causes that are antithetical to the values I—and so many other Americans—hold dear. I hope that you will vote “no” on this important nominee.

Michelle from Bolingbrook:

I have [worked] in Special Education for the past 15 years and it is frightening to the future of all children. This isn’t about politics; but about the lack of qualifications that she brings to this position.

Kristi, the mother of two from the Rogers Park area of Chicago:

I feel very strong in the separation of church and state and [Betsy DeVos] does not. She wants to “advance God’s kingdom” through school reform.

Crystal from Pekin:

I am a special educator in central Illinois. I teach a very special population of students with severe and profound disabilities in an inclusion classroom. I am an advocate for my students. I urge you to reject the nomination for Betsy DeVos. She is not qualified to make decisions that will affect teachers and students in rural public schools across Illinois.

Kristin from Naperville:

DeVos’ skill set is commandeering public funding for private education. She was a key player in shaping the Michigan charter school system, which is severely lacking in oversight, demanding little accountability for how tax dollars are spent or how well students are educated. I don’t want to see the same thing happen to our public schools.

I ask unanimous consent that this several-page document, which includes a list of letters of opposition to the nomination of Betsy DeVos, be printed in the RECORD. There are some 322 letters in opposition. To spare the Government Publishing Office, I will not have the entire document of these letters printed. Instead, it is a voluminous list of opposition to Betsy DeVos. There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF OPPOSITION TO THE NOMINATION OF BETSY DEVOS FOR SECRETARY OF EDUCATION

Includes:

National Women’s Law Center; People for the American Way; National Council of Jewish Women; NAACP Legal Defense and Educational Fund, Inc.; National Education Association; Americans United for Separation of Church and State; The Leadership Conference; Legal Aid At Work; YouthCare; American Federation of State County and Municipal Employees; OCA—Asian Pacific American Advocates; National Urban League; HRC; Fellowship of Reconciliation; Foundation; Tri-Caucus; NASSP; YouthCare; Outright Vermont; National Organization of Women; American Federation of Teachers; American Federation of State, County, and Municipal Employees; CLASP; Council of Parent Attorneys and Advocates (COPAA); Council of District of Columbia, Chair of Committee on Education; American Association of People with Disabilities; Autistic Self Advocacy Network; Center for Public Representation; Children’s Mental Health Network; District of Education and Defense Fund; Education Law Center-PA; Judge David L. Bazelon Center for Mental Health Law.

Juvenile Law Center; National Council on Independent Living; Pennsylvania ASE; Philadelphia HUNE, Inc.; Public Interest Law Center; Southern Poverty Law Center; The Arc of Philadelphia; Transition; Disability Rights Education & Defense Fund; Education Trust; Alliance of the American Civil Rights Project; American Federation for Democratic Action (ADA); Americans for Financial Reform; Center for American Progress; Citizens for Effective Schools; Coalition House on Wellbeing-300; Young Families; Easereads; Educators Rising; Equality Federation; Generation Progress; Hawaii Elementary and Middle School Administrators; National Education Association; Higher Ed, Not Debt; Indiana Association of School Principals; Kappa Delta Pi; Kentucky Association of Elementary School Principals’ Knowledge; Know Your Rights; Latin American Citizens; Maryellen Armour, LICSW; Massachusetts Elementary School Principals’ Association; Minnesota Elementary School Principals’ Association; National Association of Black School Educators; National Association of Elementary School Principals; National Association of Secondary School Principals; National Council of Teachers of English; National PTA; Nebraska Association of Elementary School Principals/NCSA; Oasis with a Center; Ohio Association of Elementary School Administrators; Oklahoma Association of Elementary School Principals/CCOSA; PolicyLink; Rhode Island Association of Elementary School Principals; Sacramento LGBT Community Center; School Administrators Association of New York State; Secular Coalition for America; South Dakota Association of Elementary School Principals; TASH; Teach Plus; TESOL International Association; Texas Elementary Principals &
Supervisors Association; The American Federation of State, County, and Municipal Organizations; Utah Association of Elementary School Principals; Vermont Principals’ Association; Association for the Education of Young Invaders; and Professors across the country; LCCR; The Leadership Conference on Civil and Human Rights; The Advocacy Institute, African American Leadership Network (AALN); Our Children’s National Network; American Association of University Women (AAUW); American Federation of Teachers; Therapy Association; The American Federation of State, County and Municipal Employees (AFSCME); American Friends Service Committee; Religious Professional Organizations; Asian Pacific American Labor Alliance, AFL-CIO (APALA); Black Women’s Blueprint; The Center for Civil Rights Remedies at UCLA’s Civil Rights Project; Center for Law and Education; Center for Law and Social Policy (CLASP); CenterLink: The Community of LGBT Centers.

Mr. DURBIN. I also want to direct my colleagues—I see my colleague on the floor from Connecticut, and I want to yield to him—to a New York Times article, which was published on June 28, 2016, entitled “A Sea of Charter Schools in Detroit Leaves Students Adrift,” by Kate Zernike.

Let me close by saying, this is rare. It is rare that we have a nomination for the position of Secretary of Education which has drawn such controversy. There were many things that Ms. DeVos could have been given as a reward for her loyal support of Republicans and all of the things she has done in her life, but to be entrusted with the responsibility of running America’s public education system at this critical moment in our history certainly is not one of them, as far as I am concerned.

We should have taken the time and the President should have taken the time to find a person who had the resume, the qualifications, and the expertise in education policy for this important responsibility. We owe our children nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DURBIN. Mr. President, I am honored to follow my great colleague and a champion of education and consumer rights, Senator Durbin of Illinois, and to address this body and, most particularly, the Presiding Officer, who has contributed so much to the Congress and to the country. We know, better than anyone, how important the Federal commitment to quality education is—not just a C or D education but excellence in education.

The American people deserve a Secretary of Education who embodies and exemplifies that commitment to excellence. Unfortunately, the nominee before us, Betsy DeVos, falls on every
count to meet that standard. So I am here today to voice my continuing concern about this nomination, which is antithetical to the very mission of the Department she has been selected to lead.

She is unquestionably unqualified, unknowable, unprepared for this job. She is unfit to run the Department of Education. As hard and as unkind as that verdict sounds, we have an obligation to speak truth here and speak that truth to power, even when it is the President of the United States, even when it is a job as critically important as Secretary of Education—especially when it is as important as this job.

She is wealthy. She is a billionaire. She has committed her career to pushing for private school vouchers and unregulated charter schools. Having reviewed her full record, including her confirmation hearing and her responses and lack of responses to followup questions that my colleagues sent to her, I respect my colleagues: We should not approve this person.

She has committed her career to pushing for private school vouchers and unregulated charter schools, not to the public education our students deserve. The Secretary of Education will face a myriad of challenging and constantly evolving problems that will demand a high level of leadership and guidance, from soaring student debt to faltering school and student achievement scores across the country, to the pervasive school violence and bullying that threatens so many of our students, to unscrupulous for-profit schools, profiteering off students and veterans.

Clearly, the problems and others, require a Secretary who will not just rubberstamp or approve the policies of special interests or delegate systematic problems to private schools.

The Secretary of Education is responsible for overseeing a budget of Federal spending over $36 billion—that is K–12 education funding—and $150 billion in higher education funding each year. In addition, there is a portfolio of more than $1.2 trillion in outstanding Federal loans. That is the largest consumer debt in this country other than mortgage loans.

The leader of this Department is responsible for determining policies that affect every child in public schools. She is responsible, if she is confirmed, for enforcing key protections under a number of civil rights laws designed to ensure every child access to education. This job requires a singular level of intellect and energy, preparation, devotion to the welfare of students, parents, and, yes, educators and teachers. Our educators and teachers are the real heroes of our educational system. Our public schoolteachers are second to none in the world for their commitment to opening businesses, creating none in the world for their commitment to opening businesses, creating educational dreams, and enabling students to achieve those dreams, and those dreams will be in peril if Betsy DeVos is our Secretary of Education because she has demonstrated her disrespect for the enterprise of public education.

From implementing the Every Student Succeeds Act, improving education quality, protecting Pell Grant programs, forgiving student debt in higher education, to policing the epidemic of campus sexual assault and protecting students' civil rights at schools across the country, clearly our Nation's chief education executive needs to be immensely qualified—not just qualified, but unchallengeably prepared and well versed in these complicated issues.

The fact is, Mrs. DeVos has no relevant experience as a teacher or as a leader of a public school. She has said that neither she nor her children have ever received a student loan or a Pell grant. She has no direct experience with our public education system that would enable her to lead it.

In addition to her lack of knowledge of high school and elementary school, she has demonstrated a profound animosity, an antipathy to them. She has spent her career systematically privatizing and dismantling public schools instead of working to build them up.

For decades, Mrs. DeVos spent millions of her fortune advocating for the diversion of public money to unacceptable private schools and unaccountable private schools, especially in her home State of Michigan. She helped to craft the shoddy law that would enable her to design an ineffective charter school system with little accountability for results in Detroit. However, the systems that she helped to design and promote actually siphoned money from Michigan’s already underfunded public school system and caused achievement rates there to drastically plummet.

Despite her rhetoric, school privatization schemes are plagued with severe problems. They often strip students of the same protections and families of their rights under the Individuals with Disabilities Education Act. This point underscores a fundamental theme for Mrs. DeVos’s record, indicating how she would pose a threat—in fact, an unprecedented danger to students’ civil rights across the board.

When asked during her confirmation hearing about the IDEA, Mrs. DeVos admitted that she was “confused” and thought that States were best positioned to enforce it. That answer exposed not only her lack of knowledge but her lack of caring. Someone who cares about students with disabilities would have known that this landmark education law depends on Federal enforcement for its effect, and someone as qualified as Secretary would be the one to do that enforcement.

Before the passage of the 1975 law that later became the IDEA, when decisions about students with disabilities were left to the States, only one in five students with disabilities received an education. Does she believe that we ought to go back to a time when States were able to openly discriminate against students with disabilities, that States should be again delegated that responsibility, which they failed to enforce effectively?

Whatever her answer, clearly her blatanly false record for those students with disabilities and already underfunded disability programs.

Mrs. DeVos also threatens students’ rights and campus safety under title IX, including rights that are designed to protect students on college campuses from sexual assault and other violence. This issue has concerned me. I have held roundtables around the State of Connecticut and have submitted a measure of legislation that would help address this problem at the college level. But Mrs. DeVos has advocated for legislation that would actually increase the difficulty for victims of sexual assault to receive support.

During her hearing, Mrs. DeVos told Senator Casey, my colleague, that she could not support the Obama administration’s title IX guidance that requires schools to have procedures in place to investigate and address instances of campus sexual assault or risk losing Federal funding. Title IX currently remains on the core of the Federal responsibility to protect students against sexual assault. We can agree or disagree on the detail, but this blatant disregard for title IX responsibilities goes to the essence of her commitment to education in this Nation and to protecting students against the scourge of sexual assault, which we know is all too pervasive still on many of our campuses.

Even worse, according to tax records, Mrs. DeVos has spent millions of dollars funding ultrconservative organizations that promote anti-choice, anti-Muslim, and anti-LGBT policies like conversion therapy. I never would have thought that I would be on the floor of the Senate considering a candidate who supported anti-LGBT policies or anti-choice or anti-Muslim policies. They don’t belong in our schools. They certainly should not be supported by our Nation’s Secretary of Education.

On the issue of for-profit education, again, it is a source of great concern because it has given rise to so many abusive tactics directed often against our veterans. During her Senate hearing, Mrs. DeVos did little to allay my concerns about her record as a school choice advocate considering a candidate who supported anti-LGBT policies or anti-choice or anti-Muslim polices. They don’t belong in our schools. They certainly should not be supported by our Nation’s Secretary of Education.

We know there are for-profit schools and colleges that do great work. They contribute vitally, but unfortunately, for-profits also have been plagued by abuses that need to be fought and overcome.

Mrs. DeVos successfully lobbied to expand even failing schools in Michigan and to protect those for-profits that have been a scourge. The record of enabling for-profits and her own self-dealing in a for-profit preschool herself does not bode well—that
is an understatement—for the hundreds of thousands of students who have been neglected, deceived, and scammed in recent years by predatory for-profit college institutions like Corinthian Colleges and ITT Tech. They left in their wake, when they collapsed and failed, a trail of suffering, a myriad of tragic stories, tragedies not just for the loss of money but for the loss of future opportunities, and that is far from the kind of record that we want replicated under our next Secretary of Education.

In her hearing, Senator Murphy asked Mrs. DeVos about 17 specific bad actor for-profit higher education institutions, including Corinthian and ITT. They have been accused of using exotic dancers to recruit students, falsifying job placement rates, or stealing Federal financial aid. Mrs. DeVos would not confirm whether she believes that those practices and misuse of taxpayer funds at any of those 17 schools are, in fact, unacceptable. She simply would not respond definitively to that question.

The Secretary of Education is responsible for policies that could either lift or exacerbate the crushing burden of student debt at those for-profit schools. One who could alleviate that burden, yet she refused to commit to protecting any current student loan repayment options or benefits or even helping severely disabled borrowers receive loan discharges that they qualify for.

She refused to commit to protecting the Pell grant, the Public Service Loan Forgiveness Program, or maintaining the existing transparency information on the college scorecard or Federal student aid data center.

Mrs. DeVos refused to commit to keep private banks out of the student loan system or ensure that taxpayers are not subsidizing for-profit education, just as taxpayers have for decades at universities.

Mrs. DeVos refused to commit to protecting the safe environment, the education system. She spent years in a classroom, teaching special education for kindergartners and middle-schoolers. By the time she became a principal of Sandy Hook, she knew exactly what elementary schools should be—a happy place for kids where they could learn and grow in a safe environment.

She refused to support a nominee who fails to agree that predatory practices, exploitation of taxpayers, and deception of students have no place in our education system.

While Mrs. DeVos evaded questions about bringing accountability to schools, she also refused to commit to keeping guns out of schools. When asked by my colleague Chris Murphy whether guns have any place in or around schools, Mrs. DeVos gave the following reply: "I would imagine that there is probably a gun in the schools to protect from potential grizzlies."

That statement has given a lot of amusement to a lot of people around the country, but it deals with such an intensely serious subject, that it is really no laughing matter. All of us who went through the tragedy and grief experienced by those families and loved ones who lost children in Sandy Hook, CT, recognized the strength and courage of the Newtown community cannot regard with anything but contempt that answer.

When she was further pressured whether she would support a plan from President Trump to ban gun-free school zones, Mrs. DeVos revealed that she would support "whatever the President does."

In some ways, that answer is as repugnant as her remark about grizzlies, saying she would follow whatever the President does, without leading and providing vision and intellectual tools that are necessary for the President to act, is an abdication of responsibility.

These answers are woefully unacceptable.

We recently observed the fourth anniversary of the Sandy Hook Elementary School shooting. We still remember the 20 beautiful children and 6 exceptional educators who were brutally murdered in Newtown.

The day of the Sandy Hook shooting was the most heartbreaking day of all my years in public service. According to Everytown for Gun Safety, there have been at least 210 school shootings since Sandy Hook. Words cannot capture the sense of grief and outrage we must feel in the face of continued gun violence around the country—in our schools, malls, clubs, churches, public venues, and private homes. This scourge of gun violence must be combated, and yet Mrs. DeVos has indicated she is impervious to the emotional force of that tragedy arising from gun violence.

I want to share a passage from a column written by my friend Erica Lafferty Hochsprung, the daughter of Dawn Lafferty Hochsprung. Dawn was the heroic principal of Sandy Hook Elementary School murdered at the massacre that day as she desperately attempted to save her students and staff.

My mom spent her life preparing to take care of students. She earned a degree in education. She spent years in a classroom. She was dedicated to teaching special education for kindergartners and middle-schoolers. She believed that education was the key to realizing a better future for everyone. She knew exactly what elementary schools should be—a happy place for kids where they could learn and grow in a safe environment.

That Mrs. DeVos thinks "bears" when asked about guns in schools proves just how little she has considered the important role Mrs. DeVos refused to say whether she understands that Veterans Affairs is responsible for policies that could either lift or exacerbate the scourge of gun violence seriously. I cannot support Betsy DeVos because she fails to demonstrate basic caring—put aside her lack of knowledge—but a basic caring about the students who may be in danger of gun violence and equally in danger of failing to achieve the American dream.
Her responsibility is beyond being a bureaucrat or a placeholder in a Federal organization chart. She has a public trust, even as a nominee, to show America the importance of public education. Her career is about demeaning and detracting from public schools. Her testimony before the Senate hearing trayed a lack of preparing that would disqualify students in schools from a passing grade.

I have received numerous correspondence, letters, and emails about this nomination. No less than 14,000 letters from teachers, concerned parents, and citizens expressing outrage at the threat that Mrs. DeVos poses to public education, disability rights, and student success. For a small State like Connecticut, 14,000 emails and letters is unprecedented. It is an outpouring, an uproar that is certainly unprecedented in my time in the U.S. Senate and in the memory of staff who work here. These letters come from teachers, students, parents, and everyone affected by public education.

I want to close by saluting them and most especially the teachers and parents who are so committed to their students.

Erin, a third grade teacher from Connecticut, captured this fear in her letter to my office:

I write this to you as a teacher in despair. After a decade and a half of public service as a teacher, I fear that our basic precepts of our obligation to educate ALL children has come into question. I am fearful of what lies ahead for my students if someone like Mrs. DeVos is in charge of our Department of Education. Her lack of experience in public education, her desire to separate and sort our children by their income, academic ability and socioeconomic status, her blatant disregard for students with special needs and our obligations to these students under IDEA—strike panic in the education community.

One of the things I love about being a public school teacher is the challenge and privilege to work with all kinds of students with all kinds of abilities and needs. I have the honor to work in a school that is rooted in the inclusion of all students.

More than 15% of the students in my school are gifted. We are so proud to provide this group with the services that are specialized just for them to meet their academic, social and emotional needs.

You see, our work here is not merely about proficiency, it is indeed about growth. We are tasked to help our children grow to their own individual potential—not just meet a mandated framework of education. Our schools reflect the world as it exists outside our doors. We open them and the world pours in. We offer in. We offer influence. We set expectations. We administer tests and benchmarks and are tied to terms like “proficiency”. Within this academic framework, cultures clash. It’s inevitable. Differences abound. And yet, in this sphere of gaps and spaces, we bridge to one another.

We reach because we have to; there is no option. We see differences and we’ve learned the inherent power in them. We develop minds of course—but we also develop tolerant citizens who can thrive in a multi-cultural and diverse society.

Vouchers and school choice, as Mrs. DeVos champions, run directly counter to these core democratic philosophies.

What is showcased as an opportunity for growth is a thin veil for layered discriminatory practices.

Vouchers decrease the potential of many to the potential of few. Vouchers are a conscious segregation, if not a sibling—and the consideration of DeVos as secretary undermines, with longevity, the very fabric of a United Nation.

I was asked to share personal stories and I can—and I have sent it all in fifteen years: kids who experience unprecedented success and kids who break your heart in two with the devastation from upon you. I can’t ever know who will triumph, it is impossible to know—we can only keep the playing field as fair and accessible as possible to all.

Deborah, a fourth grade teacher from Connecticut, was frustrated with the conflicts of interest surrounding Mrs. DeVos in her letter to my office:

Mrs. DeVos has a very clear conflict of interest on many levels. Financially, she wants to maintain the $5-25 million dollar windfall she received from her investment in Neurocore, a biotech company which deals with attention deficit disorder. Her investment in Windquest Group, which backs Neurocare, is a company focused on research and brain-based program that targets children is clearly a conflict. She has presented a clear history of donating to and investing in companies or organizations that profit from public education.

As a teacher in a Title I public school, it is essential that the Secretary of Education is equipped to deal with the issues we deal with every day. We face issues of poverty, homelessness, underfunded students who count on free or reduced meals and extra food sent home weekly for the weekend. We have students who work two or three jobs to try to pay the bills. If a student is hungry, they are concerned with where their next meal is coming from, not which genre I’m teaching. This is not a business, it’s personal for every student we teach. If students are held to standards which are not realistic, supported, funded, or understood by the federal government then the ability to achieve & thrive as a society will cease to exist.

Finally, Nancy, a 26 year veteran of teaching in Danbury, CT, 2016 Teacher of the Year, shared anecdotes of her experiences teaching special education students. Here is a passage from her letter:

Please do not approve a person who has no experience with public education and has no clear understanding about student need or how students learn. This is an extremely important job. We should not take it lightly and just let anyone take that title. Mrs. DeVos’ plan for our children will disenfranchise the poor, the disabled and quite honestly, every child in America. Her inability or requirement to serve as an antithesis to these core democratic philosophies.

I will finish by saying that I firmly believe we owe our students high standards, just as we demand of them high performance, but that requires of us a commitment that Betsy DeVos has failed to make. Betsy DeVos has failed to make a commitment to invest more resources in public education, to give back and give more to our public schools.

After observing her testimony, I am convinced she lacks that leadership quality to serve as the steward of public education and to hold that trust that our country desperately and urgently needs, not at some point in the future. That commitment is necessary now because every day, every month, every year is a lifetime in a student’s education. So I will vote against her confirmation today, and I encourage my colleagues on both sides of the aisle to do the same.

Thank you, Mr. President. I yield the floor.

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

Mr. VAN HOLLEN. Mr. President, I yield to my colleague, the Senator from Connecticut, for his leadership on public education issues and the fight against gun violence. He has been a voice calling for common-sense measures to address gun violence and to make our schools more safe, and I thank him for all he has done in that regard.

Yesterday I came to this floor to discuss the risk that Betsy DeVos would pose to our public education system for students from kindergarten through 12th grade. With her votes on vouchers for private schools, she has ignored accountability and the unique needs of communities in Maryland and
throughout the Nation. Education is a public trust, and we should not con-tract it out to the highest bidders in various voucher schemes.

In addition to overseeing support for K–12 education, the Secretary of Edu-
cation is responsible for Federal efforts in the area of higher education. So this morning, I would like to talk a little bit about higher education.

We know very little about the position the new President will take in the area of higher education, however, what we do know about his track record is very troubling. Based on the testimony of Ms. DeVos and her re-
sponses to questions for the RECORD, we can have little confidence that she will be a check on President Trump’s worst instincts.

Here is what we know: We know that President Trump’s main foray into continuing education was the now-extinct Trump University. Make no mis-
take about it, Trump University was a scam. It promised students great wealth if they only paid $36,000 to go to a university that is a fake school. And you know what they got,” Senator Rubio asked, “They got a jury verdict that Trump University was a massive scam.”

As Senator Rubio once pointed out not that long ago, “There are people who pay Trump University and they are suing now—$36,000 to go to a university that is a fake school. And you know what they got,” Senator Rubio asked, “They got to take a picture with a cardboard cutout of Mr. Trump.”

Senator Rubio was absolutely right when he made that statement.

First of all, the word “university” in Trump University was totally mis-
leading. Trump University was not an accredited institution, but it did prom-
ise to educate its students in the real estate industry so they could become skilled investors.

An article in the conservative Na-
tional Review entitled “Yes, Trump University Was a Massive Scam” explained that prospective students were offered a free seminar where they would be pressured to purchase a class, where they would be “mentored by hand-picked real estate experts who would use President Trump’s own real estate strategies.”

Of course, Mr. Trump was neither handpicking instructors nor developing class materials, and instructors did not even necessarily have a real estate background. In a deposition, Mr. Trump could not identify a single instruc-
tor at Trump University.

Students were promised access to lenders, improved credit scores, and longterm mentoring. The university did not deliver. According to a former employee, Trump University “preyed upon the elderly and uneducated to separate them from their money.” Em-
ployees were told to rank students based on their liquid assets so they could target them to sell more seminars. They took advantage of people.

Because of its fraudulent practices, Trump University was sued multiple times. In February 2016, Mr. Trump dis-
missed those suits saying: “I could set-
tle it right now for very little money, but I don’t want to do it out of prin-
ciple.”

Right before the class action lawsuit in San Diego was scheduled to be heard by a jury, Mr. Trump settled all the lawsuits for a whopping $25 million, and about 7,000 former students were granted a full or partial refund.

Now, because Trump University was a university in name only and not accredit-
ed, students attending Trump University were not eligible to use Fed-
eral student loans or grants—thank goodness. But there are many accredit-
ed, for-profit colleges and univer-
sities that do take large sums of money from students who obtain Federal stu-
dent loans or Federal grants, and it is the job of the Secretary of Education to make sure that those for-profit col-
leges are good stewards of those tax-
payer dollars and that they are giving their programs good a return.

For example, under President Obama’s leadership, the Department of Education took action against the for-
profit Corinthian College for fraudu-
ently enticing students to enroll by misrepresenting the placement rates. They told students: You enroll in our programs, and we can get you a job. It wasn’t true.

As California’s attorney general, our colleague Senator Harris, pointed out 10 days ago, “Corinthian College was ordered to pay more than $1 billion in damages and restitution from Corinthian College because they tar-
geted vulnerable, low-income popu-
lations, including the homeless. They directed them to predatory lending and failed to deliver an education that could really help them get a job. Their tactics were similar to those of Trump University—callously targeting “pros-
tspects they perceived as having low self-
esteeem,” who were “unable to see and plan for the future, and those who had few people in their lives who cared about them.”

In order to stop these kinds of abuses, the Department of Education, under the Obama administration, put in place something called the gainful employment rule, which requires for-
profit colleges to demonstrate real re-
sults for their students in order to con-
tinue to enroll students who use Fed-
eral student loans and grants. We want to make sure that students enrolling in those programs will not get a shot at success and are not simply being sepa-
rated from their money, including Fed-
eral student loans.

This gainful employment rule is im-
portant for protecting both students and taxpayers. That is why it was alarming that during her hearing, Mrs. DeVos would not commit to enforcing the gainful employment rule.

Our veterans have been among the students who have been most targeted by these abusive practices. Just last week, I received a copy of a letter that was sent to Senators Alexander and Murray and Representatives Fox and Scott from a coalition of veterans or-
ganizations. I have it here. It is a letter from the Paralyzed Veterans of Amer-
ica, the Reserve Officers Association of the United States, the National Mili-
tary Family Association, AMVETS, Blue Star Families, Vietnam Veterans of America, the Wounded Warrior Project, and Student Veterans of America, all opposing any weakening of the gainful employment rule and urging greater, not fewer, consumer protections.

As they note in this letter, a loophole in what is known as the 90–10 law, which caps the amount of funding for-
profit schools can obtain from Federal sources, exempts funds from the De-
partments of Defense and Veterans Af-
fairs. They write: As a result, our Na-
tion’s heroes are targeted with the most deceptive and aggressive recruit-
ing.

The letter quotes Holly Petraeus of the U.S. Consumer Financial Protec-
tion Bureau, who says for-profit colleges are motivated to view veterans and their families as “nothing more than dollar signs in uniform.”

The letter further states that “vet-
ers express anger when they discover that these groups are targeting them. As a ca-
reer education program had a lousy record, but allowed them to waste their time and GI Bill benefits enrolled in it.”

That should make all of us angry. It should make us angry because of the service our veterans have performed for our country. It should make us angry because it is a waste of taxpayer dol-
ars to have these monies spent in in-
itutions that are not providing an education to our veterans or other stu-
dents in the way they advertise.

Yet Mrs. DeVos provided no assur-
ance—none, none—that she would en-
force the gainful employment rule that these veterans groups are calling to be strengthened. She also provided no assur-
ance that she would pursue other pro-
tections to help our students and veter-
ans. In fact, when asked, she point-
edly did not make that commitment.

Taxpayers and students should also be troubled by statements that have been made by the Trump team regard-
ning their plans for the Federal student loan program. As many people know, the Department of Education is respon-
sible for managing a $1 trillion bank of student loans and $80 billion in Pell grants each year. It is important that these funds be managed in a way that protects the best interests of both students and taxpayers, rather than simply fattening the bottom lines of the big banks and big lenders.

In fact, 7 years ago, Congress—the House and the Senate—passed and the President signed the bill that “made important reforms to the Federal student loan program.”

Under the old system, banks distrib-
uted Federally guaranteed loans in ex-
change for a subsidy from the Federal Government. In effect, banks were paid a premium to be the middleman and
were also insured against most of the risks of the loan with the Federal guarantee. In other words, they got a great return and took very little risk. In fact, the old system was rigged to provide huge returns to banks on certain loans.

Shortly after I came to Congress, I worked with my colleagues to close what was then called the 9.5 percent loophole.

The way it worked was like this. Written into the code, some banks were able to make loans guaranteed by the government to give them a 9.5 percent return, even though students receiving those loans were paying a 3.5 percent interest rate. The difference—6 percent—was pure profit paid by the taxpayers to the banks for zero risk.

We were able to close that loophole after a number of years, and then in 2010 the Congress and President Obama agreed to stop using banks as the middlemen in the student loan process. We shifted entirely to the direct loan program through the Department of Education. That move saved taxpayers $61 billion over a 10-year period, and we were able to use the savings to invest in support for students to make college more affordable. By increasing funding for Pell grants and indexing them to new inflation, we were able to expand the income-based repayment program so more students could afford college, and we put $10 million toward deficit reduction.

The Republican Party platform under President Trump calls for rolling back those important reforms and putting student loans back in the hands of the big banks. When Senator Murray, the ranking member of the Education Committee, asked Mrs. DeVos in a question for the record about privatization of the student loan industry, Mrs. DeVos refused to rule out a return to the days when the big banks reaped huge profits off students and taxpayers while taking very little risk.

It turns out that Mrs. DeVos may herself have investments that represent conflicts of interest for the job of Secretary of Education or indicate a preference for privatization within higher education. For example, according to her ethics forms, she has an investment in Procurement Recovery, Inc., which had a contract with the Department of Education for student loan debt collection. The court blocked that contract last year and it is currently challenging the decision.

There is a common thread connecting the approach that both President Trump and Mrs. DeVos have taken with respect to both K-12 education and higher education; that is, the idea that we should put for-profit private interests over the interests of students and taxpayers. As we have heard, in Michigan Mrs. DeVos was very instrumental in pushing Michigan's charter schools in a way that attracted-for-profit charter schools to the State of Michigan. Those schools have a very sorry record in terms of the education they provided to students in Michigan. Now, when it comes to higher education, in her hearing she refused to commit to enforcing the gainful employment rule, which is designed to protect students and taxpayers from the kind of predatory practices that goes on at Trump University. She did not disavow proposals to turn the student loan program back over to the big banks.

We need a Secretary of Education who understands that our education system is a public trust and not simply a vehicle that allows for-profit schools and big banks to make a profit off of these important taxpayer investments. I wish to say a word, as well, about community colleges. I think all of us recognize the really important role that community colleges play in our education system. Just two weeks ago, I had the opportunity to attend a meeting of the presidents of Maryland's community colleges. It was organized by the Maryland Association of Community Colleges and included folks from all over the State. We are fortunate in Maryland and around the country to have some terrific community colleges that provide associate's degrees and advanced certificates. In other words, they get a great return and took very little risk. In contrast, the big banks were able to make a profit for the same amount of work. So they reaped huge returns to banks on certain programs designed to protect students and taxpayers. The way it worked was like this.

At the beginning of the Obama Administration, Congress and President Obama made dramatic cuts to the Federal student loan program. At the same time, when it comes to the other components of the Federal student loan program, the Republican budget would cut so much that in order to compensate, we would have to raise student loan rates to make up the difference.

Those troubling positions are on top of a proposal made by the Trump team to require colleges to "risk share" by taking some responsibility for non-repayment of loans among their students. That would, in effect, put the burden on the students, who would lose their access to college. Cyber security is something that is important to all Americans. We are realizing more and more the costs and dangers of hacking, both in the government sector as well as the private sector. It is really important we build a workforce which has those important skills, and I am pleased that Maryland is home to the U.S. Cyber Command at Fort Meade, alongside NSA. We need to make sure we have students who have those skills. Community colleges, along with other institutions, can help fill that skills gap.

I also visited the Community College of Baltimore County, where they are responding to the need for medical professionals by providing training to nurses and other medical assistants. They use something called SimMan technology—lifelike mannequins that can simulate medical conditions—to help train nurses, emergency medical technicians, and physician assistants. I think that community college programs are a really important block in our education system, and we should be supporting those colleges and the students who want to attend.

I was pleased that at the hearing, Mrs. DeVos acknowledged the importance of community college. Unfortunately, she didn’t put forward any concrete recommendations about how we can help community colleges succeed. That is particularly troubling in light of the fact that if we look at previous Republican budgets, especially those coming out of the House of Representatives but also those adopted in a Republican-controlled Senate, they would do great damage to students’ ability to access community college programs.

Let’s just look at the last budget conference agreement that passed from fiscal year 2016. It contains a whopping 35-percent cut to Pell grants, which would eliminate all mandatory funding for Pell and eliminate another almost $30 billion in discretionary funding. Altogether, it is a $117 billion cut over 10 years.

Nearly 3 million community college students in Maryland and around the country depend on Pell grants in order to afford an education. Rather than making dramatic cuts to the program, we should listen to our community colleges and included folks from all over the State. We are fortunate in Maryland and around the country to have some terrific community colleges that provide associate’s degrees and advanced certificates. In other words, they get a great return and took very little risk. In contrast, the big banks were able to make a profit for the same amount of work. So they reaped huge returns to banks on certain programs designed to protect students and taxpayers.
not share this gross misunderstanding of student needs.

We heard from Senator Blumenthal, we have heard from others on this floor, about the incredible grassroots outpouring of opposition to the nomination of Betsy DeVos. She has drawn opposition from teachers, parents, and civil rights organizations. We have seen that groundswell overwhelm the phone system here in the United States Senate.

Maryland’s schools, and schools throughout the country, deserve a champion in their Secretary of Education. When President Trump and congressional Republicans propose plans to cut and divert Federal education funding, we need a Secretary of Education who is going to fight for public education. Mrs. DeVos is clearly not that person.

Our Founders understood from the earliest days of this Republic that a free public education is a fundamental American value. Our public education at neighborhood schools throughout our land has helped make America more productive, broaden opportunity, and sustain local neighborhood schools and communities. I share my colleagues’ deep concern that Mrs. DeVos does not appear to share a commitment to that American idea. She has devoted much of her adult life and career to advancing private education plans that would divert resources from our public schools—a lack of understanding, and, in many statements, alarming views about our Nation’s commitment to equal rights for children with disabilities. We cannot retreat from the commitment we made as a country, and we cannot return to an era where equal rights were just another concern for States to decide on their own.

We also heard, as Senator Blumenthal discussed, flippant statements about guns in schools and the safety of our children. We cannot retreat from our determination to keep our schools safe and gun-free.

When President Trump has a history of promoting a sham, for-profit Trump University, we need a Secretary of Education who will zealously oversee for-profit colleges that receive students with Federal student loans and grants. Nothing in her testimony, statements, or responses to questions from Senator Murray or others gives me any comfort that Mrs. DeVos can be trusted to oversee Education holds the key to a more prosperous America, a better informed electorate, and a society in which the Nation’s bounty is more fairly shared as more citizens have access to a good education. We cannot advance those goals without a strong Secretary of Education. We cannot leave this job to some person who is going to fight for those ideals. Unfortunately, the record indicates that Mrs. DeVos is not that person.

With my colleagues in opposing the nomination, I hope between now and the time of the vote, other Senators will take another look at the record because it is important we muster the votes to defeat this nomination. We also must show very clearly that we will not accept a Department of Education focused more on undermining public education than one that is upholding that important American tradition.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have been so impressed by the large number of Senators who have come to the floor to tell their stories of why public education is so personal and important to them and to their constituents.

I want to thank all of the staff who were here all night long—our clerks, pages, people in the cloakrooms—everyone who has given time of their own to be here to support us to be able to talk about this important nomination, the Secretary of Education.

I think all of my colleagues will agree with me that there has been an unprecedented outpouring of concern from across the country about this Cabinet nominee. Why is that? Why is it that in a matter of Education has brought such emotion and discussion to this country? For a very important reason: Education is a critical part of everyone’s life.

The Founders of this country knew that when they determined we in this country were going to have a free public education system. Why? Because they want to make sure that every citizen had the opportunity to read and write and participate in this democracy, a core principle to assure that all of us would have a voice in who our President and elected officials were so we would understand and be educated and make the right decisions.

That core principle is so important to this country that it has allowed us for centuries to be the kind of country where we have a middle class. People who are born into poverty know there is a school they can go to, to learn to read and write and get the skills they need to be a participant in our democracy and in our economy. That is what is at stake in this nomination. People across the country are writing in, calling, holding rallies, talking to their neighbors and friends, and letting us know how it is because they do not want to lose that principle. In this nominee who has been sent to us is a threat to that very basic core value that so many people believe in, in this country; that no matter who you are or where you grow up or how much money you have and who your parents are, you will have that public education, that public school in your community that you will be able to go to.

I was a school board member before I was a U.S. Senator, before I was in the State senate. Those school board meetings were jammed with parents who wanted to know what was happening in their schools, who would call me at midnight and complain about a school policy and what was going on. As a school board member, I had to listen and respond to that. People value their schools. They want to know they are the schools that are the heart of our communities. It is the experience of people from different backgrounds who may be fighting with their neighbor across the street during the day, show up Friday night to cheer together for that football team. It is the epicenter of our country. It is the epicenter of our communities. That is what is at stake in this nomination.

People want the Secretary of Education to be a champion for their public schools. In this nomination that has been sent to us by the President, Betsy DeVos, we have someone who values and speaks out for—and has used her fortune to fight for—something very different. She has denigrated public schools. She says they need to end. She has been giving a voucher and telling them to find a private school, leaving behind kids who can’t afford to go hours to another school or to pay the extra money the voucher doesn’t cover, leaving kids in those schools with not enough critical money from our schools and from the kids who would be left behind.

Yes, our kids want choices. This is not a debate about charter schools. Many States, including mine, have charter schools. But the difference is, in those States—in my State and many—those charter schools are held accountable, just like the public schools so you know your child is getting the education they have been promised and that it is held accountable to taxpayers. Mrs. DeVos refused in our committee to say that those charter schools, those private schools, if they take taxpayer dollars—which a voucher is—would be held accountable to taxpayers. To the parents in those States who showed up at my school board meetings to tell what they thought of their schools and what we should be doing and had a voice, it would not be accountable to them. I find that wrong, as a principle in this country and our democracy and what we have fought so hard for. That is why so many parents are speaking out. That is why so many Senators have been here on the floor. That is why we have been here all night long and will stay here until noon today during this vote.

That is what is at stake. In our higher education system, all of us know that so many young people today want that ticket to success and student loan debt is such an incredibly huge challenge to so many people, a barrier to getting the education they need. They want someone who is going to head up the Department of Education who understands that.

Betsy DeVos has no experience in higher education, none. And she is going to lead the agency and be the voice and be the vision? That is why
members, students, teachers, community leaders, superintendents, school board members, and families across the country have stood up and said no.

This is so close. We are within one vote of sending this nomination back and asking every candidate to send us a nominee who can be supported by Members on both sides of the aisle, who can set a vision, who can fight for public schools, who can be that champion and that leader who sets us apart in the world as a country, who values the core of what families and parents and so many others want. It will not be great if this body gives a Secretary of Education who doesn’t value education. Ask any parent in this country; we will make sure you get an education.

Again, this is not a debate about charter schools. There are charter schools in many States. This is a debate about taking as much as $20 billion from our public education system and using it for vouchers for private schools that are not accountable to taxpayers.

If nothing else, I appeal to my Republican colleagues to think about that, to think about the fact that taxpayer dollars will not be held accountable under Mrs. DeVos’s plans and policies. If you give a voucher to a student and they go to a school and they are not teaching what they should be, there is nowhere to go for those parents. It is their taxpayer dollars and it is our taxpayer dollars that are so important. That is why so many have stood up on our side and two Republicans have stood up and spoken out against this nominee.

Title IX makes sure that we protect students and makes sure that their rights are protected and that women have the opportunity to go and get a degree without being challenged or being put down or being a victim of sexual harassment. We need a Secretary of Education who knows that law and will enforce it so that students across the country know there is a champion at the top office in this land who is telling their staff to enforce this law and to back up those students. That is what this debate is about.

I heard some of my colleagues on the other side talk about the fact that we have a GI bill, which they essentially called in the debate a voucher for men and women who served our country to go to school, and likened that to the voucher system they are talking about in K-12. That is not equal. That is given to members of our service, rightly so, to say: You served our country; we will make sure you get an education.

In our country, we value every student in every community. To give them a voucher and say “Go find a school” is not a way of providing education. Ask any school board member in this country. Ask any parent in this country. They want that public education school, that school in their community that is valued. They don’t want that money taken away from that school, and they want every child to know that just as our Founders said, a public education will assure that every child has that opportunity.

This is an important debate, and we are very close to the hour when we are going to have a vote to send this nomination to one more courageous Republican to say: You know, I have thought about this. I listened to her testimony—the short testimony that we had, I have looked at her answers to their questions and they, too, have heard from so many parents and so many administrators and so many community leaders. This is a core value of our country—the ability to know that you can get an education.

I hope that in the next few hours we can take pause and have that happen. It will not be the election of the world. It will not be the first nominee who doesn’t get the votes they need in the Senate, but it virtually will be a moment in the history of this country where we will stand up and are proud to say: Not on our watch. We want a head of the Department of Education who actually values education for all students, public education for all students.

We have a candidate who will stand up and is ready to speak, and I thank him for being here this morning. We will yield him the floor. I want to say, again, thank you to all the parents, students, family members, school officials, community leaders, all the people who have called and written and spoken up. Your voice matters. Your country matters. Public education matters.

I am so proud to stand with all of you and to fight to make sure that this nominee will have the imprimatur to a Secretary of Education who doesn’t value education, who have had experience—unlike this candidate—who will send a message to this country that the value of public education is critical.

Mr. WYDEN. Mr. President, before I begin my remarks, I want to make sure that everyone understands that Senator MURRAY has been on this floor hour after hour for a reason; that is, these nominations are enormously important. This one is right at the heart of what families and parents and communities want because it deals with education.

I heard that again this weekend. I had three town hall meetings, mostly in rural areas. We had big turnouts. As Senator MURRAY knows, Oregon and Washington have been pounded in the last few weeks with bad weather—had to fly all night to get back for this debate. Everybody said how important it is that we understand what Betsy DeVos, if she is confirmed, would mean for our country.

I want to start by putting a focus on this issue around what Oregonians are particularly concerned about this morning. They are concerned, when we talk about education, about boosting our high school graduation rates. Parents, teachers, communities are all
mobilized. I want to start my remarks by saying that I know people across the country are concerned about this. We worked very closely with Senator Murray and Senator Alexander on this.

The reason that Oregonians feel so strongly is that we have been first in so many areas, for example, protecting our natural treasures, but we are not where we want to be in terms of high school graduation rates. For communities like Oregon, the business community, Democrats, Republicans, liberals, conservatives, Independents—you name it—it is top priority business for our State to improve high school graduation rates. That is because we understand that getting those graduation rates up is crucial to making sure that young people can be better prepared for their next step, whether that is college, whether it is the workforce—anything they want to do.

I want to start my remarks with respect to the nomination very specifically. I do not believe improving high school graduation rates can be built on a foundation of alternative facts. Yet that is what Betsy DeVos has been promoting. For example, she recently made the claim that the graduation rates at virtual private schools—private schools which she has invested in—were almost twice as high as the actual graduation rates at those schools.

She said that at the Nevada Virtual Academy there was a graduation rate of 100 percent. The actual graduation rate is 57 percent. She claimed that at the Ohio Virtual Academy there was a graduation rate of 92 percent. The actual rate is 46 percent.

I think this pretty much qualifies as a set of alternative facts. At home, at the kinds of townhall meetings I had this weekend, people would probably call them four-Finocchio falsehoods and kiss-cous. The alternative facts may be the DeVos way, but they aren’t the Oregon way.

As I said to Oregonians this weekend—we had teachers and community leaders come to these meetings—what we do is operate on something we call the Oregon way. The Oregon way is about Democrats and Republicans, people of all philosophies. We had great Republican Governors—Tom McCall, Mark Hatfield—who also served in this body and were independent. We want fresh, practical approaches.

We focused on our ideas that work, ideas that get results, and we focus not on alternative facts but the truth. What I heard again this weekend at home is that we are bringing together teachers in the classrooms and parents and community leaders and trying to determine what are the key factors in why students are not graduating. At home people are asking, how do you get results? What actually is going to work in the classroom and at our afterschool programs work. They point out the track record of afterschool programs, and they have the facts to back them up. These facts aren’t alternative facts. They are not inflated graduation rates, the way Betsy DeVos told the Senate. These are based on actual studies: Studies have shown that youth—especially at-risk youth—with mentors are more likely to join extra-curricular activities, take on leadership roles at school, or volunteer in their communities. Afterschool and community programs have actually worked to improve very solid track records, providing a safe place to learn and keeping low-income and at-risk youngsters on a path towards graduation.

Those same educators have told me in my townhalls that they oppose elevating Betsy DeVos to a job with the important responsibility of steering the future of our Nation’s children. The reason they have expressed these views is much like what I have stated to the Senate: Those who get to say, and those who are directly responsible, and they have courted not alternative facts but hard evidence—doesn’t back up many of the judgments Betsy DeVos has made in guiding her work in this field.

In Oregon, citizens—thousands of them—have told the Senate that confirmation of Betsy DeVos is going to make it harder to help students succeed in the classroom and graduate from high school. This graduation rate for us in Oregon—and I am sure we are not alone—takes on new and important urgency because of the changes that were made last year—bipartisan changes Senators Murray and Alexander made to pass the Every Student Succeeds Act. The whole point of this bill was because, of course, there was great frustration across the country with No Child Left Behind, the predecessor.

I remember at one point illustrating the frustration with that law. We had a wonderful school in rural Oregon with mostly minority youngsters and mostly minority youngsters. They worked like crazy. Their parents were very involved. Their teachers rolled up their sleeves, and they were doing well at getting their test scores up. At one point, we were told they were going to be labeled a failing school, because, apparently, for a short period of time, a number of youngsters had the flu, and so the attendance rate wasn’t what it should be. Those were the kinds of stories that inspired us to be so important to fix No Child Left Behind and focus on approaches that work.

It is my view that what Senator Murray and Senator Alexander did with respect to bipartisan leadership was to work for an important bill—important for the future of students, important for their ability to get a job and do what they want in their years ahead. When you have a bipartisan bill that the President has signed into law, replacing failed education policies, and giving states and local communities for their classrooms, you ought to move quickly and boldly to carry out that law. That law included a provision that I wrote to help high schools with low graduation rates turn around student achievement by putting the most disadvantaged students on a path to success. It allows local educators—this isn’t run by Washington, DC. I am always hearing that everybody is talking about a voucher system that runs out of Washington, DC. That is not what I voted for. What I voted for—and the majority of Senators voted for—was a fresh approach allowing local educators to promote and expand programs and policies that actually work in their community.

They recognized that what works in Coos Bay or Roseburg, OR, may not necessarily work in Tallahassee.

We wrote a bipartisan bill to come up with approaches tailored to what local educators want to pursue. Now as we are moving to see this law implemented in the States and as schools across the country are moving to implementation, it is more important than ever that the Senate get this right and get it right, that we use approaches grounded in the facts and grounded in the reality of public education. My concern is that—based on Betsy DeVos’s record, which I have looked at in length—bipartisan recommendations could be undermined by a system that has not been shown to improve academic outcomes for students.

In Detroit, Mrs. DeVos has spent years advocating for a voucher system that gives taxpayer dollars to private schools. She has spent years advocating for a voucher system that essentially left public schools to do more for their students with less of the funding they desperately need. I was on a program this morning, a radio program. They were discussing the views of various Senators on this. I heard discussion of my colleagues on the other side of the aisle describing the fact that they were supportive of Mrs. DeVos because they thought her unconventional approaches and her fresh ideas were a real advantage in her having this position.

I don’t take a back seat to anybody in terms of being for unconventional approaches. I think it would be fair to say that pretty much most of my time in public life has been defined by taking unconventional approaches. So I welcome new ideas from people who have not been involved in government—and ideas that, frankly, are out of the box, that are unconventional. But they still have to be based on hard evidence that they get it right to work.

We are trying fresh approaches in Medicare, for example. The idea is that Medicare today is no longer the Medicare of 1965. It is all about chronic disease, diabetes, heart disease, and strokes. A big bipartisan group of us here in the Senate have written bipartisan legislation to try a very different approach—certainly unconventional—but it is grounded on the facts. It is grounded on what we know about taking advantage of technology and on the benefits of telemedicine. So that is why I am opposing the DeVos nomination. It is not because I
am hostile to unconventional approaches or fresh faces or people who haven’t been involved in government—quite the contrary. I probably have a bit of a bias for just that. I am opposing the nomination, No. 1, because of the track record that we have of what she has advocated for hasn’t worked, and, No. 2, when she was challenged on it—such as the question of the graduation rates and some of those programs she invested in—she inflated the rates. She said they were almost twelve as high as they actually were. So the country can’t afford to allow failed policies—particularly as we move to implement the new laws that do not suggest a very positive set of opportunities for public schools at the local level.

We have recognized as a nation for years how vital public education is to giving children in America the chance to climb the economic ladder. It is a bedrock principle of public education that investments in public schools and investing in our children there is a record of fresh ideas that work, rather than ideological approaches where the evidence suggests it doesn’t work, can serve everyone.

I cannot support an Education Secretary with a track record that flies in the face of the need for our country to make smart investments in public schools. I described how the next Education Secretary faces a challenging agenda with huge stakes. Graduation rates and improving them are right at the heart of it. But, obviously, we are going to have a need for other fresh ideas, like making college more affordable.

Mrs. DeVos just doesn’t have the qualifications to achieve the success that 50 million students in American public schools demand. The person entrusted with our children’s future should not be put at the head of the class just because she is part of a family that wields enormous public influence. You get these jobs because you earn them, because you have been involved in your community and various kinds of charitable or philanthropic efforts, and your work produces concrete, tangible results that indicate that you can carry out a job of this importance. The reality is that these nominations are some of the most important judgments we make as a Senate. The people we put in these offices are going to be literally responsible for billions of dollars in spending. They are going to enforce laws that in some instances are decades old and, at a minimum, update the ones that need updating.

I can tell you that what I heard again this weekend in rural Oregon indicates that the people I have the honor to represent do not believe Betsy DeVos is up for the job. So this morning, I stand up for kids, parents, and families who deserve education policies that will let them go after their dreams and secure their future. I believe they deserve better. I believe Betsy DeVos is going to make it harder for working families to achieve those aspirations. That is why I will vote this morning against the nomination of Betsy DeVos to be Secretary of Education. I encourage my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Delaware.

Mr. COONS. Mr. President, I would like to thank my colleague from the State of Oregon for his detailed, lengthy, and compelling remarks on the floor this morning about why he will vote against Betsy DeVos for Secretary of Education for the United States. You have heard from my colleagues last night, this morning, and for an entire day the concerns they have come away with from her confirmation hearing and the concerns they heard from their home State and from educators and parents, teachers, and administrators—all concerned about education in their home State. I am honored, Mr. President, to add my few brief words this morning to explain to my constituents and to everyone in this Chamber why I, too, believe that Betsy DeVos is not qualified to serve as Secretary of Education of the United States. The question for any parent out there is this: Why would a parent want a classroom teacher who wasn’t qualified to stand before that class and teach their children? Why would any community leader, civic leader, parent, or educator want a Secretary of Education who wasn’t qualified to lead the school building, to lead instruction, and to make sure that the school was moving forward in a good and positive way? The answer is that they wouldn’t. Why would any parent, why would any business leader, why would any legislator want a superintendent for a school district who had no previous experience in public education and whose agenda was well outside the mainstream in education? The answer this morning to the question for any parent out there is this: Why would a parent want a classroom teacher who wasn’t qualified to stand before that class and teach their children? Why would any community leader, civic leader, parent, or educator want a Secretary of Education who wasn’t qualified to lead the school building, to lead instruction, and to make sure that the school was moving forward in a good and positive way? The answer is that they wouldn’t. Why would any parent, why would any business leader, why would any legislator want a superintendent for a school district who had no previous experience in public education and whose agenda was well outside the mainstream in education? The answer this morning to the question for any parent out there is this: Why would a parent want a classroom teacher who wasn’t qualified to stand before that class and teach their children? Why would any community leader, civic leader, parent, or educator want a Secretary of Education who wasn’t qualified to lead the school building, to lead instruction, and to make sure that the school was moving forward in a good and positive way?

So I think the question before us in the Senate today is, Why would any of us want, support, or vote for a nominee to be Secretary of Education who has demonstrated a lack of grasp for the basics of education, which makes her, obviously, unqualified? The answer is, I don’t. We don’t. We shouldn’t.

As we saw during her abbreviated Senate hearing, Mrs. DeVos has no grasp of basic public education issues. She has zero direct experience. She hasn’t taught in the public schools. She hasn’t sent her kids to public schools. She hasn’t taught in the public schools. She hasn’t been educated or trained in teaching in the public schools. She doesn’t seem to understand, for example, that Federal law provides basic protections for students with disabilities. She has no idea what the IDEA is and why it is a central part of protecting, supporting, and serving students with intellectual disabilities. She refused to rule out privatizing public education and defunding and devaluing traditional public schools ahead of experiments in nontraditional nonpublic schools but without accountability.

What is stunning about Betsy DeVos’s record in Michigan is that she worked tirelessly to ensure access to taxpayer dollars for the widest possible range of private and parochial schools, charters, and through vouchers—schools of all types—academies newly established to take advantage of taxpayer dollars and pull them into nontraditional nonpublic schools but without accountability.

Without accountability, charters and choice can lead to tragic results, can literally lead to siphoning desperately needed dollars out of our public schools and into the pockets of those who would profit from experiments in public education. Why would we allow access to taxpayer dollars with no accountability for the performance? Why would we fund the experiments of the other party would champion, that they would have access to taxpayer dollars without accountability for results?

I understand the drive, the desire, even the passion for experimentation in public education. I spent more than 20 years working with the “I Have A Dream” Foundation. We served parents and students in some of the toughest, most struggling public schools in the entire United States. We served parents from parents that they wanted better schools for their kids. I understand that in some communities there is a passion for experimentation with charters and with choice, but to embrace that without accountability, to ensure that the outcomes are better without making any serious effort to ensure that these diverted taxpayer dollars are not simply wasted or turned into a mill and a machine for profit, I think is the worst sort of taking advantage of the hopes and dreams of parents and students who are seeking progress, and it ends up undermining and defunding and devaluing traditional public schools all across our country.

As my colleagues, my friend from the State of Washington and many others have pointed out, there are serious concerns with how Republicans have considered her nomination. Mrs. DeVos was rushed into her confirmation hearing before she had submitted the basic and appropriate ethics paperwork, meaning Senators had no way of clearing her from potential conflicts of interest.

But that is not all. As if that weren’t enough, Betsy DeVos has spent her entire career and millions—even tens of millions of dollars—methodically underming the public school system in the United States, from privatizing and defunding public education to undermiring the accomplishments in Michigan and across the country. Betsy DeVos has turned Michigan into the biggest school choice experiment in the Nation. Unfortunately, for Michigan students and families, that experiment has gone too far. There is a lot of talk in education circles about two key issues—access and accountability.

What is stunning about Betsy DeVos’s record in Michigan is that she worked tirelessly to ensure access to taxpayer dollars for the widest possible range of private and parochial schools, charters, and through vouchers—schools of all types—academies newly established to take advantage of taxpayer dollars and pull them into nontraditional nonpublic schools but without accountability.
Traditionally, this has not been much of a concern, since we have often had Secretaries of Education with long public careers who had been subject to some transparency and some review previously. I cannot remember a time when we had a Secretary of Education who had no background in the field. Of course, to much broader potential conflicts of interest. I frankly cannot remember a time when we had a President who was a billionaire and declared—refused to release his taxes or to address his many conflicts of interest.

So, frankly, the fact that the Senate HELP Committee raced forward with Mrs. DeVos’s confirmation without addressing some of these basic issues is more concerning in this context than at any previous time.

As the members of this committee, who represent a broad range of views and experiences—and it is exactly what the Senate is for—were limited to one round of 5 minutes for questions, hardly surprise is no surprise, let alone a controversial nominee with no public education experience other than underpinning the underpinnings of the public school system, we can only conclude that there was something behind this effort for Mrs. DeVos forward.

We have seen here on the floor, she has become so unpopular that the other party has had to delay the confirmation vote in order to ensure her confirmation. It is my guess that later this morning, we will see the President of the Senate cast the deciding vote, something that although not unprecedented, is certainly unusual and suggests that other Senators have heard from their States, as I have from mine, a chorus of opposition.

In her confirmation hearing, Mrs. DeVos struggled to articulate basic concepts central to current debates in public education. In trying to identify and reconcile the simple concepts of growth and proficiency, she showed neither growth nor proficiency. She showed neither a grasp of the basics, nor an ability to learn, nor a mastery of simple concepts central to how we make progress in public education.

You know in the Senate, the Congress in recent years, after years of disagreement and fighting with the Every Student Succeeds Act, we had reached a modicum of agreement. We had reached a point of equilibrium and had hopefully turned to a point where we could move forward in a balanced and balanced way on some of the pressing issues in higher education, in elementary education, in career and technical education.

Instead, we are one of the more radical nominees ever for Secretary of Education, someone who brings, I am afraid, an agenda, a strong and forceful agenda that if it is continued nationally, as it was in Michigan, I am concerned predicts a difficult future even for those most in need of support, of engagement, of quality schools.

Even those who Mrs. DeVos claims to have dedicated her education activism to advancing I think will be deeply harmed. None of these reasons that I just laid out about the timing, about the length of the hearing, about the disclosures, about her performance in the confirmation hearing, none of them would, necessarily taken alone, be cause for concern, but taken in combination, they are fundamentally disqualifying.

Don’t take my word for it. I am on five different committees. I have lots of other confirmations I am challenged to be engaged in. I have other issues going on that have made it hard for me to attend every single meeting and hearing about Mrs. DeVos, but there are folk in my home State of Delaware who have watched every minute, who have followed it very closely, and who have, in an unprecedented wave of input, reached out to my office.

Now, these numbers, if I were from a State like California or Texas or New York, might not seem striking, but my State is Delaware, it is a small State, it is 800 constitu- enits, the idea that more than 3,000 Delawareans have reached out to me urgently and directly is fairly striking. I have gotten more than 450 phone calls in opposition to Mrs. DeVos’s nomination. My office received a signed petition with 800 signatures from Delawareans asking me, urging me to vote no. Someone buttonholed me, literally, on the train this morning to make certain that I was going to vote no. I have received almost 2,200 letters from Delawareans, letters from educators, from parents, from community and civic leaders, of all different backgrounds, all up and down my State.

Those 2,200 letters make this one of the top issues that Delawareans have reached out to me on in this past year. As I said, that may not sound like a lot of input if I were from California, New York, Oklahoma, Washington State—3,000 or 4,000. But in my State, that is a loud and clear message. So let me be just as loud and clear in my reply. I hear you, and I will today vote against Betsy DeVos for Secretary of Education. Let me take a minute and share with you some of the concerns I have heard from Delawareans, constituents who followed her confirmation hearing closely, who followed the record of its progress from committee to floor closely and who raised the alarm and who shared that with me.

One educator, a career teacher, somebody who is very agitated about the record she showed in Michigan and what it might mean for our State of Delaware, said—concisely: Why should vote no. He received a letter from a President who nominates a billionaire friend who sees children not so much as children to be educated and supported and served but as tokens to be used as an experiment in privatization and profit made off our public schools. That educator said he was terrified.

Jen, a middle school teacher at Redding Middle School in Appoquinimink School District tells me that “her first thought after watching Mrs. DeVos’s hearing was that students deserve better than her.”

Jen goes on to say that “students deserve a national leader in education who will fight for all students—low-income, gifted and talented, and especially our students with disabilities.” Jen said: “I work in a classroom filled with students like these,” students of every background, skill level and need, and “they deserve someone better.”

Cheri wrote to me from Lewes, DE. She is a retired lifetime educator, a district supervisor and coordinator. Just a few years ago, she retired to promote school choice, government-run public education. She wrote that until now she never felt it necessary to write my Senators to oppose a presidential nomination. But here’s why this time is different. As Cheri writes, Betsy DeVos is “a proponent of school vouchers which siphon dollars off from public schools. She does not have a degree in education, has no experience in public education, and has not shown a willingness to listen to and learn from practitioners and experts in the field.”

Cheri is exactly right. Our kids deserve better. That is why, when it comes to Betsy DeVos’s nomination to serve as Secretary of Education, I am not just voting no. I am voting no way.

It is important to me that everybody here knows that my constituents in my State have spoken with nearly a unanimous voice. A very, very few have conveyed any support whatsoever for Mrs. DeVos, and an overwhelming voice of thousands have expressed concern, agitation, even alarm at the idea that this person, with this record, would be handed the reins of the Federal Department of Education with likely disastrous results.

For this most foundational experiment, that is at the core of American democracy, that is essential to our being a country where equality of opportunity, the freedom to pursue our own skills and gifts and have them enlightened, educated, uplifted is at the very core of what it means to be American—public schools in which any child of any background has a free and fair opportunity to pursue their God-given talents and to rise through our society and contribute at the highest levels—is not something to be played with, isn’t something to be experimented with casually.

It is something to be taken very seriously. We have challenges in our public schools. We have challenges in our society. They are reflected in our schools, but if our schools are not strong, if our schools are not educating our children, we have no hope of becoming a more just, a more equal, a more constructive, a more coherent, and a more inspiring society.
Our public schools are the very foundation of what it means to be American. To put in charge of our Department of Education someone who does not share that view pains me deeply, concerns my constituents, and alarms many of us who have spent year after year working to improve, and to advance public education in the United States.

For all these reasons, it is my intention to vote no; in fact, no way today on Mrs. DeVos.

Mr. President, I rise today to discuss why I do not think Betsy DeVos is the right person for this very important job.

As you know, I have been a long and proud supporter of our education system. I have supported public, charter, private, and magnet schools across the great State of California. I have always supported a parent’s right to choose the right school for his or her child, and I have always believed that different models of schools provide students with more individualized experiences that are tailored to meet their needs and how they best learn and are enabled to succeed.

While Mrs. DeVos is also a proponent of school choice, I believe we have very different philosophies on this issue. Personally, I can only support schools when there is accountability. Schools should be accredited, well managed with proper fiscal controls, and transparent in regard to student performance for all of the students they serve. We owe it to our parents and students to protect their right to access a high quality education. We owe it to our teachers to provide them with the resources and leadership they need to become master educators.

Mrs. DeVos has never worked in the classroom or as a school administrator, and during the Senate committee hearing on her nomination, she clearly showed she does not have a firm grasp of basic tenets of education policy or program implementation. Mrs. DeVos and her family have been longtime donors to efforts to expand unregulated school choice. Their financial efforts prevented accountability efforts to go into effect that would have provided regulation over the proliferation of the for-profit charter schools throughout Michigan.

Additionally, I found it troubling that, during Mrs. DeVos’s confirmation hearing before the Senate Health Education and Pensions Committee, she testified that she would support the repeal of the Gun Free School Zones Act, which bans guns in schools. Mrs. DeVos cited the deadly bears in Wyoming is one legitimate reason why guns should be allowed in schools; yet the vast majority of our Nation’s schools face zero threat of an attack from grizzly bears that would justify the risk of allowing guns on their premises.

Throughout my career, I have been a strong supporter of gun free school zones. And educators, parents, and students—who are all directly affected by this law—support gun free school zones. I find it problematic that Mrs. DeVos makes light of this issue and would go along with the President’s opinion on this issue, considering we had 15 school shootings throughout 2016.

The Secretary of Education serves in a very important role. The Secretary ensures that all of our Nation’s students have equitable access to a high quality education. They ensure that students’ civil rights are protected under Federal law and that schools are held accountable for the performance of all students regardless of socio-economic status, language barrier or disability.

My colleagues and I have an opportunity to stand up for our children by opposing Betsy DeVos and demand that the President put forward a highly qualified candidate that can best serve our students, parents, and teachers in this important role.

I would also like to mention that I have heard from over 96,000 of my constituents, whether they left comments on Mrs. DeVos’s website or wrote a letter, explaining why Mrs. DeVos was an unacceptable candidate for Secretary of Education. I heard you all loud and clear, and I want you to know that I am here to serve you, and I will continue to be your voice.

Thank you.

Mr. COONS. I suggest the absence of the quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative 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, again, I am on the floor, and I want to thank all of the constituents and everyone who has been here throughout the last 20 hours. I thank everyone for speaking from their hearts about the issue of public education, why it is so important to them, and why they want a Secretary of Education who has that value and promotes that value and has the vision of that value, which is really why so many people in this country have spoken out and sent us letters and held rallies and inundated our phones.

I thank so many people who have done that. It has made an impact here and has made a difference. I think it has woken up each one of us to what we care about in this country and what we value and what we want.

Like many people, I received so many letters from my constituents, over 48,000 letters. That is just the letters—not phone calls—that I got, and I want to share some of them with you because they come from people’s hearts. They are not form letters. They are not form letters from somebody else and forwarded. These are personal. And I think it is important that we hear these people.

I thank Marie Carlsen from Federal Way. She sent me a letter, and she said:

Dear Senator Murray,

Thank you for your continuing efforts at trying to prevent Betsy DeVos from becoming head of the Education. I have a child who has just started his schooling in our public school system, and from everything I have read or listened to, Mrs. DeVos seems to have no business in education at all. She has no knowledge of the laws and protections guaranteed to our children, no comprehension of what our education system needs to do, and no idea how to get our education system to be more effective in order to improve. I would go along with Mrs. DeVos’s opinion on this issue, considering we had 15 school shootings throughout 2016.

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I heard from Ms. Ina Howell in Seattle. She wrote to me, and she said:

I am writing to express opposition to the nomination of Mrs. Betsy DeVos as Education Secretary. Mrs. DeVos does not have any experience in the field of education and, as a result, will not effectively lead the Department of Education in maintaining and improving public education in the country. She did not seem to possess a basic understanding of key education policies, including the responsibilities of the IDEA Act.

She did not understand the difference between student proficiency and student growth measures. She did not understand simple facts and figures, like the percent increase in student debt from 2008 to 2016. She failed to adequately answer questions on equal protection for LGBT students and their civil rights, confronting campus sexual assault and the regulation of the for-profit higher education industry.

This is Ms. Ina Howell—she happens to be with the National Alliance of Black School Educators—expressing deep concerns that the nominee doesn’t have the basic issues and knowledge that she should have in running this agency. She is the passion for it, which is so important as the leading spokes-person in the country.

I heard from Dana Hayden from Poulsbo, WA, and she said:

Dear Senator Patty Murray,

I have been an educator in our State since 1984. I have seen your positive efforts for the citizens of WA firsthand.

Last night, we found out that our family will be welcoming our first grandchild in July—a girl. I am so joyful, yet quite worried about the world she is coming into.
Then I saw you on the news. You give me hope! Thank you! I wonder what kind of school experience the next generation will have if DeVos is allowed to decimate our education system, the way Trump is decimating our Nation with orders.

These are people who have not written in before. They are writing long letters, many of them pages long, speaking from their hearts about the value of public education, what it means to them and their grandchildren. They know this country was built on a system of public education that ensured every child would be provided the tools of their community to go to so that they could have the opportunity their parents and grandparents and great-grandparents had.

I could read through so many of these. Here is one from Miles Erdly from Kent, WA. He says:

My name is Miles Erdly, and I am the principal of Horizon Elementary in Kent. As a strong supporter of public education, I ask that you vehemently oppose the confirmation of the Secretary of the U.S. Department of Education. Educators and students deserve a Secretary who can commit to supporting every student in all public schools, who will work tirelessly to promote a public education system that provides each child with the optimum conditions for teaching and learning. Betsy DeVos’s past work in education and her performance at the recent confirmation hearing demonstrated neither a depth of experience nor knowledge of education policy and on critical issues facing the community. As a principal, I have spoken with teachers, parents, students, and community members across the spectrum, and there is widespread agreement that Betsy DeVos is not the right person for the job.

This is Miles Erdly, a principal, and he watched the hearings, like so many people did, and was so concerned that he had in front of us a nominee for the Secretary of Education who didn’t share that core value of public education for all students.

Ms. Gabrielle Gersten from Seattle, WA:

As a college student, the idea of Betsy DeVos becoming the Secretary of Education concerns me for multiple reasons. She obviously has been fortunate enough to go through school and a higher education without a worry about money, but that is not the case for most college students. I, myself, am lucky enough that my mom saved money for me to attend college, but many of my friends are working their own or pay for college education themselves. Also, her zering on the funds for title I is worrisome because every student who should be held accountable and who we represent to hold them accountable. That is not the vision that this nominee has presented to us, and it is a vision that I have worked passionately on through all of my life, and really that is why I am here to obstruct.

I want to thank everybody who has written in and called and been passionate about public education in this country, and I encourage them to keep using their voices to fight for that passion. It is well worth the fight.

With that, I yield the floor.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, "Now is the time to put country before party." That was an observation by the President—his former cabinet secretary, just yesterday at the Senate floor. Ohio, Mr. President, New York makes a good point, and I am hopeful it is a principle his own caucus will follow in the days to come.

We are no longer in the midst of a contentious Presidential election. We have a new President, and that President has now put forth an exceptional Supreme Court nominee and a number of well-qualified Cabinet nominees. Yet, more than 2 weeks into his term, President Trump’s Cabinet Secretaries confirmed at this point than any other President since George Washington.

The President deserves to have his Cabinet in place. The American people depend on that as well. I would remind our Democratic colleagues of the things they themselves have said when the shoe was on the other foot.

Here is what their last Vice Presidential candidate, our colleague from Virginia, had to say: “I think we owe deference to a President for choices to executive positions.” So yes, “Now is the time,” as the Democratic leader said, “to put country before party.”

One way to do so is by ending the unprecedented delay of confirmation by Democrats on the President’s Cabinet appointments. Our colleagues will have an opportunity to chart a different path later this afternoon and the rest of the week as we vote to confirm more nominees.

This afternoon we will vote on the President’s nominee for Secretary of Education, Betsy DeVos. I look forward to confirming her to this important position, so that she can get to work on behalf of America’s students and schools.

As I said yesterday, this well-qualified candidate has earned the support of several education groups and nearly two dozen Governors from across the Nation. She understands that teachers, students, parents, school boards, and State and local governments, not Washington bureaucrats, are best suited to make education decisions for our kids. And I know she is committed to improving our education so that every child—every child—has a brighter future.

After we confirm Mrs. DeVos, the Senate will turn to another well-qualified Cabinet nominee, our own colleague, Senator Jeff Sessions of Alabama. We all know Senator Sessions, and we know him to be a man of his word. We know he is a man who believes in the rule of law. We know him as someone who is willing to work with anyone, regardless of party, as he did when he teamed up on legislation with Democratic colleagues such as Senator Durbin and our late colleague, Ted Kennedy.

I would remind Democratic colleagues that Republicans did not filibuster when a newly elected President Obama put forward his own Attorney General nominee, Eric Holder. In fact, the nominee who will soon be before us, Senator Sessions, crossed the aisle to support him. How, this, despite the fact that the Holder nomination in the Republican conference here in the Senate was one steeped in considerable controversy.

February 7, 2017

CONGRESSIONAL RECORD—SENATE S809
Senator Sessions and the impact on all Americans as he also defends the rights and freedoms of those he represents. The nominee, Betsy DeVos, has been a controversial choice for Secretary of Education, with strong views on education reform, particularly in public education. Her past as an advocate for school choice has led to debates about the future of public education and the role of government in education policy.

Senator Sessions has been a consistent voice for conservative policies, often appearing on the floor of the Senate to discuss topics such as national security, immigration, and the Affordable Care Act. His public education stance aligns with his broader philosophical views, emphasizing personal responsibility and limited government oversight.

The debate over Betsy DeVos's nomination is indicative of larger political divides in the country, with both parties seeking nominees that align with their respective visions for the future of the United States. The Senate's role in confirming nominees is crucial in shaping the direction of government and its policies, affecting millions of Americans in various aspects of their lives.
America, not a liability. Many on the other side of the aisle probably do too. When it comes to voting rights—so important, so fundamental, and under attack right now—again, JEFF SESSIONS has not been a stalwart. He has had a record that leaves much to be desired. On states issue of civil rights as well, Senator SESSIONS' record is not a record that I think anyone who believes in civil rights could admire.

We just had an acting Attorney General stand up to the President. That is going to be the test in this administration because there seems so little going to be a real test in this administration. That is probably the most important quality of this new Attorney General. I have to say, as much as I agree with JEFF SESSIONS on an issue like trade, he is the wrong, wrong, wrong choice for Attorney General. He would be at any time because of his record on immigration, civil rights, and voting rights, but particularly now because So evaluating schools based on average test scores tends to penalize schools with large numbers of low-income and racial minority students. Even significant student growth on math and reading test scores, proficiency or growth is one of the most basic education policy questions, and yet the President’s nominee for Secretary of Ed didn’t understand the issue. Maybe this is because she has been single-mindedly focused on feeding private, for-profit charter schools with public dollars and the religious and other private schools through vouchers. So her knowledge about education is limited to her pet issue.

Valerie Siow, who has taught in public schools in New Mexico for 13 years, observed that Mrs. DeVos “had not bothered to do her homework” for the hearing. It is clear that Mrs. DeVos does not have the breadth or depth in education policy or finance to be the Secretary of Education.

Senator HASSAN has a son who has cerebral palsy. She told us a moving story about the good education he received in the New Hampshire public schools, despite his disability, because of the Individuals with Disabilities Education Act, or the IDEA.

Senator HASSAN asked if Mrs. DeVos would require schools using vouchers to comply with that law. Mrs. DeVos initially responded that she believes the decision should be left to the States. When Mrs. DeVos was informed it is a Federal law, that it is not up to the States, she must have been “confused.” Confused? Mrs. DeVos bragged that she has been an education advocate for 30 years. The IDEA was passed over 25 years ago, in 1980. Mrs. DeVos was not “confused.”

It is just as troublesome that Mrs. DeVos did not know that children with disabilities can lose their Federal right to an equal education under State voucher programs—voucher programs that she fought so hard for. She did not know that voucher programs can require students with disabilities to sign away their IDEA rights. Most troubling of all, she would not commit to making sure voucher programs comply with the law.

I am also quite concerned that Mrs. DeVos fails to appreciate the important role that tribal cultures pay in educating Native American children. This Nation has a solemn trust and treaty responsibility to provide quality education to Native students, both through the public school system and the Federal Bureau of Indian Education. Her testimony has proven that she is uneducated about these students and their needs.

Many States have significant tribal populations. In my home State of New Mexico it is about 10 percent. As vice chair of the Indian Affairs Committee, my job is to make sure that any Education Secretary is committed to respecting tribal sovereignty and self-determination. Mrs. DeVos has given me no assurance she understands, cares about, or is prepared to address the needs of Native American students. No. In her hearing answers, she convinced me that she will respect tribal cultures, tribal sovereignty, or the right to self-determination. For instance, in her hearing answers, she convinced me that she will respect tribal cultures, tribal sovereignty, or the right to self-determination. In fact, her lobby organization, American Federation for Children, supports the expansion of vouchers into Indian Country, diverting money from tribal schools to private schools. I cannot support taking money away from schools run by tribes and losing self-determination efforts tribes are making.

The National Indian Education Association has said: “Federal funding should not be moving over to a private school system . . . move out of our
tribally-run school system and to a system that does not require consulta-
tion and does not require active en-
gagement of Native communities.” I
couldn’t agree more. She just shows a
basic lack of understanding of tribal
sovereignty and self-determina-
tion.

Betsey DeVos should not be driven by
her personal religious views. I respect
the strength of her Dutch Calvinist reli-
gious beliefs, but imposing her reli-
gious beliefs should have no place in
funding public education, which serves
children of all faiths.

In 2001, she talked about whether
Christian schools should continue rely-
ing on contributions instead of vouch-
ers. Mrs. DeVos said:

There are not enough philanthropic
dollars in America to fund what is currently the need in education. . . . Our desire is to con-
front the culture in ways that will continue
to advance God’s kingdom.

I support her right to devote her phil-
thanthropic dollars to her church and
other religious efforts, but I oppose her
view of using public dollars to advance
her view of “God’s kingdom” in public
schools. Separation of church and
State is a fundamental principal in our
democracy and public schools should
not be a vehicle for religious per-
cussions in religious coercion by
the government. I am concerned that
Mrs. DeVos does not have the nec-
essary respect for other people’s reli-
gious beliefs and that her policies
could disregard the importance of tri-
bal perspectives on education.

We need assurance that every public
school student—no matter their reli-
gion, race, ethnicity, sexual orienta-
tion or identity, ability or disability—
will be respected, protected, and in-
cluded at the highest levels in Wash-
ington, DC. That is the job of the Sec-
retary of Education. Mrs. DeVos has
ever shown over the many decades
she has lobbied on education that she
agrees with this basic proposition.

It supports good, quality pub-
lic school options available. There are
many great public charter and magnet
schools around the country. We have
some good ones in New Mexico. But
these public schools should meet the
same accountability standards as other
public schools—standards for student
achievement, teacher performance, and
fiscal responsibility.

I also support the option of private
and religious schools. We have great
private and religious schools in our
country. But public dollars must go to
public schools, not private or religious
schools, and certainly not private for-
profit schools. The first objective of
any for-profit venture is to make money. That cannot be the first object-
ive of a school using public funds.

The first and foremost objective of
public education funds should be edu-
cation for students. When public dol-
ars are used, their use must be fully
accounted for and transparent to the
public. Betsey DeVos should not commit
that private for-profit charter schools
and voucher schools should have the
same accountability standards as pub-
lic schools. Why didn’t she make this
commitment? Likely, because the pri-
ate charter schools in Michigan, fund-
ed by public dollars—that she has
championed for decades—do not have to meet the same accountability stand-
ards as public schools. This is wrong.
These schools have not shown appreciable gains in Michigan over the years. In fact,
Michigan test scores have gone down
over time. These schools have not shown significant improvement over
public schools—standards for student
achievement, teacher performance, and
fiscal responsibility.

Finally, I am not convinced that Mrs.
Devos has been transparent in her re-
sponses to the American public. She
did not make her disclosures available
to the Health, Education, Labor, and
Pensions Committee at the time of her
confirmation hearing—this is unprece-
dented—and the committee had no op-
portunity to look into her many, many
financial conflicts.

Since then, she has entered into an
agreement with the Office of Govern-
ment Ethics. While she will divest from
approximately 100 investments that
pose a conflict, we do not know if she
has divested from all conflicts. Mrs.
Devos benefits from three trusts. She
has not disclosed the assets in two of
those trusts.

The complexity and enormity of Mrs.
Devos’s $5 billion holdings is mind-bog-
gling. We know that from one trust at
least 100 conflicts required divestment.
That means she will not divest in these
trusts, the public does not know if she has any
more conflicts.

I also want to raise the issue of Mrs.
Devos’s unwillingness to address her
PAC’s unpaid $5.3 million fine in the
State of Ohio for violating campaign fi-
nance laws.

This situation is troubling on a num-
ber of levels. First, Mrs. DeVos led a
multimillion dollar political effort to
influence elections throughout our Na-

country, on. Mrs. DeVos’s political action committee
willfully ignored campaign finance
laws and warnings from State election
officials. She racked up an unprece-
dented $5.3 million fine in Ohio. Then,
third, rather than acknowledging that
she broke the law and owning up to her
responsibility to pay it, her PAC sim-
ply folded up shop and walked away.

As Secretary of Education, Mrs.
Devos will be responsible for over-
seeing federal loans for millions of
students. Yet she refuses to acknowledge
or pay her own debts. Does she believe
the law doesn’t apply to her?

I have written to Mrs. DeVos and the
HELP Committee several times de-
manding answers about this. Her re-
sponses were evasive. She refuses to
pay the fine—hiding behind the cor-
porate veil—while still paying lawyers
to fight it. This is hypocrisy, on top of
disregard for the law.

We have seen this before. This is what
happened in Michigan, when a Cabinet nomi-
nee, who led a dark money PAC, which
broke the law and flouted the judicial
system. This is absolutely, totally, un-
precedented.

For all these reasons, I must vote no
on the confirmation of Mrs. DeVos as
Secretary of the Department of Edu-
cation. 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. BROWN. 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. BROWN. Mr. President, it is

prettily clear. It is pretty simple. There
never has been a nominee for Secretary of
Education as unqualified as Betsy
Devos. That is clear to pretty much
every Member of this body—not that
every Member of this body is going to
stand up and vote the way that prob-
ably their conscience suggests they do.
Whether they like her ideology or not,
whether they like the two mil-
dions of dollars they have contributed to all kinds of political campaigns or not, they clearly understand that
this nominee, from her performance and her
lack of depth of knowledge of edu-
cation, is simply not qualified.

I might add a word here on this floor,
based on her confirmation hearing, it
appears she has a complete lack of
knowledge as to what the Department of
Education actually does. She didn’t
seem to understand the Individuals
with Disabilities Education Act, which
requires public schools to provide free
and appropriate education to all stu-
dents with disabilities.

I think that when I first ran for Con-
gress some years ago—I assume it was
the same for the Presiding Officer; I
know it was the same for the ranking
member from Washington State who
sits here in this Chamber and who has
led the opposition to Betsy DeVos—from my first days in Congress, every
time I met with school boards, every
time I met with school administrators,
they would talk to me about IDEA. They would talk to me about school districts and the costs
and their obligation and duty and de-
sire to serve these students. Yet the
designee for Secretary of Education
put her hands up when there were dis-
cussions in the committee on the Indi-
viduals with Disabilities Education Act.

It is astonishing that a nominee for
Secretary of Education would dem-
strate complete ignorance on some-
thing as crucial and important to pub-
lic school education—to education as a
whole—on this. It isn’t her hearing per-
haps that may have disqualified her; it is her record. She has no experi-
ence with public schools at all.

The President of the United States
has nominated for Secretary of Edu-
cation someone with no experience in
public school education—not as an admini-
istrator, not as a student, not even as a parent. Nothing. Her only experience in education is as
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From 1789, when George Washington took the oath of office, up until now, public education has built this country. It has given all kinds of people opportunity, given all kinds of people a chance to get ahead. It has educated our children. We should be proud of our public school system.

We may elect today a nominee who called a traditional public education a "dead end," someone who has never worked in a public school, never gone to a public school, never been a parent of somebody in a public school.

She said she doesn’t think that all schools that receive taxpayer dollars—whether they are public or for-profit charter—should be held to the same standards of accountability. To me, one of the most telling moments of the committee hearing was when she would not commit to the same accountability standards for for-profit charters as she did for public schools. Do you know why? Because—she knows her for-profit charters that she is so proud of don’t live up to the same standards and that they are simply not as good. That is why she doesn’t want accountability measures applied equally to for-profit charters and public schools.

In Michigan, she fought a rescue plan for Detroit Public Schools that would have finally provided accountability for charters schools. No. She is against that. Why? Because—she knows her for-profit charters that she is so proud of don’t live up to the same standards and that they are simply not as good. That is why she doesn’t want accountability measures applied equally to for-profit charters and public schools.

I take that personally in Ohio because I know how students have been betrayed by this for-profit sector. I know how taxpayers have been fleeced in my State in this for-profit sector, and I know the devastation it leaves behind in less money, fewer dollars for public schools.

People call my State, regrettably, the "Wild Wild West of charter schools." What a name to earn—Ohio is the "Wild Wild West" of for-profit charter schools. Students suffer as a result. Students in public schools, students in for-profit charter schools, and students in not-for-profit charter schools—worse, the for-profit charter school sector. Again, taking out KIPP and Breakthrough and the good charters and public schools suffer as a result. The last thing we need to do is take the Wild West model in Ohio or, even worse, the for-profit charter school structure and model in Michigan and replicate it at a national level.

Think of what we have done in this country. From 1789, when George Washington took the oath of office, up until now, public education has built this country. It has given all kinds of people opportunity, given all kinds of people a chance to get ahead. It has educated our children. We should be proud of our public school system.

We make today a nominee who called a traditional public education a "dead end," someone who has never worked in a public school, never gone to a public school, never been a parent of somebody in a public school.

She sent us a letter last week because I asked her to explain herself in the promise to repay taxpayers in my State. She sent us a letter last week again refusing to take any personal responsibility for the legal action of this political action committee she founded. She chaired it at the time it broke the law, she paid the legal bills for it, but she wouldn’t pay the fine that this committee owes, saying: I don’t owe it.

Is that who you want? Is that the kind of person you want in terms of personal integrity, personal responsibility? I don’t know. I’ve been preached at in this body by my colleagues on personal responsibility. But she will not pay her $5 million debt. A second, she founded a political action committee. She declared it at the time it broke the law. She paid the legal fees for it, but she will not pay the money she owes that could hire 60, 70, 80 teachers in my State.

She spent millions pushing the same for-profit education model agenda that has ripped off Ohio taxpayers and shortchanged our students.

Most people in this country used to think that billionaires are not above the law. In fact, some people—3 million fewer than voted for the other candidate—some people voted for this President because he said he would drain the swamp. If billionaires are, in fact, above the law—if we are not holding Betsy DeVos accountable, it is hard to believe that billionaires are not above the law.

She is opposed by the disability community. She is opposed by the civil rights community. She is opposed by a number of people in the more legitimate charter school sector. She is opposed by teachers. Even the National Association of Principals has come out against her nomination. If Senator Murray’s words are correct about this—and I know they are because we have talked to them—this is the first time in history that the National Association of Principals has come out against a Secretary of Education.
I can’t support Betsy DeVos because I can’t look Ohio’s parents in the eye and tell them she will not put profits ahead of their children’s education. Our children deserve better than that.

In closing, I will come back to my comments to a Clive, a student with disabilities, who prides herself on knowing a lot about education, how she looks at our country, why? Because it is not as easy to educate a disabled child than it is a child without any disabilities. It costs more because you might need more use of a nurse, a student aide, wheelchair accessibility, you might need special tutors. It costs more to educate a disabled child, a for-profit charter school, you don’t want disabled kids coming to your school. Why? Because as a principal, I have spoken with teachers, parents, and students about how much advantage in life as Betsy DeVos wants the sickest and the oldest. Let the public schools skimp the cream, if you will; take the children who cost the least and are easiest to educate, but the public schools take care of the children with disabilities.

Let the public schools take care of the children who maybe didn’t have as much advantage in life as Betsy DeVos growing up. Let the public schools worry about kids who might have a little more difficult because of disability and other issues and what is going on in their homes. That is pretty clear how she looks at the world and looks at this job and, most importantly, how she looks at education in our country.

That is what disturbs me. That is fundamentally why I oppose Betsy DeVos and plan to vote emphatically today, no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Ohio for his passionate remarks on this topic. I have had the opportunity over most of Friday and over the last 23 hours, to listen to my colleagues come to the floor and speak passionately about an issue they care about, speaking against DeVos’s nomination. I have been speaking for Betsy DeVos, but we heard a tremendous amount of passion against.

I want to thank the Senator from Ohio, in particular, speaking to the issue of the fact that Mrs. DeVos does owe a fine to Ohio that has not been paid. I find it incredulous that we are just dismissing that here and the Senators of Ohio.

The Senator from Ohio spoke passionately about what vouchers would mean for students with disabilities, and their ability to get a good education could be in jeopardy over the violation on that. This Secretary is about to put forward.

A few moments ago, I listened to the Senator from New Mexico speak about our tribal schools and the fact that this Secretary of Education has no knowledge of tribal education and her role in being in charge of that with no experience and no idea of what that means or how that will be enacted.

Again, I want to just say that we heard from so many people in our States because we clearly have a nominee to run the Department of Education with no experience and a background that is really in opposition to what most of us have stood up and fought for most of our lives. I have mentioned throughout this debate—as I have spoken numerous times about the tremendous amount of letters that have come to me through our mail over the last several weeks since this nominee came before our committee and the public had a chance to see Mrs. DeVos at our hearing, without the knowledge she needs to lead this agency, with the tremendous conflicts of interest that were posed at our hearing.

I want to again go back and read some of those letters as we get into the last hour of this debate because I think they are quite telling.

I have one from Dr. Jennifer Kay Lynn of Olympia, WA. She says to me:

Thank you for your understanding Betsy DeVos would devastate U.S. public education. Betsy DeVos’s Senate confirmation hearing called on her understanding to serve as America’s Secretary of Education. Mrs. DeVos has no experience in public schools, either as a student, an educator, an administrator, or parent. Mrs. DeVos doesn’t understand key policy issues, like proficiency versus growth, or the Federal role of the Individuals with Disabilities Act.

Mrs. DeVos would not even commit to upholding current guidance on protecting sexual assault under title IX. Mrs. DeVos has no idea of how the arts and public education are critical for human development, education. All of the arts help our students grow emotionally, intellectually, and socially to task or more and more connections with the brain, and perhaps, most importantly, find out how much the arts enhance their lives. We need a Secretary of Education who will champion innovative strategies that we know how to improve success for all students, including creating more opportunities and equity for all. Betsy DeVos, and I urge you to vote against her for Secretary of Education.

Those aren’t my words. I didn’t talk to Jennifer Lynn. She wrote to me because she was a concerned candidate coming before our committee. She has looked at her record and has said: This is not what our country is about.
on any nomination, I have been privileged to serve. This is my 17th year. So we have seen a lot of nominations come and go, seen a number of Presidents come and go, but I have never seen anything quite like this.

I am not going to compile for me, through yesterday, the number of folks who either called or emailed or sent us letters on the nomination of Betsy DeVos to be Secretary of Education.

As of yesterday, over 3,700 people had contacted my office. That may not be a lot from Oklahoma. That may not be a lot from California. That is a lot in Delaware. I ask my staff to break down—let us know if we heard from anybody outside of Delaware: over 700. Then I said, for the folks who contacted us from Delaware with respect to this nomination of Betsy DeVos, how many were for her? Out of over 3,700—10. I have never seen anything like that.

So that means there are over 3,700 people in my State who raised their voice up against her nomination. Just because the numbers are like 370 to 1 against the nomination, that doesn’t necessarily mean I should oppose the nomination, but it certainly makes me stop and think if I had been inclined to do so.

I rise today, not just as a United States Senator, but as a recovering Governor and a father, one who knows the value of public education from personal experience. My wife and I grew up—she in North Carolina and me in West Virginia, a little bit of Ohio, and mostly Virginia—we grew up in public schools. Our sons attended public schools throughout high school, graduated and went off to college, and we are proud of what they have accomplished. They are 26 and 28 years old today. I am very proud of what they have accomplished. I have a stepson from my first marriage. He lives in Michigan with his family, four children and his wife, and I am very proud of what he accomplished—again, a product of public schools.

When I graduated from high school, I was fortunate to win a Navy ROTC scholarship and go to Ohio State. I worked a couple of jobs while I was going to school and was able to become one of the first people in my family ever to go to college and to graduate from college. I spent five as a naval flight officer in the Vietnam War. At the end of the war, I came back to the United States and moved to Delaware. There, thanks to the GI bill and continuing to fly as a Reserve P-3 aircraft mission commander, I was able to make ends meet and get a graduate degree in business administration from the University of Delaware.

The 8 years I was Governor, from 1993 to 2001, I spent a big part of those 8 years focusing on creating a more nurturing environment for job creation and job preservation. Our Presiding Officer has heard me wax on in our committee—more often than he probably wants to remember—about a major job of government under State, local, Federal, is to create a nurturing environment for job creation, job preservation.

In a family, you have breadwinners, people earning an income, making a way for themselves, for the rest, and our job is to create a basic environment to make sure the young men and women coming out of our colleges, our high schools, our trade schools have the ability to read, to write, to think, to use the technology, and to go out and become a good employee for any employer who might hire them.

Public education is personal for me. I have had this remarkable connection to it for my whole life. In our little State, I visit schools almost every week. We have a program called Principal for a Day. I have been Principal for a Day. It is from the State chamber of commerce. I joke and tell people I have been Principal for a Day in about every school in the State. I have probably not quite right but probably 30 or more. I keep running into kids who went to high school and say: “I was your principal, did you know that? Only for a day, but it was a good day.”

I mentored, for probably a couple of decades, a bunch of different kids, trying to help be a good role model for them and give them an extra person to be able to lean on and to count on. I have recently, I was over at the school a couple of miles from our home at Mount Pleasant Elementary, which has a terrific elementary school in the Brandywine School District in Northern Delaware. The Teacher of the Year there for the State was good enough to let me come by and shadow her for part of her day and see what a really terrific teacher does. During the 8 years I was Governor, one of the highlights of every year was the day I would host, in June, the Teacher of the Year. We have 19 school districts. Each school district picked the Teacher of the Year. They have the chance to have lunch—the Delaware Teachers of the Year—and just to focus on their school districts and their schools and their classes, what was working to raise student achievement and really be inspired by all of them.

I hear regularly from my constituents about the importance of public education. In fact, I was out running late Sunday afternoon, actually into the dusk. I was going by a Wawa on Philadelphia Pike, just north of Wilmington. Some guy came by and he rolled down his window. As I ran along, he said, “Don’t vote for that Betsy DeVos.”

I said, “Really. Can’t get away from it.”

But I hear it a lot. I hear the message loud and clear.

Many of our colleges have covered this nomination at some length. But I think it bears repeating. I would just say this: Experience matters. Mrs. DeVos has, as far as I can tell, no experience in public education as a student, none as a parent, none as a teacher, none as a school administrator—none.

Maybe that alone should not disqualify her, but it is concerning. During her confirmation hearing, Mrs. DeVos was asked about some basic questions relating to education policy, and she demonstrated, not just in my view but certainly the views of a lot of the people who watched and shared their views with me, that she was unqualified, really unprepared for what I think is a critical juncture for our country. I cannot support her nomination because I am not a convinced that she is interested in bringing Democrats...
and Republicans together on a shared vision of improving public education in this country. Reluctantly, I must urge my Democrat and Republican colleagues to listen to this groundswell of voices from across the country and ultimately vote against the nomination of Betsy DeVos to be Secretary of Education.

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

Mr. CARDIN. Mr. President, as the Senate deliberates the nomination of Betsy DeVos to be Secretary of Education, I want to share with you my concerns. My colleagues and I agree that the nation’s children deserve an advocate in the position who will work to strengthen the ability of public school educators to serve our children.

I am proud of the Baltimore City Public Schools. I understand the transformative powers that quality public school education can provide a child. The education I received at city schools has allowed me, the grandchild of immigrants, to represent Maryland in the Senate. I owe that to my public education, my public school education.

Maryland has made a commitment to providing adequate funding for public education over the past decade. Consequently, Maryland has consistently been a national leader in student performance and student outcomes.

Each day, our State’s nearly 880,000 students make their way to classrooms of more than 60,000 and thousands of more support personnel and educators in over 1,400 Maryland schools. I appreciate the service of Maryland educators, not only from the perspective of a lawmaker, a father, and a grandfather but also as a husband of a former school teacher.

Mrs. DeVos appeared before the Senate Health, Education, Labor, and Pensions Committee to articulate her view on how to best serve our students as Secretary of Education. I found several of Mrs. DeVos’s arguments to be troubling, particularly what appeared to be her tepid support for our Nation’s public schools. They and their families deserve a Secretary of Education who will fight for strengthened public as well as private education.

School choice programs are not one-size-fits-all solutions to strengthen education in the United States. They leave out students in our rural communities, for instance, and have been shown in Maryland for the most part to support students who are already enrolled in private schools.

I urge our Secretary of Education nominee—if she is confirmed—to work with public school teachers and educators, with the training, tools, and resources necessary to provide all children with a high-quality education. I was particularly concerned by Mrs. DeVos’s apparent unfamiliarity with critical Federal law that guarantees all students, including children with disabilities, a free, appropriate public education. The Individuals with Disabilities Education Act, IDEA, ensures that every child with disabilities is afforded a free appropriate public education. Across my home State, more than 100,000 children receive federally funded services under the IDEA to help them succeed academically.

Congress reauthorized the Elementary and Secondary Education Act to provide additional funding for school-based mental health resources in our national public schools that can provide assistance for those who may commit gun violence at schools. Mrs. DeVos would spend those tax dollars on how to provide students and their families with affordable higher education.

Maryland families know and understand the value of a high quality public school education. Since 2008, enrollment in our State public schools has increased by nearly 20,000 students to a record enrollment of approximately 880,000 students for the 2016-2017 school year.

While enrollment has continued to increase at a record pace, I am proud that Maryland public schools have consistently ranked among the top five public school systems in the country. Yet, worry that Mrs. DeVos’s enthusiastic support for private school choice programs could hamper the progress in State and local education in Maryland and could prevent us from providing the highest quality level of education for our public school students. School choice programs that shift Federal fund dollars from public schools to defray tuition at private schools weaken the ability of Maryland’s hard-working public school professionals who deliver our students the educational preparation for Maryland’s diverse students.

Certainly private schools play an important role in our education system. As Senator CARPER points out, he supports, I support, charter schools within our public education. I support the role that public schools play. But we mustn’t forget that more than 91 percent of American children attend public schools. They and their families deserve a Secretary of Education who will fight for strengthened public as well as private education.

School choice programs are not one-size-fits-all solutions to strengthen education in the United States. They leave out students in our rural communities, for instance, and have been shown in Maryland for the most part to support students who are already enrolled in private schools.

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Congress reauthorized the Elementary and Secondary Education Act to provide additional funding for school-based mental health resources in our national public schools that can provide assistance for those who may commit gun violence at schools. Mrs. DeVos would spend those tax dollars on
school choice programs and open up our classrooms to potential violence.

In the coming months, future college students and their families will sit at their family kitchen tables to apply for financial aid to pay for college and await their acceptance to the college of their choice. I have talked to so many Marylanders who are struggling with allowing their children to go to schools of higher education so that they can be best prepared, but they are looking at the reality of a debt involved in higher education. This is an exciting time, yet an increasingly anxious time for parents and students as the cost of attending college continues to rise.

Mrs. DeVos needs to demonstrate that she is familiar with the process, the steps necessary to apply for Federal financial student aid, and appreciates the enormous burden families increasingly undertake to gain a foothold in the middle class through higher education.

Mrs. DeVos appears willing to roll back protections for student borrowing and to allow taxpayer funds to be put at risk of failing for-profit schools that do not provide students with the education necessary to join the workforce. At a minimum, I would expect her to be an advocate to make sure that Federal funds are not used for these schools that are not being held accountable for what they do.

I would like to hear Mrs. DeVos voice her support for America’s College Promise plan to provide academically successful students with the ability to earn the first 2 years of their college degree tuition free at a community college. So far I don’t think she has said anything. That is the most efficient way to try to educate our children.

I appreciate Mrs. DeVos’s willingness to serve, and I believe she is sincere in her beliefs, but I am concerned that those beliefs, if enacted, would harm the capability of America’s public education system to serve the vast majority of students across the Nation and plie on needless costs to students, their families, and the American taxpayer. Therefore, I will stand with Maryland’s students, teachers, and parents in opposing Betsy DeVos for Secretary of Education.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have had the opportunity over the last almost 24 hours now to hear from a wide swath of our Democratic conference speak out against the nomination because they feel so strongly that in this country public education is a core principle. I know a number of my colleagues will be participating with me in these last few minutes, but I want to thank, again, everyone who has written, called in, or expressed their opinion on this critical nominee that this President tapped to oversee education policy.

Mr. SCHATZ. Mr. President, will the Senator yield for a question?

Mrs. MURRAY. I yield to the Senator from Hawaii for a question.

Mr. SCHATZ. I thank the ranking member of the HELP Committee, the senior Senator from New Hampshire.

You can trace the history of public education in America to the Original Thirteen Colonies. In 1635, boys in Boston could get a free education, and by 1647, the Massachusetts Bay Colony required every town to provide boys a basic education.

Some 340 years later, our public education system has come a long way, but some things don’t change. Our communities still understand how public education lays a foundation for success. It is still the great equalizer.

Senator MURRAY, during Betsy DeVos’s hearing, you asked a very important question. You asked: Can you committed to the core principle of public schools and public education.

Mrs. DeVos responded by saying she would work to find common ground and give parents options.

I am wondering whether you were satisfied with her answer and her commitment to the basic premise of public schools and public education.

Mrs. MURRAY. Well, I thank the Senator from Hawaii for his question. He is absolutely right. I did ask Betsy DeVos, when she came before our committee, if she would commit to not privatizing our schools or cut a single penny from public education?

Mrs. DeVos responded by saying she would work to find common ground and give parents options.

To me, that sends a very clear message, and did obviously to parents, students, and administrators across this country, that she was not committed to public education, that our tax dollars in this country always have and should continue to be to make sure that every student, no matter where they are, will have the opportunity to participate in education. It clearly meant that she was going to take money from our public education system, from our schools—big, small, rural, urban, and suburban—to go to private schools. That would mean a devastation for many communities.

So I thank the Senator from Hawaii for his question. Ms. HASSAN. Mr. President, will the Senator yield for a question?

Mrs. MURRAY. I yield to the Senator from New Hampshire.

Ms. HASSAN. Thank you very much. Senator MURRAY, I have been very concerned, as you know, with Mrs. DeVos’s lack of understanding of issues facing students with disabilities. My colleague from New Hampshire, Senator Brown, talked about IDEA’s definition of a child with disabilities and the challenges it presents for students who were previously identified under IDEA. And Senator Barrasso, the Ranking Member, talked about how IDEA’s definition of a child with disabilities is too narrow.

Senator MURRAY, I am concerned that this country has made now for decades that if you are a student with a disability, you will be able to go to a public school and get the education that you need.

She spoke eloquently. For everyone who didn’t hear her, I ask you to go back and look at the Record and listen to it.

Yes, I am deeply concerned that this nominee whom this President has sent to us is not committed to that basic premise that, no matter who you are or where you come from or what you look like or if you have a disability, you get a public education. But I am not only concerned that she doesn’t have a commitment. I am deeply concerned that she doesn’t understand that it was current Federal law.

How can someone be a Secretary of Education in this country and not understand that basic premise and not give that commitment to people across the country that, if it is your child or someone you love or someone you know, they, too, can go to school and get what they need.

So I want to thank the Senator from New Hampshire. And, yes, I am deeply concerned, as we all should be in this body and across the country, that this nominee is not prepared or qualified to make that basic assurance for all students in this country.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, my mom was a second grade teacher, and she taught second grade until she was 70 years old. That was her life’s work.

I went to public school, and I sent my daughter to public school. It has really been the core of how I ended up in the Senate.

After a close review of Mrs. DeVos’s confirmation record and the hearing, I have concluded that, like all of my colleagues on the Democratic side and two of our colleagues on the Republican side, I cannot support her. I don’t believe she is prepared for this job, and I don’t believe she is committed to the kind of public education that got my family from an iron ore mine in Northern Minnesota to the U.S. Senate.

My question of Senator MURRAY is that one of the most troubling examples of this lack of preparation came
when Mrs. DeVos was questioned by my colleagues Senator HASSAN, who just spoke, and Senator Kaine about whether schools should meet the standards outlined by the Individuals with Disabilities Education Act. She said she would leave this decision to the States. As I noted yesterday, I occupied the Senate seat once held by Minnesota’s own Hubert Humphrey. He was someone who, of course, was never at a loss for words.

He delivered a speech at the Minnesota AFL-CIO 40 years ago, and one line of that speech is just as appropriate today as it was back then. He said: “The moral test of government is how the 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 sick, the needy and the handicapped.”

The protections and the funding that we have seen under IDEA have always been an area of bipartisan cooperation. I have heard from so many parents in my State:

A mom from Windom and a son who was born with Down syndrome says that thanks to IDEA, this law has given her the opportunity for her son to participate in a normal education.

For a woman from LaSalle, her son was born with development disabilities in the late 1980s. She was so worried about what his future would be. Then that law was put into place, and today he is a successful young adult who happily lives, learns, and works in his community.

So my question of Senator Murray is what her views are of the nominee’s qualifications when it comes to the Individuals with Disabilities Education Act and the concern that she has heard from others in her State as well as across the country when it comes to this very important issue for our children.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I want to thank the Senator from Minnesota, who came the other night to talk passionately about her own mother, who was a teacher and her favorite course to teach was about the monarch butterflies and how she impacted a young student in her classroom who was a talented student who was born with Down syndrome.

That spark is so important for every child in this country—that spark for education—no matter who you are, your disability, or what brings you to school that day. That is what is so important in public education.” Every child in this country deserves a public education and to reach their full potential, no matter what they look like, how they come to school that day, whether they have been born with a disability or have a disability. That spark is what is so important.

That is why so many people have spoken out in this country about this nominee, who knows nothing or very little about IDEA—not even that it is a Federal law that is under the jurisdiction of the Department that she is seeking to be a member of. She would oversee and protect those students. That, to me, is deeply disappointing. It says to me that she is not ready to teach. I don’t want this nominee to go forward. I will send you someone who understands this law.

I appreciate the question from the Senator from Minnesota. Mrs. McCaskill, Mr. President, will the Senator yield for a question?

Mrs. MURRAY. I yield for a question. Mrs. McCaskill. I say to the Senator, it is my understanding that the essence of Mrs. DeVos’s career has been an effort to impose on States programs—and now a Federal Government program—that will take money out of public schools to provide for parents and students to then go to private schools. Is it a fair characterization of the essence of what parents should have a choice with public money to decide whether they want to attend a public school or a private school?

Mrs. MURRAY. The Senator is correct. The essence of what she has promoted and used her vast wealth for and has worked for throughout her experience is to take money away from public education and put it into private schools.

Mrs. McCASKILL. So I am confused. We just had an election. In my State, the reddest parts of my State are parts of the State where there are no private schools—rural Missouri. I am a daughter of rural Missouri. My father went to public school in Lebanon, MO. I attended public school in Lebanon, MO, and Columbia, MO. In fact, I am a product of public education from beginning to end. Both of my parents are graduates of the University of Missouri, and so did I.

In rural areas of this country, there are no private schools for parents and kids to choose. They would have to drive miles. By the way, in my State, the newly elected Governor just cut transportation funds for public schools—just cut them. So they now have less money for transportation than they had last year. And, by the way, it isn’t like public schools are getting fully funded in my State. They are not.

So I guess what I am confused about—I know what public schools mean to rural Missouri. I know they are the essence of the community. If the essence of this woman’s career is to take money out of public schools in rural communities and put them in private schools that will never exist in many of these small communities, they are kicking the shins of the very voters who put them in power. I don’t get that, Senator. I don’t understand how you could give the back of your hand to rural America with this decision. I would explore my colleagues who understand that rural America is where their base is in large part that they are misreading this vote if they think that rural America is going to forget that this woman wants to rob the public schools of rural America and put in private schools—and this is a decision which they will never be able to attend.

I thank the Senator.

Mrs. MURRAY. Thank you. I have the distinguished Senator yield for a question?

Mrs. MURRAY. I yield for a question. Ms. Stabenow. Thank you very much. Before asking my question, I want to thank the senior Senator from Washington State for her leadership and passion on behalf of my children and on behalf of myself. As a product of a small rural school in Northern Michigan, I have two children in a public school, and my two grandchildren are now going to public schools.

I want to thank you for your leadership, and I am so grateful to all of our colleagues and our two Republican colleagues who are joining us today.

Would you agree that when we look at this—and I certainly have a bird’s-eye view. We in Michigan have lived what has happened in cutting public schools and moving dollars to private, for-profit, nonprofit charters without virtually any accountability. Would you agree that especially we have a nominee who is looking through a lens of a private sector for-profit model, where in the private sector we have winners and losers, so you can have a business open and close. That is based on our private marketplace. It works well, but in education it is different. We can’t afford for any of our children to be losers in education, and it just doesn’t work to have a competitive marketplace; that what we need is a quality public school along with public choices. I support public charters with accountability and other choices, but what we have is a view of a nominee, someone who has not been involved in public schools herself or her children, and so on, who comes at it from this perspective of winners and losers in the private market, and we cannot afford any child to be a loser as it relates to their education.

Mrs. STABENOW. Mr. President, I want to thank the Senator from Michigan for that question because it is at the heart of what this entire debate is about. We
have a nominee who has come forward who is quite successful in private business—a billionaire herself—whose idea and vision for our Nation’s education comes from a private business perspective.

The Senator from Michigan is absolutely right. Our schools are not about profits. They are not profit centers, and we can never run them that way because there is a core principle that this country was founded on that our forefathers very wisely thought of. They made sure that every young person in this country, no matter who they were and how much money they had, would get a public education.

You can’t run that as a for-profit business because there are kids who come to our schools who are very hard. Maybe they come without having had a parent home the night before, they come hungry, they come with disabilities, they come with challenging education needs. We can’t throw those kids out because there are other kids who come with parents who are very active and are really bright and we want to keep them because they are better for profit. We have to run our public education schools so every child has that opportunity because who knows who that young child is going to be who takes that nugget of public education and ends up sitting here in the U.S. Senate. That is the foundation of our country.

I really appreciate the Senator from Michigan for raising that because that is the core essence of why so many people have spoken out against this nominee, who stood up and have written us letters and made phone calls and stood at rallies and spoken out—many people who have never spoken out on issues before who have never really paid attention before, but this is about the core principles our country was founded on, a public education for all—not a profit education for all but a public education for all.

Mr. MERKLEY. Mr. President, will the Senator from Washington yield for a question?

Mrs. MURRAY. I will yield to the Senator from Oregon.

Mr. MERKLEY. I appreciate your point and the belief that the son or daughter of a millwright, a mill worker as I was, should have the same opportunity as the son or daughter of a CEO in a big company. That is embedded in the notion of quality public schools.

What I was really struck by was that DeVos wants to divert all these public funds from our schools to for-profit schools. If it is for-profit, you squeeze down the services in the school to maximize the profit, and that is just exactly the type of attack on our children that we can’t tolerate, but I was also struck about how she imposes the accountability for these alternative schools. If it is for-profit, you shut down or even improve failing charter schools than just about any other State. It lacks any effective mechanism for shutting down or even improving failing charters.

He goes on to say:

We are a laughingstock in national education circles among reputable charter school operators who have not opened schools in Detroit because of the wild west nature of the educational landscape here.

Do you share the concern about the complete lack of accountability of these for-profit schools that are pulling the funds out of our public schools in Michigan?

Mrs. MURRAY. Let me thank the Senator from Oregon for his question because he raises a very important point. No one is debating whether we want our kids to have a choice. The debate here is about whether or not those schools that take taxpayer dollars through a voucher system are accountable to the taxpayers who are paying for those vouchers.

This nominee came before our committee and very clearly stated that she would not equally hold accountable private schools. Now, I was a former school board member. I can tell you, I was there late many nights listening to parents who stood before us and talked about the fact that they wanted to make sure that their school had good teachers or their school had good policies accountable to that because we were an elected board, and we had to make decisions based on what our constituents thought was important.

These are our constituents who are paying their tax dollars to this country, and they want to know that their taxes are used accountable. Yet we have a nominee before us at the Department of Education who has said she wants to take those taxpayer dollars—your money—and send it on to private schools with no accountability. What does that mean? That could mean that those private schools don’t necessarily have to provide a strong curriculum in specific topics. It means they can let kids out of school and say: We don’t want to keep you here anymore. You are too tough to teach.

It can say that they will not keep records of dropout rates so we know whether or not they are encouraging these tough kids to go to another school, or they deny access to students with disabilities or who come from tough backgrounds who may not meet their standards, and they will not be held accountable under the policies that Ms. DeVos proposes. So the Senator raises an absolutely critical question. At the end of the day, each elected official in this country is held accountable to their taxpayers to assure that the money they give out in their taxes is used in a way that our country agrees on, and this Secretary does not agree.

Mr. MERKLEY. I thank the Senator from Washington for her answer. So often I have heard speeches about accountability from across the aisle. This is a case where accountability matters a tremendous amount because it determines whether our children have a fair shot, driving a pariah among reputable charter school operators who have not opened schools in Detroit because of the wild west nature of the educational landscape here.

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for students with disabilities to have access to equitable and fair education?

Mrs. MURRAY. I want to thank the Senator from Illinois, who is an amazing new and great Member of our Senate. She comes from Illinois. She comes from an incredible background and I have a question about whether our students with disabilities should have access to education.

It is a passion many of us have feelings about, it is a principle that our country has supported, and it is a principle that this nominee is uniquely unqualified to understand and, to me, that is reason enough for any of us to vote against that nominee.

Mr. FRANKEN. Will Senator MURRAY yield for a question?

Mrs. MURRAY. I will yield to the Senator from Minnesota for a question.

Mr. FRANKEN. Thank you. As Senators on opposite sides of the aisle, we have philosophical differences, but one thing I think we all agree on is that our Cabinet Secretaries must be qualified and up to the challenge of running an agency.

Betsy DeVos has demonstrated that she is not qualified to run the Education Department. I would say to my colleagues on the other side of the aisle, if you watched her confirmation hearing, you would know that. It was the most embarrassing confirmation hearing I have ever seen. She could not answer the most basic questions about our public schools and the failed record, how she spent her career fighting for free-market-above-all philosophy to an education system that has called nothing more than "an industry, and a dead end."

When people saw her in her hearing, they learned more. When they watched Betsy DeVos in that hearing room, when they saw it live on the evening news, on "The Daily Show," on "The View," and on many other shows covering it, and one of the many clips that went viral on social media or shared by a friend or a family member, a whole lot of people were introduced to Betsy DeVos for that first time in that hearing, and they were not impressed. People across the country and across Alaska saw a nominee who was clearly ill-informed about Betsy DeVos over the past few weeks, and the more they have learned about her, the less they have liked and the more outraged they have become.

Over the past few weeks, people have learned about Betsy DeVos's tangled finances and potential conflicts of interest, and how she and her family have given hundreds of millions of dollars to Republicans and extreme conservative groups. They have learned about her failed record, how she spent her career fighting for free-market-above-all philosophy to an education system that has called nothing more than "an industry, and a dead end."

With your indulgence, I would like to put this into a little bit of a context because we talk about how foundational public schools are and how education is a great equalizer. I speak from experience as an immigrant coming to this country not speaking any English, and I learned from the public schools and the committed teachers in public schools how to read and write English, to develop my love for learning and a lifelong education system to prepare me for success, not only in school but in life.

That is why I want to also ask my colleague from Washington State, for the nearly 200,000 young people in Hawai i who attend our public schools and obviously the millions of young people in our public schools throughout the country. Do you think Betsy DeVos is the best we can do for these people who are attending our public schools?

Mrs. MURRAY. I thank the Senator from Hawaii, and I think that is the question all of us should be posing to ourselves as we get down to the final few minutes. Is this the best of the best?

Mr. FRANKEN. Will Senator MURRAY yield for a question?

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When people saw her in her hearing, they learned even more. When they watched Betsy DeVos in that hearing room, when they saw it live on the evening news, on "The Daily Show," on "The View," and on many other shows covering it, and one of the many clips that went viral on social media or shared by a friend or a family member, a whole lot of people were introduced to Betsy DeVos for that first time in that hearing, and they were not impressed. People across the country saw a nominee who was clearly ill-informed and confused, who gave a number of very concerning responses to serious and reasonable questions.

In that hearing, Betsy DeVos refused to rule out slashing investments in or privatizing public schools. She was confused that Federal law provides protections for students with disabilities. She didn't understand a basic issue in education policy—the debate surrounding whether students should be measured based on their proficiency or their growth. She argued that guns needed to be allowed in schools across the country to "protect the Grizzlies." And even though she was willing to say that President Trump's behavior toward women should be considered sexual assault, she would not commit to actually enforcing Federal law protecting women and girls in our schools. There were just a few examples in that hearing that made it clear why Betsy DeVos is not qualified to do this job. There were many more.
What people saw in that hearing wasn’t just a nominee who didn’t understand the issues; they saw a nominee for Secretary of Education who clearly didn’t think about public education and public schools the way they do. Everyone knows, public education hits real close to home for us. It is part of who we are, our families, and our communities. So many of us owe everything we have to public education. We have watched our kids and our grandkids and our neighbors get on the bus to go to the local public schools. Many of us have taught in public schools or have family or friends who walk into classrooms every single day to help our students learn. And so many of us believe in a commitment to strong public schools that offer an education and opportunity to every student. It is a core part of the American promise.

So when we saw someone nominated to this position who knows so little about public education, who so clearly cares so little about public education, whose strongest connection to public schools is through her dedication to tearing them down, that struck a real chord with a whole lot of people, and they decided to make their voices heard.

Over the past two weeks, we have seen an unprecedented level of engagement from people on this nomination—tens of thousands of calls, thousands of letters, hundreds of people calling in, social media, and many of them have never been involved or made their voices heard before. It made a difference.

Right now, every single Democrat is opposing this nomination, and two Republicans who listened to their constituents are joining us. So we are dead even—the first time in history that the Vice President will be called on shortly to cast a tie-breaking vote on a Cabinet nominee. We just need one more Republican to join us to prevent that. Senators, I ask you, can we find one more to help us show the people across this country that their voice matters in this debate, one more to stand with people across the country and say no.

So I am here to finish this debate where we started—standing with students and parents and teachers, with the people of my home State of Washington and across the country who strongly support public schools and true education opportunity for all, and with Democrats and Republicans across the country who have poured their heart and soul into opposing this nominee. I stand with you.

I urge one more Republican to join us.

‘Thank you, Mr. President. I yield the floor.’

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, will you please let me know when 4 minutes has expired and then when 5 minutes has expired, and then I will locate to the Senator from South Carolina the last 2½ minutes.

The PRESIDING OFFICER. The Chair will so advise.

Mr. ALEXANDER. Mr. President, I am voting for Betsy DeVos because she will implement our law fixing No Child Left Behind the way we wrote it—to reverse the trend to a national school system imposed on local school boards, to local school boards, to Governors, and legislators—because she has been at the forefront of the most important public school reform in the last 30 years—public charter schools. She has worked and continues to work tirelessly to give low-income children more of the same kind of choices that wealthy families have.

Twenty-two Governors in this country support Betsy DeVos.

I ask unanimous consent to have printed in the Record their names, including former Governor Jeb Bush, former Governor Mitt Romney, former Governor John Engler, and 462 organizations and elected officials who support Betsy DeVos for Education Secretary.

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

HIGHLIGHTS AMONG DEVOS SUPPORTERS THESE INDIVIDUALS HAVE WRITTEN LETTERS, OP-EDS, OR ANNOUNCED PUBLIC SUPPORT:


Former Governors: Jeb Bush, Mitt Romney, John Engler.

4 Former Secretaries of Education: William Bennett, Rod Paige, Margaret Spellings, Lamar Alexander.

Former Senators: Joe Lieberman and Bill Frist.

Democrats including: Eva Moskowitz, founder and CEO of Success Academy Charter Schools; Anthony Williams, former Mayor of Washington, DC.

462 ORGANIZATIONS, ELECTION OFFICIALS NATIONAL SUPPORT FOR THE NOMINATION OF BETSY DEVOS TO BE U.S. SECRETARY OF EDUCATION

50 CAN—50 State Campaign for Achievement Now; ACE Scholarships; Agudath Israel of America; American Association of Retired Americans; American Federation for Children in the District of Columbia; Alabama Education Federation for Children; Alabama Secretary of State John H. Merrill; Alabama State Sen. Del Marsh; President Pro Tem; Alaska Rep. Charisse Millett, House Republican Leader; American Federation for Children; American Association of Christian Schools; Americans for Prosperity; Americans for Prosperity—Arizona; Arizona Tax Reform Association; Arizona Chamber of Commerce; Arizona Charter Schools Association; Arizona Federation for Children; Arizona State Sen. Steven Yarbrough; Arizona State Senate Majority Leader Bill Frist, Majority Leader; Arizona State Sen. Gail Griffin, Majority Whip; Arizona State Sen. Debbie Lesko, President Pro Tem; Arizona State Sen. Sylvia Allen, Education Committee Chair; Arizona State Rep. J.D. Mesnard, Speaker of the House; Arizona State Sen. JohnAllen, Education Committee Chair; Arizona State Rep. Kelly Townsend, Majority Whip; Arizona State Rep. T.J. Shope; Speaker of the House Committee on Appropriations; Chair; Arizona State Rep. Paul Boyer, Education Committee Chair; Arizona State Rep. Tony Rivero; Arkansas Secretary of State Mark Scratch; Builders and Contractors (ABC); Association of Big Ten Students, Former Director Adi Sathi; Association of Christian Schools in the United States Army; Attorney General Patrick Morrisey, West Virginia; Attorney General Greg Heeledge, Arkansas; Attorney General Bill Schuette, Michigan; Attorney General Alan Wilson, South Carolina; Ave Maria University Associate Professor Michael New; Barry Beveridge, Teacher; Fayetteville Christian School; First Lady Barbara Bush; Barbara Bush Foundation for Family Literacy; The BASIC Fund; Secretary of Education William Bennett; Black Alliance for Educational Options; Bowdoin College Professor John Yarbrough; Education Council of California; Governor’s Task Force; Education Partnership for Student Success; Education for a Brighter Future; Empower Mississippi; Children’s Scholarship Fund, Chair Mike McCurry; Children’s Scholarship Fund—Baltimore; Children’s Scholarship Fund—Buffalo (BISON); Children’s Scholarship Fund—Charlottesville; Children’s Scholarship Fund—Philadelphia; Children’s Scholarship Fund—Portland OR; Civitas—North Carolina; Collaborative for Student Success; Colorado State Board of Education; Colorado State Board of Education Member Steve Durham; Colorado State Board of Education Member Vinnie vakian; Colorado State Rep. Paul Lundeen.


Foundation for Excellence in Education; Foundation for Florida’s Future; Friends of Betsy DeVos, Ed Choice; Florida Majority Leader Bill Frist; Tim Forrit; Principal, St. Mary’s-S.T. Alphonsus Catholic
Mr. ALEXANDER. Mr. President, was there not enough time to question her? I wonder. We treated her just like we did President Obama’s Education Secretary before she was appointed by President Obama. She finally met with them in February 7, 2017.

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education, I support public education. Education is the closest thing to magic in America. Let me say again that again. Education is the closest thing to magic in America. I experienced that magic.

As a kid growing up in a single-parent household, mired in poverty, disillusioned about life, I nearly flunked out as a freshman. I thank God for public education. But far too many kids—too many millions of kids today—do not have a quality educational choice in their communities. And what does that mean? There is a high correlation between incarceration, high unemployment, and lower lifetime incomes for those students who do not have quality public education.

This Nation—the greatest Nation on Earth—has afforded a kid who almost dropped out of high school to become a U.S. Senator. Why? Because I found a path that included public education, and quality public education.

So who does it look like in some of our cities? Let me give my colleagues an example from Detroit. Only 9 percent of African-American kids meet or exceed standards in English, and 12.5 percent of White kids meet standards or exceed standards in English in Detroit. We need to make sure that every child in every ZIP Code has a quality choice.

The Secretary of Education cannot privatize education. That would take an act of Congress.

So, yes, we should have a passionate debate about education, and yes, we should make sure—make sure—that the focus of this debate is on the kids.

The PRESIDING OFFICER (Mr. Tillis). The Senator’s time has expired.

PRAYER

Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session, and the President of the Senate having put the Senate in a recess state, this Senate shall adjourn to pay tribute to the Senate Chaplain.

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

Let us pray:

God of mercy and light, we are in Your hands, and we rejoice because of the power of Your presence. Do with us what seems good in Your sight.

Lord, in the wider and variety of decision-making, with its alternating and fluctuating intricacies, give our lawmakers a deeper appreciation for a science void of offense toward You or humanity. Today, show mercy to the Members of this legislative body. Let Your sovereign hand be over them and Your Holy Spirit ever be with them, directing all their thoughts, words, and works for Your glory. Lord, prosper the labors of their hands, enabling them in due season to reap a bountiful harvest if they faint not.

We pray in Your merciful Name. Amen.

The PRESIDING OFFICER. All postcloture time having expired, the question is, Will the Senate advise and consent to the DeVos nomination? Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 54 Ex.]

YEAS—50

Alexander
Barasso
Blumenthal
Boozman
Burr
Capito
Cassidy
Cochran
Corker
Cotton
Crapo
Cruz
Daines
Enzi
Ernst
Fischer

Perdue
Portman
Risch
Roberts
Rounds
Rubio
Sessions
Sasse
Scott
Sessions
Sullivan
Thune
Tillis
Toomey
Wicker
Young

NAYS—50

Baldwin
Blumenthal
Booher
Brown
Cassidy
Cardin
Carper
Casey
Collins
Coons
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Franken

Bennet
Hammer
Hirono
King
Klobuchar
Leahy
Markley
McCaskill
Mendez
Merkley
Murkowski
Murphy
Nelson
Nelson
Peters
Perdue
Portman
Risch
Roberts
Rubio
Round
Sessions
Sasse
Sasse
Scott
Sullivan
Thune
Tillis
Toomey
Wicker
Young

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being equally divided, the VICE President votes in the affirmative, and the nomination is confirmed.

The majority leader, Mr. MCCONNELL, Mr. President, I move to reconsider the vote on the confirmation.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. MCCONNELL. I move to table the motion to reconsider.

The VICE PRESIDENT. The question is on the motion to table. The motion was agreed to.

CLOTURE MOTION

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

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Jeff Sessions, of Alabama, to be Attorney General.


The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Jeff Sessions, of Alabama, to be Attorney General shall be brought to a close?

The yeas and nays are mandatory under the rule.

The bill clerk will call the roll.

The bill clerk called the roll.

Mr. SESSIONS (when his name was called). Present.

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 55 Ex.]

YEAS—52

Alexander
Barasso
Bennet
Boozman
Burr
Cassidy
Collins
Cochran
Crapo
Cruz
Daines
Enzi
Ernst
Fischer

Perdue
Portman
Risch
Roberts
Rounds
Rubio
Sessions
Sasse
Scott
Sessions
Sullivan
Thune
Tillis
Toomey
Wicker
Young

NAYS—47

Baldwin
Bennet
Blumenthal
Booher
Brown
Cassidy
Cardin
Carper
Casey
Collins
Coons
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Franken

Pardee
Hammer
Hammer
Reed
Sanders
Schatz
Shumer
Slavin
Tester
Udall
Van Hollen
Warner
Whitehouse
Wyden

ANSWERED “PRESENT”—1

Sessions

The VICE PRESIDENT. On this vote, the yeas are 52, the nays are 47. One Senator responded “present.” The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jeff Sessions, of Alabama, to be Attorney General.

The PRESIDING OFFICER. The Senator from Mississippi.

RECESS

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:30 p.m. today
and that the time during recess count postcloture on the Sessions nomination.

Mr. GRASSLEY. Mr. President, first of all, I rise to speak in favor of the Senate confirming Senator Sessions to the position of Attorney General, chief law enforcement officer of our country, but I do want to say thank you to the Democratic minority of my committee because they did not boycott the meetings. They debated. They debated too long, from my point of view, but they debated, and we were able to do our work in a businesslike way. So I want to thank all of them for their participation.

Now I will take a few minutes to speak on strong support of my friend and our colleague Senator JEFF SESSIONS to serve as the 84th Attorney General.

Last week, the Judiciary Committee spent over 6 hours debating the nomination. Every single Democrat opposed the nomination, but this wasn’t, of course, much of a surprise. During our committee debate, Senator GRAHAM correctly pointed out that, based on the standard the Democrats established, it appears no Republican could ever earn their support.

It is no secret that our Democratic colleagues don’t like the new President. They are doing what they can to undermine the new administration.

With respect to Senator SESSIONS, my Democratic colleagues disagree with a number of policy positions he has taken over the years, but this year seems to be unlike previous administrations, where Senators supported Cabinet nominees even if they disagreed with the nominee on policy grounds. That is what happened in 2009, when Senator Sessions and I both supported Eric Holder for Attorney General, even though we disagreed with him on many policies.

So after listening to all the reasons they are opposing this nomination, I can boil their objections down to these points:

Even though many of my colleagues have known this good man for years, even though many of my colleagues have worked closely with him to pass important bipartisan legislation, even though many of them have praised him in the past for his integrity and for being a man of his word, even though Senator Sessions has pledged to support and defend all laws passed by Congress, even those he disagrees with, when it comes time to stand up in support of the law, they are unwilling to take him at his word.

This is very troubling because all of us in the Senate know JEFF SESSIONS.

Some of us have known him for decades. Regardless of what my colleagues are willing to admit publicly, we all knew him to be a man of deep integrity, a man of his word, and a man committed to fairness, to justice, and, most importantly, to the rule of law.

We all know that when Senator Sessions served as an assistant U.S. attorney, as a U.S. attorney, and as attorney general for his home State of Alabama, he worked hard to promote the rule of law, and he did so as a prosecutor to both victims and perpetrators. We know he has a deep commitment to the rule of law, something an Attorney General must possess or he could not be the chief law enforcement officer of the United States. In other words, that law or that position is all about carrying out and having a commitment to the rule of law. As I said, much of Senator Sessions’ hearing focused on his record as the United States Attorney General.

Now, it is true Senator Sessions has voted on legislation in ways that the left doesn’t like, and of course I have even disagreed with him from time to time, but we all understand that every time we vote, we are voting the way we see as the best for our country.

I think we all also understand that very rarely is any bill a so-called perfect piece of legislation.

At one time or another, every single Member of this body has opposed legislation based upon a principle objection to a particular provision.

So, of course, Senator Sessions has voted differently than his Democratic colleagues. That is common sense. That is to be expected. This is the Senate. We are all about debating policy and for long periods of time. That is how the Senate works.

We all know the role of an Senator and the role of Attorney General are very, very different. A legislator debates policy and votes on legislation. The Attorney General enforces the laws, as enacted. All of us in the Senate understand that difference. Senator Sessions understands the difference better than most.

In addition to serving as a Senator for 20 years, he served in the Department of Justice for 15 years, a Department dedicated to law enforcement and to the rule of law and following what Congress directs law to be.

I am disappointed in my colleagues who have suggested Senator Sessions will not be able to put aside his policy differences and enforce the laws, even if he voted against that law.

This is especially troubling when he specifically committed to us during this confirmation hearing that if he is confirmed as Attorney General, he will enforce the laws, regardless of whether he supported that statute as a policy matter.

The criteria for this nomination is, will this man, whose integrity is beyond reproach, enforce the law as he said he will?

Senator Sessions answered that question directly during his hearing. He stated this:

The Justice Department must remain ever faithful to the Constitution’s promise that our government is one of laws and not of men. It will be my unyielding commitment to my firm, confirmed, to see that the laws are enforced faithfully, effectively, and impartially.

He goes on to say:
The Attorney General must hold everyone, no matter how powerful, accountable. No one is above the law, and no American will be beneath its protection.

Now, whether he said those things one time or dozens of times—and it is more apt to be dozens of times during the day and a half of hearings that we put him through, plus speeches that were given—it can’t be much clearer than what he just said.

But even after he made this promise, Members asked Senator Sessions if he would defend the laws that he had voted against, and he answered in the affirmative, stating:

I would defend the statute if it is reasonably defensible. It is passed by Congress, it would be the duty of the Attorney General, whether they voted for it or support it, to defend.

He was questioned about a host of hot-button policy issues. Time and again, his answer was the same. He will enforce the law. This will actually be quite different from the Obama administration, which refused to enforce laws it didn’t like. They did this while the people who are now in the minority—the Democrats—turned a blind eye when they didn’t enforce the law.

Senator Sessions also made clear that he possesses the independence necessary for the Attorney General. I have often heard Senator Sessions ask Executive nominees, including nominees for Attorney General, whether they will have the fortitude to stand up to the President who appointed them. So I asked him the same question during my time of questioning in the committee. I asked if he will be able to say no to President Trump, and he said:

I understand the importance of your question. I understand the responsibility of the Attorney General, and unless I simply have to help the President do things that he might desire in a lawful way and have to be able to say, “No,” both for the country, for the legal system, and for the President to avoid situations that are not acceptable. I understand that duty. I have observed it through my years here, and I will fulfill that responsibility.

Senator Sessions’ commitment to be independent from the President when it is necessary and his promise to enforce the law is exactly what this Nation needs right now. We haven’t seen much of this over the past 8 years. The Department has been politicized over the past 8 years, and that has caused great harm. The leadership of the Department of Justice has undermined our confidence in the rule of law by picking and choosing which laws it will enforce. I am looking forward to time when a new Department under our friend’s leadership as Attorney General. It is desperately needed, particularly at this time.
Last weekend, in particular, it showed us how critical it is to have someone leading the Department who is committed to following the law. Last week, then-Acting Attorney General Sally Yates announced that she wouldn't defend the government in defense of the President's recent Executive order, even though she admitted there was a defense to be made. As soon as she did this, Democrats ran to her defense and sang her praises, but after Senator Sessions' hearing, I would have expected Democrats to come to the opposite conclusion. During his hearing, they asked Senator Sessions whether he would enforce a law that he didn’t like over and over and over. But last week, Ms. Yates refused to enforce a law—why?—because she didn’t like it, and the Democrats lauded her “bravery” and “courage.”

They lauded her “courage.”

Now, let’s be very clear. She didn’t say that she can’t constitutionally defend the President’s order or offer good-faith defenses of its legality in the court. Instead, this is what—she explained her decision by saying her job ‘is to enforce the law,’ just as the job in the Department of Justice’s Office of Legal Counsel. She said, importantly, OLC, meaning Office of Legal Counsel, does not address whether any policy choice embodied in an Executive order is wise or just, it’s to support the law. Of course, that the decision on whether to defend an Executive order or statute in court turns on whether the Attorney General believes the law or order is wise or just. But with all respect to Ms. Yates, that wasn’t her job. The Department’s job is to enforce the law. Just like Senator Sessions, becoming Attorney General, said he would enforce the law. Ms. Yates’ obligation was clear. If she couldn’t defend the order in good conscience, the only proper course was to resign.

This unfortunate situation with Ms. Yates highlights why it is important to swiftly move to confirm an Attorney General who will be faithful to the Constitution and uphold the law regardless of policy preferences.

Ultimately, it comes down to this: There is no one more qualified than Jeff Sessions for this position. He served in the Department for 15 years. He served as attorney general for his home State of Alabama, and for 20 years he served on the Senate Judiciary Committee, which has oversight over the Department of Justice.

We all know how Senator Sessions is a man of his word. We all know he will enforce all the laws on the books, regardless of whether he supported them. Both Republicans and Democrats know he will make an excellent Attorney General and will be served well by his appointment. I urge all of my colleagues to vote in favor of the nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, thank you very much, and I want to thank the distinguished chairman of the Judiciary Committee for his remarks. I greatly appreciate the opportunity to work with him, and we have a number of major issues forthcoming.

I rise to oppose the nomination of Senator Sessions to be the Attorney General of the United States.

I think some of us and I certainly have lived through many difficult times in this country, but today this country is as divided as I have ever seen it.

Some have said that Democrats are in the anger stage of grief, but with all due respect, those statements just trivialize what is going on in this country. It is not trivial, and it is not something that we country split in half, with at least half objecting to the actions of this President, including his nominee for Attorney General.

My office has received approximately 114,000 calls and emails regarding Senator Sessions, with 112,000—more than 98 percent—opposed to this nominee. I would like to quote a few of my constituents who deeply oppose this President and this nominee and have been talking about how they would protect the fundamental values of America.

Here is one from a doctor:

I marched because of the thousands of patients I’ve seen in the community, people of color, immigrants from all over the globe, who are terrified about the loss of their rights and the dramatic explosion of racially and culturally focused hate crimes we’re reading about.

I marched on Saturday because women must not be denigrated, as we’ve seen by the attitude exemplified by our new President in his unmeasured remarks.

I marched on Saturday because I’m desperately worried that the progress this country has made in recognizing the rights of all Americans regardless of race, ethnicity and religious belief, is now threatened with a roll-back to the ’50s.

The American process of justice is a beacon and an example to the world. Jeff Sessions must not be confirmed.

Here is another:

As a Californian who wants to finish school as a Californian with “pre-existing conditions,” I am among the kid of a South American immigrant—I don’t know what I can say other than please, please, protect us from whatever is coming at best you can.

One woman who marched after the inauguration came to my office the following Monday and wrote a handwritten note explaining why she marched. Here is what it said:

Our President has incensed all protesters as “professionals” and “sore losers.” I am here in Washington for his first full week of the presidency to send the message that I am neither a “professional” nor a “sore loser”—just an ordinary American citizen who can no longer sleep well at night worrying about how his agenda will negatively affect me and my family, but democracies all over the globe. America is already great; what Trump and his administration will do is destroy it.

To my constituents—112,000 have called and emailed to oppose this nominee—let me just say this: I hear you. To my Republican colleagues, this is not grief about losing an election. At no time when my party lost an election or when the President was of a different party did I feel the way I feel today. For most Presidents, there is hope—a hope of unity, a hope of bringing people together, a sense of common purpose. That is what it means to be a leader of this country, the whole country—red States and blue States, all of our people.

President Obama began his tenure in office with a 69-percent approval rating. President George W. Bush talked about compassionate conservatism. After a terrorist attack killed nearly 3,000 people, President Bush went to the Islamic Center in Washington on September 17, 2001, and said: “Islam is peace.”

He said:

Muslims are doctors, lawyers, law professors, members of the military, entrepreneurs, shopkeepers, moms and dads. And they need to be treated with respect. In our anger and emotion, our fellow Americans must treat each other with respect.

Incidentally, President Eisenhower dedicated the Islamic Center in 1957, and here is what he said then:

In the American tradition, under American tradition, and in American hearts, this center, this place of worship, is just as welcome as could be a similar edifice of any other religion. Indeed, America would fight with her whole strength for your right to have here your own church and worship according to your own conscience.

Now, Mr. President, that was the man who led America, and Allied forces in Europe against Nazi Germany, a regime of pure evil that targeted Jews based on their religion and exterminated millions of Jews, Poles, Serbs, Roma, Soviet citizens, gays, lesbians, and many others. President Eisenhower was saying that this country, the United States of America, would fight with her whole strength to protect the religious freedom of Muslims.

“Without that concept,” President Eisenhower said, “we would be something else than what we are today.”

Can anybody even imagine Donald Trump uttering words like two of his Republican predecessors, Dwight Eisenhower and George W. Bush?

Instead, there is attack after attack after attack on minorities, on immigrants, on Muslims, on women, on his critics, on judges, on the press, and yes, even on truth itself.

There is the President’s Muslim ban Executive order, which my amendment says has caused between 60,000 and 100,000 visas to be revoked. That order, which caused chaos at airports around the country, is now subject to nearly 60 legal challenges in Federal courts. On Friday, a Federal judge in Washington struck down implementation of major portions of the Executive order. The judge, appointed by President George W. Bush, was then promptly attacked on Twitter by President Donald Trump. This afternoon, the Ninth Circuit will review the case.

To say this is just a stage of grief after losing an election is really to ignore reality.
Last week Sally Yates had to stand up and tell the President no. Now more than ever, it is clear how important it is that the Department of Justice be independent from the President. When she stood up, she was promptly fired by this President. And not only was she fired, but Attorney General Sessions and his deputy attorney general were maligned in an over-the-top press statement. This woman is a career prosecutor with 27 years of experience. She was the lead prosecutor in the terrorist prosecution of 1996 Olympic bomber Eric Rudolph. She went after a real terrorist, and she got a conviction. The President called her a “disgrace” and “weak on borders.”

Here is the point: This is the man for whom Senator Sessions has been a stalwart campaign advocate. In response to my written questions, Senator Sessions stated: “I endorsed him in part because he was a leader advocating for issues I supported and believed in.”

Senator Sessions was a close campaign adviser and supporter of the President. He was the first Senator to endorse him. He spoke on Trump’s behalf at the National Republican Convention. He appeared at numerous rallies. He attended at least 45 campaign events. During the campaign, he spoke at large rallies, smiling and laughing, while crowds chanted “Lock her up.”

Then in October of last year, at one of the Presidential debates and again at a rally in Virginia, Candidate Trump repeatedly referred to him as “my attorney general.”

A month after the announcement of his nomination to be Attorney General, he appeared again with the President-elect on a thank-you tour in Alabama. This was a rally where many of the President’s campaign promises, such as building the wall, were repeated. Crowds once again chanted “Lock her up.” The President-elect introduced him. As Senator Sessions stepped forward, as he walked out to speak to dramatic effect, he whipped out a “Make America Great Again” hat, put it on, and pumped his fists into the air.

Already, at this point, he had been designated to be the next Attorney General of the United States, an independent legal check on the President, a man who responds to the Constitution and the law independent of the Chief Executive. One would have thought a sense of the solemn duty of the Office of Attorney General would have counselled against appearing at yet another political rally with Trump, but it did not.

At that rally, as Attorney General designate, Senator Sessions said that the Trump campaign was “more than a normal campaign, but a movement,” and when he finished speaking, he thanked the President-elect for “the opportunity to participate in a movement that I believe can help make America great.”

So, to me, this is key. This shows how Senator Sessions views this appointment—as an “opportunity to participate in a movement” to advance the President’s agenda. This is not the role of the Attorney General of the United States. This is more political than any Attorney General nominee in recent memory has ever been. Can we really expect him to be an Attorney General who is independent for the President? I do not believe so.

In fact, a recent Washington Post story reports the depth of Senator Sessions’s involvement in the Trump transition. The Washington Post reported that Senator Sessions became a daily presence at Trump Tower in November, mapping out the policy agenda and making personnel decisions. In fact, you can search C-SPAN, the Web site, for video of Senator Sessions speaking at Trump Tower about the transition.

On November 15, in the lobby of Trump Tower, he said:

“My former chief of staff is doing a great job under incredible demands, and the whole team works long hours. I mean, 20 hours a day kind of work and just remarkable what is happening. I’m one of the co-chairs, if five, I believe, co-chairs of the committee under Vice President Pence.

Then Senator Sessions said, “Steve Bannon is a powerful intellect and a thoughtful leader that consistently provides good advice.”

We learned last week that Steve Bannon thinks the same thing about Senator Sessions. Senator Sessions wrote to the Washington Post just days ago, Sessions was—and I quote, and here it is—“the fiercest, most dedicated and most loyal promoter in Congress of Trump’s agenda, and has played a critical role in the clearinghouse for policy and philosophy to undergird the implementation of that agenda.”

The Post went on to report that Senator Sessions “lobbied for a ‘shock-and-awe’ period of executive action that would rattle Congress, impress Trump’s base, and catch his critics unaware, according to two officials involved in the transition planning.”

The article says: “Sessions had advocated going even faster.”

Now, we have seen the consequences of those actions, and what is the result? Division, legal challenges, people marching in the streets.

Senator Sessions is not a man apart from this agenda. He is not independent of this agenda. He is part of it. He is committed to it. He is a leader of it.

Now, let me move to other parts of Senator Sessions’ record and what we learned from him in the hearing.

I said earlier that I cannot imagine a more important time for the Department of Justice to be independent of the President. Part of that is because of what we know about the Russians and their illegal efforts to get this President elected.

The Intelligence Community has reached the following conclusions about Russian activities during the election, among others: “We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election.”

Quote: “Russia’s goals were to undermine public faith in the United States Democratic process, denigrate Secretary Clinton and her electability and potential presidency.”

Quote: “We further assess Putin and the Russian Government developed a clear preference for President-elect Trump.”

Quote: “We also assess Putin and the Russian Government aspired to help President-elect Trump’s election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him.”

We have confidence that Russian military intelligence (General Staff Main Intelligence Directorate or GRU) used the Guccifer 2.0 persona and DCLeaks.com to release U.S. victim data obtained in cyber operations publicly and in exclusives to media outlets and relayed material to WikiLeaks.”

These are just some of the conclusions that our intelligence agencies—all of them—have reached, including the FBI.

The Department of Justice, through the National Security Division and the FBI, has an important role to play in investigating and prosecuting Russians or coconspirators in this matter. The FBI, as I said, was part of the assessment that led to the January report.

Now, Senator Sessions chaired the President’s National Security Advisory Committee during the campaign. That is a committee on which National Security Advisor Flynn served. So he was Trump’s top person on national security, and it is no secret that explosive allegations about the President’s and his campaign team’s connections to Russia are out there.

As a Senator, including as a member of the Armed Services Committee, Senator Sessions was quite critical of Russia. In 2000, he said Russia is a country where leaders lie, cheat, and steal to maintain political office.

That was a floor speech on April 13, 2000.

In 2014, after Russia invaded Crimea, Senator Sessions said, “I believe a systematic effort should be undertaken so that Russia feels pain for this.”

This was in the Montgomery Advertiser, March 19, 2014.

When he was a Senator in the 1990s, he and other Republican Judiciary Committee members called for a special prosecutor because of allegations of $1 million in Chinese monetary contributions to a Presidential campaign. That is from a floor speech on March 9, 1990.

He pointed to the campaign connection and said that meant the Attorney General needed to appoint a special prosecutor. He said: “This is serious business. We ought not to treat this lightly.”

Floor speech, March 9, 2000.

Yet, now that our intelligence community has concluded that Russia, at
the direction of Vladimir Putin, invaded the American political process with massive hacks and leaks for the purpose of favoring candidate Trump. Senator Sessions says that he has not even reviewed the intelligence community’s reports.

When asked in writing by myself in Question for the Record 2b after his hearing whether he had even read the intelligence assessments, classified or unclassified, he said he had not read either one.

Now, that is stunning. One of the most important national security revelations in recent years, and he is nominated to be Attorney General, and he hasn’t reviewed it? Why? He attended 45 campaign events, was intimately involved in the campaign and transition, but despite all of this, he would not commit himself to recuse himself.

This should be of real concern to all of us.

Another nation—namely, Russia—has attacked our political process in a major way: hacking a political party and leaking its internal deliberations. This time, it targeted the Democratic Party; next time, it could be the Republican Party, but whichever party it is, we cannot allow it.

Intelligence and law enforcement professionals must be able to follow the facts wherever they lead. The investigation could lead to the prosecution of people who helped hack and leak information hacked by Russia to help the President’s campaign. It obviously has the potential to create embarrassment for the President and his people, and to implicate people involved in the campaign.

So the question is a big one, and we ought to think about it. How will this nominee handle investigation and prosecution into an unprecedented and major foreign intrusion into the election of the President of the United States? Will he be independent of the White House? I do not believe he can.

Let me move on to voting rights. Senator Sessions long ago testified that he thought the Voting Rights Act was an intrusive piece of legislation. He acknowledged this again in his hearing. In 1986, Senator Sessions said: “It is a serious thing . . . for the Federal Government to come in and sue a State.”

That implies a hesitation to use the Voting Rights Act to change certain systems of election in counties that were adopted to disenfranchise minorities.

When we considered the Voting Rights Act Reauthorization of 2006, the Senate voted for it. But he also expressed skepticism about the preclearance provision of the act, section 5, which was a core part of the act. And then, when the Supreme Court narrowly ruled five to four in Shelby County—that is a decision—and that section 5 of the Voting Rights Act could no longer be enforced, Senator Sessions called it “good news for the South.”

What does that mean? It means State after State that had been prevented from denying the right to vote by section 5 can now proceed unless they are affirmatively stopped by a lawsuit that takes time to develop, and a wave of new laws suppressing the vote were quickly passed following the Supreme Court’s ruling.

He has tried to argue that he will fully enforce the Voting Rights Act. In his committee questionnaire, he pointed to 4 cases he claimed were among the 10 most significant litigated cases he personally handled. As Senator Franken demonstrated in our committee, his record of handling these cases is thin, at best. Lawyers who handled three of the cases say Senator Sessions had no substantive involvement. He did not mention them in his 1986 questionnaire, even though the cases were ongoing at that time. And now he says he played a supporting or assistance role in them.

So these cases do not make me confident that as Attorney General overseeing the Civil Rights Division, he will ensure that the civil rights and voting rights laws are faithfully enforced.

So I asked him questions to see what he would do. I pointed out in written questions that several voter ID laws have now been struck down, or severely limited, under the Voting Rights Act. Just one example: One of the most conservative appeals courts in the Nation, the Fifth Circuit, found that Texas’s law violates the Voting Rights Act. According to the courts, 608,470 registered voters in Texas lack required ID, and Black and Latino voters were far more likely than White voters to lack the required ID. The court found that the Texas law had a discriminatory effect, in violation of the Voting Rights Act.

Now, this means the Justice Department must review the rights of all Americans in these cases. So I asked him, would you continue to enforce the Voting Rights Act in these situations? Is there now precedent for it. He would not answer. He tried to say that the Supreme Court has actually held that voter ID laws do not necessarily violate the Voting Rights Act.

That is my written question for the record, No. 14.

But the Supreme Court decision he referenced, Marion County Election Board, did not talk about the Voting Rights Act at all.

So I asked him to clarify his response. His answer indicated that it was just his own view that voter ID laws do not necessarily violate the Voting Rights Act. This was a follow-up question, No. 7a. That may be his personal view, but the courts’ view is that these laws can and in some circumstances do violate the Voting Rights Act. But he still has refused to say they are always unconstitutional.

Then, when asked about voter fraud by Senator Coons, Senator Sessions responded that he believes “fraudulent activities regularly occur” during elections. He pointed to a single report to support his view that voter ID laws are a good idea. That is Senator Coons’ question for the record 9b. He refused to comment on data provided by Senator Coons that showed the rarity of in-person voter impersonation fraud, which is the only thing a voter ID law can catch. He didn’t comment about the impact on hundreds of thousands of legitimate voters, many of them minorities and students, who are denied the fundamental right to vote by these laws.

Now we have the President on Twitter and television claiming that millions of illegal votes were cast and that is why he lost the popular vote by nearly 3 million votes, and he is ordering his administration to investigate that. If President Trump asks Attorney General Sessions to carry out his partisan, pointless investigation, what will Senator Sessions do? Is the legal department going to become President Trump’s political investigator? Or will it defend and use the Voting Rights Act to protect the right to vote of millions of Americans?

In 2015, Senator Sessions voted for legislation that would impose a nationwide ban on abortion after 20 weeks. That legislation had a penalty of jailing doctors for up to 5 years, and it would have forced survivors of rape and incest to overcome additional and medically unnecessary hurdles before they could receive care. The legislation also had no exception for a woman’s fundamental right to control her own body and her own reproductive system.

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Imagine what it is like to be a woman who learns that she has serious complications late in pregnancy and that she will suffer debilitating physical health effects if she cannot get an abortion. Then imagine having to tell her that her health must suffer for the rest of her life because politicians have prohibited her from making her own health care decisions. But this is the outcome Senator Sessions voted for.

Senator Sessions believes the case that established a woman’s right to control her own reproductive system—Roe v. Wade—is one of the “worst, most erroneous Supreme Court decisions of all time.” In fact, weeks ago when testifying before our committee, I asked him if this is still his view, and he said “it is.” He even said Roe v. Wade “violated the Constitution.” That statement essentially invites States to enact more and more restrictions on women’s fundamental access to health care. It is a signal to those
States that if they enact restrictions and are challenged in court, then the Justice Department may in fact support them and try to overturn Roe v. Wade. In fact, I asked him about that, and he did not rule out the Justice Department's pushing to overturn Roe. He left the door open by saying: 

"The Department may go to court and support continued State efforts to further and perhaps even further restrict the rights of women who have abortions—women who have chosen to control their own reproductive system."

The bottom line: I do not have confidence that Senator Sessions will fairly and independently safeguard the freedom of women of America.

Let me move on to immigration. Senator Sessions has been the staunchest opponent of comprehensive immigration reform, preventing the passage of legislation to strengthen the border and to prevent families from being torn apart.

Senator Sessions opposed immigration reform so strenuously that he drafted and distributed his own book entitled "Immigration Handbook for the New Republican Majority." This handbook implied that immigrants were taking jobs from low-income minorities and abusing public benefit programs—setting people against each other. More alarmingly, Senator Sessions voted at least twice against the DREAM Act, which seeks to protect some of our country's most vulnerable youth, undocumented individuals—children—who were brought here through no choice of their own.

On President Obama's Executive action to protect these children—known as DACA—he doesn't just oppose it. He is actively seeking to take it down. A recent Washington Post article says he is lobbying for the administration to overturn DACA. It is one thing to disagree with it, but it is quite another when the policy could crush the lives of ordinary people.

In December, I wrote an op-ed in the San Francisco Chronicle about the importance of DACA and what it means for Californians. I discussed the story of Denisse Rojas, brought to the United States as a 10-month-old baby. Rojas' family is similar to many families with mixed status. Her mother and father came to the United States to say: "I am going to create a better life for our children."

Denisse excelled in high school and majored in biology at UC Berkeley. She worked as a waitress and commuted an hour each way to classes because she couldn't afford to live near campus. After graduation, she volunteered at San Francisco General Hospital. Denisse dreamed of going to medical school, driven in part by a family member's death. The disease was diagnosed at a late stage because the family's immigration status made it impossible to afford health insurance.

Today, Rojas is enrolled in New York's Icahn School of Medicine at Mount Sinai, where she is on track to earn her degree in 2019. She intends to specialize in emergency medicine and work in low-income communities to provide health care to families, like her own, who would otherwise go without necessary treatment.

This is the perfect case for discretion. This is the perfect case for the exercise of a just humanity. But Senator Sessions is lobbying to overturn DACA. He is actively seeking to take it down. A recent Washington Post article says he is trying to go to court to overturn Roe v. Wade. In fact, I asked him about that, and he did not rule out the Justice Department may in fact support the deportation of children who have no other country but the United States.

If he doesn't believe these youth deserve some sort of prosecutorial discretion when it comes to deportation, how is he going to act as our Nation's leading Federal prosecutor? It is no secret that he believes in an aggressive use of executive enforcement power in the area of immigration. He testified in response to Senator Flake that he favors "a zero tolerance policy" for immigration offenses already make about a third of all Federal prosecutorial discretion each year. So does it make sense to increase that substantially? There certainly are more troubling crimes at the border, but the country that require the attention and resources of the Department of Justice: human trafficking, smugglers, organized crime, gangs, drug trafficking, hate crimes, white-collar crimes, civil rights, and voting rights, just to name a few.

Senator Sessions' opposition to prosecutorial discretion caused me great concern.

Let's move on to criminal law. During the hearing, discussing sentencing, I noted Senator Sessions' opposition to prosecutorial discretion caused me great concern.

As we know, drug prosecutions were the most common Federal charge in 2015. So Senator Sessions' view on them will have a big impact on the workload in U.S. attorneys' offices. If he becomes the nationwide policy of the Department, it will mean mandatory sentences of 5 years, 10 years, 20 years, and even life in prison for drug charges will be imposed much more often, because depending on how prosecutors charge cases, the law will tie a judge's hands when it comes to a sentence. That is how our system works today.

The mission of a prosecutor is to do justice, not instinctively bring the maximum charge. The charge, then Attorney General Robert Jackson said in 1940: "The prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous."

Your positions are of such independence and importance that while you are being dealt strict, and vigorous, you can also afford to be just. Although the government technically loses its case, it has really won if justice has been done.

For Senator Sessions to say that a prosecutor cannot exercise some judgment, based on the circumstances of a case, to seek a lesser charge or a lesser punishment, in my view, is just not correct.

I have discussed mandatory minimum sentencing in the Judiciary Committee. The Senator from Illinois, distinguished as he is, has been a leader in this cause. It has been discussed for years in the context of the sentencing reform efforts led by Senators Leahy and Whitehouse. Senator Lee, in particular, has been a passionate advocate against mandatory minimum sentencing.

I believe, in enforcement of the drug laws, always have. There are difficult questions about what actions the Justice Department would take in States that have legalized marijuana in some way or another under their own laws. The bottom line is this: sensitivity and good judgment are needed in prosecutorial decisions. We want to make sure the sentence fits the crime and that resources are used wisely. Senator Sessions comments make it clear that he generally opposes granting discretion to a prosecutor to impose a lesser charge or a lesser sentence based on the circumstances of the case before them.

One thing I found striking was that in Senator Sessions' written statement to the committee, he said the following: "I understand the demands for justice and fairness made by the LGBT community."

I have served on the Judiciary Committee for 24 years. Twenty of them have been alongside Senator Sessions. I cannot recall a single time when he spoke about supporting any kind of "justice and fairness" for the LGBT community or made any kind of statement like this. We looked and couldn't find one. In the CONGRESSIONAL RECORD either. In fact, the statement stands at odds with his record.

Let me give you a few examples. In 2011, we marked up a bill I had introduced to repeal the Defense of Marriage Act, known as DOMA, that denied married gay and lesbian couples equal protection under the law. Not only did Senator Sessions vote no—as
The Attorney General must ensure that no one in the LGBT community is treated unfairly. My answer to the question of who understands the Constitution and characterized Sessions' arguments on the Federal Circuit as "brilliant." That dissent, by the way, made a crime in this Nation. He was part of the Trump campaign apparatus, transition, agenda, and way of thinking. As Steve Bannon wrote in the Washington Post just days ago, Sessions was "the fiercest, most dedicated and most loyal promoter in Congress of Trump's agenda, a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda."

Do any of my colleagues—Republican or Democratic—think Steve Bannon didn't know what he was talking about in this email to the Washington Post? Do any of my colleagues believe that if Senator Sessions is confirmed, he is going to take off the political hat and be an even-handed Attorney General for all Americans who will tell this President no when it is merited on the basis of the law and the Constitution? I don't believe it for a second. I must vote no and urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Hoeven). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I rise in support of the nomination of Senator Sessions to be the 80th Attorney General of the United States at a time of great challenge. He has been a U.S. attorney. He has been Attorney General of his State. He is a man steepled in the law. His biggest crime, I think, is that he is very conservative. That, to me, is not a disqualifier any more than being very liberal is a disqualifier.

How do you think we felt when Barack Obama basically turned Obamacare upside down with one Executive order after another? Every time it started stinking up in public? He would unilaterally change the law to avoid a political consequence or granting millions of people legal status with a stroke of a pen, well beyond his lane, struck down by the Court as being outside his ability as President to do.

Not once did anybody on that side raise an objection. Eric Holder is a fine man. I can't remember a time when Eric Holder stood up to this runaway train in the Obama administration. Lo- torch? He is a fine woman. I can't re-
doubt in this election, believe it or not, that had a lot to do with the way the last 8 years rolled out.

This was a check-and-balance election, and you are not going to be able to undo the consequences of this election unilaterally. I think it would be unfair to say that Senator JEFF SESSIONS is not qualified for the job at hand.

Most of the attacks against Senator Sessions could be levied against almost all of us on this side of the aisle. The NAACP, according to JEFF SESSIONS, is one of the premier civil rights organizations in the history of the country. I think that is a fair characterization. Mr. Cornell Brooks, CEO of the NAACP, said of Senator Sessions: Senator Sessions’ record throughout his career, whether in the Office of the U.S. Attorney for the Southern District of Alabama, as attorney general of the State of Alabama or, most recently, as the junior U.S. Senator from Alabama evinces a clear disregard, disrespect, and even disdain for the civil and human rights of racial and ethnic minorities, women, the disabled, and others who suffer from discrimination in this country—a damning indictment.

Apparently, he doesn’t stay in contact with the NAACP chapter in Alabama. In 2009, the NAACP gave JEFF SESSIONS its Civic and Human Rights Convention, April 23 to 26, 2009, NAACP Governmental Award of Excellence, Senator JEFF SESSIONS: For the outstanding work you do.

That is one of the awards he forget to tell us he would find to add his name to.

Another attack on Senator Sessions, he received an award from a David Horowitz group that was labeled by the Senate from Connecticut as being some rightwing extremist organization. All I can say is that the Ann Taylor Award is named for a lady who went over Niagara Falls in a barrel. They give it to conservatives who stood up under difficult circumstances. I actually received the award as an impeachment witness. Mr. Chris Matthews was there to moderate the dinner. So I don’t know what Mr. Horowitz said after I was there, before he was there; all I can say is that I received the award, too, and I sure as hell don’t consider myself a liberal.

Voting against the Violence Against Women Act authored by Senator LEAHY—I won’t give you a long rendition. I voted against it, too, for reasons I will be glad to explain to you at a later time.

The bottom line here is that most of the things said about JEFF SESSIONS and the way he acted as a Senator could be said about almost all of us on this side who consider ourselves conservatives.

Back to our friends at the NAACP, I asked Mr. Brooks, “Do you have a legisliative scorecard how you rate people in the Body?” He said, “Yes. And Senator Sessions has been historically low rated.”

Here is what I want the body to know: that in the report card of the 113th Congress, the first half, here are the ratings. Senator GRASSLEY—all Republicans here, 11 percent; HATCH, 25 percent; GRAHAM, 25 percent; CORNYN, 11 percent; LEE, 11 percent; CRUZ, 11 percent; Sasse, he wasn’t in Congress; BLANKENSHIP, 14 percent; TILLIS and KENNEDY were not rated yet. On the Democratic side of the Judiciary Committee, FEINSTEIN, 100 percent; LEAHY, 100 percent; WHITEHOUSE, 100 percent; KLOBUCKAR, 100 percent; FRANKEN, 100 percent; BLUMENTHAL, 100 percent; HIRONO, 100 percent. Not only did JEFF SESSIONS have a poor rating, all of us did.

So to my friends on the other side, you are making arguments that I don’t think make America a unique place; therefore, you don’t get this job.

Here is what I would say: Senator Sessions voted as a very conservative Senator from the State of Alabama who has conducted himself honorably in his current role as Attorney General. I don’t think we have gotten to this point. All of us in here know JEFF, and I have been on this floor fighting with him tooth and nail about immigration reform. I worked with Senator DURBIN, who is going to speak next, and our chief antagonist most of the time was Senator Sessions. Never in my darkest day will I ever believe JEFF SESSIONS said one word on this floor that he did not truly believe. And he reflects the views of millions of Americans.

As to the status of the LGBT community, I think JEFF SESSIONS was representing the values of his State. And all I can say is, that is what we are sent up here to do. If we disagree, we disagree, but I cannot accept the policy disagreement to not qualified.

I asked the NAACP chairman: Name one Republican you would recommend to be Attorney General. I have been here here.

So what we are talking about here, unfortunately, is an attack on conservatism more than it is JEFF SESSIONS because almost everything said about JEFF could be said about me and most of my colleagues over here. Why did I vote for Holder? Why did I vote for Lynch? Why did I vote for Sotomayor and Haged? And the list goes on and on and on.

I expect that when a liberal President wins, they will pick people who are qualified, who share their view to represent their administration. When it comes to the Attorney General, you can be liberal and you can be conservative, but you also still have to be fair to the public as a whole.

I don’t believe for one second that JEFF SESSIONS, as Attorney General of the United States, will take any of his political positions and jam them down your throat if the law says no. I have never seen that about the man.

The minority leader of the Alabama Senate, Senator Ross, an African-American Democratic minority leader, said:

I have worked with Jeff Sessions. I know him personally, and all of my encounters with him have been for the greater good of Alabama. We have spoken about everything, from civil rights to race relations. We agree that as Christian men, our hearts and minds focus on doing right by all people.

That is the JEFF SESSIONS I know. This is why I am lending my support to his nomination.

I have some serious differences with President Trump, and those differences will materialize over time. And I hope I have the courage of my convictions to stand up for what I believe even when my party has the White House. That is a very hard thing to do for all of us. I intend to do it to the best of my ability, and I will get a lot of coverage for doing that because that makes for good political reporting. But what will not be covered is the fact that on the really big issues, mostly, I agree with President Trump and JEFF SESSIONS about what we need to do to change the dysfunctional judicial system—work with Senator DURBIN to bring about sentencing reform, but it is now time to go in on the offense against crime.

One of the things that pleases me most about this nomination of Senator Sessions is that we have been very strong allies in fighting the War on Terror. JEFF SESSIONS understands the difference between fighting a crime and fighting a war. It will be welcome news for me to have an Attorney General who understands that a son-in-law who is captured on the battlefield should be treated differently than somebody who tried to steal your car. Under JEFF SESSIONS, the Justice Department will look at enemy combatants for who they are—warriors in a cause to destroy our lives—and they will be held consistent with the law of war, not domestic criminal law. And the days of terrorists being read the Miranda rights as if they were common criminals will soon be over. That will make us all safer.

I look forward to voting for Senator Sessions and working with him. And if we have disagreements, the one thing I know for sure is that Jeff will at least listen to me.

This body is adrift. The country is really divided. I hope that once this confirmation process is over, we can get back to doing the business of the American people.

To the extent that Donald Trump becomes the problem, we will push back. Right now, people are pushing back against everything all the time, and you are going to hurt yourself, as well as this body, because there is no way we are going to ever convince my JEFF SESSIONS is not qualified to be the Attorney General. I can understand why you wouldn’t pick him, but there is no doubt in my mind that he is somebody a Republican conservative President would pick, and that is why I did.

I yield the floor.

The PRESIDING OFFICER (Mr. Sasse). The Senator from Arizona.
Mr. MCCAIN. Mr. President, I thank the Senator from Illinois for his courtesy. I think this will take about 7 or 8 minutes. I would say to my colleague from Illinois.

I ask unanimous consent to address the Senate at my morning business.

Mr. MCCAIN. Mr. President, last week I thought to learn that a dear friend and great fighter for freedom, Vladimir Kara-Murza, had been hospitalized in Moscow. Those of us who know the work of this brave Russian patriot could not afford to hope or assume that he was suffering some ordinary illness. Just 2 years ago, under mysterious circumstances, Vladimir grew very ill and fell into a coma.

Many suspected he was poisoned, to intimidate him or worse. That is why last week I broke the silence of the shadowy strike against a brilliant voice who has defied the tyranny of Putin's Russia.

Many Americans are not familiar with the name Vladimir Kara-Murza, but it is one that reflects the best qualities of leadership, courage, selflessness, idealism and patriotism, and it is a life dedicated to the principles we all hold dear: truth and justice, freedom and fairness, human rights and human dignity.

All his life, Vladimir has been a brave, outspoken, and relentless champion for the Russian people. He is a deputy leader of the People's Freedom Party, Russia's leading pro-democracy party. He is a leading coordinator of Open Russia, a foundation that promotes civil society and democracy in Russia. In 2011, he helped mobilize the largest anti-Kremlin demonstration since the fall of the Soviet Union.

In the United States, Vladimir has been one of the most passionate and effective advocates for passage of the Magnitsky Act, legislation that gives the Federal Government powers to punish human rights violators in Russia. Most recently he has eloquently and persuasively campaigned to expand the Act to impose sanctions on those Russians journalists who were so cowed and corrupted by the Kremlin that they become indispensable to propagating the lies and atmosphere of hate, fear, and division.

In short, Vladimir knows that Putin is a jailer of conscience and a killer—and he is a killer. He might have even been someone from the campaign trail.

A classic example is 1960, when President John Kennedy was elected and chose his brother Robert Kennedy, who had worked on his campaign, to serve as Attorney General of the United States. You can’t think of a clearer analogy to what has been described today. But the point that was made earlier by Senator FEINSTEIN about the relationship of Senator Sessions with Candidate Trump is one that goes beyond familiarity, beyond support in a political campaign. In fact, they did work together, and they do agree on some fundamental issues.

If the press can be trusted—and the White House is the first to tell us they can’t—but if the press can be trusted,
in a Washington Post article of January 31, 2017, we see a very clear working relationship that extends beyond the would-be Attorney General Jeff Sessions and the new President Donald Trump but includes a former key staffer for Trump, Steve Bannon, and a man named Steve Bannon, who is with Breitbart News and is now a political inspiration to the Trump White House. It appears that they have a very close working relationship among them. That is Senator Sessions, Steve Bannon, and a man named Steve Bannon, who is with Breitbart News and is now a political inspiration to the Trump White House. It appears that they have a very close working relationship among them.

This is not a decision I have come to lightly. Senator Sessions is a colleague of over 20 years. But the question we now face is whether he is the right person to address the plight of thousands of low-level, non-violent offenders. He was sentenced to life without parole on a non-violent drug offense—no guns, no violence. He sold drugs a third time and got a life sentence.

When it came to clemency, Senator Sessions fiercely criticized President Obama, saying he committed sentences in "an unprecedented reckless manner." Senator Sessions also said: "So-called low-level non-violent offenders simply do not exist in the Federal system."

When it came to changing the law that led to Alton Mills sentence, Senator Sessions led the opposition. I appreciate the work we did together on that. But every time I have returned to Senator Sessions and asked him to work with me for the thousands still stuck in Federal prison for nonviolent drug offenses under the old sentencing disparities which we have now rejected, he refused, time and again. He has opposed every bipartisan effort, including a bill that I put together with Senator Grassley, Senator Cornyn, and others to allow individuals to petition on an individual basis for sentence reduction.

So to sum it up, Senator Sessions has staunchly opposed using prosecutorial discretion, clemency, or legislation to address the plight of thousands of people like Alton Mills. What can we expect of Attorney General Jeff Sessions in the next 4 years when it comes to criminal justice and criminal sentencing reform? I am afraid we can't expect a caring person to take a look at the simple injustice in our system.

I have listened, as many other colleagues have, to the statements made by Senator Sessions on the issue of immigration. I have said before on this floor—and I will say it again—that I am the proud son of an immigrant. For generations, America has been renewed and enriched through immigration. Since World War II, we have set an example to the world when it comes to providing a safe haven for refugees. We have four Hispanic Senators in this Chamber. Three of them are Cuban Americans. What can we say about the Cuban refugees who came to the United States by the hundreds of thousands to flee the oppression of Castro? They were not subjected to extreme vetting. In most cases, we said: If you can find freedom in this country you are welcome. They have made America a better nation for it.

Since World War II, that has been America's standard. Now it is being challenged. It is hard to understand how the Trump administration could consider spending so much on a Mexican wall that Texas Republican Congressman Will Hurd, whose district covers 800 miles of the southwest border, described as "the most expensive and least effective way to secure the border."

I have come to this floor and voted for more money for walls and obstacles and technology on that border than I ever imagined necessary, in the hopes that we could finally put to rest this notion that we could always do more. I wonder what image it creates of this...
country, as we continue to talk about walls and banning travel.

President Trump signed an Executive order on January 27 banning immigration from seven Muslim-majority countries, and banning refugees from those countries for 120 days. As I go through the list of the people who were affected by this, overwhelmingly they are women and children, victims of war, terrorism, and persecution.

Many of them have been waiting literally for years to come to the United States once World War II, we accepted so many refugees from Eastern Europe, from Vietnam, from Cuba, as I mentioned earlier, and from Yugoslavia. Over 100,000 Soviet Jews make their home in the United States because we accepted them as refugees.

Now President Trump has issued this Executive order that is being challenged in court, and we will know within a matter of days whether it will be stayed or continued, contested or if it will fall. Acting Attorney General Sally Yates said that she could not stand to defend that order. She felt it was illegal and unconstitutional.

The question, obviously, is what would the new Attorney General, if it is Jeff Sessions do, when faced with that same challenge? My fear is that he would not stand in independent judgment of the actions of the President. That to me is unfortunate and falls short of what we expect from the Attorney General.

We need someone like Edward Levi, the longtime president of the University of Chicago, who served as a truly nonpartisan Attorney General under President Ford. He restored honor and integrity to the Justice Department after Watergate. Where would Senator Sessions stand once confirmed? Would he defend the President’s Executive orders? Would he stand up to the President if he disagreed with him? I have strong suspicions.

Mr. President, one of the most important issues when it comes to the Attorney General is the oversight of the Civil Rights Division, which is, in fact, the crown jewel of the Justice Department, as far as I am concerned. It is responsible for protecting the civil rights of all Americans.

Senator Cory Booker and Congressmen John Lewis and Cedric Richmond gave powerful testimony at Senator Sessions’ confirmation hearing. They discussed their concerns about the Justice Department under his leadership and whether it would protect the civil and voting rights of all Americans. I took their words to heart. I want to talk specifically about their concerns about the Voting Rights Act.

One month from now, we will recognize the 52nd anniversary of what came to be known as Bloody Sunday—March 7, 1965. John Lewis and Rev. Hosea Williams led 600 brave civil rights activists in a march across the Edmund Pettus Bridge in Selma, AL. The marchers were brutally beaten as State troopers turned them back and chased them down. John Lewis was beaten unconscious and nearly killed.

A few months after Bloody Sunday, President Lyndon Johnson signed the Voting Rights Act into law, guaranteeing that the right to vote would not be restricted through clever schemes like poll taxes and literacy tests devised to keep African Americans from voting.

In 2006, Congress voted to reauthorize that same act after holding 21 hearings. Through more than 90 witnesses, and receiving 15,000 pages of evidence.

Congressman Lewis said in an op-ed about the ongoing need for that act:

Congress came to a near-unanimous conclusion: While some change has occurred, the places with a legacy of long-standing, entrenched and state-sponsored voting discrimination still have the most persistent, flagrant, contemporary records of discriminating in this country. While the 16 jurisdictions affected by Section 5 represent only 25 percent of the nation’s population, they still suffered more than 80 percent of the lawsuits proving cases of voting discrimination.

While Senator Sessions ultimately voted to reauthorize the Voting Rights Act, his comments about the law have been very troubling.

In contrast to Congressman Lewis’s statement about the need for a strong Voting Rights Act, Senator Sessions repeatedly criticized the law’s section 5 preclearance provision, which required certain jurisdictions—including, but not limited to, Alabama—to “preclear” any changes to their voting laws with the Department of Justice. At his nomination hearing last month, Senator Sessions reiterated his view that section 5 of the law, in his words, was “intrusive.”

He also celebrated the Supreme Court’s decision in Shelby County v. Holder when a divided Court—5 to 4—gutted the Voting Rights Act and struck down the preclearance provision that helped to still facilitate in the Department of Justice with fewer tools to protect Americans’ right to vote. Nonetheless, on the day of that awful decision, Senator Sessions stated: “[The decision was] good news, I think, for the South, in that [there was] not sufficient evidence to justify treating them disproportionately.” Senator Sessions was wrong to dismiss the vital role that preclearance has played in protecting voters from discriminatory laws.

When Senator Sessions came to my office for a personal meeting before this hearing began, I sat down with him and talked about the Voting Rights Act. I gave him a book written by a political science professor at Emory University in the State of Georgia. The book is entitled “White Rage.” Carol Anderson systematically goes through the history of race in America after the Civil War, and she points out in each section how one hand, give rights to African Americans and then turn around and take them away. The most recent example relates to the Voting Rights Act itself and all the efforts of the 1960s to guarantee that minorities had the right to vote in America. She follows it with the undeniable record of efforts toward voter suppression when it comes to minorities in the United States.

I pointed this out to Senator Sessions because he has been in denial over this reality. I told him about hearings that we held in Ohio, in Florida, taking election officials, putting them under oath—that both Republicans and Democrats had been political parties—and asking them point blank: Before you established the need for these voting restrictions in your State, what was the incidence of widespread voter fraud that led you to believe it was necessary? And the answer repeatedly was, there was none. No incidents of widespread voter fraud to speak of. No incidents of anything substantial when it came to prosecution. Clearly the motive behind these voter suppression laws was to suppress voters from their opportunity to vote.

What can we expect of Attorney General Sessions on this issue? I am afraid, based on his statements, his record, his voting, we can expect the worst.

Example: A three-judge Federal appeals court struck down a North Carolina law that required voter ID and limited early voting. The court found that the law was crafted and passed with “racially discriminatory intent,” in violation of the Constitution and section 2 of the Voting Rights Act. In the decision, this Federal court noted regarding the North Carolina statute:

Before enacting [the] law, the legislature requested data on the use, by race, of a number of voting practices. Upon receipt of the race data, the General Assembly enacted legislation that restricted voting and registration in five different ways, all of which disproportionately affected African Americans.

I wish it were not the case. I wish it were not the case, I wish that this legislation was not under consideration, but the reality of race in America. I wish it were not the case. I had hoped at this point in my life that I would be pointing to our problems with race as something from the past, but it is a current challenge we face, and it is a challenge the Attorney General must face squarely. I do not believe that Attorney General Jeff Sessions will do that, and that is why I can’t support him for that position.

Of course there is also Senator Sessions’ decision, as recently as to bring the 1985 Perry County case when he was in Alabama. He prosecuted three African-American civil rights activists for voter fraud. All three were acquitted. That case prompted former Massachusetts Governor Deval Patrick, who was asked by the defendants, to send a letter to members of our committee saying, “To use prosecutorial discretion to attempt to criminalize voter assistance is wrong and should be disqualifying for any aspirant to the Nation’s highest law enforcement post.”

Senator Sessions’ statements and his records are particularly concerning in
light of President Trump’s recent repeated, baseless claims about voter fraud in the 2016 Presidential election. Make no mistake—President Trump’s false claim that there were millions of fraudulent votes cast in the last election is an attempted to further voter suppression efforts.

It is imperative that the Department of Justice be led by someone who values the vital role the Department plays in protecting the right to vote. Given Senator Sessions’ dismissive comments about the Voting Rights Act and his history of supporting burdensome voting laws, I am not confident he is prepared to do that.

Senator Sessions’ record on religious freedom also raises significant questions. The free exercise of religion is enshrined in the First Amendment of the Constitution. However, Senator Sessions has only been outspoken in his defense of religious freedom for some people. For example, he denounced a 1997 court order that limited prayer in Alabama public schools, calling it “one more example of the effort by the courts to eliminate the natural expression of religious belief from public life.”

A year later, he introduced a Senate resolution “affirming the right to display the Ten Commandments in public places, including government offices and courthouses.” He said “we’ve got to end the hostility toward the display of the Ten Commandments in public places.”

But he has been much more ambivalent about Islam. He has referred to Islam as “a toxic ideology” and said of American Muslims “our nation has an unprecedented assimilation problem.” When President Trump first proposed his ban on Muslim immigrants during the 2016 campaign, Senator Sessions said, “I think it’s appropriate to begin the discussion.”

I am also concerned about Senator Sessions’ support of laws and cases that allow religious individuals and groups to discriminate against other Americans on the basis of religious beliefs. For example, in 2015, the Supreme Court held that marriage equality is the law of the land in the landmark Obergefell v. Hodges decision. Sessions referred to the decision as an “effort to secularize, by force and intimidation, a society that would not exist but for the faith which inspired people to sail across the oceans, a society that would not exist but for the effort to secularize, by force and intimidation.”

After disparaging the decision, Senator Sessions went on to cosponsor the First Amendment Defense Act, which would permit widespread discrimination against LGBTQ individuals on the basis of religious beliefs.

Senator Sessions also praised the Supreme Court’s troubling 5-4 decision in Burwell v. Hobby Lobby, which held that the Religious Freedom Restoration Act permits closely held, for-profit corporations to deny contraceptive coverage to employees due to religious objections.

If confirmed to be the next Attorney General, Senator Sessions will be responsible for protecting the rights of all Americans, regardless of their faith or beliefs. That is why I am deeply concerned about Senator Sessions’ record, which suggests that he may prioritize the religious concerns of a faith over others, and permit religious freedom to be used as a guise for discrimination.

The Attorney General also has great power to determine how the Department of Justice’s resources will be prioritized. I am alarmed that Senator Sessions will not commit to support funding for important programs like COPS and Byrne-JAG. And I am deeply disappointed that he will not commit to increase Justice Department resources for Chicago to address the city’s surge in gun violence.

I asked Senator Sessions about this when we met in person before his hearing and again as part of my written hearing questions. It is well known that there’s a public gun violence facing the City of Chicago. There were more than 750 homicides in Chicago last year, a 58 percent increase over the previous year. More than 4,300 people were shot last year in the city.

At our meeting, I handed Senator Sessions a copy of Mayor Emanuel’s plan to improve public safety. The plan calls for hiring nearly a thousand more Chicago police; more training and equipment, like body-worn cameras and gunshot detection technology; more mentoring programs for youth; and reforms to rebuild trust and cooperation between police and the community.

All of these are areas where the Justice Department can and must help. The Justice Department’s COPS program helps local police departments put more cops on the beat. The Byrne-JAG program helps them buy equipment. The Violence Against Women and Juvenile Justice and Delinquency Prevention provides mentoring and violence prevention funds. And the Civil Rights Division was invited in by me, the mayor, and the state Attorney General to review the Chicago Police Department’s practices. On January 13, they reached an agreement in principle with the City to pursue much-needed reforms and to seek to enforce the reforms through a consent decree.

I asked Senator Sessions about his support for these efforts, especially in light of President Trump’s tweets where he has urged Mayor Emanuel to ask for Federal help—even though the Mayor has already asked for aid—and threatened to “send in the Feds” to Chicago. But Senator Sessions has steadfastly refused to make any commitment of Justice Department resources to help reduce Chicago’s violence. He refused to commit to increase Justice Department funding for Chicago. He refused to commit to cut funding. He refused to commit to honor the agreement in Principle that the Justice Department signed with the city to reform the Chicago Police Department.

And he refused to commit not to request budget cuts to the COPS and Byrne-JAG programs and the Office of Juvenile Justice and Delinquency Prevention.

This is unfathomable to me. Now is not the time for the Justice Department to turn its back on the City of Chicago and its people. It is hard to understand how the Justice Department could think about spending $15 billion on an inexpensive and ineffective wall and not commit to spend another penny to address gun violence in Chicago. If the administration took just 1 percent of what they want for a border wall and used it to help Chicago implement the mayor’s public safety plan with more police, training, and youth job programs, we could save a lot of lives. But instead Senator Sessions seems to think that our priority is to reduce the freedom of certain faiths over others. That is why I am deeply concerned about Senator Sessions’ priorities for Chicago. Their priorities are profoundly misplaced.

Senator Sessions did say he would increase Federal funding. That may be helpful, but it is not enough to reduce gun violence. The Chicago Sun-Times looked at Federal gun prosecutions over the past 5 years and found that cities like Detroit and Baltimore had significantly more than Chicago, but their per-capita homicide rates are still higher than Chicago’s. So that is not enough.

Senator Sessions also seems to think that immigrants are at the root of our Nation’s problems. That is why he pushes to withhold critical Federal funding to so-called sanctuary cities. But many studies have shown that immigrants are less likely to commit serious crimes than native-born individuals. And there is no evidence whatsoever that undocumented immigrants are responsible for any significant proportion of the murders in Chicago. If sanctuary cities are the problem, why did a sanctuary city like New York City experience record low crime in 2016? Senator Sessions’ priorities when it comes to these issues does not give me confidence.

I am also troubled by the casual approach that Senator Sessions has adopted when it comes to Russian interference in our Presidential election. Election Day 2016 is a day that will live in cyber infamy. A foreign adversary intentionally manipulated American presidential election outcomes. It is a sum of many warnings of Russian manipulation going back to early October, President Donald Trump not only resisted these findings, he has praised Russian President Vladimir Putin and dismissed the true nature of Putin’s involvement. As early as July of last year, then-candidate Trump urged a foreign adversary of the United States to conduct espionage against Hillary Clinton. He said, “I will tell you this, Russia: If you’re listening, I hope you’re able to find the 30,000 emails that are missing . . . I think you will probably be rewarded mightily by our press.” And
President Trump, who has impulsively attacked just about anyone who criticizes him, has not criticized the one person who is guilty of sponsoring this cyber attack: Vladimir Putin. This is bigger than one election or one person. This is about our national security, and we should take it seriously.

For those who have been following Putin’s actions over the last several years, this attack should come as no surprise. Russia has conducted cyber warfare against Ukraine, the Netherlands, Georgia, Lithuania, Estonia, and a host of other nations. Russia now appears focused on disrupting the upcoming German elections over Putin’s dislike of Chancellor Merkel. And it could happen again here.

We need to know that the next U.S. Attorney General will take this matter seriously as well and will be independent of the White House. This means allowing career Justice Department prosecutors and the FBI to follow the facts and the law.

I am concerned about Senator Sessions when it comes to this assignment. I asked Senator Sessions questions about this. In his written response, Senator Sessions failed to even read the January 6 intelligence community assessment on Russian involvement in the U.S. election—neither the classified nor the unclassified version. As recently as last week, Senator Sessions admitted he still has not read this report.

The unclassified version incidentally is just a few pages if you don’t count the annexes. I read it in less than 15 minutes.

Senator Sessions, seeking to be the top law enforcement official in the land, should have found time to read this report. His failure to do so is inexplicable. This does not give me confidence that Senator Sessions is giving this matter the attention it deserves.

I also asked Senator Sessions if he would commit not to impede or terminate ongoing Justice Department or FBI investigations into Russian involvement in the 2016 election. He would not make any commitment about allowing investigations to continue if confirmed.

And I asked Senator Sessions if he would recuse himself from any FBI or DOJ investigation into Russian efforts to influence the election. He said he was not aware of a basis to recuse himself.

Well, Department of Justice regulations call for recusals from investigations due to personal or political relationships. And it is clear that Senator Sessions has a close relationship with President Trump, including on Russia issues. Senator Sessions was a prominent supporter of the President’s campaign.

On March 3, 2016, then-candidate Trump announced that Sessions would serve as chairman of Mr. Trump’s National Security Advisory Committee and that he would “provide strategic counsel to Mr. Trump on foreign policy and homeland security.”

In a July 31, 2016 interview with CNN, Senator Sessions stated the following:

What I want to tell you is that Hillary Clinton left her email system totally vulner-

able to hacking. It’s probably clear that they have what was on that system. I have people come up to me all the time and say, why don’t you—if you want to be President, why don’t you—why don’t you ask the Russians? They’re the ones that have them . . . The big issue is, can we, should we be able to create a new and positive relationship with Russia? I think it’s possible . . . it makes no sense that we’re at the hosi-

tility level we are.

On August 15, 2016, USA Today published an article entitled “Sen. Jeff Sessions backs Donald Trump on Russia Policy” detailing how Sessions changed his hawkish position on Russia to align with then-candidate Trump’s statements. It said:

“Sen. Jeff Sessions, R-Ala., has long sup-
ported increased military spending and trou-
ght talk about the threat Russia poses to the U.S. and its allies in Europe. Since be-
coming an advisor to Republican presidential nominee Donald Trump, however, those prin-
ciples appear to have changed. In one repu-
tations, Trump has upended traditional con-
servative caution toward Russia by exchang-

ing niceties with President Vladimir Putin during his expedi-
tions to Saudi Arabia and Russia. And, Sessions, a frequent surrogate for the Trump campaign in public appearances, is nodding in agreement.”

On October 7, 2016, Politico published a story entitled “Lobbyist advised Trump campaign while promoting Russian pipeline: Richard Burt helped shape the candidate’s first foreign-policy speech while lobbying on behalf of a Moscow-controlled gas company.” The Politico story noted that the lobby-
ist in question “attended two dinners this summer hosted by Alabama Sen. Jeff Sessions, who had been named chairman of Trump’s national security committee” and that the lobby-
ist was a “reminder of the time Sessions appeared to be more focused on energy issues than national security and foreign policy, and wrote white papers for Sessions on the same subjects . . .”

In an October 30 interview with Defense News, Senator Sessions said, “The United States and Russia should be able to be far more harmonious than we are today.”

Clearly, an investigation into the re-
ported Russia-Trump allegations has the potential to significantly impact the Department of Justice. As the soon-to-be-boss, if he’s confirmed, and his close political ally.

Again, Senator Sessions’ answers to my questions do not give me confidence. In the end, the American peo-

ple deserve the truth about Russian in-

volvement in our election. The stakes are too high to ignore.

There are other aspects of Senator Sessions’ record that give me serious concerns about what his priorities would be if confirmed. Attorney Gen-
eral, including his vote against reau-
thorizing the Violence Against Women Act; his votes against the Detainee Treatment Act and the McCain-Fein-
stein Army Field Manual Amendment; his past statement that the use of pris-

on chain gangs was “perfectly proper”; his opposition to laws such as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act; his questioning of the Attorney General’s guarantee of birthright citizenship; and his refusal to

commit to recuse himself from in-

volvement in any case, investigation or Office of Legal Counsel decision involving the receipt of emoluments by President Trump. All of these factors have troubled me, as I have consid-
ered this nomination.

Mr. President, let me conclude.

We need a nonpartisan Attorney Gen-
eral with the independence, judgment, and backbone to stand up to a Presi-
dent when his actions are illegal or un-
just. Senator Sessions is an able politi-

cian. He has been an able representa-

tive of his State of Alabama. But he is not

the right person to serve as Donald Trump’s Attorney General.

For those who have been following Russian intervention in elections of other nations, the Department of Justice’s motto of “qui pro domina justitia sequitur” refers to an Attorney General “who prosecutes on behalf of justice.” Based on his record and his responses to questions over the past few weeks, I am not con-
vinced that Senator Sessions, or such an Attorney General, I cannot support his nomination, and I will vote against him.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll call proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, this week we have to decide whether Senator Sessions, somebody whom many of us have known and worked with for many years—I certainly have during all of the time he has been in the Senate—is the right person to lead the Depart-

ment of Justice. I thought long and hard on it. I decided he is not. I would like to share a few reasons why.

In fact, the Trump administration itself underscored what is at stake with this nomination. When the admin-
istration accused Acting Attorney Gen-

eral Sally Yates of having “betrayed” the Trump administration, she was quoted as saying it was “a view of the Justice Department that is disturbing and dangerous. The claim that Ms. Yates ‘betrayed’ the Depart-
ment by refusing to defend the Presi-
dent’s illegal and shameful Executive order—you have to believe that in the Attorney General’s office, your job is to defend the President at all costs. That is wrong. I think Senator Ses-

sions knows that.

There is a reason the Justice Depart-

ment is represented by the Attorney Gen-

eral—the Attorney General is the peo-

dle’s attorney, not the President’s at-

orney. The Trump administration has

already shown us why this distinction

February 7, 2017
matters. Within its first two weeks, the current administration found itself rebuked in numerous Federal courts around the country. Its extreme agenda cast a shadow over all the President’s nominees. This is an administration that criticized the decision by a very conservative Republican, John Yoo, in a New York Times op-ed entitled, “Executive Power Run Amok.” You know there is a problem when the same man who twisted the law in order to support his nightmare torture thinks you have gone too far.

The President seems to have a penchant for going too far. During the campaign he promised—and he said this a number of times; it was covered in the press—he would implement a Muslim ban. He actually stood before the cameras and said that. As President, he then signed an Executive order that barred immigration from certain Muslim-majority countries but created an exception that gave preference to members of religious minorities in those countries; that is, non-Muslims. He even spoke to a Christian press organization stating he would protect Christians. That is nothing more than a Muslim ban by another name.

My grandparents fought religious biases in this country. I have always felt one greatness of this country is when we said there would be no religious bias and we would actually stand up for the First Amendment. The First Amendment says you can practice any religion you want or none if you want, and it gives you freedom of speech. Now if you have a country and a government that protects your right to practice any religion you want and protects your right of free speech, then that same government is protecting diversity, and if you have diversity, it is very easy to have democracy.

When a Federal judge in Washington State temporarily blocked this order, President Trump did not express respectful disagreement as every President I have ever known, Republican or Democrat, would. He took to Twitter—Twitter, like a teenage kid—to attack the judge’s legitimacy, labeling him a “so-called judge.” President Trump attempted to blame this judge who was nominated by a Republican President and confirmed by a Republican-led Senate for any future terrorist attack on this country. The President’s words are brutal, and they are dangerous. It is almost as though he wants to precipitate a constitutional crisis.

That is why the question of who should be our next Attorney General is so critical. This is a President who must have an Attorney General who is willing to stand up and say no for going beyond the law. Sally Yates knew that.

Two years ago, Senator SESSIONS asked Ms. Yates: “Do you think the Attorney General has a responsibility to say no to the President if he asks for something that is unconstitutional?” Ms. Yates replied that they have defended the Lynch nomination, for example, by saying, well, he appoints somebody who’s going to execute his views. What’s wrong with that? But if the views the President wants to execute are unlawful, should the Attorney General or the Deputy Attorney General say no?”

Ms. Yates answered that her duty was to defend the President. Two years later she proved that by telling the President that his travel ban was indefensible under the law. Perhaps she was remembering the commitment she made to Senator FEINSTEIN, and that is exactly what she did.

Many around Senator SESSIONS felt that she never should have stood up to President Trump. She should stand up to President Obama but not President Trump.

I have reviewed Senator SESSIONS’ long record. I have reviewed his responses to many questions from members of the Senate Judiciary Committee. I am not convinced that he is capable of telling the President no. Under oath, Senator SESSIONS denied that he was involved in creating the Muslim ban Executive order. Well, I will take him at his word, but Senator SESSIONS’ views are very well known to Members of the Senate Judiciary Committee. In 2015 I offered a simple resolution. It expressed the sense of the Senate that the United States must not bar individuals from the United States based on their religion—a very simple resolution. Every Democrat, most of the Republicans—including the Republican chairman, Senator GRASSLEY—voted in support of my resolution.

The committee recognized that imposing a religious test for those who seek to enter this country violates our most cherished values, but Senator SESSIONS broke away from the majority of his Republican colleagues, and he strongly opposed the resolution. I found that deeply concerning in 2015 when he was a Member of the committee. I find it even more disturbing now that he seeks to be our Nation’s top law enforcement official. We need an Attorney General who will stand in the way of religious discrimination, not one who endorses it.

Today I am introducing a very similar resolution. It reaffirms that no one should be blocked from entering into the United States because of their nationality or their religion. I invite Senator SESSIONS—and I invite all Senators—to cosponsor this resolution. Senator SESSIONS is still taking an active role in pursuing the report, excluding voting on controversial Cabinet nominees for President Trump. If he cosponsored it, it would help to reassure Americans that he stands against religious discrimination and religious tests.

But my concern whether Senator SESSIONS would be willing to tell President Trump no extend well beyond religious tests. In fact, in his testimony before the Judiciary Committee, both Republicans and Democrats pressed the Attorney General to the Democratic Judiciary Committee that he would be willing to tell the President no on any issue, no matter how objectionable.

Take, for example, the President’s many conflicts of interest. For months, there has been media coverage about President Trump’s conflicts of interest and the constitutional concerns they present. Yet Senator SESSIONS repeatedly dodged written questions on this topic by claiming that he has “not studied the issue.”

I asked Senator SESSIONS whether President Trump should follow guidance from the Office of Government Ethics, that might create a conflict of interest. Senator SESSIONS said that he has not studied the issue.

I asked Senator SESSIONS whether President Trump receiving payments from entities controlled by foreign governments raises any concerns under the Emoluments Clause of the Constitution, which forbids such payments absent Congressional consent. Senator SESSIONS said that he has not studied the issue.

I asked Senator SESSIONS whether President Trump’s family members who are running the organization that still owns should participate in policy discussions or meetings with foreign governments. Again Senator SESSIONS said that he has not studied the issue.

Senator SESSIONS has refused to acknowledge that there is a conflict of interest for a President to have a personal financial stake in the policies he pursues by his administration. Actu-
Trump uncomfortable, how can we believe that Attorney General Sessions will ever say no to President Trump?

Senator Sessions also refused to answer questions from all nine Democrats on the Judiciary Committee on how he would assure him to end any investigations into Russian interference in our elections.

There is absolutely nothing in Senator Sessions’ testimony before the Judiciary Committee that gives me confidence that he would be willing to stand up to the President. He has demonstrated only blind allegiance. This is a President who first cited what is now called “alternative facts” to deny his small crowd size at the inauguration, but now he is citing “alternative facts” to excuse murders and assassinations by Putin’s regime. That should alarm us all. It shouldn’t matter what party you belong to; as Americans, that should alarm us all.

Later today I will describe my concerns about Senator Sessions’ record on civil rights issues. But I have one concern that is made much worse, given Senator Sessions’ lack of independence from President Trump. I am particularly worried that, if confirmed, Senator Sessions will fail to protect Americans’ constitutional right to vote. There is nothing more sacred in a democracy than the right to vote. Yet Senator Sessions called it “a good day for the country, but for the South—when the Shelby County decision, which effectively gutted the Voting Rights Act, was handed down, something that virtually every Republican and Democrat in both the House and Senate voted for that President Bush signed into law.

The fact that Senator Sessions voted to reauthorize the Voting Rights Act in 2006 doesn’t give me much comfort when immediately after that unanimatorously voted against the decision, he claimed that he was merely supporting the country and, notwithstanding his vote, that it was unconstitutional.

We cannot view his record on this issue in isolation because if he is nominated and confirmed to be President Trump’s Attorney General—well, we know the President has his own views on voting in America. Several Republicans, like the Speaker of the House, Mr. Ryan, and our own colleague Senator Graham, have rightly condemned President Trump’s conspiracy theory that there millions of illegal votes cost him the popular vote, which he lost by nearly 3 million votes. I fear that continuing this dangerous falsehood can be used to justify further attacks on the hard-won right to vote for racial minorities, students, poor and elderly citizens.

What bothers me the most is that Senator Sessions again refused to acknowledge the fundamental and plainly visible fact that the President flat out wrong that there were 3 million illegal votes cast. Senator Sessions responded to me that he doesn’t know what data the President may have relied on. Well, the rest of us know there isn’t any such data, but Senator Sessions refuses to admit as much.

So his close ties to President Trump and the important role he played in forming President Trump’s agenda raise important questions about his impartiality in matters involving the President. I asked him several times, What is the scenario in which he would recuse himself, given clear conflicts of interest? But he brushed those questions aside day after day . . . a supporter of the President’s during the campaign.” Well, that would be fine, but I think Senator Sessions is selling himself short.

He was widely reported to be a central figure in the Trump campaign. A key figure in the Trump campaign, Steve Bannon, called him the President’s “clearinghouse for policy and philosophy.”

This relationship appears to fly in the face of the Justice Department’s recusal standards. The Department’s standards mandate recusal when the attorney has “a close identification with an elected official” arising from a “conflict or an appearance of conflict” or “a close identification with a candidate or political party.”

I asked Senator Sessions the obvious question—whether that language would apply to his relationship with President Trump, but he refused to say one way or the other.

The Justice Department has to be independent because it is the chief law enforcement department in our government. But I worry about that independence in this administration. It is already clear that if you say no to this President, there goes your job. Now more than ever, we need an Attorney General who is willing to pay that cost for the good of the country—personally outweights any partisan interest of a particular officeholder or a particular President.

I am not convinced that that kind of independence describes Senator Sessions. He has not demonstrated the independence that he himself used to demand of nominees.

David Frum, a former speechwriter for President George W. Bush, recently wrote an article in the Atlantic addressing whether someone should accept an invitation to serve in the Trump administration, given the real risks that there may be tremendous pressure to do the wrong thing.” The “very last thing to consider,” said the former Bush speechwriter, is, “How sure are you that you indeed would say no? And then humbly consider this second troubling question: If the Trump administration were as convinced as you are that you would do the right thing—would they have asked you in the first place?”

In the case of the nominee before us—the Trump administration’s “clearinghouse for policy and philosophy,” as Mr. Bannon called him—I fear the answer to these questions is clear. That is why I am going to be voting against this nominee.

It is ironic that as we consider the nomination of Senator Sessions to be the Attorney General, a position which he is going to be responsible for is defending the fundamental rights and liberties of the American people—all of the American people, spanning the entire country—and defending the last campaign of President Trump or Secretary Hillary Clinton. But even though Senator Sessions is supposed to defend our fundamental rights, we see President Trump continuing to praise Russian President Vladimir Putin, who has loudly and repeatedly demonstrated his disdain for freedom of speech, of association, of due process, and of the rule of law.

In less than a week the President has attacked a Federal judge for performing his constitutional duty. He has called unfavorable polls “fake.” He has continued to discredit as “dishonest” any media outlet that dares criticize him. His spokesperson, Sean Spicer, echoes these sentiments. They sound remarkably like what one would expect to hear from Vladimir Putin.

In fact, President Trump has done this while retracting his support of torture and his admiration of Putin. Remember, Putin’s critiques continue to lead. Putin has stolen tens of billions of dollars that were taken in bribes from oil and gas and other industries. President Trump seems unaware of this, or is unconcerned about it, even though everybody knows about it.

It is hard to avoid the conclusion that, after repeatedly lauding Putin’s leadership, Trump is now attempting to emulately Putin’s efforts to spread misinformation, chastise his critics, and intimidate those responsible for upholding the law. His attacks on anyone he perceives to be standing in his way, including a Federal judge nominated by President George W. Bush, is even worse than his routine expressions of contempt for institutions that seem to be coming straight out of Stephen Bannon’s playbook. Not only has the President expressed little, if any, concern that every U.S. intelligence agency—every U.S. intelligence agency—believes that Russia sought to influence, and quite possibly did influence, the Presidential election, and that Putin himself was involved, but Senator Sessions, who campaigned for the President, refused to recuse himself from decisions related to Russia’s cyberattacks.

Can anybody imagine what the Republican leadership would be saying if the table was turned? They would try to shut down the government to hold a new election.

Failing that, they would demand that an independent commission be established to investigate the Russian hacking, and they would insist that the nominee for Attorney General pledge to recuse himself.

Well, along with Senator Durbin and others, I have called for such an independent commission outside of Congress, but the Republican leaders have
summarily rejected it. It is cynical politics at its worst that puts partisanship over the integrity of our elections.

President Trump and Senator Sessions both speak about the importance of law and order. President Trump and Vladimir Putin seem to agree about what those words mean. Senator Sessions has said nothing to suggest that he disagrees, even though the Congressional Republican leadership recognizes Putin as a dangerous thug who tramples on the rule of law.

What is President Trump doing? Keep praising this man who assassinates his critics, who has killed people who have criticized him in the media, who has stolen so much money, and taken so many bribes? He has become one of the wealthiest people in the world, but he is not a person to praise. We have a lot of leaders in our own country—both Republicans and Democrats—whom we can praise, but not Vladimir Putin.

I think we have to be careful. We have to be careful about the integrity of our democracy, about due process, the rule of law, and about the constitutional checks and balances that distinguish this country from autocracies like Russia. We should expect the nominee for Attorney General to demonstrate that he will defend these principles, not to remain silent when they are attacked, even if the person attacking them is the President of the United States.

Mr. President, I see the distinguished senior Senator from Connecticut on the floor. I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow my distinguished colleague from Vermont who has led the Judiciary Committee with such vision and courage over so many years, and whom I respect as a former prosecutor as well as a litigator and a conscience of the Senate.

I am deeply concerned that our Nation is careening toward a constitutional crisis, a legal nightmare that will test the independence of the judiciary and require the utmost resolve and integrity from everyone involved in the justice system and from the Congress, because only the Congress may provide the kind of check on the ongoing assault against our court system. President Trump repeatedly has tried to put himself above the law, and in just a few weeks has moved from scornful conflict-of-interest and disclosure principles to promulgating destructive, discriminatory Executive orders, and openly attacking the judiciary. His personal invectives and insults are unprecedented for the President of the United States against the judiciary. Without respect for the rule of law and the court system, democracy fails. No Cabinet member has more responsibility for the integrity of the judiciary than is given this necessary respect and trust than the Attorney General of the United States. The sweeping authority in this position impacts the lives and livelihoods of everyday Americans, implicating everything from our immigration system to law enforcement, to civil rights, national security, capital punishment, sentencing, and the U.S. Supreme Court.

"This job is one I know well. Like some of my colleagues, I served as U.S. attorney in the Department of Justice as the chief Federal prosecutor for Connecticut, for several years, reporting to the U.S. Attorney General, and, then, for a private litigator, and, then, for 20 years as attorney general of the State of Connecticut. I fought alongside, and sometimes against, the U.S. Attorney General and the armies of lawyers at his disposal. In fact, the Attorney General commands thousands of lawyers who embody his power to speak on behalf of the United States. His job is to protect the public from criminal offenders and to convict the guilty, but also to protect an innocent who may be wrongly accused and assure that justice is done.

In fact, as Justice Jackson said about the role of the U.S. Attorney General, which he filled, he is to seek justice, not power. He must do this from a fearless position to be a critical part of the Attorney General’s power to speak on behalf of the United States. His job is to protect the public from criminal offenders and to convict the guilty, but also to protect an innocent who may be wrongly accused and assure that justice is done.

In discharging this sacred obligation, the Attorney General must always remain independent, not just in reality but in appearance. His decisions must supersede partisan politics. In most cases, there is, in fact, no recourse from his decision without political interference, which would be improper. He is not just another government lawyer. He is not just another Cabinet position. He is the Nation’s lawyer. He is the people’s lawyer. He must be the Nation’s legal conscience.

The job requires a singular level of intellect and integrity, and a nonpartisan, but passionate devotion to the rule of law.

Over the past week, as our Nation’s courts did their job and sorted through the implications of the President’s hasty, ill-conceived, and illegal Executive orders, President Trump called into question the very integrity of our judicial system. Not only did he label U.S. District Court Judge Robart a “so-called judge,” but he suggested that the American people should blame him and our “court system” if some-thing should happen as a result of the court’s blocking his Executive order.

In this anticipatory blame, the blustering and bullying are inappropriate and un-Presidential, and I believe they threaten harm to our democracy as well as the judicial system.

The comments were deeply disturbing to all of us who believe in the integrity of the judicial system—including the American Bar Association, which said through Linda Klein, its president, that “personal attacks on judges are attacks on our Constitu- tion,” and “the independence of the judiciary is not up for negotiation . . . independence from party politics, independence from Congress, and independence from the President of the United States itself.” President Trump called upon all lawyers to defend the rule of law in light of these attacks on the Constitution. I echo this call proudly today, the importance of which cannot be overstated. Nowhere is that job more significant than the Department of Justice and the Attorney General of the United States as head of that Department. The agency is tasked with seeking and achieving justice, not with carrying out the President’s agenda as a priority.

That does not mean lawyers at the Department of Justice who are currently defending the orders in court are acting improperly or wrongly. What it means is, the country needs an independent justice system staffed by people who are ready to stand up and say, don’t let the fear and the parochial, the narrow, the misguided and illegal. The courts will be just another enabler of the President’s so-called policies to upend the Constitution. I echo this principle in action last week. We saw what it really means to serve at the Department of Justice and represent not the President but the American people and the rule of law. Former Acting Attorney General Sally Yates took a stand based on moral and legal principle, and I thank Ms. Yates for her courage and strength.

Ms. Yates demonstrated genuine grit and grace in standing strong for the rule of law. Her actions are in the long, proud tradition of the Department. Not since Watergate has an Attorney General or Acting Attorney General been fired for acting in accordance with their conscience and the rule of law. Unfortunately, President Trump threatens to return us to that era. He has made his intentions clear: The Department of Justice will not be an independent authority acting on behalf of the American people. Instead, it will be just another enabler of the President’s ongoing efforts to substitute his whims and wishes for legal and ethical responsibilities.

I believe the President’s orders are misguided and illegal. The courts will rule in days. His orders are wrong, in no small part, because they threaten to take away one of the primary reasons why ours is the greatest country in the history of the world—the country that my mother and father, refugees from Nazi Germany, sought in 1935. He arrived here at 17 years old with not much more than the shirt on his back, speaking
little English, knowing just about no one. This country gave him the chance to succeed.

I think about how sad and ashamed he would be if he saw the actions taken by this President: orders to ban people from this country because of their religion; prioritizing one religion against another and raising fears that do damage to our core constitutional principles.

Barring refugees like children who are helped from other lands seeking to come to this country deprives us of the great talents, gifts, and energy that have helped to shape and build this country because we are truly stronger as a result of our diversity. We are a nation of immigrants. Our strength comes from the talents, energy, and vibrancy of these individuals who come to this country as children with their parents.

This order makes us less safe because it provides a recruiting tool to terrorists like ISIS. We are at war with ISIS, and we must win that war. It frays trust between law enforcement and Muslim communities, but it also weakens us in a deeper moral sense. It is wrong. It is morally wrong. It is wrong for the country, devoted and founded on the ideals welcoming people seeking that beacon of hope, opportunity, and protection.

The rule of law protects us from these moral harms, but the rule of law depends on the commitment to it as we have seen the harms of these past few days play out in real time, we have also seen people who are willing to stand strong against them. People have gone to the streets in marches and rallies in the New Haven Green and in front of our State capitol in Connecticut, and all across our State, saying it is not only wrong, but they will rally against this wrong.

All of these points are simply to say that if the Attorney General is so important because he must stand strong as well for the rule of law. He must be able to speak truth to power. He must have the courage and strength to say to the President of the United States: This order is unconstitutional, not just unwise and unwarranted but illegal.

I have, unfortunately, reached the conclusion that Senator Sessions cannot be counted on to play that role, to defend the law, to be a champion of civil rights and civil liberties, not to just follow the law but to lead in this challenge that faces our country as never before because our rights and liberties are now threatened as never before. He must be a vigorous advocate, not a passive follower or the silent.

Senator Sessions showed this point to me through his testimony at his hearing and his subsequent responses. While he must be ready to say no to the President, we must also demonstrate so vividly is that Senator Sessions' record and testimony indicates he is unwilling or unready to perform his core tasks.

President Trump's vast business holdings present an unprecedented threat of conflict of interest. Yet the President has not only refused to divest himself, he has mocked the idea that he should. Should conflicts arise, from his own business, they will not be any less than to maintain impartiality, including appointing a special counsel or prosecutor if necessary. There are so many scenarios requiring this step. Yet when I asked Senator Sessions about enforcement of cases against illegal conflicts of interest involving the President and his family—such as violations of the emoluments clause of the STOCK Act—he equivocated. When I asked him about appointing a special counsel to investigate criminal wrongdoing at Deutsche Bank, owed more than $300 million by President Donald Trump, he equivocated. When I asked him about the investigation of Russian hacking, he equivocated. His answers to questions I submitted to him in writing did not give me no confidence that he will be an independent, nonpolitical enforcer against conflicts of interest and official self-enrichment that the Nation needs. At a moment when the incoming President and his administration are embroiled in legal controversies that are unprecedented in scope and scale, Senator Sessions has simply given us no confidence that he will appoint an independent counsel or demonstrate the independence that is necessary.

His record over many years and his recent testimony fail to demonstrate the core commitments and convictions necessary to be our next Attorney General. He has failed to show how he can be that legal conscience, that unmistakable, unshakable, ethical voice independent from the White House. He has failed to prove that he will be a champion of constitutional rights. Indeed, his career demonstrates an antipathy to the very rights and liberties that the Nation's chief law enforcement officer must always promote proactively, as well as defend.

Focus for a moment, shall we, on some of the rights that affect women and their privacy. Women comprise more than half the population, but unfortunately our society and our laws have too frequently prevented them from achieving the equality that every American should enjoy. Over the course of his career, Senator Sessions has opposed key legislation that protects and further enhances women's rights. As a Senator, that trend was worrying. As Attorney General of the United States, it must be disqualifying.

In 1973, the Supreme Court recognized a vital constitutional right of privacy for women. It is a right that is both basic and fundamental, now enshrined in five decades of precedent, that women have the freedom to choose what medical procedures they will undergo to maintain their health. But Senator Sessions has opposed providing women with the ability to make those preeminently personal health care decisions and personal reproductive rights decisions without interference from the government.
he voted against included significant new language that closed a glaring loophole in the jurisdictional requirements of this basic law. The bill guaranteed and granted tribal communities power over non-Indian defendants who commit domestic violence against Native American women in Indian Country. Because the reauthorization act, tribal courts lacked jurisdiction to prosecute these horrific crimes and often the assaulter would escape prosecution entirely.

During his confirmation hearing, Senator Sessions told us that he had “a big concern” about that jurisdictional provision in the reauthorization act. He was concerned that the law would leave non-Native Americans open to prosecution under tribal law, despite safeguards in the bill that were clear and unequivocal. The large gaps that the original law left were apparently acceptable to him.

Additionally, the VAWA reauthorization included the nondiscrimination clause. This provision protects members of the LGBT community from discrimination in housing and employment, schools, and other areas of civil rights cases.

Senator Sessions also took this issue with the nondiscrimination provisions in the reauthorization act, including the protection for LGBT individuals. He took issue with those provisions.

I am concerned, also, by several other votes that Senator Sessions took in 2004. He voted against extending Federal unemployment benefits to people who lose their jobs as a result of being victims of domestic or sexual assault.

In 2009, he voted against an amendment which would have strengthened the rights of victims of wage discrimination, contributing to the roadblocks and hurdles that women encounter while facing issues of inequality.

As early as March of 2015, Senator Sessions voted against the Paycheck Fairness Act, a vote he has taken multiple times before. These bills sought to strengthen women’s rights and opportunities in the workplace.

In 2017, our world is one where women still struggle to obtain the same pay levels as men in the workplace for the same work. This kind of discrimination is un-American and really an embarrassment to our Nation.

Senator Sessions’ voting record consistently shows his opposition to this kind of key legislation designed to protect women from oppression and discrimination and protect women’s autonomy and choice, and I cannot support an Attorney General with this record.

Speaking on the floor some time ago, I added other details as to the reasons why I have opposed Senator Sessions. I see colleagues on the floor right now so I will catch up with this point. Over the past weeks, I have received an outpouring of outrage from throughout my State of Connecticut, more than 4,500 letters from Connecticut residents opposing this nomination because they recognize the need, the desperate imperative for a true champion of civil rights and liberties, constitutional freedoms in this office facing the threat that is more real and urgent than ever before.

Just hours ago, I received a million signatures on a petition from civil rights groups. They are contained magically on a thumb drive that is so easy to display, even if the signatures were not magically, these million brave and steadfast individuals and the organizations that represent them. The Leadership Conference on Civil Rights and Liberties, other groups that have proudly and actively worked on this cause are to be thanked, as are the advocates throughout the country who have galvanized public opinion, raised awareness, and shown what democracy looks like.

This is what democracy looks like. This is what Connecticut looks like—people rallying and rising up against an unconstitutional immigration ban, against a set of nominees that fail to reflect and serve America against an Attorney General, in particular, who cannot be relied upon to actively and aggressively, vigorously, and vigilantly protect our constitutional rights and liberties. We need a champion of those rights and liberties.

I urge my colleagues to join in opposition.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that following my 5 minutes, the distinguished senior Senator from New Hampshire, Mrs. Shaheen, may continue in her place, following Mrs. Shaheen, the distinguished Whip of the Republican Party, Mrs. Cornyn, be recognized.

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

BIEINNIAL BUDGET PROCESS

Mr. ISAKSON. Mr. President, I come to the floor with a labor of love before the U.S. Senate. We are talking about confirmations of people for Senate positions on the Cabinet of the new President. I am talking about all kinds of things. We are debating the budget period of time. We are talking about this year having two budgets—one we are going to use early and one we are going to use late.

There is, since 1980, we haven’t passed all 12 appropriations bills in the year but twice. In other words, in the last 37 years, we have only twice done our job that we ought to do every year. So 2 years out of 37 we did it; 35 years we did not do it.

I am joined with the distinguished Senator from New Hampshire, a great Governor of that State and now a great Member of the U.S. Senate, to pro-
Somebody has to do it, and the people who are elected to the Congress of the United States are elected to do that job.

I am proud to join Senator SHAHEEN on the floor today and urge all Members of Congress to support biennial budget processes in the Congress of the United States. I remind everyone in the room that we had this vote a few years ago as a test vote on an all-night varama on the budget, and we got 72 votes, if I remember correctly, in favor of the budget. We have had past Budget Committee chairmen vote in favor of the biennial budget.

We have had people from the majority and the minority vote for it. The fact is, it is a good idea whose time has come. I am pleased to join Senator SHAHEEN from New Hampshire and plead to the Members of the U.S. Senate to do what we ask the American people to do. Let’s prioritize the way we spend our money, find savings where we can, and run a more efficient, more honest government, and a more transparent government for all.

Mr. President, I yield to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am really pleased to be able to join my colleague Senator ISAKSON from Georgia as we have introduced our bipartisan legislation, the Biennial Budgeting and Appropriations Act. I think this is a welcomed piece of bipartisan legislation at this point in the year.

I want to start by thanking the Senator from Georgia for his very good work on this legislation. He has been leading this effort since he first came to the Senate in 2005, and I have been fortunate enough to partner with him on the legislation in the past two Congresses.

I think that by working together, we could promote this commonsense, bipartisan legislation that could change the way we do business in Washington for the better. As Senator ISAKSON said, there is no question that our budget process is broken.

Since 1980, we have only finished two budgets on time. In that timeframe, Congress has resorted to nearly 170 short-term funding bills or continuing resolutions. We also experienced a costly and dangerous government shutdown in October of 2013 that cost our economy $24 billion. It hurt small businesses. It hurt the people across this country.

That is no way to govern. I understand, as Senator ISAKSON said, that biennial budgeting will not fix everything, but it is reform that will encourage us to work across the aisle to become better stewards of taxpayer dollars. I can attest to this personally because, as Governor of New Hampshire, I saw how you make a biennial budget work.

In each biennium, I worked with a Republican legislature, and we put together a balanced budget in the first year of the legislative session. In the second year, we had the opportunity to do oversight. That is exactly what this bill would allow us to do here in Washington. It is a reform that has worked in New Hampshire, and it has worked in 18 other States. So as Senator ISAKSON, 19 States in all have biennial budgeting, and it really gives us a better opportunity to review the budget to see what is working, what is effective, and what is not.

One example that I think shows how we can do better is looking at several reports that have been issued by the Government Accountability Office. They have found areas of waste, fraud, and duplicative programs. And they have identified ways to reform things, like our farm program, to cut down in inefficiencies in defense, and to reduce fraud in health programs. But today, Congress hasn’t really taken the time and effort to go through those recommendations. Under biennial budgeting, we would be able to look at those kinds of recommendations and implement savings in the second year of the budget process.

Biennial budgeting also reduces the number of opportunities for manufactured crises, like a government shutdown. As Senator ISAKSON said, we have gotten real momentum in the last couple of years. We had a great vote in 2013 in the Senate, where we had an overwhelming bipartisan group endorse the concept. We saw a vote in the House Budget Committee, where legislation on a biennial budget passed with a bipartisan vote. It not only passed the House but had over half of the House Members as cosponsors. And we saw a favorable hearing in the Senate Budget Committee on the legislation, so I think momentum is growing for this idea. It is a real way for us to take action to reform the budget process and make it work better.

The bill that we are introducing has 13 bipartisan cosponsors. We are going to keep working to get more bipartisan cosponsors, and I hope that all of our colleagues will join us in this effort.

I look forward to continuing to work with Senator ISAKSON and with Senators ENZI and SANDERS on the Budget Committee to get this important reform through the Senate. I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. KING. 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. KING. Mr. President, I yield the remainder of my post closure debate time to Senator FEINSTEIN from California.

The PRESIDING OFFICER. The Senator has that right.

Mr. KING. Mr. President, 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. SHAHEEN. 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. SHAHEEN. Mr. President, I came to the floor this afternoon to add my cosponsorship, to General of the United States, Mr. Sessions. The U.S. Constitution provides that the Senate will advise and consent on all nominees put forward by the President. This fundamental check on Executive power continues to give confidence to the public that the individuals charged with the immense responsibilities and authorities of our Federal Government are of the highest ethical and professional character, are highly qualified, and are committed to exercising those powers in a manner that is consistent with our founding principles.

Any person seeking to serve in such high positions of public trust ought to be able to explain his or her record of personal and professional conduct, not only to close colleagues and friends but also to the public they seek to serve.

I have great respect for Senator Jeff Sessions for his commitment to public service, but I don’t believe that he is the right choice to serve as our Nation’s chief law enforcement officer. Time and again in the course of his career, his actions have demonstrated disregard for or even violation of the civil rights that we rely on the Attorney General to protect and defend, from voting rights to civil rights, to equality for women, minorities, the LGBTQ community, and people with disabilities.

Senator Sessions’ record in the Senate provides little evidence that his views have evolved since the last time the Senate evaluated his fitness to serve in high Federal office. When President Reagan nominated him to serve as a Federal judge in 1986. Three decades ago, the Senate voted against his confirmation to serve as Federal judge. Today, I believe the Senate should not confirm him to serve as U.S. Attorney General.

At this time in our history, with the growing concern about this administration’s commitment to basic democratic principles, such as equality before the law, separation of powers, freedom of the press, and protection of minority views, I cannot support a nominee who has failed to demonstrate appreciation for these ideals, regardless of our personal relationship. We need an Attorney General with the will for justice and equal protection for all Americans, regardless of race, gender, religion, ethnicity, or sexual orientation.

One of my principal objections to this nominee is his record of making it harder for certain groups of people to vote. In 2013, in Shelby County v. Holder, the Supreme Court struck down section 5 of the Voting Rights Act, also
known as the preclearance provision. And while the overwhelming majority of civil rights organizations considered this ruling, which invalidated a landmark achievement of the civil rights movement—a devastating defeat—Senator Sessions was quoted as saying that it was a “good thing for the South.” He has been quoted as saying that he views the Voting Rights Act as an intrusive piece of legislation. We often refer to the shorthand name for this act as the Shelby County Act. But I believe the full title is instructive: Shelby County v. Holder. Holder, of course, was Attorney General Eric Holder. And in this case, the Supreme Court ruled against the Department of Justice and against the views of this Congress, which voted in 2006 to extend section 5 for another 25 years. It also demonstrated the awesome responsibility and discretion of the Attorney General. Eric Holder was fighting a government with a history of racial discrimination from future voter suppression efforts. In contrast, as U.S. Attorney General, Jeff Sessions prosecuted several members of the Southern Christian Leadership Conference, the greatest Civil Rights organization formerly led by Dr. Martin Luther King, Jr. He indicted these people for allegedly attempting to fraudulently register people in minority communities to vote. All of those prison sentences were eventually dismissed in that case. However, the chilling effect of this type of use of government authority on our civil society should not be underestimated. This illustrated the awesome power of the prosecutor in our judicial system. That power is exponentially greater in the Office of the U.S. Attorney General.

As I said, Senator Sessions is also an outspoken advocate for voter ID laws, including at the Federal level. In State after State, including my home State of New Hampshire, unnecessarily stringent voter ID laws have been passed by Republicans with the clear intent to deny access to the ballot box on the part of minorities, the young, and the poor. Striking down the laws passed by Republicans in North Carolina, a unanimous Federal court ruled that they “target African Americans with almost surgical precision”—that is a direct quote—and “impose cures for problems that did not exist.”

In validating similar laws in Wisconsin, U.S. District Court Judge James Peterson wrote: “The Wisconsin experience demonstrates that a preoccupation with mostly phantom election fraud leads to real incidents of disenfranchisement, which undermine rather than enhance confidence in the elections, particularly in minority communities.”

President Trump has falsely claimed on numerous occasions that 3 to 5 million people who are not citizens voted in the election in November. We have even heard that claim in New Hampshire, where our deputy secretary of State, a Republican, has said those claims are not accurate. Throughout our history, these arguments, not grounded in fact and data, have been used as a pretext for advancing new voter ID laws, including at the national level, by the Justice Department. Senator Sessions would enthusiastically support this agenda. I believe that to be disqualifying for any nominee to serve as Attorney General.

When I was Governor of New Hampshire, I had the honor of being able to appoint the attorney general in our State. My qualification was that the attorney general should be the people’s attorney. I think that is no less true of the Attorney General of the United States.

I am also deeply concerned by the nominee’s record on issues associated with women’s health and autonomy. For example, as Senator Blumenthal said so eloquently earlier this afternoon: Senator Sessions voted against the reauthorization of the Violence Against Women Act. This law has been reauthorized on a bipartisan basis each time it has been brought up since 1994.

The 2013 reauthorization expanded the scope of domestic violence programs, yet Senator Sessions was one of only 22 who voted no. This is of particular concern when we see the framework for what is suggested will be the Trump administration’s budget, which would eliminate the Office on Violence Against Women at a time when one in five women is a victim of rape, either completed or attempted.

Senator Sessions has also been a fierce opponent of a woman’s right to choose. He voted against a resolution supporting the Roe v. Wade decision, which affirmed the constitutional right of women to control our own reproductive choices. He has cosponsored legislation to prohibit Federal funding for healthcare plans that include coverage of abortion. He even opposed the Lilly Ledbetter Fair Pay Act, which removed barriers to women who bring charges of discriminatory wage practices.

Senator Sessions voted against it in 2008 and again in 2009, when it became law over his opposition. Senator Sessions has consistently argued for “color blind” enforcement of our Nation’s civil rights laws. He contends that racism is a thing of the past. Yet he has been effectively addressed, and, therefore, diversity programs unfairly discriminate against White Americans.

For the same reason, he has voted against legislation to protect the rights and safety of the LGBT community. In 2009, he vehemently opposed the Matthew Shepard Hate Crimes Act, which protects LGBT Americans from hate crimes. In debate on that proposed law, Senator Sessions said:

Today I am not sure women or people with different orientations or different skin colors are protected from that kind of discrimination. I just don’t see it.

Well, Senator Sessions, if you talked to the members of the gay and lesbian community, as I have, if you would talk to women across this country who have faced discrimination in employment practices, who have faced discrimination before the Affordable Care Act, in terms of our health insurance, who have faced discrimination in terms of occupation, justice against women, you would understand that we need to make sure that the laws protect women and minorities.

In 2013, Senator Sessions voted against a measure to prohibit discrimination in the workplace based on sexual orientation or gender identity. He also voted in favor of a constitutional amendment to ban gay marriage.

Mrs. McCaskill. Mr. President, will the Senator yield for 1 sentence?

Ms. SHAHEEN. Mr. President, I will yield to the honorable Senator from Missouri.

Mrs. McCaskill. Thank you so much. I yield the remainder of my postcloture debate time to Senator Feyreag from Rhode Island.

I thank Senator Shaheen. I apologize for interrupting.

The PRESIDING OFFICER. The Senator has that right.

The Senator from New Hampshire.

Mrs. McCaskill. So in 2013, as I was saying, Senator Sessions voted against a measure to prohibit discrimination in the workplace based on sexual orientation or gender identity. And similarly, he voted in favor of a constitutional amendment to ban gay marriage. Finally, Senator Sessions’ views on immigration are just outside the mainstream. Most Americans want fair, humane treatment for would-be immigrants to the United States, as well as for undocumented immigrants who are already here.

Senator Sessions has amply demonstrated that he does not agree with this view. Since he came to the Senate, he has been a leading opponent of bipartisan immigration reform efforts. In 2007 and again in 2013, he was instrumental in defeating immigration reform proposals that had widespread support in Congress and the country.

More recently, he has been a key advisor to Candidate Trump and now President Trump on immigration policies, encouraging extreme positions such as a ban on Muslim immigration and harsh treatment of Dreamers, those undocumented immigrants who arrived in the United States as young children.

I have also had the opportunity to work with Senator Sessions in trying to renew and extend the special immigrant visa program for those Afghans and Iraqis who helped our men and women in the military as we were fighting conflicts in Iraq and Afghanistan. We have heard from multiple members of our military who served that these interpreters and these people from Iraq and Afghanistan who arrived in the United States are much safer now that they could help keep them safe have saved lives and have made a difference in that military conflict because of the
help they provided to our fighting men and women.

Yet Senator Sessions, as we were trying to extend that program, was unwilling to allow us to make sure that we could bring them to the United States, with all of the vetting that goes on. I make sure that the people who come here are actually people who helped us. He opposed extending that program to allow all of those folks to come here.

I believe we need an Attorney General who will not only insist on equal enforcement of the laws but who has a passion for pursuing justice and fairness for all Americans, as well as for those who want to visit or who want to immigrate to the United States. In my view, Senator Sessions has failed to demonstrate that commitment.

Indeed, I worry that as Attorney General, Senator Sessions would affirm and encourage Trump’s most troubling tendencies, especially with regard to minorities, to women, to immigrants, and to the LGBTQ community. I believe Senator Sessions is the wrong person for the critically important post of U.S. Attorney General. I intend to vote against his confirmation.

The PRESIDENT Pro Tempore. The Senator from Oregon.

Mr. Wyden. Mr. President, I yield the remainder of my postcloture debate time to Senator Schumer for his courtesy. Then I yield the OFFICE to the Senator from South Dakota.

Mr. Thune. Mr. President, we continue to just sort of—at a glacial pace—work on the confirmation of nominees. We have in front of us the nomination for Attorney General Jeff Sessions, a colleague of ours. I am very excited to be able to support his nomination to be the next Attorney General of the United States. But I think it is taking an extraordinarily long time for us to plow through this because Democrats continue to use procedural roadblocks to keep the administration from being able to get their team in place. I say that, having concluded today, based on the research that we have been able to assemble, that this is the slowest pace for Cabinet approval since George Washington.

Now, that sounds a little melodramatic, but I think it is accurate. In fact, if you go back to the Eisenhower administration and roll forward to today, every President, going back to Eisenhower, has had their Cabinet completely or mostly in place by today. In fact, going back to the 1980s and up through the 1990s, the entire Cabinet for those administrations was approved on day one—day one of the Presidency.

Here we are, as we again continue to run into dilatory tactics by the Democrats here in the Senate. Therefore, I think, seven of the Cabinet-level nominees of President Trump who have been confirmed. At this point in President Obama’s first term in office, there were 21 confirmed. So this idea that somehow some purpose is achieved or some goal accomplished by dragging this process on, I think, does a great disservice to the American people who voted for them last fall, votes that they gave when they knew that when they put a new President in office, that President would be able to assemble his team and get them about the important work of governing this country.

So it is where we are. It is unprecedented and historic, the levels to which the Democrats here in this Chamber have taken their attempts to slow this process down. I hope that will change. I hope we can get back on track here, get this team put in place, and then let’s get on with the important work we have to do.

There is a lot of stuff that needs to be done to make this country stronger, more prosperous, Americans today, to get the economy growing at a faster rate, to create better-paying jobs, and increase wages. There is just a lot of stuff that this body needs to be working on. Right now, what we are doing is simply human resource business. We are trying to confirm people to positions, but it could go so much smoother, so much easier, so much more quickly, and so much more efficiently if we would just get a little cooperation from the Democrats in the Senate. I think it is because this is unprecedented, as I said, in the level of degree to which the Democrats are stalling.

Nomination of Neil Gorsuch

Last week, President Trump announced his nomination for the Supreme Court. He made an outstanding choice. Judge Neil Gorsuch has a distinguished resume. He graduated with honors from Harvard Law School and went on to receive a doctorate in legal philosophy from Oxford University, where he studied with the distinguished legal scholar, John Finnis.

He clerked for two Supreme Court Justices, Byron White and Anthony Kennedy. He worked in both private practice and at the Justice Department before being nominated to the Tenth Circuit Court of Appeals where he served with distinction for 10 years. He is widely regarded as a brilliant and thoughtful jurist and a gifted writer whose opinions are known for their clarity.

Above all—above all—he is known for his impartiality, for his commitment to following the law wherever it leads, whether he likes the results or not. A judge who likes every outcome he reaches is very likely a bad judge. Judge Gorsuch would be a vastly better judge than one who doesn’t like the results once. Why? Because a judge who likes every outcome he reaches is likely making decisions based on something other than the law. That is a problem.

The job of a judge is to interpret the law, lead with principles and to decide cases, not to design the rules of the game. Everyone’s rights are put in jeopardy when judges step outside their appointed role and start changing the meaning of the law to suit their personal opinions.

Judge Gorsuch’s nomination has been greeted with praise by liberals as well as conservatives. I think one of the biggest reasons for that is that both sides believe that Judge Gorsuch can be relied on to judge impartially. Here is what Neal Katyal, an Acting Solicitor General for President Obama had to say about Judge Gorsuch:

I have seen him up close and in action, both as a judge and on the Solicitor's office, and I am confident that Judge Gorsuch would help to restore confidence in the rule of law.

His years on the bench are a commitment to judicial independence, a record that should give the American people confidence that he will not compromise principle to further the President when he should not.

Again, those are the words of Neal Katyal, formerly an Acting Solicitor General for President Obama.

When Judge Gorsuch was nominated to the Tenth Circuit Court of Appeals, his nomination sailed through the Senate. Both of his home State Senators—one a Republican and one a Democrat—supported his nomination, and he was confirmed by a unanimous vote.

Then-Senator Obama could have objected to the nomination. He didn’t. Senator Schumer could have objected to the nomination. He didn’t. Then-Senators Biden or Clinton or Kennedy could have objected to the nomination, but they didn’t. Why? Presumably because they saw what almost everybody sees today; that Judge Gorsuch is exactly the kind of justice that the nation needs on the bench—supremely qualified, thoughtful, fair, and impartial.

Unfortunately, this time around, some Senate Democrats are being less public-spirited. They are upset that their party didn’t win the Presidential election so they are threatening to filibuster an eminently qualified nominee, an eminently qualified nominee that a number of them had previously supported.

The Democratic leader recently said:

Now more than ever, we need a Supreme Court Justice who is independent, eschews ideology, who will preserve our democracy, protect fundamental rights, and will stand up for the President who has already shown a willingness to bend the Constitution.

That, of course, is precisely the kind of judge that Judge Gorsuch is, as pretty much everyone who knows him—both liberal and conservative—can attest, but leaving that aside, if the Democratic leader who has already had these concerns about Judge Gorsuch, why did he allow him to receive a unanimous confirmation to the Tenth Circuit?
Surely, if he had these concerns, it was his obligation to speak up.

No one likes to lose an election, but that is what happens in a democracy, and throwing a temper tantrum and refusing to play ball after you lose is not the most enlightened response. Democrats have long been concerned that Judge Gorsuch is a raving rightwing ideologue. When liberal after liberal testifies to his fairness and impartiality, it is pretty hard to pretend that he is anything but an excellent pick for the Supreme Court who we don’t want to confirm him because they are mad that President Trump is the one who nominated him.

Well, it is time for them to get over that. It is one thing to oppose the President when he does something they believe truly endangers our country; it is another thing entirely for them to oppose this outstandingly well-qualified nominee because they are still upset about the election.

Republicans lost the Presidential elections in 2008 and 2012, but we allowed up-or-down votes when President Obama nominated Justices Elena Kagan and Sonia Sotomayor. Had this election gone the other way, we were prepared to consider a Hillary Clinton nominee.

It is time for Democrats to stop threatening obstruction and to get down to the business of considering Judge Gorsuch’s nomination.

Mr. THUNE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I just wanted to take a minute. I know we have several people waiting to speak, but I wanted to respond to my colleague from South Dakota because I think for Senator Thune to come to the floor and castigate Democrats for holding up Judge Gorsuch, who has just been nominated, and for suggesting we are stalling, the fact is, throughout most of last year, we saw the Republican majority in this body hold up the nominee Merrick Garland, President Obama’s nominee.

For the first time in history, this body refused to hold a hearing on a nominee for the Supreme Court, refused to give an up-or-down vote, and to suggest that we should not get a fair hearing on the nominee to the Supreme Court—Judge Gorsuch—I think is just not accurate. Gorsuch is going to be good for the American people.

Unlike the Republican majority, I haven’t heard any Democrats saying: We don’t think that Judge Gorsuch should get a hearing or that he should get an up-or-down vote. Everybody I have talked to agrees he should get a hearing and an up-or-down vote.

As for the time that it is taking us to review the nominees of this administration, the fact is, the Trump administration was delayed in putting forward nominees. They were much later than the previous two Presidents. We are still waiting for many of those nominees to provide the background information that is required for those positions to have the background checks done, to have the questions that have been put forward to them in hearings answered. So I think we should all work together to move these nominees.

That is what I have done on the Small Business Committee as the ranking member, and we have worked very well because that nominee provided all the required information. She had the FBI background check done, and we were able to hold a hearing on her. Well, that is what we expect from every nominee.

So I am disappointed to hear my colleagues come down and say that we are not going to give Judge Gorsuch a fair hearing. I think we are going to do that, but we are going to do it in a way that provides information to the American people so we all know where this judge stands and what he thinks about the Constitution.

I think rather than name-calling, it would be more effective for us to work together to get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I will just point out to the Senator from New Hampshire—perhaps she knows it, perhaps she doesn’t, but her leader has suggested a 60-vote threshold for this nominee.

I am delighted to hear her say that they are going to provide a hearing for consideration. I hope that she, like all of our colleagues, will provide this judge an opportunity to be heard, to respond to questions because I think they will find, as most of us who have looked at his record, that this is an exceptionally well-qualified judge. He is a very bright legal mind and somebody who I think understands what the role of a judge is in our constitutional democracy.

With respect to the nominees we are considering, we are here right now, and the Senate is comprised of people and some of her colleagues were here overnight last night stalling, if you will, to allow for votes on nominees that have been put forward by this administration.

I don’t think you can dispute the record. At this time 8 years ago, President Obama had 21 of his nominees in place. This President has seven. What I mentioned earlier, you have to go back to the time of Dwight Eisenhower, roll back to today’s President from that point forward has had, on this day, all or most of their nominees in place and confirmed by the Senate. So there is no question. There is no question what is going on here.

I am not pointing out names. I am just pointing out what I see every single day: that is, foot-dragging and delays and obstruction trying to prevent a President—whom they, understandably, didn’t like getting elected—from being able to get his team in place.

All I am simply saying is I think the American people expect more of us, I think they expect better of us, and I think we have to answer the call to duty to allow that team to be put in place so this President and his team can go about the important business of governing this country.

We cannot continue the facts with respect to the number of nominees who have been confirmed to date with this President and Presidents going back in history, and I said earlier, you have to go back to George Washington. I think that is accurate. I think we have to look at the annals of history to find any time where you see what is happening today happen in the Senate with any President historically of either party.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I want to take a few minutes to talk about a couple of my friends. I want to say a few words about Trump’s nomination of Judge Neil Gorsuch to the Supreme Court of the United States.

I first met Judge Gorsuch several years ago when I met with several circuit court judges for a dinner. He was on the bench at that time. Judge Gorsuch is an admirable choice to be America’s next Supreme Court Justice. His many years of dedication to the law and service to America’s judicial system clearly qualify him to serve on America’s highest Court.

His work itself speaks highly of his understanding of the Constitution and the values that we, as Americans, hold dear. Some of the first signs Judge Gorsuch would be a great jurist happened just around the corner from here in Washington, DC, where he won a national debate championship in high school.

He attended college at Columbia University and received a scholarship to Harvard Law School. As a new lawyer, he was back here in Washington learning from some of the best jurists in America. He performed clerkships first to the U.S. Supreme Court of Appeals for the DC district court and later for Justice Byron White and Anthony Kennedy at the U.S. Supreme Court.

After working in private practice and at the Department of Justice, in 2006, President George W. Bush nominated Judge Gorsuch to the U.S. Court of Appeals for the Tenth Circuit—that is my circuit. The Senate confirmed him by voice vote. Let me say that again. In 2006, this body was so confident about Neil Gorsuch, his character and his qualifications to serve as a Federal judge—yes, a circuit court judge—that he was confirmed without anyone even asking for a recorded vote. I consider that unanimous.

On the bench of the busy Tenth Circuit, Judge Gorsuch has proven he takes seriously his duty to uphold the Constitution. He is known for his legal opinions that stridently defend our
most fundamental constitutional rights and for writing those opinions in a way that is engaging and easy to understand.

He knows that his work as a judge is about serving this institution, not his personal preference, as he said recently in his White House testimony after his nomination was announced by President Trump. "A judge who likes every outcome he reaches is very likely a bad judge stretching for results he prefers rather than those the law demands."

I love that quote. As a uniquely exceptional scholar and respected jurist, not to mention a fellow westerner and avid outdoorsman who shares my love of fly fishing, he is the kind of man I trust to serve America on the highest Court of the land.

I have met Judge Gorsuch, and he has a lot of support from folks in Wyoming, in the Wyoming legal community, and from both parties. I got calls from people on both parties saying he is the one we want to put up. I know and I trust those people, and I know and trust Judge Gorsuch, and I value those people's opinions. I believe he has a good understanding of the legal issues that matter to my home State.

I would be remiss if I didn’t state my disappointment in all the unproductive distraction about this pick by activists bent on politicizing the judicial nomination process. If their rhetoric and antics in the last days and weeks have told us anything, it is that no matter who President Trump nominated to fill the spot on the Supreme Court, they would have objected—no matter how learned, how objective, or how many hundreds of hours a nominee had already spent on the bench.

In November, millions of people went to the polls and rejected this kind of tired partisan bickering when they voted for a change in Washington. Those people want a judge who would have known that there was a vacancy on the Supreme Court and that whoever became the next President would choose the nominee.

Mr. President, among our most important duties, as Members of this body, is carefully vetting all nominees who come before us. Never is that responsibility so stark and so substantial as when our Nation faces a vacancy on the Supreme Court.

I believe Judge Neil Gorsuch is up to the solemn and mighty task of serving this institution, not his own personal preference. I look forward to a time when he is confirmed as the next Associate Justice of the Supreme Court. I believe him to be a man who is guided by his principles. He is very active in his family’s church back in Mobile and in the entire Methodist community of Alabama. He and his wife Mary have raised three wonderful children who have given them ten grandchildren.

I believe Senator Sessions has the experience, character, and drive to be a fantastic Attorney General. If confirmed, he is committed to strengthening partnerships between Federal and local law enforcement officers to fight crime, and, specifically, to take out drug cartels and criminal gangs. He has vowed to prosecute criminals who use guns in committing crimes. And he will prosecute individuals who repeatedly violate America’s immigration laws.

In November millions of people went to the polls and voted for change. I believe the priorities Senator Sessions will pursue if confirmed as Attorney General are shared by those voters. I would note the many organizations and individuals who have endorsed his nomination, including the Fraternal Order
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of Police, the National Sheriffs' Association, and 25 State attorneys general. These are people at the frontlines of law enforcement, and I think they know what it takes to make a great Attorney General.

Among our most important duties as Members of this body is to carefully vet all nominees that come before us. We have before us an opportunity to support the nomination of a man of high moral character, whose training, education, and professional experience make him very well-qualified to serve our country. I urge my colleagues to join me in supporting Senator Jeff Sessions to serve as our next U.S. Attorney General.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I yield the remainder of my debate time to Senator SCHUMER.

The PRESIDING OFFICER. The Senator from Illinois.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield one hour of the time under my control to Senator BOOKER.

The PRESIDING OFFICER. The Senator from South Carolina.

Mrs. FEINSTEIN. And I yield 30 minutes of my time to Senator LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mrs. FEINSTEIN. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. I yield one hour under my control to Senator MURPHY.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KLOBUCHAR. Mr. President, I rise today to join my colleagues and make remarks on Senator Sessions' nomination to serve as Attorney General. I will be coming back later this evening to focus on voting rights and some of the other issues at hand—freedom of the press, antitrust. I am actually the ranking member on that subcommittee, and while Senator Sessions has assured me that if confirmed, he will keep the independence of that part of the Justice Department, away from outside influence from the White House, I am very focused on that because I think we have seen a wave of mergers, and I want to address that more in depth later.

I worked successfully with Senator Sessions on a number of U.S. over the years such as adoption and human trafficking. We have worked together well, and if he is confirmed, I am sure we will find some areas of common agreement. I am not supporting him, however, very well this in person and I have talked about it at the Judiciary Committee because of my concerns relating to some of his views on some of the core functions of the Justice Department, and that is enforcing voting rights, the handling of immigration issues, the freedom of the press, and the Violence Against Women Act.

Now, he has assured me that he will keep the Office on Violence Against Women funded—which I appreciate—in the Justice Department, but I was very concerned that he had actually voted against the Violence Against Women Act Reauthorization recently. It was something that a majority of Republican Senators voted for and every single woman Senator, Democrat or Republican, voted in favor of.

As a prosecutor and a U.S. Senator, one of my main criminal justice priorities has been enforcing and reauthorizing VAWA or the Violence Against Women Act. It is a bill that took roots in my State, thanks to the efforts on the initial bill of former Senator Paul Wellstone and his wife Sheila. Both of them tragically died in a plane crash, and we know how much. But Paul and Sheila's legacy lives on in the work of the Violence Against Women Act.

It has a long history, as the President knows, of bipartisan support. Since we first passed the first bill in 1994, we have made great strides in raising awareness that these are serious crimes, not shameful secrets. Since the enactment of the Violence Against Women Act, annual domestic violence stalking cases have fallen by 50 percent, but the statistics make clear that domestic violence, stalking, and sexual assault are still a major problem in America.

According to data from the Centers for Disease Control and Prevention, for every minute, 20 people in the United States are victims of physical violence by an intimate partner. That is about 10 million people every year.

Millions more individuals are the victims of stalking crimes each year, with approximately 15 percent of women at some point during their lifetime experiencing stalking, during which they feel very fearful or believe that they or someone close to them could be harmed or killed.

I would like to note briefly that I am pleased that the Senate recently passed the resolution that Senator PERDUE and I introduced on stalking to raise awareness. I have been confronted by these issues of domestic violence and stalking in my State where I was a Senator. In fact, that is when I was Hennepin County attorney. That is the largest prosecutor's office in our State. I managed an office of about 400 people. With that big office handling everything from representing our State's biggest public hospital to violent murder cases, the poster that you saw when you walked into our office and down the hallway so that everyone could see it was a picture of a woman who was beaten up. She had a Band-Aid over her nose, and she was holding a little baby boy. The words read: Beat your wife, and it is your son that goes to jail. Why? That poster reminds everyone that domestic violence and sexual assault just don't hurt the immediate victims. They hurt children, families, and entire communities. We know that kids who see violence happen are twice as likely to commit it themselves and that children that I've worked with Senator LEAHY along with Senator CRAPAO to make sure that the Violence Against Women Act was reauthorized.

What does this legislation do? The legislation ensures law enforcement has the tools to prosecute domestic and sexual violence and ensures that victims have the support they need to get back on their feet. But we also made some important updates on the law, including addressing the problem of above average levels of domestic violence in tribal areas, by allowing tribal courts to prosecute and to handle cases with people who are tribal members and in very specific cases when violence is committed on the reservation.

Providing a uniform nondiscrimination provision was also included to ensure services are available to everyone who needs them, including victims in same-sex relationships. The new bill ups the stakeholder participation for victims and increased accountability for grant recipients. It also strengthened and updated anti-stalking laws to better address the new technologies that predators are using to stalk their victims. It also passed bipartisan support that I authored with Republican former Senator Kay Bailey Hutchison of Texas.

As I said, all 20 women Senators supported this critical legislation, and it passed with bipartisan support on a vote of 78 to 22, with support from a majority of Senators in Senator Sessions' own party, not to mention men and women across the country.

The reason Senator Sessions had for not voting for the bill was the tribal provisions that he didn't like because of the dual jurisdiction. That just doesn't hold up for me, given what I have seen in my State.

Now, what does this really mean to people? Let me end this portion of my remarks with two stories. The first is about a case that our office handled, and a prosecutor in our office who was very well thought of handled it in our office, involving two immigrants. This was a case involving domestic violence from Russia, and he beat up his wife repeatedly over the years. They had a little daughter. One day he killed his wife, and then he went to Home Depot and he bought a saw. And then he basically dismembered her and put her in a garbage bag and brought her to another State and dumped her in a river. He left the head in his trunk, and he brought it back to the Twin Cities. He eventually confessed to his crime.

The family gathered—and they were a very small family. The mom and dad came from Russia, and then there was the little girl who had been left behind with really no parent to take care of
The Community Oriented Policing Services, or the COPS program, was established many years ago. It helped to place more than 129,000 police officers on the beat in more than 13,000 State, local, and tribal law enforcement agencies. And when the COPS office was able to award grants to just 209 of the over 1,000 law enforcement agencies that applied. It translated into about 915 officers, which is still a lot, but, in fact, there were requests for over 3,000 officers.

I think we can all agree, and hope the administration agrees, that this is a very important program. I will continue to work with Senator Sessions, if he is confirmed, to make sure we have the support from the administration for this program, which, again, is one of the top priorities of the Fraternal Order of Police and other police organizations across the country.

I look forward to discussing other issues when I return, but for now, I yield the floor. Thank you.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise in opposition to the nomination of Senator JEFF SESSIONS to be the next Attorney General of the United States and to head the U.S. Department of Justice.

I have had the privilege to serve with Senator SESSIONS in the U.S. Senate for nearly a decade. I have served on several committees with him, including the years that I was on the Judiciary Committee. I no longer serve on that committee that currently serves there with Senator SESSIONS.

I was listening to Senator KROUCH's explanations of her concerns. Senator SESSIONS is a person whom we work with, but it is his views and his record that give me great concern.

Just looking back at the first 2 weeks of the Trump administration, I think a growing number of Americans think the growing number of Americans understand the importance of the Constitution of the United States, and its checks and balances, the separation of powers, and the critical importance of the position of the Attorney General of the United States.

Over the years, the Justice Department has grown into one of the largest Cabinet departments, with over 100,000 employees, which touches just about every aspect of life in America today. It is known as the world's largest law office and the chief enforcer of Federal laws.

Just think about the work every day to keep America safe undertaken by the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Prisons, the U.S. Marshals Service, and the U.S. Attorneys in every State and territory. Think about the work of the National Security Division that tackles some of the toughest terrorism and national security threats every day. All of that comes under the Department of Justice. All of that comes under the Attorney General.

Think about the work of the Civil Rights Division to protect all Americans, regardless of their background, to ensure that every American—every American—enjoys full constitutional rights and privileges. Think about the work of the Environmental and Natural Resources Division, the Antitrust Division, and the Tax Division, and so many other offices within the Department of Justice. It is the direction of all of those agencies that come under the Attorney General of the United States.

The Justice Department is charged with "[ensuring] the law and [defending] the interests of the United States according to the Constitution of the United States" and the "public safety against threats foreign and domestic," as well as "[ensuring] fair and impartial administration of justice for all Americans." That is their mission. That is their responsibility.

The Attorney General is not the President’s lawyer; he or she is the people’s lawyer. After carefully examining Senator SESSIONS’ record—including his Senate service, confirmation hearings, and campaign trail for Mr. Trump—I am not convinced that he would be independent and impartial to the President and Federal agencies. I am not convinced he would enforce the law fairly and protect the civil liberties and civil rights of all Americans.

Let me discuss some of my concerns with Senator SESSIONS’ nomination. In this debate, I want to mention my resolution calling on President Trump to divest his interest and sever his relationship to the Trump organization.

The Attorney General is likewise sworn to uphold the U.S. Constitution and provide legal advice to President Trump and the various Cabinet departments. He must exercise independent judgment. I am concerned as to whether Senator SESSIONS would, in fact, advise the President, as he should, that by holding on to Trump enterprises—by not divesting or setting up a blind trust—he is putting himself at risk of violating the Constitution of the United States.

It is not what the President wants to hear; it is what he must hear. We need
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an independent Attorney General in order to make that recommendation to the President of the United States.

Senator Sessions has strongly supported restrictive voter ID laws that have had the effect of disenfranchising many Hispanic voters and other voters utilizing the counting of primarily modern-day poll taxes. He has called the Voting Rights Act intrusive as it seeks to protect minority voters. He praised the Supreme Court’s ruling in Shelby County v. Holder, which gutted a key part of the Voting Rights Act, and said “it was a good day for the South” when the decision was handed down.

Our next Attorney General should be working on how to expand the franchise, not restrict it. Now President Trump has said he will direct Vice President Pence to lead a task force or commission to examine so-called voter fraud in the 2016 Presidential election. We need an independent Attorney General.

Why is President Trump taking this action? Because Hillary Clinton won the popular vote by nearly 3 million votes, and that gets under his skin. He feels slighted. He feels his legitimacy is brought into question. It does matter to him that no electoral vote. So the President will direct the Vice President, and presumably his next Attorney General, to investigate these bogus claims of voter fraud. Instead, the new Attorney General should examine and suspend the U.S. refugee program for at least one year because it is the people’s attorney. I am not hold the Constitution and recognize words and actions. We need an independent Attorney General should be doing.

Based on his record, Senator Sessions has taken the Trump Administration to further restrict the right to vote and roll back the clock on this cherished civil right, which is protected by our Constitution.

On the issue of immigration, Senator Sessions has a long record where he has fought against bipartisan, comprehensive immigration reform in the Senate. He led the efforts in 2007 and in 2013 to defeat bipartisan legislation in the Senate. He used the untruthful “amnesty” to describe the tough-but-fair pathway to citizenship in this legislation, which passed by a 68-to-32 vote in 2013. He has opposed relief for DREAMers and has opposed the Delayed Action for Childhood Arrivals—DACA—program. He supported anti-immigration state laws in Arizona and elsewhere that the Supreme Court has struck down as unconstitutional.

During the Presidential campaign, Mr. Trump issued a press release “calling for a total and complete shutdown of the border.” Several days later, Senator Leahy offered a resolution in the Judiciary Committee that stated, “It is the sense of the Senate that the United States must not bar individuals from entering the United States based on their religion, as such action would be contrary to the fundamental principles of which this nation was founded.” The vote was 99-0.

President Trump signed a Leahy resolution. Senator Sessions voted no and spoke against the resolution for nearly half an hour and concluded by stating that the Leahy resolution “goes beyond being unwise. It is reckless. It is absolute and without qualification. It could have pernicious impacts for decades, even centuries to come. It may be even a step from the concept of the nation-state to the idea of global citizenship.”

Barry’s religious test of people coming into our Nation would create that type of a Nation? That is who we are as a Nation. Those are our core values. We embrace diversity.

Senator Sessions’ views are far outside the mainstream and would unsettle many years of law and precedent that protect individual religious beliefs. I am gravely concerned about how an Attorney General Sessions would advise President Trump on the lawful use of the移民法. He recently issued his Executive order, which a district court has put on hold and is now being challenged in the Ninth Circuit. I cosponsored legislation to rescind President Trump’s discriminatory Executive order barring immigrants from Muslim-majority countries and suspending the U.S. refugee program.

I am also concerned as to how Attorney General Sessions would advise the President on matters of immigration. Former Acting Attorney General Sally Yates was fired and her conduct was called shameful by President Trump, simply because she was upholding the Constitution, giving her advice. The President has criticized the “so-called judge” who temporarily stayed his travel ban with an “outrageous” decision, and said that the judge would be blamed if a terrorist attack occurred in the United States. The Attorney General has already stated to the Senate that he will turn back the clock on so many views were far outside the mainstream and would unsettle many years of law and precedent that protect individual religious beliefs. I am gravely concerned about how an Attorney General Sessions would advise President Trump on the lawful use of the immigration laws, some I have worked hard on. We need to create a lawful system of immigration. . . . He previously served as the Attorney General of Maryland, an immigrant advocacy organization that has taken some extreme views and been criticized by a number of people in the media. CASA of Maryland issued a pamphlet instructing immigrants confronted by the police to remain silent. CASA also promotes day labor sites. This is where people, often without lawful status, come and seek work . . . and [they] oppose restrictions on illegal immigrants receiving drivers’ licenses. He was the President of the Republican

That was Senator Sessions’ quote. Senator Sessions also commented on Mr. Perez directly:

I am concerned where Mr. Perez will be in the (quote the Department of Justice Civil Rights Division). He has been pretty ac-

tive politically. When he ran for the Montgomery, MD, county council he responded to a question asking, ‘What do the voters to know about you?’ Mr. Perez said: ‘I am a progressive Democrat and always was and always will be.’ This is a free country and that is all right. I am just saying, in all fairness, that statement makes me a little nervous.

Again, quoting from Senator Sessions. The Senate did right by my friend and colleague Tom Perez. He was confirmed by the Senate as the Assistant Attorney General for the Civil Rights Division of the Department of Justice by a 72-to-22 vote. Now, I understand people may have a reason to vote one way or the other, but the reasons stated by Senator Sessions in regard to Mr. Perez caused me great, great concern. Senator Sessions again opposed Mr. Perez when he was later nominated to be Secretary of Labor. In both of these cases, Senator Sessions’ views were far outside the mainstream on Mr. Perez.

As the senior Senator from Maryland, I know CASA of Maryland. I have been there. I have seen the people they service. They do extraordinary work to help the immigrant community. They are not a fringe advocacy group. While Mr. Perez is a progressive, he is a dedicated public servant, having been elected by the people of Maryland to the Montgomery County Council and appointed by President Obama to run the civil rights division of the Justice Department and later the Labor Department. Mr. Perez worked to expand the right to vote, protect the rights of all Americans, and ensure American workers had a decent wage and employers treated their employees with fairness and respect.

I fear Attorney General Sessions would turn back the clock on so many civil and worker rights that we hold dear as Americans.

Mr. Sessions opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. Senator Sessions supported a constitutional amendment to ban same-sex marriages, opposed the repeal of don’t ask, don’t tell in the military, and harshly criti-

ized the Supreme Court’s recent decision legalizing same-sex marriages across the country. He harshly criti-

cized the Court for redefining a “sacred and ancient institution,” and called the ruling “part of a continuing effort to ‘redraw the lines of national identity’” the Nation. Once again, I fear an Attorney General Sessions would turn back the clock on LGBT rights to a

CASA of Maryland issued a pamphlet instructing immigrants confronted by the police to remain silent. CASA also promotes day labor sites. This is where people, often without lawful status, come and seek work . . . and [they] oppose restrictions on illegal immigrants receiving drivers’ licenses. He was the President of the Republican
time when individuals would no longer have the legal right to marry the person they love.

Senator Sessions voted against the Lilly Ledbetter Fair Pay Act, the Paycheck Fairness Act, title X funding for contraception, breast screening, and health services for low-income women, and reauthorization of the Violence Against Women Act. He voted to block funding for refinancing low-income housing and for implementation by CBO.

Law enforcement agencies strongly supported my legislation, which was signed into law by President Obama in 2015. Blue Alert helps our law enforcement agencies who are endangered or where there has been an incident. It gives law enforcement the opportunity to apprehend the suspect in a timely way. It scored nominal or less than $1 million for implementation by CBO.

Senator Sessions has consistently opposed my amendments to create a dedicated civil rights division in the Department of Justice and a violent crimes unit in the U.S. Attorneys Office. Last week, the Acting Attorney General of the United States refused to enforce the law fairly and fight back against lawless overreach by an out-of-control President.

Last week, I recalled many of their stories. I spoke about students and professors, about mothers and children, about friends and neighbors, real people directly affected by President Trump's Executive order turning America's back on refugees around the world and immigrants from seven Muslim-majority countries.

That isn't all that happened last week. On January 27, the world turned upside down for tens of thousands of people directly affected by President Trump's Executive order turning America's back on refugees around the world and immigrants from seven Muslim-majority countries.

Last week, I recalled many of their stories. I spoke about students and professors, about mothers and children, about friends and neighbors, real people who were turned away, detained, or deported based solely on their religion or the simple fact that they were fleeing war. We all breathed a sigh of relief when a court temporarily halted that order, but we know the fight continues to permanently overturn this unlawful, unconstitutional, and deeply immoral Executive order.

That isn't all that happened last week. Last week, the Acting Attorney General of the United States refused to
defend President Trump’s unlawful and unconstitutional Executive order so President Trump fired her. That is right, the President of the United States fired the Nation’s top law enforcement officer for refusing to defend an unconstitutional, and deeply immoral order.

Last week, after days of slow-walking or ignoring judicial decisions, President Trump went on the attack. He raged against the judge who temporarily blocked his ilegal order, calling him a so-called judge and questioning his authority to act. That is right. The President of the United States attacked the legal authority of an individual district court judge, lawfully appointed by George W. Bush and confirmed unanimously by the Senate, to pass judgment on Trump’s Executive orders.

These are dangerous times. At times like this, it is more important than ever that the Attorney General of the United States has the guts, the independence, and the good moral judgment to stand up to the President when he seeks to violate the Constitution and ignore the law.

At his confirmation hearing last month, Senator Sessions claimed to be that person. I have to say, I wish it were true. I really do. I wish the President’s campaign had been different. I wish his actions were different. I wish he had given his nominees the benefit of the doubt, but I will not ignore the real world, as unpleasant as it is, and neither can anyone in this Senate. In the real world, Senator Sessions obviously isn’t going to stand up to the President’s campaign of bigotry. How could he? In the real world, Senator Sessions has the guts, the independence, and the good moral judgment to stand up to the President when he seeks to violate the Constitution and ignore the law.

Senator Sessions made a special name for himself for being a particularly vitriolic opponent of common-sense immigration policies. He railed against legal immigrants. He attacked cities and States that focus on keeping their communities safe instead of sending a national deportation force. He called Islam a toxic ideology and a threat to the American culture. Roe v. Wade is constitutionally unsound. Employers should be able to fire you because they don’t like whom you love. He voted against equal pay for equal work. He even voted against the Violence Against Women Act.

As a Federal prosecutor, he got involved in a voting rights case against those who were trying to help American citizens who were lawfully registered to vote. Yes, that is right—he brought a case against civil rights workers who helped African-American voters submit their ballots.

While serving as Alabama’s attorney general, he reportedly made numerous racist comments, including saying he thought the KKK was OK until he learned that they smoked weed. He called an attorney representing Black clients in a civil rights case a disgrace to his race. He claimed that the NAACP and the ACLU were un-American.

In a speech in 2006, he said: “Fundamentally, almost no one coming from the Dominican Republic to the United States is coming here because they have a provable skill that would benefit us and that would indicate their likely success in our society.”

According to Sessions, Dominicans come to the United States by engaging in fraud.

When it comes to the Senate confirming someone to be Attorney General—the highest law enforcement officer in this country—we are all personally responsible for that choice. To put Senator Sessions in charge of the Department of Justice is an insult to African Americans. To put Senator Sessions in charge of the Department of Justice is an affront to women.

I ask again, where are the Senators who will say no to Senator Sessions as Attorney General of the United States? And where are the 47 Senate Republicans who once fought Senator Sessions’ nomination to serve as a Federal judge?
They had the courage to stand up for the principles that transcend party affiliation—fairness, equality, justice for all. Their rejection sent a message that that kind of dangerous, toxic hatred has no place in our courts. I urge them again today to exert that moral leadership. I urge them to send a message that that kind of dangerous, toxic hatred has no place in our Justice Department. I urge them to set aside politics and do what they know is right.

I wish to read two statements that really stood out to me as I was reviewing Senator Sessions’ record on civil rights. One is the powerful speech that the late Senator from Massachusetts, Ted Kennedy, gave in 1986, and the other is a very moving letter from Coretta Scott King, a letter she wrote to the Judiciary Committee that same year.

I want to start with what Senator Kennedy said. He said:

The confirmation of nominees for lifetime appointments to the Federal judiciary is one of the most important responsibilities of the Senate mandated by the U.S. Constitution, and the Senate’s obligation is a personal one, to the Senate, to the nation, and to the judicial nominee. The Senate’s obligation is to carefully examine the qualifications of nominees for the Federal bench and to give our approval only to those who have demonstrated a personal commitment to the principle of equality for all Americans and a sensitivity to the long history of inequality which we are struggling to overcome.

Mr. SESSIONS, as a U.S. attorney for the Southern District of Alabama, comes to this committee with a record which regrettably includes presiding over the now-infamous so-called Perry County voting fraud prosecutions. In the Perry County case, the government indicted three well-known and highly respected Black civil rights activists on charges of voter fraud and assisting elderly Black voters to vote by absentee ballot. The efforts of the defendants 20 years ago, these Black citizens would not have been allowed to vote. All three of the defendants were acquitted on all charges in the indictments, and some of the elderly Blacks have responded to their experiences during voir dire by voicing the desire to vote again. Mr. SESSIONS’ role in that case alone should bar him from serving on the Federal bench.

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There is more—much more. We just received a sworn statement from a Justice Department employee who was present during the conviction of Mr. Sessions over the period Sessions was U.S. attorney. Mr. Huber has stated to the committee investigators that Mr. Sessions on more than one occasion has characterized the NAACP and the ACLU as un-American. Communist-influenced organizations. He also stated that Mr. SESSIONS’ role in the Perry County case, the government’s efforts to disenfranchise Blacks in Perry County after the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere, have made important strides in their struggle to participate in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1963. This would not have been possible without the Voting Rights Act.

However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long, hard struggle to keep legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws——

The PRESIDING OFFICER. The Senate is reminded that it is a violation of rule XIX of the Standing Rules of the Senate to impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Ms. WARREN. Mr. President, I don’t think I quite understand. I am reading a letter from Coretta Scott King to the Judiciary Committee from 1986 that was admitted into the RECORD. I am simply reading what she wrote about what the nomination of Jeff Sessions to be a Federal court judge meant and what it would mean in history for her.

The PRESIDING OFFICER. This is a reminder—not necessarily what you just shared—however, you stated that a sitting Senator is a disgrace to the Department of Justice.

The PRESIDING OFFICER. The rule applies to imputing conduct or motive, through any form or voice, to a sitting Senator; form or voice includes quotes, articles, or other materials.

Mr. SESSIONS, public positions of Senator Sessions, quote public statements of Senator Sessions?
In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civic League, including Al-"grandfather clause" exclusions and rigged registration laws, and thus, to the exercise of those rights by Black people, should not be elevated to the federal bench.

The irony of Mr. Sessions' nomination is that if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken legs and hands in Reverend John Lewis and Marion bore witness. As my husband wrote at the time, “it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes peacefully petitioning for their constitutional right to vote.”

The free exercise of voting rights is so fundamental to American democracy, that we can not take their infringement with the same light that we have taken the infringement of other rights. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to win the vote than Black citizens. No group has had access to the ballot box deeded so persistently and intently. Over the past century, a broad array of schemes have been used to keep away Black voters from the White majority of the voters. It has been a long, uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. The denial of access to the ballot box, the right to vote. A person who has exhibited so much valor in the enforcement of the civil rights laws, and thus, to the exercise of those rights by Black people, should not be elevated to the federal bench.

I urge you to consider carefully Mr. Sessions’ conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of American citizens. And consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive that right in the first place. Therefore, it is my strongly-held view that the appointment of Jeff Sessions to the federal bench would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past two decades in their unequal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental civil rights. For, it is possible to win the right to vote, but only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

We still want to go back before we can say that minorities no longer need to be concerned about the discrimination at the polls. Blacks, Hispanics, Native Americans, and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our time less dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965 and the Fifteenth Amendment is never undermined.

Mr. Sessions’ views and words ring true today. The integrity of our Justice Department depends on an Attorney General who will fight for the rights of all Americans, no matter how far they are from the federal court.

My concerns regarding Jeff Sessions go far beyond his disappointing record on civil rights. Take immigration, for example. The Daily Beast published an article a few weeks ago entitled, “Donald Trump’s Refugee Ban Has Attorney General Nominee Jeff Sessions’ Fingersprints All Over It.” Here is what the article says:

To longtime Jeff Sessions observers, the chaos that unfolded in American airports on Saturday morning wasn’t a surprise. At all. Rather, the refugee ban was the predictable culmination of years of advocacy from two of President Donald Trump’s most trusted advisors: White House Senior Advisor Stephen Miller, and attorney general designate Jeff Sessions. For years, Sessions and Miller— who was the Alabama Senator’s communications director before leaving to join the Trump campaign—pushed research and talking points designed to make Americans and refugees.

Press releases, email forwards, speeches on the Senate floor—Miller and Sessions used it all to make the case against Obama’s refugee program was a huge terror threat. The executive order Trump signed on Friday is just the logical conclusion of their work.

I started getting press releases that Miller sent on behalf of Jeff Sessions in March 2013, shortly after I moved to D.C. to cover Congress. The emails went to my Gmail, and kept coming over the years—hundreds and hundreds of them. By the time Sessions’ office to join the Trump campaign, Miller’s press releases were legendary among Hill reporters: There were just so many of them. They were never stopped. Some were lengthy diatribes; some were detailed, homemade charts; some were one-liners; one was just a link to Facebook’s study. I do not believe Jefferson Sessions III is the subject line, “Does this mean that Facebook has enough money now to hire Americans?”

“I wanted to put together a little book of the best emails I ever sent,” Miller told Politico last June. “I spent hours and hours of research on those.”

Some of that research had serious methodological problems. According to Alex Nowaksteh, an immigration expert at the libertarian Cato Institute.

Sen. Jeff Sessions is facing questions on his record on immigration.
“Miller’s work vastly overstates the threat of foreign terrorists to the homeland,” Nowrasteh said.

He pointed to Miller’s efforts to chronicle cases of refugees implicated in terrorist activity. It is true that some refugees in the U.S. have been indicted for terrorism-related crimes, Nowrasteh said. But instances of refugees attacking terror targets on American soil, he added, were vanishingly rare.

“Almost all the refugees that I was able to specifically identify in his set were trying to perpetrate a foreign terrorist organization, mostly Al Shabab in Somalia, by giving them money or something like that,” Nowrasteh said. “I don’t know about you, but I think there’s a big difference between sending a militia in your home country funds and trying to blow up a mall in Cincinnati.”

The collective effect of Miller and Sessions’ messaging was to enthusiastically push a narrative that now dominates the Trump administration—that refugees and other immigrants steal Americans’ jobs, suck up too much welfare money, incubate terrorists in their communities and, overall, are a problem.

The conclusion was always the same: The government should let in far fewer refugees, and it should think twice about welcoming Muslims.

And now, that’s exactly what Trump is doing.

For instance, in one “Dear Colleague” letter that Sessions co-authored with conservative Republican Rep. David Brat—a letter Miller blasted out to his press list—the would-be Attorney General ripped into the refugee program.

“There can be no higher duty as lawmakers than to keep our constituents and their families safe,” Brat and Sessions wrote. “Yet our reckless refugee programs, lax green card and visa policies, utter failure to enforce rampant visa overstays, along with our wide open southern border, put the U.S. at grave and needless risk.”

“Grave and needless risk”—it is a view that clearly informs Trump’s decision to terminate refugee programs.

And a Miller press release, blasted out on November 25, 2015, included this ominous title: “U.S. Issued 880,000 Green Cards to Migrants from Muslim Nations Over the Last 5 Years.”

Sessions then forwarded that email to his email list on Jan. 12, 2016, the day of Obama’s final State of the Union address, and added this note: “Some numerical context for any discussions of refugee policy that may arise tonight. As further context, the two sanding country for migrants are Iraq and Pakistan, according to Pew, ‘Nearly all Muslims in Afghanistan (99%) and most in Iraq (91%) and Pakistan (91%) support Sharia as official law.’

The implication was clear as a bell: Muslim immigrants are flooding into the U.S., and they are bringing Sharia with them. Someone who agreed with Miller’s assessment would do what Trump just did.

Just about any time a refugee living in the U.S. was charged, implicated, or otherwise connected to terrorism, Miller emailed his list about it.

Another Sessions press release, sent jointly with Sen. Richard Shelby, also included ominous intonations about refugees and Muslims.

“Congress must cancel the President’s blank-check immigration and put Congress in charge of the program,” Sessions and Shelby said. “We cannot allow the President to unilaterally decide how many refugees he wishes to admit, nor continue to force tax-payers to pick up the tab for tens of billions of unpaid-for welfare and entitlement costs.”

Still quoting the letter from Senators Shelby and Sessions—would put the U.S. on a path to approve admission for hundreds of thousands of migrants from a broad range of countries with illicit movements over the next 12 months, on top of all the otherautopilot annual immigration—“abstain language to reduce the numbers,” the release continued.

That same letter suggested that refugees were robbing elderly Americans of their benefits.

Refugees are entitled to access all major welfare programs, and they can also draw benefits directly from the Medicare and Social Security Disability and retirement trust funds—taking those funds straight from the pockets of American retirees who paid into these troubled funds all their lives,” Sessions and Shelby said.

Now that Trump is president, those numbers are getting reduced—and fast.

Another foreshadowing subject line from Miller showed up in reporters’ inboxes on Nov. 19, 2015: “ICYMI: Each 5 years, U.S. issuing more new green cards to migrants from Muslim nations the population of Washington, D.C.”

Sessions also took to the Senate floor to argue that Muslim immigrants are uniquely dangerous. On Nov. 19, 2015, the Alabaman said the following about Muslims:

“It is an unpleasant but unavoidable fact that bringing in a large unassimilated flow of migrants from the Muslim world creates the conditions possible for radicalization and extremism to take hold.”

In the speech, Sessions argued that the U.S. should set up safe zones in Syria where refugees could settle—instead of allowing any of them into the United States. Miller emailed reporters as Sessions spoke to highlight his argument. Now it’s Trump’s position.

At Breitbart, Julia Hahn covered Sessions’ speech, in an article headlined “Afghanistan Migration Surging into America: 99% Support Sharia as Official U.S. Law.”

And on and on and on, for hundreds of pages of how sexual violence impacts Massachusetts. This is what it said: “They are mothers, daughters, sisters, fathers, sons, and brothers.”

The PRESIDING OFFICER. The Majority leader.

Mr. MCCONNELL. Mr. President, the Senate has impugned the motives and conduct of our colleague from Alabama, as warned by the Chair.

Senator WARREN said Senator Sessions “has used the awesome power of his office to chill the free exercise of the vote by Black citizens.”

I call the Senator to order under the provisions of rule XI.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I am surprised that the words of Coretta Scott King are not suitable for debate in the United States Senate.

I ask leave of the Senate to continue my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator will take her seat.

APPEALING THE RULING OF THE CHAIR

QUORUM CALL

Ms. WARREN. Mr. President, I appeal the ruling of the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3 Ex.]

Daines Kennedy Warren
Fischer Klochuchar Hatch McConnell

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of absent Senators.

The legislative clerk resumed the call of the roll and the following Senator entered the Chamber and answered to his name:

[Quorum No. 3 Ex.]

Corbyn

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 sufficient second?
The question is on agreeing to the motion.

The PRESIDING OFFICER. Is there a sufficient second?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Georgia (Mr. ISAKSON), and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The result was announced—yeas 49, nays 43, as follows:

[Rollcall Vote No. 57 Ex.]

YEAS—49

Alexander
Barrasso
Barrasso
Bennet
Blumenthal
Blumenthal
Boozman
Brown
Burr
Cantwell
Capito
Cardin
Cardin
Casey
Collins
Corker
Cochran
Collins
Cortez Masto
Cortez Masto
Donnelly
Durbin
Enzi
Enzi
Franken
Flake
NAY—43

Barrasso
Barrasso
Bennet
Bennet
Blumenthal
Blumenthal
Boozman
Brown
Brown
Burr
Cantwell
Capito
Cardin
Cardin
Casey
Collins
Corker
Cochran
Collins
Cortez Masto
Cortez Masto
Donnelly
Durbin
Enzi
Enzi
Franken
Flake
NAY—3

Rubio
Carper
Carper
Coons
Coons
Coons
Rubi
Coons

Carper
Coons
Coons
Coons

YEAS—88

Alexander
Barrasso
Barrasso
Bennet
Blumenthal
Blumenthal
Boozman
Brown
Burr
Cantwell
Capito
Cardin
Cardin
Casey
Collins
Corker
Cochran
Collins
Cortez Masto
Cortez Masto
Donnelly
Durbin
Enzi
Enzi
Franken
Flake

NOT VOTING—8

Carper
Coons
Crus

NAY—50

Alexander
Barrasso
Barrasso
Bennet
Blumenthal
Blumenthal
Boozman
Brown
Burr
Capito
Capito
Capito
Collins
Corker
Cochran
Collins
Cottn
Cottn

Carper
Coons
Coons

YEAS—43

Balimin
Bennet
Blumenthal
Boozman
Brown
Brown
Brown
Cardin
Cardin
Casey
Cassidy
Cassidy
Cassidy
Cochran
Collins
Corker
Cottn

Rubio
Carper
Coons
Coons

NOT VOTING—9

Carper
Coons
Cruz

NAY—7

The motion was rejected.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, if the average American heard someone read a letter from Coretta Scott King that
said what it said, they would not be offended. They would say that is someone's opinion; that is all.

It seems to me that we could use rule XIX almost every day on the floor of the Senate. This is selective enforcement, and another example of our colleagues on the other side of the aisle escalating the partisanship and further decreasing comity in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have a question. I guess it is in the nature of a parliamentary question, and that is, whether it would be in order to ask unanimous consent that the letter from which Senator WARREN read be put into the RECORD as a confirmation that she was, in fact, accurately reading from the letter, that it be added as an exhibit in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The text of the letter is in the RECORD of the Senate as the Senator was reading it in her testimony.

Mr. WHITEHOUSE. The text of the letter as she read it, but not the complete letter.

The PRESIDING OFFICER. The Senator may ask consent.

Mr. WHITEHOUSE. I ask unanimous consent that the complete letter from which Senator WARREN read be printed in the CONGRESSIONAL RECORD to confirm that on the other side read from it.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is fascinating. I say to my colleagues, I have served here longer than any other Member of this body. I have been here 42 years, if I have been here when the Democrats were in the majority and when the Republicans were in the majority, with Democratic Presidents and Republican Presidents. I have never, ever seen a time when a Member of the Senate asked to put into the RECORD a letter especially by a civil rights icon and somebody objected. It has always been done.

I have had letters that people have asked to be put in that were contrary to a position that I might take. Of course, I would not object. They are allowed to do it. I have seen letters when Members of both sides of the aisle have debated back and forth and the other side would put in letters that were contrary to their opponents' positions, and of course, I would object. Don't let the Senate turn into something it has never been before. I would hope that cooler heads would prevail, and we go back to the things that made the Senate great, that made the Senate the conscience of the Nation, as it should be.

I have never once objected to a Senator introducing a letter, even though they took a position different than mine. I have never known of a Republican Senator to do that, and here we are talking about a letter from a civil rights icon.

Let's not go down this path. It is not good for the Senate. It is not good for democracy, and it sure as heck is not good for free speech.

I admire the Senator from Rhode Island. He is a man of great integrity, a man who was attorney general of his State and U.S. attorney in his State. His request was something that is normally accepted automatically. I would hope Senators would reconsider.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, I am the one who entered the objection, and let me say to my good friend from Vermont that I agree with him 100 percent that we get back to what made the Senate great.

We have rules around here, and the rules are very clear that you don't impugn another Senator. Now, you can't do that in writing. You can't do it with writings. You can't hold up a writing that impugns another Senator and say: Well, this is what somebody else said. I am not saying it, but that is OK.

It is not OK. It is a violation of the rules, and we should get back to what made this Senate great, and that is, to stay within the rules, stay within civility, and not impugning another Senator, whether it is through words or whether it is through writings.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I have a parliamentary inquiry. The first question, Mr. President, is this: Is it my understanding that the ruling of the Chair was based on the advice of the Parliamentarian? Is that accurate, Mr. President; on the advice of the Parliamentarian that the rule had been read?

The PRESIDING OFFICER. No. The Chair sustained the ruling of the majority leader on his own.

Mr. RUBIO. OK. The second question I have, Mr. President. Does the rule say anything that impugns another Member of the Senate, directly or indirectly? Is that an accurate reading of the rule?

The PRESIDING OFFICER. The Senator is correct, and I will read the paragraph. This is rule XIX, section 2.

No Senator in debate shall, directly or indirectly, by any form of words impugne another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. RUBIO. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. A parliamentary inquiry.

The PRESIDING OFFICER. State your question.

Mr. MERKLEY. If a Member of the Senate is being considered for nomination, and we are exercising our advice and consent power, and if there is factual conduct in that individual's background that is presented on the floor and is not complimentary, would presenting the facts of that conduct in the process of debating an individual be considered in violation of rule XIX?

The PRESIDING OFFICER. The rule makes no distinction between those Senators who are nominees and those who are not. The rule does not permit truth to be a defense of the slight.

Mr. MERKLEY. Mr. President, just to make sure I understand that clearly, if we are considering a nominee who happens to be a Senator and we state factual elements of their background, for example, the conviction of a crime that is inappropriate conduct in the past, stating the factual record about an individual would be considered in violation of rule XIX?

The PRESIDING OFFICER. Each of these cases will be decided by the Presiding Officer in the context at that time.

Mr. MERKLEY. Just to clarify, if I could, therefore, the point is that something could be absolutely true, as, perhaps, a point that was made earlier—a statement can be true in a letter that is presented—but even if it is true and accurate for a person under consideration for a nomination, it would still be in violation. In other words, the fact that an individual is found in violation of rule XIX doesn’t mean that the statement had to be false. It could have been a true statement.

The PRESIDING OFFICER. You are correct, Senator.

Mr. MERKLEY. Thank you.

The PRESIDING OFFICER. The assistant Republican Whip.

Mr. CORNYN. Mr. President, I just want the RECORD to be abundantly clear. The language that resulted in the vote that we had invoking rule XIX was related to a quotation from Senator Ted Kennedy to a nominee “a disgrace to the Justice Department, and he should withdraw his nomination and resign his position.” That was the quote. Our colleagues want to try to make this all about Coretta Scott King and it is not. I think the complete context should be part of the RECORD.

Mr. MERKLEY. Parliamentary inquiry.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, it is my understanding—I was not there—that there was a warning over Senator King’s letter but the actual ruling was based on Coretta Scott King’s letter; is that correct?

The PRESIDING OFFICER. Yes, that is correct.

Mr. SCHUMER. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.
Mr. WHITEHOUSE. Mr. President, pursuing Senator MERKLEY’s hypotheticall, if it came before the Senate that a Member of the Senate who was a nominee seeking the advice and consent of the Senate to the position was, for example, a horse thief, and we found the facts that he was a horse thief to be relevant to whether or not he should be confirmed, say, to the Department of Interior, which has authority over lands, does the ruling of the Chair mean that it would not be in order for Senator, for example, to consider what in my hypothetical is the established fact that the Senator was a horse thief as we debate his nomination here on the floor? The PRESIDING OFFICER. Once again, the answer is the same, that each of these decisions will be made at the time and in the context in which they occur, and the decision of the Chair is subject to a vote of the Senate and an appeal.

Mr. WHITEHOUSE. I guess, Mr. President, what I don’t understand is that we have fairly significant responsibilities under the Constitution to provide advice and consent. It appears that the ruling of the Chair has just been stated that a member of this body is the subject of that advice and consent, then derogatory information about that person is not in order and is a violation of rule XIX on the Senate floor. And with that being the ruling, I don’t know how we go about discharging our duties when we are supposed to simply blind ourselves to derogatory information, discuss it privately in the cloak rooms, not bring it out onto the floor of the U.S. Senate, this supposedly great debating society that actually has a constitutional responsibility to discuss both the advantages and the deficits of a particular nominee?

The PRESIDING OFFICER. In each case, it is the opinion of the President, subject to the final vote by the Senate to support or not to support the President’s decision.

Mr. WHITEHOUSE. So the precedent going forward is that any Senator who discusses derogatory information that is a matter of public record, that may even include criminal behavior by a Senator who is a candidate for Executive appointment that requires advice and consent, is at risk of being sanctioned by this body by a simple partisan majority of this body under rule XIX if they raise those issues on the floor? The PRESIDING OFFICER. It is not necessary for a point of order to be raised under rule XIX, but if the point of order is raised, an opinion will be made and it is subject to a vote of the Senate in the manner previously described.

Mr. WHITEHOUSE. I yield the floor. The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I first have a parliamentary inquiry. These are the continuing rules of the Senate that have been in existence previous to this time and have carried over into this session, is that correct? The PRESIDING OFFICER. The Senator is correct.

Mr. RUBIO. The reason I ask is that the following—but I think we all feel very passionately about this before us. I have not been here as long as Senator LEAHY, whose service has been quite distinguished over a long period of time. I truly do understand the passions people bring to this body. I like to think that I, too, am passionate about the issues before the Senate.

I think this is an important moment. It is late. Not many people are paying attention. I wish they would though because I think the question here is one of the reasons I ran for this body to begin with. Maybe it is because of my background; I am surrounded by people who have lost freedoms in places where they are not allowed to speak. One of the great traditions of our Nation is the ability to come forward and have debates. But the Founders and the Framers and those who established this institution and guided us over two centuries understood that debate was impossible if, in fact, the matter became a personal attack. I believe that was necessarily the intention here, although perhaps that was the way it turned out. But I think it is important for us to understand why that matters so much.

I want people to think about our politics here in America because I am telling you guys, I don’t know of a single Nation in the history of the world that has been able to solve its problems when half the people in the country absolutely hate the other half of the people in that country. This is the most important country in the world, and this body cannot function if people are offending one another, and that is why those rules are in place.

I was not here when Secretary Clinton was nominated as a Member of this body at the time, but I can tell you that I am just barely old enough to know that some very nasty things have been written and said about Senator Clinton. And I think the Senate should be very proud that during her nomination to be Secretary of State—despite the fact that I imagine many people were not excited about the fact that she would be Secretary of State—to my recollection, and perhaps I am incorrect, and single one of those horrible things that have been written or said about her, some of which actually did accuse her of wrongdoing, was uttered on the floor of the Senate.

I happen to remember in 2004 when then-Senator Kerry ran for President. Some pretty strong things were written and said about him. I was here for that when he was nominated and confirmed to be Secretary of State. And I don’t recall a single statement being read into the Record about the things that have been said about him.

Now, I want everybody to understand that at the end of the night, this is not a partisan issue. It really is not. I can tell you this with full confidence that if one of my colleagues on this side of the aisle had done that, I would also like to think that I would have been one of those people objecting, and here is why.

Turn on the news and watch these parliaments around the world where people throw chairs at each other and throw punches, and ask yourself: How does that make you feel about those countries? It doesn’t give you a lot of confidence about those countries. I am not arguing that we are anywhere near that tonight, but we areflirting with it. We are “flirting with it in this body, and we are flirting with it in this country. We are becoming a society incapable of having debates anymore.

In this country, if you watch the big policy debates that are going on in America, no one ever stops to say: I don’t like your point of view. I get it. You have some valid points, but let me tell you why I think my view is better. I don’t hear that anymore.

Here is what I hear almost automatically—and let me be fair—from both sides of these debates. Immediately, immediately, as soon as you offer an idea, the other side jumps and says that the reason you say that is because you care about rich people, because you only care about rich people, because you are this or you are that or you are the other. And I am just telling you guys, we are reaching a point in this Republic where we are not able to talk about most of the issues because everyone is putting themselves in the corner where every one hates everybody.

Now I don’t pretend to say that I am not myself from time to time in heated debates outside of this Congress, I have been guilty of perhaps hyperbole, and for those—I am not proud of it.

But I have to tell you, I think what is at stake here tonight and as we debate, is not simply some rule but the ability of the most important Nation on Earth to debate in a productive and respectful way the pressing issues before us. I just hope we understand that because I have tremendous respect for the other Chamber, and I understand that it was designed to be different. But one of the reasons I chose to run for the Senate and, quite frankly, to run for reelection is that I believe I served with 99 men and women who love their country, who have different points of view, who represent men and women who have different views from the men and women whom I may represent on a given issue and who are better advocating their points of view, never impugning their motives.

One of the things I take great pride in—and I tell this to people all the time—is that the one thing you learn about the Senate is, whether you agree with them or not, you have tremendous respect for every single one of those other 99 people are here. They are intelligent people, they are smart people, they are not
hard-working people. They believe in what they are saying, and they articulate it in a very passionate and effective way.

When I see my colleague stand up and say something I don’t agree with, I try to tell myself: Look, I don’t understand why they stand for that, but I know why they are doing it. It is because they represent people who believe that.

I am grateful that God has allowed me to be born, to live, and to raise my family in a nation where people with such different points of view are able to debate those things in a way that doesn’t lead to war, that doesn’t lead to overthrow, that doesn’t lead to violence. And you may take that for granted.

All around the world tonight, there are people who, if they stood up here and said the things that we say about the President—whether or not in office in authority, they would go to jail. I am not saying that is where we are headed as a nation; I am just saying, don’t ever take that for granted.

The linchpin of that is this institution. The linchpin of that debate is the ability of this institution through unlimited debate and the decorum necessary for that debate to be able to conduct itself in that manner.

I know it is probably a made-for-TV moment for some people. This has nothing to do with censuring the words of some great heroes. I have extraordinary admiration for the men and women who led the civil rights effort 50 years ago and I am self-conscious or understanding enough to know that many of the things that have been possible for so many people in this country in the 21st century were made possible by the sacrifices and the work of those brave men and women.

This has to do with a fundamental reality, and that is that this body cannot carry out its work if it is not able to conduct debates in a way that is respectful of one another, especially those of us who are in this Chamber together.

I also understand this: If the Senate ceases to work, if we reach a point where this institution—given everything else that is going on in politics today, where you are basically allowed to say just about anything, for I have seen over the last year and a half things said about people, about issues, about institutions in our republic that I never thought I would see ever—ever. If we lose this body’s ability to conduct debate in a dignified manner—and I mean this with no disrespect to anyone else, I don’t believe anyone came on the floor here tonight saying: I am going to conduct that debate with disrespectful on purpose, and turn this into a circus. But I am just telling you that if this body loses the ability to have those sorts of debates, then where in this country is that going to happen? In what other forum in this Nation is that going to be possible?

So I would just hope everybody would stop and think about that. I know I have been here only for 6 years, so I don’t have a deep reservoir of Senate history to rely on. But I know this: If this body isn’t capable of having those debates, there will be no place in this country where those debates can occur. I think every single one of us, to our great shame, will live to regret it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I don’t want you to prolong this much more. In light of what my friend from Florida said, I would just reread what I said earlier.

If average Americans heard someone read a letter from Coretta Scott King that said what it said, they would not be offended. They would say that is someone’s opinion. That is all.

It seems to me we could use rule XIX almost every day on the floor of the Senate, as my colleague from Maine so pointedly and adequately exhibited a few minutes ago.

This selective enforcement is another example of our colleagues on the other side of the aisle escalating the partisanship and further decreasing the comity of the Senate, which I treasure as well, Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I take umbrage with what the minority leader said. I sat here and listened to the distinguished Senator from Massachusetts, who went on and on and on. Many of her remarks were criticizing a fellow colleague in the Senate. I don’t know about the other side, but I find it offensive for either side to be criticizing, as was done here tonight, a sitting Member of the Senate.

I am absolutely astounded that the Democrats, my friends on the other side, have taken to the war tables a desire to defeat JEFF SESSIONS. I have worked with him for 20 years and have never had to say that I knew JEFF SESSIONS even before he came here, and I have known him since he has been here. And, yes, I differ with him on a number of issues, but I would never say things about him as have said by my colleagues on the other side. I think that we all ought to take some stock in what we are doing here.

JEFF SESSIONS is a very fine person. Think of his wife. She is a really fine person. JEFF has been here 20 years. He has interchanged with almost all of us. Sometimes you agree with him, and sometimes you disagree with him, but he has always been a gentleman. He has always been kind and considerate of his colleagues. I can’t name one time when he wasn’t. Yet we are treating him like he is some terrible person who doesn’t deserve to be chosen by the current President of the United States to be Attorney General of the United States.

I think we ought to be ashamed of ourselves—I really do—on both sides. And frankly, we have to get to where everything is not an issue here. I know some of my friends on the other side and I have chatted, and they are not happy with the way this body is going with good reason.

Everything doesn’t have to lead to a gun fight on the floor, but that is sometimes where we are going. And frankly, sometimes there is an awful lot of politics being played here on both sides.

Look, I happen to like the senior Senator from Massachusetts. I think he is an intelligent man in many ways. But I have to tell you, I listened to her for quite a while, and she didn’t have a good thing to say about a fellow Senator. Frankly, I don’t think that is right. If we don’t respect each other, we are going down a very steep path to oblivion.

I would hope that both sides would take stock of these debates. We can differ. We understand that the Democrats are not happy with the current President, I know that. We can differ on that, and we can fight over various issues and so forth. But to attack a fellow Senator without reservation seems to me the wrong thing to do.

It may not have risen to the level of a violation of the rules, but I think it comes close, and I have sat here and listened to most of it and, frankly, I don’t believe that the distinguished Senator from Massachusetts was right in any respect. I have been here a long time and I have seen some pretty rough talk, but never like we have had this first couple of months here. We have gone so far on both sides that we are almost dysfunctional.

I admit it was tough for the Democrats to lose the Presidential election. Most people thought that Hillary Clinton would win. I was not one of them. I thought there was a real chance before Mr. Trump, and the reason they didn’t have a good thing to say for whom they were going to vote. I think, correctly, I interpreted that meant that they were going to vote for Donald Trump, and the reason they were is that they are tired of what is being played here. They are tired of the picayune little fights that we have around here.

I think we have to grow up. I suggest that all of us take stock of ourselves and see if we can treat each other with greater respect. I have to say, I resonated—as much as I like the distinguished Senator from Massachusetts, I resent the constant diatribe against a fellow Senator. Even if everything she said was true, it wasn’t the right thing to do. I don’t think any of us should do that to them, either. We can differ, we can argue, we can fight over certain words and so forth, but I have been appointed the way we have treated JEFF SESSIONS. I have found JEFF SESSIONS—having worked with him for 20 years and having disagreed with him on a number of things—to be a gentleman in every respect and to present his viewpoints in a reasonable and decent way.

I would hope that my colleagues on the other side would consider voting
for JEFF SESSIONS or at least treating him with respect. I admit that I think some of this comes from the fact that they are very upset at Donald Trump, and it is easy to see why. He won a very tough, contested race against one of their principal people. That is hard to take, maybe. That doesn’t justify what has been going on against JEFF SESSIONS.

We ought to be proud that JEFF has a chance to become the Attorney General of the United States, and he is going to be. That is the thing that really bothers me. Everybody on the other side knows that we have the votes to finally do this. Yet, they are treating it as though this is something that they have to try and win—which they are not going to win—and, in the process, treating a fellow Senator with disdain. It is wrong.

We should all take stock of ourselves. I am not accusing my colleagues of not being sincere, but they have been sincerely and personally upset with it. If we want to fight every day and just go after each other like people who just don’t care about etiquette and courtesy, I guess we can do that, but I think it is the wrong thing to do. I think we should take note of what has been going on, and on both sides start trying to work together. I know it was tough for my Democrat friends to lose the Presidential election, I know that was tough. And they didn’t think they were going to, and, frankly, a lot of us didn’t think they were going to. I did think that. But, then again, I was one of two Senators who supported Donald Trump, in my opinion, with very, very good reason. I am sure that doesn’t convince any Democrats on the other side.

The fact is that we have to treat each other with respect or this place is going to devolve into nothing but a jungle, and that would truly be a very, very sad thing.

I am not perfect, so I don’t mean to act like I am, but I have to say that all of us need to take stock. We need to start thinking about the people on the other side. We need to start thinking about how we might bring each other together in the best interests of our country and how we might literally elevate the Senate to the position that we all hope it will be.

I love all of my colleagues. There is not one person in this body that I don’t care for a lot. I disagree quite a bit with some of my colleagues on the other side, and even some folks on our side, but that doesn’t mean that I have to treat them with disrespect.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST), The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I first want to say a few words about the Senator from Massachusetts and her passion and what she has brought to this Chamber. While I know she has not been allowed to complete her remarks today, I know that will not silence her, and we look forward to hearing from her tomorrow and many days in the future on so many topics. I also wanted to say something about my friend from Utah. We have worked together on so many bills. I have seen firsthand that he means what he says about treating each other with the dignity that we all deserve and that the American people deserve.

Also, I was especially impressed by the words from the Senator from Florida. When I see the majority leader and the Democratic leader over there talking in the corner now, I think that is a good sign, because I have never seen a time where the Senate is more important, as the Senator from Florida was mentioning. This is a moment in time where the Senate will not just be a check and balance, but it is also a place for compromise. The one issue where I would differ slightly with my friend and colleague from Utah is that this isn’t just about Democrats responding with surprise resignation to the new President. There have been a lot of things said in the last few months, including calling judges ‘so-called judges’ and some of the discussions and comparisons to foreign leaders, and this has created a rift from the White House in the last few weeks, including the order that was issued that some of our Republican colleagues expressed a lot of concern about and that the Senate wasn’t involved in and that a lot of law enforcement people weren’t involved in.

There have been reasons that people’s passions are high, and there are reasons that are good ones because we care about this country. So I hope people will see that in perspective for why people are reacting the way they do.

As for the Senator from Alabama, as I would call him for the purpose of these remarks, I am someone who has worked well with him. We have done this together, and we have worked together on trafficking, and I am proud of the work I have done with him. We have also gone to the State of the Union together every single year, and I value his friendship.

I came to the conclusion that I couldn’t support him not for personal reasons, but because of some of the views he has expressed in the past and his record on the Violence Against Women Act, his views on immigration, and his views relating to voting rights. My fellow colleagues, especially those who serve on the Judiciary Committee, feel the same way—that this wasn’t personal, but we simply had a deep disagreement with some of his views on certain issues.

Today I thought I would focus on the voting rights issue. I spoke earlier about the Violence Against Women Act, and I think that is a good place to start as we work together going forward. We have seen an attack on America’s voting rights. We have had 17 intelligence agencies talking about the fact that a foreign country tried to influence our election. It is the core of our democracy. I know the Senator from Florida himself has said that this time it happened to one candidate, one party, and the next time it could be another party, another candidate. So this idea of voting—this idea of the freedom to vote—is the core of our democracy.

One of the most important duties of the Justice Department—and that is the office for which the Attorney General would run—is safeguarding voters’ access to the ballot box. This issue is important in my State. We had the highest voter turnout of any State in the country in this past election, and part of the reason we had such a good turnout is that we have good laws that allow for people to vote by mail and for same-day registration. We make it easy for people to vote; we don’t make it hard. For me, that is one of the major duties of the Justice Department, and that is to enforce our voting rights.

I will never forget when I traveled to Alabama in the last few years with one of the leaders, Congressman JOHN LEWIS, who was one of the 13 original Freedom Riders. In 1961 he coordinated the efforts for the Mississippi Freedom Summit, recruiting college students from around the country to join the movement, to register African-American voters across the South. People from every State in this Chamber went there for that March.

On March 7, 1965, Congressman LEWIS and 600 other peaceful protestors attempted to march from Selma to Birmingham to protest violence against civil rights workers. As they reached the crest of the Edmund Pettus Bridge, they saw a line of troopers blocking their way. At the end of the bridge, those peaceful marchers were attacked, just for calling for the right to vote. JOHN LEWIS’s skull was fractured, and he still bears that scar to this day.

The weekend that I went back there, 46 years after that bloody Sunday, was the weekend that the Chief of Montgomery actually handed Congresswoman LEWIS a badge and publicly apologized for what happened to him that day, 46 years later. But as moving as that apology was, we still have a duty to make sure that those sacrifices were not in vain. We also need to make it easier for people to actually vote, and that is a promise still unmet in America over 50 years later, whether it is lines at voting booths or whether it is last minute place that make it harder to vote.

I just look at this differently, having come from a high voter turnout State, a State where we have same-day registration, and when we look at the other high voter turnout States, that same-day registration station—Iowa, the Presiding Officer’s State is one of them; that is not really a Democratic State, yet they have a high voter turnout and people participate and feel a part of that process. New Hampshire, Vermont, these States are truly split, but what we want to see is that kind of participation.
A couple of months after I was in Selma, the Supreme Court handed down its decision in the case of Shelby County v. Holder. In this decision, the Justices found that a formula in section 4 of the Voting Rights Act was unconstitutional. This formula was used to determine which States and localities needed to have Federal approval for any changes made to their voting rights laws, endangering the progress made over the past 50 years. According to a report by the Brennan Center for Justice, following the Shelby County decision, 14 States put new voting restrictions in place that impacted the 2016 Presidential election. Three other States also passed restrictive voting measures, but those laws were blocked by the courts. So the harm is very real and very serious, and we can’t sit by and just let this happen.

Specifically, we need a Department of Justice that will vigorously enforce the remaining sections of the Voting Rights Act, as well as the National Voter Registration Act and the Help America Vote Act. Currently, a majority of the States are not complying with the National Voter Registration Act, leaving voting rolls outdated and preventing voters from casting their ballots. Without a Department of Justice that makes the enforcement of these laws a priority, the rights of voters will continue to be infringed.

Congress also needs to take action through legislation to make right what came out of that Supreme Court decision. Effectively throwing out the preclearance provision of the Voting Rights Act just doesn’t make sense. As Justice Ginsberg put so well in her dissent, “Ending preclearance now is like throwing away your umbrella in a rainstorm because you are not getting wet.”

Those marchers in Selma sacrificed too much for us not to fight back. That is why I cosponsored legislation last Congress that would amend the Voting Rights Act.

I am under no illusion that amending the Voting Rights Act in Congress will be easy. It won’t be. We have seen some bipartisan support. In fact, Congressman SENSENBRENNER, from my neighboring State of Wisconsin, who sponsored the reauthorization in 2006, called for Congress to restore the Voting Rights Act. As he put it, “the Voting Rights Act is vital to America’s commitment to forever again permit racial prejudices in the electoral process.”

Another issue I want to focus on this evening that I raised in Senator Sessions’ hearing is the fundamental importance of freedom of the press. My dad was a newspaper reporter, and up until a few years ago, he was still writing a blog. So I am especially sensitive to, and concerned about, maintaining the press’s role as a watchdog.

On the role of journalists is critical to our Nation’s democracy. That is why our Founders enshrined freedom of the press in the First Amendment. When we look at what we are seeing in the last few years in our country, what concerns me is this assault on democracy. We have voting rights issues with people unable to vote, with lines, with restrictive voting laws passed as opposed to enabling people to vote. We have outside money in politics. Recently, we have some of the things being said about judges, and now we have some assault on this notion of the freedom of the press.

Thomas Jefferson said that our first objective should be to leave open “all avenues to truth,” and the most effective way of doing that is through “the freedom of press.” This is still true today. Freedom of the press is the best avenue to truth. In fact, these values are more important now than ever, at a time when people are not exactly valuing the freedom of the press.

I believe there are two distinct roles journalists will hold that Congress must consider in the years to come. The first is providing the people with information about their government. Sometimes this is as simple as covering the passage of a new law in a public forum. This work doesn’t just lead to a better informed public. It can also lead to important actions.

Thanks to excellent reporting from across the country, Americans have been energized in the past. For instance, a few weeks ago there was an attempt to gut the Office of Congressional Ethics over in the House. That came out, people were outraged, it was reported on, and they backed down.

The second role we must preserve is journalists’ responsibility to be fact-checkers. They research, they provide context, and, when they need to, they correct. We need newspapers and media to stand up for what is true and what is false. Just a few weeks ago, the President said—not in this Chamber—the press cannot simply keep its mouth shut. The American people deserve the truth, and we are all relying on journalists to keep digging for it. I take this personally and seriously.

In Senator Sessions’ hearing I asked him whether he would follow the standards in place at the Justice Department, which address when Federal prosecutors can subpoena journalists or their records and serve to protect reporters engage in news-gathering activities. The previous two Attorneys General both pledged not to put reporters in jail if they were simply doing their job under the law.

The Senator from Alabama did not make that commitment. When I asked him about this in his hearing, he said he had not yet studied those rules. He also did not make a commitment when I later asked him to do that on the record.

The Senator from Alabama has also raised concerns in the past about protecting journalists from revealing their sources, including opposing the Free Flow of Information Act when it was considered by the Judiciary Committee in 2007, 2009, and 2013. So at this time, when our freedom of the press has been under attack at the highest levels of government, I believe it is critically important that our Department continues to function as an independent voice that will protect the ability of journalists to do their job.

Lastly, I want to take a moment to focus on the importance of the Antitrust Division at the Department of Justice. As ranking member of the Antitrust Subcommittee, I am concerned about the state of competition in the marketplace. I wish to take a few minutes on this issue.

I did ask Senator Sessions about this at his hearing, and he said he was committed to an independent division in the Justice Department and to continue that work without outside influence. I continue to believe that this issue will be important because of the massive amount of mergers we are seeing. The legal technicalities behind our antitrust laws will not be familiar to most Americans. That is why effective antitrust enforcement provides benefits we can all understand. When companies vigorously compete, they can offer consumers the lowest prices and the highest quality goods and services.

Senator Sessions has stated that he will support the independence of that division, and I want to make clear how critical this is. It is absolutely essential that our next Attorney General enforce our antitrust laws fairly and vigorously, and that this person protects the integrity of the Antitrust Division’s prosecutorial function from inappropriate influence. This is because vigilant antitrust enforcement means more money in the pockets of American consumers. The Attorney General can do this by identifying and preventing competition problems before they occur, like stopping a merger that would give a few companies the ability to raise prices, or, when a merger is allowed to move forward, putting conditions in place to protect competition.

The next Attorney General will also be able to stop price-fixing cartels that hurt consumers by artificially inflating prices for goods such as auto parts, TVs, and tablet computers. Last year alone, the Justice Department obtained more than $1 billion in criminal antitrust fines. Anticompetitive practices have serious impacts on consumers; for example, pay-for-delay settlements that keep cheaper generic drugs from coming onto the markets. Estimates suggest that eliminating those sweetheart deals would generate over $1 billion in additional savings over 10 years and save American consumers billions on their prescription drug costs. That is why Senator Grassley and I worked on bipartisan legislation to give the Federal Trade Commission greater ability to stop anticompetitive agreements. Our Preserve Access to Affordable Generics Act would increase consumers’ access to cost-saving generic drugs.
The bottom line is this. Antitrust enforcement is needed now more than ever. We are experiencing a wave of concentration across industries. Just last year, then-Assistant Attorney General for Antitrust Division Bill Baer, a lifelong antitrust practitioner, said he would review cases with such antitrust concerns that they should never have made it out of the corporate boardroom.

Not only will antitrust violations mean higher prices for Americans and less innovation, but the indirect effects are equally troubling. There is concern that undue concentration of economic power would exacerbate income inequality. There is also concern that concentration can hurt new businesses, stifling innovation. Why would you innovate if there is just one or two firms? Only effective antitrust enforcement by the Attorney General will prevent those harms, and effective enforcement can occur only if the Department of Justice enforces competition law based on the merits of the individual case, rather than politics.

Traditionally, the White House has not interfered with antitrust enforcement decisions, but recent reports indicate that the President has disapproved pending mergers with CEOs during ongoing antitrust reviews. Some companies have also publicly reported their conversations with and their commitments to the President. In both Senator Sessions’ hearing and in a follow-up letter, I raised this issue with him. The Senator from Alabama said: “It would be improper to consider any political, personal, or other non-legal basis in reaching an enforcement decision.”

That is the correct answer. I plan to vigorously protect the Antitrust Division’s prosecutorial integrity to make sure it is principled and is done right. Antitrust and competition policy are not Republican or Democratic issues. A merger in the ag industry could have an effect on farmers in Iowa, as the Presiding Officer knows. These are consumer issues, and these issues could not be more important to all Americans. We can all agree that robust competition is essential to our free-market economy and critical to ensuring that consumers pay the best prices for what they need.

I want to switch gears and conclude today by speaking about the President’s Executive order regarding refugees, especially those from Muslim countries, which has caused so much chaos across our country over the past several weeks.

While I know Senator Sessions was not involved in writing the Executive order, it is very important that going forward, obviously, the Attorney General and the Department of Justice’s Office of Legal Counsel have a responsibility to review Presidential Executive orders regarding refugees, and assurance they are legal and done right.

I sent a letter, with Senators Durbin, Whitehouse, Franken, Coons, and Blumenthal, and we asked Senator Sessions what he would have done if the President’s Executive order came across his desk. As a former prosecutor, I have long advocated for thorough vetting and supported strong national security measures. I believe that the No. 1 priority should be making people safe. While working to strengthen biometrics and other security measures is a good goal, this is not the way our government should be going. When you put out there without properly vetting it and figuring out the effect it would have on a four-year-old girl who is in a refugee camp in Uganda. That happened.

In my State, there was a mom who had two children, a Somali mother in a refugee camp. She got permission to come over to our State and to our country as a refugee. But she was pregnant, and the baby, that baby did not have permission to come with her. So she had a Sophie’s choice: Does she leave the baby in the refugee camp with friends and go to America with her two other daughters, or do all of them stay in the refugee camp in Uganda? She made a decision that she would go with her two older girls, that would be the safest thing for them.

For 4 years, she worked to get the child that was left behind in the refugee camp to America to be reunited with her sisters. The baby, who is now 4 years old, was to get on a plane on the Monday after the President’s Executive order was issued. The 4-year-old could not get on that plane.

Senator Franken and I got involved. We talked to General Kelly. He was more than generous with his time. They made an exception, and the 4-year-old is now in Minnesota. But it should not take a Senator’s intervention—as many of my colleagues know that have worked on these cases—to get a 4-year-old who is supposed to be reunited with their family, something that our government has worked on for 4 years and Lutheran Social Services in Minnesota had worked on for 4 years.

If Senator Sessions is in fact confirmed as the next Attorney General, these are actual issues he is going to have to work on, and beyond that, we have the issue of how people in our country are afraid.

We have 100,000 Somalis in Minnesota. We have the biggest Somali population in the country. A man who works for me started with my office 10 years ago and has been our outreach to the Somali community. He was just elected to the school board.

We have Somalis elected to our city council. They are a major part of the fabric of life in our State. Congressman Emmer, who actually took the seat held by Michele Bachmann, is the cochair, along with Congressman Ellison, of the Somali caucus in the House of Representatives. We have not seen this as a Democratic issue or a Republican issue in our State. We have welcomed these refugees.

We have the second biggest population of Hmong in the United States of America. We have the biggest Liberian population. We have one of the biggest populations of people from Burma. We have 17 Fortune 500 companies in our State. When these refugees come over, they are legal workers, and they are a major part of our economy.

So it is no surprise that during the last year, when we heard the kind of rhetoric that we have heard, people have said “don’t let them come—not just the refugees themselves, not just their friends and family, but a lot of people in our State. The churches have gotten involved—all kinds and every denomination in our State—to stand up for our Muslim population. Why? Because they have all heard the story. One of my most memorable stories was from a family whom I heard about when I was visiting with some of our Muslim population in Minneapolis. This was a story of two adults who actually had been in our State during 9/11. And George Bush stood up and he said: This isn’t about a religion. This is about evil people who did evil things, but it is not to indict a religion. It is about evil people.

Fast-forward to this summer. They are at a restaurant with their two little children. They are just sitting there having dinner.

A guy walks by and says: You four go home. You go home to where you came from.

The little girl looked up at her mom, and she said: Mom, I don’t want to go home and eat tonight. You said we could eat out tonight.

The words of an innocent child. She didn’t understand what was going on. She didn’t understand talking about because she only knows one home. That home is our State, and that home is the United States of America.

If Senator Sessions is confirmed for this position, he is going to have an obligation to that little girl who was in that restaurant and to all of the people in our country because this is the Justice Department of the United States of America.

As a former prosecutor, I know a big part of that job is prosecuting cases and doing all we can to keep America safe from evildoers, but it is also about keeping our Constitution and our rights safe.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. Whitehouse. Madam President, the Attorney General of the United States they are part of also somewhat unique position in the Federal Government. The Attorney General of the United States is tasked with
significant responsibilities that must be executed independently, sometimes even in defiance of the White House’s wishes and interests.

The Attorney General of the United States is tasked with enforcing our laws fairly, justly, and impartially, but also with protecting the civil and constitutional rights of all Americans of all persuasions, of all backgrounds. The Attorney General of the United States does not work for the President so much as for the people and does not serve the administration as much as the law.

I have served in the U.S. Department of Justice. I have felt its esprit de corps, its pride. That pride is founded on a firm sense of the Department’s willingness to stand on what is right, even against the wishes of the White House. One fine example of this was Attorney General Ashcroft challenging and reteaching policy choices to the White House on the Bush administration’s warrantless wiretapping of Americans. The Department of Justice is well aware of the importance of its independence.

A successful Attorney General must be stalwart in protecting the Department from political meddling by the administration or by Congress. We need only look back to Attorney General Gonzales’s resignation to recall how badly things turn out when an Attorney General yields to political pressure.

An Attorney General also makes policy decisions about where and how to direct the Department’s $27 billion budget and when and how to advise Congress to recommend new laws and modify existing policies. These are policy choices an Attorney General makes. It is no answer to questions about those policy choices to say I will follow the law. That doesn’t apply in this arena of funding decisions and legislative recommendations that are policy choices not dictated by law. Those policy choices can have a profound effect on communities, and on the fabric of our Nations.

Americans should be able to trust that their Attorney General will not only enforce the laws with integrity and impartiality but stand up for Americans of all stripes and fight on behalf of their rights. That is the prism through which I evaluate Senator Sessions’ nomination.

I have known Senator Sessions for a decade, and I have worked with him on a number of pieces of legislation. However, the standard by which I evaluate an Attorney General nominee is whether Rhode Islanders will trust him in the tough clinches, he will pass the test, I have also been to listen closely to very strong and honest, serious concerns from Rhode Islanders who have made it plain to me that they fear what Senator Sessions would do as head of the Justice Department. For every constituent who has expressed support of his nomination, 15 have expressed opposition.

Senator Sessions has fought against our immigration system, opposing the leading opponent of bipartisan legislation which has, if it passed, would have spared us much of the current debate over visas and immigration. Senator Sessions fought against our bipartisan criminal justice and sentencing reform bill.

Senator Sessions opposed authorizing the Violence Against Women Act—a bill which is vitally important to the Rhode Island Department of Attorney General and to the anti-domestic violence groups around Rhode Island.

Senator Sessions’ record on support of gay and lesbian Americans has alarmed many Rhode Islanders. Public statements and confirmation testimony by Senator Sessions suggest that he’s been independent of the Department and that what he calls secular attorneys would be, to him, suspect compared to Christian attorneys. That distinction between a secular attorney and a religious attorney is one that runs counter to very solid principles upon which my State was founded. Roger Williams brought to us freedom of conscience.

Senator Sessions has called Breitbart News a bright spot. I must disagree. Breitbart News is not, to me, a bright spot. Breitbart has published inflammatory articles with titles like “Birth Control Makes Women Unattractive and Crazy.”

In fairness, I should disclose that Senator Sessions’ nomination carries an additional burden with me as the nominee of this President and this White House. The need for an independent Attorney General has rarely, if ever, been greater.

On the campaign trail, the American people witnessed Donald Trump glorify sexual misconduct, mock a disabled reporter, and make disparaging remarks about immigrants and minorities. We all witnessed chants at Trump rallies of “Lock her up.” At his confirmation hearings, Senator Sessions excused these as “humorously done.” In mass rallies that also featured people getting beaten and the press caged and vilified, this didn’t seem very humorous to many Americans. I think Americans can see through what Trump and all his acolytes say in the movie are not the ones in the mob; the good guy is the lawman who stands on the jailhouse porch and sends the mob to me, that “Lock her up” chant was un-American. I believe that across the country it made honest prosecutors’ stomachs turn.

Not surprisingly, many Americans are fearful of what the Trump administration will mean for them, for their families, and for their country.

The problems with this President did not end with the campaign. President Trump and his family have brought unprecedented swamp of conflicts of interest, failures of disclosure and divestment, and dark money secrets. We have not even been permitted, in the course of our nomination advice-and-consent process, to explore the full depth of that unprecedented swamp because the dark money operations of nominees have been kept from us. In one case, thousands of emails are still covered up. The Trump White House traffics in alternative facts, operates vindictively, and is a haven for special influence. None of this suggests that there will be more or less constant occasion for investigation and even prosecution of this administration.

Independence is at a premium. Nothing could have made this more clear than the first disagreement between the Trump White House and the Department of Justice, whose outcome was that the Acting Attorney General—a woman with 30 years’ experience in the Department of Justice, a prosecutor, former assistant U.S. attorney, former U.S. attorney, and someone recognized for her leadership throughout the Department—was summarily fired. This is also not a good sign. In recent history, Attorneys General Gonzales, Meese, and Mitchell were politically close to their Presidents, and the Gonzales, Meese, and Mitchell tenures did not end well.

Attorney General Mitchell worked for President Nixon. They met when their New York law firms merged in the early 1970s, and they became law partners. John Mitchell was the campaign manager for Nixon’s 1968 Presidential campaign. There were signs that things weren’t quite right because when Nixon nominated Mitchell to be his Attorney General, he appealed directly to FBI Director Hoover not to conduct the usual background check. We know that designation as Attorney General in order to run President Nixon’s reelection campaign. So the political link between Mitchell and Nixon was very close, and sure enough, scandal ensued. Attorney General Mitchell had turned out to be the poster boy of the Watergate scandal. As the chairman of the reelection committee, the famous CREEP, Mitchell was responsible for appointing G. Gordon Liddy and approving the dirty tricks program while still serving as attorney general.

That dirty tricks program ultimately included breaking into national Democratic headquarters in the Watergate.
The upshot of this was that Mitchell was charged with conspiracy, obstruction of justice, and three counts of perjury. He was convicted on all counts, and he served 19 months in prison.

Attorney General Edwin Meese was also very close to the President. Reagan, Meese joined the 1980 Reagan Presidential campaign as Chief of Staff. He ran the day-to-day campaign operations and was the senior issues adviser. After the election, Edwin Meese was selected as Counselor to the President. According to press accounts at the time, Meese was known as someone who “has known the President so long and so well, he has become almost an alter ego of Ronald Reagan.” That was the political background between Meese and President Reagan.

Again, it did not end well. Meese came under scrutiny for his role in the Iran-Contra scandal. The congressional committee that reported on the Iran-Contra scandal in November 1987 determined that Meese had failed to take appropriate steps to prevent members of the administration from destroying critical evidence. An independent counsel then filed a report in 1993 that stated that Meese had made a false statement when he said Reagan had not known about the 1985 Iran-Contra deal. Iran-Contra was not the only controversy that plagued Attorney General Meese. A company called Wedtech Corporation, which was the political background between Meese and President Reagan.

Third is Attorney General Gonzales. Attorney General Gonzales resigned—or demanded that he be fired by the President—and Attorney General Gonzales resigned. There is a track record here of Attorneys General who are politically close to a President coming into harm’s way and doing poorly in the Department. One particular office that is vulnerable to this kind of undue proximity, and failure of independence, is a body in the Department of Justice called the Office of Legal Counsel. Jack Goldsmith, a former head of the Office of Legal Counsel—and a Republican, by the way—testified before the Senate Judiciary Committee that “more than any other institution inside the executive branch, OLC is supposed to provide detached, apolitical legal advice.” And it has an honorable tradition of providing such advice to a remarkable degree, but under the Bush administration, the OLC departed from that tradition. It came up in a number of ways. The first was our investigation into President Bush’s Warrantless Wiretapping Program.

When Office of Legal Counsel memos supporting the program came to light, I plowed through a fat stack of those classified opinions. The one thing that was entirely omitted was the history of waterboarding. Waterboarding was banned by the Spanish Inquisition, by the Khmer Rouge in Cambodia, by the French-suppressing revolts in Algeria, by the Japanese in World War II, and by military dictators in Latin America. The technique, which was invented by the Soviets, was used by the United States in its “war on terror.” The technique, which was practiced by the United States, was used by the United States. And it is not a complicated procedure. It is torturous.

A third example—and this is another quote from an OLC opinion: “The Department of Justice is bound by the President’s legal opinions.” If that is true, what is the point of a President sending matters over to the Department of Justice for legal review? If the President did it, and it is therefore automatically legal, there would be no function to the Department of Justice accomplishing that legal review.

So in this area of warrantless wiretapping, the Office of Legal Counsel within the Department of Justice came up with what seemed to be quite remarkable theories in the privacy and secrecy of that office, in those classified opinions that are really hard to justify in the broad light of day. That is a troubling thing. Obviously, the White House wanted those opinions to say what they said, but in the clear light of day, they don’t hold up.

Let us move on from the warrantless wiretapping opinions of the Bush Department of Justice to the OLC opinions that the Bush administration used to authorize waterboarding of detainees. Again, I was one of the first Senators to review the OLC opinions, and when I read them, I will say I was quite surprised. I was surprised not just by what they said but by what they didn’t say. One thing that was entirely omitted was the history of waterboarding. Waterboarding was banned by the Spanish Inquisition, by the Khmer Rouge in Cambodia, by the French-suppressing revolts in Algeria, by the Japanese in World War II, and by military dictators in Latin America. The technique, which was invented by the Soviets, was used by the United States in its “war on terror.” The technique, which was practiced by the United States, was used by the United States. And it is not a complicated procedure. It is torturous.

American prosecutors and American judges in military tribunals after World War II prosecuted Japanese soldiers for war crimes for torture on the evidence of their waterboarding American prisoners of war. None of that history appeared in the Office of Legal Counsel opinion.

The other major thing the Office of Legal Counsel overlooked was a case involving a Texas sheriff who was prosecuted as a criminal for waterboarding prisoners in 1984. Let’s start with the fact that this was a case that was brought by the Department of Justice. It was the U.S. attorney for that district who prosecuted the sheriff. The Department of Justice won the case at trial. That case went up on appeal to the U.S. Court of Appeals for the Fifth Circuit, the court one level below the U.S. Supreme Court. In its appellate decision, the U.S. Court of Appeals for the
Fifth Circuit described the technique as “water torture.”

All a legal researcher had to do was to type the words “water” and “torture” into the legal search engines Lexis or Westlaw, and this case would come up. United States v. Lee. You can find it at 744 F2d 1121.

Over and over in that published appellate opinion by the second highest level of court in the Federal judiciary, they described the technique as torture. Yet the Office of Legal Counsel never mentioned this case in their decision.

Ordinarily, what a proper lawyer is supposed to do, if they find adverse precedent—i.e., decisions that appear to come down a different way than the argument the lawyer is making—is they report the decision to the court, and then they try to distinguish it, they try to convince the judge they are before why that case was either wrongly decided or does not apply on the facts. But the Office of Legal Counsel did not offer any effort to distinguish the Fifth Circuit decision; it simply pretended it did not exist or it never found it. It is hard to know which is worse.

At the name of the Lee case, the district judge admonished the former sheriff who had been found guilty of waterboarding: “The operation down there would embarrass the dictator of a country.” But it is also pretty embarrassing when what is supposed to be the institution inside the executive branch that is supposed to provide detached, apolitical legal advice in an honorable tradition of providing such advice, to a remarkable degree, to quote Professor Goldsmith, misses a case so clearly on point.

That was not the only OLC error. In addition to the warrantless wiretapping statements, in addition to the OLC’s refusal to provide legal advice on waterboarding, they undertook a review of the Foreign Intelligence Surveillance Act.

In the Foreign Intelligence Surveillance Act is something called an exclusivity provision. It says this; The Foreign Intelligence Surveillance Act “shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral and electronic communications may be conducted.” The Office of Legal Counsel interpreted that as adding another layer of exclusivity onto the waterboarding: “shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral and electronic communications may be conducted.”

It seems pretty clear. But the Office of Legal Counsel said about that language—I quote them here: Unless Congress made a clear statement in the Foreign Intelligence Surveillance Act that it sought to restrict Presidential authority to conduct wireless searches in the national security area, which it has not, then the statute must be construed to avoid such a reading—which it has not.

Congress said that this shall be the exclusive means. If the OLC was not happy reading the language of the statute, they could go to a court where this language had already been construed.

The decision was called United States v. Andonian, and the judge in that case ruled that this language, the exclusivity clause—I am quoting the court’s decision—“reveals that Congress intended to sew up the perceived loopholes through which the President had been able to avoid the warrant requirement.”

The exclusivity clause makes it impossible for the President to opt out of the legislative scheme by reiterating to his inherent executive sovereignty over foreign affairs, and that clause assures that the President cannot avoid Congress’s limitations by resorting to inherent powers.

In the face of that case law, the Office of Legal Counsel held that Congress had not said what it said and this was not exclusive language, even though a court had said so.

The reason I share these three stories is because it really matters in important issues when the Department of Justice Office of Legal Counsel—acting in an advisory capacity outside their own that they are supposed to provide detached, apolitical legal advice—i.e., decisions that appear to come down a different way than the argument the lawyer is making—is simply saying privately: Well, that door is not actually closed. It matters.

I have insufficient confidence that as Attorney General, Senator Sessions will be able to stand up to the kind of pressure we can expect this White House to bring. We know that this White House operates vindictively and likes to push people around.

We found out recently that Mr. Bannon went running over to see General Kelly to tell him to undo the green card waiver of the Muslim ban. Thankfully General Kelly refused and stuck by his duty. But this is the kind of White House we have, where they try to push people around to do the wrong thing.

They are so contemptuous of authority outside their own that they are willing to attack a Federal judge who disagrees with them, calling him a “so-called judge.” They are willing to fire an Acting Attorney General who disagrees with them, firing her summarily and accusing her of betrayal. The pressure this White House can be expected to bring on the Department of Justice to conform itself not to the law but to the political demands of the President is going to be intense.

Moreover, the conflicts of interest that crawl through this White House and that crawl over this swamp Cabinet offer every reasonable cause to believe that there will have to be investigations and prosecutions into this administration.

That combination of a target-rich environment in this administration for investigation and prosecution with a vindictive White House that does not hesitate to try to bully officials into conformity calls for the highest degree of independence. I do not feel Senator Sessions makes that standard.

He was too close to the President during the political race. He ended up against any of those excesses I have mentioned since then. It is with regret that I must say I will not be able to vote to confirm him.

One of the reasons I became a lawyer was because of “To Kill a Mocking Bird.” As a kid, I just loved Atticus Finch. He is great in the movie. He is even better in the book. Some of the things that Atticus Finch says about the law and about human nature are so brave and so profound that from the first time I read that book, boy, I would love to have been Atticus Finch. I would love to have had the chance to stand in the breach when everyone was against you and stick up for doing something that was right. Gosh, that felt so great.

Like the scene in many movies, the hero is not a part of the mob, not carrying a torch toward the jailhouse; the hero is the lonely lawman who sits on the bench and who knows what he is doing.

That is what I think we are going to need in our next Attorney General.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN): The Senator from Oregon.

Mr. MERKLEY. Mr. President, I will be speaking later tonight, perhaps about 2 o’clock, possibly on through 4 o’clock, but I wanted to take a few moments now and share some of the letter that was discussed earlier at a hearing I had in New Jersey in a fashion that is appropriate under our rules. I would like to thank very much my colleague from New Jersey for yielding a few minutes in order to do so.

I think it is important for us to understand the context of what this letter was all about. This letter was a statement of Coretta Scott King, and it was dated Thursday, March 13, 1986. She noted: “My longstanding commitment which I shared with my husband Martin”—of course that is Martin Luther King—“to protect and enhance the rights of black Americans, rights which include equal access to the democratic process, tells me to testify today.” Then in her letter she goes on to essentially present an essay about the essential role of voting rights in our country, and so I will continue to read in that regard. She says:

The Voting Rights Act was and still is vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County. As he wrote:

Now she is quoting Martin Luther King—

“Certainly no community in the history of the negro struggle has responded with the enthusiasm of Selma and her neighboring
town of Marion. Where Birmingham depended largely upon students and unemployed adults to participate in nonviolent protests of the denial of the franchise, Selma has just slightly more than 1 percent of the negro population in active demonstrations and at least half the negro population of Marion was arrested on 1 day.

That was the end of the quote from her letter on the law that she continued writing.

Martin was referring, of course, to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise.

Each time the franchise is referred to, she is referring to this fundamental right to vote under our Constitution.

And she continued:

In fact, Martin anticipated from the depth of their commitment 20 years ago, that a united political organization would remain in Perry County long after the other marchers had left. This organization, the Perry County Civic League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, has continued to be made to deny blacks access to the ballot box de

Now she proceeds to note that other techniques were used to intimidate black voters and that included investigations into the absentee voting process, and this concerned her a great deal. But she notes that white judges have been using the absentee process to their advantage for years without incident. Then, when blacks, realizing its strength, began to use it with success, criminal investigations were begun.

Then she proceeds to address the fact that there were occasions where individuals with legal authority chose to initiate cases specifically against African Americans while ignoring allegations of similar behavior by Whites, referring instead to chill the exercise of the franchise by Blacks by his misguided investigation.

Let me continue in my letter. She addresses her concern over the execution of the law and the illegal withholding from the defense critical statements made by witnesses and that witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. That is incorrect testimony.

Many elderly Blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could have more easily testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

She obviously is addressing issue after issue that affected the Black franchise, the franchise of African Americans, the ability to vote, and then she returns to her essay about how important this is.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solution to their own problems.

Coretta Scott King continues:

This is what Martin Luther King was referring to as the specific actions of sheriffs in the South who were continuing to violate the law. And then Coretta Scott King continued:

Free exercise of voting rights is so fundamental to American democracy that we cannot tolerate infringement of those rights. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to vote than Black citizens.

No group has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights, from the straightforward application of brutality against black citizens who tried to vote, to such legalized frauds as "grandfather clause" exclusions and literacy tests.

And she concludes her letter having examined a number of incidents in the historical record with this conclusion:

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court.

And that is the context of her letter; that voting rights matter a tremendous amount. I applaud the efforts of my colleague from Massachusetts to make this point and share this essay with the body of the Senate earlier this evening.

Mr. WHITEHOUSE. Will the Senator yield for a question? 

Mr. M ERKLEY. I yield.

Mr. WHITEHOUSE. Mr. President, may I ask the Senator, through the Chair, if the letter from which he just read has a date?

Mr. M ERKLEY. Well, the answer is that it does have a date, and that is Tuesday, March 13, 1966.

Mr. WHITEHOUSE. 1966. And is the Senator aware of the occasion that brought this letter to the Senate?

Mr. M ERKLEY. I am.

Mr. WHITEHOUSE. What was that occasion?

Mr. M ERKLEY. That occasion was a hearing before the Senate Judiciary Committee regarding the potential appointment of the individual to the U.S. District Court for the Southern District of Alabama.

Mr. WHITEHOUSE. And this letter was made a matter of record in that hearing?

Mr. M ERKLEY. I do not know if it was made a matter of record.

My impression initially was that she has presented this letter at the hearing, but I am not sure if it was presented in person or as a document submitted to the committee.

Mr. WHITEHOUSE. But clearly the content of this letter has been a matter known to the Senate and, depending on what the facts may show, may actually have been a record of the Senate for more than 30 years.

Mr. M ERKLEY. I believe that is probably correct.

Mr. WHITEHOUSE. So a Senator of the United States has been accused of violating a rule of the Senate for restating to the Senate a phrase that has been a matter of record in the Senate—

Mr. WHITEHOUSE. If, indeed, that is the case—

Mr. W HITEHOUSE. I yield the floor.

MORNING BUSINESS

TRIBUTE TO ADMIRAL LLOYD R. "JOE" VASEY

Mr. MCCAIN. Mr. President, last week, we celebrated the 100th birthday of an American for whom my family
and I have always had the greatest personal respect and admiration: ADM Lloyd R. “Joe” Vasey.

Joe Vasey was my father’s dear friend and comrade for so many years. As he marks a century of life well lived, I have the warmest wishes and convey to him thanks of a grateful nation for embodying the very finest qualities of patriotism and for his constant service to a cause greater than himself.

From the Naval Academy to dangerous duty in the Second World War to five commands at sea to service in the highest councils of military command, Joe Vasey’s was a most distinguished and honorable Navy career. But he did not believe that his retirement from active duty relieved him of the responsibilities of patriotism. He continued to serve the national interest by founding the Pacific Forum to promote security and stability in the critically important Asia-Pacific region.

The only elaboration of this illustrious life I can offer are reminiscences of a friendship, some of which I was privileged to personally observe, which for me served as emblematic of a tradition; as an officer in the U.S. Navy and the bonds of respect and love that unite good officers in shared sacrifice and devotion to their service and their country. It is the tradition upon which, in the most difficult moments, I relied for the strength to persevere for my country’s honor and for my self-respect.

Very late in his life, my father was interviewed for an oral history of our officers in the post-World War II Navy. “There’s a term which has slipped somewhat into disuse,” he remarked in the interview, “which I always used to the moment I retired, and that is the term: an officer and a gentleman.” Had my father been asked to identify a contemporary who personified the virtues he considered essential to the life of an officer and a gentleman, I have no doubt he would have thought first of his friend Joe Vasey.

My father’s respect and affection for Joe Vasey was unlimited. Their friendship was forged in the crucible of war and strengthened to last a lifetime by their shared experiences aboard the USS *Gunnel* as it prowled the Pacific from Midway to Nagasaki in search of the enemy. I find them they did. On one occasion, the ship sank a Japanese freighter and destroyer, but was then forced to surrender for 36 hours while avoiding Japanese depth charges. With the temperature on the submarine dropping to 120 degrees and oxygen running low, my father decided to surface and try to fight the remaining Japanese ships. But he offered his torpedo officer, Joe Vasey, and the rest of his officers the option to abandon ship. To a man, they agreed with my father and rejected that course. When the *Gunnel* surfaced, its weary crew found the Japanese destroyers had given up and were steaming away. My father, Joe Vasey, and their comrades lived to fight another day.

My father and Joe Vasey were proud veterans of an epic war. They never felt the need to exaggerate their experiences, extraordinary as they were. But they could all agree that the lessons of leadership they learned and how they could be applied to new circumstances. And they had many occasions to do so. They were together when my father became commander-in-chief of Pacific Command during the Vietnam war and Admiral Vasey served as most trusted adviser as head of strategic plans and policies. They were together when they argued to Washington for a strategy to win the war rather than just continue the bleeding. And they were together when my father gave orders for B-52s to bomb the city in which his son was held a prisoner of war. They were the best of friends and exemplified that noblest of traditions: brothers in arms.

Joe Vasey was unlimited. Their friendship, some of which I was fortunate to have benefited from their example early in life so that I could derive the strength I needed to survive later misfortune from their stories, their courage, and their honor.

So to Joe Vasey, a great patriot, a good man and officer, and a gentleman, and a brave defender of this Nation, I wish a very happy birthday, fair winds, and following seas.

MESSAGE FROM THE HOUSE

At 10:25 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 337. An act 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.

H.R. 337. An act 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.

H.R. 494. An act to expand the boundary of Fort Frederica National Monument in the State of Georgia, and for other purposes.

H.R. 618. An act to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 688. An act to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 689. An act to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

EC-669. A communication from the Secretary of Defense and the Secretary of Energy, transmitting, pursuant to law, a report relative to Army Force Structure (OSS–2017–0149); to the Committee on Armed Services.

EC-671. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a study on “Principles of Practice and Procedure: Adjusting Civil Money Penalties for Inflation” (RIN3052–AD21) received in the Office of the President on February 6, 2017, to the Committee on Agriculture, Nutrition, and Forestry.
EC–672. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Data Mining Activity in the Department of State for calendar year 2016; to the Committee on Foreign Relations.

EC–673. A communication from the Acting Secretary of Education, transmitting, pursuant to law, the report of a rule entitled “Final Regulations: Family Educational Rights and Privacy Act” (34 CFR Part 99) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC–674. A communication from the Acting Secretary of Education, transmitting, pursuant to law, the report of a rule entitled “Open Licensing Requirement for Competitive Grant Programs” (RIN 1894–AA07) received in the Office of the President pro tempore of the Senate; to the Committee on the Judiciary.

EC–675. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report to Congress on the implementation, enforcement, and administration of registration requirements under Section 635 of the Adam Walsh Child Protection Act of 2006; to the Committees on the Judiciary.

EC–676. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Victims Compensation Fund established by the Witness Security Reform Act of 1984; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCaIN, from the Committee on Armed Services, to the Committee on Armed Services:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Armed Services.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. Isakson (for himself and Mr. Portman):

S. 321. A bill to amend the Internal Revenue Code of 1986 to exempt amounts paid for civil taxes imposed on transportation by air; to the Committee on Finance.

By Mr. Flake:

S. 322. A bill to amend the Internal Revenue Code of 1986 to create Universal Savings Accounts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. hatch (for himself, Mr. Hirono, and Mr. Boozman):

S. 324. A bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans; to the Committee on Veterans’ Affairs.

By Mr. Blunt (for himself, Ms. Warren, Mr. Reed, Ms. Stabenow, Mr. Menendez, Mr. Whitehouse, and Mr. Franken):

S. 325. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. Heller (for himself, Mr. Nelson, Mr. Cassidy, Mr. Bennett, Mr. Gardner, and Mr. Young):

S. 326. A bill to amend the Internal Revenue Code of 1986 to provide for the tax-exempt financing of certain government-owned buildings; to the Committee on Finance.

By Mr. Heller (for himself and Mr. Peters):

S. 327. A bill to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund registration requirements; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. Booker:

S. 328. A bill to enforce the Sixth Amendment right to the assistance of effective counsel at all stages of the adversarial process, to confer jurisdiction upon the district courts of the United States to provide declaratory and injunctive relief against systemic violations of such right, and for other purposes; to the Committee on the Judiciary.

By Mr. Booker (for himself, Mr. Paul, Mr. Durbin, Mr. Lee, Mr. Lankford, and Mr. Casey):

S. 329. A bill to place restrictions on the use of solitary confinement for juveniles in Federal custody; to the Committee on the Judiciary.

By Mr. Booker:

S. 330. A bill to amend title 18, United States Code, to establish a corporation to advocate and advocate on behalf of the wrongfully convicted in capital and non-capital cases before the Supreme Court of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. Kaine:

S. 331. A bill to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. Cotton:

S. 332. A bill to restrict funding for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, and for other purposes; to the Committee on Foreign Relations.

By Mr. Lankford (for himself, Mr. Cornyn, Mr. Hatch, Mr. Cruz, Mr. Flake, Mr. Crapo, Mr. Johnson, and Mr. Lankford):

S. 333. A bill to limit donations made pursuant to settlement agreements to which the United States is a party, and for other purposes; to the Committee on the Judiciary.

By Mr. Inhofe (for himself, Mr. Rubio, Mr. Paul, Mr. Cruz, Mr. Lankford, Mr. Scott, Mrs. Capito, Mr. Thune, and Mr. Corker):

S. 334. A bill to clarify that a State has the sole authority to regulate hydraulic frac-
turing on Federal land within the boundaries of the State; to the Committee on Energy and Natural Resources.

By Mr. Inhofe (for himself, Mr. RubiIo, Mr. Cruz, Mr. Lankford, Mr. Crapo, and Mrs. Capito):

S. 335. A bill to achieve domestic energy independence by empowering States to control the development of all forms of energy on all available Federal land; to the Committee on Energy and Natural Resources.

By Mr. Brown (for himself, Mr. Sanders, Mrs. Murray, and Mr. Merkley):

S. 336. A bill to amend title 38, United States Code, to modify authorities relating to the collective bargaining of employees in the Veterans Health Administration, and for other purposes; to the Committee on Veterans’ Affairs.

By Mrs. Gillibrand (for herself, Mr. Brown, Mr. Booker, Mr. Hirono, Mr. Markley, Mr. Merkley, Mr. Schatz, Mr. Whitehouse, Ms. Baldwin, Mr. Reed, Mr. Blumenthal, Ms. Warren, Mr. Durbin, Mr. Sanders, Mr. Murray, Mr. Udall, Mr. Schumer, Ms. Klobuchar, Mr. Franken, Mrs. Feinstein, Ms. HitiKamp, Mrs. Murray, Mr. Van Hollen, Mr. Leahy, Ms. Duckworth, Mr. Menendez, and Ms. Harris):

S. 337. A bill to provide paid family and medical leave benefits to certain individuals, and for other purposes; to the Committee on Finance.

By Mr. Nelson (for himself, Mr. Peters, Mr. Schatz, Mr. Blumenthal, Mr. Udall, Mr. Coons, Mrs. Gillibrand, Mr. Merkley, Mr. Van Hollen, Mr. Whitehouse, Ms. Baldwin, Mr. Reed, Mr. Heinrich, Mrs. Flake, Mr. Warner, Ms. Hassan, Ms. Stabenow, Mr. Markey, Mr. Booker, Ms. Cantwell, Mr. Warner, Mrs. Shaheen, Mr. Franken, Mr. Cardin, Mrs. Murray, Mr. Corker, and Ms. Cortez Masto):

S. 338. A bill to protect scientific integrity in Federal research and policymaking, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. Nelson (for himself and Ms. Collins):

S. 339. A bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan and recoupment of dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

By Mr. Crapo (for himself, Mrs. McCaskill, Mr. Barrasso, Mr. Blunt, Mr. Boozman, Mr. Donnelly, Mr. Enzi, Mrs. Ernst, Mrs. Fischer, Mr. Flake, Ms. HitiKamp, Mr. Inhofe, Mr. Moran, Mr. Risch, Mr. Roberts, and Mr. Thune):

S. 340. A bill to clarify Congressional intent regarding restrictions on the use of pesticides in or near navigable waters, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were introduced, read the first and second times by unanimous consent, and referred (or acted upon), as indicated:

By Mr. McCain:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.
By Mr. BLUMENTHAL (for himself, Mr. GARDNER, Mr. RUHRO, and Mrs. MCCASKILL):

S. Res. 55. A resolution recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska; to the Committee on Foreign Relations.

By Ms. MUKOWSKI (for herself and Mr. SULLIVAN):

S. Res. 54. A resolution expressing the unwavering commitment of the United States to the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

By Mr. MURKOWSKI (for herself and Mr. SULLIVAN):

S. Res. 53. A resolution recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mrs. SHAHEEN, Mr. BROWN, Mr. BURR, Mr. REED, Mr. CARPER, Ms. WARRREN, Mr. SANDERS, Mr. COONS, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. UDALL, Mr. MARKLEY, Mr. WYDEN, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BROWN, Mr. MURPHY, Mr. WHITENoise, Mr. SCHAFITZ, Ms. HETTKAMP, Mr. DONELLY, Mr. HEINRICH, Mrs. FEINSTEIN, Mr. DURBIN, Mr. CASHY, Mr. PIETERS, and Mr. SCHUMERT):

S. Res. 56. A resolution expressing the sense of the Senate that the United States should remain a global leader in welcoming and providing sanctuary to refugees and asylum seekers and that no person should be banned from entering the United States because of their nationality, race, ethnicity, religion, sexual orientation, gender identity, or gender; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. PAUL, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 21, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 59

At the request of Mr. CRAP, the names of the Senator from Nebraska (Mrs. PISKER) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 59, a bill to provide that silencers be treated the same as firearms.

S. 45

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to repeal the amendment made by the Patient Protection and Affordable Care Act which disqualified over-the-counter drugs under health savings accounts and health flexible spending arrangements.

S. 119

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 119, a bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes.

S. 201

At the request of Mr. JOHNSON, the name of the Senator from North Carolina (Mr. ROBERTS) was added as a cosponsor of S. 201, 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.

S. 224

At the request of Mr. RUBIO, the name of the Senator from Mississippi (Mr. WICKER) 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. 260

At the request of Mr. CORNYN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 260, a bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

S. 279

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 279, a bill to amend the Water Resources Development Act of 1986 to modify a provision relating to acquisition of beach fill.

S. 294

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 294, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration’s jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 301

At the request of Mr. LANKFORD, the name of the Senator from North Carolina (Mr. Tillis) 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. 302

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 302, a bill to enhance tribal road safety, and for other purposes.

S. 306

At the request of Mrs. SHAHEEN, the name of the Senator from North Dakota (Ms. HETTKAMP) was added as a cosponsor of S. 306, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 315

At the request of Mr. SULLIVAN, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 315, 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.

S. J. Res. 14

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. HATCH), the Senator from Louisiana (Mr. KENNEDY) and the Senator from Arkansas (Mr. CORRINTON) were added as cosponsors of S.J. Res. 14, a joint resolution 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.

S. J. Res. 17

At the request of Mr. CORNYN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board for subsection 1899A of the Social Security Act.

S. Res. 50

At the request of Mr. CARDIN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. MERKLEY) and the Senator from Virginia (Mr. KAIN) were added as cosponsors of S. Res. 50, a resolution reaffirming a strong commitment to the United States-Australia alliance relationship.

S. Res. 51

At the request of Ms. HIRONO, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 51, a resolution recognizing the contributions of Federal employees and pledging to oppose efforts to reduce Federal workforce pay and benefits, eliminate civil service employment protections, undermine collective bargaining rights, and use non-Federal contractors for inherently governmental activities.

STATEMENTS ON INTRODUCED

BILLS AND JOINT RESOLUTIONS

By Mr. KAIN:

S. 331. A bill to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KAIN, Mr. President, this bill has a complex backstory, but it serves a simple purpose—to allow a small daycare facility in Virginia to undertake routine repairs and maintenance.

For more than 20 years, the Plains Area Day Care Center in Broadway, VA, has served children from modest families in Rockingham County. This facility sits on a 3-acre parcel that was once Federal land before the National Park Service conveyed it to Rockingham County in 1989.
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 under this resolution 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 the disbursement of salaries of employees paid at an annual rate.
(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations 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 54—EXPRESSING THE UNWAVERING COMMITMENT OF THE UNITED STATES TO THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. BLUMENTHAL (for himself, Mr. GARDNER, Mr. RUBIO, and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

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

SECTION 1. RESTRICTION ON FUNDING FOR THE PREPARATORY COMMISSION FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION.

(a) STATEMENT OF POLICY.—Congress declares that United Nations Security Council Resolution 2310 (September 23, 2016) does not obligate the United States to commit or impose an obligation on the United States to refrain from actions that would run counter to the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty.
(b) RESTRICTION ON FUNDING.—
(1) In general.—No United States funds may be made available to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.
(2) Exception.—The restriction under paragraph (1) does not apply to the availability of United States funds for the Comprehensive Nuclear-Test-Ban Treaty Organization’s International Monitoring System.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 53—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. MCCAIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

Resolved,
SEC. 1. GENERAL AUTHORITY.
In carrying out its powers, duties, and functions under the Standing Rules of the Senate, the committee (under procedures specified for the training of the professional staff of committees) 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 Committee on Rules and Administration, 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 March 1, 2017, through September 30, 2017, under this resolution shall not exceed $3,783,845, of which amount—
(1) not to exceed $96,607 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 430(i))); and
(2) not to exceed $17,500 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 430(i)));
(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017, through September 30, 2018, under this resolution shall not exceed $5,783,845, of which amount—
(1) not to exceed $96,607 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 430(i))); and
(2) not to exceed $17,500 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 430(i)));
(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for

CUSTOMS ACT OF 1903

Italy, Luxemburg, the Netherlands, Norway, Portugal, and the United Kingdom signed the North Atlantic Treaty that formed the basis of the North Atlantic Treaty Organization (in this preamble referred to as “NATO”); Whereas NATO was created to protect countries from a growing Soviet threat, promote international peace and stability, and defend freedom; Whereas, to date, 28 countries have joined NATO; Whereas, for more than 67 years, NATO has served as a central pillar of United States national security and a deterrent against adversarial threats; Whereas NATO continues to improve its collective defense measures, enhance its military capabilities to address a full spectrum of threats, and partner with non-NATO countries to promote international stability; Whereas Article 5 of the North Atlantic Treaty is an integral part of NATO and states that “[t]he Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack involving their common defense.”; Whereas NATO invoked Article 5 for the first time less than 24 hours after the September 11, 2001, terrorist attacks against the United States; Whereas, in Afghanistan, NATO allies and partners have served alongside United States forces for more than a decade, reaching a peak of more than 42,000 allied and partner forces, 6,800 NATO forces continue to serve today alongside the 6,900 United States forces there, and more than 1,100 NATO ally and partner forces have paid the ultimate price in service to the collective defense of NATO; Whereas NATO took the lead in helping combat the then-current threat in Afghanistan through the International Security Assistance Force and Operation Resolute Support, contributing to the safety of the United States and the international community; Whereas all 28 NATO allies and many NATO partners are contributing to the Global Alliance to Counter the Islamic State of Iraq and the Levant; Whereas approximately 18,000 military personnel are currently engaged in NATO missions around the world, conducting operations in Kosovo, in the Mediterranean, and off the Horn of Africa; Whereas NATO conducts a range of maritime operations in the Mediterranean and is essential to establishing stability along the borders of Europe and to responding to the ongoing refugee and migrant crisis; Whereas, for nearly 10 years, NATO has provided airlift support for the mission of the African Union in Somalia, as well as assisted with training the African Standby Force and Operation Atlantic Resolve, 3,500 United States personnel are currently engaged in NATO training and military exercises in Eastern Europe; Whereas, during the invasion of Ukraine by Russia in 2014, the United States established Operation Atlantic Resolve and the European Reassurance Initiative to reassure NATO allies that the United States would uphold its global security commitments and work in coordination with European partners to deter Russian aggression; Whereas continued United States leadership in NATO training and military exercises in Eastern Europe; Whereas, since the invasion of Ukraine by Russia in 2014, the United States established Operation Atlantic Resolve and the European Reassurance Initiative to reassure NATO allies that the United States would uphold its global security commitments and work in coordination with European partners to deter Russian aggression; Whereas continued United States leadership in NATO training and military exercises in Eastern Europe; Whereas, since the invasion of Ukraine by Russia in 2014, the United States established Operation Atlantic Resolve and the European Reassurance Initiative to reassure NATO allies that the United States would uphold its global security commitments and work in coordination with European partners to deter Russian aggression; Whereas, since the invasion of Ukraine by Russia in 2014, the United States established Operation Atlantic Resolve and the European Reassurance Initiative to reassure NATO allies that the United States would uphold its global security commitments and work in coordination with European partners to deter Russian aggression; Whereas continued United States leadership in NATO training and military exercises in Eastern Europe; Whereas the United States is further strengthening its force presence in Europe through the continuous deployment of an armored brigade combat team to Poland on a rotating basis; Whereas, on January 6, 2017, as a part of Operation Atlantic Resolve, 3,500 United States troops from the 4th Infantry Division in Europe conducted a major exercise, deploying more than 2,500 military vehicles, were deployed to Eastern Europe to deter regional aggression; Whereas continued United States leadership in NATO is critical to ensuring that NATO remains the greatest military alliance in history; Whereas all NATO members have recommitted themselves to sharing the security burden of NATO at the 2014 NATO Wales Summit by pledging to meet the defense spending target of 2 percent of gross domestic product within 10 years; Whereas the United States, Greece, Poland, Estonia, and the United Kingdom all have exceeded that defense spending target; Whereas, since the Wales Summit, Latvia, Lithuania, and many other allies have increased defense spending in an effort to meet that defense spending target; Whereas NATO remains committed to its open door policy on enlargement, working closely with regional partners that aspire to join NATO to help meet the requirements for membership; Whereas, at the 2016 NATO Warsaw Summit, NATO leaders formally invited Montenegro to become the 29th member of NATO; Whereas General James Jones, United States Marine Corps (retired), former National Security Advisor, testified before the Committee on Armed Services of the Senate in July 2016 that “only if our allies offer America forward basing, which allows us to better fight enemies like ISIS and deter adversaries like the new Russia and to meet the rising threat of eight countries acting as one is a powerful alliance”; Whereas Secretary of Defense James Mattis testified before the Committee on Armed Services during his hearing as nominee for Secretary of Defense, that “[w]e must also embrace our international alliances and security partnerships. History is clear: Nations with strong allies thrive and those without them wither”; Whereas there is a long tradition of strong bipartisan agreement in the Senate on NATO’s importance in NATO strengthens the security of the United States; Whereas NATO is the first peacetime military alliance the United States entered into outside the Western Hemisphere and today remains the largest peacetime military alliance in the world; Whereas a fractured NATO would harm the interests of the United States and embolden adversaries of the United States; and Whereas a strong and united Europe is important to United States strategic interests: Now, therefore, be it Resolved, That the Senate— (1) pledges that the United States will continue to maintain strong leadership and strengthen its commitments to the North Atlantic Treaty Organization (in this resolution referred to as “NATO”); (2) strongly encourages NATO members to fulfill their pledge to invest at least 2 percent of gross domestic product on defense spending, invest at least 20 percent of such spending on major equipment (including research and development), and should appropriate responsibility within NATO; (3) recognizes the historic contribution and sacrifice NATO member countries have made while combating terrorism in Afghanistan through the International Security Assistance Force and Operation Resolute Support; and (4) honors the men and women who served under NATO and gave their lives for the freedom of peace, security, and international cooperation since 1949. SENATE RESOLUTION 55—RECOGNIZING FEBRUARY 26, 2017, AS THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF DENALI NATIONAL PARK AND PRESERVE IN THE STATE OF ALASKA Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted the following resolution; which was referred to the Committee on the Judiciary: S. Res. 55 Whereas Alaska Natives have lived on the land surrounding the Denali area and used the resources of the land for food, shelter, clothing, transportation, handicrafts, and trade for thousands of years; Whereas Judge James Wickersham, of Fairbanks, Alaska, discovered gold in the Kantishna Hills following his attempted ascension of Denali in 1903, prompting a gold rush with several thousand prospectors and the establishment of successful placer and commercial mining operations that lasted for decades; Whereas explorer Belmore Browne and hunter-naturalist Charles Sheldon visited
the Denali region, observed the natural splendor of Denali, and, along with Alaska’s territorial delegates, Judge Wickersham, and pioneering biological surveyor J. J. Nelder, tirelessly advocated for Denali’s protection;

Whereas early proponents of national parks, such as the Boone and Crockett Club, the Commerce Department, and the International Game Protective and Propagation Association, sponsored early expeditions, including those of Sheldon and Brown, and advocated for the creation of a national park at Denali;

Whereas, in 1910, miners from the Kantoosh prospected an area by which Denali might be climbed, relying on years of observations while following quartz leads and hunting sheep in the foothills of the Dall Alps;

Whereas Athabascan Walter Harper joined Archdeacon Hudson Stuck, Harry Karstens, and Robert Tatum to successfully summit the highest peak of Denali in 1913, opening the door for thousands of individuals to test their own endurance and fortitude by attempting to climb the giant massif;

Whereas Woodrow Wilson signed into law the Act entitled ‘An Act to establish the Mount McKinley National Park, in the Territory of Alaska’, approved February 26, 1917, (61st Congress, Chapter 121), for the benefit and enjoyment of the people of the United States and the preservation of the Denali area’s scenic beauty, animals, birds, and flowers;

Whereas Congress expanded the boundaries of Mount McKinley National Park in 1922, 1929, and 1990 and renamed that national park Denali National Park and Preserve after the traditional Koyukon Athabascan name for the highest peak in the park, Deenaalee, meaning the High One;

Whereas Denali National Park and Preserve protects and interprets Denali, which is the highest mountain in North America, at 20,310 feet, and the tallest above-water mountain, with a vertical relief of almost 18,000 feet measured from its base;

Whereas Denali National Park and Preserve preserves a wild subarctic landscape with a rich and diverse tapestry of plant life and intact ecosystems where bears, wolves, caribou, moose, and Dall sheep roam as they have for thousands of years;

Whereas Denali National Park and Preserve protects a wide array of fossils that point to over 100,000 years of animal life, when dinosaurs roamed that northern land;

Whereas Denali National Park and Preserve contains 2 of the oldest-known archaeology sites in America, the oldest of which dates to just over 13,000 years old;

Whereas glaciers still blanket 1/6 of Denali National Park and Preserve and continue to shape the land by carving mountains, feeding slitt-laden rivers, and depositing rock and silt across the valleys;

Whereas Denali National Park and Preserve, as an International Biosphere Reserve in 1976 and has become a premier international tourist destination;

Whereas, in 2016, nearly 600,000 visitors set foot in Denali National Park and Preserve, the greatest number of visitors in the history of Denali National Park and Preserve and a record number of visitors for the State of Alaska;

Whereas key tourism partners like the Alaska Railroad, the cruise ship industry, air and bus tour companies, and other outfitters have significantly contributed to providing a wide array of ways in which the many visitors to Denali National Park and Preserve may experience Denali, including hiking, dog mushing, and bicycling;

Whereas Denali National Park and Preserve’s historic Denali Park Road provides visitors with unparalleled opportunities to experience and explore millions of acres of an accessible wildlife sanctuary that represents one of the crown jewels of the United States;

Whereas residents of the State of Alaska continue their subsistence way of life by hunting and gathering in the majority of Denali National Park and Preserve; and

Whereas Denali National Park and Preserve hosts the only working sled dog kennel in a national park, and winter patrols are conducted inside Denali National Park and Preserve using the age-old tradition of dog mushing; and

Whereas Denali National Park and Preserve, known for its breathtaking scenery and iconic wildlife, protects more than 6,000,000 acres of towering mountains, expansive valleys, glacial rivers of ice, braided streams, and wildland for the benefit of all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates and celebrates Denali National Park and Preserve on its centennial anniversary;

(2) encourages all people of the State of Alaska and the United States to visit and experience this national treasure; and

(3) designates February 26, 2017, as “Denali National Park and Preserve Day”.

SENATE RESOLUTION 35—EXPANDING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD REMAIN A GLOBAL LEADER IN WELCOMING AND PROVIDING REFUGE TO REFUGEES AND ASYLUM SEEKERS AND THAT NO PERSON SHOULD BE DENIED ENTRY INTO OR ENTRANCE TO THE UNITED STATES BECAUSE OF THEIR NATIONALITY, RACE, ETHNICITY, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER

Mr. LEAHY. Mr. President, the United Nations High Commissioner for Refugees has reported that more than 65 million people have been forcibly displaced around the globe by the end of 2015. In the face of such staggering human suffering, we must not shutter our doors and abandon our foundational principle of religious freedom. Yet that is exactly what our new President would have the Executive order he signed 2 weeks ago. This is not something I support, and for good reasons.

Our freedom of religion was enshrined in the Constitution 225 years ago. Since forging this promise, we have been a confident Nation welcoming those of all faiths. The Executive order issued by the new Republican President threatens these founding ideals and the very freedoms we enjoy as Americans. It singles out Muslim refugees and those fleeing violence in Syria, and it suspends the refugee program as a whole. This is not the America I know. It is contrary to our values and contrary to the example America needs to set for the world.

The ongoing conflict in Syria makes clear the enormity of the humanitarian crisis we face. The terror inflicted by both Bashar Al-Assad’s regime and ISIS has forced more than half of Syria’s 23 million people from their homes and claimed the lives of hundreds of thousands of civilians. Currently, there are more than 4.8 million registered...
Syrian refugees, the overwhelming majority of whom are women and children, Communities across the country, including some in Vermont, started the process to welcome these refugees who have undergone years of security screenings and vetting. Rutland, VT, is prepared to welcome 100 refugees, but to date only two families have arrived. One of these families shared that their own children “were exposed to a lot of terror, and the sound of bombs and the sound of bullets and gunshots all day long.” This is no way to live. That is why I strongly agree with Rutland’s mayor Christopher Louras, who said accepting refugees “is just the right thing to do from a compassionate, humanitarian perspective.” We must do more.

There are other humanitarian crises impacting the world. Closer to home, ruthless armed gangs in El Salvador, Honduras, and Guatemala continue to brutalize women and children with near impunity. We have a moral obligation to respond, and it is in our national interest to do that.

National security leaders agree that anti-Muslim rhetoric is not only contrary to our values, it also makes us less safe. FBI Director Comey told the Senate Judiciary Committee in November 2015 that part of ISIL’s narrative is to depict the United States as anti-Muslim. The FBI Director also stated that he has made a similar point. House Speaker Ryan has also denounced a ban on Muslims, noting that it is “not conservatism” to impose a religious test. A bipartisan majority of the Senate Judiciary Committee agreed in December 2015 when it passed my amendment to defend. The resolution is consistent with the basic principle that this country does not have a principle that one’s religion defines who is equal in the eyes of the law.” This simple message is clear, and unequivocal: You are welcome, you are equal, you are protected.

That is why I am introducing a resolution expressing the sense of the Senate that no one should be blocked from entering the United States because of their nationality, race, ethnicity, religion, sexual orientation, gender identity, or gender. Adoption of this resolution simply reaffirms the basic principle that this country does not have a litmus test. It will also show that the Senate will not allow fear to undermine the very principles and values that we cherish and that we have sworn to defend. The resolution is consistent with the strong bipartisan actions taken by the Senate less than 4 years ago when we passed comprehensive immigration reform legislation that included protections for refugees and asylum seekers. I urge Senators to come together once again in support of my resolution.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 7, 2017, at 9:30 a.m.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 7, 2017, at 10 a.m.

**COMMITTEE ON VETERANS’ AFFAIRS**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Tuesday, February 7, 2017, off the Senate floor immediately following the vote scheduled at 12 p.m.

**PRIVILEGES OF THE FLOOR**

Mr. CASEY. Mr. President, I ask unanimous consent that Zach Ormsby of my staff be granted floor privileges for the duration of the consideration of the DeVos nomination.

**CONFIRMATION**

Executive nomination confirmed by the Senate February 7, 2017:

**ELISABETH PRINCE DEVOS, OF MICHIGAN, TO BE SECRETARY OF EDUCATION**
Daily Digest

HIGHLIGHTS

Senate confirmed the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Senate

Chamber Action

Routine Proceedings, pages S685–S872

Senate continued in the session that began on Monday, February 6, 2017. See next volume of the Congressional Record.

Measures Introduced: Thirty-five bills and nine resolutions were introduced, as follows: S. 306–340, and S. Res. 48–56. Pages S745–46, S867–68

Measures Reported:
- S. Res. 48, authorizing expenditures by the Select Committee on Intelligence.
- S. Res. 52, authorizing expenditures by the Committee on Finance.
- S. Res. 53, authorizing expenditures by the Committee on Armed Services. Pages S745, S869

Appointments:
- Commission on Security and Cooperation in Europe (Helsinki): The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appointed the following Senator as the Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 115th Congress: Senator Wicker. Page S716
- Congressional-Executive Commission on the People's Republic of China: The Chair, on behalf of the President, pursuant to Public Law 106–286, appointed the following Members to serve on the Congressional-Executive Commission on the People’s Republic of China: Senators Rubio (Chairman), Lankford, Cotton, Daines, and Young. Page S716
- John F. Kennedy Center for the Performing Arts: The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, re-appointed the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Senator Blunt. Page S716

Sessions Nomination—Cloture: Senate resumed consideration of the nomination of Jeff Sessions, of Alabama, to be Attorney General. Page S824

During consideration of this nomination today, Senate also took the following action:
- By 52 yeas to 47 nays, 1 responding present (Vote No. EX. 55), Senate agreed to the motion to close further debate on the nomination. Page S824
- By 88 yeas to 3 nays (Vote No. 56), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators. Page S855
- By 49 yeas to 43 nays (Vote No. 57), agreed to the ruling of the chair that the words spoken by Senator Warren violate rule XIX shall stand as the judgment of the Senate.
- By 43 yeas to 50 nays (Vote No. 58), Senate rejected the motion that Senator Warren be permitted to proceed in order. Page S855

Nomination Confirmed: Senate confirmed the following nomination:
- By 51 yeas to 50 nays, Vice President voting yea (Vote No. EX. 54), Elisabeth Prince DeVos, of Michigan, to be Secretary of Education. Page S824

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

Messages from the House: Page S866

Measures Referred: Page S866

Executive Communications: Pages S866–67

Executive Reports of Committees: Page S867

Additional Cosponsors: Page S868

Statements on Introduced Bills/Resolutions: Pages S868–69

Additional Statements: Pages S744–45

Authorities for Committees to Meet: Pages S751, S872
Privileges of the Floor: Pages S751, S872
Quorum Calls:
Two quorum call was taken today. (Total—3)
Record Votes: Six record votes were taken today. (Total—58)
Continuing Session: Senate convened at 12 noon, on Monday, February 6, 2017, and continued in session. (for complete Digest of today’s proceedings, see next volume of the Congressional Record.)

Committee Meetings

RECENT YEMEN OPERATION
Committee on Armed Services: Committee received a closed briefing on the recent Yemen operation from Theresa Whelan, performing the duties of Under Secretary of Defense for Policy, and J–3 Lieutenant General John L. Dolan, USAF, Joint Staff Director for Operations, both of the Department of Defense.

CYBER THREATS
Committee on Armed Services: Committee received a closed briefing on cyber threats from Admiral Michael S. Rogers, USN, Commander, Cyber Command, Director, National Security Agency, Chief, Central Security Services, Department of Defense.

BUSINESS MEETING
Committee on Armed Services: Committee ordered favorably reported an original resolution (S. Res. 53) authorizing expenditures by the Committee for the 115th Congress.

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.

The Plan to Defeat ISIS
Committee on Foreign Relations: Committee concluded a hearing to examine the plan to defeat ISIS, focusing on key decisions and considerations, after receiving testimony from James F. Jeffrey, Washington Institute for Near East Policy, and Jeremy Bash, Beacon Global Strategies, both of Washington, D.C.

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 H1013–14
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;

**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;

**Arapaho National Forest Boundary Adjustment Act of 2017**: H.R. 688, to adjust the boundary of the Arapaho National Forest, Colorado;

**Bolts Ditch Access and Use Act**: 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, by a ⅞ yea-and-nay vote of 407 yea and one nay, Roll No. 80;


**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

**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.

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.

Permissioning 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., 2123 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).