

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HONORING PAUL HUDSON

Ms. MCSALLY. Madam President, last week, I cosponsored a bipartisan resolution honoring the three American firefighters who lost their lives fighting Australia's bush fires this year, including First Officer Paul Hudson, from Buckeye, AZ. Each of these men gave the ultimate sacrifice in service to others.

Paul dedicated his life to protecting others, first as a marine and then as a firefighter. He served in the Marine Corps for 20 years, including as a C-130 pilot, before retiring as a lieutenant colonel. Paul graduated from the Naval Academy in 1999 and later went on to earn a master's degree in business administration and information technology management from the Naval Postgraduate School.

When aid was needed in Australia to combat the devastating wildfires, Paul jumped into action and put his life on the line to help others. He was only 42 years old when he was killed in a plane crash while fighting to extinguish these awful fires. My heart and my prayers, and Arizona's heart and Arizona's prayers, go out to his wife, Noreen, and her loss. Arizona will not forget Paul's immense selflessness and his sacrifice.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 587.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of James P. Danly, of Tennessee, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2023.

CLOTURE MOTION

Mr. MCCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 James P. Danly, of Tennessee, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2023.

Mitch McConnell, Mike Crapo, Tim Scott, Chuck Grassley, David Perdue, Lamar Alexander, John Barrasso, Tom Cotton, Thom Tillis, James M. Inhofe, Shelley Moore Capito, Ron Johnson, Mike Rounds, Richard Burr, James Lankford, Jerry Moran, John Thune.

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

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

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### RECESS

Mr. MCCONNELL. Madam President, I ask unanimous consent the Senate stand in recess until 5 p.m.

Thereupon, the Senate, at 4:02 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. CASSIDY).

#### LEGISLATIVE SESSION—Continued

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION RELATING TO "BORROWER DEFENSE INSTITUTIONAL ACCOUNTABILITY"—MOTION TO PROCEED

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, in just a few moments, we are going to be considering the motion to proceed to the borrower CRA, and I would like to say a few words, understanding that the Senators are expecting this motion to come up in about 5 minutes.

This is a joint resolution that was passed on a bipartisan basis in the House of Representatives to overturn the borrower defense rule that has been promulgated by Department of Education Secretary Betsy DeVos. I am pleased to be the Senate's sponsor.

Here is what it comes down to—hundreds of thousands of Federal student loan borrowers having been defrauded by their schools. They went to some of these for-profit schools that have gone out of business, but many schools defrauded these students over the years.

We in Congress established what was known as the borrower defense. We said, if you borrow money from the Federal Government and go to colleges that we acknowledge as being accred-

ited and they defraud you, lie to you, misrepresent to you what your education is going to cost or what it is going to give you, then, you don't have to be saddled with the student debt for the rest of your life because of their lies, because of their fraud. You have a chance to go to the Department of Education and plead your case that you were defrauded, and you should at least be relieved of some, if not all, of your student loan debt. That is what it is all about.

There are 230,000 student borrowers who are waiting for the Department of Education, under Betsy DeVos, to do something. The Department has not done anything except to come up with a new rule that says, at this point, it is going to be harder for these students to prove fraud. It isn't enough that the States and other units of government have found fraud by these schools. These students are supposed to be their own lawyers and their own investigators and prove the fraud and how it affected them personally.

Is it reasonable for a young student who has been defrauded and is carrying student debt to have that responsibility? Secretary DeVos thinks yes. I think no. That is what this vote is all about.

Who agrees with my position on this issue? Most of the advocates for students do. In addition, the veterans organizations across America, led by the American Legion, are supporting our effort now under this Congressional Review Act to do away with the new rule by the Secretary of the Department of Education. They say it is unfair to veterans—it is—and unfair to student borrowers to hold them to this standard.

The American Legion's national commander, Bill Oxford, called the rule, which we are going to get a chance to vote on after the debate, "fundamentally rigged against defrauded borrowers." He is speaking on behalf of veterans. He could be speaking on behalf of young men and women across America who have been misled by these schools over and over again. The Bipartisan Policy Center Action, the NAACP, Third Way, 20 State attorneys general, and a host of others have joined me in urging the Senate to overturn this unfair rule.

The Senate has a chance today to show the country that we can come together and do the right thing for students and veterans. How many times have we given speeches about how much we care about veterans? Here is a chance to vote with the veterans, especially those who have been defrauded out of their GI bill of rights and have ended up with additional debt.

Secondly, how many times have people told us these student debts are too much, are ruining kids' lives, and to give them a chance? I am not for forgiving all loans to all students, but these students have been defrauded. They should have an opportunity to start life again and not be burdened with the debt that is going to make life impossible in their futures.

I hope my colleagues on both sides of the aisle will join me. Regardless of what you think of the 2016 rule, we can certainly do better than what Secretary DeVos has come up with.

I have been advised that we are not quite ready for my request of the Chair. So I will say a couple of more words on the subject. I moved it along quickly, but I didn't have to.

Under the new Betsy DeVos rule, it turns out that, of the 100 percent of students who have been defrauded and are asking for relief, the estimate is that 3 percent will be successful but that 97 percent of these students will not have the opportunity to get this relief.

One of my colleagues whom I respect very much came to the floor here and said: If your car is a lemon, you don't sue the bank; you sue the dealer. A college can be a lemon just like a car can be. In his scenario, the school is the dealer, and the Department of Education is the bank. The case that he is making for a student who has been defrauded by a school is that one has been sold a lemon of an education and that we should go after the offending school.

Doesn't that sound right—that, if a school has defrauded you, you would go after it?

It turns out that the rule that Secretary DeVos has promulgated ties the hands of a student who is going after the school. It requires forced, mandatory arbitration. So you can't take it to court. It eliminates class actions so that students from the same school, like the Corinthian Colleges, which went bankrupt, can't even come together as a class. No, you have to lawyer up individually. You have to get ready to fight in some room that has been set aside in which the for-profit school and the Department of Education are going to argue against you.

Is that what we want to say to these students who have been through bad college experiences and want to get on with their lives, who found out that these credit hours from these for-profit colleges didn't transfer anywhere, and who found out the courses that were supposed to lead to jobs didn't lead to jobs?

These students were misled by these schools, and these schools are notorious for it. The question is this: Are we going to stand up for the students, many of whom are veterans, or are we going to stand up for the schools that have been affected by this?

Mr. MURPHY. Mr. President, I rise in support of S.J.Res. 56, a resolution of congressional disapproval for the Department of Education's, Borrower Defense Institutional Accountability rule.

It is inconceivable to me that the Federal Department of Education would choose to protect the profits of predatory corporations instead of the students they ripped off, but sadly, that is exactly what Secretary DeVos's borrower defense regulation does. It is now up to Congress to step in and re-

verse the harm that her Department is seeking to do.

Four years ago, the Obama administration took action when it became clear that a number of for-profit colleges were defrauding students, leaving them on the hook for massive loans without an education or a job. The borrower defense rule established under President Obama made sure that students who had been hurt by these schools could access debt relief and get a chance at restarting their education. Unfortunately, Secretary DeVos chose to gut that regulation, making it nearly impossible for defrauded students to get any kind of debt relief from the loans they took out to attend colleges that were later found to be bad actors. To make matters worse, Secretary DeVos also rescinded existing protections and ended forgiveness pathways that were included in the 2016 borrower defense rule. Secretary DeVos took what was a fair and transparent process and rigged the deck against students.

Because of the new barriers to debt relief established by Secretary DeVos's new borrower defense rule, only an estimated 3 percent of loans associated with school misconduct will be discharged. The DeVos rule eliminates the ability for borrowers to file for relief in groups and requires individuals to meet an unreasonably high standard of evidence that the school intended to mislead them. In addition, the rule only gives borrowers 3 years from the time they leave school to file a claim. In a large number of previous cases, it has taken many years to gather evidence of and establish fraud. Finally, the DeVos rule prohibits borrowers from appealing the decision on their claim, even if new evidence of a school's misconduct comes to light.

This new rule might be good for corporate profits, but it will have a cruel impact on many vulnerable people who can afford it the least. I hear often from Connecticut residents who have been crippled by massive debt accrued while attending what turned out to be a valueless institution and who desperately need access to debt relief through a borrowers defense claim.

I have heard from a number of students in Connecticut who joined a lawsuit in the bankruptcy case of ITT Technical Institute after its closure left 40,000 students in limbo. Students described falsified job placement rates, lack of career connection with industries associated with their degree programs, unqualified teachers, and inaccurate information about their loan terms.

Meanwhile, the Department holds those with claims in financial limbo as they wait years for a decision. Natarsha Morales, who attended Briarwood College in Southington, CT, filed a claim on \$39,000 in outstanding Federal student loans. Natarsha filed this claim nearly 4 years ago and has yet to receive a decision. During this time, Briarwood College, which later

became Lincoln College, closed permanently after a history of defrauding students like her. As the Department neither grants nor denies her request, the interest on her loans continues to grow. As a result, Natarsha has struggled to plan for her financial future. She has been unable to buy a home and unable to enroll in another educational program.

These students were just trying to do the right thing; they made sacrifices to try to get an education, better themselves, and get on a path to a better-paying career. Tragically, we now know that the degrees these students obtained—or sought to obtain—were worthless, and they were taken advantage of by predatory institutions that cared only about taking as much money as possible. The least we can do for these students is to give them a chance at loan forgiveness.

I urge my colleagues to vote in favor of S.J.Res. 56 and repeal the DeVos Borrower Defense Institutional Accountability rule that turns its back on borrowers and reduces the culpability of risky institutions.

Mr. DURBIN. 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. DURBIN. 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. DURBIN. Mr. President, I understand there is a discharge petition at the desk for S.J. Res. 56 that has been signed by at least 30 Senators, which will cause the joint resolution to be discharged under the Congressional Review Act; is that correct?

The PRESIDING OFFICER. Yes, it is.

MOTION TO PROCEED

Mr. DURBIN. Mr. President, I move to proceed to Calendar No. 439, S.J. Res. 56, a 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 "Borrower Defense Institutional Accountability".

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Mississippi (Mrs. HYDE-SMITH).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—55

Baldwin	Harris	Portman
Bennet	Hassan	Reed
Blumenthal	Hawley	Rosen
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Jones	Shaheen
Capito	Kaine	Sinema
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Sullivan
Collins	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	McSally	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Whitehouse
Ernst	Murkowski	Wyden
Feinstein	Murphy	Murray
Gardner	Peters	Young
Gillibrand		

NAYS—41

Alexander	Fischer	Risch
Barrasso	Graham	Roberts
Blackburn	Grassley	Romney
Blunt	Hoehn	Rounds
Boozman	Inhofe	Rubio
Braun	Johnson	Sasse
Burr	Kennedy	Scott (FL)
Cassidy	Lankford	Scott (SC)
Cornyn	Lee	Shelby
Cotton	Loeffler	Thune
Cramer	McConnell	Tillis
Crapo	Moran	Toomey
Daines	Paul	Wicker
Enzi	Perdue	

NOT VOTING—4

Cruz	Sanders
Hyde-Smith	Warren

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION RELATING TO BORROWER DEFENSE INSTITUTIONAL ACCOUNTABILITY

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

Calendar No. 439, S.J. Res. 56, a 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 "Borrower Defense Institutional Accountability".

The PRESIDING OFFICER. The Senator from Mississippi.

BROADBAND DEPLOYMENT ACCURACY AND TECHNOLOGICAL AVAILABILITY ACT

Mr. WICKER. Madam President, I rise in support of S. 1822, the Broadband DATA Act, and in a moment I will make a unanimous consent request with regard to that legislation.

This bill will ensure that the FCC has the most accurate broadband coverage maps in the world today to deploy 5G networks. As you know, we were in a race to win that race globally, and I think we can still do it.

In December, the Senate unanimously passed this measure, S. 1822, but because the House passed a slightly

amended version last week, we need to act again to get this bill across the finish line.

We have a digital divide in this country which threatens to leave rural America behind. We have done a lot to address that divide. However, an estimated 20 million Americans still lack access to broadband—Americans like those in Arizona or Mississippi or other States across our heartland. Every year, the FCC spends billions of dollars to promote deployment of broadband across the United States. S. 1822 will result in highly detailed and accurate maps so that the FCC can direct support to areas most in need.

This legislation represents extensive negotiation and work on a bipartisan and bicameral basis, for which I congratulate this Senate. My hat is off to our colleagues in the other body and thanks to all the staff who have helped on both sides of the aisle.

Madam President, I ask the Chair lay before the Senate the message to accompany S. 1822.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1822) entitled "An act to require the Federal Communications Commission to issue rules relating to the collection of data with respect to the availability of broadband services and for other purposes," do pass with an amendment.

MOTION TO CONCUR

Mr. WICKER. Madam President, I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION RELATING TO BORROWER DEFENSE INSTITUTIONAL ACCOUNTABILITY—Continued

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I want to thank my colleague, Senator DURBIN, for leading efforts this week to undo Betsy DeVos's harmful rollback protections for millions of Americans with student loans ripped off by for-profit colleges. This is an example where the Senate stood up to the President, stood up to the billionaire Secretary of Education whose mission in that job is to privatize public education and turn profits for her and her friends and her allies. This bipartisan Senate stood up to her and stood up to the President, stood up to the majority leader, and did the right thing.

We have seen these for-profit colleges in Ohio. Schools like Corinthian and

ITT, which make big promises with fake—and this time the word "fake" is accurate—they make big promises with fake or deceptive job placement rates. They spend millions on marketing, and they trick students into taking out huge loans, only to close up shop and leave them with meaningless degrees or, worse yet, just credits but always mountains of debt.

These are people trying to get an education to improve their job prospects to build a better life for themselves and their families. Too often these predatory schools target Black students, Latino students, immigrants, low-income students, and first-generation college students. Many of them are veterans returning from serving our country and looking to start a new career.

These for-profit colleges are willing to exploit people who have taken out loans to go there who are veterans. Sometimes they go to school. They served their country and then they go to school, and these for-profit colleges are willing to take advantage of them. These for-profit schools are all about lining the pockets of their CEOs.

We need to stand with the defrauded student borrowers and hold these for-profit schools accountable. Of course, we have learned not to hold our breath when it comes to the Trump administration holding anyone accountable—at least anyone rich accountable. Instead of figuring out how to provide relief for students, Secretary Betsy DeVos went to work figuring out how to let the schools that scammed them off the hook.

Three hundred thousand people had submitted borrower defense claims as of last December. More than 200,000 of those requests are still pending. More than 7,700 Ohioans—7,700 people in my State—are waiting for relief.

In 2016, the Obama administration announced a rule to help these students get their loans canceled, but the DeVos Department of Education—the Trump Department of Education—dragged its feet on processing borrower defense claims. They rewrote the rule to make it damn near impossible for defrauded students to get the relief they were promised. They are throwing up hurdle after hurdle: narrow time limits, making students gather all kinds of unnecessary paperwork, and banning students from appealing a decision.

DeVos's rule opens up the doors for schools to once again use mandatory arbitration. I am not a lawyer, but I know from seeing this done to far too many of my constituents. Its legal fine print that for-profit schools sneak into their enrollment agreements deny students their day in court. Students don't know they are part of these agreements. They are, and they lose their day in court.

I hear from Ohioans all the time who have been scammed by these schools.

Tasha Berkhalter came to Washington last month to bring attention to