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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.

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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 a Secretary 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 pass a law 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. That is a third category.

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 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 if she wants to.

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 more work to do on that. 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 use 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 be 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 my duty as Secretary 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.

To say that her answer alarmed both survivors and the great advocates who have been in the trenches helping those survivors for years is an understatement. I will just read two reactions.

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 a government administration that fought for survivors of sexual assault.
>
> It was only because committed government leaders believed that it was important to uphold Title IX and address campus sexual violence that I was able to overcome what happened to me.

Later in her letter, Jess Davidson said:

> Ms. DeVos, certainly my education, if not my life, was saved by committed leaders standing up and fighting for the rights of survivors of sexual assault. So today I am writing you to ask, that if confirmed, you do the same.

Jess goes on from there. She says:

> Because if survivors do not feel their government is fighting for them, they won't speak up. I almost didn't.

That is one survivor telling us how difficult it was for her to speak out or to speak up about this issue because of the pain and the horror that she lived through. Mrs. DeVos may not have to answer my questions fully, as much as I pursue an answer, but she does have to answer the questions of those survivors like Jess and so many others because if she is confirmed as Secretary of Education, she is not some independent operator. She is a servant of the people. The people are her boss. Jess is her boss. If she is confirmed, she better understand that she is a public servant. The private sector would be in the rear-view mirror. You can't treat people the way that she might have treated people up to this point in time.

She is a servant of the people if she is confirmed, and she better have an answer for Jess every day that she is on the job if she is confirmed.

Another survivor, Sofie, works for an organization called End Rape on Campus. She wrote:

> Our country has finally begun to shatter the silence on sexual violence, and survivors nationwide are refusing to go back to how things were before. Students, parents, and survivors nationwide deserve to know whether Betsy DeVos is truly committed to keeping all students safe in school. Betsy, we are counting on you.

Betsy DeVos, if she is confirmed as Secretary of Education, has to answer those questions that Jess posed, that Sofie posed, and so many others. She may try to avoid questions posed to her by Senators or by the media, but she has a sacred duty that she cannot escape to give answers to these survivors and to the advocates who so bravely support them day in and day out, year in and year out. It is about time the Congress of the United States did a lot more to support these victims as well.

Maintaining protections for victims of campus sexual assault is not part of some negotiation. This has to be mandatory work that we do together. In reference to her answer to my question

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 will have to 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 commit as 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 on college 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 often have 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 receive 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-entitled 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. Students with disabilities are going on to higher education in greater numbers.

In the last two decades, reading and math scores on the National Assessment of Educational Progress have increased substantially. 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 public education. We know that in the hearing, Senator KAINE 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. States don't have an option 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 get 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 who write to us and contact us about these issues.

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 not only benefits 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 a disability—any kind of disability—to 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 sometimes people in my generation somehow conclude has always been a problem and is just a continuing problem from one generation to the next. They are wrong on the facts. It is a much worse problem today than it has ever been, and that is largely caused by the failure to deal with it. It is also caused by the ability of the bully to follow the bullied student home and to torment them and sometimes to aggravate other bullies around them to torment them all day long in school and at home all through the night, day after day, week after week.

In addition to ensuring equal protection of students with disabilities as we just talked about, I am also concerned that Mrs. DeVos will not be fully committed to enforcing civil rights protections for students, including those who identify as LGBTQ.

This is obviously connected as well to the issue of bullying, because often the most likely victims of bullying, we know, are LGBT students and students with disabilities. It affects all students. 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 should say, when we consider 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 and do 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 children to send 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 anything 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 twice as likely to have been threatened or injured by a knife or a weapon on school property—twice as likely.

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 seems to be little doubt 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. It was because of bullying. ''It was not about race or gender, but they bullied him for his sexual preferences, the way he dressed. Which,'' she said, ''they wrongly accused him of.''

We know that Brandon's suicide note reportedly explained that he was constantly bullied at Midd-West High School in Middleburg, which is also Snyder County, where he was a freshman. Bullies allegedly called Brandon names. He stated in the note that a humiliating event in school this past week was ''the straw that broke the camel's back.'' Brandon was an accomplished violinist, having been a member of the Susquehanna Youth Orchestra in 2009.

That is smalltown Pennsylvania, Snyder County, right in the middle of our State. So you have a 14-year-old who is driven to suicide because of bullying—persistent, pernicious, violent, evil bullying—that drove him to throw himself in front of a tractor-trailer 13 miles from his home.

Now, we know that laws cannot wipe out human behavior or the darkness of human nature sometimes. While we do have Federal laws that promote school safety, there is currently nothing in place to comprehensively address issues of bullying and harassment. It is critical that anti-bullying and harassment laws and policies enumerate or list characteristics that are most frequently the subject of bullying and harassment, such as race, color, natural origin, sex, sexual orientation, gender identity or expression, disability and religion—sometimes known in the law as protected classes.

It is important that in any bullying policies, those categories are so enumerated. This is the most effective strategy for preventing and prohibiting both bullying and harassment. Research shows the effectiveness of these policies, and even the American Bar Association agreed, passing a resolution unanimously in 2011 supporting enumerated protections, not vague references to protecting young people from bullying but very specific enumerated policies.

Now, we have made progress in developing legislation, but we have not gotten the support we need to get it passed. We tried this during the debate on the Every Student Succeeds Act, which, as many of you know, is the reauthorization and the many changes made to the No Child Left Behind legislation. But we did not get this policy as part of that. So we have a ways to go.

Now, I had hoped that the next Secretary of Education would be interested in tackling these issues. While Mrs. DeVos has expressed a desire to work on preventing bullying, her record and financial giving seem to suggest otherwise, especially as it relates to LGBTQ students.

Mrs. DeVos and her family's foundations have given millions of dollars to organizations that are expressly opposed to this work—much of the funding coming from the Edgar and Elsa Prince Foundation, which is one of her family foundations. So, in other words, she is supporting groups that do not want to pass anti-bullying legislation that enumerates the protected groups of students.

I think that is a big mistake. I think it is wrong. We will continue to fight them. But I hope that those donations that the family foundations have made will not prohibit her from taking strong action against bullying as Secretary of Education. Once again, I will say it: When she becomes Secretary of Education—if she is confirmed—she is no longer a private citizen engaged in fights about ideology or fights about policy or fights about politics. She is a servant of the people if she is going to be Secretary of Education.

So I would hope she would rethink that original predisposition to be against those policies. I will move on because I know we are limited in our time.

Now, I wanted to conclude with a couple of remarks about questions regarding ethics and potential conflicts of interest, because that seems to be a persistent theme with regard to a number of the nominations.

We know that a lot of questions have been asked lately of Mrs. DeVos. I wanted to review some of those. There are at least potential conflicts of interest if she became Secretary of Education. We know that we have a tradition not only here in Washington in the Federal Government, but it was very much a part of State government in Pennsylvania when I served there. It is part of the tradition in our State that we opt on the side of more transparency for candidates and for public officials about disclosure of information, especially information that could compromise an individual in public office—tax returns, for example, when people run for office. Providing Mrs. DeVos's tax returns would be a small price to pay to become Secretary of Education as part of that transparency. It would also go a long way to ease the public's discomfort around some of the potential conflicts of interest in the assets and family trusts that DeVos will be retaining if she were to be confirmed.

The letter of agreement between Betsy DeVos and the Office of Government Ethics is necessary but not sufficient to alleviate her and her family's financial conflicts of interest. The HELP Committee has always used its own requirements for vetting a nominee, which are and always have been a step beyond those gathered by the Office of Government Ethics.

The committee requires full disclosure of all assets over $1,000 in the two-

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 own financial transactions, what 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 a political issue, nor is this an issue about teachers.

I, for one, am so very thankful for incredible teachers. I think of Mrs. Lynch, Mrs. Greenberg, my fourth grade teacher, Mrs. Wynn—God bless her soul. I was a handful. I think of Coach Roberts and Mr. White. We called him Mighty White, Mr. White. What an amazing English teacher I had in my senior year. Ms. Barry and Ms. Myers, wonderful Spanish teachers.

This is not about teachers. It is not necessarily about Betsy DeVos, 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 necessity 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 direction. As a freshman in 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, no one. They did call me, by the way, ''bi-ignant'' 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 by 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 mine. 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 invested 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 will explain to you in a few minutes why that is so important if we are going to improve the quality of education experienced in the rural areas, like West Virginia or in South Carolina, as well as the inner cities, from Chicago to Detroit and parts of South Carolina as well. So that will be an important part of the conversation as we move forward.

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 schools 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 will 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 she 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 where you live and what you look like so I wanted to break it down by the demographics I have heard 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 Hispanic 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 some of the inner 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 drill into the numbers so we can appreciate what the future looks like for those kids. This is such an important issue.

In Chicago, 65 percent of our majority students meet or exceed the standard in English or language arts, but only 22 percent of our African-American kids meet or exceed the standards; 29 percent of our Hispanic kids in Chicago meet or exceed the standards.

What are the numbers in Detroit? Well, in Detroit, only 13 percent of our majority students meet or exceed those English standards; 9 percent—1, 2, 3, 4, 5, 6, 7, 8, 9 percent—of the African-American kids meet or exceed those standards; 12.5 percent of our Hispanic kids 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.

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.

What does that mean? That 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, and that is a travesty, one 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 outcomes not being 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 the system, 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.

We have heard a whole lot of hyperbole about what the next Secretary of Education can do, as if that person could somehow with a magic wand change education. That is patently false. It would take action by this Congress to have that happen. The reality of it is that while it is an important position, she cannot act unilaterally, and the one commitment that I made sure I had from her—she viewed the world of education in the same paradigm as I do, which is we don't want a top-down approach to education; we actually want school districts and local communities and counties and States to lead the charge, because about $550 billion that supports public education doesn't come from the Federal Government, it comes from the States and the local school districts. That is where the decisions should be made.

I am a supporter of school choice; however, it would just be an option under the best-case scenario where States would have more options at the cafeteria. I don't want to mandate and she is not going to be able to mandate school choice. That will be our decision, and I have decided I don't want to make it happen. I want to give the States and the local school districts the opportunity to make their own decisions, which does lead me, of course, to my support and her support of school choice.

I would submit that most of us in this Nation support school choice. I know that is a controversial statement and one you have to back up with facts. Here is a fact: The fact is that we as a nation consistently support school choice. It is called a Pell grant. A Pell grant is a Federal subsidy that oftentimes goes to private schools—colleges. Unfortunately, many kids who do not meet or exceed the standards in English, math, and science will never experience the Pell grant because they don't go on to a 2-year or a 4-year education. They don't go to a technical school or to a college. They don't find themselves experiencing what we as a Federal Government provide—a clear and specific option to take your Federal dollars to your private colleges.

We all seem to support school choice; we just don't seem to support it for those kids trapped in failing school districts and underperforming schools. Those kids will not see the Pell grants so often. Too often, too many of those kids will not see a Pell grant, which is absolutely, positively, unequivocally school choice.

I will state that I am hopeful. I am hopeful because I believe that men and women in this Chamber are sincere and serious about the debate around public education. And I will tell you there are reasons to believe that in spite of the dismal performance that I have read, there are reasons to be hopeful that the future for those kids in public education can get better—significantly better.

As I wrap up my comments, let me reflect upon what is possible for kids who were underperforming to become high-achieving. So often we label those kids as at-risk kids. I prefer to call them high-potential kids. There are examples in this Nation where those kids who were performing so poorly, according to the third grade statistics, around meeting or exceeding expectations, according to ESSA, those kids, later in life and in different programs and in New York City specifically, are doing incredibly well. Let me give a couple of examples, and I will close with this good news and more to be continued later this morning.

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. The numbers are very similar in math. They are very similar in 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: 93 percent of African-American Success Academy scholars outperform the majority of students in New York City. Eighty percent of them are African Americans and 80 percent of them are Hispanic. They are at 80 percent.

You see, Mr. President, 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. SASSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (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 poor in the United States, your 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 Presiding Offer 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 pathway to acquiring greater 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 who we are as Americans; that there is a class of people in the United States, in the land of opportunity, who because they are unlucky 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 fix this problem. We don't talk enough 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 almost at all. I am 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 we need to be 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 young person in the United States, and maybe even people who aren't so young, has the ability to graduate from college or acquire the skills and knowledge they need to compete in the 21st century and do that without acquiring a mountain of debt that requires them—in the case of people graduating now from colleges in Colorado—to take 22 years of their lives to pay that debt back. It doesn't make any sense.

This is the land of opportunity. The gateway to opportunity is a high-quality education, and too many of our kids in this country in the 21st century don't have access to it. My hope is that when we get through this debate, we can focus on the work that is happening in places like Denver, CO, where we have seen, in just a 10-year period, a 60-percent increase in the number of kids who are graduating from high school.

I am the first to say that we have a long way to go in Denver in terms of making sure that a kid's ZIP Code doesn't determine the education they get. I said earlier tonight and I believe 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.

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

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

Mr. SCHATZ. Mr. President, I wish to tell a story about Evelyn, a young woman I met from Molokai, which is a small rural island in the State of Hawaii. It is the kind of place that has one radio station, one high school, and everybody knows everybody. Of course, everyone in town knows Evelyn.

They were all so very proud of her when she invented a pH sensor that can detect even small changes in the ocean's environment. Her device is nothing short of groundbreaking. It is actually more accurate than the devices that marine scientists at our Federal agencies have been using, and it is way less expensive. It is an estimated 1/42nd of the price, and it requires half the maintenance.

This invention makes Evelyn an accomplished scientist, an innovator, an entrepreneur, and a passionate ocean steward, but she is also a junior in public high school, Molokai High School. She is proof that our public school students can compete and innovate at the highest levels and that public schools can be a path to just about anything, which is why public schools and public education are to be held up and supported and understood as the great equalizer, the bedrock of our democracy, our civil society, our country. You can trace back 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 gives every American 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 education and because Americans across the country are concerned and worried about what will happen to public education under Betsy DeVos. My office alone has received thousands of messages about her nomination.

I just want to be clear about this. There are certainly advocacy organizations that make it easy for you to contact your Member of Congress. They have form letters. They have Web forms. They make it easy. They populate the thing. They pop off an email, and you just sign at the bottom. That isn't what I am talking about. These are organically generated, individual letters from across the State of Hawaii.

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 parent 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, one which 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 turning 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 our students and what effort it has 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 are 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 issue cuts deep in our beliefs. 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 Milolii has to do 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 our plight and she does not know our challenges.
>
> I ask you from the pureness of my heart as a mom who wants what is best 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 arena you fall upon. I believe there are many Republicans and Democrats who are far more qualified and knowledgeable than Mrs. DeVos. Our kids deserve 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, our 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. The impact 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 harassment, and gun 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 don't have to just use our instincts 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 reducing social service spending, 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 $150 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 a 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 three universities who released research about higher education curriculums before heading the Department to serve under President Reagan.

Laurel Cavazos 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, 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. As a retired 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 of education. I worry for all of our children. I worry for our country. Please, if you can, do what you can do to see that we get someone more qualified to help guide our children and our country. HELP!

Everything that has happened since Mrs. DeVos has been nominated has unfortunately only confirmed the concerns I heard from constituents. Because her hearing was so short, Senators followed up with written questions, 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, but she did 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 for investigation in no way implies 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.

But the central issue isn't the lack of a seriousness of purpose during the hearings and in the questions for the record, although I think that was what caused the Nation to kind of wake up and rise up about the challenge in front of us when it comes to public education. This was not part of some master strategy on the part of Democrats. What happened in those hearings is that MICHAEL BENNET, AL FRANKEN, CHRIS MURPHY, and ELIZABETH WARREN just did their jobs and asked questions.

If you told me that a clip about the distinction between proficiency and growth—I mean, that is the wonkiest thing in the world. But what happened was 2 million people or more saw that on Facebook. This wasn't part of our political strategy. What happened was that people saw the hearing and got very worried that we will have the wrong person in charge of public education policy at the Federal level. So you have people left, right, and center. You can ask the Senate Republicans whether they are getting phone calls too. They are getting phone calls too. This is not a Democratic strategy. What is happening is that we have the wrong person who may be confirmed as the Secretary of Education.

The central issue is that there remain concerns around Mrs. DeVos's basic understanding of education policy. During her confirmation hearings, there were several moments when she didn't seem to fully grasp the important parts of Federal law on education.

The Washington Post actually published an article called ''Six astonishing things Betsy DeVos said—and refused to say—at her confirmation hearing.''

> DeVos refused to agree with a Democrat that schools are no place for guns, citing one school that needs one to protect against grizzly bears.
>
> When Senator Chris Murphy asked her whether she would agree that guns don't belong in schools, she said, ''I will refer back to Senator Enzi and the school he was talking about in Wyoming. I think probably there, I would imagine that there is probably a gun in the schools to protect from potential grizzlies.''

This would be hilarious if it weren't so serious. This would be hysterically funny if this weren't the person who is about to become our Secretary of Education.

When asked whether she would support President Trump if he, as promised, moved to end gun-free zones around schools, she said: ''I will support whatever the President does,'' even if that means moving guns into schools, allowing guns in schools. She added: ''If the question is around gun violence and the results of that, please know that my heart bleeds and is broken for those families that have lost any individual to gun violence.''

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.

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

DeVos said: I support accountability.

KAINE said: Equal accountability?

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.

This is someone 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 said: Let me ask you this. I think all schools that receive taxpayer funding should be equally accountable.

I mean, he is so polite, but he is also 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.

KAINE, 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 AL 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 about this.

I mean, even if you are brand new to the topic, if you just have smart people in the room who briefed you on it—10 hours maybe—you would be ready to talk about proficiency and growth. This is what I am talking about when I talk about a lack of preparation, a lack of humility around what advice and consent means, and the Senate has an obligation to take every nomination seriously.

FRANKEN noted that the subject has been debated in the education community for many years and said, when she didn't weigh in and just looked at him without much of an expression on her face: It surprises me that you don't know this issue.

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 far out of the mainstream of education policy.

I want to highlight four policy areas where 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, Arlyssa Heard had a breakdown. Judah 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 Judah'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 44 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 strong family showing at a rally or community members to serve on a task force. She was running for the Detroit School Board. But when she needed help, she had nowhere 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 don't know what to do.' The principal said, 'I don't either.'''

The scope of the problems plaguing Detroit schools—both traditional district schools and charters—is almost unfathomable. According to the most recent National Assessment of Educational Progress, only 4 percent of Detroit's eight grade students can read and perform math at grade 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 in the city's southwest quadrant, home to a large Latino population and a number of industrial zones, a dozen schools opened or closed in the span of 18 months. And when a parent shows up to find a child's classroom abandoned, good luck finding a new one. There are more than 200 schools with roughly 50 different enrollment processes and almost no standard for performance.

Some 44 percent of the Detroit students are enrolled in charter schools, the second-highest rate in the Nation, behind New Orleans. One of those schools is the Detroit Leadership Academy, which two years ago was solidly at the back of a flagging pack. Abutting 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 math at grade level.

During the summer of 2015, a network of three charter schools called Equity Education Solutions—which unlike most of the city's charter operators is a nonprofit—was tasked with turning the school around, a restart required under law because of its consistently poor performance. Central Michigan University, the authorizing entity that granted the school permission to exist, told the fledgling network it had 8 months to fix things.

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 can continue enrolling new students.

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 doing the authorizing are appointed by the governor. ''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 $1 billion annually.''

Critics say this is especially problematic because almost all of Detroit's charter schools are run by for-profit companies.

Think about that. This is public education. Right? These are public dollars. Suddenly, they are going to for-profit companies. It would be one thing to have the old talk from Members on the other side of the aisle: We should run government like a business. Well, if the point is to run things efficiently to do more innovation, fine. If the point is to try to suck as much revenue out of the taxpayer as we possibly can and deliver a minimal service, you know, I don't think we should run the public education system like that kind of a business. In this case, it is not running it like a business; it is running a business with Federal and State tax 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 about $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 skim. 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 Commerce on export promotion. But there are some aspects of what the government does that are not a good fit with the private sector. This

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 created 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 most influential of them is Betsy DeVos, a major player in Michigan's Republican Party and in the efforts to widen the for-profit sector.

They have argued that proposals such as that put forward by the Senate bill disregard the needs of Detroit's children. ''Legislators should not give in to this anti-choice, anti-parent, and anti-student agenda aimed at protecting and maintaining the status quo for deeply entrenched adult interest groups,'' Betsy DeVos opined in the Detroit News. ''After all, since DPS has lost 75 percent of their enrollment in the past decade, haven't Detroit parents already voted resoundingly by fleeing for higher quality and safer schools elsewhere?''

But critics, including Stephen Henderson, the Detroit Free Press's editorial page editor, says it's groups such as the DeVos foundations that have an agenda.

''House Republicans, for instance, are also standing in the way of [a bill] which would, quite simply, slow the spread of mediocre or failing schools.''

The article ends with a few paragraphs about Arlyssa Heard, the advocate described in the beginning of the story.

After enrolling her son in two more schools that didn't work, she found a small startup school that has strategies for helping Judah compensate for his ADHD. He had to repeat the third grade, but has rocketed ahead. Now he talks about becoming a scientist.

The realization that better is possible has redoubled Heard's willingness to make the trek to Lansing as often as parent voices need to be heard. ''Who are these people who are making the decisions and why aren't they in the schools,'' she asks. ''Why can't we know? Why can't you just be accountable to the people you are serving?''

Now, during the confirmation hearing, Senator BENNET, whom I greatly admire, and who is a former superintendent of the Denver Public Schools, asked Mrs. DeVos how the policy failures in Detroit might inform her leadership at the DOE.

She replied: I think there is a lot that has gone right.

Senator PATTY MURRAY, a former school board president, asked if Mrs. DeVos would promise not to privatize public education or cut funding. A pretty straightforward question. A pretty mainstream question, right? I mean, if you get sort of a mainstream Republican nominee for Secretary of Education, they know how to answer this question. They may have a different view of common core. They may have a different view of the teachers' unions. They may have a different view on charter school choice. But everybody knows it is the third rail; you do not talk about privatizing public education.

Here is her response:

I look forward, if confirmed, to working with you to talk about how we address the needs of all parents and all students.

We acknowledge today that not all schools are working for the students that are assigned to them. I'm hopeful that we can work together to find common ground and ways that we can solve those issues and empower parents 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, you get a lot 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 totally 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 work on privatizing public education? And 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 should not be funneling taxpayer money into unregulated and unaccountable private schools.

We need to champion access to public education and the accountability measures that give 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 people 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 you in 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 often 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 private charter 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, right? 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 did was eviscerate the budget of 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.

School choice can drain resources. 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 know what current educational practices consist of.

Her advocacy for more unaccountable (often for-profit) charter schools and greater use 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 Detroit and, for 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 written letters, 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 stick the microphone in your face, and they ask you about: Is there a new tea party on the left?

All I can tell you is, there are millions and millions and millions of people who are rising up. I don't think they are all on the left. I mean, when I saw those marches, there were lots of progressives, lots of people who believe in liberal and progressive causes, but I also saw some people who have never marched in their lives. I also saw some people who just care 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 niece or my nephew. 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 tens of 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 substandard 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 20 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 Corporation 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 U.S. DOE 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 U.S. 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 sanction only 8 percent of the institutions they oversaw and 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.

How are we following the law when accreditation reviews find that 99 percent of these institutions are providing an education of value? How can we say with a straight face that accreditors are acting as reliable authorities on educational quality?

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.

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. So everyone is in on it, right? Everyone makes money pretending this is fine.

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 sort of independent relationship 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

abuse from colleges that take in millions of dollars in Federal student aid?

Mrs. DEVOS. Senator, if confirmed, I will certainly be very vigilant.

Ms. WARREN. How? How are you going to do that? You said you are committed.

Mrs. DEVOS. The individuals with whom I work in the department will ensure that federal moneys are used properly and appropriately.

Ms. WARREN. You are going to subcontract making sure that what happens with universities that cheat students doesn't happen anymore? You are going to give that to someone else to do? I just want to know what your ideas are for making sure we don't have problems with waste, fraud, and abuse.

Mrs. 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 students' 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 exchange there is 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 issue of our time. No generation 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 up for their students.

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 we wanted 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 cost of college goes up and 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. This 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, and that's an 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. Senator, thank 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. So, to my Republican 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 people whom we are here to serve. 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.

We 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 clerk will call the roll.

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.

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 view, 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 to ratchet up over the weekend with voice mails and more letters in our system and more emails coming into the office, and we have dealt with some contentious issues over the last 4 years.

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 a shutdown of the government for 13 days didn't lead to as much contact in my office as the DeVos nomination.

I want to spend some time on those three reasons for which I will oppose her, but before I do, I wish to speak about why this is personally so very 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 economy and 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 in that book 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 stayed active in promoting 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 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 weeks—you could not go 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 tradition where we recognized 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 White students in her community 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 fake 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 because 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. Do you know what they did? 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 them segregation 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 and allow 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 record of attending school, our 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, your economy is not going 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 1969. He came into office in January of 1970. The previous Governors, 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 Linwood Holton, this 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—his 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, Virginia started to move. Virginia started to move from a low-education, poor State to a high-education State that now has top 10 median income.

Now we are a State known for our educational system. Now we are a State where we are always in the top five in the percentage of our kids who take and pass AP exams. Our SAT scores are very strong relative to other States. Our higher education system is viewed as very powerful, and it is because we, in the words of the letter of Corinthians, put away childish things. We put away segregation, we put away gender division, we put away using public dollars to support private academies so kids and their families could erase the law of the land, and as we did that, as we embraced the Jeffersonian vision to improve education, the State's economy improved, and now we are the top 10 in the country.

In my lifetime, no State in this country has moved further economically from low median income, back of the pack, to front of the pack than Virginia has, and our State has moved 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 Governors who followed—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 to improve, but it is 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 public education today 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 these public schools of Virginia. They have all graduated and 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 Governor'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 biggest line item in my budget 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 it was the biggest line item, that 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 and what wasn't.

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 thought 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 other kids 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 State budget was education. 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 public 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. The most precious resource 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. There is nothing we do in this 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 last 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 her whether she could 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 Individuals With Disabilities Education Act points a direction for 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, we have 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 are just 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 education in this country. Betsy DeVos never attended public school for a day, never taught at a public school, and didn't send her children to public schools. That is not a disqualifier. I think you can have a great Secretary of Education who hadn't attended public schools, who had come from private schools and had good private school examples to learn from. I think that is fine. But if you have never attended public school for a day, if your children have never attended for a day, if you never taught at a public school, I kind of have the attitude: What gives the right to stand up and say public schools are a ''dead end''? Really? 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 to do their job?

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 what is great about public education, who isn't afraid to point out what is bad about it, who isn't afraid to point out the things that need to be improved. But if you just paint it all with a broad brush and it is all bad, you are 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 busdrivers 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.

So 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.

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 Betsy DeVos because she wants to expand choice.

But most of us are from States that have significant choice. I pointed out that Virginia doesn't do vouchers, but

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 reshift the balance a little bit to allow cities, counties, and States more flexibility in trying to determine how to educate their students, while holding them accountable for 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, and other States. 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 how we are going to do this. You take the $20 billion out of the public schools; I think that is going to weaken public schools. What I wanted 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 taxpayer 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 also supposed 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.

The third issue that 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 education in 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 be 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 common. It is pretty common that 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 the case.

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.

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 the education. I put together 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. Only when they did 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 IDEA because of the fairness and justice issues 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 revolutionary 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 private 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 offer them a fair and 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 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 States' rights thing. We don't 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's history 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 until you find a State that is going to treat your kid OK?

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 a child with cerebral palsy, 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 by it again because of the peculiar history that we 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 markup 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 don't believe that the letter she wrote demonstrates 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 as a condition of being 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 that is right. Especially 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 to them 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 tailored to her particular situation, partly because the school was just too small. In a really small school, it is tough to do education of kids with disabilities. You have to have some particular training to be able 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, they are going to stay. 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 be equally accountable for it. 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 schools receiving Federal taxpayer dollars have to follow the requirements of the IDEA? With each of those questions, I was prepared to get an answer I liked, but I got an answer I didn't like.

I don't think Mrs. DeVos can be a champion of public schools. She has told me she doesn't think all schools should be equally accountable to receive Federal taxpayer dollars, and she is not committed to schools that are receiving Federal moneys following the Individuals with Disabilities Education Act. This explains to me why the volume of calls into my office over this have been so high—higher than the government shutdown, higher than any other nominee, 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 care. I don't see in her an understanding of the role that public schools play for 90 percent of our kids. Using arguments like States' rights arguments, that brings up a real painful history in my State. I don't want to see that return and especially be at the pinnacle of educational policy.

I mentioned the volume of calls we are receiving. We all asked ourselves in the office, what has explained this volume? I think the thing that explains the volume is the disability issue. Because a lot of folks with disabilities are not used to their issues ever being made front and center in anything. It matters so much to them. As we said, every family has somebody with a disability or who will have a disability. People know folks with disabilities. But the disability community—which are Democrats, Republicans, Independents and every ZIP Code in this country—they are not used to their issue being the front and center issue in something. They are more used to being ignored or being marginalized.

At this hearing, when the disability issue became front and center—I think that is one of the reasons the uptick of concern has been so significant, because people who otherwise are not that into politics or otherwise not that into who is the Cabinet Secretary going to be, there is one thing they do know, which is they want Americans with disabilities to receive equal treatment. They want them to be all they can be. It is good for their happiness and good for our economy and good for our society.

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 congressional 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. It is a little unusual to be speaking 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 education. My dad 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 any person 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 there are some fundamental 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 have 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 clerk will call the roll.

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 facilitated the floor staying open through the evening. We still have a ways 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. That is 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 a 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 they may have faced, and we 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 go around the country and find a lot of schools named after Horace Mann because what 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. They met in public schools in 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 people, but 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. The things that you learn that make you 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 make mistakes; you correct those 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 were keeping up with the 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 people 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 common history.

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 Health and 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 empty out 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 gotten. 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 over a short period of time like 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 in 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 at what this might mean for our school 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. I spent 2 hours on the phone yesterday with health insurance companies trying to get his occupational therapy covered. With Betsy DeVos in charge of the public schools, I can't even imagine the roadblocks we would face.

As a parent, all I want is for my son to grow and develop and thrive like any other child. It is hard enough doing this with his disabilities, knowing our President openly mocks those who are disabled. Please, please, please do not support his nominee. I fear for my son.

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, not as a student, an educator, 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 undergrad college 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 speak to a real worry people in my State 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 really no 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 don't have 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 theory, 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 private school do 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 take those vouchers and 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. So vouchers become a means of both economic and racial segregation. White families or families of 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 been used in even more 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 in order to get that voucher. For many families, that voucher is a very shiny object that looks like their salvation, but then, when they get to that voucher school and find out they are in fact not getting the services they thought they were going to get for their child—maybe because that school is being run by a for-profit company and they don't have that child's education in their best interests, and they have profit motives as their driving imperative—the parent can't exercise their rights under Federal law because they signed them away in order to get the voucher.

In States like Florida, this happens tens of thousands of times over, where low-income, disabled kids sign away their right to contest services that are guaranteed to them in order to get a voucher, only to find that when they get to that school, the services they were promised aren't there and now they have no legal ability to try to get those services. The rug is pulled out from under them. They are left with no protection. So vouchers have been used in terribly insidious ways to take from students and families rights that wealthier families that don't need to rely on the voucher would never sign away.

So it is not that Democrats oppose Mrs. DeVos's nomination because we don't like charter schools. Frankly, it is not because many of us don't support school choice. I don't have any problem with public school choice done right. I don't have any problem with charter schools. In fact, I have a long history of supporting high quality charter schools. What we oppose is a voucher system that dramatically underfunds 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 mission 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 have as their primary motivation making as much money as possible, not the education of kids. So vouchers, underfunded, 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.

But students, parents, and teachers in Connecticut are 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 shot, but that is not how 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 v. Board of Education, it was held that separate education is unequal 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 racist 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 continues 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 exact 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 Brennen was severely injured, with both his legs broken when he was restrained at school. An investigation found that he suffered two broken femurs, 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. That doesn'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 those vulnerable populations, but we still require that every State have an accountability regime. Republicans and Democrats both voted for that. I sponsored the amendment with Senator PORTMAN that put that accountability section into the bill.

Another reason that parents and students in Connecticut are deeply worried about Mrs. DeVos's nomination is because she has a history of fighting accountability. In Michigan, she fought a State law that would have made all schools in that State—whether they be public, private, charter, or traditional—accountable for their results. When questioned before the Education Committee about her position on accountability by Senator KAINE, who just finished speaking, her answers were bizarre.

Senator KAINE: ''Will you insist upon equal accountability in any K–12 school or educational program that receives Federal funding whether public, public charter, or private?''

Here is the easy answer to that question: Yes.

That is not a gotcha question. I know folks have said that the Democrats were trying to embarrass Mrs. DeVos in the hearing, but that is an easy question.

Will you support equal accountability in any K–12 school that receives Federal funding—public, public charter, or private? The answer to that question is yes. But she says: ''I support accountability.''

OK. That is not as good, but maybe it is heading in the right direction.

''Equal accountability for all schools that receive Federal funding?'' asks Senator KAINE.

''I support accountability,'' she says.

Senator KAINE is sort of figuring out that this might be an evasion rather than an answer. He says: ''Is that a yes or no?''

''I support accountability.''

Senator KAINE: ''Do you not want to answer my question?''

''I support accountability.''

''OK, let me ask you this. I think all schools that receive taxpayer funding should be equally accountable. Do you agree with me or not?''

''Well, they're not today.''

''But I think they should. Do you agree with me or not?''

''Well, no.''

So at the end of that line of questioning, Senator KAINE finally gets his answer—that Betsy DeVos does not support equal accountability for public, public charter, or private schools. That isn't surprising because she didn't support equal accountability when she 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 in a Secretary of Education a champion for them, not someone who advertises in her committee meeting who is not going to fight for accountability in our schools.

Frankly, I am friends 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 clearer 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 why. Her 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 pull out data about how 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 doesn't mean 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 low-quality results without any accountability.

So many of the parents in my State are very concerned about Betsy DeVos

when it comes to whether she is going to stick up for disabled students and low-income students.

I asked her specifically whether she would keep on the books a regulation that was passed at the end of last year which gives guidance for States on how they develop these accountability regimes for vulnerable populations. Again, this was an easy answer because everybody in the educational space supports this regulation—superintendents, principals, teachers, parent groups, civil rights groups, groups representing the disabled. Frankly, it was 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 would she work to implement that regulation or would she work to undermine it, and she gave me no answer. She certainly refused to commit to implement that regulation which, 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.

Then I 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 once 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, never mind do anything with it.

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, she clouded.

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 students with disabilities—she didn't know what the law was. Maybe if she was asked specific questions about the accountability framework that demands results for minority kids, she would have given a similar answer because she might not have known what that was, either.

If you are going to be Secretary of Education, you need to have a moral 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 that hearing, she showed a troubling 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 thousands upon thousands of public schools in this country. There is no precedent in this committee—the Health, Education, Labor, and Pensions Committee—for Senators being cut off, being denied questions when they have them.

We spent a lot of time in the committee hearing arguing over how much time we were going to get to question Mrs. DeVos, and it became pretty apparent why Senator ALEXANDER was restricting questioning as the hearing went on. This was a nominee who was simply not qualified. This was a nominee who was not ready for this hearing, who is not ready to be Secretary of Education. I had a wonderful meeting with Mrs. DeVos. She is a nice person, but she is not qualified to be Secretary of Education. Senator ALEXANDER knew that. What I gather is that Senator ALEXANDER sat down with her, figured out that she was not qualified, knew that she was not going to perform well, and came into that hearing with the specific intention of limiting our questions, because as the hearing went on, it got worse and worse.

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, as I said, 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 you should say in response to that 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 not where she started. She started by saying: Well, that is really up to the States and the local school districts.

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 she then immediately contradicted her answer. Her first answer was that really 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' and States' ability to decide for 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 putting guns in our schools would 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 has no basis in evidence. Routinely, guns that the good guys have to protect against the bad guys get used to shoot the good guys, and even when guns are around when bad stuff goes down, they don't get used to shoot the bad guys. Parents and teachers 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.

How deeply offensive that answer was to families like those in Sandy Hook who have gone through these tragedies and who know that the answer is not to

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 too much grief for that particular answer, 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 money and her time—she has a lot of 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 of her fortune and put a lot of time into making kids' education better. But that is not a qualification alone. Being rich and spending your money for a good cause doesn't automatically qualify you to be in the Cabinet.

Despite those good intentions, over and over again, Mrs. DeVos has shown she is willing, with her time and money and with her advocacy, to make good on her belief that public schools are 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 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, having 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 be under her charge can 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 throughout 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 colleague, 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 raise the issue of why the 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, thousands of phone 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 that allows them to thrive in our society. We don't want to see that system of public education, that gateway for a successful life, destroyed by Betsy DeVos. That is why the American people are sending us so many letters and emails and making so many phone calls—because Betsy 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 would work in different clusters 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 problems. 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 that classroom. I don't know that Mrs. Matthews' strategy could have worked with 34 children. 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 today for success than it was a generation ago. 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?

Along comes Betsy DeVos, who says: Here is an economic opportunity for me to make even more money and convert these public schools to private schools, private for-profit schools. That bothers me an enormous amount because I want to see the resources not go into the bank accounts of wealthy, ambitious entrepreneurs; I want to see those resources go into our public classrooms, which, quite frankly, don't have enough resources as it is.

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 put my mind 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 community. The idea that 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 my parents' generation that they were providing public schools to enable every child to have this opportunity to thrive.

That is what we want to have—not a system for the elite, not a system in which the rich get their education over here 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.

Why undermine 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 Columbia 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 more 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 bachelor's degree in sociology. He was 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. He also brought to bear substantial, extensive 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 eighth U.S. Secretary of Education, serving for 4 years, from January 2005 through January 2009. She worked on the Education Reform Commission under Texas Governor William Clements. 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 educators. 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 of 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.

Betsy DeVos has none of that background. She has a background, and she certainly has things she knows well and is very good at, but education—public education—is not one of them. She was chairwoman of the Windquest Group, a private technology and manufacturing investment firm. She was a Republican National Committee member for Michigan from 1992 through 1997. She worked at that point to divert children from our public education system and to divert resources from that system.

Michigan's charter school system, which she has backed, has most of them run by private for-profit companies—80 percent, the largest percentage of the country—companies driven by making a buck and squeezing every dollar out of the system they can rather than squeezing every ability into our children.

Public education being converted into a private profit company is the experience that she brings. She likes the idea of those schools having no accountability because if you have no accountability, you don't have to spend as much money on the kids, and you make more money for yourself.

That sort of self-serving, for-profit depletion of our public schools should not be represented or advocated for by the Secretary of Education.

She has other experience. That experience has to do with being very involved in one party of the United States—the Republican Party—serving as the Michigan Republican Party chairwoman from 1996 through 2000 and 2003 through 2005. Serving as a party chair 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. She worked on a 2000 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 our public schools—is not a foundation 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 ones—she didn't volunteer. It makes sense that she didn't learn 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, you would think she would 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 I am understanding 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 is a matter best left to the States.

Her response worries educators and those with disabled family members because before IDEA passed in 1975—so 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 students with disabilities and give them a pathway to the maximum opportunity they might be able to have in life.

IDEA gives such students the right to a free and appropriate public education. That is the wording of the law—free and public education, and the right that this education should take place in ''the least restrictive environment'' possible.

A right to free and appropriate public education and that it should take place in the least restrictive environment has meant so much to millions of our students who have some disability in life because we haven't said to them we are setting you aside. We have said: We are going to empower you to seize all the opportunities you can possibly seize by making sure you have an education, an appropriate education in the least restrictive environment.

When Betsy DeVos responded to the issue about IDEA and said it is a matter best left to the States, people across the Nation envisioned how States used to operate, which they basically said: Disabled child, there is no pathway to a successful life.

That is not the way we should treat our children with disabilities.

To facilitate these rights, each student under IDEA receives an individualized education program, referred to as an IEP, a legal document that lays out how public education will be tailored to their needs. Once a year, the family, the student, the school officials, and experts gather around a table to update the IEP, the individualized education program, for that particular student, based on that student's abilities and disabilities.

The IEP lays out the accommodations the student may get in the classroom and any related services the school will pay for, such as occupational therapy or speech pathology and services. IEP can even be used to pay for certain kinds of private school education in the event a family requests it and the IEP determines that it is in the best interests of the child.

Betsy DeVos would throw all this out the window and say: Let's not as a nation guarantee an opportunity for these children. Let's not require accountability for our States to provide an education to these children. Let's not provide a pathway. Let's leave it to a State. Maybe they will get an opportunity, maybe not, and that is OK with her.

It is not OK with me. It is not OK to the parents of the thousands of children who wrestle with a disability in my home State of Oregon. It is not OK to the parents across this Nation that their children be tossed aside in the vision of Betsy DeVos.

Betsy DeVos had little constructive or helpful things to say on how she would protect students in our schools and on college campuses if she became Secretary of Education. Sexual assault on campuses is a very significant issue. It is estimated that roughly one-fifth of women on campuses are victimized by sexual assault, and many of them know the offender; that of every 1,000 women attending a college or university, there are 35 incidents of rape each academic year. Only a small portion of those are reported to law enforcement.

So Senator CASEY asked her if she will commit to maintaining President Obama's attempts to curtail sexual assaults, and the answer didn't leave confidence with the Senator or the committee that she would be dedicated to that issue or understood that issue.

Senator MURPHY asked Betsy DeVos whether guns have a place in and around our schools, and again she seemed unfamiliar with the national debate. She said: ''I think that is best left for locales and States to decide.'' And referring to a school in Wyoming, she said: ''I think probably there, I imagine you need a gun in school to protect against grizzlies.''

Senator MURPHY asked whether she would support President Trump's proposal to ban gun-free school zones, and she responded that she would.

There are many challenges in the details of this debate, but Betsy DeVos didn't seem prepared to understand and be able to articulate those issues.

It remains very clear for many of us all that has occurred in America since 2013. There have been 210 school shootings. There were 64 school shootings in 2015. In Sandy Hook Elementary in Newtown, CT—the Senator from Connecticut was speaking during the previous hour—there was an assault that killed 20 first grade children and killed 6 adults. And this question of how 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.

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 Detroit. 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 throughout those two decades. In 2013, 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.

How 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 results in Michigan—as 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.'' That is a powerful statement, 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 the Department of Education.

A columnist, an editor with the Detroit 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 results in this failing system in Michigan that has become ''a laughingstock in national educational circles, with no accountability for improving the schools, and no accountability 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 system, there are opportunists who say: Here is something. Don't care much about public education, but I sure see an opportunity. I smell 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 establishing its DC base. And FRC advocates for conversion or reparative therapy.

Well, in all those ways, it sends a message that as the Secretary of Education, Betsy DeVos is not going to watch out for LGBTQ students, who have plenty of difficulty figuring out life and a pathway to life in a world in which they don't necessarily find support in many places. And their concern is amplified by her opposition to nondiscrimination protections for the LGBTQ community. In fact she has donated hundreds of thousands of dollars to defeat marriage equality—an opportunity 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 Secretary of Education? I think an objective observer would say that she has been a massive donor to the party of the President, and that objective observer would be right. Some $200 million 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. Now, I simply concede the point.'' She continued: ''They are right. We do expect something in return.'' She concluded: ''We expect a return on our investment.'' Well, she is seeking a return on her investment by seeking the nomination and receiving the nomination 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 dissent against this nomination.

The Secretaries in the Cabinet—their position—should not be sold to the highest political bidder, and certainly one should have a small modicum of experience to bring to the post, particularly when it comes to the education of our children. Throw on top of that this pay-to-play politics. Throw on top of that a determination to destroy 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 unqualified individual 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 attended a rally of folks who wanted to share their thoughts about Betsy DeVos's confirmation. CREDO helped organize the rally, an organization that fights for progressive change, for opportunity for every child, opportunity for every family to thrive.

In a short period of time, 1.4 million Americans had signed the CREDO petition 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 folks calling in opposed to this nomination. We have received 19,667 letters and emails from constituents—that is the last count—who are writing in opposition to her nomination—opposition to potential confirmation by the Senate.

These letters, these phone calls, they are coming from teachers and administrators, they are coming from parents, they are coming from concerned citizens who know what powerful role public education has played in the opportunity for our children. Now, this vote today has been laid out as something that virtually equally divides the Senate; 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 individual, 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 Senate?

We need a Secretary of Education who knows about education policy, a Secretary who has experience as a teacher, who has experience as an administrator, and who wants to fight for our schools to thrive, not for our schools to be exploited, but 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 heart for our children matters, 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 controversial. With Trump's decision, it is apparent that education policy will focus on the privatization of public education. DeVos is not a suitable candidate for this position and much more consideration should be taken into who has offered such a significant role in our government and society. DeVos would not be actively supporting our public schools, and would not commit to advocating for only public schools. We need a Secretary of Education advocate of all teachers, principals, staff, students, 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 longtime 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 many 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 higher 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 thing we need, our students need, for 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 this all the time. Parents worry about whether they can save 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 had gone 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 with that kind of debt, 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 reverberates 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 than the message that, no, it is so expensive we don't think that you are going to be successful going that route and it is going to be a trap. That message hurts our public schools. But Betsy DeVos has none of this understanding, how the high cost of college then reverberates back into 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 will. We are saving some money to help that be possible. Even though I had no understanding of what college was all about, the message from my parents, that they were encouraging my sister and me to aspire to that pathway and that they were going to help us, just sent a message: It is a feasible pathway.

So I always assumed, not knowing the details of what college cost or what scholarships might be available, I just always assumed it would be possible to go. We need a system of higher education in which people can afford to go to college without massive debt. What is important to understand is this affects not only the opportunity after high school, it affects how children feel about schools when they are in school.

We see this, for example, in the DREAMS Program, where children are sponsored from grade school, and they are told: Listen, you have been the beneficiary of an individual who is going to pay your college expenses and for a program for you to get extra mentoring during your K–12 years of school. Those children thrive at a whole different level in public schools than the children in an adjacent classroom who don't have that sponsor and 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 noting 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 in a public school. He took 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 the 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 Monday morning the school was 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 of trying to 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 caused 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 smallest 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 this nomination 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 because they recognize 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 based on equality—equality 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?

Our constituents all 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, and they have determined 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. She does not understand the definition of proficiency and she did not know our children were protected by Federal laws (disability act). As a parent, I do not believe Mrs. DeVos understands the concerns middle income families have regarding their children and their futures. She also does not believe that guns should be kept out of our schools. This proves how out of touch she is with our students, their families and teachers.

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:

> [M]y 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, by 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, caring, loving, and amazing young people. I feel blessed to get to work with them and their teachers every day. I ache for the things they don't have that other schools have, and for my powerlessness to right that wrong. Betsy DeVos wishes to take on a role with the power to right those wrongs. Yet, she seems unaware that such inequities exist, and is undisturbed by them. She has never worked with young people in schools, much less in public schools, much less in urban schools. She has never been a teacher or an administrator or the parent of a child in a public school. She has never wrestled with the incredible want for resources, the choices we have to make every day, all within a city and state with some of the most prestigious and wealthy schools just a few steps away.

The realities for our urban students are so vastly different from the reality that Betsy DeVos and her contemporaries live in. To hear her unable to even comprehend the need for equal access and equal opportunity for high quality childcare and post-secondary education was painful. To hear her say it would be nice for everyone to have access to a college education, but nothing in life is free—she is completely unaware of her own privilege, the privilege of her children, and the privilege of her family and extended circle, those who have billions of dollars, who were born into great wealth, and who have never had to struggle economically. That is unacceptable in someone who wishes to fill one of the most distinguished offices in our land.

Our students and teachers and schools need a champion who will work tirelessly to reverse the inequities of our educational system—inequities that I am painfully aware of every day here in Rhode Island. It isn't right that some students have football fields, and 1:1 computers, and huge libraries, and food choices and AP classes and much more, while others have no outdoor spaces, little access to technology, and crumbling buildings. We cannot allow

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 of equity. 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 has suggested 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 law that is IDEA. Without it, 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. My son is 20 now so I've been doing it for a long time. I've served on both state and local special ed advisory committees, school committee, taken special ed training, even mentored other parents, 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 greater transparency about resource equity. We agreed to maintain key Federal protections—or, as Senator MURRAY calls them, ''guard rails''—to ensure that we do not return to the days when students, such as students with disabilities, English language learners, poor and minority students, routinely fell through the cracks.

For the Every Student Succeeds Act to work, States and school districts need a strong partner at the Department of Education—a partner who understands how public schools work, a 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, nor are students required to attend. Individuals must pay to go to college.

We do not want a system of elementary and secondary education where students and families 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. 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.

The senior assistant 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 (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 a friend of mine and whom 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 of some controversy.

Last 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—we 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 politically in our State and Nation.

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 necessary for that not happening. 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 DeVoses 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, when it comes to the field of education, that she is prepared to serve this Nation as our next Secretary of Education. I don't find in her background qualifications for the job that I found when the Presiding Officer was chosen as Secretary of Education or when my friend Arne Duncan of Chicago, whom I had breakfast with yesterday, was chosen for the same position.

Ms. DeVos's experience in education is limited to using her family's substantial wealth to push for a so-called reform agenda in her home State of Michigan. Ms. DeVos has never been a teacher. She has never been an administrator. In fact, she has never held any

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 college financial aid, as 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 has never taken 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 difference 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 amendment 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 worrisome.

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 one against the other. That amendment 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 schools. 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 commonsense 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 unreasonably high'' 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 be blind to ignore 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 from Virginia 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 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 required to do. 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 program. 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 holds 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 responsibility 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 do, I am sure, 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 makes schools gun-free zones. She 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 unparalleled in other sectors of higher education, 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 institutions compared to nonprofit institutions, 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 increasingly the value of the stock—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 good corporate models. 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 to for-profit colleges and universities, 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 student loan defaults 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 colleges and 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—blind to the fact that many 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 many of 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 going to get a 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 GI bill. 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 schools open. 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 institutions that prey on students and don't deliver on their promises. In keeping with that responsibility, the Obama administration created new Federal regulations to ensure that career training programs are meeting the statutory requirement and that they prepare students for gainful employment. The gainful employment rule cuts off title IV funding for programs where graduates' ratio of student debt to earnings is too high. In other words, if they sink these students deeply in debt and they can't end up with a job that is worth at least as much as they need to earn to pay off their debt, then something is wrong with the program.

Ms. DeVos would not commit to maintaining this protection for 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 Council for 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 accreditor 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 licking 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 effort 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 and middle-class 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 reach nearly 20 percent, hefty 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 and preside and cast the deciding, 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 tie-breaking vote to become 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 out 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 $200 million or more? 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 are contributors to the President 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 protecting students from for-profit interests 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 that I would be where I am now. [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 school 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 currently do, 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 public 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 sheer 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 doesn't even seem 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 place as 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 private school and 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 was my and my husband's decision to send our 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 secretary who can commit to supporting every student in all public schools, and provide leadership that will help our neighborhood schools succeed. Betsy DeVos' record in education and her performance at the recent confirmation hearing prove she is the wrong candidate for the job. As a principal, I have spoken with teachers, parents, students, and community members who agree that America's future depends on a strong investment in our Nation's public schools.

Celia from Streamwood, IL, writes:

[Betsy DeVos] will not do justice to all of our students, because she has no experience with public schools. A lot of school districts outside of the metropolitan area do not have charter schools, which she is a big proponent of.

Tawnya from Chicago writes:

I attended public school in rural Illinois. My kids attend public school in Chicago. My husband teaches at a charter school, but you and I both know that not all charter schools are run efficiently . . . and the record of charter schools in Michigan, Mrs. DeVos' home state are proof of that. Mrs. DeVos has absolutely no business making decisions about public schools, having never attended, nor sen[t] children of her own, nor having worked in any capacity there. I am an evangelical, white Christian who votes in every election, and while I might share some of her basic beliefs, I vehemently oppose her nomination for education secretary. Please lean on those who support her to withdraw her name and do what is best for our Nation's children.

Peggy from Belvidere, IL, writes:

I am extremely concerned and actually appalled that Betsy DeVos is the nominee for Secretary of Education. I have been in public education my entire life and believe we need to look at the millions that benefit for quality public educators and their dedication. There are wonderful classrooms, but also some systems in need of great improvement, but this candidate is clearly not qualified for, or even interested in giving a second thought to what middle-class and poor children may need. Please vote no! Our children deserve better than this! In this uncertain time, please stand up for our kids' and educators!

When I went back to Springfield, IL, I asked the local office there what kind of telephone calls we have been receiving this past week. They showed me the results from Wednesday, approximately 600 calls voting no on Betsy DeVos, 3 yes.

Sarah from Hyde Park writes to me:

Mrs. DeVos would single-handedly decimate our public education system if she were ever confirmed. Her plan to privatize education would deprive students from a good public education, while helping students from wealthy families get another leg up. It would deprive teachers of a decent salary, and it would make it harder for parents to get a good education for their kids. Public education has lifted millions out of poverty, has put millions in good paying jobs, and has been the launching pad for people who went on to cure disease and to create inventions that have changed our society for the better. I have a daughter who will be starting kindergarten in Chicago's public schools this fall. Please do the right thing for her and millions of other Illinois children who depend on public schools and who will be negatively affected by Mrs. DeVos's confirmation.

Dr. Kranti Dasgupta, a doctor from the City of Chicago writes:

Not only do ethical concerns exist regarding [DeVos'] conflicts of interest but I am also appalled at how unqualified she is to lead this country in such an important arena. As a family medicine physician, I have worked and trained in some of the poorest neighborhoods [in Chicago]. I have seen firsthand how behind many of these children are compared to their more affluent peers. I strongly believe [a] voucher program would further this education gap by taking money away from public 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 implore you to consider 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 lavishly 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 Bolingbook:

I have [worked] in Special Education for the past 20 years. [Betsy] DeVos' nomination 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 all special education school. As 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' skillset 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 nationally . . . America's students and teachers deserve better than DeVos.

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 ask that all of these letters in their entirety be printed, but 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—Asican Pacific American Advocates; National Urban League; HRC; Feminist Majority Foundation; Tri-Caucus; NASSP; YouthCare; Outright Vermont; National Organization of Women; American Federation of Teachers; AFL-CIO; 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; Disability Rights 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 APSE; Philadelphia HUNE, Inc.; Public Interest Law Center; Southern Poverty Law Center; The Arc of Philadelphia; Transition Consults; Disability Rights Education & Defense Fund; Education Trust; Alabama Association of Elementary School Administrators; American Civil Liberties Union; Americans for Democratic Action (ADA); Americans for Financial Reform; Center for American Progress; Citizens for Effective Schools; Clearinghouse on Women's Issues; Directions for Youth & Families; Easterseals; Educators Rising; Equality Federation; Generation Progress; Hawaii Elementary and Middle Schools Administrators Association; Higher Ed, Not Debt; Indiana Association of School Principals; Kappa Delta Pi; Kentucky Association of Elementary School Principals/KASA; Know Your IX; League of United Latin American Citizens; Maryellen Armour, LICSW; Massachusetts Elementary School Principals' Association; Minnesota Elementary School Principals Association; National Alliance 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 Youth Center; Ohio Association of Elementary School Administrators; Oklahoma Association of Elementary School Principals/CCOSA; PolicyLink; Rhode Island Association of School Principals; Sacramento LGBT Community Center; School Administrators Association of New York State; Secular Coalition for America; South Dakota Association of Elementary School Principals/SASD; 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; Virginia Association of Elementary School Principals; West Virginia Association of Elementary and Middle School Principals; Wyoming Association of Elementary & Middle School Principals; Young Invincibles; 284 Professors across the country; LCCR; The Leadership Conference on Civil and Human Rights; The Advocacy Institute; African American Ministers In Action (AAMIA); All Our Children National Network; American Association of University Women (AAUW); American Atheists; American Dance Therapy Association; The American Federation of State, County and Municipal Employees (AFSCME); American Friends Service Committee; Americans for Religious Liberty; 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.

Champion Women; Children's Defense Fund; Communications Workers of America; Council of Administrators of Special Education; CREDO; Disability Rights, Education, Activism, and Mentoring (DREAM); Equal Justice Society; Equal Rights Advocates; Family Equality Council; Four Freedoms Forum; Franciscan Action Network; GLSEN; Harriet Tubman Collective; Healthy Teen Network; Helping Educate to Advance the Rights of the Deaf (HEARD); Hispanic Federation; Immigration Equality Action Fund; In Our Own Voices, Inc.; Jewish Women International (JWI); Labor Council for Latin American Advancement; Lawyers' Committee for Civil Rights Under Law; Learning Disabilities Association of America; Legal Aid at Work (formerly Legal Aid Society-Employment Law Center); MANA, A National Latina Organization; NAACP; NAACP Legal Defense and Educational Fund, Inc. National Action Network; National Alliance of Black School Educators; National Alliance for Partnerships in Equity (NAPE); National Alliance to End Sexual Violence; National Association of Social Workers.

National Black Justice Coalition; National Center for Transgender Equality; National Coalition Against Domestic Violence; National Council of Asian Pacific Americans (NCAPA); National Council of Gray Panthers Networks; National Council of La Raza; National Council on Educating Black Children; National Employment Law Project; National Immigration Law Center; National Latina Institute for Reproductive Health; National Law Center on Homelessness & Poverty; National Partnership for Women & Families; National Urban League; OCA—Asian Pacific American Advocates; The Opportunity Institute; Parent Advocacy Consortium; Partners for Each and Every Child; People Demanding Action; Poverty & Race Research Action Council; Progressive Congress Action Fund; Project KnuckleHead; Roosevelt Institute; Saving Our Sons & Sisters International; School Social Work Association of America; Southeast Asia Resource Action Center (SEARAC); Stop Sexual Assault in Schools; Students Resisting Trump, a project of Students for Education Reform Action Network; Teaching for Change; The Trevor Project; United Spinal Association; Women Enabled International; Women's Intercultural Network (WIN); World Without Genocide at Mitchell Hamline School of Law; YWCA USA; ADAPT Montana; Advocates for Children of New York.

ALSO Youth, Inc.; American Federation of Teachers/North Carolina; American Samoa Alliance against Domestic and Sexual Violence; Arizona Coalition to End Sexual and Domestic Violence; Arkansas Advocates for Children and Families; Arkansas Coalition Ag; California Down Syndrome Advocacy Coalition; California Foundation for Independent Living Centers; CDCRC Inc.; Center for Pan Asian Community Services, Inc. (CPACS); Chapel Hill-Carrboro Federation of Teachers; Chesapeake Down Syndrome Association; Chicago Coalition for the Homeless; Citizens Against Government Overreach; Citizens for Educational Awareness; Citizens for Public Schools; Coalition for Equal Access for Girls; Collaborative Parent Leadership Action Network; Colorado Coalition Against Sexual Assault; Community 4:12; Community Resources for Independent Living; Connecticut Alliance of School Social Workers; Creative Learning Enterprises, Inc.; Dayle McIntosh Center; Deb Davis Advocacy; Decoding DyslexiaMD.

Disability Action Center; Disability Policy Consortium of Massachusetts; Education Opportunity Network; Elmhurst Action for a Better Tomorrow; Faculty Senate, Wheelock College; Fannie Lou Hamer Center For Change; Florida Association of School Social Workers; Florida Council Against Sexual Violence; Fort Wayne Urban League; Girls Inc. of Long Island; Grow Your Own Teachers Illinois; Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett SToPP); Illinois Association of School Social Workers; Independent Living Resource Center San Francisco; Indiana Coalition to End Sexual Assault; Institute for Women's Studies and Services, MSU Denver; Iowa Coalition Against Sexual Assault; Iowa School Social Workers' Association (ISSWA); Jane Doe Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence; JF STEM Institute; Kalamazoo Gay Lesbian Resource Center; Knoxville Lesbian Health Initiative (LHI); LGBT Center of Raleigh; Los Angeles LGBT Center; Los Angeles Urban League; Loud Voices Together Educational Advocacy Group; Louisiana Association of Special Education Administrators; Louisville Urban League; Made in Durham; Manhattan, Community Board 2; Maryland Multicultural Coalition/State Chapter of NAME; Michigan Alliance for Special Education; Michigan Coalition to End Domestic & Sexual Violence; Michigan NOW; Michigan Unitarian Universalist Social Justice Network; Minneapolis Urban League; Minnesota Coalition Against Sexual Assault; Minnesota School Social Workers Association; Montana Coalition Against Domestic and Sexual Violence; Mountain State Centers for Independent Living; National Association of Social Workers, CT Chapter; NC Coalition Against Sexual Assault; NCJW Peninsula Section; Nebraska Coalition to End Sexual and Domestic Violence; New Jersey Institute for Social Justice; New York State Coalition Against Sexual Assault; New York State School Social Work Association; Nollie Jenkins Family Center, Inc.; North Carolina Justice Center; Ohio School Social Work Association; Open Arms Rape Crisis Center & LGBT+ Services; OUT in the High Country; OutReach LGBT Community Center; Pennsylvania Coalition Against Rape; Placer Independent Resource Services; Planned Parenthood Keystone; Public Advocates Inc.; R.E.A.C.H. (Resources for Educational Advocacy and Classroom Help); Resource Center; Restorative Schools Vision Project (RSVP); Rich Educational Consulting, LLC; Rockland County Pride Center; Rocky Mountain Victim Law Center.

Ruth Ellis Center; Sandy Mislow LLC; SC Coalition Against Domestic Violence and Sexual Assault; SHK Global Health; SKIL Resource Center; Southwest Pennsylvania National Organization for Women; Student Advocacy Inc.; Teachers Unite; The Chicago Urban League; The DC Center for the LGBT Community; The LGBTQ Center of Long Beach; The LOFT LGBT Community Services Center; The Pride Center at Equality Park; The Urban League of Greater Atlanta; Tri-County Independent Living; Urban League of Greater Madison; Urban League of Hampton Roads, Inc.; Vermont Network Against Domestic and Sexual Violence; Voices for Schools; Wisconsin Coalition Against Sexual Assault; Women's City Club of New York; 291. Women's Law Project; Wominsport; Youth Justice Coalition; YWCA Allentown; YWCA Aurora; YWCA Binghamton and Broome County, Inc.; YWCA Bradford; YWCA Greater Austin; YWCA Greater Lafayette; YWCA Greater Portland; YWCA Kankakee; YWCA La Crosse; YWCA Mount Desert Island; YWCA National Capital Area; YWCA Northcentral PA; YWCA of Asheville and WNC; YWCA of Kaua'i; YWCA of Rochester and Monroe County.

YWCA of the Greater Capital Region; YWCA Pierce County; YWCA Princeton; YWCA San Antonio; YWCA South Hampton Roads; YWCA Spokane; YWCA Union County; YWCA Warren; YWCA Yakima; Hundreds of state legislators; Local Progress, 70 local elected officials (mostly school board members); National Association of Secondary School Principals (NASSP); National Center for Learning Disabilities; Eli Broad.

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. BLUMENTHAL. 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 himself to the cause of education. 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, fails 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, unknowledgeable, 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 respectfully say to 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 incoming 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, these 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 our neighborhood 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 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, and reducing pervasive 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 questionably 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 higher education public schools, 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 and improve them.

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. Mrs. DeVos helped 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 with disabilities and their 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 the Federal law. 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 she, as Education 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 blatant disregard for the IDEA threatens 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 against campus sexual assault and other violence. This issue has concerned me. I have held roundtables around the State of Connecticut and have submitted a measured bill 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 commit to continuing 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. That title IX commitment is at 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 ultraconservative 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 and political donor, averse to protection against the abuses of for-profit.

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 from scrutiny and oversight. This 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 those students, 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 fact, during her hearing, Senator MURRAY 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. She is the 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 do not subsidize career education programs that consistently leave students with unaffordable mounds of debt, without meaningful prospects in the job market.

Her record and her responses to Senate questioning reveal that putting her in charge of the Department of Education would be akin to putting the fox in charge of the henhouse. I realize that analogy is overused, particularly in this town, where there are so many instances of it. But her lack of appropriate, definitive responses are as telling and compelling as her answers about her commitment to protecting, rather than endangering, the individuals and institutions that will be her mission if this body confirms her.

As a member of the Senate Committee on Veterans' Affairs, I have a special interest in protecting our Nation's servicemembers and veterans from insidious and pernicious predatory for-profit colleges. It is a paramount concern. It ought to be a paramount concern for our Nation because all too often, veterans are victims of these predatory for-profit colleges who lure them even while they are still in the military. They lure them with promises and images that create expectations never to be fulfilled, and so many veterans emerge from these colleges with mounds of debt but no degree.

Yet Mrs. DeVos refused to say whether she understands that Veterans Affairs and Department of Defense student loan and assistance programs are even federally funded or whether she would commit to closing the 90–10 loophole that has enabled colleges to aggressively market and mislead many vets.

We have all spoken on the floor about the need to close that loophole. It is the plain vanilla solution that should be a matter of consensus, yet Mrs. DeVos refused to commit on that issue.

She has earned a failing grade for lack of study, complete lack of diligence in preparing for her testimony and to lead in higher education programs. Her commitment to protect students and veterans from massive debt, low-quality education standards and accountability, or pernicious for-profit companies and leaders deserves a failing grade as well.

I will not 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, and saw 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 the 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 the tragedies arising from gun violence.

I want to share a passage from a column written by my friend Erica Lafferty, 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, 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.

To claim that she should have done more to take care of her kids is an insult to all that she did, and to the lengths to which so many teachers go to ensure a good and safe learning environment.

That Mrs. DeVos thinks ''bears'' when asked about guns in schools proves just how little she has considered the important role of the Education Secretary in keeping students and faculty safe.

It is insulting to tell teachers that they should add ''sharpshooter'' to their job descriptions. It is absurd to teach students to duck and cover in active shooter drills rather than demanding our legislators do the responsible thing and make it more difficult for dangerous people to get their hands on firearms.

That is what Betsy DeVos should have said in her hearing when she was asked about gun violence in our schools. That is the sense of outrage that should have come from her spontaneously, and it should be the leadership that she should provide.

There is nothing more important than keeping our children safe from anyone who would do them harm, particularly in a school, which should be the safest place in the world, and that means that our Secretary of Education must provide leadership, courage, and strength to stand up to an administration that fails in its responsibility on the issue of gun violence.

The families of Sandy Hook asked us to honor their children and family members with action, to make America safer and to make our schools safer. I cannot support a nominee who fails to prioritize the basic safety of students in our schools or take 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 fate of 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 at the Senate hearing betrayed 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. In fact, 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, really 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 best things 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 have special needs. 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 standard.

When I think of some of the beautiful and important achievements that my students make, they are often not about a score on a proficiency test. I think of the autistic student in my class that is working to be able to communicate his wants and need to others.

When he can play a board game with a peer, that is growth.

My classroom reflects the tapestry of our American society. I have students of all abilities and needs and we have built a caring classroom community that allows for us all to grow each day.

I have been highly trained to work with ALL students. I assure that my student's Individualized Education Program goals under the law are being provided for. I seek out and provide resources. I advocate. I accommodate educational programs to meet each child's unique learning needs. I encourage.

I celebrate the milestones and yes, the growth.

The public education system as we know it ensures a free and equitable education for all students—regardless of their academic needs, their socioeconomic status, their race, religion or parental involvement.

Please continue your efforts to convince your fellow Senators that Mrs. DeVos will be a reprehensible choice for our Department of Education.

Jen, another teacher in Connecticut shared a similar message with me in her letter to my office:

I am a teacher in esteemed Fairfield County, Connecticut—but don't let the package fool you. My section of Fairfield County, my very public middle School in Danbury, Connecticut has hosted over 37 nationalities at one time under one roof.

You see, our public schools are a mirror. Our schools reflect the world as it exists outside our doors. We open them and the world pours in. This is how it works. We offer influence. We set expectations. We administer tests and benchmarks and are tied to terms like ''proficiency'' and ''growth''. 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, present as an antithesis 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 cousin to 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—I've seen it all in fifteen years: kids who experience unprecedented success and kids who break your heart in two with the devastation forced upon them. We 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 investment she has in Neurocore, a biotech company which deals with attention deficit disorder. Her investment in Windquest Group, which backs Neurocare, is a company focused on ''a science 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 which affect students.

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. In my class I routinely deal with issues of poverty, homelessness, underfed students who count on free or reduced meals and extra food sent home weekly for the weekend. Their parents normally 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 and 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 inaccurate, incomplete and poor answers to questions posed to her by Congress as well as her track record in Michigan where she worked to destroy public education, serve as evidence that she is not qualified for the job. She bought her way to this appointment with huge donations to those who would vote for her. She does not understand that education is not a for-profit business; it is an investment in our most important resource and the future of this country—our children. Betsy DeVos is not the right person to lead education in the United States of America.

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. It is 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 ability or requisite record to serve as the steward of public education and to hold that trust that our country desperately and urgently needs now, 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 will start by thanking 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 commonsense 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 zealous focus 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 contract it out to the highest bidders in various voucher schemes.

In addition to overseeing support for K–12 education, the Secretary of Education is also 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 responses 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 mistake about it, Trump University was a scam. It was a con game. It promised students great wealth if they only paid thousands of dollars for seminars on Mr. Trump's real estate ''secrets.''

As Senator RUBIO once pointed out not that long ago, ''There are people who borrowed $36,000 to go to 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 Donald Trump.''

Senator RUBIO was absolutely right when he made that statement.

First of all, the word ''university'' in Trump University was totally misleading. Trump University was not an accredited institution, but it did promise to educate its students in the real estate industry so they could become skilled investors.

An article in the conservative National 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 instructor 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.'' Employees 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 dismissed those suits saying: ''I could settle it right now for very little money, but I don't want to do it out of principle.''

Right before the class action lawsuit in San Diego was scheduled to be heard by a jury, those principles evaporated and 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 accredited, students attending Trump University were not eligible to use Federal student loans or grants—thank goodness. But there are many accredited, for-profit colleges and universities that do take large sums of money from students who obtain Federal student loans or Federal grants, and it is the job of the Secretary of Education to make sure that those for-profit colleges are good stewards of those taxpayer dollars and that they are giving their students a good education.

For example, under President Obama's leadership, the Department of Education took action against the for-profit Corinthian College for fraudulently enticing students to enroll by lying about their job 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 in her lawsuit, they got more than $1 billion in damages and restitution from Corinthian College because they targeted vulnerable, low-income populations, 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 ''prospects they perceived as having low self-esteem,'' who were ''unable to see and plan well 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 results for their students in order to continue to enroll students who use Federal student loans and grants. We want to make sure that students enrolling in those programs have a decent shot at success and are not simply being separated from their money, including Federal student loans.

This gainful employment rule is important 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 organizations. I have it here. It is a letter from the Paralyzed Veterans of America, the Reserve Officers Association of the United States, the National Military 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 Departments of Defense and Veterans Affairs. They write: As a result, our Nation's heroes are targeted with the most deceptive and aggressive recruiting.

The letter quotes Holly Petraeus of the U.S. Consumer Financial Protection Bureau, who said that some for-profit colleges are motivated to view veterans and their families as ''nothing more than dollar signs in uniform.''

The letter further states that ''veterans express anger when they discover that the government knew that a career 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 dollars to have these monies spent in institutions that are not providing an education to our veterans or other students in the way they advertise.

Yet Mrs. DeVos provided no assurance—none, none—that she would enforce the gainful employment rule that these veterans groups are calling to strengthen. She also provided no assurance that she would pursue other protections to help our students and veterans. In fact, when asked, she pointedly did not make that commitment.

Taxpayers and students should also be troubled by statements that have been made by the Trump team regarding their plans for the Federal student loan program. As many people know, the Department of Education is responsible for managing a $1 trillion bank of student loans and $30 billion in Pell grants each year. It is very 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 distributed Federally guaranteed loans in exchange 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 right 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 that we should 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 increase 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 changing Michigan State law 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 engaged in by the likes of 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 certifications for advanced careers, 2-year programs for those students who plan to go on to get a 4-year education, and continuing education classes for people who want to go back to school to learn new skills. Our community colleges are particularly important because they are able to work closely with employers to identify skills that are in demand and adjust programs to prepare students to move directly into the workforce.

A number of years ago, I had the opportunity to work with my colleague, Senator Mikulski, and others, to obtain a Federal grant for a consortium of Maryland community colleges to train and prepare students in the area of cyber security.

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 important skills, and 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 we would all agree these 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 expand the program to a year-round grant to give students greater flexibility to finish their degrees in less time. Those are the cuts the Republican budget would make to the Pell Grant 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 nonrepayment of loans among their students, which would have a particularly damaging impact for community colleges. Community colleges already operate on very narrow margins. Any cut to their budget from risk-sharing would require them to do one of two things: increase tuition, making college less affordable, or cutting programs, including the kind of program I just talked about that helps students build the skills needed in the workforce of today.

Sam Clovis, a Trump campaign cochair, also said that Mr. Trump would reject President Obama's plan for free community college for our students. In an interview with the daily online publication Inside Higher Ed, Mr. Clovis contended that community college is already ''damn near free,'' and therefore did not require additional assistance. I hope Mr. Clovis will come out to the State of Maryland and talk to our students. We work very hard in the State of Maryland to keep tuition low at community colleges, but for those who are just trying to scrape by, I can assure him that it is not ''damn near free.'' I certainly hope Mrs. DeVos does

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 Mrs. 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. Free 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. She has shown a lack of awareness 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 that person.

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 just happen on its own. We need somebody who is going to fight for those ideals. Unfortunately, the record indicates that Mrs. DeVos is not that person.

I join 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 our commitment to a 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 critical 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 the Secretary 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 and 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 important this 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 there. Our schools are the heart of our communities. It is where 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 center and epicenter of our communities. It is the epicenter of our country, and 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 advocates giving our young kids 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 poverty, robbing really 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 the taxpayers. To the parents in those communities 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 be 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

parents, 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 the President 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 principle that every child—no matter who they are or where they live—will get a good education.

The Secretary of Education is not a figurehead. The Secretary of Education spends his or her days trying to make the right decision and being a champion across the country on issues across the board.

They oversee the Office for Civil Rights. Last night I had the opportunity to listen to Senator BOOKER speak about the importance of their office and what it meant to him and what it means to so many kids today to know that there is in this country an agency, the Office for Civil Rights, embedded in the Department of Education to assure that they will not be denied an education because of the color of their skin.

Isn't that a value we all want to continue? That is why people have spoken out and written letters and made phone calls and had their voices heard. So many parents in this country today want to make sure the basic education law that we have fought for for so long, IDEA, which assures that students with disabilities get a good education, is not put in jeopardy.

When Mrs. DeVos came to our education committee and was asked about this, she had no idea that it was the law of the land. She said to our committee: The States can do that.

Well, no—why is it the law of the land? Why is it a principle of the United States of America to assure that no matter where you live, if you are someone with a disability, you will get access to an education?

I listened to Senator HASSAN last night talk about her own young son and the challenges he has had. He is a bright man, but he is unable to speak or move, but he got an education in this country. He can give back, and he can participate.

Disabilities come in all sizes and all different shapes and all different forms. I assure you, when you are a parent of a disabled child, you are passionate and you want to make sure that your child has access to education, and you want a Secretary of Education, the top person in this land to be your advocate, too—not someone who doesn't know the law, not someone who isn't directing her staff to make sure that no matter where you are, if you are a student of disability, you get access to public education and are not denied.

Our country is great because we have these principles. Our country is great because we value each individual. Our country is great and will continue to be great if we continue to do that, but it will not be great if this body gives their imprimatur to a Secretary of Education who doesn't value that.

What does that say to young kids across the country, to parents with students of disabilities, to young people in this country living in poverty or living in a community or having family issues who wants to know that they, too, live in a land of opportunity?

That is why we 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.

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 is why this nominee is 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 higher education 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. It will take only 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 I, too, want to send a message to this country that the value of public education is critical.

The President has other people he could send over, a lot of them who value education, who have had experience—unlike this candidate—who will send a message to this country that, truly, we do value public education.

I hope that in the next few hours we can take pause and have that happen. It will not be the end 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; 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.

I have a colleague behind me who 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, and so many 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 country remembers that and votes right at the end of the day.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Oregon.

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 townhall meetings, mostly in rural areas. We had record 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 this was because they 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, and 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 across 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 DeVos 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 told the Senate that 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-Pinocchio falsehoods and ideological hocus-pocus. 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 on 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 schools? Educators and principals tell me that mentoring programs work. They tell me at home that summer learning 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 that have shown that youth—especially at-risk youth—with mentors are more likely to join extracurricular activities, take on leadership roles at school, or volunteer in their communities. Afterschool and summer learning programs, again, have 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; and that is, that the evidence—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—worry that the 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 a 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 low-income 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 illustrated why it was 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 teachers more control over 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 having it run from 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, that we get it right now, and 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 work could be undercut 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 and religious schools. Her efforts have 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 are going 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—cancer, 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 care of folks at home 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 much 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 twice 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 investments where there is a track 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 control, literally, 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 futures. 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 to have a chance 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. A simple 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 principal 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 is that they wouldn't.

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 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 schools and refused to commit to enforcing Federal laws that protect women and girls in schools from sexual assault.

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 undermining the public school system in the United States, from privatizing and defunding public education to undermining accountability standards 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 terribly wrong. 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 to siphon 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? When did it become something 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.

I heard 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.

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 was a billionaire and thus subject to much broader potential conflicts of interest. I frankly cannot remember a time when we had a President who was a billionaire and declined—refused to release his taxes or to address his manifest 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 sufficient for any nominee, let alone a controversial nominee with no public education experience other than undermining the underpinnings of the public school system, we can only conclude that there was something behind this effort to race 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 work together in a bipartisan and balanced way on some of the pressing issues in higher education, in elementary education, in career and technical education.

Instead, we see 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 who are 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 grave concern and alarm, 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 folks 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 from my little State of 900,000 constituents, 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.

My office in Wilmington 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 more than 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 would be relatively few—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 we welcome a billionaire 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 school system.

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 Senate hearing was that students deserve better than her.''

Jen goes on to say that ''students deserve a national leader in education who has real experience working in public schools, someone who knows the strengths and challenges that each student brings to the classroom.''

Jen said: ''As a teacher, I need someone 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 Lewes after spending her life advancing 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 deeply 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 trying to support, 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.

I yield the floor.

Mrs. FEINSTEIN. 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 that grizzly 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 socioeconomic 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 with my staff or wrote me 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 a 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 our staff and clerks 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. And I thank all those 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 something they got 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 the head of the Department of 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 about this woman, she has no business in education at all. She has no knowledge of the laws and protections guaranteed to our children, no comprehension of what our educators deal with on a daily basis, and would regress, gut, and otherwise destroy our educational system if she were allowed to become the head of the Department. I fear for my child's education, his safety, and his ability to compete in a global community in the future. I stand with you and thank you again for your efforts.

I thank Marie for writing in. Like so many people across the country, she watched the hearing Mrs. DeVos came to where she spoke to our committee. We were only allowed 5 minutes each, which I really regret because I think it is important that we see who is going to be leading this agency, and our inability to ask her questions with full information really gave just a shallow picture of who she was. But like many people, my constituents and those across the country watched and were just shocked that somebody who had been nominated to head the Department of Education had such little experience and knowledge and understanding of the agency they had been tapped to lead.

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, nor the passion for it, which is so important as the leading spokesperson 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 a school in 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 Betsy DeVos as Secretary of the U.S. Department of Education. Educators and students deserve a Secretary who can commit to supporting every student in all public schools, and a leader 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 base in education policy and on critical issues facing the community. As a principal, I have spoken with teachers, parents, students, and community members across the political spectrum, and there is widespread agreement that Betsy DeVos is not the right person for the job.

This is Miles Erdly, a principal, and he watched the hearings, like so many people did, and was so concerned that we 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 hard on their own to pay for college education themselves. Also, her zeroing the funds for title I is worrisome because every State should be held to the same standard to give children in poverty access to an education. An educated nation is a stronger nation. Not everyone can afford to go to private school or have the opportunity to attend one, whether that be the money or even finding a way to get to school. She has goals, but they are not as easy to achieve for everyone, and I don't think she keeps that in mind.

Additionally, title IX is very important to me, as a female college student, and the rest of my peers. She needs to support title IX and keep universities accountable to it.

Mr. President, I couldn't agree more. Title IX is critically important in our higher education system. We have worked on a bipartisan basis to ensure that title IX is enforced. And to have a nominee for Secretary of Education who came before our committee, did not understand title IX, didn't have a commitment to title IX, sends shock waves through students across this country and their parents who have pushed and pushed for us to make sure that title IX is overseen in a way that makes sure our students at schools have the support they need from our highest education person in this country.

I could go on forever. I know several other Senators are going to be here on the floor shortly. Let me just say this: I have had the opportunity to be out here on the floor to hear from so many Senators who gave their personal stories about what education meant to them. Young people growing up in poverty knew that school was there for them. They knew they had teachers and friends who were there for them. Not everyone was perfect. Certainly not every school is perfect. Certainly all of us who have been involved in public education strive for better every day, but that school was there for them.

The thought that we have a Secretary of Education nominee who doesn't share that basic value, who wants to change the system to privatize it—she has said herself that she wants to end public education. Privatizing schools, having some kind of corporation running our schools, is just not what our country is about, is not what we want. We are not even leaning in that direction. They want our country to lean in the other direction—to strengthen all of our public schools, to have taxpayers across the country investing in every student, and that those schools be held accountable and that we ask our elected representatives 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 oppose this nomination.

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.

The PRESIDING OFFICER. 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 Democratic leader just yesterday on the Senate floor. Our friend from 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 has the fewest 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 deserve 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 we have seen 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 system 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 vote for Eric Holder; this, despite the fact that the Holder nomination in the Republican conference here in the Senate was one steeped in considerable controversy.

What a contrast with the way the Democrats are now treating our colleague's own nomination now. They are looking to waste even more time for its own sake today. It has been unfortunate to hear the attacks that some on the far left have directed at our friend over the past few weeks, but I am pleased the American people have had the opportunity to learn the truth about Senator SESSIONS and to see for themselves how qualified he is to lead the Justice Department.

We can expect that Senator SESSIONS in his new role will continue fighting to protect the rights and freedoms of all Americans as he also defends the safety and security of our Nation.

Tomorrow I will have more to say about Senator SESSIONS and the impact that he has had on each of us here in the Senate, but for now, I would encourage colleagues to finally come together and show him and each of the remaining nominees the fair consideration they deserve.

Mr. DURBIN. 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. SCHUMER. 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. SCHUMER. Mr. President, I just listened to my friend the majority leader and the majority whip on the floor. They are able legislators, but they are sort of misleading the public as to our motivation. They have tried to paint every Democratic request as leftover resentment from the election. ''Sour grapes'' the majority leader said a few weeks ago. They can say it day after day after day, but it will never be true.

All we Democrats are insisting on is careful, careful consideration of nominees who we believe almost universally are below par. These nominees are going to have a tremendous effect on the American people.

Every mother and father in America should worry about Betsy DeVos's lack of dedication and almost negative feelings about public education. She heaps abuse on public education. Ninety percent of our children are in public schools. Of course, there should be discussion about it. She shouldn't be the nominee.

Yes, I understand, our colleagues on the other side of the aisle, there is a new President. My guess is, if we went in their cloakroom and heard their whispers, our Republican colleagues would say: I wish he could have come up with someone else.

Betsy DeVos is the negative trifecta. She is negative on competence. She doesn't even understand the basic aspects of education. She is negative on philosophy. She disdains public education, where 90 percent of our kids are. She is negative on ethics. Her conflicts of interest are legion, and she hasn't, unlike some other of the Cabinet nominees, tried to erase them.

So of course there should be a tremendous amount of discussion. Of course Democrats ought to bring to light who Betsy DeVos is. So when she does her acts as Secretary, when she does things that hurt public education as Secretary, the American people know what is happening and can stand up against it.

I have to tell my colleagues, it is not Democrats who are bitter about the election; it is the American people who are bitter about the nomination of Betsy DeVos, and that is why millions and millions of calls—almost unprecedented on a Cabinet nomination—have poured into this Capitol, into Democratic and Republican offices alike. The distinguished chairman of this committee—who is a dear friend; I have such respect and admiration for him, and we have spent time together socially—was put in the awkward position of having to rush through a nominee, 5 minutes of questions, that is it, for each Senator; 5 minutes at night, no second rounds. There was no rationale for that, other than he was afraid of what she would say or might not say. Sure enough, when she testified, those fears were actualized because Betsy DeVos couldn't answer the most fundamental questions about public education.

She couldn't get her paperwork in on time. What kind of nominee is that? How is someone who is going to run the Department of Education, with tens of thousands of employees, unable to get her paperwork submitted in enough time to clear the ethics organizations? How was she unable to get her paperwork in on time? Every nominee of President Obama's did, and we didn't hear from them until they did.

The rush; a few extra days, some hours last night so we might examine a nominee who has tremendous power over the future of millions of American kids and their families—oh, no. If anything, we should be spending more time on Betsy DeVos, not less. What should be happening is she should go back for a second hearing now that her paperwork is in. What should happen is she should be asked more questions because she was so unable to answer so many rudiments last time. What should happen is, there should be more time, not less, on debating this nominee, not because we want to be dilatory but because we want a nominee who at least meets some basic tests, and she does not.

That is why every Democrat will be voting against her, and two Republicans, who showed tremendous courage. Again, I have been around here a while. I know the pressures. That is why I have such respect for the Senators from Alaska and Maine who voted against Betsy DeVos not for political considerations, not in frustration that they lost the election but because they knew how bad she would be for public education because their States are largely rural. In rural America, there is not much choice, which has been Betsy DeVos's watchword, although the charter schools she set up have been, by and large, a failure. They don't have that choice. So someone who decries public education, who disdains public education, is not good for their State and, I would dare say, is not good for the States of a lot of Senators on the other side of the aisle who feel compelled—that party loyalty—to vote for her. In fact, when we talk about parties demanding things, it is the Republican side demanding a vote for an unqualified candidate, not the Democrats delaying the vote.

I hope against hope that another Republican will have the courage of the Senators from Alaska and Maine and join us. Then what can happen is the President will get to make the nomination. We Democrats are not going to pick the Secretary of Education, but it will be a qualified nominee because they will have learned their lesson at the White House that they can't brush through these nominations with such little vetting.

NOMINATION OF JEFF SESSIONS

Mr. President, now I would like to say a word—we will be saying more later—on Senator SESSIONS, who will be coming forward after we vote on Mrs. DeVos at noon today.

The nominee for Attorney General has huge importance—far greater importance than the nominee would have had 3 or 4 weeks ago. We need a lot of discussion on that. What we have seen is a President who belittles judges when they don't agree with him. What we have seen is a President who is willing to shake the roots of the Constitution and a fundamental premise—no religious test—that is embodied within our Constitution within his first few weeks in office.

We certainly need an Attorney General who will stand up to the President. We have seen other Attorneys General do it, most notably in the Clinton administration. Senator SESSIONS—I ride with him on the bike in the gym—is not—if you can say one thing about him, he is not independent of Donald Trump.

He supported Donald Trump from the very beginning. Even when Donald Trump didn't look like he was going to be much of a candidate, if you had to pick someone who would not stand up to a President when the President goes too far—well, let's put it the other way. If you had to pick someone who would stand up to a President when the President goes too far on picking on the judiciary, on avoiding the tenants, breaking the tenants of the Constitution, whatever the legal case shows, you wouldn't pick JEFF SESSIONS.

His record is clearly troubling. We will hear a lot more about it later. He is probably the most anti-immigrant Member of this body, Democrat or Republican. And many of us on this side believe that immigrants are an asset to

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, much to be desired. On the 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 a real test in this administration because there seems so little regard for an independent judiciary and even for the Constitution itself. 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 wrong now because we need someone who has some degree of independence from the President.

I am going to yield the floor. I hope one of our Republican colleagues will step up to the plate in a few hours, but even if they don't, we Democrats are very proud of what we have done here because the nominee is so unqualified and the American people now know it. That is an important tenet of this democracy, for the public to understand who is running the government.

I hope my colleagues will listen to our arguments for the sake of America—not for any partisan sake—about the Attorney General in these very troubled times when it comes to the independent judiciary and the Constitution of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, let me first of all begin by thanking Senator MURRAY for her leadership in terms of leading us to scrutinize this nominee, Betsy DeVos. It seems to me the more we dig into this, the more we look at it, the worse it gets. So I rise in strong opposition to the confirmation of Betsy DeVos as Secretary of Education.

Mrs. DeVos is nominated to lead our Nation's public education system. Yet she has worked for decades to privatize it and even to create profitmaking centers. She wants to siphon public funds to private schools. She has led a multimillion-dollar lobbying campaign to fund private, religious, and for-profit schools with public education dollars.

We can all agree that we want our Nation's schools to be the very best they can be. We want our children to have all the opportunities we can provide, but that really is the issue. That is why Democrats have held the floor all night long to do everything in our power to convince the Senate to reject this nomination.

I believe in the public school system. I want all of our children to have opportunities. That is the fundamental principle of our American school system. Everyone should be able to get a great education.

Mrs. DeVos wants to dismantle our public schools. She would drain resources from the children and teachers who need it the most. I can't say it strongly enough: A vote for Mrs. DeVos is a vote to destroy our public school system. My constituents agree. We have received over 63,000 emails and over 2,000 telephone calls in the last month alone opposing this nomination. These are recordbreaking numbers from my office for a Cabinet nominee. Many of those calls and letters are from public school parents and teachers, men and women who are dedicated to our students and our public education system. They understand that Betsy DeVos is not qualified to lead our Nation's public education system.

Betsy DeVos is the first nominee in history for Secretary of Education with no experience in education or public administration. She is not a teacher. She is not a school administrator. She didn't attend public schools. Her children didn't attend public schools. She has never held a government position, let alone one in education. In fact, she has open disdain for government.

Mrs. DeVos's complete lack of experience and profound lack of understanding of education policy were on full display during her confirmation hearing. Under questioning, it was clear that Mrs. DeVos was completely uninformed about the ongoing debate in education policy between proficiency and growth. This issue is critical. It is well documented that there is a correlation between test scores and students' socioeconomic status and race. So evaluating schools based on average test scores tends to penalize schools with large numbers of low-income and racial minority students. Even if those schools produce 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 Education doesn'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 that it is Federal law, that it is not up to the States, she responded that 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 1990. Mrs. DeVos was not ''confused.'' She plainly did not know what the Individuals with Disabilities Education Act is.

It is very disturbing that she appears not to know how public schools educate and accommodate kids with special needs. Does she not know what an individual education plan is? She didn't know, as she said in a hearing to be Secretary of Education, that the millions of public school children with disabilities have a Federal right to a free and appropriate education.

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 she has spent years advocating 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 play 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 as well.

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. Nothing in her hearing or written answers 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 consultation and does not require active engagement of Native communities.'' I couldn't agree more. She just shows a basic lack of understanding of tribal sovereignty and self-determination.

Betsy DeVos seems to be driven by her personal religious views. I respect the strength of her Dutch Calvinist religious beliefs, but imposing her religious beliefs should have no place in funding public education, which serves children of all beliefs.

In 2001, she talked about whether Christian schools should continue relying on contributions instead of vouchers. Mrs. DeVos said:

> There are not enough philanthropic dollars in America to fund what is currently the need in education. . . . Our desire is to confront the culture in ways that will continue to advance God's kingdom.

I support her right to devote her philanthropic 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 to protect people and communities from religious coercion by the government. I am concerned that Mrs. DeVos does not have the necessary respect for other people's religious beliefs and that her policies could disregard the importance of tribal perspectives on education.

We need assurance that every public school student—no matter their religion, race, ethnicity, sexual orientation or identity, ability or disability—will be respected, protected, and included at the highest levels in Washington, DC. That is the job of the Secretary of Education. Mrs. DeVos has not shown over the many decades she has lobbied on education that she agrees with this basic proposition.

I support making good, quality public 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 objective of a school using public funds.

The first and foremost objective of public education funds should be education for students. When public dollars are used, their use must be fully accountable and transparent to the public. Betsy DeVos would not commit that private for-profit charter schools and voucher schools should have the same accountability standards as public schools. Why didn't she make this commitment? Likely, because the private charter schools in Michigan, funded by public dollars—that she has championed for decades—do not have to meet the same accountability standards as public schools. This is wrong. These same schools—her work for decades—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 in Michigan.

Finally, I am not convinced that Mrs. DeVos has been transparent in her responses 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 unprecedented—and the committee had no opportunity to look into her many, many financial conflicts.

Since then, she has entered into an agreement with the Office of Government 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-boggling. We know that from one trust at least 100 conflicts required divestment. Without transparency in other 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 finance laws.

This situation is troubling on a number of levels. First, Mrs. DeVos led a multimillion dollar political effort to influence elections throughout our Nation. Second, while doing so, Mrs. DeVos's political action committee willfully ignored campaign finance laws and warnings from State election officials. She racked up an unprecedented $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 simply folded up shop and walked away.

As Secretary of Education, Mrs. DeVos will be responsible for overseeing college 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 demanding answers about this. Her responses were evasive. She refuses to pay the fine—hiding behind the corporate veil—while still paying lawyers to fight it. This is hypocrisy, on top of disregard for the law.

We have never had a Cabinet nominee, who led a dark money PAC, which broke the law and flouted the judicial system. This is absolutely, totally, unprecedented.

For all these reasons, I must vote no on the confirmation of Mrs. DeVos as Secretary of the Department of Education.

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 pretty 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 probably their conscience suggests they do. Whether they like her ideology or not, whether they like the hundreds of millions 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 education, is simply not qualified.

As many have said 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 students with disabilities.

I think that when I first ran for Congress 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 teachers, every time I met with school administrators, with principals, they would talk to me about IDEA. They would talk to me about school districts and the costs and their obligation and duty and desire to serve these students. Yet the designee for Secretary of Education put her hands up when there were discussions in the committee on the Individuals with Disabilities Education Act.

It is astonishing that a nominee for Secretary of Education would demonstrate complete ignorance on something as crucial and important to public school education—to education as a whole—on this. It isn't her hearing performance alone that should disqualify her; it is her record. She has no experience with public schools at all.

The President of the United States has nominated for Secretary of Education someone with no experience in public schools at all—not as a teacher, not as an administrator, not as a student, not even as a parent. Nothing. Her only experience in education is as

a wealthy donor inheriting tens of millions of dollars herself. Her only experience in education is as a wealthy donor who spent millions of dollars advocating for for-profit—not charter schools like KIPP and Breakthrough in my State but for-profit charters in her State, the same policy that has ripped off taxpayers and failed students in Ohio. It betrays students, and it undermines and fleeces taxpayers.

It is obvious that if she and her family hadn't donated $200 million to Republicans and to conservative causes, there is no chance someone this unqualified would ever have been nominated for a position as exalted, as crucial, as important as Secretary of Education. Two hundred million dollars apparently is the price for the Cabinet slot.

So much for the President's campaign promise of draining the swamp. We see nominee after nominee, appointee after appointee coming from Wall Street. Now we see a $200 million contributor has also earned a Cabinet slot.

Because of her crusade, more than 80 percent of Michigan's charter schools are operated for profit. She helped design one of the least effective charter school systems in the country in Detroit. This matters to me because I know a lot about what has happened with for-profit charter schools in Ohio. For-profit charters have failed in Ohio. They have led to a charter school sector. Again, taking out KIPP and Breakthrough and the good charters that we have seen in Ohio, we have seen a charter school sector that has wasted taxpayers' money, that has funneled it to unaccountable for-profit companies, and that have been plagued by scandal after scandal.

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 suffer as a result. The last thing we need to do is take the Wild 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.

This is important to remember: Of all the K–12 students in the country, public schools educate 90 percent of them, 90 percent of the students in this country. Betsy DeVos called traditional public education a ''dead end.'' Dead end for whom? She called traditional public education a ''dead end.''

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 may confirm in the vote 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 education.

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 have lower standards for for-profit charters schools? Maybe that is because—I don't know about her investments. I don't think she has disclosed everything to the committee, but neither did Secretary-Designee Mnuchin. Neither did Secretary-Designee PRICE. I can go on and on. She doesn't want the same accountability for profit charters because it might hurt some of her investor friends.

She funneled $25,000—mostly inherited money—every day to legislators of Michigan until this accountability proposal was defeated. It was probably not $25,000 every day, but over time it averaged $25,000 a day to legislators in Michigan so she could have her way. Talk about draining the swamp. Yet she can't seem to come up with—this I take personally too—the $5 million she owes to Ohio taxpayers for violating State election laws. What is that about? She came into Ohio with a political action committee that she mostly funded and that she was involved in in a number of ways.

The Ohio Elections Commission and Ohio officials in a nonpartisan way found her guilty of campaign finance law violation. This committee was assessed a $5 million fine. Guess what. She quit putting money in this committee because she didn't want it to be subject to the fine. Our attorney general has not gone after her. He wants to be Governor, and he is a member of her party. I don't know their relationship or much care, but she is depriving our State of $5 million that she owes through this committee. Legally, she has found a way, with very expensive lawyers, to weasel out of it, to navigate her way through it.

The fact is, by any standards of decency, she owes my State $5 million. That could be 60 or 70 or 80 teachers. She cares about education. Paying a $5 million fine is probably like me paying 50 bucks. She is a billionaire, and $5 million won't break her. She will hardly notice it. But she is going to be in charge of the Department of Education, which collects student loan debt from people coming out of school making $30 or $40 or $50,000 a year, burdened with tens of thousands in student loan debt and struggling every month to make those payments. Yet she owes $5 million, and she just says: Sorry, I am not going to pay it.

Through this confirmation process, she will not even pay the debt of $5 million. Are my colleagues on the Republican side of the aisle saying it is OK to nominate her and confirm her even though she owes this money to my State? She sent us a letter finally 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 how many times I have been preached at in this body by my colleagues on personal responsibility. But she will not pay her $5 million debt. Again, she founded a political action committee. She chaired it at the time she 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 argue 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 community. 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 about the Individuals with Disabilities Education Act, about which she knew nothing or knew little. I think how could a Secretary of Education-designate, who prides herself on knowing a lot about education, how could she not know much about IDEA? And then it occurred to me. If you are running a for-profit charter school, you don't want disabled kids coming to your school. Why? Because it costs more to educate a disabled child than it does 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 doesn't want children with disabilities to walk through their doors or come in through a wheelchair through their doors. They can't make as much money.

This is how we do privatization in this country: Let the public schools take care of the disabled, the child with disabilities, because we are in this for profit. It is a little bit like Medicare. The private for-profit insurance companies want the youngest, healthiest people in Medicare, the 65- and 70-year-olds who are active, who take walks, do all that. They don't really want the sickest and the oldest. Let taxpayers pay for them. That is exactly what her model of education is all about. Let the for-profit charters skim 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 the kids who might be a little more difficult because of discipline 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. We heard very little passionate 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 are voting for her.

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 vision 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 for 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 portrayed over and over.

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 underscored how unprepared she is to serve as America's Secretary of Education. Mrs. DeVos has no experience in public schools, either as a student, an educator, administrator or even as a 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 preventing 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, with dedication 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 is not that person, 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 saw this candidate come before our committee. She has looked at her record and has said: This is not what our country is about.

I got a letter from Jamie Michaelson of Oroville, WA, very small community.

Senator Murray, as a public school administrator, I am extremely concerned about Betsy DeVos' lack of knowledge and support for public schools. Having never been a teacher or administrator is bothersome enough, but to have not attended a public school herself, nor sent her kids to one, makes her ill-equipped to making educational decisions.

Furthermore, I worry about her understanding of small, rural districts. We have our own unique needs, which include funding professional development for teachers, Federally-funded programs for at-risk youth, and support to recruit and retain high quality teachers.

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 Secretary who can commit to supporting every student in our public schools, and provide leadership that will help our neighborhood schools succeed. Betsy DeVos' record in education and her performance at the recent confirmation hearing proves she is the wrong candidate for the job.

As a principal, I have spoken with teachers, parents, students and community members, who agree that America's future depends on a strong investment in our Nation's public schools.

Thank you for your attention to this matter. I understand that you are being inundated with emails concerning Cabinet picks. I feel the nomination of Betsy DeVos is political. Students, families and educators deserve a highly-qualified candidate that understands our complex educational system. I am not writing to you because I have a political motivation. Instead, I am looking for the best of the best for the Secretary of Education position. Unfortunately, in my professional opinion, Betsy DeVos is not the right person for this job.

I couldn't agree more. Shouldn't we have the best of the best at the top of our education system today? That is what my constituents are asking—and I know many across this country are hoping that just one more Republican Senator will agree. That is what will occur in about an hour.

I see my colleague on the floor who has come here to talk. I appreciate him being here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, thank you for your leadership on this issue, and God knows, how many others. You are a force of nature. I am happy to be with you on this day.

I come from Delaware, and we have about a million people who live in Delaware, and they are not shy about telling their congressional delegation—Senator COONS, Congresswoman LISA BLUNT ROCHESTER, and me—what they are thinking. We go home just about every night. They get to tell us a lot of times in person. They also call our office. We have three offices in Delaware. They call our office here in Washington. They send us emails. We used to get a lot of letters, but now mostly we receive emails, not too many letters.

I have never seen the kind of outcry, if you will, from the people of my State

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 asked my staff to compile for me, through yesterday, the number of folks who either called us 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. He raised a 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 during 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, 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 a whole lot easier.

One of the keys to that nurturing environment is 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 have a good work ethic and go out and be 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 half the schools in Delaware. It is 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 learned a lot from doing that.

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.

Just 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 at the end of the school 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 failed to answer the most 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 task.

Many of my colleagues who support Mrs. DeVos point to her experience in Michigan, where Mrs. DeVos used her significant wealth and influence apparently to push an education reform agenda centered on vouchers, centered on for-profit charter schools that delivered questionable outcomes for students and taxpayers.

Let me just say, I was a Governor who proposed legislation, signed legislation creating charter schools. I have been a champion of public charter schools in my State and in our country. I have been a champion here in the Congress. I am not a champion of all these for-profit colleges and universities that we have. Some of them are very good; some of them are not.

I am concerned with the advent of for-profit charter schools, particularly those that are not doing the job, getting the job done and raising student achievement for the young men and women who are students there.

Leading the Department of Education is a very big job. It is a very important job. The Secretary of Education is responsible for overseeing a budget of some $36 billion for K–12 education and $150 billion for higher education, as well as managing a portfolio of more than $1.2 trillion in outstanding Federal student loans.

I have been fortunate as a Congressman, as a Governor, as a Senator, to work with any number of Secretaries of Education in the administration of George Herbert Walker Bush, the administration of Bill Clinton, the administration of George W. Bush, and the administration of Barack Obama—people like Dick Riley, former Governor of South Carolina, people like Arne Duncan, who was a great school leader in Illinois and for our country as well. When I think of the giants they were and the work they did and how knowledgeable they were, how inspiring they were, how uplifting they were, that is the kind of leader we need. They were not just all in Democratic administrations or Democratic and Republican administrations. As much as ever, we need that kind of leader today.

I will conclude by saying that Mrs. DeVos too often lacks experience, just as often has the wrong experience that we should expect from someone to lead the Department of Education at what is really 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 oppose this nomination.

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 have heard from more than 4,200 Marylanders who have called my office, more than 3,700 Marylanders who have emailed me, and countless others who have sent me messages via Twitter and Facebook, and, as Senator CARPER has indicated, those who have just stopped me on the streets and urged me to oppose her nomination.

They have contacted me to express their strong support for public education, and they are concerned about whether Mrs. DeVos is equally committed to public schools. I share their concern. Marylanders and I agree that our children deserve an advocate in this position who will work to strengthen the ability of public school educators to serve our children.

As a proud graduate 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 education leaders 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 answers to the committee questions to be troubling, particularly what appeared to be her tepid support for our Nation's public schools; her failure to recognize the critical Federal civil rights safeguards for children with disabilities; her inability to offer an opinion on longstanding debates within the education community that she would be expected to join as Secretary of Education; her support for President Trump's dangerous campaign promise to eliminate gun-free school zones; and her overall lack of response 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 36,000 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.

I 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 to deliver college- and career-ready education 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 school system. 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 to strengthen 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 to provide our public school teachers 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 civil rights safeguards for children with disabilities, guaranteed under the 1975 Individuals with Disabilities Education Act, IDEA.

IDEA ensures that every child with disabilities is afforded a free appropriate public education. Across my State, more than 100,000 children receive federally funded services under the IDEA to help them succeed academically. Mrs. DeVos did not seem to know that States must follow this critical civil education rights law if they accept Federal funding.

Parents across the country advocate for their children on a daily basis, utilizing the protections afforded to their children under the IDEA. They deserve a Secretary of Education who understands her responsibilities and the Federal Government's responsibilities to children with disabilities. Last year's enactment of the bipartisan, bicameral Every Student Succeeds Act was a true success.

This was an incredible accomplishment put together by Senators Alexander and Murray. For the first time in 14 years, Congress reauthorized the Elementary and Secondary Education Act, legislation that was first enacted 50 years ago as part of the civil rights era to ensure that all of our children are able to attain a high-quality education.

That act eliminated the outdated and ineffective accountability system of adequately yearly progress and now provides States with the flexibility to decide their own accountability system to identify, monitor, and assist schools in need of improvement to best educate their students.

We gave local flexibility but maintained accountability. That was a major improvement in the Elementary and Secondary Education Act. The modifications allow States to move away from reliance on a collective set of test scores to measure students' proficiency. Now, States will be able to design accountability systems that take into account student growth over the course of a school year.

As Secretary of Education, Mrs. DeVos would be tasked with leading the Federal implementation and review of the State development accountability systems. But in a hearing before the committee, she struggled to understand the definition of proficiency versus growth and had to have committee members help her define those terms.

Maryland educators oppose the high-stake testing requirements under the previous Federal accountability system. They deserve a Secretary of Education who understands the basic concepts of Federal involvement in our public schools, so they can effectively advocate for more accurate accountability systems that better show student growth in the classroom.

Mrs. DeVos's expressed support for President Trump's misguided pledge to eliminate gun-free schools zones is deeply concerning. Maryland's families have made it loud and clear to me that this approach is wrong and would unnecessarily put our students in harm's way in the very classrooms in which they are expected to learn. Since 2000, there have been four school shootings across my home State. One shooting in a school anywhere in our country is too many. Each of those incidents is a tragedy, and I do not wish to see more students and educators put at risk of additional tragic incidents of gun violence by allowing firearms in our classrooms.

Rather than support the Federal programs developed under 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 the news of 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 realities of the cost 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 educational skills 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 pile 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, who has called in, who has 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 Washington.

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 commit to us that you will not work to privatize public 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.

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 cutting a single penny from public education, and she would not do that. She would not do that.

To me, that sends a very clear message, and it did obviously to parents, students, and administrators across this country, that she was not committed to the core principle of 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. Her answer 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 son Ben's experience in public education was made possible because there were so many families and advocates who came before my family to make his inclusion possible.

Before IDEA, students who experienced disabilities in an institutional setting often didn't get an education at all and were often mistreated.

Yesterday when I spoke on the floor, I discussed a woman in New Hampshire named Roberta who had been in our State school before IDEA was passed and gave accounts of terrible experiences there.

Do you also have concerns with Mrs. DeVos's lack of understanding of the challenges faced by students who experience disabilities and her lack of commitment to ensuring that all students have a free and appropriate public education?

Mrs. MURRAY. Mr. President, I deeply share the concern of the Senator from New Hampshire. She came to the floor last night to speak eloquently about the challenges that our students with disabilities have and the promise 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 didn't even 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.''

These civil rights 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 Watertown with 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 Lakeville, her son was born with developmental 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 butterfly and how she would come dressed up as a butterfly and how she impacted a young student in her classroom who is now a young adult and still remembers the learning experience that her mother, as a teacher, gave to him. 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 about the term ''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 fed 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 and that she would oversee and protect those students. That, to me, is deeply disappointing. It says to me that this President should say: 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 her career that 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 Houston, MO. My mother 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 went to 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. 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 implore 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 in the cities, which they will never be able to attend.

I thank the Senator.

Mrs. MURRAY. I thank the Senator for her question. I just want to say that she is absolutely right. The money is not magic. It doesn't just get printed to give vouchers to schools. It comes from our public schools. As she stated so eloquently, there are many schools—some in rural areas, some in urban areas, or mostly in rural, and there is no private school to send your kids to. That voucher money, that public money, those taxpayer dollars will come away from those schools. They will have less money, but it won't go to the advantage of those students, and they will be left behind.

Ms. STABENOW. Mr. President, will 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, my two children went to 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 essentially 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 this 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. MURRAY. Well, 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 wanted to make 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 experiences. 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, and 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. The columnist Stephen Henderson of the Detroit Free Press said:

> Largely as a result of DeVos's lobby, Michigan tolerates more low-performing 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 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.

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, and 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, and we were 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 accountably. 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. They can actually 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 of Education says: Nope. We want to change that. We want your tax dollars to go to schools that are not accountable to you.

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 at driving America. So I thank the Senator from Washington for elucidating us in regard to that issue.

Mrs. MURRAY. Mr. President, we have a number of Senators who have been on the floor who are here now and who would like to speak, and I ask unanimous consent that I continue this dialogue with Senators until a quarter to 12, and the last 15 minutes be equally divided between the chairman of the committee and myself.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. That would mean the chairman of the committee would speak last.

Mrs. MURRAY. Mr. President, let me revise my request. I ask unanimous consent that we continue to have this conversation until a quarter to 12 p.m.; that at a quarter to 12, I will give my final remarks and divide equally the last 15 minutes so the chairman of the committee has the last 7½ minutes.

Mr. ALEXANDER. I have no objection.

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

Ms. DUCKWORTH. Will the Senator yield for a question?

Mrs. MURRAY. I will yield to the Senator from Illinois.

Ms. DUCKWORTH. I do not believe that the President nominated the best candidate to serve as Secretary of Education. I don't believe he even nominated a qualified candidate. Mrs. DeVos has never taught, never worked in a school system, and has no educational degree in education policy.

I was hoping that she would ease my concerns over her qualifications at the confirmation hearing and prove that she was indeed up for the job, but, instead, Mrs. DeVos failed to study, showed up unprepared, and appeared unfamiliar with the foundational civil rights law that guarantees every student, including those with disabilities, the right to a quality equitable education.

I would not be here today were it not for strong public schools and civil rights protections. Confirming her to lead the agency tasked with educating our children and helping them develop into successful adults would be a mistake for our children because they would have to pay for and live with this mistake for decades to come. There is simply no way that I can support her nomination.

I ask the Senator, how is it possible that we could have a Secretary of Education who does not understand or even know about those Federal protections

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 is asking a critical 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 unknowledgeable about 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 education. So I ask my Republican colleagues, if Mrs. DeVos's performance in this hearing didn't convince you that she lacks qualifications for this job, what would have had to have happened in that hearing in order to convince you?

If we cannot set aside party loyalty long enough to perform the essential duty of vetting the President's nominees, what are we even doing here?

Let's do our job for the sake of the children and for the sake of our Nation's future. Thank you.

Mrs. MURRAY. I say thank you to the Senator from Minnesota, and I want to thank him for being a committed part of our committee, really helping us all recognize that this nominee is not qualified.

I see the Senator from Hawaii who has, I believe, the last question.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Will the Senator from Washington yield for a question?

Mrs. MURRAY. I will yield to the Senator from Hawaii.

Ms. HIRONO. As we have spent many hours debating whether Mrs. DeVos is the best person to head our Department of Education, my question is, Do you think Betsy DeVos is the best prepared, the best experienced, and the best committed person to lead as the Secretary of the Department of Education?

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 of reading, to count on an 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 Hawaii 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?

Is this a knowledgeable candidate who understands the Federal law?

Is this a candidate who comes to us without conflicts of interest?

Is this a candidate who is willing to stand up and be the defender of all young children in schools?

To me and to many of my colleagues who have been out here speaking, she is not.

I want to thank all of my great colleagues who have been out here speaking from their heart about a passion that they have in this country for a candidate to lead the Department of Education who is qualified, who is prepared, who is ready to stand up and fight for every child no matter where they live or where they come from.

With that, Mr. President, I believe we are down to the last 15 minutes before the vote, with the time equally divided.

The PRESIDING OFFICER. That is correct.

Mrs. MURRAY. Mr. President, as I noted, Democrats have been here on the Senate floor for the past 24 hours straight, talking about the importance of public education, sharing stories from parents and students and teachers in our home States, highlighting all of the reasons for Senators to stand with us and stand with their constituents, stand with other Republicans who are doing the right thing, and urging them to say no to Betsy DeVos and her plans to privatize public school and destroy public education in America.

But I come to the floor today to make one final push before this vote, to make the case one last time, because we are so, so close and because this is so important and also because we have a real shot right now to show people across the country that the Senate can actually listen to them, that their voices matter, and that their Senators put them and their kids and their families and their futures above loyalty to a party or a President.

I have talked about my frustration with the fact that Republican leaders did everything they could to jam this nominee through the Senate. They cut corners and rushed into a hearing before her ethics paperwork was in. They blocked Democrats from asking more than 5 minutes of questions, forcing a vote before all of our questions were answered about her tangled finances and her potential conflicts of interest, and rushed straight from the committee vote to the shortest possible floor debate they could manage.

So I won't spend more time on that today because the truth is that despite Republicans' best efforts, people across the country have learned a whole lot 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 and her inherited fortune pushing anti-public school policies that have hurt so many students in her home State of Michigan and across the country. They have learned about the extreme right-wing ideology that drives her, how she wants to bring her anti-government, free-market-above-all philosophy to an education system that she has called nothing more than ''an industry, and a dead end.''

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 county to ''protect from 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. Those were just a few of the moments 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. For most people, public education hits really close to home. 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 their local public school. 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 from happening, 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 allocate 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 board and restore control to classroom teachers, 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—and because she has worked 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

22 State Governors, including:

Gov. Robert Bentley, Alabama; Gov. Doug Ducey, Arizona; Gov. Asa Hutchinson, Arkansas; Gov. Rick Scott, Florida; Gov. Bruce Rauner, Illinois; Gov. Eric Holcomb, Indiana; Gov. Sam Brownback, Kansas; Gov. Matthew Bevin, Kentucky; Gov. Paul LePage, Maine; Gov. Rick Snyder, Michigan; Gov. Phil Bryant, Mississippi; Gov. Eric Greitens, Missouri; Gov. Doug Burgum, North Dakota; Gov. Pete Ricketts, Nebraska; Gov. Brian Sandoval, Nevada; Gov. Chris Christie, New Jersey; Gov. Susana Martinez, New Mexico; Gov. John Kasich, Ohio; Gov. Mary Fallin, Oklahoma; Gov. Bill Haslam, Tennessee; Gov. Greg Abbott, Texas; Gov. Scott Walker, Wisconsin.

Former Governors:

Jeb Bush, Mitt Romney, John Engler.

4 Former Education Secretaries:

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.

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462 ORGANIZATIONS, ELECTED 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; Air Force Association; Alabama 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; Americans for Tax Reform; Arizona Chamber of Commerce; Arizona Charter Schools Association; Arizona Federation for Children; Arizona State Sen. Steven Yarbrough, President; Arizona State Sen. Kimberly Yee, 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 Rep. John Allen, Majority Leader; Arizona State Rep. Kelly Townsend, Majority Whip; Arizona State Rep. T.J. Shope, Speaker Pro Tem; Arizona State Rep. Don Shooter, Appropriations Chair; Arizona State Rep. Paul Boyer, Education Committee Chair; Arizona State Rep. Tony Rivero; Arkansas Secretary of State Mark Martin; Associated Builders and Contractors (ABC); Association of Big Ten Students, Former Director Adi Sathi; Association of Christian Schools International; Association of the United States Army; Attorney General Patrick Morrisey, West Virginia; Attorney General Leslie Rutledge, Arkansas.

Attorney General Bill Schuettee, Michigan; Attorney General Alan Wilson, South Carolina; Ave Maria University Associate Professor Michael New; Barry Beverage, Teacher, Fayetteville Christian School; First Lady Barbara Bush; Barbara Bush Foundation for Family Literacy; The BASIC Fund; Secretary of Education William Bennet; Black Alliance for Educational Options; Bowdoin College Professor Jean Yarbrough; Business Council of Alabama; California State Sen. Jean Fuller, Senate Republican Leader; Calvin College President Emeritus Gaylen Byker; Mark Campbell, United States Naval Academy; CarolinaCAN; Catholic Partnership Schools, Camden, NJ; Career Education Colleges and Universities (CECU); Center for Arizona Policy; Center for Education Reform; Charter Schools USA; Kevin P. Chavous; Former Member, Council of the District of Columbia; Vice President Dick Cheney; Lynne Cheney; Children's Education Alliance of Missouri (CEAM); Children's Scholarship Fund, Chair Mike McCurry; Children's Scholarship Fund—Baltimore; Children's Scholarship Fund—Buffalo (BISON); Children's Scholarship Fund—Charlotte; Children's Scholarship Fund—Philadelphia; Children's Scholarship Fund—Portland OR; Civitas—North Carolina; Collaborative for Student Success; Colorado State Board of Education Member Steve Durham; Colorado State Board of Education Member Pam Mazanec; Colorado State Rep. Paul Lundeen.

Colorado State Rep. Clarice Navarro; Colorado State Rep. Libby Szabo (Former), Jefferson County Commissioner; Colorado State Sen. Kevin Grantham, Senate President; Colorado State Sen. Owen Hill; Colorado State Sen. Jerry Sonnenberg, Senate President Pro Tem; Connecticut State Sen. Michael McLachlan, Deputy Senate Republican; Connecticut State Rep. Vincent Candelora; Cornell Law School Professor William Jacobson; Cornerstone University, President Joseph Stowell; Delaware State Sen. Gary Simpson, Senate Republican Leader; Delaware State Sen. Greg Lavelle, Senate Republican Whip; Delaware State Sen. Anthony Delcollo; Delaware State Sen. Ernie Lopez; Delaware State Sen. Brian Pettyjohn; Ed Choice; Educate Nebraska; Education for a Brighter Future; Empower Mississippi; Ferris State University, President David Eisler; Florida Charter School Alliance; Florida Coalition of School Board Members; Florida Commissioner of Agriculture Adam Putnam; Florida State Chief Financial Officer Jeff Atwater; Florida State Rep. Michael Bileca; Florida State Rep. Manny Diaz, Jr.; Florida State Rep. Richard Corcoran, Speaker of the House; Florida State Rep. Jose Oliva, Speaker-Elect; Florida State Rep. Jose Felix Diaz; Focus on Family.

Foundation for Excellence in Education; Foundation for Florida's Future; Friends of Betsy DeVos, Ed Patru; Former Senate Majority Leader Bill Frist; Tim Forti; Principal, St. Mary's-ST. Alphonsus Catholic

School; George Washington University, Professor Henry Nau; Georgia Charter Schools Association; Georgia Secretary of State Brian Kemp; Georgia State Rep. Buzz Brockway; Georgia State Rep. Wes Cantrell; Georgia State Rep. David Clark; Georgia State Sen. David Shafer, President Pro Tem; Georgia State Rep. B.J. Pak (Former); Georgia State Rep. Ed Setzler; Georgia State Rep. Valencia Stovall; Kathy Lee Gifford; Gov. Robert Bentley, Alabama; Gov. Douglas Ducey, Arizona; Gov. Assa Hutchison, Arkansas; Gov. Rick Scott, Florida; Gov. Jeb Bush, Former Governor of Florida; Gov. Edward Baza Calvo, Guam; Gov. Bruce Rauner, Illinois; Gov. Eric Holcomb, Indiana; Gov. Sam Brownback, Kansas; Gov. Matthew Bevin, Kentucky; Gov. Paul LePage, Maine; Gov. Rick Snyder, Michigan; Gov. Phil Bryant, Mississippi; Gov. Eric Greitens, Missouri; Gov. Doug Burgman, North Dakota; Gov. Pete Ricketts, Nebraska. Gov. Brian Sandoval, Nevada; Gov. Chris Christie, New Jersey; Gov. Susana Martinez, New Mexico; Gov. Ralph Torres, N. Mariana Islands.

Gov. John Kasich, Ohio; Gov. Mary Fallin, Oklahoma; Gov. Bill Haslam, Tennessee; Gov. Greg Abbot, Texas; Gov. Scott Walker, Wisconsin; Great Lakes Education Project; Grand Rapids Area Chamber of Commerce; Grand Rapids City Commissioner Dave Schaffer; Grand Rapids Public Schools Superintendent Teresa Weatherall Neal; Great Schools for All Children; Jim Griffin, Charter school advocate; Debbie Groves, Teacher, Stonewall Jackson High School; Hawaii State Rep. Gene Ward; Frederick Hess, Director of Education Policy Studies, American Enterprise Institute; Hillsdale College, President Larry Arnn; Hispanic CREA; Hispanics for School Choice; Mark Hoduski, Teacher, Maranatha Academy; Home School Legal Defense Association; Hope College, President Dr. John Knapp; Hope College, Trustee Lisa Granger; Idaho Charter School Network; Idaho State Rep. Scott Bedke, Speaker of the House; Illinois State Rep. John Cabello; Independence Institute; Independent Women's Voice; Indiana State Rep. Robert Behning; Indiana State Rep. Brian Bosma, Speaker of the House; Indiana State Sen. Brandt Hershman, Senate Majority Leader; Indiana State Sen. David Long, President Pro Tem; Institute for Better Education; Institute for Quality Education; Invest in Education Coalition, President Thomas Carroll; Invest in Education Foundation, Vice President Peter Murphy; Investigative Project on Terrorism; Iowa State Rep. Linda Upmeyer, Speaker of the House.

Jeffersonian Project; John Locke Foundation, Director of Research and Education Studies Terry Stoops, Ph.D.; Kansas Secretary of State Kris Kobach; Kansas State Sen. Susan Wagle, Senate President; Kent County Commissioner Mandy Bolter, Grand Rapids, MI; Kentucky State Sen. Robert Stivers, Senate President; Kentucky State Sen. Ralph Alvarado; Kentucky State Rep. Johnathan Shell, House Majority Leader; Roger Kiney, Teacher, Burlington-Edison High School; Ken Kreykes, Teacher, Chicago Christian School; The Libre Initiative; Log Cabin Republicans; Louisiana Association of Business and Industry; Louisiana Association of Charter Schools; Louisiana Federation for Children; Louisiana State Rep. Greg Cromer; Lt. Gov. Kay Ivey, Alabama; Lt. Gov. Tim Griffin, Arkansas; Lt. Gov. Kim Reynolds, Iowa; Lt. Gov. Evelyn Sanguinetti, Illinois; Lt. Gov. Suzanne Crouch, Indiana; Lt. Gov. Jeff Colyer, Kansas; Lt. Gov. Billy Nungesser, Louisiana; Lt. Gov. Brian Calley, Michigan; Lt. Gov. Tate Reeves, Mississippi; Lt. Gov. Dan Forest, North Carolina; Lt. Gov. Mike Foley, Nebraska; Lt. Gov, John Sanchez, New Mexico; Lt. Gov. Mark Hutchinson, Nevada; Lt. Gov. Todd Lamb, Oklahoma; Lt. Gov. Rebecca Klefisch, Wisconsin; MacIver Institute; Mackinac Center for Public Policy; Macomb County Commissioner Leon Drolet, Macomb, MI; Maggie's List.

Maine State Sen. Michael Thibodeau, Senate President; Maine State Sen. Andre Cushing, Senate Assistant Majority Leader; Maryland State Sen. Stephen Hershey, Jr.; Maryland State Sen. Michael Hough; Maryland House Rep. Nic Kipke, House Republican Leader; Maryland House Rep. Kathy Szeliga; Massachusetts House Rep. Keiko M. Orrall; Metropolitan Milwaukee Association of Commerce; Metropolitan State University—Denver, Professor Kishore Kulkarni; Michigan Association of Non-Public Schools; Michigan Association of Public School Academies; Michigan Chamber of Commerce; Michigan Catholic Conference; Michigan Council of Charter School Authorizers; Michigan Republican National Committee (RNC) Member, Kathy Berden; Michigan Republican State Committee Member, Beverly Bodem; Michigan Republican Party, Former Chair Suzy Avery; Michigan Secretary of State Ruth Johnson; Michigan State Board of Education Co-President Dr. Richard Zeile; Michigan State Board of Education Member, Eileen Lappin Weiser; Michigan State Rep. Laura Cox; Michigan State Rep. Daniela Garcia, Assistant Majority Floor Leader; Michigan State Rep. Brandt Iden; Michigan State Rep. Klint Kesto; Michigan State Rep. Tom Leonard, Speaker of the House; Michigan State Rep. Aric Nesbitt (Former); Michigan State Rep. Amanda Price, Education Committee Chair; Michigan State Rep. Mary Whiteford; Michigan State Rep. Ken Yonkers; Michigan State Sen. Mike Green; Michigan State Sen. Peter MacGregor; Michigan State Sen. Michelle McManus (Former); Michigan State Sen. Arlan Meekhof, Senate Majority Leader; Michigan State Sen. Mike Shirkey; Michigan State Sen. Jim Stamas; Michigan State Sen. Phil Pavlov.

Michigan State University Board of Trustees, Chairperson Brian Breslin; Michigan State University Board of Trustees, Trustee Melanie Foster; Military Child Education Coalition; Military Families for High Standards; Military Officers Association of America (MOAA); Minnesota State Sen. Paul Gazelka, Senate Majority Leader; Minnesota State Rep. Kurt Daudt, Speaker of the House; Mission: Readiness; The Missouri Bar; Missouri Education Reform Council (MERC); Missouri State Rep. Shamed Dogan; Missouri State Rep. Rebecca Roeber; Montana State Rep. Ron Ehli, House Majority Leader; Montana State Rep. Austin Knudsen, Speaker of the House; Montana State Sen. Fred Thomas, Senate Majority Leader; Eva Moskowitz, Founder of Success Academy Charter Schools; National Alliance for Public Charter Schools; National Center for Family Learning; National Heritage Academies, Grand Rapids, MI; National Math + Science Initiative (NMSI); National Military Family Association; Navy League of the United States; Nevada State Assemblyman Paul Anderson, Floor Leader; Nevada State Assemblyman Chris Edwards; Nevada State Assemblyman John Ellison, Republican Whip; Nevada State Assemblyman John Hambrick; Nevada State Assemblyman Ira Hansen; Nevada State Assemblyman Al Kramer; Nevada State Assemblyman Lisa Krasner; Nevada State Assemblyman Jim Marchant; Nevada State Assemblyman Richard McArthur; Nevada State Assemblyman James Oscarson, Floor Leader; Nevada State Assemblyman Keith Pickard; Nevada State Assemblyman Robin Titus; Nevada State Assemblyman Jill Tolles; Nevada State Assemblyman Jim Wheeler, Floor Leader.

Nevada State Assemblywoman Melissa Woodbury, Republican Whip; Nevada State Sen. Don Gustason; Nevada State Sen. Scott Hammond; Nevada State Sen. Joe Hardy; Nevada State Sen. Michael Roberson, Senate Republican Leader; New Hampshire State Rep. Victoria Sullivan, Member of Committee on Education; New Hampshire State Sen. Andy Sanborn; New Jersey State Rep. Sen Tom Kean, Senate Republican Leader; New Jersey Tri-County Scholarship Fund; New Mexico State Rep. Alonzo Baldonado, House Republican Whip; New Mexico State Rep. Nate Gentry, House Republican Leader; New Mexico State Rep. Monica Youngblood; New York State Catholic Conference; New York State Sen. John Flanaga, Senate Majority Leader; North Carolina Association of Public Charter Schools; North Carolina State Rep. Pat McElraft, Deputy Majority Whip; North Carolina State Sen. John Alexander; North Carolina State Sen. Deanna Ballard; North Carolina State Sen. Chad Barefoot, Co-Chair for Committee on Education; North Carolina State Sen. Phil Berger, President Pro Tem; North Carolina State Sen. Harry Brown, Majority Leader; North Carolina State Sen. Bill Cook; North Carolina State Sen. David Curtis, Co-Chair for Committee on Education; North Carolina State Sen. Cathy Dunn; North Carolina State Sen. Kathy Harrington; North Carolina State Sen. Brent Jackson; North Carolina State Sen. Joyce Krawiec, Member, Committee on Education; North Carolina State Sen. Michael Lee, Co-Chair, for Committee on Education; North Carolina State Sen. Wesley Meredith, Majority Whip; North Carolina State Sen. Paul Newton; North Carolina State Sen. Ronald Rabin; North Carolina State Sen. Bill Rabon; North Carolina State Sen. Norman Sanderson; North Carolina State Sen. Tommy Tucker.

North Dakota State Rep. AL Carlson, House Majority Leader; Northeast Charter Schools Network; Northwest Ohio Scholarship Fund; Ohio State Rep. Niraj Antani; Ohio State Rep. Keith Faber; Ohio State Rep. Cliff Rosenberger, Speaker of the House; Oklahoma State Rep. Ryan Martinez; Oklahoma State Rep. T.W. Shannon, Former Speaker of the House; O'More College of Design, President David Matthew Rosen; Oregon State Rep. Michael McLane, Republican Leader; Oregon State Sen. Ted Ferrioli, Republican Leader; Oregon State Sen. Jackie Winters; Secretary of Education Rod Paige; Parents for Educational Freedom in North Carolina (PEFNC); Lawrence C. Patrick, Former President of Detroit Board of Education; Pennsylvania Coalition for Public Charter Schools; Pennsylvania State Rep. David Reed, Majority Leader; Pennsylvania State Rep. Mike Turzai, Speaker of the House; Prep Net; Public School Options; Rachel and Drew Katz Foundation; Ready Colorado; Reason Foundation; Rhode Island State Rep. Patricia Morgan, House Republican Leader; Secretary of State Condoleezza Rice; Rio Grande Foundation; Assistant Secretary of Labor Doug Ross; S4 Group; Kathleen Shober, Teacher, McKaskey High School; School Choice Wisconsin; SchoolForward; Secretary of Education Margaret Spellings; Step Up; Student Leadership University; South Carolina African American Chamber of Commerce; South Carolina Secretary of State Mark Hammond.

South Carolina State Rep. Phyllis Henderson, House Majority Whip; South Dakota State Rep. Brian Gosch (Former); South Dakota State Rep. Kristin Langer, House Majority Whip; Tarrent County College Professor Robert Sherwood; Tennessee Federation for Children; Tennessee Secretary of State Tre Hargett; Tennessee State Rep. Kevin Brooks; Tennessee State Rep. Glen Casada; Tennessee State Rep. Michael Curcio; Tennessee State Rep. Martin Daniel; Tennessee State Rep. John DeBerry, Jr.;

Tennessee State Rep. Tilman Goins; Tennessee State Rep. Andy Holt; Tennessee State Rep. Dan Howell; Tennessee State Rep. Sabi Kumar; Tennessee State Rep. Mark Lovell; Tennessee State Rep. Pat Marsh; Tennessee State Rep. Jimmy Matlock; Tennessee State Rep. Debra Moody; Tennessee State Rep. Dennis Powers; Tennessee State Rep. Jay Reedy; Tennessee State Rep. Courtney Rogers; Tennessee State Rep. Jerry Sexton; Tennessee State Rep. Paul Sherrell; Tennessee State Rep. Eddie Smith; Tennessee State Rep. Mike Sparks; Tennessee State Rep. Tim Wirgau; Tennessee State Rep. Dawn White; Tennessee State Rep. Mark White; Tennessee State Rep. Jason Zachary; Tennessee State Sen. Mike Bell; Tennessee State Sen. Dolores Gresham; Tennessee State Sen. Todd Gardenhire; Tennessee State Sen. Ferrell Haile; Tennessee State Sen. Ed Jackson; Tennessee State Sen. Brian Kelsey; Tennessee State Sen. Bill Ketron; Tennessee State Sen. John Stevens; Tennessee State Sen. Jim Tracy.

Texas Charter Schools Association; Texas for Education Opportunity; Texas State Rep. Larry Gonzales; Thomas B. Fordham Institute; Today and Tomorrow Educational Foundation; Tomorrow's Hope Foundation; Union of Orthodox Jewish Congregations of America; University of Louisville Associate Professor Alexei Izyumov;

University of Michigan, President Emerita Mary Sue Coleman; University of Michigan, Regent Andrew Fischer Newman; University of Texas at Austin Professor Daniel Bonevac, University of Wisconsin at Milwaukee Professor Shale Horowitz; U.S. Chamber of Commerce; U.S. House Rep. Rick W. Allen, Member of Education and Workforce Committee; U.S. House Rep. Justin Amash; U.S. House Rep. Jack Bergman; U.S. House Rep. Lou Barletta, Member of Education and Workforce Committee; U.S. House Rep. Mike Bishop, Member of Education and Workforce Committee; U.S. House Rep. Marsha Blackburn; U.S. House Rep. Dave Brat, Member of Education and Workforce Committee; U.S. House Rep. Bradley Byrne, Member of Education and Workforce Committee; U.S. House Rep. Virginia Foxx, Chair of Education and Workforce Committee; U.S. House Rep. Trent Franks; U.S. House Rep. Louie Gohmert; U.S. House Rep. Glenn Grothman, Member of Education and Workforce Committee; U.S. House Rep. Andy Harris; U.S. House Rep. Bill Huizenga; U.S. House Rep. Duncan Hunter, Member of Education and Workforce Committee; U.S. House Rep. Steve King; U.S. House Rep. Jason Lewis, Member of Education and Workforce Committee.

U.S. House Rep. Blaine Luetkerneyer; U.S. House Rep. Luke Messer, Member of Education and Workforce Committee; U.S. House Rep. Paul Mitchell, Member of Education and Workforce Committee; U.S. House Rep. John Moolenaar; U.S. House Rep. Aumua Amata Coleman Radewagen; U.S. House Rep. James B. Renacci; U.S. House Rep. Todd Rokita, Member of. Education and Workforce Committee; U.S. House Rep. Francis Rooney, Member of Education and Workforce Committee; U.S. House Rep. Dave Trott; U.S. House Rep. Fred Upton; U.S. House Rep. Tim Walberg, Member of Education and Workforce Committee; U.S. House Rep. Joe Wilson, Member of Education and Workforce Committee; U.S. House Rep. Ted S. Yoho, DVM; Former U.S. House Rep. Dave Camp (MI); Former U.S. House Rep. Pete Hoekstra (MI); Former U.S. House Rep. Mike Rogers (MI); Utah State Rep. Kim Coleman; Utah State Rep. Greg Hughes, Speaker of the House; Utah State Sen. Todd Weiler; Valencia College, President Dr. Sanford Shugart; Vermont State Rep. Don Turner, House Republican Leader; Virginia State Del. Bill Howell, Speaker of the House.

Virginia State Sen. Ryan McDouble, Chair of Senate Republican Caucus; Virginia Tech Professor Ken Stiles; Washington and Lee University Professor Robert Dean; Washington State Sen. Mark Schoesler, Senate Majority Leader; Tom Watkins, former Michigan State Superintendent of Schools; Wayne State University, Board of Governors Member David Nicholson; Ronald Weiser, Former U.S. Ambassador to Slovakia; West Virginia State Rep. Eric Nelson, Chair of House Republican Caucus; West Virginia State Rep. Jill Upson, Member of Committee on Education; Anthony Williams, Former Mayor of Washington, DC; Wisconsin Assemblywoman Jessie Rodriguez; Wisconsin Assemblyman Robin Vos, Speaker of the House; Wisconsin Federation for Children; Wisconsin Institute for Law and Liberty; Wisconsin Manufacturers and Commerce; Wisconsin State Rep. Jessie Rodriguez; Wisconsin State Sen. Scott Fitzgerald, Senate Majority Leader; Wisconsin State Sen. Leah Vukmir, Assistant Majority Leader; Kenneth Witt, Former President, Jefferson County Board of Education; Cardinal Donald Wuerl, Archbishop of Washington DC; Wyoming State Rep. Steven Harshman, Speaker of the House; Wyoming State Sen. Eli Bebout, Senate President; Young America's Foundation.

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 Secretaries. She offered to meet with the Democrats in December. They refused. She finally met with them in their offices.

Then she testified for 90 minutes longer than either of President Obama's Education Secretaries before our committees.

Then there were followup questions. We asked President Obama's Education Secretaries 53 and 56 questions; they asked her 1,400 questions. Then they met, and one of their Members announced that they all agreed to vote against her before she had a chance to answer the questions. What does that say about those questions?

She has conflicts of interest? We have a procedure for that, an independent conflicts of interest office, the Office of Government Ethics. The head was appointed by President Obama, confirmed by the Senate. He has an agreement with every Cabinet member about conflicts of interest. He wrote a letter to us 8 days before we voted on her and said she would have no conflict of interest if she followed this agreement.

So plenty of time for questions, no conflict of interest. What is the problem?

One, her support for public charter schools. Some people don't like that. But 2.7 million children attend them. They were founded by the Democratic Farmer-Labor Party in Minnesota. They have now grown to 6,800 schools. They are the most effective public school reform in 30 years.

School choice. What is wrong with giving low-income Americans more choice and better schools? We have done it since the GI bill from 1944—taxpayer money following veteran students to Notre Dame, Yeshiva, Harvard, the National Auto Diesel College. Has it hurt the public universities, of which I used to be President of one? It has helped them. Then, more people went to private schools, and now more people go to public colleges.

Betsy DeVos has committed to no more Washington mandates. No more national school board, no Washington mandates for vouchers, no Washington mandates for common core, no Washington mandates for specific kinds of teacher evaluations with Betsy DeVos in charge of the Department of Education.

One year ago, we had no Education Secretary. I asked President Obama to appoint one, even though I knew he would appoint John King, with whom I disagreed. I promised that if he did, we would promptly confirm him, and we did. We asked him 53 questions, not 1,397. We didn't say he had conflicts of interest when the Office of Government Ethics said he did not.

I know my friends are surprised about the election, but wouldn't they be really surprised if he appointed someone from within the education establishment to be the Secretary of Education? Wouldn't you be surprised that a Republican President would be for charter schools? Are you really surprised that a Republican President has appointed an Education Secretary who wants to give low-income children more choices of schools? Are you surprised that a Republican President has nominated an Education Secretary who wants to reverse the trend to a national school board and restore local control?

I am supporting her because she wants to do that, because she has led the most effective—

The PRESIDING OFFICER. The Senator has used 4½ minutes.

Mr. ALEXANDER. Thank you, Mr. President.

She has led the most effective public school reform movement over the last 30 years and she has a commitment to help low-income children.

I would say to my Democratic colleagues, we confirmed President Obama's first Education Secretary in 7 days—on the day he was inaugurated; his second one in 3 weeks, just as we will Betsy DeVos today. You may disagree with the new President, but the people elected him, and I urge you to give the new Republican President the opportunity to choose his own Education Secretary, just like we did with the Democratic President 8 years ago and a year ago, even though we disagreed just as much with their view on Federal policy on local schools as you do with her policy and President Trump's policy on school choice.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. ALEXANDER. Mr. President, I urge a ''yes'' vote.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, as we close this debate on Betsy DeVos, this debate should really be about public

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 what 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 standards for English. Thirteen percent of White kids meet standards or exceed standards in English, and 12.5 percent of Hispanic kids meet 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—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 that debate is on the kid.

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 since yesterday, the Senate will suspend for a prayer from the Senate Chaplain.

The Chaplain, Dr. 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 welter and variety of decisionmaking, with its alternating and fluctuating intricacies, give our lawmakers a deeper appreciation for a conscience 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	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Corker	Isakson	Sessions
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Paul	

NAYS—50

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Collins	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murphy	

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 agreeing to 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.

Mitch McConnell, Johnny Isakson, Jeff Flake, Steve Daines, James Lankford, Dan Sullivan, Thom Tillis, Rob Portman, John Hoeven, Roger F. Wicker, John Thune, Deb Fischer, James M. Inhofe, Tim Scott, Lindsey Graham, Jerry Moran, Pat Roberts.

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 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	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

ANSWERED ''PRESENT''—1

Sessions

The PRESIDING OFFICER. 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.

There being no objection, the Senate, at 12:52 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Iowa.

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 in 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 do 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 this good man, 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 know 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 to bring justice 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 a legislator.

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 cast a 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. Now, 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 that he established here in the United States and enforce the law, even if he voted against that law.

This is especially troubling after he specifically committed to us during this confirmation hearing that if he is confirmed, he will follow the law, 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 you, if 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 had on him, plus the 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 it.

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 I will do so. You 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 turning a new page at the 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 present arguments 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 not the same 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. That seems to suggest, 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 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 the Nation 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 become 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 Republicans 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 small. Today America is a 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 taking to the streets to 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,'' as a Latina and as 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 as 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 quickly dismisses 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 impact not only our country, 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:

Under the American Constitution, 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 American 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.''

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 our government 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 State blocked 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 stay.

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 her integrity and her character 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 actually 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, and Senator SESSIONS came 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 counseled against appearing at yet another political rally with Trump, but it did not.

At that rally, as Attorney General designate, 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 again.''

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 from President Trump? I do not believe so.

In fact, a recent Washington Post story reports the depth of Senator SESSIONS' involvement in the Trump transition. The Washington Post reported that during the transition, ''Sessions became a daily presence at Trump Tower in New York, 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 is working long hours I mean, 20 hours a day kind of work and just remarkable what is happening. I'm one of the co-chairs, of five, I believe, co-chairs of the committee under Vice President-elect 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. As Bannon 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 as 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 harm 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.''

Quote: ''We assess with high 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, 2000.

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 can't let this continue.

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? Can 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 county and say we are going to change the form of government you have been living with for 20 years.''

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 Senator 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 new 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 fairly 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 can protect the voting rights of Americans in these cases. So I asked him, would you continue to enforce the Voting Rights Act in these situations? There is 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, Crawford v. 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 whether he will bring those cases.

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 legendary Civil Rights Division of the Justice 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 against efforts by States to take that right away? I just don't have confidence that JEFF SESSIONS will fairly apply the law in this area.

Now, if confirmed, what will Senator SESSIONS do when faced with questions on reproductive rights? Will he undermine a woman's fundamental right to control her own body and her own reproductive system?

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 an abortion. The legislation also had no exception for a woman's health and only a narrow exception to save her life.

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, colossally 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:

Such decisions would depend upon the unique circumstances of the case or cases as they arise. I will not pre-judge the issues.

That is the response to my question for the record 6a.

He even refused to rule out punishment for women who have abortions—a position President Trump took during the campaign. That is a response to Senator BLUMENTHAL's question for the record 11a.

So what does it mean for him, as Attorney General of the United States? It means he very well may seek to overturn Roe v. Wade. It means the Justice Department may go to court and support continued State efforts to further and further restrict the rights of women to control their own reproductive system.

The bottom line: I do not have confidence that Senator SESSIONS will fairly and independently safeguard the freedoms of the 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 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 those 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 on policy, 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 create a better life for their 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 early death from cancer. 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. The consequences of such a draconian and inhumane action would be devastating to thousands of people in my State, and I find it deeply disturbing that Senator SESSIONS would advocate for the deportation of children who have known 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 criminal 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 crimes. Immigration offenses already make up about a third of all Federal prosecutions each year. So does it make sense to increase that substantially? There certainly are more troubling crimes at the border and across 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. So Senator SESSIONS' opposition to prosecutorial discretion caused me great concern.

Let's move on to criminal law.

During the hearing, discussing sentencing with Senator COONS, Senator SESSIONS revealed his view about what a Federal prosecutor should be. He said it was ''a problematic thing'' that is ''difficult to justify'' when a prosecutor uses some discretion to bring lesser charges or not to charge the maximum drug charge available.

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 it 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. As 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 diligent, strict, and vigorous in law enforcement, 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.

We 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 LEE, CORNYN, DURBIN, GRASSLEY, LEAHY, and WHITEHOUSE. Senator LEE, in particular, has been a passionate advocate against mandatory minimum sentencing.

I believe in enforcement of the drug laws. I 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

all Republicans on the committee did—but he asked questions like, ''What about two sisters?''—as if to compare same-sex marriage to incest, a demeaning statement about hundreds of thousands of families in this country.

He voted against allowing gay and lesbian Americans to serve in the military. In 2009, he voted against the Matthew Shepard and James Byrd, Jr. Hate Crimes Act. He said he did not see the kind of discrimination happening against the LGBT community or women. He said the law was potentially unconstitutional, which is not an argument that, to my knowledge, has ever been accepted by a court.

In 2006, he voted to enshrine discrimination in our Constitution by supporting the constitutional amendment to ban same-sex marriage everywhere in the country. What did he say? He said the Senate had to debate the amendment because of a ''deliberate and sustained effort by leftists in America,'' ''social activists,'' and ''activist judges.''

He talked about harm to children, ignoring the fact that same-sex couples are raising children and that denying equal recognition to their families actually hurts those children. Then he went on to criticize the 2003 decision of the Supreme Court in Lawrence v. Texas, which essentially said that private homosexual conduct cannot be made a crime in this Nation.

The Lawrence decision, written by Justice Anthony Kennedy, was a victory for freedom. How did Senator SESSIONS describe it? He argued the decision was wrong, and ''troubling with far-reaching ramifications.'' He said it was a ''new vision of social justice, masquerading . . . as constitutional law.''

He called Justice Scalia's dissent ''brilliant.'' That dissent, by the way, accused the Supreme Court of ''sign[ing] on to the so-called homosexual agenda, by which I mean the agenda promoted by some homosexual activists directed at eliminating the moral opprobrium that has traditionally attached to homosexual conduct.''

When he was Attorney General of Alabama, he sought to shut down a conference of LGBT students on a public university campus in Alabama. This was despite a Supreme Court decision issued just a year earlier protecting a Christian student group from discrimination based on viewpoint.

The Eleventh Circuit Court—in a panel of three judges appointed by Republican Presidents—called the State's action ''blatant viewpoint discrimination'' and characterized Sessions' arguments as ''feeble.''

Does any of this sound like the actions of a person who understands the demands for justice and fairness made by the LGBT community? My answer is no.

How will that impact the Attorney General? The Attorney General must enforce Federal hate crimes laws. The Attorney General must ensure that Federal law treats same-sex couples equally; that the right to marry and be treated equally under Federal law is recognized and protected.

Here we are, I think, at a very difficult and dangerous turning point. We have a President with little apparent regard for constitutional or legal restrictions and who is willing to take to Twitter to target and abuse individuals and groups of Americans, and even belittle and demean Federal judges and the Federal court system, just as he did during the campaign.

We have a President who has taken a ''shock and awe'' approach with cruel, un-American, and potentially illegal Executive orders even in his first 2 weeks in office, which this nominee reportedly urged be done even faster.

We have a President who wants to bring back torture, even though—thanks to Senator MCCAIN—Congress has already stated it is clearly illegal. We have a President who is already angering long-term allies like Australia and making ridiculous threats of sending troops to Mexico.

We have a nominee for Attorney General who is anything but independent. He was part and parcel 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, and has played 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 Attorney General of the United States. Let me make a few comments about the process. I would expect that the Attorney General nominee know the President before they are chosen. This idea that Senator SESSIONS was close to President Trump during the campaign and that it is somehow a disqualifier makes absolutely zero sense to me.

The bottom line is, that is exactly the kind of people you would expect a President to pick—someone who has been on their team, someone they know, someone they believe in to carry out the duties of the office that they are nominated for.

I don't have the time to go through history, but I would assume that in past nominations—particularly for Attorney General—there has been some kind of relationship between the President who nominated him and the person who is seeking the job. If that is going to be the new standard, I suggest that nobody in this body ever endorse anybody for President because apparently you can't serve in the Cabinet. That would be kind of silly.

I look at this as are you qualified for the job? Our friends on the other side look at it as if you don't agree with their liberal agenda, you can't do the job. Big difference. There has been an absolute wholesale attack on everything Trump when it comes to the nominations, with a few exceptions.

The basis of the attack is that they don't share the world view of our friends on the other side. That world view was litigated pretty thoroughly and you lost. What do you expect Donald Trump to do after his campaign? I expect him to do what he said he was going to do. Some of it I agree with, some of it I don't. Where I don't agree with him, I will challenge him.

The one challenge I will not make against this President is to deny him the ability to pick somebody who is clearly, in my view, qualified, even though I may have differences with him on particular issues.

I would say this about Senator SESSIONS. I have known him for 20 years almost. I have traveled throughout the world with Senator SESSIONS and his family. Most of the time I agree with JEFF SESSIONS. Sometimes I don't, but I found him to be an incredibly honorable man worthy of the job of being U.S. Senator from the great State of Alabama, reflecting the values of the people of Alabama. That is what he got elected to do, by the way.

I think he will be uniquely qualified to be the 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 steeped 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. Loretta Lynch is a fine woman. I can't remember one time she expressed doubt about President Obama's agenda. When it was left up to the courts to express

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 unfairly. 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 everybody 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—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 forgot to tell us about, so I hope he will amend. Another attack on Senator SESSIONS, he received an award from a David Horowitz group that was labeled by the Senator from Connecticut as being some rightwing extremist organization. All I can say is that the Annie 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 manager. 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 bigot.

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 conservative.

Back to our friends at the NAACP, I asked Mr. Brooks, ''Do you have a legislative 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; BLAKE, 29 percent; CRAPO, 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; KLOBUCHAR, 100 percent; FRANKEN, 100 percent; COONS, 96 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 are good for the future of this body and the country as a whole. You are basically saying: You did not vote for the legislation I supported. You voted against ideas I embrace that I think make America a unique place; therefore, you cannot have 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 his entire life. And I really regret that 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 it is a big leap from the policy disagreement to not qualified.

I asked the NAACP chairman: Name one Republican you would recommend to be Attorney General.

I have yet to get a name.

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 Hagel? 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 can be fair to the public as a whole.

I don't believe for 1 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. That 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 dynamic regarding crime. I will 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 Bin Laden's 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 you can ever convince me that 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 they 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 as in morning business.

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

TRIBUTE TO VLADIMIR KARA-MURZA

Mr. MCCAIN. Mr. President, last week I was heartbroken 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's news signaled another shadowy strike against a brilliant voice who has defied the tyranny of Putin's Russia.

Many Americans are not familiar with the life of 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 early 1990s, leading tens of thousands of Russians to march in protest of widespread fraud and corruption in the parliamentary elections.

In the United States, Vladimir was 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 violence the Putin regime relies on to maintain power.

Vladimir's family has a long history of heroism for years, dating back to the early 1900s. Vladimir once described the experience of visiting the KGB archives in Moscow where he reviewed the thin file on his great grandfather who was executed. It contained the scant evidence required for a death sentence in Stalin's Russia. He recalled the weight that fell upon him when he read the modest document to which the executioners affixed the date and their signatures to signify that the judgment had been carried out.

Vladimir also learned what it takes to be a revolutionary from our mutual friend Boris Nemtsov. Vladimir and Boris struggled together for years in the cause of freedom and democracy. Vladimir once called Boris the best President Russia never had.

Boris was one of the first to warn of the incoming Putin dictatorship, even when many of his fellow liberals could not see it. He told the truth about Putin's reign of terror, rampant corruption, and his illegal invasion of Ukraine. For the crime of telling the truth in Putin's Russia, Boris Nemtsov was murdered in the shadow of the Kremlin in 2015.

He died a martyr. He died a martyr for the rights of people who were taught to hate him but who will one day mourn his death, revere his memory, and despise his murderers. After Boris's assassination, many urged Vladimir not to return to Russia. He had every reason not to. He knew his own family's history with tyranny. He knew what happened to Boris Nemtsov, and he knew all too well about the culture of impunity that Putin has created in Russia, where individuals are routinely persecuted and attacked for their beliefs, including by the Russian Government, and no one is ever held responsible.

He knew about Sergei Yushenkov, who was investigating the Kremlin's potential role in the 1999 apartment bombings in Russia when he was shot and killed at the entrance of his apartment. He knew about American journalist Paul Klebnikov, who was investigating Russian Government connections to organized crime when he was shot to death in Moscow in 2004.

He knew about Anna Politkovskaya, a journalist, human rights activist, and fierce critic of Putin's brutal war in Chechnya, who was murdered in the stairwell of her apartment building on Putin's birthday in 2006.

He knew about former FSB officer Alexander Litvinenko, who exposed the Putin regime's massive corruption tied to organized crime and involving assassination and murder. He was poisoned to death in 2006 with a radioactive isotype in a brazen act of nuclear terrorism.

He knew about Sergei Magnitsky, that most unlikely of heroes in the cause of freedom, the humble tax attorney who blew the whistle on tax fraud and large-scale theft by Russian Government officials, only to be charged with their crimes and die in a squalid cell inside the prison that once held the political opponents of the Czars and the Soviets.

In short, Vladimir knew that Putin is a killer—and he is a killer. He might very well be the next target. Vladimir knew that there was no moral equivalence between the United States and Putin's Russia. I repeat: There is no moral equivalence between that butcher and thug and KGB colonel and the United States of America, the country that Ronald Reagan used to call a shining city on a hill. To allege some kind of moral equivalence between the two is either terribly misinformed or incredibly biased. Neither can be accurate in any way.

Knowing all this, knowing that his life was at risk, Vladimir returned to Russia. He continued to speak truth to power. He kept faith with his ideals and was in confrontation with a cruel and dangerous autocracy. He kept faith honorably and bravely with the example of his friend and comrade Boris Nemtsov.

Now it appears that Vladimir has once again paid the price for his gallantry and integrity, for placing the interests of the Russian people before his own self-interest. He is very ill, but I am encouraged to learn his condition is now stable.

So today, speaking for so many Americans, I offer my most heartfelt prayers for the recovery of Vladimir Kara-Murza and for the success of the cause to which he has dedicated his life: truth and justice for the Russian people. And I do so with the confidence Vladimir himself once expressed: ''I am sure that in the end, we will win, because even when dictators prevail for some time, sooner or later, freedom wins.''

I thank my colleague from Illinois for his indulgence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset that I am glad I was here for the statement made by the Senator from South Carolina. We disagree on many things. We agree on things as well. I respect him very much and turn to him often to find bipartisan support when, frankly, no one else will answer the phone. He has been a great friend and ally and has been very blunt with me when we disagree. We do disagree today, and I do it respectfully because Senator GRAHAM is a person I do, in fact, respect as a Senate colleague.

He is right about one thing: You would expect a new President to pick someone to be an Attorney General whom they know and trust. It 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 Senator SESSIONS, Steve Miller, 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 in and of itself is not troubling, except when you look at the issues they have worked on closely together—the issue of immigration, the Executive orders, of which the Post said Senator SESSIONS was the ''intellectual godfather.'' That is a clear example pointed out by this article, and that is one of the reasons it was raised by Senator FEINSTEIN.

I understand what Senator GRAHAM has to say: that Senator SESSIONS has been nothing more than a Senator loyal to his home State of Alabama in his politics and in his views on issues. I do acknowledge that and can tell you that, over 20 years, I have heard Senator SESSIONS's speeches repeatedly, and he does take those positions. But the thing that troubles me is the question about whether the values of the Senator from Alabama are the values we want in the Attorney General of the United States. To be very blunt, in some cases, they are not, as far as I am concerned.

I understand that President Trump won the election, but that doesn't mean, when it comes to advice and consent, that every Member of the Senate has to bow and step back a few steps for every nominee proposed by this new President. We have a responsibility to ask what is right for America, what is right in terms of values and judgments that we bring to this job, as well.

It is not a happy moment for me to say this, but I do stand in opposition to the nomination of JEFF SESSIONS to serve as Attorney General of the United States. The reason I don't view this as a happy moment is I have known him for 20 years. We have worked in the Senate, in committees, and on the floor. I know him personally. I met his family. And to say that I don't support him for this elevation to Attorney General is something that is hard to say, but I know that I have to. 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 be the No. 1 law enforcement official in the United States of America.

He comes to this new opportunity in a sharply divided nation. We have a controversial new President who already has seen an Executive order blocked by the courts in what appears to be record time. Think about that for a moment. Donald Trump has been President of the United States for 19 days. In those 19 days, he has issued an Executive order stopped by the Federal courts of the land from implementation and he has dismissed an Attorney General. No other new President, in 19 days, can point to that happening. It is an indication of the types of policies he is promoting. It is also an indication that in the future, he is likely to again test the separation of powers in this government.

In this context, the need for an independent Attorney General has never been greater. We need an Attorney General who will not just serve as the President's lawyer or cheerleader but who will defend the constitutional rights of everyone, including protecting those rights from an overreaching President, if necessary. As a member of the Judiciary Committee, I have carefully considered this nomination, and I am not persuaded that Senator SESSIONS will serve that level of independence.

Also, I have strong concerns that. if he is confirmed, he won't adequately pursue the cause of justice on a range of important issues. In his nomination hearing, Senator SESSIONS said on issue after issue that he would simply follow the law, enforce the law, but that doesn't come close to capturing the real role of the Attorney General. The Attorney General, as chief prosecutor in America, doesn't just ''follow the law''; that person uses his discretion to determine how the law is enforced and whom it is enforced against. Ignoring that is to ignore one of the key elements of service as Attorney General.

As Acting Attorney General Sally Yates reminded us, the Attorney General has a critical role at times in even standing up to the President. The American Bar Association standards say that the duty of the prosecutor is to seek justice, not merely to convict. I don't have confidence, based on the answers he has given me, that Senator SESSIONS would follow that standard.

Here is one example. At the hearing, I introduced Senator SESSIONS to Alton Mills of Chicago, who in his youth was a street-level courier for drug dealers. He was sentenced to life without parole and prison at age 24—life without parole at age 24 under the Federal three strikes and you are out law. He was sentenced on a nonviolent drug offense—no guns, no violence. He sold drugs a third time and got a life sentence.

Even the judge imposing the sentence did not agree with it, but he said the law said what he had to follow and his hands were tied. Alton Mills needed to pay for his mistakes, but he did not need to spend the rest of his life in prison. In December 2015, President Obama commuted Alton's sentence, after he had served 22 years in prison.

Under the Obama administration, Justice Department prosecutors were directed to search out low-level offenders like Alton Mills and use the discretion of the Department of Justice and make sure that they were given a second chance. Senator SESSIONS has said that he strongly opposes these guidelines.

When it came to clemency, Senator SESSIONS fiercely criticized President Obama, saying he commuted 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 the Fair Sentencing Act of 2010. 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 reductions.

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. time and again, 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 into the United States. 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. Since World War II, we have 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 stand as law. 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 concerns.

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' 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 over 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, hearing testimony from 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 discrimination in this country. While the 16 jurisdictions affected by Section 5 represent only 25 percent of the nation's population, they still represent 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 decision left 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 to him a book written by Carol Anderson. She is 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 Congress would, on 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—officials from both 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 are just that—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 this 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.

We are still facing this challenge 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 U.S. attorney 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 an attorney for 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 excuse for 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 faiths. 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 ''[w]e'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 to discuss this, and he has forced that discussion.''

I am also concerned about Senator SESSIONS' support of laws and cases that permit individuals and companies 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 unknown waters and trek across unknown frontiers.

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 freedom of certain faiths 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 been an epidemic of gun violence facing the City of Chicago. There were more than 760 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. It is a crisis.

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 Office of 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 wouldn't even commit not 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 Trump administration 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 and the Trump administration are threatening to cut Federal funds for Chicago. Their priorities are profoundly misplaced.

Senator SESSIONS did say he would increase Federal gun prosecutions. 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 that Chicago's. So that is not enough.

Senator SESSIONS also seems to think that immigrants are at the root of most of our Nation's crime 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 America's Presidential election. Amid 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 and his threat. 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 responses, he admitted that he has not 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 vulnerable to a Russian penetration. 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 find out where those 30,000 emails are, 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 . . . it makes no sense that we're at the hostility 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 supported increased military spending and tough talk about the threat Russia poses to the U.S. and its allies in Europe. Since becoming an adviser to Republican presidential nominee Donald Trump, however, those principles appear to have undergone some revisions. Trump has upended traditional conservative caution toward Russia by exchanging niceties with President Vladimir Putin and expressing hope for warmer relations. 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 lobbyist 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 lobbyist ''was invited to discuss issues of national security and foreign policy, and wrote white papers for Sessions on the same subjects . . . ''

In an October 30 interview with DefenseNews, 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 reported Russia-Trump allegations has the potential to significantly impact the interests of Senator SESSIONS' 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 people deserve the truth about Russian involvement in our election. The stakes 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 as Attorney General, including his vote against reauthorizing the Violence Against Women Act; his votes against the Detainee Treatment Act and the McCain-Feinstein Army Field Manual Amendment; his past statement that the use of prison 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 14th Amendment's guarantee of birthright citizenship; and his refusal to commit to recuse himself from involvement in any case, investigation or Office of Legal Counsel decision involving the receipt of emoluments by President Trump. All of these factors have weighed on me as I have considered this nomination.

Mr. President, let me conclude.

We need a nonpartisan Attorney General with the independence, judgment, and backbone to stand up to a President when his actions are illegal or unjust. Senator SESSIONS is an able politician. He has been an able representative of his State of Alabama. But he is not the right person to serve as Donald Trump's Attorney General.

The Justice Department's motto ''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 confident Senator SESSIONS would be 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 bill clerk 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 Department 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 administration accused Acting Attorney General Sally Yates of having ''betrayed the Department of Justice,'' it exposed a view of the Justice Department that is disturbing and dangerous. The claim that Ms. Yates ''betrayed'' the Department by refusing to defend the President'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 SESSIONS knows that.

There is a reason the Justice Department is not led by a Secretary of Justice: the Attorney General is the people's attorney, not the President's attorney. The Trump administration has already shown us why this distinction

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 was even criticized yesterday 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 green-light 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 minority religions 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 parents and 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 beyond outrageous. 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's improper? A lot of people 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 the Constitution. Just 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 SESSIONS, 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 on this issue are well known to Members of the Senate Judiciary Committee. In 2015 I offered a simple resolution in the committee. It expressed the sense of the Senate that the United States must not bar individuals from entering into 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 the Senate, including 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 concerns about 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, he did not demonstrate to the 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 evaded my 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 and divest from assets 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 he 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 pursued by his administration. Actually, that is definition 101 of a conflict of interest. The President should not personally profit from their decisions. This answer was particularly troubling because I know that he knows the right answer. Senator SESSIONS told Senator FEINSTEIN at his hearing: ''I own no individual stocks because I want to be sure that I don't have conflicts of interest.'' He added, ''I want to adhere to high standards.'' Well, I appreciate that. But Senator SESSIONS—and I assume Attorney General Sessions—apparently refuses to hold the President to any standards at all.

In fact, his woeful blindness extends even to the Russian interference into our democracy. In response to questions in the Intelligence Committee's report on Russian interference—the intelligence community found without a doubt that we had Russian influence in our democracy—he said: ''I have not reviewed the report, but I have no reason not to accept the intelligence community's conclusions as contained in the report.''

Well, if he hasn't read the report on something as critical as this, I suspect he is one of very few Senators who hasn't. I asked him whether the activities described in the report are illegal: Are they a threat to our democratic process? For anyone other than President Trump, that is not a difficult question. Reading the report, the answer should be an obvious yes, but Senator SESSIONS refused to answer. If Senator SESSIONS is not willing even to acknowledge facts that make President

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 respond if President Trump pressured 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.

Later tonight 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 South''—not 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 unanimous vote, he turned around and argued, 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 wild 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 is 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 off. He claimed he was ''merely . . . 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 service as a principal adviser thereto or a principal official thereof.'' 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—for the good of the country. Country outweighs 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 first 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 us—whether you were supporters during 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 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 reiterating his support of torture and his admiration of Putin. Remember, Putin's critics continue to turn up dead. 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 emulate Putin's efforts to spread misinformation, chastise his critics, and intimidate those responsible for upholding the law. His assaults 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 political norms 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 cyber attacks.

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.

Why does our President 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 care 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 I am, 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 scorning 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 to ensure that the justice system 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 several years afterward, as 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 the innocent who may be wrongly accused and to 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 just win cases. I know how powerful this position can be and how crucial the Attorney General is not as the appointee of a politician but as a servant of justice.

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.

This 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 also suggested that the American people should blame him and our ''court system'' if something should happen as a result of the court's blocking his Executive order.

In this anticipatory blame, the bluster 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 Constitution,'' 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 himself.''

Ms. Klein 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 speak out to a President whose orders may contravene constitutional law.

We saw 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, the Constitution, and the rule of law. Former Acting Attorney General and Deputy Attorney General Sally Yates took a stand based on moral and legal principle, and I thank Ms. Yates for her courage and strength in that action. Holding herself to the highest traditions of the Department of Justice, Ms. Yates said that in her judgment these orders cannot be defended, that the rule of law and morality is more important than the politics of the moment and the impulsive edicts of a ruler who apparently fails to uphold the law. Her actions raised the question of whether the next Attorney General will have the same 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 father, a refugee 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 coming into 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 harmed in 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 extremists 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 this great 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 people. Fortunately, even 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 the position of 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 rule of 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 of the law.

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, what we saw demonstrated 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, the Attorney General must be willing 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 or 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 were no better. Those answers 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 administration faces ethical and 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 and hostility 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 make private health care decisions and personal reproductive rights decisions without interference from the government.

As we all know, declaring abortion illegal solves no problem. Laws against abortion do not stop them from happening, it simply stops them from happening in a safe, legal manner. Laws that restrict abortion force women to put their own lives at peril rather than enjoying full freedom. Yet Senator SESSIONS' congressional record and hearing show that he is inherently opposed to providing women with the ability to make those preeminently private health care decisions.

He has gone on record stating he believes Roe v. Wade was constitutionally unsound and wrongly decided. He voted against an amendment that expressed constitutional support for the underlying Supreme Court decision. Most troubling, he supported a constitutional amendment to ban abortion with only a few inadequate exceptions. It is no surprise that he has been supported by extremist groups like Operation Rescue. As Attorney General of the United States, Senator SESSIONS would be tasked with protecting the very women whose rights he has criticized.

Far too many women seeking to exercise their constitutional rights are already faced with violence and harassment outside of health clinics. I know only too well the kind of intimidation and fear-inspired actions that can take place because as attorney general of my State, I enforce the statute to protect those clinics.

Those women look to the Department of Justice to enforce the Federal law that prohibits interference with people seeking to access these clinics, and it keeps them safe. There is a very real concern about whether these women will receive the same protection under Senator SESSIONS' tenure. With limited resources across the Department of Justice, decisions must be made by the Attorney General in setting priorities for enforcement.

Senator SESSIONS' past positions and stances make clear that the protection of women's rights is far from a priority for him. He told me at the hearing that he would ''enforce the law.'' But when important constitutional rights are under threat, American women need more than someone who will simply follow or enforce the law. They need a champion and so do all of our civil rights and civil liberties and voting rights and other key freedoms.

I am disturbed as well by Senator SESSIONS' vote against reauthorizing the Violence Against Women Act. He has stated that he does not oppose the principle or some of the provisions of the law, and I take him at his word, but the circumstances behind his vote are no less disturbing. We must recognize that our Nation's tribal communities face epidemics of both domestic and sexual violence. Studies show that almost three out of five Native American women have been assaulted and that one-third of all Native American women are raped during their lifetime.

The VAWA Reauthorization of 2013, the Violence Against Women Act, that

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 Americans in Indian Country. Before 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 a 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 leave 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 recently 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 end here 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 in our history.

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 are not readily visible, but 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 America 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 nominee, 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 regretfully oppose JEFF SESSIONS as our next Attorney General because we cannot count on him to do so, and I urge my colleagues to join in this 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, be recognized for 5 minutes; and following Mrs. SHAHEEN, the distinguished whip of the Republican Party, Mr. CORNYN, be recognized.

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

BIENNIAL 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 Secretary positions on the Cabinet of the new President. We are talking about all kinds of things. We are in a 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.

The truth 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 joining with the distinguished Senator from New Hampshire, a great Governor of that State and now a great Member of the U.S. Senate, to propound for the third Congress in a row an idea that is so simple and so great that it works and it works for all the American people. It is called a biennial budget process. What it does is it embraces a discipline for how you budget to bring about the right solutions in terms of what you do budget.

What the biennial budget process does is it says this. We would be far better off if we had more oversight of spending, more authorization projects, and more discipline in the way we spend money we are already spending before we start appropriating more.

Therefore, in every even-numbered year, we ought to do oversight of our spending, we ought to do accountability in our spending processes, we ought to do accountability in our spending process, and we ought to do no appropriations.

In our odd-numbered years, the nonelection years, is when you appropriate. Every other year you are spending, and then every other year you are doing accountability. What that causes is the cream to rise to the top. All of a sudden in 1 year, instead of departments coming to say we don't have time to oversight, we have to authorize more, they come to you and say: Here is how we spent our money, here are the savings we have found, and here is how we want to move forward in a more efficient way.

It is a little bit like my kitchen table and my family. All the way through my 49 years of marriage, my wife and I and our kids have sat around the kitchen table, decided what our family priorities are, from our vacations to our jobs, and then we budget our money for that year so we can pay our bills, enjoy the time we had together, and end up not being broke at the of the year.

What happens when you don't do that and you are a government is you end up owing $19 trillion and don't know how to pay for it. We cannot continue to spend at the escalated rate that we are spending without more accountability on the process so I think the biennial process is the right way to go.

There is some documentation for that. The distinguished Senator from New Hampshire was a Governor of her State who had a biennial budget, but 19 of the 50 States have biennial budgets already. They work, and they work fine. They give them the luxury of doing what we don't do in Washington, they give them the luxury of having the time to study their appropriations, find savings in existing taxation before they start raising anybody's taxes or appropriating anymore.

It is a simple, disciplined way to go about the business of spending the people's money in the same way they make their determination.

I ran a pretty large company for 19 years and was in business for 35 years before I came to Congress. I know that running a business is hard, but it is not hard because it is complex; it is hard because it is tough. Prioritizing your appropriations is tough business.

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 to vote for a biennial budget process 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 vote-arama on the budget, and we got 72 votes, if I remember correctly, in favor of the biennial 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 pass 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 a 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 said, 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 this 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 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 address the nominee for Attorney 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 disinterest or even hostility to many 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 who will fight 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 case, calling it simply Shelby County. 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 to protect minorities in States 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 great 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 counts were 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.''

Invalidating 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 undocumented immigrants 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. Yet, as Attorney General, 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 2013 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 health insurance 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 in the United States 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 sexual orientations face 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 getting justice in cases of violence 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?

Mrs. 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 FEINSTEIN.

I thank Senator SHAHEEN. I apologize for interrupting.

The PRESIDING OFFICER. The Senator has that right.

The Senator from New Hampshire.

Mrs. SHAHEEN. 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 adviser 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 worked with them to make sure 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 to 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 PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I yield the remainder of my postcloture debate time to Senator SCHUMER. I want to thank Senator THUNE for his courtesy.

The PRESIDING OFFICER. The Senator has that right.

The Senator from South Dakota.

Mr. THUNE. Mr. President, we continue to just sort of—at a glacial pace—work our way through the nominations. We have in front of us the nomination for Attorney General of Senator 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 unfortunately 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 1880s and up through the 1930s, 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. There have been now, 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, when they voted last fall, voted with an expectation 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 regrettable that we are 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 competitive, safer for 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 resources 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 hope that will happen because this is unprecedented, as I said, in the level of degree to which the Democrats are stooping.

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 was a Marshall scholar.

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 has said more than 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, not to write it; to call balls and strikes, 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 groups know 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 in court and on the Federal Appellate Rules Committee (where both of us serve); he brings a sense of fairness and decency to the job and a temperament that suits the Nation's highest Court. I, for one, wish it were a Democrat choosing the next justice, but since that is not to be, one basic criterion should be paramount: Is the nominee someone who will stand up for the rule of law and say no to a President or Congress that strays beyond the Constitution and law?

I have no doubt that if confirmed, Judge Gorsuch would help to restore confidence in the rule of law.

> His years on the bench reveal a commitment to judicial independence, a record that should give the American people confidence that he will not compromise principle to favor the President who appointed him.

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 judge we want 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 to a 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 really has 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 are not really concerned that Judge Gorsuch is a raving rightwing ideologue. When liberal after liberal attests to his fairness and impartiality, it is pretty hard to pretend that he is anything but an excellent pick for the Supreme Court. Democrats just 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. 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 going to filibuster, 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 someone who 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 colleague 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 role on the Supreme Court.

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 Senator from New Hampshire 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, and every 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 calling anybody 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.

But you cannot dispute 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 you have to go back a long way in 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 and praise President 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 and has been impressive. 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 attend 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 serve as 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 preferences. As he said recently at the White House, shortly 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 of 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 people in 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 same voters went to the polls knowing 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 as the next Associate Justice of the Supreme Court. I look forward to a timely and fair confirmation process focused on Judge Gorsuch's qualifications.

Now I want to talk a little bit about my other friend. I rise in support of President Trump's nominee to serve as the next Attorney General of the United States. That is my good friend and colleague Senator JEFF SESSIONS of Alabama.

Senator SESSIONS is an admirable and appropriate choice to be America's next Attorney General. His many years of legal practice, his service as a U.S. attorney, and as Alabama's attorney general, and 20 years of legislative service in the U.S. Senate have prepared him well to lead America's Department of Justice. His work itself speaks highly of his understanding of the Constitution, of his respect for the law, and of his reverence for the values that we as Americans hold dear. JEFF SESSIONS is qualified to be the next U.S. Attorney General because he spent decades studying and practicing the law.

He grew up in a small town in Alabama and worked his way through college before studying law at the University of Alabama. Senator SESSIONS began his law practice at a small firm, where he worked on cases involving probate matters, domestic relations, criminal defense, real estate, wills, and civil litigation—what a combination.

He then worked as an assistant U.S. attorney in the Southern District of Alabama from 1975 to 1977. In that position, he handled a variety of cases at the trial level, including those related to wrongful death, gun violations, forgeries, bank robberies, drugs, and enforcing criminal penalties for pollution.

I am not an attorney myself, but I understand those are exactly the kinds of cases that teach foundational legal skills to a young attorney—managing a docket that may include dozens of cases at any one time; working long hours to track down key evidence and witnesses; developing relationships with investigators and closely advising them to ensure relevant and admissible evidence is gathered lawfully; giving up nights and weekends to prepare witnesses, motions, and arguments for trial to get a case across the finish line; and conferring with victims to assure they are afforded the rights guaranteed to them by law.

That kind of hard work and legal training paid off in 1981, when Senator SESSIONS was nominated by President Ronald Reagan to serve as the U.S. Attorney for the Southern District of Alabama. For the next 12 years JEFF SESSIONS represented Federal agencies in legal controversies, prosecuted criminal cases, collected debts owed to the government, and defended the civil rights of U.S. citizens. He did this while also serving his country in the U.S. Army Reserve from 1973 to 1986. He worked as a transportation officer and later as a military attorney, where the Army no doubt benefited greatly from his years of civilian legal training and practice.

In 1995, Senator SESSIONS was elected attorney general for the State of Alabama, and he served for 2 years as the State's chief legal officer. Two years later he was elected to the U.S. Senate.

I was first elected to the Senate in that same year, and JEFF SESSIONS has been my friend ever since. But I personally know the man, not just the Senator, and I believe him to be a caring person who wants justice for people and has compassion for people, no matter their backgrounds.

During his 20 years in the Senate, JEFF SESSIONS has worked on many tough legislative issues that further qualify him to serve as Attorney General. As a member of the Senate Judiciary Committee, he has fought for the confirmation of judges committed to following the law. Consistent with his experience as a prosecutor, he has led successful legislative efforts to improve law and order, many times working with his colleagues across the aisle. He worked with another of my good friends, the late Senator Ted Kennedy, on legislation to reduce sexual assaults in prisons. He worked with Senator DURBIN to pass legislation in 2010 to bring fairness to Federal drug sentencing and provide tougher penalties to repeat drug traffickers.

But his efforts haven't been limited to the Judiciary Committee. As a member of the Senate Armed Services Committee, he has been a strong advocate for America's military and for those who serve in it. In 2006, he worked with Senator Lieberman to pass a law increasing death benefits for family members of fallen combat personnel and to increase Servicemembers Group Life Insurance benefits.

He has worked to restrain the growth of Federal spending and rebalance Federal funding for HIV/AIDS treatment through the Ryan White CARE Act. Those are just a few of his many legislative accomplishments as a U.S. Senator.

JEFF SESSIONS is a well-educated attorney, an accomplished prosecutor, and a skilled legislator. But I also believe his character, work ethic, and temperament make him well-suited to serve as the chief law enforcement officer of the Federal Government.

As I mentioned, he has been my friend and colleague for over 20 years. So I am proud to personally attest to this. He is 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 voters 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

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 extremely 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 has that right.

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 has that right.

Mrs. FEINSTEIN. And I yield 30 minutes of my time to Senator LEAHY.

The PRESIDING OFFICER. The Senator has that right.

Mrs. FEINSTEIN. And I yield 10 minutes of my time to Senator KLOBUCHAR.

The PRESIDING OFFICER. The Senator has that right.

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 has that right.

The Senator from Minnesota.

Ms. 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 UC'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, and I have told him 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 the 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 miss them very 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 it was first passed 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 rates 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 since before I became 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 to continue the cycle. That is why I worked with Senator LEAHY along with Senator CRAPO to make sure that the Violence Against Women Act was reauthorized.

What does this legislation do? The legislation ensures that 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 included stronger housing protections 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 harass their victims. This was a bipartisan provision 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 that it 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 where this man was 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

her anymore. I went to meet with the family before the funeral with our prosecutor and our victim witness advocate. I heard the story then that at the airport—the little girl had never met her deceased mother's twin sister. They were identical twins. And as they got off the airplane and her grandparents and that aunt got off the airplane, the little girl ran up to that aunt and grabbed her and said ''Mommy, Mommy'' because she thought that it was her mother and that her mother was still alive.

Those are the victims of domestic violence. It is not just the immediate victim; it is everyone around them.

Or, the case in Lake City, MN, of Officer Shawn Schneider, an incredibly brave police officer who was called one day to a domestic violence case. It was a man who was clearly affected by mental illness, who was threatening his 17-year-old girlfriend, and the cop went up to the door, and there he was. He had his bullet proof vest on, but the man shot the police officer in the head, and he died. I attended that funeral.

When I was there, I saw their young family, the two young little boys and this little girl. I heard the story about the last time they were in their church for the nativity play, and the dad was sitting there—the police officer—in the pew, watching his family and his children perform. The next time they were in the church was when that little girl with the blue dress covered in stars was walking down the aisle for her dad's funeral.

That is domestic violence. It does concern me that we did not get support from the nominee. I do appreciate that he said he would continue to fund the Office on Violence Against Women, and I believe that that is very important to the functioning of the Justice Department.

Since its inception in 1995, the Office on Violence Against Women has provided financial and technical assistance to communities nationwide—very important to the Department of Justice.

The last thing I want to mention—and I will come back again to some of these other priorities that I think are important, if Senator SESSIONS is confirmed, to continue to be a focus in the Justice Department, as well as other concerns that I have—is the funding of the COPS program. Republican Senator MURKOWSKI and I are leading that effort. We have always had, especially in the House of Representatives, bipartisan support for the COPS program.

During Senator SESSIONS' hearing, I made a special note to discuss that issue with Chuck Canterbury, who is the president of the Fraternal Order of Police, and we had a good discussion about that. He stated that he shared my view that this is a very important program, particularly with the sharp decrease in staffing levels we have seen for law enforcement around the country in recent years, including training funding—something that is really important.

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. In fiscal year 2015, 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, but I served there with Senator SESSIONS.

I was listening to Senator KLOBUCHAR'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 understand the importance of the Constitution, the rule of law, the system of 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 intelligence challenges we face 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. These hard-working employees of the Justice Department keep America safe every day while protecting American lives, and some of them put their lives on the line to do so. We need an Attorney General that will strengthen, not weaken, the Justice Department and will help carry out its important missions.

The Justice Department is charged with ''[enforcing] the law and [defending] the interests of the United States according to the law,'' ''[ensuring 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 hearing, and advocacy on the 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 do want to mention my resolution calling on President Trump to divest his interest and sever his relationship to the Trump organization. My resolution was first introduced last year. It is intended to uphold the value and strictures of one of the most sacred documents: the Constitution, the instrument that the President took an oath to preserve, protect, and defend. It makes clear that Congress will consider all transactions by foreign governments and their agents with the Trump organization as potential violations of the emoluments clause of the Constitution.

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

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 otherwise eligible voters and are frankly 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, saying that 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 doesn't matter that he won the 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 voter suppression and disenfranchisement in the elections. I fear this new study on widespread ''voter fraud'' is simply a pretext to impose more onerous restrictions on the right to vote—to try to keep a certain segment of Americans—making it more difficult for them to vote because they may be more likely to vote for someone other than Mr. Trump. That is not what the Attorney General should be doing.

Based on his record, Senator SESSIONS would work with 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'' tag 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 the 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 Muslims entering the United States.'' 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 16 to 4 in favor of the 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.' ''

Barring a 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 lawfulness of a Muslim ban. 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 to be able to stand up to even the President with these reckless words and actions. We need an independent Attorney General who will uphold the Constitution and recognize that he is not the President's attorney, he is the people's attorney. I am not convinced that Attorney General Sessions would be that type of person.

Senator SESSIONS led the opposition to the nomination of my fellow Marylander Tom Perez to be the Assistant Attorney General for the Civil Rights Division at the Department of Justice when President Obama nominated him in 2009. At the time, Senator SESSIONS said:

> I am also concerned Mr. Perez will not be committed to fully enforcing our Nation's immigration laws, some I have worked hard on. We need to create a lawful system of immigration. . . . He previously served as the President of the Board of CASA 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 President of the Board.

That was Senator SESSIONS' quote. Senator SESSIONS also commented on Mr. Perez directly:

> I am concerned where Mr. Perez will be in this [running the Department of Justice Civil Rights Division]. He has been pretty active politically. When he ran for the Montgomery, MD, county council he responded to a question asking, 'What would you like 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 to 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 at 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.

Senator 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 criticized the Supreme Court's recent decision legalizing same-sex marriages across the country. He harshly criticized the Court for redefining a ''sacred and ancient institution,'' and called the ruling ''part of a continuing effort to secularize, by force and intimidation'' the Nation. Once again, I fear an Attorney General SESSIONS would turn back the clock on LGBT rights to a

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 defund Planned Parenthood. I am concerned whether Senator SESSIONS would enforce equal rights and protection for women as our next Attorney General.

Senator SESSIONS has consistently fought against criminal justice reform in the Senate and led the effort to defeat the recent bipartisan proposals that would modestly reduce sentencing disparities and ease ex-offenders' reentry into society.

Senator SESSIONS opposed my Ramos and Liu blue alert act due to fiscal concerns, even though the legislation cost was scored at nominal or less than $1 million 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 officers, those who are threatened or 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, and was used by Senator SESSIONS to block this important tool to help our law enforcement officers.

Senator SESSIONS has generally condemned the Department of Justice's use of its power to investigate law enforcement agencies accused of misconduct and a ''pattern and practice'' of violating civil rights, calling consent decrees that mandate reform following these investigations ''an end run around the democratic process.'' That causes me concern because that is an important part of what we are doing in my hometown of Baltimore.

We had a major problem in the Freddie Gray episode. We requested a pattern and practice investigation. We are now working with the consent decree. The people of Baltimore and the people of Maryland are anxious to get this matter moving forward and are anxious to see this consent order bring a successful conclusion to that recommendation and investigation.

Senator SESSIONS led the opposition to Senator Mikulski and my recommendation of Paula Xinis to be a U.S. district judge for the District of Maryland in the Judiciary Committee and on the floor. The Alliance for Justice provided an account of Paula Xinis' confirmation hearing, which I will quote from at length here.

''Turning to the nominee of the District Court of Maryland, Paula Xinis, Senator SESSIONS unleashed a line of accusatory questions suggesting that Xinis' career as a public defender and civil rights lawyer showed an 'agenda' that she would invariably 'bring to the bench.' The questions were absurd and unfounded, but they could not be dismissed as such. Instead, Mrs. Xinis had to patiently explain that protecting the rights of America's most vulnerable and disenfranchised had not left her tainted with disqualifying bias.''

''Senator SESSIONS felt compelled to verify that someone with Mrs. Xinis' professional background—which also includes time as a complaint examiner in the DC Office of Police Complaints—would not be biased against police officers. After asking her whether 'police have a responsibility to try to maintain an orderly and safe environment for the people who live in a city' and whether a judge 'should show empathy for the difficulties that police officers face as well as' for those who allege that police have violated their civil rights. Senator SESSIONS closed with this:''

''Can you assure the police officers in Baltimore and all over Maryland that might be brought before your court that they'll get a fair day in court, and that your history would not impact your decision-making? And I raise that particularly because I see your firm [Billy Murphy] is representing Mr. Freddie Gray in that case that's gathered so much attention in Maryland, and there's a lot of law enforcement officers throughout the state and they want to know that they don't have someone who has an agenda to bring to the bench—can you assure them that you won't bring that to the bench?''

''The implication is clear: If you defend people against criminal prosecutions, and especially if you represent people in civil rights cases against police, there is a presumption of bias that you must rebut before the Judiciary Committee. One wonders whether Senator SESSIONS has asked a prosecutor if she would bring to her judicial role an 'agenda' against indigent criminal defendants or if a corporate defense lawyer would be biased against employees who allege unlawful discrimination or unpaid wages. I doubt very much he would ask that same question in that circumstance.''

''The depth of this double standard is underscored by Senator SESSIONS' invoking Freddie Gray in particular. Freddie Gray, of course, was fatally injured in Baltimore police custody after being arrested without cause. His death led to grand jury indictments for six officers on homicide and assault charges, and the Department of Justice opened a civil rights investigation. Under these circumstances, representing Mr. Gray's family hardly seems like an act of radical subversion that would call into question one's ability to be fair, but in Senator SESSIONS' view, any challenge to police authority can be done only in pursuit of some extralegal 'agenda.'''

Senator SESSIONS led the floor opposition to Paula Xinis. I am pleased to report she was confirmed by the U.S. Senate, and she is now one of our distinguished members of the District Court of Maryland, where she serves with great distinction.

Senator SESSIONS was one of only nine Senators to vote against the Detainee Treatment Act, which contained the McCain-Feinstein amendment that prohibits ''cruel, inhumane, and degrading'' punishment for individuals in American custody. He has left the door open to reinstating waterboarding as needed. He has opposed shutting down Guantanamo Bay.

These issues are critically important because we got word of a draft Executive order that would bring back these types of torture centers—which are not only a stain on America's reputation, they are counterproductive and against our values and our law. We expect the Attorney General of the United States to speak out against such reprehensible types of proposals.

Thomas Jefferson wrote: ''The most sacred of the duties of government [is] to do equal and impartial justice to all of its citizens.'' This sacred duty remains the guiding principle for the women and men of the U.S. Department of Justice, according to the Justice Web site. I would urge all of us to keep that in mind.

I regret I do not have confidence that Senator SESSIONS will carry out this task so I must oppose his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise to express my strong opposition to the nomination of Senator JEFF SESSIONS to serve as Attorney General of the United States.

I ask: Where are the Senators who will say no to the nomination of Senator JEFF SESSIONS as Attorney General of the United States? I hope there are at least enough Senators here who understand that America is careening over a constitutional cliff and that all of us, regardless of political party, need an Attorney General who can be relied on to enforce the laws fairly and fight back against lawless overreach by an out-of-control President.

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 unlawful, 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 halted his 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 now were different. I wish we could give 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 is one of the principal architects of that campaign.

Senator SESSIONS made a special name for himself for being a particularly vitriolic opponent of commonsense immigration policies. He railed against legal immigrants. He attacked cities and States that focus on keeping their communities safe instead of serving as a national deportation force. He called Islam a toxic ideology and a threat to our Nation. Despite the plain language of the Constitution, Senator SESSIONS doesn't think that children born in the United States should automatically become citizens. He wants to round up and deport DREAMers, who were brought to the United States as kids. Does that all sound familiar? Well, it should because Senator SESSIONS was an early and energetic supporter of then-candidate Donald Trump, and the Senator played a key role in shaping what has become the most extreme, most divisive, and most dangerous immigration policies of any President in decades.

Senator SESSIONS' radical views are not limited to immigration. On issue after issue, Senator SESSIONS has displayed open hostility to the rights of all Americans.

He has made derogatory and racist comments that should have no place in our justice system.

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 absentee 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 a White 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.

Senator SESSIONS is also extraordinarily hostile to any effort to root out discrimination based on gender or sexual orientation. According to Senator SESSIONS, marriage equality is 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.

It doesn't stop there. On crime, Senator SESSIONS' solution is to lock up people for even minor, low-level offenses; throw away the key. He has advocated for expanding prisons for youth, aggressively prosecuting marijuana offenses, and eliminating parole or reduced prison time for good behavior.

During the 2016 Presidential campaign, he heaped praise on then-candidate Donald Trump for having once taken out a racially tinged full-page newspaper ad advocating for the death penalty for the Central Park Five, the Black and Latino teenagers who were falsely accused and convicted of raping a young woman in New York's Central Park.

Senator SESSIONS is not a plain-old conservative Republican. No. Senator SESSIONS occupies a place way out at the radical fringe of his party, regularly taking positions that are far more extreme than his other Republican colleagues. For example, when Republicans and Democrats came together to pass a commonsense, bipartisan immigration bill, Senator SESSIONS worked overtime to make sure the bill did not make it through the House. When Republicans and Democrats came together to propose legislation to reform our broken Federal criminal sentencing laws, Senator SESSIONS was part of the handful of Senators who ensured that the bill would not get a vote here in the Senate.

Senator SESSIONS has been a public figure for decades. None of this—none of this is secret, and much of it is completely indefensible, but President Trump wants this man. So the same Republican Senators who once fought Senator SESSIONS tooth and nail have now launched a massive PR campaign to try to repair his public image.

That case against the civil rights workers helping Blacks in Alabama to vote? Hey, you go it all wrong. He was just trying to help out other African Americans who were concerned about voting irregularities.

His vote against the Violence Against Women Act? His position on LGBTQ rights? His opposition to a woman's right to choose? Hey, don't worry about it. He says he will vigorously enforce the law once he becomes Attorney General. Give me a break.

The law enforcement power of the United States of America is an awesome thing. In the right hands, in steady and impartial hands, it can be used to defend all of us, to defend our laws, to defend our Constitution. In the wrong hands, it can be used to bully and intimidate the defenseless, to destroy lives, to undermine American democracy itself.

Senator SESSIONS is not misunderstood. Senator SESSIONS has never been misunderstood. For decades, it has been absolutely clear where he stands. Now the time is here for every Senator to make absolutely clear where they stand as well.

Let's be clear. Winning a seat in the U.S. Senate does not exempt a Cabinet nominee from the close scrutiny that all nominees to lead our government deserve. It does not change the Senate's constitutional responsibility to examine a nominee to make certain that nominee will faithfully and fairly enforce the laws of the United States of America. It does not relieve the Senate of its duty to reject nominees whose records demonstrate that they will not stand up for American values and constitutional principles.

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 a direct threat to immigrants. To put Senator SESSIONS in charge of the Department of Justice is a deliberate affront to every LGBTQ person. 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? Thirty years ago, a Republican-controlled Senate took the extraordinary step of rejecting 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 and to send a message that this 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 examination by the Senate of a nominee's fitness to serve as a Federal judge is the last opportunity to determine whether the candidate possesses the education, experience, skills, integrity, and, most importantly, the commitment to equal justice under law, which are essential attributes of a Federal judge.

Once confirmed, a Federal judge literally has life and death authority over citizens that appear before him, with limited review of his decisions. Our Federal judiciary is the guardian of the rights and liberties guaranteed to all of us by the U.S. Constitution, and the decisions of fellow judges are constantly shaping and reshaping those rights and liberties.

This committee has a duty to our citizens 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 still 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. But for 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 the prosecution, vowing never to vote again. Mr. SESSIONS' role in that case alone should bar him from serving on the Federal bench.

There is more—much more. We just received a sworn statement from a Justice Department attorney I know—which will be the subject of a good deal of questioning during the course of this hearing—who has worked on civil rights cases with 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-inspired organizations. Mr. Huber reports that Mr. SESSIONS said that these organizations did more harm than good when they were trying to force civil rights down the throats of people who were trying to put problems behind them. Mr. Huber also stated that Mr. SESSIONS suggested that a prominent White civil rights lawyer who litigated voting rights cases was a disgrace to his race for doing it. Mr. SESSIONS is a throwback to a shameful era which I know both Black and White Americans thought was in our past.

It is inconceivable to me that a person of this attitude is qualified to be a U.S. attorney, let alone a U.S. Federal judge.

''He is, I believe, a disgrace to the Justice Department, and he should withdraw his nomination and resign his position.'' Those were the words of Senator Ted Kennedy, and I will stand with Senator KENNEDY, and, like he did, I will cast my vote against the nomination of Senator SESSIONS.

Coretta Scott King also wrote to the Judiciary Committee about the Sessions nomination in 1986. This is what she wrote:

Mr. Chairman and members of the Committee:

Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a federal district judgeship for the Southern District of Alabama. My longstanding commitment, which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal access to the democratic process, compels me to testify today.

Civil rights leaders, including my husband and Albert Turner, have fought long and hard to achieve free and unfettered access to the ballot box. Mr. SESSIONS has used the awesome power of his office to chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal judge. This simply cannot be allowed to happen. Mr. SESSIONS' conduct as U.S. Attorney, from his politically-motivated voting fraud prosecutions to his indifference toward criminal violations of civil rights laws, indicates that he lacks the temperament, fairness and judgment to be a federal judge.

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, ''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 non-violent protest of the denial of the franchise], Selma has involved fully 10 per cent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day.''

Mrs. King continues:

Martin was referring of course to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment twenty 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, continued ''to direct the drive for votes and other rights.'' In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma and elsewhere, have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1965. 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, up-hill struggle to keep alive the vital 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 Senator 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.

Ms. WARREN. I think that may have been Senator KENNEDY who said that in the record, although I would be glad to repeat it in my own words.

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.

Ms. WARREN. So quoting Senator KENNEDY, calling then-Nominee Sessions a disgrace, is a violation of Senate rules? It was certainly not in 1986.

The PRESIDING OFFICER. In the opinion of the Chair, it is, and the Senator is warned.

Ms. WARREN. So let me understand. Can I ask a question, in the opinion of the Chair? I want to understand what this rule means.

The PRESIDING OFFICER. The Senator will state her inquiry.

Ms. WARREN. Is it the contention of the Chair, under the rules of the Senate, I am not allowed to accurately describe public views of Senator SESSIONS, public positions of Senator SESSIONS, quote public statements of Senator SESSIONS?

The PRESIDING OFFICER. The Chair has not made a ruling with respect to the Senator's comments. The Senator is following process and tradition by reminding the Senator from Massachusetts of the rule and to which it applies.

Ms. WARREN. I am asking what this rule means in this context. So can I continue with Coretta Scott King's letter?

The PRESIDING OFFICER. The Senator may continue.

Ms. WARREN. Thank you. I will pick up, then, with Mrs. King's letter to the Judiciary Committee when the Judiciary Committee was considering, not then-Senator SESSIONS, Nominee Sessions for a position on the Federal bench.

She makes the point:

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, up-hill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those 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 bones and bloody heads in Selma 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.''

Free exercise of voting rights is so fundamental to American democracy, that we can not tolerate any form of 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 win the 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 run the gambit from the straightforward application of brutality against black citizens who tried to vote to such legalized frauds as ''grandfather clause'' exclusions and rigged literacy tests.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters, and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties, where blacks had finally achieved political power in the local government. Whites had 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.

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 Albert Turner despite evidence clearly demonstrating their innocence of any wrongdoing. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, Mr. Sessions sought to punish older black civil rights activists, advisors and colleagues of my husband, who had been key figures in the civil rights movement in the 1960's. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of legality, and had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government's case. Also, the prosecution illegally withheld from the defense, critical statements made by witnesses. Witnesses who did testify were pressured and intimidated into submitting the ''correct'' 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 have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

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 all 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 Jefferson 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 twenty years to ensure equal 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 rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

We still have a long way to go 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 timeless 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 of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding different views.

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. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Mrs. King's 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 people. An honest evaluation of JEFF SESSIONS' record shows that he is not that person.

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's Fingerprints 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 afraid of 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 late in the day 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 he left Sessions' office to join the Trump campaign, Miller's press releases were legendary among Hill reporters: There were just so many of them at all hours of the day, and they never stopped. Some were lengthy diatribes; some were detailed, homemade charts; some were one-liners; one was just a link to Facebook's stock page on Google Finance with 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 Nowrasteh, an immigration expert at the libertarian Cato Institute.

''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 actually planning terror attacks 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 support 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 big 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 temporarily ban refugees.

And a Miller press release, blasted out on November 25, 2015, included this ominous title: ''U.S. Issued 680,000 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 top-sending country for migrants are Iraq and Pakistan, according to Pew, 'Nearly all Muslims in Afghanistan (99%) and most in Iraq (91%) and Pakistan (84%) support Sharia law 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 refugee check and put Congress back 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 taxpayers to pick up the tab for tens of billions of unpaid-for welfare and entitlement costs.''

''The omnibus''—

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 jihadist movements over the next 12 months, on top of all the other autopilot annual immigration—absent language to reduce the numbers,'' the release continued.

That same statement also 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 foreboding subject line from Miller showed up in reporters' inboxes on Nov. 20, 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 Law.'' News broke earlier this week that Hahn got a job in the White House as an assistant to Trump and senior advisor Stephen Bannon.

And on and on and on, for hundreds of emails, without even a whisper of flip-flopping.

Trump's crack-down on Muslims and refugees should not surprise anyone. He is just taking his advisors' advice.

Trump's Executive order sparked protests and resistance all across the Nation. People across the country and around the world are standing up to say that it contradicts our core values and that it violates the law.

Massachusetts is on the frontlines of challenging this illegal and downright offensive Executive order. Last week, Massachusetts Attorney General Maura Healey joined a Federal lawsuit to challenge that Executive order. This is what she said. I am quoting Attorney General Healey:

Harm to our institutions, our citizens, and our businesses is harm to the Commonwealth of Massachusetts. . . . The President's Executive order is a threat to our Constitution. Rather than protecting our national security, it stigmatizes those who would lawfully immigrate to our State. With this policy, our global universities, hospitals, businesses, and startups and far too many students and residents have been put at risk. On behalf of the Commonwealth, my office is challenging the immigration ban to hold this administration accountable for its un-American, discriminatory, and reckless decision-making.

In 2013, Senator SESSIONS voted against reauthorizing the Violence Against Women Act, a bill that expanded protections and services provided to victims of sexual assault and domestic violence.

There is a piece from the Bedford Minuteman that really tells the story 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 Senator 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 XIX.

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	Klobuchar	
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.]

Cornyn

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?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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 Connecticut (Mr. MURPHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 56 Ex.]

YEAS—88

Alexander	Franken	Murkowski
Baldwin	Gardner	Murray
Barrasso	Gillibrand	Nelson
Bennet	Graham	Paul
Blumenthal	Grassley	Perdue
Blunt	Harris	Peters
Booker	Hassan	Portman
Boozman	Hatch	Reed
Brown	Heinrich	Risch
Burr	Heitkamp	Roberts
Cantwell	Heller	Rounds
Capito	Hirono	Sasse
Cardin	Hoeven	Schatz
Casey	Inhofe	Schumer
Cassidy	Johnson	Scott
Cochran	Kaine	Shaheen
Collins	Kennedy	Shelby
Corker	King	Stabenow
Cornyn	Klobuchar	Sullivan
Cortez Masto	Lankford	Tester
Cotton	Leahy	Thune
Crapo	Lee	Tillis
Daines	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCain	Warren
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wyden
Ernst	Menendez	Young
Fischer	Merkley	
Flake	Moran	

NAYS—3

Rubio	Toomey	Wicker

NOT VOTING—9

Carper	Feinstein	Sanders
Coons	Isakson	Sessions
Cruz	Murphy	Warner

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

APPEALING THE RULING OF THE CHAIR

The question before the Senate is, Shall the decision of the Chair to hold the Senator from Massachusetts in violation of rule XIX stand as the judgment of the Senate.

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. 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	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Johnson	Shelby
Corker	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—43

Baldwin	Hassan	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Casey	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warren
Durbin	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Murphy	
Harris	Murray	

NOT VOTING—8

Carper	Feinstein	Sessions
Coons	Isakson	Warner
Cruz	Sanders	

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate.

The Democratic leader.

Mr. SCHUMER. Mr. President, I yield 1 minute to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. In the opinion of the Chair, would one Senator calling another Senator a liar during debate on the floor of the Senate be a violation of rule XIX?

The PRESIDING OFFICER. In the opinion of the Chair, it would.

Mr. KING. Thank you, Mr. President. I yield back.

The PRESIDING OFFICER. The Senate majority leader.

Mr. MCCONNELL. Here is what transpired. Senator WARREN was giving a lengthy speech. She had appeared to violate the rule. She was warned. She was given an explanation. Nevertheless, she persisted.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Ms. HARRIS. Mr. President, the suggestion that reciting the words of the great Coretta Scott King would invoke rule XIX and force Senator WARREN to sit down and be silent is outrageous.

MOTION TO PROCEED IN ORDER

Mr. President, I move that the Senator from Massachusetts be permitted to proceed in order.

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

Mr. MCCONNELL. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) 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 43, nays 50, as follows:

[Rollcall Vote No. 58 Ex.]

YEAS—43

Baldwin	Hassan	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Casey	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warren
Durbin	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Murphy	
Harris	Murray	

NAYS—50

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NOT VOTING—7

Carper	Feinstein	Warner
Coons	Sanders	
Cruz	Sessions	

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 she has in fact 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. 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 nobody objected.

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 country. 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 should 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 your words and 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 as well.

The first question, Mr. President, is this: It is 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 violated?

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 impute to 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 that is uncomplimentary, 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 leader.

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 that called the 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 Kennedy'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 hypothetical, 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, in fact, a horse thief, and we found the fact 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 the Senate or for Senators 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 that when 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 doing our duties. Are we 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 that is the following—but I think we all feel very passionate about the issues 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 us.

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 that debate was impossible if, in fact, the matter became of a personal nature. I don't 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, not a 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 are flirting 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 think you are wrong. I understand 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 don't care about poor 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 going to be able to solve the simplest of issues because everyone is putting themselves in the corner where everyone hates everybody.

Now I don't pretend to say that I am not myself from time to time in heated debates outside of this forum. 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 moving forward 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 believed I served with 99 other men and women who deeply 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 here to advocate for 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 understand why every single one of those other 99 people are here. They are intelligent people, they are smart people, they are

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 so 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 overthrows, 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 or others 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 that tonight was 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 in this country, 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 who came before us.

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 be 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 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 piquantly 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. This was unnecessary.

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 been here a long time, and I have 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 been 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 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 she is an intelligent, lovely woman 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. We are happy with him. 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 because I knew a lot of people would not 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 going on. They are tired of what is hurting this country. 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 resented—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 appalled at the way the Democrats 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 election 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 wrong. I am personally fed up 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 hope all of us will stop, 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 bad 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 this Chamber 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 or anger to the election of a 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 things that we have heard 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 bills together on adoption, 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.

I think many of our 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 election system; 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. It allows 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 1964 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 my State went, and 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, 48 years after that bloody Sunday, was the weekend that the police chief of Montgomery actually handed Congressman LEWIS a badge and publicly apologized for what happened to him that day, 48 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 laws in 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 States that have 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 decide 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 eligible 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 never 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 a larger note, 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 finding ways to allow more 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 preserve and strengthen in the coming years. 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, just 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 factual. Unlike what was recently 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 now in place at the Justice Department, which address when Federal prosecutors can subpoena journalists or their records and serve to protect reporters engaged 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 Justice 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, but 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 enforces 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 allow a few dominant players 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 $2.9 billion in budget 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 block those 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 his agency was reviewing deals 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 makes enforcement decisions 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 discussed 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 rigorously 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 and assure 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 work—that an order should be 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 when she had that 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 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 had 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 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 been concerned—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 during 9/11, 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.

His U.S. attorney at the time, the Republican U.S. attorney, went around with me—the elected prosecutor for the biggest county in our State—and we met with the Muslim population and assured them they were safe and told them to report hate crimes. The family, these two adults, they were there then. Nothing bad happened to them. No one called them a name.

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 even know what that man was 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 holds a vital and 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 evenhandedly, as well as 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 so 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 refusing to accede to the wishes of 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 individuals, 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 have enjoyed working 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 that in the tough clinches, he will always be independent and always fair.

I have reviewed Senator SESSIONS' career as an attorney and as a Senator, as well as his testimony before the Judiciary Committee. I have reflected on my own duties and experience as my State's attorney general and as the U.S. attorney in Rhode Island. I have also served as an attorney in our State attorney general's office.

By the way, the attorney general in Rhode Island has full prosecutive authority. Many States have a division in which the attorney general has a narrow ambit of authority and district attorneys do the bulk of the criminal prosecution—not so in Rhode Island.

I have also had the occasion 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 of mine who has expressed support of his nomination, 15 have expressed opposition.

Senator SESSIONS has fought against fixing our immigration system, opposing as the leading opponent of bipartisan legislation which, had it passed, would have spared us much of the current debate over walls and immigration.

Senator SESSIONS fought against our bipartisan criminal justice and sentencing reform bill.

Senator SESSIONS opposed reauthorizing 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 brings a religious preference to 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 baseless and 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 know that the good guys 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 home. 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 more conflicts of interest to the White House than all other modern Presidents and families combined. The proposed Trump domestic Cabinet is an 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 interest influence. None of this is good. All 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, a career 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. Mitchell ultimately resigned 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 turned out to be a central figure 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 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 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 given the job of leading the Reagan transition, and once in office, Reagan appointed Meese 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 named Lawrence Walsh finished 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 was seeking Department of Defense contracts in the early 1980s. The company hired Meese's former law school classmate and his personal attorney, a lawyer named E. Robert Wallach, to lobby the Reagan administration on its behalf. Attorney General Meese helped Wedtech at Wallach's urging get a special hearing on a $32 million Army engine contract, although the Army considered the company unqualified. Well, the contract was awarded to Wedtech, and then one of Meese's top deputies went to work for Wedtech.

The Federal criminal investigation that resulted led to the conviction of E. Robert Wallach, the former law school classmate and personal attorney of Meese, for whom he had set up the meetings with the government.

Independent counsel James McKay investigated the Wedtech contract, including investigating allegations of misconduct by Meese. While Meese was never convicted, he resigned following the issuance of the independent counsel's 800-page report.

Third is Attorney General Gonzales. Attorney General Gonzales was close to then-Governor Bush in Texas. He was his general counsel. When Governor Bush became President Bush, Gonzales came to Washington to serve as White House Counsel. He was appointed Attorney General in 2005. During his tenure at the Department of Justice, there were multiple investigations, many of which played out before the Senate Judiciary Committee, involving the Warrantless Wiretapping Program, the U.S. attorney's scandal, and inquiries into the Department's management of the torture program legal opinions.

Ultimately, Members of both Houses of Congress called for Attorney General Gonzales's resignation—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 during 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 that were held in secret over at the White House and pressed to have some of the statements declassified. Here are some of the statements that were declassified found in those OLC opinions:

> An Executive order cannot limit a President. There is no constitutional requirement for a President to issue a new Executive order whenever he wishes to depart from the terms of a previous Executive order.

So this means a President could issue an Executive order, have it published in the Federal Register, put it forward as the policy of the administration—a direction to all the attorneys in the administration—and then secretly depart from it without ever changing what the public is told about the policy. A theory like this allows the Federal Register, where these Executive orders are assembled, to become a screen of falsehood, behind which illegal programs can operate in violation of the very Executive order that purports to control the executive branch. That was just one.

Another one I will quote: ''The President exercising his constitutional authority under Article II, can determine whether an action is a lawful exercise of the President's authority under Article II.''

If that sounds a little bit like pulling yourself up by your own bootstraps, well, it sounds that way to me, too, and it runs contrary to a fairly basic constitutional principle announced in the famous case of Marbury v. Madison—which every law student knows—which says: ''It is emphatically the province and duty of the judiciary to say what the law is.''

A third example—and this is another quote from an OLC opinion: ''The Department of Justice is bound by the President's legal [opinions.]''

Well, 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 why independence matters so much. 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 used 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 dictatorships in Latin America. The technique, as we know, ordinarily involves strapping a captive in a reclining position, heels overhead, putting a cloth over his face, and pouring water over the cloth to create the impression of drowning. Senator JOHN MCCAIN, held captive for more than 5 years by the North Vietnamese, said this of waterboarding:

> It is not a complicated procedure. It is torture.

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.

The 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 1124.

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 of their case. 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 sentencing in 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.''

Well, 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 Office of Legal Counsel opinions 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.'' Shall be the exclusive means. 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 retreating to his inherent executive sovereignty over foreign affairs. The exclusivity 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 those three stories is because it really matters in important issues when the Department of Justice has the capability and the courage to stand up to the President. It really matters when they get it wrong. It really matters when they say things that simply are not correct or legally sound in order to support a warrantless wiretapping program. It really matters when they don't find the case on point to evaluate whether waterboarding is torture. It really matters when they go around a clear congressional statute which a judge has said closes the door to going around that statute by 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 has not stood 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 porch and won't let the mob in. 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 and share it 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 involved fully 10 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 husband. 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 she refers to franchise, 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, continued ''to direct the drive for votes and other rights.''

That is a quote from her husband. And then she continued. In this letter, she says:

In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled [she said] since 1965. This would not have been possible without the Voting Rights Act.

She continues in her essay. She says:

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 uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws, and thus, to the exercise of those rights by Black people should not be elevated to the federal bench.

She continues in her letter to note:

Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma 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.

This is what Martin Luther King is referring to was the specific actions of sheriffs in the South who were representing the law. And then Coretta Scott King continued:

Free exercise of voting rights is so fundamental to American democracy that we cannot tolerate any form of 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 win the 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 run the gamut from the straightforward application of brutality against black citizens who tried to vote, to such legalized frauds as ''grandfather clause'' exclusions and rigged literacy tests.

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. And she notes that Whites 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 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, ''choosing instead to chill the exercise of the franchise by Blacks by his misguided investigation.''

Let me continue later in the letter. She addresses her concern over the prosecution illegally 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 solutions to their own problems.

Coretta Scott King continues:

We still have a long way to go before we can say that minorities no longer need to be concerned about 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 timeless 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 of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all.

The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding differing views.

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. MERKLEY. 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. MERKLEY. Well, the answer is that it does have a date, and that is Thursday, March 13, 1986.

Mr. WHITEHOUSE. 1986. And is the Senator aware of the occasion that brought this letter to the Senate?

Mr. MERKLEY. I am.

Mr. WHITEHOUSE. What was that occasion?

Mr. MERKLEY. 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. MERKLEY. I do not know if it was made a matter of record.

My impression initially was that she had read 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. MERKLEY. 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—if, indeed, that is the case—for 30 years.

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 send him 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; that of service 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 of my life, 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. And find them they did. On one occasion, the ship sank a Japanese freighter and destroyer, but was then forced to submerge for 36 hours while avoiding Japanese depth charges. With the temperature on the submarine reaching 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 did talk about 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 his 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.

I count myself immeasurably 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, an 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. 387. 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.

H.R. 688. An act to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes.

H.R. 689. An act to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes.

H.R. 698. 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.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 18. Concurrent resolution 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.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

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; to the Committee on Energy and Natural Resources.

H.R. 387. 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; to the Committee on the Judiciary.

H.R. 494. An act to expand the boundary of Fort Frederica National Monument in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

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 insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 698. 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.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–669. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to Army Force Structure (OSS–2017–0149); to the Committee on Armed Services.

EC–670. A joint communication from the Secretary of Defense and the Secretary of Energy, transmitting, pursuant to law, the fiscal year 2017 report on the plan for the nuclear weapons stockpile, complex, delivery systems, and command and control systems (OSS–2016–1038); to the Committees on Armed Services; Appropriations; and Foreign Relations.

EC–671. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation'' (RIN3052–AD21) received in the Office of the President of the Senate 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'' (RIN1894–AA07) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

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 prosecution of registration requirements under Section 635 of the Adam Walsh Child Protection Act of 2006; to the Committee 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, without amendment:

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 the Committee on Veterans' Affairs.

*David J. Shulkin, of Pennsylvania, to be Secretary of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN (for himself and Mr. PORTMAN):

S. 321. A bill to amend the Internal Revenue Code of 1986 to exempt amounts paid for aircraft management services from the excise taxes imposed on transportation by air; to the Committee on Finance.

By Mr. PETERS (for himself and Mr. HELLER):

S. 322. A bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FLAKE:

S. 323. A bill to amend the Internal Revenue Code of 1986 to create Universal Savings Accounts; to the Committee on Finance.

By Mr. HATCH (for himself, Ms. 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. BLUMENTHAL (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. BENNET, 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 research reports, and for other purposes; 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 on behalf of individuals in noncapital criminal 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. LEE):

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. TILLIS, and Mr. COTTON):

S. 334. A bill to clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. RUBIO, 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 and production 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, Ms. HIRONO, Mr. MARKEY, Mr. MERKLEY, Mr. SCHATZ, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. REED, Mr. BLUMENTHAL, Ms. WARREN, Mr. DURBIN, Mr. SANDERS, Mr. MURPHY, Mr. UDALL, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. FRANKEN, Mrs. FEINSTEIN, Ms. HEITKAMP, 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. FEINSTEIN, Ms. WARREN, Ms. HASSAN, Ms. STABENOW, Mr. MARKEY, Mr. BOOKER, Ms. CANTWELL, Mr. WARNER, Mrs. SHAHEEN, Mr. FRANKEN, Mr. CARDIN, Mrs. MURRAY, Mr. CARPER, 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 by veterans' 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. HEITKAMP, Mr. INHOFE, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, and Mr. THUNE):

S. 340. A bill to clarify Congressional intent regarding the regulation of 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 read, 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. RUBIO, and Mrs. MCCASKILL):

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 Ms. MURKOWSKI (for herself and Mr. SULLIVAN):

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 the Judiciary.

By Mr. LEAHY (for himself, Mrs. SHAHEEN, Ms. HIRONO, Mr. BOOKER, Mr. REED, Mr. CARPER, Ms. WARREN, Mr. SANDERS, Mr. COONS, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. UDALL, Mr. MARKEY, Mr. WYDEN, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BROWN, Mr. MURPHY, Mr. WHITEHOUSE, Mr. SCHATZ, Ms. HEITKAMP, Mr. DONNELLY, Mr. HEINRICH, Mrs. FEINSTEIN, Mr. DURBIN, Mr. CASEY, Mr. PETERS, and Mr. SCHUMER):

S. Res. 56. A resolution expressing 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 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. CRAPO, the names of the Senator from Nebraska (Mrs. FISCHER) 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 long guns.

S. 85

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 amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for 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. 204

At the request of Mr. JOHNSON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 204, 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. HEITKAMP) 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. COTTON) 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 under section 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. KAINE) 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, and increase the use of non-Federal contractors for inherently governmental activities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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.

Mr. KAINE. 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 moderate-income 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

under the Federal Lands to Parks Program. The county in turn leases this land to the center for $1 per year, with a contract that runs through the year 2027.

The center is in need of repairs and maintenance, including a new roof; however, it has had difficulty in securing private financing for these activities because of the complex land ownership structure—Federal land conveyed conditionally to a county and leased to a private company. Due to Virginia's status as a Dillon Rule State, Rockingham County cannot execute a loan either.

This bill would specify that the 1989 land conveyance is transferred in fee simple, with no further use restrictions. I appreciate the goal of the Federal Lands to Parks Program to preserve land as open space, particularly after having overseen the preservation of 400,000 acres of open space in Virginia during my time as Governor of the Commonwealth. There are no plans to develop the open space on this site, only to fix the daycare center building—a former Forest Service garage that has been on the site since before its transfer from Federal ownership.

My Virginia colleague, Congressman Bob Goodlatte, has introduced companion legislation in the House of Representatives. During the 114th Congress, this bill was passed unanimously through the full House as a standalone; reported favorably without opposition by the Senate Energy and Natural Resources Committee; and adopted by unanimous consent to be included in the Senate's bipartisan Energy bill. Unfortunately, it fell just short of final passage.

This is a small modification that simply removes unnecessary bureaucratic hurdles and allows the daycare center to continue doing what it has been doing for 25 years. I am pleased to partner with Congressman GOODLATTE in this commonsense, bipartisan effort.

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.

Mr. COTTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 332

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 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) shall not apply with respect 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:

S. RES. 53

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services (in this resolution referred to as the ''committee'') is authorized from March 1, 2017, through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the 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 $46,667 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. 4301(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(j) of that Act).

(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 $6,486,591, of which amount—

(1) not to exceed $80,000 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. 4301(i))); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018, through February 28, 2019, under this resolution shall not exceed $2,702,746, of which amount—

(1) not to exceed $33,334 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. 4301(i))); and

(2) not to exceed $12,500 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee 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—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017, through September 30, 2017;

(2) for the period October 1, 2017, through September 30, 2018; and

(3) for the period October 1, 2018, through February 28, 2019.

SENATE RESOLUTION 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:

S. RES. 54

Whereas, following World War II, the United States rejected isolationism, established its role as a world leader, and developed an international alliance system that protected the United States while supporting democracy, freedom, and economic prosperity with European nations;

Whereas, 70 years ago, the United States announced the Marshall Plan for Europe, a strategic investment in Europe, as well as articulated the Truman Doctrine, which sought to contain a growing Soviet threat in Southern Europe;

Whereas, in 1949, the United States, Canada, Belgium, Denmark, France, Iceland,

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 adversaries and external threats;

Whereas NATO continues to improve its collective defense measures, enhance its military capabilities to address a full spectrum of complex 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 against them all . . . '';

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 since 2001, reaching a peak of more than 42,000 ally and partner forces, 6,300 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 terrorist 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 Coalition 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 Afghanistan, Kosovo, the Mediterranean, and off the Horn of Africa;

Whereas NATO conducts a range of maritime security 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 at the request of the African Union;

Whereas, for more than 17 years, NATO has led peace-support operations in Kosovo to maintain safety and security in a volatile region;

Whereas NATO has three standing forces on active duty at all times to defend the Alliance, air policing capability, maritime forces, and an integrated air defense system;

Whereas NATO allies and the international community continue to look to NATO to deter the increasingly revanchist activities of Russia;

Whereas Chairman of the Joint Chiefs of Staff, General Joseph Dunford, testified before the Committee on Armed Services of the Senate on July 19, 2015, that Russia presents the ''greatest existential threat'' to the United States;

Whereas the malign actions of Russia—its 2008 incursion into Georgia, its illegal annexation of Crimea, its continued military action in Ukraine, its targeting of civilians in Syria, its ongoing information war in Europe, its continued violations of the Intermediate Nuclear Forces Agreement, and its cyberattacks aimed at influencing United States elections—have violated international laws and norms;

Whereas Russia continues to use disinformation campaigns and promote state propaganda to discredit democracy and undermine NATO members;

Whereas, since the illegal annexation of Crimea and direct support to the conflict in Eastern Ukraine by Russia in 2014, NATO members have undertaken the biggest reinforcement of the collective defense of NATO since the end of the Cold War, enhancing allied readiness and deterrence measures in response to Russian aggression;

Whereas the efforts of NATO to confront and deter Russian aggression in Eastern Europe have included a three-fold increase in the size of the NATO Response Force (NRF) to 40,000 troops; the creation of a Spearhead Force of 5,000 troops capable of deploying within a few days to respond to any threat against an ally, particularly on the eastern flank of NATO; the forward deployment of up to 4,000 troops to Poland, Estonia, Latvia, and Lithuania; an increase in the air policing and maritime missions of NATO in Eastern Europe; and a significant increase in NATO training and military exercises in Eastern Europe;

Whereas, following 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 2014, Operation Atlantic Resolve and the European Reassurance Initiative have demonstrated the continued commitment of the United States to its NATO allies and partners by engaging in deterrence and security measures against potential Russian aggression in the region;

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 Fort Carson, Colorado, along with 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 for NATO members 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 with countries in the Euro-Atlantic region that aspire to join NATO to help meet the requirements for membership;

Whereas, at the 2016 NATO Warsaw Summit, NATO Heads of State and Government 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 ''[o]ur 27 NATO allies offer America forward basing, which allows us to better fight enemies like ISIS and deter adversaries like the new Russia and to meet shared challenges. Twenty-eight countries acting as one is a powerful alliance'';

Whereas Secretary of Defense James Mattis testified before the Committee of Armed Services of the Senate, 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 that participation 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 alliance would harm the interests of the United States and embolden adversaries of the United States; and

Whereas a strong and united Europe is importing 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 shoulder 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 to promote 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 ascent 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 delegate to Congress, Judge Wickersham, and pioneering biological survey naturalist Edward Nelson, tirelessly advocated for Denali's protection;

Whereas early proponents of national parks, such as the Boone and Crockett Club, the Campfire Club of America, and the American 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 Kantishna Hills discovered an approach by which Denali might be climbed, relying on years of observations while following quartz leads and hunting sheep in the foothills of the Denali area;

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 President 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 (39 Stat. 938, 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 fish;

Whereas Congress expanded the boundaries of Mount McKinley National Park in 1922, 1932, and 1980 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 an age 70,000,000 years ago, when dinosaurs roamed that northern land;

Whereas Denali National Park and Preserve contains 2 of the oldest-known archaeology sites in North America, the oldest of which dates to just over 13,000 years old;

Whereas glaciers still blanket ⅙ of Denali National Park and Preserve and continue to shape the landscape by carving mountains, feeding silt-laden rivers, and depositing rock and silt across the valleys;

Whereas Denali National Park and Preserve was designated 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 worked diligently to provide a wide array of ways in which the many visitors to Denali National Park and Preserve may experience Denali, including hiking, dog mushing, rafting, and cycling;

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;

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 56—EXPRESSING 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 BANNED FROM ENTERING THE UNITED STATES BECAUSE OF THEIR NATIONALITY, RACE, ETHNICITY, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER

Mr. LEAHY (for himself, Mrs. SHAHEEN, Ms. HIRONO, Mr. BOOKER, Mr. REED, Mr. CARPER, Ms. WARREN, Mr. SANDERS, Mr. COONS, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. UDALL, Mr. MARKEY, Mr. WYDEN, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BROWN, Mr. MURPHY, Mr. WHITEHOUSE, Mr. SCHATZ, Ms. HEITKAMP, Mr. DONNELLY, Mr. HEINRICH, Mrs. FEINSTEIN, Mr. DURBIN, Mr. CASEY, Mr. PETERS, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 56

Whereas the United States is a country founded on the principles of religious and political freedom;

Whereas hateful rhetoric against refugees and asylum seekers betrays the principles on which the United States was founded;

Whereas for centuries, people from around the world have sought refuge in the United States in pursuit of freedom and protection for themselves and their families;

Whereas people often seek refuge and asylum in the United States to flee war, armed conflict, violence, and religious, ethnic, and political persecution;

Whereas refugees and asylum seekers have been welcomed by towns, cities, and States across the United States;

Whereas refugees and asylum seekers have made their new communities stronger and more vibrant and have positively contributed to the betterment of the United States;

Whereas the United States has a moral obligation to ensure that people fleeing violence and persecution are protected;

Whereas the United States Senate should continue its legacy of bipartisan leadership on refugees and asylum seekers;

Whereas a ban or halt on resettlement may result in prolonged and indefinite family separation;

Whereas executive actions targeting refugees and asylum seekers could place these most vulnerable populations at serious risk of death or injury; and

Whereas refugees are the most thoroughly screened and vetted entrants to the United States, undergoing multiple security checks by the Department of Defense, the Department of Homeland Security, the Department of State, the Federal Bureau of Investigation, and the National Counterterrorism Center: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the United States should remain a global leader in welcoming and providing refuge to refugees and asylum seekers; and

(B) no person should be banned from entering the United States because of their nationality, race, ethnicity, religion, sexual orientation, gender identity, or gender;

(2) the Executive Order titled ''Protecting the Nation From Foreign Terrorist Entry Into the United States'' issued by the President on January 27, 2017, undermines the national interest of the United States; and

(3) the Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the President, the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence.

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 us do with 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 Defense Department 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 confirming that ''the United States must not bar individuals from entering into the United States based on their religion.''

The chaos and confusion caused by this Executive order at our airports in the United States as well as around the world highlights the recklessness of this administration's attempt to bar people based on their religion and national origin. The devastation this is causing to lawful immigrants and refugees fleeing violence is immeasurable. I fear for my constituents who are lawful permanent residents of the United States who also happen to be nationals of one of the seven targeted countries. Due to the widespread outrage expressed by thousands of concerned citizens and legal challenges across the country, the Trump administration has now clarified that the Executive order should not apply to legal permanent residents. But there continues to be an understandable fear that the Trump administration may again attempt to bar them from this country. Like them, I fear that the Trump administration may again seek to bar lawful immigrants from returning to their homes, work, and families in Vermont. I also fear for the young Somali refugee in Vermont who has been patiently waiting for the completion of the resettlement process so that his pregnant wife and young son will be saved from the squalor of a refugee camp and reunited with him in Vermont. And the man from Sudan who has been waiting for his two young sons to finally be granted their visas to join him and the rest of their family. And the husband whose Libyan wife was recently granted a visa and has been waiting for the International Organization for Migration to arrange her flight to the United States. I am concerned for these families and for so many others in Vermont and around the country.

Americans are bound together by our shared ideals. Among those ideals are tolerance and diversity. They unite us as a nation; they make us stronger. That is the message we should be embracing—one of inclusion, not one of exclusion and division. Federal District Court Judge Geoffrey Crawford perfectly encapsulated this sentiment at a naturalization ceremony for 31 new Americans in Rutland, VT, last week. The summary of his powerful remarks, which he directed particularly to our new Muslim citizens, was this: ''You are 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.

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

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.

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

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.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence be authorized to meet during the session of the 115th Congress of the U.S. Senate on Tuesday, February 7, 2017, from 2:30 p.m. to 4:30 p.m., in room SH–219 of the Senate Hart Office Building.

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

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.

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

CONFIRMATION

Executive nomination confirmed by the Senate February 7, 2017:

DEPARTMENT OF EDUCATION

ELISABETH PRINCE DEVOS, OF MICHIGAN, TO BE SECRETARY OF EDUCATION.

N O T I C E

Incomplete record of Senate proceedings. Today's Senate proceedings will be continued in the next issue of the Record.