regulation may have unintended consequences that the USDOE should consider. Why would an IHE place a first-year student in a ''troubled'' school district or building, where he or she might be less likely to continue in a teaching career, when a ''safer'' placement would make that continuance more likely? Ergo, a higher rating for the IHE, the students in the program would not be at risk to lose Title IV funds or Teach Grants, and other positives for the college. On the other hand, a school district or building might lose the services of an outstanding first-year teacher which it really needs.

Finally, attributing financial aid-eligibility on institutional ratings based on research that may or may not be valid is irresponsible and bad public policy. It will hinder enrollment to students who could become outstanding teachers, but may have to overcome hurdles in order to do so. This regulation will give IHE's less incentive to enroll those types of students.

For these reasons, we believe the proposed regulations should be reconsidered and a new negotiated rulemaking convened, with proposed regulations that take into account the myriad of comments received by the USDOE from states, institutions of higher education, and associations relating to these proposed regulations. Thank you for your consideration.

Sincerely,

THOMAS O'NEILL, JR.,
President.

Comments submitted by Nebraskans:

—Malinda Eccarius, University of Nebraska, Lincoln on Apr. 27, 2016: https://www.regulations.gov/document?D=ED-2014-OPE-0057-4855

—Debra Ponec, Creighton University on Feb. 4, 2015: https://www.regulations.gov/document?D=ED-2014-OPE-0057-4364

—Lixin Ren, Doctoral Student, University of Nebraska–Lincoln on Feb. 4, 2015: https://www.regulations.gov/document?D=ED-2014-OPE-0057-4246

—Don Jackson, President of Hasting College on Feb. 4, 2015: https://www.regulations.gov/document?D=ED-2014-OPE-0057-4231

—Thomas O'Neill, President of Association of Independent Colleges and Universities of Nebraska on Feb. 4, 2015: https://www.regulations.gov/document?D=ED-2014-OPE-0057-4541

—Sharon Katt, Matthew L. Blomstedt, and Scott Swisher of Nebraska Department of Education on Feb. 4, 2015: https://www.regulations.gov/document?D=ED-2014-OPE-0057-3887

—Marjorie Kostelnik, University of Nebraska, Lincoln on Feb. 4, 2015: https://www.regulations.gov/document?D=ED-2014-OPE-0057-3511

—Ronald Bork, Associate Dean, Head of Teacher Education at Concordia University, Nebraska on Jan. 26, 2015: https://www.regulations.gov/document?D=ED-2014-OPE-0057-1997

Mr. SASSE. Thank you, Mr. President.

I yield back.

The PRESIDING OFFICER. Under the previous order, all time on the joint resolution has expired.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. SASSE. 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.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—59

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

NAYS—40

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

NOT VOTING—1

Isakson

The joint resolution (H.J. Res. 58) was passed.

The PRESIDING OFFICER. The majority leader.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 57.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 57, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

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

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION

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

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to address the resolution the Senate is now considering.

In 2015, 85 U.S. Senators voted for the law fixing No Child Left Behind, which reversed the trend to a national school board and restored decisions to classroom teachers, local school boards, and States. The Wall Street Journal said it was the ''largest devolution of federal control to the states in a quarter of a century.''

The Department of Education regulation this resolution seeks to overturn does exactly the reverse. It begins to restore the national school board, and it takes away responsibilities from classroom teachers, local school boards, and States. It does this in direct violation of the law that 85 Senators voted for just 15 months ago. So the question before us, today, is not only whether we believe in a national school board or local school boards. More important, perhaps, the question is: who writes the law? Does the U.S. Congress write the law, or does the U.S. Department of Education write the law? Article I of the U.S. Constitution says that the Congress, elected by the people, writes the law.

The purpose of this resolution is to overturn a regulation of the Department of Education that in 7 cases directly violates the Every Student Succeeds Act, passed just 15 months ago, and in 16 other cases exceeds the authority allowed by that law.

This regulation would say to States: Ignore the law 85 Senators passed 15 months ago. Ignore the law that President Obama called a Christmas miracle. Ignore the law that Governors, teachers, school boards, and superintendents all supported, and even ignore why they supported it. Instead, listen to the unelected bureaucrats at the U.S. Department of Education.

This regulation issued by the Department of Education specifically does things or requires States to do things that Congress said, in our law fixing No Child Left Behind, that the Department of Education cannot do. Therefore, it violates the law.

In this law, Congress said to the Department: You cannot tell States exactly what to do about fixing low-performing schools; that is a State decision. But this regulation does that anyway.

Congress said to the Department: You cannot tell States exactly how to rate the public schools in your State. But this regulation does that anyway.

This is not a minor matter.

The remarkable consensus that developed in the 2015 bill in support of fixing No Child Left Behind was to reverse the trend toward a national school board and restore to States, classroom teachers, and school boards decisions about what to do about their children in 100,000 public schools. Teachers, Governors, and school board members were fed up with Washington telling them so much about what to do about the children in their schools. So this regulation, which contravenes the law specifically, goes to the heart of the bill fixing No Child Left Behind.

It is very unusual in Federal law to specifically prohibit a department from regulating on an issue, but that is exactly what Congress did in 2015. Here are seven specific examples of how the regulation which we seek to overturn violates prohibitions that Congress explicitly wrote into the law:

No. 1, the regulation prescribes the long-term goals and measurements of progress that States establish for student subgroups.

The law says, for example, that the Secretary may not tell a State that goals set for students of one race must improve their progress 20 percent better than the progress of a group of students of another race. Yet the regulation says that States must establish goals and measurements for lower performing subgroups who ''require greater rates of improvement,'' which would necessarily mean that students of one race would have to do better than students of another race.

No. 2, the regulation requires federally prescribed actions to be taken in schools that do not annually test at least 95 percent of students.

The law says that States must annually test not less than 95 percent of all students and each subgroup of students, but States determine how to hold schools accountable for ensuring that 95 percent of students participate on annual tests. The law says that the Secretary of Education may not prescribe ''the way in which the State factors'' the 95 percent testing requirement into their accountability system. Yet the regulation we seek to overturn prescribes four different specific ways that States must take action in schools that miss the 95 percent requirement.

No. 3, the regulation prescribes that schools with consistently underperforming subgroups of students be identified with a lower summative determination.

The law says that States are required to identify schools for targeted support when a subgroup of students is ''consistently underperforming'' in a manner ''as determined by the state.'' So under the law, the Secretary can't tell States how to identify the lowest performing schools or what a school's rating should be. Yet the regulation we are seeking to overturn says that States are required to ''demonstrate that a school with a consistently underperforming subgroup . . . receive a lower summative determination. . . . than it would have otherwise received.'' The Department of Education is meddling into the methodology of school ratings again, despite the fact that Congress said it could not.

No. 4, the regulation prescribes the timeline for identifying schools with consistently underperforming subgroups.

The law says that States are required to identify schools for targeted support when a subgroup of students is ''consistently underperforming'' in a manner ''as determined by the state.''

We had lengthy discussions about this. These issues in education are filled with conflict and filled with different opinions. I said many times during the debate that working on an education bill in the Senate is kind of like being in a football stadium on game day at Penn State or the University of Tennessee: Everybody in the stands has played football, and they know what play to call, and they usually do. So everybody had a point. We had to work these things out and we wrote down carefully the agreement we had. We wrote down that the Secretary of Education may not impose new requirements or criteria on State accountability systems, such as a timeline for the identification of lowest performing schools. Yet the regulation prescribes an exact timeline of 2 years.

No. 5, the regulation requires States to resubmit their plans to the Secretary every 4 years.

The law says that each State plan ''shall . . . be periodically reviewed and revised as necessary by the State educational agency.'' Yet the regulation says States must review and revise their State plans ''at least once every four years'' and ''submit its revisions to the Secretary for review and approval.''

No. 6, the regulation dictates exactly how school districts with significant numbers of low-performing schools must measure resources for students.

The law says States must ''periodically review resource allocation to support school improvement'' in districts that are serving a significant number of low-performing schools. The law says the Secretary cannot tell States what to review. Yet the regulation says that in addressing resource inequities, States must review differences in the following: rates of ineffective, out-of-field, or inexperienced teachers; access to advanced coursework; access to full-day kindergarten and preschool programs; access to specialized instructional support personnel; and per-pupil expenditures of Federal, State, and local funds.

But the law said the Secretary could not tell States what to review.

No. 7, the regulation tells States how to count students in subgroups.

The law says each State decides the minimum number of students who should be included in the State's count of subgroups. So, a State might decide that for students to be included in the State's subgroup data, there needs to be at least 35 students, for example, of a subgroup in a school. The law says the Secretary may not impose new requirements or criteria on State accountability systems. Yet the regulation we are seeking to overturn says States must pick a number below 30 or States will have to explain themselves to the Secretary. That is in violation of a specific prohibition passed by this body with 85 votes and signed by the President of the United States.

Those are seven ways the regulation specifically violates prohibitions in the law that were intended to keep the Secretary from doing what the Secretary then turned around and did.

Here are 16 more ways the regulation exceeds the authority of the U.S. Department of Education. To some, this may seem minor. To some, it may seem dull. It is not dull to me. I don't think it is dull to most Senators. Article I of the Constitution isn't dull. We are elected to write the laws, and anytime we turn over to somebody else—whether it is the court, whether it is the executive branch—that constitutional prerogative, we violate our oath, in my opinion.

No. 1, the regulation limits how States measure school quality or student success. The law says States must include at least one measure of school quality or student success that has to be ''valid, reliable, comparable, and statewide.''

The Secretary cannot tell States what measures to use in their State accountability system. Yet the regulation tells States they can only choose indicators that meet the criteria the Department came up with.

No. 2, the regulation limits how States measure school quality or student success for indicators used specifically in high school.

The law says States must include at least one measure of school quality or student success, specific to high schools, and it has to be ''valid, reliable, comparable, and statewide.'' The Secretary cannot tell States what measures to use in their State accountability system. Yet the regulation tells States they can only choose indicators that meet criteria the Department came up with.

No. 3, the regulation tells schools marked as low-performing that they will always be low-performing unless they improve on indicators the U.S. Department of Education has identified.

The law says something different. The law says that tests and graduation rates have to count more in the State accountability systems than indicators of school quality or student success. The Secretary of Education may not prescribe ''the weight of any measure or indicator used to identify or meaningfully differentiate schools.''

The regulation says that a low-performing school must continue to be identified as low-performing unless it improves on tests and graduation rates, even if the school is making significant progress on other measures of school quality or student success, such as, for example, absenteeism or family engagement, something chosen by the State.

No. 4, the regulation requires school districts where schools aren't testing 95 percent of students to develop and implement a Federal improvement plan.

The law says States must annually test not less than 95 percent of all students and each subgroup of students. The law leaves it to States to determine what to do in school districts with schools that are failing to meet the participation requirement. Yet the regulation tells States how to address school districts where schools aren't testing 95 percent of students. It invents out of whole cloth the idea of a Federal improvement plan, and then it mandates it.

No. 5, similarly, the regulation requires schools that aren't testing 95 percent of students to develop and implement a Federal improvement plan.

The law says that States must annually test not less than 95 percent of all students and each subgroup of students. The law leaves it to States to determine what to do in schools that are failing to meet the participation requirement. Yet the regulation tells States how to address schools that aren't testing 95 percent of students.

Again, it invents out of whole cloth the idea of a Federal improvement plan with four federally prescribed elements, and then it mandates it.

No. 6, the regulation tells States how to measure high school graduation rates.

The law says each State will establish long-term goals for ''all students and each subgroup of students in the State,'' including the goal of high school graduation rates using either the ''four-year adjusted cohort graduation rate'' or ''at the State's discretion, the extended-year adjusted cohort graduation rate.'' Yet the regulation says States can only use the four-year adjusted cohort graduation rate to identify low-performing schools in their accountability systems.

You can see that throughout these examples there appears to be a deliberate attempt by the Department of Education not to interpret the law but to ignore the law or, specifically, to contravene the law, to thumb the nose of regulation writers at the Congress and the President who passed and signed the law.

No. 7, the regulation requires each State to come up with a definition for an ''ineffective teacher.'' The law says each State will describe how low-income and minority children enrolled in schools are not served at disproportionate rates by ineffective teachers. Yet the regulations says States have to define ''ineffective teachers.'' It is going to make it nearly impossible for States not to implement an entire teacher evaluation system.

No. 8, in the same way, the regulation requires each State to come up with a definition of an ''out-of-field teacher.''

That is what the regulation does, but the law just says States will describe how low-income and minority children enrolled in schools are not served at disproportionate rates by ''out-of-field teachers.'' The regulation says you have to define that.

No. 9, the regulation requires each State to come up with a definition for an ''inexperienced teacher.''

The law simply says a State will describe how low-income and minority children are not served at disproportionate rates by ''inexperienced teachers.'' Yet the regulation goes on to require a definition.

No. 10, the regulation tells States to report on the number and percentage of all students and subgroups of students who are not included in the State's accountability system.

The law says each State will report a clear and concise description of the State's accountability system, including the minimum number of students that the State determines are necessary to be included in each of the subgroups of students. Yet the regulation requires States to provide new information outside of the scope of what is required by the law.

No. 11, the regulation tells States how to rate schools and that the State accountability system has to produce a single rating for each school.

That was not envisioned by the law. The law says that States must create a system of evaluating all public schools in the State. It says, further, that the Secretary of Education may not prescribe the specific methodology used by States to evaluate schools. Yet the regulation tells States that the results must lead to a ''single summative determination'' for each school.

A State might choose to do that or a State might choose not to do that. That was the decision of the Congress, but the Department decided differently.

No. 12, the regulation adds a requirement that the State's accountability system has to include at least three levels of performance.

The law says that States have the flexibility to establish a system of meaningful differentiation of schools without any parameters or federally prescribed methodology. That couldn't be clearer—without any parameters or federally described methodology. Yet the regulation prescribes a requirement that States use at least three distinct levels of performance for schools.

No. 13, the regulation prescribes when schools may exit from identification as the lowest-performing.

The law says States must establish statewide criteria for schools to exit from being identified as in need of improvement. The law says that the Secretary of Education may not prescribe what the exit criteria are. That is a decision left up to States, but the regulation narrows the States' ability to develop their own criteria for schools to no longer be identified as the lowest performing.

No. 14, the regulation prescribes how States intervene in school districts with schools that are labeled as the lowest-performing. The law says that if a low-performing school does not meet a State's criteria for no longer being identified as lowest-performing, then the State must take a ''more rigorous State-determined action.'' The Secretary of Education cannot prescribe, under the law, any specific strategies to improve schools. Yet the regulation requires the State to tell school districts to take interventions the Department has prescribed.

No. 15, the regulation prescribes how school districts intervene in schools that are labeled as low-performing.

The law says if a low-performing school does not meet statewide criteria for no longer being identified as lowest-performing, the State must take a ''more rigorous State-determined action.'' The Secretary cannot prescribe any specific strategies to improve schools. Yet the regulation requires a school to take federally prescribed actions.

We have already tried Federal one-size-fits-all actions under the School Improvement Grant program in No Child Left Behind. We rejected that. We don't think Washington should be in the business of telling schools how to fix themselves.

Finally, No. 16, the regulation limits how States award school improvement funding to school districts and schools.

The law says States must establish the method they will use to award school improvement funding to school districts. The regulation dictates to States how much they have to award to low-performing schools receiving school improvement funds.

Here is what this resolution overturning the regulation would do. The resolution would ensure that the law fixing No Child Left Behind is implemented as Congress wrote it. The regulation violates the law and its clear prohibitions on the Secretary by prescribing new requirements through regulation or as a condition of a State plan approval.

In the law we passed, Congress reached an agreement about requiring States to identify a certain number and types of schools that need to be improved, but we left it to the States to determine how to go about fixing those schools and how long they had to fix the schools. The regulation prescribes how States and school districts intervene in and improve schools that do not improve.

Secondly, this resolution restores State flexibility. The regulation is in direct conflict with the intent of the law to allow States and school districts

to have greater flexibility to implement the law, as Congress intended.

Congress reached an agreement that there are some essential elements of a State accountability plan that need to be included in a State plan. The other half of the agreement was that we left to the States the decisions about how to include these factors into their accountability systems. This is about article I of the Constitution.

Congress wrote the law with specific rules in mind. The Secretary of Education and his or her bureaucracy do not get to treat Congress as a minor impediment to the education system of their choosing. If they want to write the laws of the land, they should run for Congress and get themselves elected, draft a bill or an amendment—not wait for Congress to finish our work and try to undo it through a simple regulation.

This resolution, overturning the regulation, would preserve local decisionmaking. As I mentioned, the Wall Street Journal editorialized, when we passed the law, that it was ''the largest devolution of Federal control to States in a quarter-century.''

The regulation tried to restore Washington, DC, decision-making with mandates that States comply with specific requirements instead of letting States determine how to best proceed.

This resolution scuttles new and burdensome reporting requirements. The regulation created new reporting requirements on States and school districts that will drive up compliance costs and divert resources away from students and classrooms.

Let me conclude by dealing with some of the arguments and misinformation that I have been hearing about the resolution. No. 1, I want to make clear that this resolution overturning the regulation strengthens accountability in our public schools the way Congress determined to do it in the law fixing No Child Left Behind.

We transferred most of that responsibility for accountability from Washington, DC, to States and local school boards. We did not want a national school board.

The law also includes Federal guardrails to ensure a quality, public education for all students, including, for example, requiring States to identify and provide support to low-performing schools—at least the lowest performing bottom 5 percent of each State's schools—and requiring academic and English language proficiency indicators to be included in each State's accountability system. The law's Federal guardrails will shape how States design their accountability systems because a State plan would not be following the law if the State fails to include accountability provisions in their plan.

The repeal of this regulation does not let States—the ones who are supposed to be addressing accountability—off the hook by any means. Repealing this regulation simply ensures that individual States and their Governors, legislators, chief State school officers, local school boards, superintendents, principals, parents, and classroom teachers are responsible for these decisions.

This resolution, overturning the regulation, will allow States to implement the new law on the existing timeline to submit their plans and have the Department review and approve State plans.

U.S. Education Secretary DeVos has said that she favors the current timeline, the one established by former Secretary King. She said this at her confirmation hearing before our committee. She confirmed that again after taking office.

Mr. President, I ask unanimous consent that Secretary DeVos's letter of February 10 to the Chief State School Officers outlining the timeline be printed in the RECORD.

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

FEBRUARY 10, 2017.

DEAR CHIEF STATE SCHOOL OFFICER: Thank you for the important work you and stakeholders in your State are engaged in to develop new State plans and transition to the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). I am writing today to assure you that I fully intend to implement and enforce the statutory requirements of the ESSA. Additionally, I want to provide you with an update on the timeline, procedures, and criteria under which a State Educational Agency (SEA) may submit a State plan, including a consolidated State plan, to the Department. States should continue to follow the timeline for developing and submitting their State plans to the Department for review and approval.

On November 29, 2016, the Department issued final regulations regarding statewide accountability systems and data reporting under Title I of the ESEA, as amended by the ESSA, and the preparation of State plans, including consolidated State plans. However, in accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, titled ''Regulatory Freeze Pending Review,'' published in the Federal Register on January 24, 2017, the Department has delayed the effective date of regulations concerning accountability and State plans under the ESSA until March 21, 2017, to permit further review for questions of law and policy that the regulations might raise. Additionally, Congress is currently considering a joint resolution of disapproval under the Congressional Review Act (CRA) (5 U.S.C. 801808) to overturn these regulations. If a resolution of disapproval is enacted, these regulations ''shall have no force or effect.''

In a Dear Colleague Letter dated November 29, 2016, the Department notified SEAs that it would accept consolidated State plans on two dates: April 3 or September 18, 2017. The Department also released a Consolidated State Plan Template that States were required to use if they submit a consolidated State plan. Due to the regulatory delay and review, and the potential repeal of recent regulations by Congress, the Department is currently reviewing the regulatory requirements of consolidated State plans, as reflected in the current template, to ensure that they require only descriptions, information, assurances, and other materials that are ''absolutely necessary'' for consideration of a consolidated State plan, consistent with section 8302(b)(3) of the ESEA. In doing so, the Department, in consultation with SEAs as well as other State and local stakeholders, will develop a revised template for consolidated State plans that meets the ''absolutely necessary'' requirement by March 13, 2017. The Department may also consider allowing a State or group of States to work together to develop a consolidated State plan template that meets the Department's identified requirements through the Council of Chief State School Officers.

The regulatory delay and review, and the potential repeal of recent regulations by Congress, should not adversely affect or delay the progress that States have already made in developing their State plans and transitioning to the ESSA. The Department will be notifying States and the public of the revised template once it becomes available. In the meantime, States should continue their work in engaging with stakeholders and developing their plans based on the requirements under section 8302(b)(3) of the ESEA. In doing so, States may consider using the existing template as a guide, as any revised template will not result in descriptions, information, assurances, or other materials that States will be required to provide other than those already required under the ESEA. The Department will still accept consolidated State plans on April 3 or September 18, 2017.

For your reference, the following programs may be included in a consolidated State plan:

Title I, part A: Improving Basic Programs Operated by Local Educational Agencies;

Title I, part C: Education of Migratory Children;

Title I, part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk;

Title II, part A: Supporting Effective Instruction;

Title III, part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act;

Title IV, part A: Student Support and Academic Enrichment Grants;

Title IV, part B: 21st Century Community Learning Centers; and

Title V, part B, subpart 2: Rural and Low-Income School Program.

In addition, pursuant to ESEA section 8302(a)(1)(B), I am designating the Education for Homeless Children and Youths program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act as a program that may be included in an SEA's consolidated State plan.

I appreciate the hard work and thoughtful attention you are giving to implementing the ESEA, as amended by the ESSA. I understand that a great deal of work has already gone into the planning and preparation of your State plans, whether that is a consolidated State plan or individual program plans. One of my main priorities as Secretary is to ensure that States and local school districts have clarity during the early implementation of the law. Additionally, I want to ensure that regulations comply with the requirements of the law, provide the State and local flexibility that Congress intended, and do not impose unnecessary burdens. In the near future, the Department will provide more information on its review of existing regulations, as well as additional guidance and technical assistance.

We have a unique opportunity as we implement the ESSA. I look forward to working with you, districts, and parents to ensure every child has the opportunity to pursue excellence and achieve their hopes and dreams.

Sincerely,

BETSY DEVOS.

Mr. ALEXANDER. So there is no confusion, let me clearly state what that timeline is. No. 1, States should continue to submit State accountability plans by the April or September 2017 deadlines. No. 2, States should continue to implement a State accountability system in the 2017–2018 school year. No. 3, States should continue to identify the lowest performing schools in need of comprehensive support and improvement by the beginning of the 2018–2019 school year.

To write these plans, States need simply to consult the law. The Every Student Succeeds Act requires States to submit a plan for peer review and approval by Secretary DeVos and the Education Department. The Department is committed to working with States by providing technical assistance, issuing non-regulatory guidance and other support materials.

If questions arise, there are a variety of ways to answer the questions. The Department will continue to provide States with clarification on how to comply with the law through the use of non-regulatory guidance, ''Dear Colleague'' letters, frequently asked questions documents, webinars, phone calls, and in-person conferences. In other words, if there are any questions about how to comply with the new law, there are plenty of ways for Chief State School Officers and others to ask the U.S. Department of Education to provide the answers.

It is important to emphasize that this resolution does not in any way give the Education Secretary a path to creating a new Federal voucher program. Some of my friends on the other side of this debate have been resorting to scare tactics and alleging Secretary DeVos will use this opportunity to regulate into existence a mandate that State and local school districts adopt a school voucher program. The Secretary of Education does not have that power, and this Secretary of Education has said she does not want it. Secretary DeVos has repeatedly affirmed her opposition to federally mandating school choice, saying that she does ''not and will not advocate for any Federal mandates requiring vouchers. States should determine the mechanism of choice, if any.''

A school choice program cannot be unilaterally created by the U.S. Department of Education. Only Congress could create a voucher program. I tried to do that on the floor of this Senate during the debate about fixing No Child Left Behind. I offered an amendment called Scholarships for Kids that would have allowed States to use existing Federal dollars to follow the children of low-income families to schools of their parents' choice. Senator SCOTT of South Carolina offered a similar amendment, but only 45 Senators voted for our proposals. If you pay attention around here, you know that the most important things usually take 60 votes to gain approval.

Also, the 2015 law that we passed actually includes provisions that would prohibit the Secretary from mandating, directing, or controlling a State, school district or school's allocation of State or local resources, and it bars the Department of Education from requiring States and districts to spend any funds or incur any costs not paid for under the law—for example, vouchers. Now I agree that previous Secretaries of Education have imposed their own personal, policy preferences on States and school districts. I opposed such mandates and worked against them. Congress writes the law, not the Secretary and not the bureaucracy.

Instead of using this scare tactic to rile up teachers and parents around the country, misleading them and confusing them about what the Secretary of Education might do, I would take that argument and turn it around. If Congress takes a stand here and now and says that this regulation exceeds the authority granted by Congress—the authority delegated to the Secretary of Education—because the Secretary imposed conditions on States not allowed by the law, then that means any current or future Secretary of Education would be similarly prevented from imposing their own conditions on States.

So there could be no legal method of forcing States to adopt a voucher program, unless Congress passes a new law. There could be no legal method of reinterpreting the Every Student Succeeds Act to impose the next good education idea—however well-intended—unless Congress acts first.

The suggestion has been made that this new law requires regulations. This regulation is not required by the law. The law does not specifically call for accountability regulations. The law allows for accountability regulations, but ''only to the extent that such regulations are necessary to ensure that there is compliance.'' So there is no requirement for this regulation. It is allowed, but it is not required.

Congress wrote prohibitions on the Secretary so that States would not be faced with a bunch of new mandates that ''add new requirements that are inconsistent with or outside the scope'' or ''add new criteria that are inconsistent with or outside the scope'' or are ''in excess of statutory authority granted to the Secretary.'' That is what Congress did. In the law, we laid out requirements for State plans. States can simply follow the law. A regulation isn't necessary.

Future Secretaries will still be able to write regulations on this subject. Under the Congressional Review Act, which is the procedure under which we are operating, if Congress overturns a regulation—as I hope it will in this case—the Department of Education is prevented from making final a new regulation that is ''substantially the same'' as the overturned regulation, unless Congress passes a new law to create an opportunity for that new regulation. But no court has defined what ''substantially the same'' means. But the commonsense interpretation of that is very simple: The Department simply can't turn right around and do the same thing Congress has just overturned. It could do something else by regulation, but it could not do precisely that.

So this is a question of whether we are going to restore the national school board that 85 Senators voted to reverse 15 months ago. And this is also a question of whether you believe that the U.S. Congress writes the law or the U.S. Department of Education writes the law. I believe that under article I of our Constitution, the U.S. Congress writes the law, and when signed by the President, then that is the law. The regulations must stay within it, and that is especially true when Congress has written explicit prohibitions about what a Secretary may do and may not do.

The remarkable consensus around the bill fixing No Child Left Behind was to reverse the trend to a national school board and restore to States, to classroom teachers, and to parents the decisions about what to do about their children in public schools. Teachers, Governors, school boards, and parents were all are fed up with Washington telling them so much about what to do with their children in 100,000 public schools.

So this regulation, which contravenes the law specifically, goes to the heart of the bill fixing No Child Left Behind, which received 85 votes here in the Senate. And this resolution to overturn that regulation upholds the law that received ''aye'' votes from those 85 Senators. I encourage my colleagues to support this resolution and to vote aye one more time.

I believe that overturning the regulation preserves the consensus and the compromise that we achieved when we enacted the law fixing No Child Left Behind.

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.

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, I come to the floor today on behalf of students, parents, teachers, and communities around the country to urge my colleagues to support our bipartisan Every Student Succeeds Act and to oppose this resolution today.

This resolution will roll back a rule issued by the Department of Education that is critical to the effective and intended implementation of the Every Student Succeeds Act, or ESSA.

I am urging my fellow Senators to vote against this resolution for the following reasons, and I will go through each one of them: First of all, this legislation will throw our States and

school districts into chaos just as they are beginning to implement our new law. Secondly, it will give Secretary DeVos a blank check to promote her anti-public school agenda. Third, passing this resolution would be a retreat from the bipartisan law President Obama called a Christmas miracle, one that takes us down a strong partisan path instead, which could undermine ESSA's civil rights protections and guardrails.

But before I go into that, I want to remind my colleagues of what we are working on here and what this resolution would unwind. As many of my colleagues remember well, in 2015, the senior Senator from Tennessee and I came together, with so many others in this body, to fix No Child Left Behind. We both agreed—in fact, nearly everyone in the country agreed—the law was badly broken. No Child Left Behind relied too much on high stakes standardized testing. It gave schools unrealistic goals but failed to give them the resources to meet those goals. And it included a one-size-fits-all punishment if those goals weren't met.

We knew overhauling our public education law was not going to be easy, but we took the time to listen to teachers, to parents, and to students around the country, to make sure their voices were heard. And I am proud that we were then able to break through the partisan gridlock in Congress, find common ground, and pass the Every Student Succeeds Act with strong bipartisan support.

After a major law like the Every Student Succeeds Act passes, Federal agencies usually issue rules to implement and clarify that law. The Every Student Succeeds Act maintains the Secretary's authority to issue rules and clarifications that are consistent with the law. This rule before us today is consistent with ESSA, and it provides important clarity to States, school districts, and schools.

Using such a blunt instrument like this resolution to overturn the entire rule will be a retreat from bipartisanship. Here is how: This resolution would roll back a critical Department of Education rule that gives States more flexibility in key areas while at the same time maintaining strong Federal guardrails to ensure our most vulnerable children don't fall through the cracks. This rule provides clarity on accountability, on reporting requirements, and State plan requirements. It helps ensure that no student, no matter where they live, can fall through those cracks. In other words, this is a rule that gets at the heart and soul of what we are trying to accomplish with our bipartisan law.

The Department of Education did not simply come up with this rule on its own. It incorporated over 20,000 comments from education stakeholders, State chiefs, and district superintendents, many of whom—including the State chiefs and superintendents—applauded the Department of Education for listening to their concerns and incorporating those comments into the final rule that was then released last fall.

During the debate around the Every Student Succeeds Act, there was some division about what accountability should mean in the law, but the final law showed that we can balance flexibility with strong Federal guardrails, until this point, when Republicans now want to tear down the rule that ensures those guardrails go into effect.

Now I want to get into some of the challenges that would be created if this resolution passes and this rule was eliminated. One important thing this rule did was clarify State submission plan requirements and set deadlines for the submission of those plans. Based on this, States have been working now with the Department of Education for months on their State plans. Approximately 18 States and the District of Columbia intend to submit their plans in the beginning of April, but if this rule goes away now, if the rug gets pulled out from under these States, there could be chaos and confusion and the undermining of confidence in this new law.

By the way, we are already seeing this start. In February, Secretary DeVos sent a letter to our State chiefs suggesting a new template for their State submission plans would be ''coming,'' even before the Senate voted on this resolution, and that the new template would be available less than a month before State plans are due. This could force those impacted States to abandon their plans and start from scratch, and it does not allow enough time for the stakeholder review process that is required in the law.

So that is the first reason we should oppose this legislation because there is simply no reason to insert more chaos into a system that is finally settling into our new law. The second reason is, passing this legislation would then give Secretary DeVos a blank check over implementation of the Every Student Succeeds Act to promote her anti-public school agenda.

As we saw in her confirmation hearing, Secretary DeVos, we know, has dedicated her career to privatizing public education. She has a long record of fighting to cut investments in public schools and shift taxpayer dollars toward private school vouchers. In her hearing, she showed a lack of even basic understanding of key concepts in public education policy, and she has openly questioned the role of the Federal Government in protecting our most vulnerable students.

After her hearing, millions of people across the country stood up, made their voices heard, and called on the Senate to reject her confirmation. Although she squeaked through with a historic tie-breaking vote from Vice President PENCE, it was clear people across the country rejected her anti-public school agenda. Instead, they want the Department of Education to stand with students and with our schools.

One month into her tenure as Secretary of Education, Secretary DeVos has not done a lot to reassure parents who had serious concerns. She has made mistake after mistake, from grossly misrepresenting the origins of the HBCUs to failing to protect transgender students in schools, proving what the American people saw at her confirmation hearing; that her lack of understanding of public education is hurting our students. We cannot, in good conscience, provide Secretary DeVos another potential tool to implement ESSA, our bipartisan bill, with her anti-public education slant, and that is exactly what passing this resolution would do.

If this resolution passes, make no mistake, I will do everything I can to ensure that Secretary DeVos implements ESSA, as Congress intended.

Let me be clear. Congress did not intend that DeVos or any future Secretary of Education could use this law to encourage, prioritize, or even require States to incentivize private school choice. We will work to ensure that she does not take advantage of the chaos that will follow, if this rule is overturned.

Providing Secretary DeVos a blank check would absolutely be the wrong way to go in the early stages of this law's implementation. So that is the second reason.

The third reason is, at its heart, the Every Student Succeeds Act is a civil rights law, and the rule that this resolution would eliminate reflects that reality. We know from experience that without strong accountability, kids from low-income neighborhoods, students of color, kids with disabilities, and students learning English too often fall through the cracks. Now it is up to all of us to uphold the civil rights legacy of this law and its promise for all of our students.

I was proud to work with my colleague, the senior Senator from Tennessee, on this law. I know he is proud of what we accomplished, but I am disheartened to see my Republican colleagues jamming this partisan play through in the same fashion they did with Secretary DeVos's nomination.

Voting for this resolution will ruin the bipartisan nature of our Every Student Succeeds Act, and it will hurt our students, but by voting against this resolution, we can make sure ESSA works for all of our students, regardless of where they live, how they learn, or how much money their parents make.

Finally, I want to make one more point. Even people who had concerns with the final rule do not—do not—want to see it overturned. In fact, the American Federation of Teachers, civil rights groups, and the U.S. Chamber of Commerce—groups that aren't always actually on the same side of education issues—are all speaking out against rolling back this rule, and parents,

teachers, and community leaders are all on the same page.

In a letter to the Senate, Randi Weingarten, president of the American Federation of Teachers union said: ''Repealing these regulations now would not just be counterproductive and disruptive but would demonstrate a disregard by Congress of school districts' operation and timelines.''

In a letter to my colleagues, Senator MCCONNELL and Senator SCHUMER, the U.S. Chamber of Commerce and various education groups, including the National Center for Learning Disabilities, wrote that rolling back this rule ''will cause unnecessary confusion, disrupting the work in states and wasting time that we cannot afford to waste.''

So if unions, business, and civil rights groups, disability advocate organizations, and the States are not asking for this, we must ask the questions, Why are my colleagues jamming this resolution through? What perceived problem are we trying to solve?

Millions of students, parents, and teachers have made their voices heard about the importance of public education. They want us to work together to uphold and build on our bipartisan law, not for it to become just the latest partisan exercise that only hurts our students.

A vote against this resolution is a vote for our students, it is a vote for our schools, it is a vote not to give Secretary DeVos power she can abuse, and it is a vote to keep working together to build on this bipartisan law, not tear it apart.

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

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

BUDGET CUTS

Mr. NELSON. Mr. President, I rise today to express serious concern about reports in the press that the administration is considering deep cuts in funding to crucial aspects of our Nation's national security and our homeland security to pay for the construction of a border wall and also for a crackdown on illegal immigration.

The first target that alarmed me was America's maritime guardian, the U.S. Coast Guard.

Even as the administration says it plans to secure the borders and increase funding for our military by $54 billion, which, in fact, may be a good thing, it is reportedly considering cuts on the nondefense side—and that includes the Department of Homeland Security—with a cut of $1.3 billion, or 12 percent, to the very military service that secures our vast maritime borders, and that is the Coast Guard. That plan just doesn't make any sense, especially when it comes to securing our borders. You would be putting a bunch of money in a wall, but you are losing the security of the border over here on the oceans.

The 42,000 member-strong Coast Guard plays a vital role in protecting our Nation from narcoterrorism, combating human smuggling, preventing and responding to maritime environmental disasters, and protecting lives and property at sea.

By the way, in other foreign parts of the globe, the U.S. Coast Guard is assisting the U.S. military in our military operations.

If securing our borders and supporting our military is a true priority for the administration, then it ought not be slashing the Coast Guard's budget. Instead, we should be supporting the Coast Guard's ongoing and much needed fleet recapitalization program, including the design and construction of the new offshore patrol cutter and the continued production of the new fast response cutter. These are desperately needed assets for the Coast Guard.

This Senator has personally visited dozens of Coast Guard units all around, not just in my State of Florida but in Alaska, the Great Lakes. The job the Coast Guard does is amazing. What I have witnessed firsthand is what they do in service to our country.

The constant theme I have heard from my visits is the need to modernize and become increasingly more nimble, given the host of threats that could be delivered from our maritime borders. Let me give just one example.

In the Caribbean, it is a Coast Guard admiral who heads up the task force that has all agencies of government participating as we look to protect the southern borders in the Caribbean, as well as the southern Pacific, from anything that is coming to our borders—drugs, migrants, terrorists, whatever. It is all agencies involved, but if, for example, there are U.S. Navy ships in the area or Air Force assets in the air that might pick up one of these threats coming toward America, they work hand-in-glove with the Coast Guard because it is the Coast Guard that has the legal authority as a law enforcement agency to stop, apprehend, and board that vessel.

We are doing all of this border protection with cutters that have an average age of 45 years old. The average age of a Coast Guard 210-foot medium endurance cutter is 48 years old. The Coast Guard's high endurance cutter average age is 45 years. These are just two classes of ships that the Coast Guard uses for interdiction and rescue missions, and they do it worldwide.

As you may expect, with assets this old, the Coast Guard struggles with major, mission-debilitating casualties, which result in severe losses of operational days at sea and drastically increases maintenance costs. To correct that, the new offshore patrol cutters and the fast response cutters will give the Coast Guard an effective coastal and offshore interdiction capability in order to meet objectives. What are they? Combating transnational organized crime networks, securing our national maritime borders, safeguarding waterborne commerce, and safeguarding life and property at sea.

Looking at the administration's second target to pay for the wall, what is the second target? Believe it or not, FEMA, the Federal Emergency Management Administration. That agency comes to the aid of millions of Americans during any kind of natural disaster, and they are singling that out for cuts? That doesn't make common sense, and it certainly is not going to be a popular thing to do in the eyes of those who have to turn to FEMA after a natural disaster to try to get their lives back on track.

Last year, just taking 1 year as an example, two major hurricanes hit Florida, in addition to many other devastating natural disasters that struck nationwide and resulted in many deaths and billions of dollars of damage. FEMA was critical to people's survival and recovery in each of those events. Just think of what we hear on the news all the time. There are storms, tornadoes, earthquakes. Remember the mountain that erupted out in the State of Washington decades ago, not to mention hurricanes.

For the sake of people's safety and that of our country, we simply cannot use FEMA as a piggy bank to pay for the administration's trillion-dollar spending programs.

The administration's third target—this has just been reported. What is the third target? You are not going to believe this. It is TSA, the Transportation Security Administration. If we target TSA for budget cuts—is that really what we want to do in a threat environment? Every time we go through an airport, TSA is on the frontlines of protecting our country from terrorist attacks. That is its security mission at airports across the country—and, by the way, with the air marshals who fly on our flights. Need I remind the administration why TSA was created? It was after the September 11 attacks in 2001.

Funding is vital to ensure the success of TSA's mission. In fact, just last year Congress responded to concerns over insider threats and security at airports, such as the bombings in Brussels and Istanbul, with the most extensive security-related measures in years. Specifically, what we did, particularly in the Commerce Committee when we formulated the FAA bill, is we included bipartisan provisions enhancing the background and vetting requirements for airport employees and expanded the random and physical inspection of airport employees in secure areas.

Remember the case at the Atlanta Airport? For several months, people had a gun-running scheme going from Atlanta to New York. They didn't drive up Interstate 95 to take the guns; they had an airport employee in Atlanta

who could get into the airport, without being checked, carrying a sack of guns. That airport employee would go up into the sterile area where passengers are, go into the men's room, and would exchange knapsacks with a passenger who had come through TSA clean, and that passenger took the sack of guns on the airplane flight from Atlanta to New York. The New York City Police Department couldn't figure out how they were getting all those guns on the streets of New York. That was a gun-running scheme over several months. Thank goodness they were criminals and not terrorists. And you want to cut that kind of security?

Do you want to cut the strongest security we have at an airport when screening passengers who are going through? It is the nose of a dog, the VIPR teams. The trained dog teams and their handlers are the most efficient way to screen passengers. It is amazing what those dogs can sense. When we did the FAA bill last year, we doubled the number of VIPR teams, the dog teams, and you want to cut this? That was all done in a bipartisan manner. We doubled the number for the protection of the American public.

In that bill, we also expanded the grant funding to assist law enforcement in responding to mass casualty and active-shooter incidents, which is very important. Another tragic example of that is the recent shooting in Fort Lauderdale at the airport.

To counter the issue of long lines, which I know we all had to go through last spring, the legislation included provisions to expand TSA Precheck and require the TSA to evaluate staffing and checkpoint configurations in order to expedite passenger security screening.

Does that sound like a bunch of administrative mumbo jumbo? Perhaps. Let me tell you that it works and that all of it is designed to protect Americans going to airports and getting on airplanes.

None of this is possible without continued funding and, in fact, even more funding. Any cuts are certainly going to impair the TSA's ability to keep our country safe.

The bottom line here is that we must do whatever is necessary to keep our country safe and our citizens secure. Slashing the budgets of the U.S. Coast Guard or FEMA or the TSA is only going to make us less secure.

Need I say more about these proposals to pay for some of these other things, like a wall, by slashing these kinds of budgets?

Mr. President, I yield the floor.

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

RUSSIA

Mr. CARDIN. Mr. President, along with the Presiding Officer, I have the distinct honor of serving on the Senate Foreign Relations Committee and am the ranking Democrat on that committee. There are many areas of challenge for our national security. We could talk about what we think is the greatest threat to the national security of the United States. Unfortunately, there are a lot of candidates.

One could certainly be China. China has been very provocative in the China Sea, raising concern about maintaining maritime security, which is so critically important to world commerce. Clearly China could be a candidate.

North Korea could be a candidate. We know that in North Korea, they have a nuclear capacity. We know their government will gas and poison people who disagree with them, including family. It is a repressive regime, and they are developing the capacity not only to have a nuclear weapon but the capacity to be able to deliver that nuclear weapon beyond just the region in which they are located. So we could pick North Korea.

We certainly could mention the threat of ISIS, which is a growing threat of terrorism that challenges not only the Middle East but our own country.

We could mention the security threat of Iran. Iran was one of the greatest sponsors of terrorism of any country in the world, which is causing major problems for the Sunni Gulf States, in Syria, and in the Middle East. Clearly Iran is a candidate for major interest in our national security.

But the country I would pick as the greatest threat to America's national security would be Russia. Russia has been very aggressive in trying to dominate beyond its own geographical borders. It has incurred into other countries and has attacked the United States of America.

I want to take us back to 1975 when the Helsinki Final Act was passed, through the leadership of the United States and the USSR.

I have had the opportunity through several Congresses to be either the chair or the cochair or the ranking member of the U.S. Helsinki Commission. I have spent a lot of time on the Helsinki work.

What was remarkable about that document that was entered into in 1975 was that it recognized that security is beyond just military in that for a country to be secure, it must pay attention to its borders, yes, and its military, but it also must have economic security and must respect human rights.

What was also very unique in the Helsinki Final Act was the commitment that these standards we agreed to would not only be of internal interest to the member country but that any country to the Helsinki Final Act could challenge the actions of any other country. We have not only the right but the responsibility to call out countries that fail to adhere to the basic principles that were agreed to in 1975. The Helsinki Final Act now applies to about 56 countries—all of the countries of Europe, Canada, the United States, and all of the republics of the former Soviet Union.

Let me review with my colleagues the guiding principles that were agreed to in 1975 under the Helsinki Final Act, signed by Russia, so that they are bound by these principles. As I read through these 10 principles, let me talk about how Russia has violated every single one of the basic 10 principles they agreed to in Helsinki.

No. 1, sovereign equality and respect for the rights inherent in sovereignty.

No. 2, refraining from the threat or use of force.

No. 3, the inviolability of borders.

No. 4, the territorial integrity of states.

In each of these cases, Russia has violated these basic principles. They invaded Ukraine and took over Crimea, annexing it against the will of a sovereign country. They are interfering in the eastern part of Ukraine as we speak, violating the territorial integrity of Ukraine. Russia's troops are in Georgia, violating the sovereignty of that country. Russia's presence in Moldova is not respecting the territorial integrity of a member state. Russia has violated the basic principles of sovereignty that were brought out in the Helsinki Final Act.

Let me read some of the other principles.

No. 5, the peaceful settlement of disputes.

Russia shoots first. They took their troops into Ukraine. They took their troops into Georgia. They have not used peaceful methods.

The sixth principle is the non-intervention in internal affairs.

Russia attacked the United States of America in our free election system. That is not subject to any dispute today. They attacked America. They interfered with our internal affairs. They tried to influence our election. That is an attack against America and a violation of their basic commitments.

Let me read through the remaining.

No. 7, respect for human rights and fundamental freedoms.

Ask the people who have disagreed with the Russian Government and who have tried to form a party whether there is respect for human rights and fundamental freedom in Russia today. Ask independent journalists who are arrested and killed for trying to carry out their profession. Russia today is intimidating civil societies and NGOs, and anyone who disagrees with Mr. Putin is subject to arrest, torture, and perhaps death. We know that in the case of Mr. Magnitsky, which is a cause that has been taken up by this body with the passage of Magnitsky laws.

Another principle is equal rights and the self-determination of people. That is not present in Russia today.

No. 9, cooperation among states.

Let me conclude with the 10th principle: fulfillment in good faith of international legal obligations.

Russia entered into an agreement with regard to Ukraine's sovereignty, only to invade Ukraine a few years later. Ukraine gave up its nuclear stockpile, believing that Russia would

live up to its commitments. Russia has violated the Minsk agreements that were entered into to resolve the problems between Ukraine and Russia. Russia has not lived up to its international agreements.

Let me sort of summarize why I think Russia is the No. 1 candidate for concern with regard to our national security. They have violated the sovereignty of many countries of the world. They have violated the sovereignty of Ukraine and continue to do so. They have violated the sovereignty of Georgia and Moldova. They have attacked the United States of America through cyber. It may not have been a MiG, but it was a mouse, and its intended purpose was to bring down our democratic election system and to favor one candidate. That cannot go unanswered.

Today, Russia is engaged in Syria and supports the Assad regime, which attacks humanitarian convoys, uses the civilian population as an instrument of war, gases its own people—violating basic international human rights and committing war crimes. That is what President Putin is doing in Russia today.

Russia's human rights records are deplorable. Kara-Murza has been poisoned not once but twice. He is an opposition leader. He is now in the United States and is recovering from the second poisoning episode. The Russian authorities tried to kill him. Why? Because he dared to oppose the Putin regime.

We need to speak out. We need to know more about that. It does not end there. Russia is violating the INF, the International Nuclear Force agreement, which is a major concern to all of us.

Russia's bottom line is that they are trying to dismantle the Transatlantic Trade and Investment Partnership, which has been the bulwark of security since the end of World War II, the relationship between Europe and the United States, providing a blanket of protection not just for our physical security, but providing international leadership in dealing with the development of democratic countries around the world. That is what Russia is trying to do today, is to dismantle that protection.

What should we do? We have identified Russia as our No. 1 concern, and I think most Members of the Senate would agree with that assessment. I have talked to many, particularly on the Senate Foreign Relations Committee. What should we do? What is the role of Congress?

We know we are waiting for President Trump to give us his foreign policy as it relates to Russia, and that is an important thing for us to know—how the President intends to deal with a country that has done so many things against our national security interests.

We have a role. We are the first branch of government that is mentioned in the Constitution, article I. We have responsibilities to act. We need to take steps, and I have encouraged my colleagues.

There have been a lot of accusations made around here about Russia's contacts with Americans and that Russia is stealing information through cyber and planting that information through WikiLeaks in order to influence elections. There is the potential contact with General Flynn, what happened with the Russian Ambassador, and what happened as far as domestic wiretaps. There have been a lot of comments made around here, but we do not have the facts.

First and foremost, we need an independent commission that is similar to what the Congress constituted after the attack on 9/11 so that we get independent, nonpartisan experts, without restriction to jurisdiction or turf, who can determine exactly what Russia's game plan is and what steps we can take to protect ourselves in moving forward and what action we should take against Russia. That is the first thing we should do. Congress should also pass a resolution. I have introduced one that would set up that type of an independent commission to look at what Russia has done.

There is a second issue, though, that I want to bring to our attention, and I know the Presiding Officer is very familiar with it. It is the Countering Russian Hostilities Act, which is a bill I filed. I am very proud that this bill was not created by one Member, it was created by a group of us working together and recognizing that Congress needed to speak with a strong voice.

I am proud that, in addition to my sponsorship, Senator MCCAIN helped draft this bill. Senator MENENDEZ is a key leader on this bill. Senator GRAHAM is one of the architects of the bill. We have Senator SHAHEEN, Senator RUBIO, Senator KLOBUCHAR, Senator SASSE, Senator DURBIN, Senator PORTMAN, Senator MURPHY, Senator GARDNER, Senator BLUMENTHAL, Senator SULLIVAN, Senator DAINES, Senator DONNELLY, Senator YOUNG, Senator WHITEHOUSE, Senator COONS, and Senator CORNYN.

You might notice that I alternated between Democrats and Republicans because this is not a partisan effort. We all recognize the seriousness of what Russia has done to the United States. We all recognize that Congress needs to respond. When you are attacked, you don't stand by; if you do, you will get attacked again and the next time could be even more devastating. So we have to take action to protect ourselves.

So what the Counteracting Russian Hostilities Act does, first and foremost, is it codifies the sanctions currently imposed against Russia for its cyber attack on the U.S. election. Secondly, it extends those sanctions for what we call secondary sanctions—businesses doing business with those that are sanctioned—so we can enforce the sanctions.

The Presiding Officer recognized that when we were working on the North Korea sanctions law, we needed to strengthen that, and I congratulate the Presiding Officer on the work he did regarding North Korea, and I was pleased to join him. I am pleased he is joining with this group to see how we can strengthen our sanctions and pressure on Russia to know that they can't get away with this type of an attack against America, but then we go even further.

We recognize that Ukraine today—we have sanctions against Russia, but we can strengthen those sanctions. We can apply those sanctions to the energy sector. We can apply those sanctions to prevent American companies from financing the Russian economy through the moneys they need for sovereign debt or privatization. So we extend the program of sanctions to include those types of activities.

We take up two other major issues that I just want to share with my colleagues because these are contributions made by the Members who joined together to file this bill. We recognize that the rules of engagement have changed. Russia is using tactics today that we never thought would be used. They attack our country, get private information, give it to WikiLeaks, use it as part of a strategy to get news out there that could influence our elections. Then they develop fake news, use that fake news through social media to make it look like real news in an effort to try to affect our free election system in the United States. This is pretty frightening. We have to meet them. We have to protect ourselves.

So this legislation provides for a democracy initiative similar to what we have done on our security initiative with Europe. We have stationed NATO troops on the border countries of NATO with Russia to let them know we will not tolerate the invasion of a NATO country. We have done that. That is our security initiative. We have to have a democracy initiative to protect the democratic institutions of Western Europe because Russia will use the democratic institutions to try to undermine the democratic institutions—the free press, the opportunities of free speech, the opportunities to try to influence through their money the election process. They have done that. They tried to do it in Montenegro during the parliamentary elections to affect Montenegro's accession into NATO.

We have to protect the democratic institutions. This legislation would authorize that protection.

Then it sets up a resource so we can fight this propaganda, so we can find ways to counter Russia's use of propaganda in order to carry out their nefarious activities.

This is a comprehensive bill. I urge all of our colleagues to take a look at it. We are looking for input. We are looking to make sure this does exactly what we need it to do—to speak as one

voice in Congress to make it clear to Russia that it is not business as usual; that we intend to take action and be strong and let them know they cannot do this type of activity; that America will protect its national security.

There is another bill, let me just mention, that Senator GRAHAM is the principal sponsor of that I have cosponsored and others have sponsored also. It is the Russia Sanctions Review Act. I mention that one because we had a great debate here in the last Congress on the Iran nuclear agreement, and part of the reasons we had a great debate is because the Senate Foreign Relations Committee was able to pass a review act and get broad consensus on it, get it signed by the President, which gave us a role. More importantly, it gave the American people a role in getting transparency on a very important agreement—the Iran nuclear agreement. So we had time for public hearings. We had time for national debate. We had time for questions.

Because that law passed, I am convinced the agreement was stronger. The administration knew there were millions of eyes looking at what they were doing; they just couldn't do it in the dark of night. It helped us, I think, carry out our responsibility as the legislative branch of government.

So Senator GRAHAM and I and others believe we should have a similar process, if there is going to be a fundamental change in the relationship between the United States and Russia; that the President should consult and work with Congress and give us an opportunity for transparency and for the American people to be heard. That is exactly what this bill does. It is a bill that I think is for good legislating, for good governance, and I would encourage my colleagues to take a look at this, and hopefully we will be able to get this done.

I will just say in conclusion that we have no issue with the Russian people. They are good people. We want to have a good relationship with the Russian people. It is Mr. Putin and his government that are directing this country to do things in interference with the sovereignty of other countries—in violating human rights, in supporting violations of human rights, in war crimes, and they should be held accountable for that and for what they are doing in Syria, and, of course, very personally, attacking our own country. That is what we are aimed at.

Mr. Khodorkovsky was in my office yesterday. I think my colleagues might recall that he was a leader in Russia—a great business leader. He made a lot of money. He decided Russia needed reforms to protect the rights of all people, that human rights were not strong enough, the right of expression was not strong enough, so he took up that cause as a successful businessperson. As a result, he was arrested, served 10 years in prison, and they tried to keep him out of politics because he did not represent Mr. Putin's politics.

Well, he has been very active. He no longer lives in Russia for fear of his own life. He has been here championing the cause for good governance within Russia and the importance for the international community to be engaged in that. As he left my office yesterday, he said: Please continue to speak out. He said: Please continue to speak out.

The United States must lead when a country driven by Mr. Putin does what it does. It is our responsibility to speak out about this outrageous conduct—threatening the integrity of so many countries and violating the human rights of so many people.

We can make a difference. The Congress can make a difference. It is for all of those reasons that we need to act.

I urge my colleagues to take a look at the legislation I have talked about on the floor and which so many of my colleagues on both sides of the aisle have joined. Let's get together and let's speak with a united voice and let Russia know we are going to protect the national security of the United States of America, and we are going to protect the rights of our friends.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I am pleased to join with my colleague from the great State of Maryland and to commend him for his leadership on the Foreign Relations Committee and on the floor today, as well as his great work with the Helsinki Commission, his tireless bipartisan work with our committee chairman, and with many others.

We have just heard detailed, in terms of the legislation he has put forward, the effort, the time, and the engagement he has put forward in terms of standing up. I think it is important for all of our colleagues and the American people to hear us working together to push back on Russian aggression and on Vladimir Putin's regime for its interference in our most recent election and its long and sad record of appalling human rights violations.

In 1950, the CIA delivered a report to then-President Harry Truman that outlined two key goals of the Soviet Government. The first goal was ''destruction of the unity among the Western countries, thereby isolating the United States.'' The second goal was ''alienating the Western people from their governments so that the efforts of the Western countries to strengthen themselves would be undermined.''

Nearly 70 years later, the regime of Vladimir Putin in Russia remains fundamentally committed to these same two goals, but today his government has a whole new arsenal of cyber tools and information tools which it uses to interfere in democratic elections here in the United States and across Europe—among the nations that are our vital allies—to launch propaganda and misinformation campaigns that spread falsehoods and create a climate of doubt and uncertainty among citizens and democracies around the world.

Last week, on this floor, I rose to speak with my friend and colleague, Senator MARCO RUBIO, to highlight the threat that we know Russia poses to the American-led, rules-based international order that has been sustained by both Republican and Democratic Presidents and leaders in this body since the Second World War.

Just yesterday, several of us participated in a hearing of the State and Foreign Operations Appropriations Subcommittee, chaired by Senator LINDSEY GRAHAM of South Carolina. We heard directly from representatives of the Governments of Ukraine, Poland, Georgia, Latvia, Lithuania, and Estonia. All of these nations know better than any others just how serious the Russian Government is today about fulfilling the goals the CIA quoted and outlined in that report from the 1950s. Russian troops today are massing on the borders of many of these countries. In the case of Ukraine, Russia has recently invaded and continues to illegally occupy Crimea while arming and supporting separatists in the eastern 20 percent of the country.

Russia previously invaded Georgia in 2008 and continues to occupy about one-fifth of its territory, backing rebels in the breakaway regions of South Ossetia and Abkhazia. The Russian Government has tried and, in several cases, succeeded in executing cyber attacks against these countries' governments, most famously against Estonia in 2007. Its ongoing disinformation campaigns have created widespread doubt about Western institutions like NATO, the European Union, the OSCE—institutions that have helped to maintain a stable and peaceful world for seven decades.

These Ambassadors and the Foreign Ministers who testified yesterday before our appropriations subcommittee made clear their countries depend on the United States not just for leadership, not just for military strength but for leadership and our commitment to effective foreign assistance. These are the same requests I heard last August from Eastern European leaders, when I led a bipartisan congressional delegation—two Republican House Members, two Democratic Senate Members, and I. The five of us went to Ukraine, Estonia, and the Czech Republic, and we heard exactly the same message—that they are threatened by a constant wave of attacks of disinformation, both overt and covert efforts to subvert their democracies and to change the direction of their nations.

Maintaining our forms of American leadership, our support for the democracies, the civil societies, and the military, and the strength of these nations in Eastern Europe is not charity. A world committed to democracy and the rule of law is a more stable world. A stable world means Americans are safer and more economically secure. It

is that simple. That is why we must push back against Russian aggression in a bipartisan way and stand up for our allies and our values.

Conversations like this one on the floor today are important to educate our American people about the true nature of the Russian threat we face. The Russian Government's current strategy relies on disinformation and propaganda in an effort to divide the American people, both from their government and from each other.

Our discussion this afternoon makes clear that both Republicans and Democrats in Congress haven't lost our will to highlight, to condemn, and to fight Russian actions. Unassailable facts must serve as the basis for a bipartisan foreign policy. A clear-eyed understanding of Russian intentions and actions will protect us from their anti-Western propaganda and avoid the internal divisions that Russia seeks to leverage in an attempt to project its influence worldwide.

To that end, I am determined to support the efforts of Senator CARDIN. I am also determined to support the efforts of Senator GRAHAM to provide sufficient funding that specifically targets the Russian Government's subversive actions. I will also continue to work with my colleagues, such as Senator CARDIN, to see that his bill, S. 94, the Counteracting Russian Hostilities Act, is marked up this work period so the full Senate can consider this important legislation. As Senator CARDIN commented, there are 10 Democrats and 10 Republicans who have already cosponsored this important bill.

Why is this bill, the Counteracting Russian Hostilities Act, so important? It will make sure the Russian Government pays a price for breaking the rules by supporting sanctions for its occupation and illegal annexation of Crimea, for its egregious human rights violations in Syria and elsewhere, and, most importantly, for directly interfering in our election. This bill would prevent the lifting of sanctions on Russia until its government ceases these activities that caused those sanctions to be put in place in the first place. The bill would also support civil society, pro-democracy, and anti-corruption activists in Russia and across Europe.

Today Vladimir Putin has a whole array of powerful modern tools that he intends to use to undermine democracy and promote his brand of authoritarianism, but as that 1950 memo to President Harry Truman made clear, Russia's goals haven't changed. Russia's goals are to oppose us, our vision, our values, and our democracy. We must make it clear that America's vision of a freer, safer, and more democratic world hasn't changed either.

I thank Senator CARDIN for organizing this discussion, thank Senator MENENDEZ for everything he has done to support these important efforts, and thank Senator GRAHAM for hosting yesterday's important hearing. I look forward to working with all of my colleagues to continue with this fight.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to join my colleagues in this important conversation on the Senate floor and, once again, to demand answers to the many questions raised about Russia's interference in our elections.

Not so long ago, I came to the floor to speak out against a belligerent act from an adversarial nation, an attempt to undermine American democracy and foment chaos and uncertainty on the world stage, an effort that we now know from our own intelligence community's assessment was ordered by President Putin himself, a campaign that senior intelligence officials have concluded ''blend[ed] covert intelligence operations—such as cyber activity—with overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users, or 'trolls,' '' to undermine our 2016 Presidential elections.

In recent weeks, the American people have been confronted by a daily drumbeat of headlines regarding Russian interference with our elections and possible ties to President Trump's campaign. They have learned that the President's former National Security Advisor, LTG Michael Flynn, was not truthful about the nature of the conversations he had with the Russian Ambassador shortly after President Obama sanctioned Russia for meddling in our elections.

They learned that Attorney General Jeff Sessions, the highest law enforcement officer in the land, did not fully disclose at least two meetings he had with the Russian Ambassador during his nomination hearings.

They have learned, through reporting in the news media, that U.S. law enforcement continues to investigation Russian agents' contacts with President Trump's inner circle.

Yet despite these revelations, the American people now face more questions than answers. Has anyone else on the President's team been in contact with the Russian Government? What were the nature of these conversations? How credible are reports of business dealings between Russian oligarchs and the Trump organization?

But here is the reason I came to the floor today, as serious as those questions are. Getting answers to these questions, whether it be through a special prosecutor, or an independent commission—on which Senator CARDIN has legislation and which I strongly, strongly support and believe it is the ultimate vehicle—or the Senate Intelligence Committee's own investigation—those efforts are not about President Trump. It is about the American people. It is about protecting our free and democratic way of life and our time-tested system of self-governance. It is about showing our constituents that, when the stakes are high, when the allegations are this startling, when the implications are this alarming, we are capable of setting politics aside and getting to the truth.

Time and again, the President has dismissed the significance of Russia's interference in our elections, and he derides reports about his financial interests and campaign contacts with Russia as ''fake news.'' Well, this isn't fake news. On the contrary, these are real threats—real threats from a real foreign adversary; real threats that undermine the integrity of our elections and, therefore, the security of our country; real threats from a brutal leader who sees the erosion of Western democracy as a strategic imperative for Russia's future.

So let's be clear about why these threats matter. Vladimir Putin's rise to power in Russia has been marked by the suppression of the freedom of the press, the oppression of the Russian people, the murder of political opponents, and the transfer of wealth and assets from the Russian people to a handful of powerful oligarchs.

President Putin sees the spread of Western democratic values that we enjoy here in our country and others in the Western world—like freedom of speech, the rule of law, and human rights—as a threat to his power. So Russia has embarked on a systematic campaign to undermine the democracies that uphold the international order established after World War II and that has been the bedrock of peace and tranquility, generally speaking, since then. These threats must be taken seriously.

Russia's aggressive behavior reaches back years and extends to this day. We saw it in 2008, when Russia backed illegal separatist forces in Georgia, declaring South Ossetia and Abkhazia independent states. We saw it in March of 2014—when I was in Ukraine—when Russia authorized the use of military force to annex Crimea, blatantly violating the sovereignty of the Ukrainian people and the Budapest Memorandum, a memorandum that we—the United States, Russia, and others—signed, saying that we would observe the territorial and sovereignty rights of Ukraine if they gave up the nuclear weapons that had been left to them after the collapse of the Soviet Union.

They did just that. They did just that, and what happened to them afterwards? Their territory has been annexed and invaded. Today, Putin continues to break ceasefires, sow discord, and incite violence throughout eastern Ukraine—an effort that to date has claimed 10,000 lives and displaced 2 million people.

Unfortunately, Russia's interference in our 2016 Presidential election is not an isolated instance. According to U.S. intelligence reports, these efforts are only the most recent manifestation of

the Kremlin's ongoing campaign to undermine Western democracy.

In recent years, we have seen Russian oligarchs funnel money to fringe political movements across Europe, and Russian operatives conduct sophisticated disinformation campaigns. After the revelations that Russia interfered with our own elections, Putin has shown no signs of slowing down. On the contrary, just weeks ago, Russian's Defense Minister announced that the Kremlin will begin using troops to enhance their information operations, emphasizing that ''propaganda must be smart, competent, and efficient.''

Again, Russia's end goal here is no mystery. Putin aims to undermine European unity and fracture the transatlantic alliance—an alliance that has served as a bedrock for international security, peace and stability, and economic cooperation between the United States and Europe for the past half century.

In the Middle East, President Putin continues to disregard international norms. He aligns Russia with Iran, the world's leading state sponsor of terror. He aids Syrian dictator Bashar al-Assad in his atrocities against innocent civilians. In Aleppo, Russian bombs fall on homes; Russian bombs fall on schools and hospitals; Russian bombs fall on aid convoys that only seek to feed starving, trapped families, and rescue children from the rubble.

Just last month, Russia violated the Intermediate-Range Nuclear Forces Treaty when they illegally launched a cruise missile, showing no regard for an agreement that has been a hallmark for nuclear security cooperation for nearly four decades. That is not an insignificant act.

The United States cannot ignore such destabilizing behavior. That is exactly why Senator GRAHAM and I introduced S. Res. 78 just 2 weeks ago, recognizing 3 years of Russian military aggression and calling on Russia to respect its obligations to the international community. Our resolution should serve as a reminder to this administration that the U.S. sanctions imposed on Russia for violating the international order should remain in place until Russia starts respecting and returning to that international norm.

Nor can we let Russian efforts to undermine Western democracies continue unabated. That is why I joined my colleagues in the Countering Russian Hostilities Act of 2017. This bipartisan bill codifies the sanctions imposed by President Obama for Russia's annexation of Crimea and interference in the U.S. elections into law.

It is the same type of proposition we had with the Iran agreement. We want a congressional opportunity to voice ourselves and make sure that those sanctions aren't lifted arbitrarily, capriciously, without Russia paying the consequences and coming back into the international order. At the same time, the legislation authorizes $100 million for the State Department and other agencies to counter Putin's propaganda.

The time for action—and for answers—is now. We can get to work immediately by holding hearings in the Senate Foreign Relations Committee to ensure that the United States has a strategy in place to protect the security of our democracy and promote stability abroad. From the spread of extremist propaganda across Europe and the denial of Ukrainian sovereignty, to the bombing of civilians in Aleppo and the cyber attacks against the Democratic National Committee, Putin's intentions are not up for debate.

Russia's destabilizing behavior should make it absolutely clear to the President of the United States that the Russian Federation is not our friend. But when the President hesitates to acknowledge this reality or fails to address such aggressive behavior, it is up to Congress to act. There can be no hesitation when it comes to protecting the security and sanctity of our elections.

But to take action we need answers. That is why we need an independent investigation into Russia's interference in the 2016 elections. What President Trump fails to realize time and again is that this investigation is not about whether or not Russia successfully swayed the American elections. This investigation is not about him. This investigation is about the American people. It is about ensuring that our elections are free, fair, and secure so that our government that we elect is responsive and accountable to the people. It is about understanding Russia's tactics in cyber space and preparing for future attacks. It is about standing with our allies, preserving peace and avoiding war, and preventing the need to send our sons and daughters into harm's way. It is about ensuring that, when the President of the United States faces tough decisions, the American people can trust that he puts their interests—their interests—ahead of any other interests he has abroad.

It is time to protect the integrity of our elections and to secure our democracy against the cyber threats of the 21st century—whether they come in the form of election machine tampering, or paid propaganda on social media, or targeted hacks on political and public officials.

Russia poses a real strategic threat to the United States, to our core values, and to the international order. I call on the President to treat these threats with the seriousness they deserve.

I look forward to working with my colleagues on both sides of the aisle to protect the integrity of our elections here at home, to defend democracy abroad, and to ensure that the transatlantic alliance, so vital to international security and stability, remains strong for generations to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from New Jersey for his excellent statement summarizing the challenge we face. I thank my colleagues from Maryland and from Delaware as well.

Yesterday, we had a hearing in the Judiciary Committee. There is an individual seeking the Deputy Attorney General spot. Of course, he is seeking this position—a key position—at a critical moment in American history.

The Attorney General of the United States of America, Jeff Sessions of Alabama, announced publicly last week, on Thursday, that he was going to recuse himself from any prosecution involving the Russians and the last Presidential campaign. That is historic, and it was the right thing to do. Many of us on the Democratic side have called on him for weeks to do just that.

Senator Sessions had been an active participant in the Trump campaign, and when he became Attorney General, we felt that, in the best interests of preserving the integrity of the Department of Justice, he had to step aside when it came to the investigation of Russian involvement in that campaign.

Of course, in the meantime, during the course of this national debate, the National Security Advisor to the President of the United States, General Flynn, resigned after he misrepresented to the American people and to the Vice President of the United States conversations he had with the Russian Ambassador. It came to light last week that then-Senator Sessions, during the course of his confirmation hearing, gave misleading comments and answers to a question by Senator FRANKEN, saying that he had had no contact with the Russians, either. In fact, he had.

He sent a clarification letter, but yesterday's hearing was about his successor, the Deputy Attorney General, who would have the power to oversee this investigation. The gentleman who was nominated is well known to the Senator from Maryland because he served as U.S. Attorney there for a number of years—since 2005. He served under President Obama. He was initially appointed under President Bush, a rare bipartisan selection, who, by every indication, is a professional prosecutor.

The disappointing moment at the hearing is when we asked Mr. Rosenstein if he had read the intelligence report that was publicly announced in January about the Russian involvement in our election campaign. It is an unclassified report. It is on the internet. It is about 15 pages long. It is as precise and conclusive as you can expect. It said quite clearly that the Russians did attempt to change the outcome of the election, that they were, in fact, working to benefit Donald Trump and against Hillary Clinton.

I quickly added that this was not published by the Democratic National Committee. This was by the intelligence agencies of the U.S. Government. I was disappointed when Mr.

Rosenstein said no, he had not read it. He was asked over and over again why he would not read a piece of information, a document so critical to his service as Deputy Attorney General.

I will set that aside for a moment and just observe the obvious. If you believe our intelligence agencies, there is no question that Russia was trying to change the outcome of the Presidential election. They were engaged, we believe, with up to a thousand trolls in some office buildings in Moscow, invading the internet, invading emails in the United States in an attempt to glean information that they could feed back to the public through Wikileaks and other sources.

Although there is no evidence to date that they had any impact on the actual casting or counting of ballots, their intent is clear. They wanted to pick Donald Trump as President. They believed he was a better choice for Russian interests than Hillary Clinton.

Is that worthy of an investigation? I certainly hope so. To our knowledge, it is the first time in the history of the United States that a foreign power—and one that has been an adversary time and again to our interests around the world—tried to invade our election. It was, in fact, a day that will live in cyber infamy in terms of this Russian effort.

If we ignore it, we can expect several things. Get ready for the next election. Do you think they learned anything during the course of the last one? Do you think the Russians will be involved again? It would be naive to believe otherwise.

Secondly, there is a critical element here that we cannot ignore. Three weeks ago I visited Warsaw, Poland; Vilnius, Lithuania; and Kiev, Ukraine. I talked to those leaders—in a couple of instances, the Presidents of those countries, as well as opinion leaders, parliamentarians—and they continued to raise the same question to me. It came down to this: If the United States does not take seriously the invasion of Russia in your own Presidential campaign, will you take it seriously when Putin invades our country? You have told us under the NATO alliance, article 5, that you will stand by our side and protect us. If you don't take Putin seriously when he invades your own Presidential election, there is a lot of doubt.

Questions are being asked. Several Republican Senators have stepped up. I want to salute them. I will start with LINDSEY GRAHAM, who yesterday, again before the Senate Foreign Operations Subcommittee on Appropriations, made it clear that he believes we have to thoroughly investigate this Russian involvement in our Presidential election.

A few others have said the same. Unfortunately, the reaction by many Republican Senators has been lukewarm to cold. They don't want to spend the time to look into this. They would rather start talking about investigating leaks in the Trump administration or even the President's farfetched tweets suggesting that somehow President Obama was engaged in a wiretap. It is something that has been denied not only by the former President but also by the former Director of National Intelligence and the head of the Federal Bureau of Investigation.

To date, there is not one shred of evidence for the claim made by President Trump in his tweets in the early morning hours of Saturday. At the same time, the need for this investigation continues. You have heard cataloged in detail—and I will not repeat it—Russian aggression over the last several years.

I have seen it. I have seen it throughout history, at least during my lifetime, and I have seen it more recently in Ukraine, in Georgia, and threats that go on every single day in countries in the Baltics and Poland. It is clear to them that they are fighting a hybrid war, not just the military threat, which is very real, but also cyber threats that at one point closed down the Estonian economy—a Russian cyber invasion closed it down—and propaganda threats, which are nonstop through cable television known as RT, Russia Today. They continue to broadcast false information into countries like the Baltics and try to do it with impunity. That is the reality of what we are facing.

The question we face, though, as the U.S. Senate sworn to uphold this Constitution, is whether we are prepared to defend it against foreign powers that will undermine it, in this case the Russian Federation.

There has been a suggestion that the intelligence committees can have an investigation of this matter. I would say that in and of itself is not objectionable, but it is certainly not complete and satisfactory. The Intelligence Committee is going meet behind closed doors. We will not see the witnesses. We will not hear their testimony. The American people may not ever hear who testified and what they had to say.

Some parts of this must continue to be classified, and I understand that. But by and large, the American people have a right to know what the Russians did and how they did it so that we can make sure we defend ourselves against this in the future. The Intelligence Committees have a role, but not in its entirety.

I think there should be a special prosecutor from the Department of Justice to see if any crimes have been committed. I don't know where the evidence will lead, but we should have someone we trust, a person of integrity, who will step up and assume that role and make that investigation for the Department of Justice.

One other thing: I think this is of sufficient gravity that we should have an independent, transparent, bipartisan commission. My colleague, Senator CARDIN of Maryland, is the sponsor of that legislation, which I am happy to cosponsor. That is the ultimate answer.

Let's get to the bottom of this once and for all to make certain we know what the Russians tried to do to us and to make doubly certain that it never happens again. That is the reality of this challenge.

I hope we can get bipartisan support for it. When it comes to sanctions against Russia, we have had good bipartisan support, and that is encouraging—equal numbers of Democrats and Republicans saying they should pay a price for what they did. Let's get the investigation to its conclusion.

Leon Panetta is a friend of mine and served in our government at many different levels. In the Sunday talk shows, he talked about what he would recommend to the Trump administration. He said to them very simply: Get in front of this. Don't keep reacting to this. Say that if you have done nothing wrong you are going to cooperate fully with any investigation to get to the bottom of it. That is the way to deal with it.

I hope we will have an end to the tweets and a beginning of the cooperation that is necessary so that we can get to the bottom of this situation and know the facts, wherever they may lead us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator DURBIN, Senator MENENDEZ, and Senator COONS for joining on the floor today to talk about the threat that Russia poses.

Senator DURBIN is absolutely correct, and I thank him for his leadership on this. The only way the American people will have a full accounting of what Russia's intentions were and what they did in attacking our country is to have an independent commission.

We had such a commission after the attack on 9/11. Democrats and Republicans came together. There was no controversy about that. We wanted to find out what and how we were attacked, how they got through our intelligence network, how they put together the horrific attack on our country, and then we wanted to know how we could get recommendations to protect us moving forward.

I am going to tell you, that commission served a very important national security function because we learned a lot. We learned that we were stovepiping too much information. We weren't sharing it. The way the agencies were set up, it was more over turf than it was over mission. Congress acted on the recommendations, and we are safer today as a result of it.

We don't know what Russia's intentions are all about. We suspect that they are trying to undermine our democratic system of government. We suspect that Russia is interested in regaining its reputation of the former Soviet Union. They are looking for a greater geographical footprint. We see

that in their military operations, not just on their border countries such as Ukraine or what they are doing in Georgia or Moldova, but we see that also in the Middle East where they have a military presence today, and they want to have a footprint there.

We believe they want to become a greater Russia. We know they don't like democratic systems of government. Their government stays in power through making sure that there is no effective opposition. They have quelled any opportunity for a Democratic opposition and for the free press.

We know those—but what are their ultimate aspirations? What do they intend to do with the transatlantic partnership? We talked about that. We are safer today because of the transatlantic relations. NATO has made our Nation safer. The strength of the EU has made our Nation stronger.

We know Russia is trying to interfere with that. They interfered with the Montenegro election in an effort to prevent Montenegro from agreeing to join NATO. We know they are trying to pull other nations out of Europe. We know that.

What we need to have, though, is a full accounting as to what happened in the attack on our country and how we can prepare ourselves to defend ourselves. By the way, it might also give us a blueprint for what we need to do to show Russia we will not tolerate that type of activity.

Senator DURBIN is absolutely right. We have responsibilities in Congress. The committee I serve on, the Senate Foreign Relations Committee—our relationship with Russia, we have to have hearings. Senator MENENDEZ was right in calling upon our committee to have additional hearings. What is Russia doing? How does it affect not only our relationship with Russia, but how do we deal with Europe? How do we deal with the authorization for use of military force? If we were attacked, can you use cyber as an attack vehicle? Does that require congressional authorization?

We have to be prepared in our committees. The Intelligence Committee has a responsibility to find out exactly what happened and whether we need to change our intelligence network because Russia was able to invade our country. They were able to get private information and then send it to WikiLeaks to use politically against us. They may compromise some of our classified information. We don't know. We need to find that out.

The Intelligence Committee has a function to play. The Judiciary Committee has a function to play. I know the subcommittee is doing some work under Senators Whitehouse and Graham. The Armed Services Committee certainly has a role to play.

There is only one way the American people will get a clear view of how serious this matter is and that we are taking every conceivable possible step to make sure we protect the national security of the United States and our Democratic institutions, which are part of our national security, and that is to have an independent commission.

There are no turf problems there. They can look at everything. They can have a transparent process, and the American people can get an eye as to what is happening. They can make the recommendations we need.

I thank Senator DURBIN for underscoring that point. It is something I think we will ultimately get to. I was hoping we could get to it sooner rather than later because I think the American people would have a great deal more confidence.

I thank Senator COONS for putting this in historic perspective. He is absolutely right; we go back a long time as to what Russia's intentions are all about. I thought that was extremely helpful to fill in all of the aspects of what we are trying to do.

Senator MENENDEZ's point was very critical; our reasons for being here and our reasons for wanting to take action are to protect our country, the American people. We are not talking about any one person or any one election. This is not challenging the results of this past election. This is all about making sure that we protect the integrity of our free election system and, particularly moving forward, knowing that Russia may very well be engaged, as we speak, in trying to interfere with the elections in the Netherlands and Germany and France. We need to have a better game plan on how to deal with this.

As Senator MENENDEZ said—I think it is a very important point; I want to underscore this: You can't trust Russia. Let's be clear about that. Ask the Ukrainians. They signed the Budapest Declaration. The United States was part of that. They very clearly gave up their nuclear capacity, and in exchange they got the security from Russia on their jurisdiction, on their territory, on their sovereignty. Look how long that lasted before Russia invaded Ukraine, annexed part of Ukraine, and they continue to supply resources to disrupt the eastern part of Ukraine so Ukraine will have a very difficult time in its integration into Europe. That is what Russia is doing today in contravention to their written commitments with Ukraine.

Then I might tell my colleagues: Look at the Minsk agreement set up to try to end this hot war, and Russia has violated all the aspects of the Minsk agreement. You can't trust Russia's agreements.

As Senator MENENDEZ pointed out—he is right—look at the INF. Look at the treaty obligations. Russia is violating their treaty obligations, which directly affect the security of Europe. These are pretty serious things. We counter this by unity.

That is why I am so proud that we have Democrats and Republicans working together. This is not one party. Both parties recognize the danger of Russia. Both parties recognize that we have to protect ourselves. I would just urge my colleagues to follow this vigorous strategy, where we can show the American people that unity and that resolve and that we will not allow Russia to attack our country, that we are going to prepare to make sure that we defend our democratic system of government and that we will be united in standing up to those types of activities that are against our national security interests.

I yield the floor.

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

TRUMPCARE

Mr. VAN HOLLEN. Mr. President, we have now had a little more than 24 hours to get a peek at the Republican plan to get rid of the Affordable Care Act. Now we know why they kept it in hiding for as long as they did—because it is a total mess and it will wreak havoc on the healthcare system in the United States of America and severely harm millions of Americans. After 7 years in waiting, is this really the best they can do? The first thing people need to know about the Republican plan to replace the Affordable Care Act—let's be clear. This is no replacement. This is a fake replacement. The first thing they need to know about it is, it will strip away affordable healthcare for millions of Americans in order to give the wealthiest households a huge tax cut.

How big is that tax cut? First of all, it goes to households who make over $250,000 a year. Here is the thing. The richer you are, the more money you make over $250,000 a year, the bigger the tax cut you are going to get under the Republican healthcare plan, under TrumpCare. In fact, if you are a millionaire, you are going to get a tax cut, on average, of about $50,000—to be precise, a $49,370 average tax cut for millionaires. If you are in the top one-tenth percent of American households, you are going to get, on average, a $200,000 tax cut under the Republican plan to get rid of the Affordable Care Act.

That is great news if your name is Donald Trump or you are one of the billionaires or millionaires in his Cabinet. It is great news if you have loads of money. I want to be clear. I have nothing against millionaires. The more millionaires, the better in terms of growth in the economy, but certainly at this point in time, they don't need a tax cut, and they certainly shouldn't have a tax cut when the impact of that is to harm tens of millions of Americans and hurt their healthcare.

I guess we are beginning to learn exactly what President Trump meant when he said that his healthcare was going to be ''much better.'' Yes, if you are one of those folks in the top one-tenth percent of American income earners, if you are in the wealthiest strata of this country, you are going to get a big tax break. So I guess it is much better for you from that perspective.

You know whom else this is going to be better for? It is going to be better for insurance companies and their CEOs. It is really hard to believe, but if you look at the House bill—and now I know why it was under lock and key for so long. If you look at it, you are going to find that their plan gives insurance companies a new tax break when they pay their CEOs multimillion-dollar bonuses. In fact, the bigger the bonus the healthcare company pays to the CEO, the bigger tax break the corporation gets, the more American taxpayers will be subsidizing those bonuses for those insurance CEOs.

So you know what, you are a CEO of an insurance company, you raise the premiums, the company makes more money, and you get a bigger bonus. Taxpayers foot the bill in terms of larger taxpayer subsidies to those CEOs. All in all, when you add up all the tax breaks for these CEOs and the insurance companies and the wealthiest Americans, it is a tax break windfall of $600 billion. That is the number by the experts in the Joint Committee on Taxation here in the Congress. These are the nonpartisan experts who look at legislation and determine what the fiscal impact will be. What they say is that the TrumpCare bill will provide tax breaks in the amount of $600 billion over the next 10 years. I guess that is what President Trump must have been referring to the other day when he tweeted about his ''wonderful new healthcare bill.'' It will be wonderful for those who are getting those big tax breaks.

We know who the winners are. Who are the losers? Well, just about everybody else ends up on the short end of the stick—just about everybody else in America. That is why you are seeing such strong opposition coming from all over the country. First, there are the millions of Americans who are going to lose their healthcare coverage altogether because they can't possibly afford to pay the huge additional premiums and copays and deductions they would be faced with under these plans that would be offered. Then there are tens of millions of more who will pay much more for much less coverage.

Older Americans are going to be especially hard hit, which is why we are all hearing from AARP. You know AARP—they sometimes give their opinion, they weigh in a little bit here and there, but they are out full force against this TrumpCare bill because it is going to have a very negative impact on seniors in America. They call it a sweetheart deal to big drug companies and other special interests. They argue—and we will talk about how it will weaken Medicare. They say it is going to impose an age tax on older Americans, and that is what it does. In fact, they calculate the following:

> The change in structure will dramatically increase premiums for older consumers. We estimate that the bill's changes to current law's tax credits could increase premium costs for a 55-year-old earning $25,000 by more than $2,300 a year. For a 64-year-old earning $25,000 that increase rises to more than $4,400 a year.

A year extra—$4,400 more a year for that 64-year-old earning $25,000 to pay for their health insurance, the health insurance they have today. Then they calculate that it will be $5,800 more for a 64-year-old earning $15,000. In other words, compared to the Affordable Care Act, the less income you have, the more you are going to be paying under TrumpCare than you are paying today under ObamaCare, under the Affordable Care Act.

We are also hearing from groups that fight for the rights of people with disabilities from all over the country, that are against this legislation because of its impact on Medicaid and the impact those cuts to Medicaid will have on people with disabilities throughout the country.

We are also hearing about the impact on Medicare. One of the promises Candidate Trump made was that he wasn't going to do anything that would harm Medicare. That is what he said then, but, in fact, in January, Congress received a letter from the Medicare actuaries. These are the professionals who look at the impact of various proposals on the Medicare system. What they concluded was, this proposal to provide tax cuts to wealthy Americans would actually reduce the life of the Medicare program by 3 years.

Here is what they are proposing. We are going to give a tax cut—and one of the tax cuts means that wealthy Americans will not have to pay a portion of their Medicare taxes. That portion of their Medicare taxes today goes into the Medicare trust fund. You say to those wealthy Americans: We are going to give you a tax break that is going back in your pockets. That means it is no longer going into the Medicare trust fund. That shortens the life of the Medicare trust fund. That is the view, that is the opinion, those are the facts stated by the actuaries for Medicare.

As you begin to reduce the life of the Medicare Program, there will be more and more pressure to go to the plan that has been much discussed, especially by House Republicans, to turn Medicare into a voucher program. The AARP raises this issue, as well, in their letter. If you are going to start cutting down on the Medicare trust fund, if you are reducing the revenues going into that trust fund because you are giving wealthier Americans this tax cut, obviously, there is less money in that program to pay for the bills of Medicare.

One of the ideas that has been pushed is: All right, let's save money for Medicare by transferring the risks Medicare currently takes onto the backs of seniors. So we are going to start giving them a voucher, a voucher that does not keep pace with the rising costs of Medicare. That means that over time, seniors have to pay a lot more, get a lot less in healthcare, and that is how they save the Medicare plan money. Make no mistake, by providing a tax cut, and particularly the tax cut to the wealthy paying into the Medicare Program right now, you are hurting Medicare.

I know that the President says he is a terrific negotiator, just a terrific negotiator, and I have here a book by Trump, ''The Art of the Deal.'' I don't know whether Donald Trump is a good negotiator or a bad negotiator, but what I know is this: When you look at this TrumpCare plan, whoever did the negotiating was negotiating on behalf of very wealthy special interests at the expense of people in the rest of the country.

So all the talk we heard throughout the campaign and since about looking after the little guy, all the talk we heard about the middle class being squeezed, which is very real out there in America, all the talk we heard about struggling Americans, when you look at TrumpCare, it hurts exactly those people.

If President Trump was negotiating this deal, he got a great deal for the billionaires and millionaires who are in his Cabinet. They are going to see a great tax break windfall. I mean, I would like to get a calculator and take a look at what the size of the tax break will be to the members of the Trump Cabinet because it is going to be huge. But ordinary Americans are going to take it on the chin. They are going to be very badly hurt, which is why apparently people are trying to rush this through the Congress so quickly.

First, it was in some remote room, and you needed bloodhounds to go out to try to find out where it was, and now we know why it was kept so secret—because it is such a bad deal for the American people.

Now that it is in the light of day and the details are coming out and we are getting more and more letters from groups from around the country—AARP, the American Hospital Association, the American Medical Association, hundreds of other groups. The letters are pouring in. What is the response? Let's try to get this through the Congress as fast as possible before the word gets out even farther around the country.

It is ironic because I remember that during the debate over the Affordable Care Act, which took months and months—I mean, it took over 7 or 8 months—our Republican colleagues accused us of moving too quickly, of not having sufficient debate and input. Yet what we are seeing right now, now that the bill has come out of hiding, is an effort to try to move that bill through the House in a matter of weeks without any hearings. And then we are hearing over here in the Senate that the plan will be—and maybe the Republican leader can clarify this at some point, but the plan will be to not send it to any of the committees in the Senate for a review but to try to bring it up immediately here on the floor of the Senate without any committee consideration, totally outside the regular

order, flying directly in the face of the complaints that were made many years ago, when the process took well over 7 months, went through all the committees, and was thoroughly deliberated throughout the country.

Today I am looking at some of the publications, and I see Republican colleagues preemptively criticizing the Congressional Budget Office for what it might say about what TrumpCare is going to cost the American people.

Mr. President, I know you and our colleagues know that CBO is the referee on which we all rely. I know some people like to make up their own alternative facts, but you need to have some referee here in Congress when it comes to budget issues because otherwise people just make up whatever numbers they want.

It is also important to know that the current head of the Congressional Budget Office is somebody who was jointly selected by the Republican chairman of the House Budget Committee and the Republican chairman of the Senate Budget Committee. In other words, the current head of the CBO was picked by the Republican chairmen of the House and Senate Budget Committees. It is very important that we have that nonpartisan referee in these discussions. Yet, in the House of Representatives, they are acting on TrumpCare right now in committees without even the benefit of the analysis from the Congressional Budget Office. Apparently, they are afraid of what it might be and what it might say.

If people want to defend this TrumpCare proposal, they are obviously free to do it, but we should do it in the regular order, and we should do it based on information from sources like the Congressional Budget Office so people can have all the facts when they make these decisions which will impact the American people.

One fact we know right now is the fact that I mentioned at the outset, which is from the Joint Tax Committee, the nonpartisan experts, saying that TrumpCare will provide a $600 billion tax cut windfall. We also know it is a fact from the Medicare Actuary that by providing very wealthy Americans with this tax break, you are going to take some years off of the life of the Medicare Program. Those are real facts.

So when I look at this deal, whoever negotiated this deal was clearly looking out for the very wealthiest in this country. That is where the facts lead.

Again, I don't know if President Trump is a good negotiator or a bad negotiator. What I do know is that if he negotiated this TrumpCare deal, he was negotiating on behalf of the millionaires and billionaires in his Cabinet. He was negotiating on behalf of the insurance companies that are now going to get a tax break for the multimillion-dollar bonuses they pay to the CEOs. The larger the bonus, the bigger the tax break under this bill. I know he wasn't negotiating for everyday working Americans and certainly not for older Americans or Americans with disabilities. That is why the AARP and others are weighing in so strongly against this.

We are going to have a little more time to debate here in the Senate, apparently, than in the House, but I would hope we would send this through the regular order because it requires a thorough vetting of the facts, and the American people deserve that kind of transparency and accountability in this process. I am absolutely confident that when the American people get a good look at this deal, they will know it is a very bad deal for the country and for millions of Americans.

I hope we will get on with that process. I hope the bill will never arrive in the Senate. I hope the folks in the House will recognize that it is a bad deal for the country and go back to the drawing board because when I heard the mantra ''repeal and replace'' and when I heard President Trump say that replacement was going to be much better and cover more people for less cost, I think people took that seriously. Now when they actually take a look at TrumpCare, as it is emerging from the House, they see something very different. They see something that is, quote, wonderful for the 1 percent of Americans who are going to get a tax cut, but it is really lousy for everybody else in the country.

We need to defeat this charade. This is not a replacement. This is a fake. The American people are catching on quickly. That is why it is very important that we not try to rush this through, that we have an opportunity to discuss it in the light of day. I am absolutely confident that if we do the right thing in terms of a full democratic debate, TrumpCare will go down.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise today to urge my colleagues to reject this resolution to roll back accountability for the billions of dollars that are sent to States to help educate children.

When Congress updated the Elementary and Secondary Education Act in 2015, it was a bipartisan achievement. Republicans and Democrats came together on the 50th anniversary of that landmark civil rights law to rewrite it into what became the Every Student Succeeds Act.

When President Obama signed this K–12 legislation into law in December of that year, he called it a ''Christmas miracle.'' It received 85 votes in the Senate. It was one of the most important pieces of bipartisan legislation passed in the last Congress.

It wasn't the bill I would have written, but it was a bipartisan compromise. It gave States and districts far more flexibility when it comes to improving their struggling public schools. At the same time, it also maintained critical civil rights and accountability protections to ensure that when the Federal Government gives States billions of dollars to improve the education of their students, that money goes to the schools and students that need those Federal resources the most. It was a critical step toward making sure we are building a future not just for some of our kids but for all of our kids.

When Congress passes big, complex laws like the Every Student Succeeds Act, it always leaves some of the implementation details to the agency that has to enforce the law. That is why I fought hard to make sure the Department of Education had the tools it needs to write clarifying rules and guidelines to enforce the Every Student Succeeds Act. That was a condition of my vote and the votes of lots of other people. We won that fight. The authority to enforce the rules is right there in the law. It was debated in public, and it was part of the bipartisan agreement between Republicans and Democrats.

Last November, the Department of Education—after careful consultation with teachers, school leaders, State education leaders, and parents—issued new rules to enforce this law. Today, congressional Republicans are trying to take a sledgehammer to these new rules.

When these new rules were issued, everyone who works in education agreed that they were critical and necessary. Teachers were fine with the new rules. State education leaders were fine with the new rules. Civil rights leaders were fine with the new rules. Everyone was ready to get to work. Apparently, congressional Republicans do not care. Instead, they want to blow up these critically important accountability rules even though the people who work in or around public education did not ask them to do so. This makes no sense.

Groups that often disagree with each other over public education policies are united in their belief that this resolution is a dumb idea. It is opposed by teachers; civil rights organizations, such as the NAACP and the National Council of La Raza; and organizations representing students with disabilities, such as the National Center for Learning Disabilities. It is even opposed by the U.S. Chamber of Commerce because they know this resolution will only make it more difficult for States as they try to implement the new education law. And this resolution will undermine the work States are currently doing right now to improve their public schools with the new law.

Last week, many of these groups signed on to a letter that states: ''This action will cause unnecessary confusion, disrupting the work in states and wasting time that we cannot afford to waste.''

In fact, even conservative education policy experts at the Fordham Institute—a right-leaning educational policy think tank—argue that congressional Republicans should not swing a wrecking ball to these guidelines.

They identified over 20 provisions in these rules that actually provide more flexibility to States by clarifying ambiguous sections in the law, and they concluded: ''Senate Republicans, then, should scrap their plan to use the Congressional Review Act to kill all of the accountability regulations outright.''

Killing these new rules now would lead to chaos and confusion just when States, districts, and school leaders are beginning to implement this new K–12 education law. States have already spent months drafting their plans for complying. Eighteen States, including Massachusetts, intended to submit their implementation plans to the Department of Education next month. If this resolution passes, all of that work will be thrown into limbo.

These clarifying rules include important provisions that allow States to send additional Federal resources to struggling schools, whether or not those schools already receive Federal dollars; provisions that give States more flexibility in educating their English learners in the manner that best meets the needs of each individual student; provisions that ensure that parents have more information about how their child's public school is doing and sets clear guidelines with what States and districts must disclose to parents and when they must disclose it; and provisions that promote transparency by preventing States from manipulating their graduation rates or data on how much money they are investing in each student. These regulations were carefully crafted over the course of 1 year of input from teachers, school system leaders, and student advocates. Both Republicans and Democrats should support these provisions.

I think we all know what is going on here. Betsy DeVos is the new Secretary of Education. Congressional Republicans have decided they want to hand over the keys to her with no restrictions whatsoever. The resolutions we are debating today would give Secretary DeVos more freedom to push States in whatever direction she felt like. If you are a teacher in Tennessee or a principal in Massachusetts, you should be furious about that. Congress is about to scrap a year of hard work and a year of careful compromise in order to give Secretary DeVos a blank check.

It is a blank check for Betsy DeVos. This is the same Secretary of Education who has never attended a public school, never taught in a public school, and never led a public school. This is the same Secretary of Education who proved to the world, during her confirmation hearing, that she doesn't have a clue about public schools. This is the same Secretary of Education who still holds shady investments that could be hiding conflicts of interest. This is the same Secretary of Education who has used her vast fortune to advance her extreme privatization agenda. This is the same Secretary of Education whom Jeff Sessions and the Vice President of the United States had to drag across the finish line in an unprecedented tie-breaking confirmation vote. She is the one to whom Senate Republicans want to give a blank check to figure out where she wants to drive public education—a blank check to push her radical privatization agenda.

States and school districts are planning for the next school year right now. They are figuring out how to implement this law and improve the education of kids as I speak. They are doing hero's work every day while Congress wastes time and creates more confusion.

Handing this law over to an Education Secretary with no experience in public education without any accountability rules to guide its implementation is an insult. It is an insult to teachers, an insult to school leaders, and an insult to families everywhere.

This is not a game. Congress should not be playing politics with the education of our children. Instead of disrupting the important work that States and districts are doing to educate our kids, Congress should get out of the way and let States finish what they have already started. Let them get to work. That is why I urge my colleagues to reject this resolution.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. 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.

RUSSIA

Mrs. SHAHEEN. Mr. President, I come to the floor this afternoon following my colleagues, Senator MCCAIN and Senator CARDIN, to speak to the legislation that I am cosponsoring and that they have introduced to ramp up sanctions on Russia. I think it is important to emphasize that this is a strongly bipartisan legislative effort.

Indeed, for more than seven decades, Congress has stood strong on a bipartisan basis, first against the Soviet Union and now against Russian threats against the United States and our European allies. Working across the aisle in Congress, we have supported the NATO alliance. Beginning after World War II with the Marshall Plan and continuing to this day with the European Reassurance Initiative, we have helped to build the richest economies and the most robust democracies the world has ever seen, protected in large part in Western Europe by NATO.

Today we face new and unprecedented threats from an increasingly aggressive Russia. Russia continues to illegally occupy territory in Georgia and Ukraine. It is on the march in Syria, and it is building up its military presence and making threatening moves toward the Baltic States and in the Balkans.

There is growing evidence that it is actively interfering to spread disinformation and manipulate the outcome of elections this year in France, Germany, and across Europe. In fact there is evidence to suggest that they were involved in the Brexit vote and in the Dutch referendum last year.

Right here in our own country, Russia has used brazen cyber attacks and other measures to aggressively interfere in our Presidential election last fall. This was an attack on our sovereignty, on our democracy, and on the American people, and it was unprecedented. It requires the strongest possible response, short of armed force, to demonstrate to Vladimir Putin that this behavior will not be tolerated and it must not happen again. That is exactly the purpose of these comprehensive sanctions.

I agree with Senator CARDIN, the ranking member on the Foreign Relations Committee, that the Foreign Relations Committee should play a pivotal leadership role in both our legislative and oversight capacities in pushing back against Russia's aggression in all its forms. By all means, this includes making the case that the skills and experience of our State Department and USAID professionals are more important than ever.

In Eastern Europe, in the Middle East, in Afghanistan, and all across the world, they are working to increase the resilience of our allies by strengthening democratic institutions, fostering the rule of law, and fighting corruption. These initiatives have played an indispensable role in helping the United States prevail in the Cold War, and they are every bit as important today as we oppose Russian aggression.

We had the opportunity in the Armed Services Committee to hear from an expert talking about Russia and about Russia's strategy. One of the things he pointed out is that, just as Russia is building up its military might, just as it is expanding its propaganda initiatives through television broadcasts like ''Russia Today'' and ''Sputnik,'' it is also looking at how it can undermine Western democracies as a way to interrupt the transatlantic alliance—the alliance between the United States and Europe that has been so important to stability in the world for the last 70 years.

That is Russia's real goal. They want to undermine Europe. They want to undermine the West and the United States. One of the ways they are trying to do that is by disrupting our elections. We can't allow this kind of aggression to go unpunished. If we do, we will surely face further attacks from an emboldened Russia looking to disrupt our democracy. Indeed, I think this attack should be answered with the most punishing economic and financial sanctions that we can muster, and we need to work even harder to

shore up our European allies who are facing Russian aggression and interference.

As we look at the upcoming French and German elections, there is no doubt that Russia is trying to interfere with those elections, as well, with the goal of undermining our democracy. When one begins to mess around with our elections, they strike at the heart of a democracy that is the foundation of this country.

I commend Senator MCCAIN and Senator CARDIN for introducing this bipartisan sanctions legislation, and I hope that Senators on both sides of the aisle will join us in passing these comprehensive sanctions against Russia.

I thank the Presiding Officer, and 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. ROUNDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

REMEMBERING JACK ROBINSON

Mr. ROUNDS. Mr. President, I rise today to commemorate the life and legacy of Jack Robinson, who passed away on March 1, 2017, in Pierre, SD, at the age of 92.

Jack dedicated his life to public service—first to his Nation in the U.S. military and later to thousands of students as a teacher in Pierre.

When Jack graduated from high school in 1942, he was awarded a scholarship to Yangton College, but instead of furthering his education, he answered the call of duty amidst World War II and enlisted in the U.S. Army.

After transferring from the infantry to the Army Air Corps, he completed navigation school and became a crew member on a B–17 bomber. He and his team were eventually sent overseas to England and completed 27 combat missions over Germany before being shot down on March 2, 1945. Shortly afterward, Jack returned home to South Dakota.

Throughout the rest of his life, he was a strong advocate for the military and a true patriot. With the stories he told and the love of country he shared, he showed what it meant to be a true American hero. For that, he affectionately adopted the nickname ''Captain Jack.''

There are not enough words in a dictionary to describe what we owe to the men and women who fought in World War II to save our Nation and to save democracy for the world. Jack Robinson put his own dreams aside and put his own life in great danger for our country and for all of the future generations of Americans.

After World War II, Jack graduated from Yankton College and taught high school science at Highmore, SD, for 2 years. Then he earned his master's degree in biology from the University of South Dakota. For the next 35 years, Jack was a teacher at Riggs High School in my hometown of Pierre. There, he created advanced biology and aeronautics programs for his students and inspired several young South Dakotans to become doctors. Dr. Brent Lindbloom of Pierre said his father and Jack Robinson were the reasons he became a doctor. ''Mr. Robinson was a great teacher,'' he said. ''He taught us how to study and inspired us to pursue our dreams.''

I couldn't agree more.

As a teenager, Jack taught me navigational skills needed to properly fly an airplane, fueling a lifelong passion that continues today. As Jack would say, ''you have to know the difference between compass course and compass heading.''

Over the years he taught many others navigational skills as well. But he didn't just teach young people how to fly in the skies. He was a tremendous role model for all of us and for all the students he taught.

As a bomber crew member, Jack defended our gift of democracy. As a teacher, he gave us what we needed to become responsible adults and pursue our own dreams. In 1994, Jack was inducted into the South Dakota Aviation Hall of Fame as a combat crew member. I can state that he was very proud of that moment. But more important than his many achievements as a war hero and as a teacher was his life as a husband, father, grandfather, and great-grandfather.

We are a better people because Jack touched so many lives with his knowledge, kindness, and passion for living. His loss is felt by countless South Dakotans.

With this, I welcome the opportunity to recognize and commemorate the life of this great public servant and personal role model of mine, Mr. Jack Robinson.

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

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

CIVIL RIGHTS AND EDUCATION

Mr. MURPHY. Mr. President, I want to talk about an upcoming CRA that will be on the floor potentially this week that would cancel out an important regulation that is designed to build upon this country's history of making sure there is a marriage between civil rights and education to make sure that children in this country, regardless of their race, regardless of their learning ability, regardless of their religion, regardless of their income, get an equal chance at education.

Frankly, the whole reason the Federal Government is involved in the question of education is due to civil rights. This used to be a purely local concern, and the Federal Government stepped into the question of local education because Black kids throughout the South were not getting an equal education. They were living in segregated schools and getting an education that was of far lesser quality. So the Federal Government has always been involved in education because it is a matter of civil rights.

I want to talk about this issue through the prism of one individual. I am going to call him James, but this is a true story—a story, frankly, that could be told millions of times over across the country.

James went to school in an urban district in Connecticut. He was a 10th grader. At the beginning of James's 10th grade year, he had a habit of walking out of class. In the middle of class, he would just get up and walk out after 10 or 15 or 20 minutes, and he would wander the halls of this big, urban high school until inevitably he was met by a security officer or a teacher or an administrator. They would bring him down to the office, and they would call his grandmother, as he lived with her. He would get suspended for a couple of days, and then he would come back.

It played out so often—this cycle of James walking out of class, being brought down to the principal's office, being suspended—that somewhere around the end of October, during his sophomore year, he had been out of school more days than he had been in school.

One day, though, James goes through this cycle again. He is in the hallway, and he runs into an assistant principal. He is sort of sick and tired of this story playing out over and over again. He raises his voice. He has some words. James has never hurt anybody in his life, no history of violence, but the assistant principal decides to call the police. The police come and they arrest James for disorderly conduct, essentially for having words with an assistant principal. Now James, at 16 years old, has a criminal record. At the time, he was treated as an adult in Connecticut, so he has an adult criminal record.

It turns out that James was walking out of class every day because he couldn't read, and he was mortified. He was embarrassed because he had been socially promoted through the years. He had a learning disability that was going untreated, and he was in the 10th grade with the ability to only read at an elementary school level. No wonder he was walking out of class every day. He literally couldn't follow along. It was embarrassing. He didn't want to be called on by the teacher so he left. Nobody ever figured that out until he got arrested and finally got a legal aid lawyer, who happened to be my wife, who identified his disability and the fact that it was being unaddressed.

The fact is, a big part of this story is tied up in the fact that James was Black, and he was a big kid. So the police got calls maybe because he appeared to be threatening in a way that he simply was not. I can say that because the data backs up the fact that Black kids and disabled kids are treated very differently in schools today. Wherever you are, whether in Connecticut, in North Carolina, or in California, Black kids—especially Black boys—are suspended and expelled at a rate that is twice that of their White peers for the exact same behavior. Take mouthing off to a teacher. When that happens, Black kids, Black students, are twice as likely to be suspended for mouthing off to a teacher than a White student.

James's story is not unique. It is not unique because it happens in every State across the country, and it is not just in suspension and expulsion rates, it is also in achievement rates as well. We know the statistics. The graduation rate for African-American students is 16 percent lower than their White peers. I can go down the line and tell you about the different story when it comes to achievement and treatment of African-American students as compared to White students.

Racism isn't gone in this country. It might not be overt. Sometimes it might not even be conscious, but it is still there. Discrimination against kids who are different, whether they be poor or disabled, didn't vanish. It is still all over.

JOHN LEWIS is a civil rights icon. We celebrate him every day, Republicans and Democrats, in the U.S. Congress. He got mercilessly beaten over the head simply because he wanted to vote. JOHN LEWIS is still alive, but you know what, so are the people who beat him. We are only a generation removed from an era of open, unapologetic racism in this country. To think that we don't need civil rights protections for kids any longer is to deny reality. Racism doesn't look the same as it used to. Discrimination against kids who are different isn't as overt as it used to be, but the data is the data. It is still there.

No Child Left Behind got a lot wrong, but one of the things it got right was that it shed a light on this disparate treatment, these disparate outcomes between Black students, Hispanic students, disabled students, and their peers, because it forced States—and this was a Republican and Democratic accomplishment at the time—it forced States to disaggregate results. So you had to look at how were disabled students doing, how were Black students doing, and if they weren't measuring up and if they weren't getting closer to the performance of their nondisabled or White peers, then you had to do something to turn those students around, turn their performance around.

Now, the part that No Child Left Behind got wrong is big and significant. Part of it is that it required every single one of those kids to hit the 100-percent proficiency mark, when progress is important to measure as well. It also told States exactly what to do to turn around the experiences of those kids. It is not the same in Connecticut as it is in North Carolina, and it is not the same in an urban district as it is in a suburban district. So when we got together on this floor and passed, in a bipartisan way, the new Elementary and Secondary Education Act, we did something really important. We preserved those requirements to disaggregate results for Black kids and for Hispanic kids and for kids with disabilities, but then we left it up to States to decide what proficiency is, and we left it up to States as to how they would turn around the experience for these kids if they weren't meeting those State-set goals. We gave an enormous amount of discretion and flexibility to States, but we preserved the basic expectation that our education policy was still going to be civil rights policy: Pay attention to how those vulnerable populations with a history of discrimination levied against them performed and require States to pay attention to the interventions.

That was a bipartisan achievement, and when we did it, we knew the regulation was going to be needed because, as with many education statutes, they are very vague. Republicans and Democrats understood that there was going to have to be a regulation to provide some clarity to States on how you build these locally driven accountability systems.

So the regulation we are talking about here today was not one of these that came out of left field. It was not one of these regulations that was political in nature; no, it flows from a bipartisan act that preserved accountability requirements for kids.

It is important for a variety of reasons. One, it is important because there are some really vague terms in the statute that do need clarification. For instance, one of the things we voted for, Republicans and Democrats, is we voted to say you have to show that you are providing improvement for African-American students, let's say, and if they are not showing continuous improvement, then you have to have a turnaround plan. By the way, that turnaround plan is totally yours to decide; no sanctions from the Federal Government if it is not X turnaround plan or Y turnaround plan. That is the old law. The new law says it is yours to decide.

''Continuous improvement'' is a super vague term. It is one of those obvious terms that has to have some regulatory guardrails put around it because what if the State said ''continuous improvement'' is improvement over 20 years. Well, kids come in and out of schools in 2 or 3 or 4 years and a 20-year period of looking at a particular subgroup's performance is meaningless to kids.

So the regulation says continuous improvement means 2 years; look at how a kid does over 2 years. And then it says, if 2 years doesn't work for you, you can make it longer but just tell us why. That is an important protection, and it still preserves enormous flexibility for States.

States want this regulation because it also gives them other types of flexibilities. An example is, when you are looking at performance, the statute suggests that you can have students who are meeting goal or students who are not meeting goal. The regulation recognizes that is, frankly, a really arbitrary way to look at performance. So the statute says: Yes, that is what the regulation says. The statute says: Meeting goal and not meeting goal, but you can get extra credit for students who are close to meeting goal, who have shown growth. You can get credit for students who are way above goal, your high-achieving students. You don't have to measure your schools just based on how many students meet goal. That is flexibility States want, that they likely don't have without the regulation.

Another example, for English language learners, proficiency goals should vary based on where you started. If you start here with no English skills, then your proficiency target should be different than if you started with a pretty advanced understanding of the language. The statute just says you have to have a proficiency goal. It is unclear whether you can have different ones for different levels of learners. The regulation makes it clear: Give States that flexibility.

So that is why States didn't ask for this CRA. This is different than these other CRAs. States didn't ask for this CRA. All of the educational groups we listened to—teachers, superintendents, principals—they weighed in on this regulation. They didn't love every piece of it, but they were ready to implement it. None of these groups were coming up to the Congress asking for this regulation to be withdrawn. Would they have liked it to be fixed or tailored? Sure. But here is what they understood, and here is why I am really concerned.

Secretary DeVos could fix the things she doesn't like or Senator ALEXANDER doesn't like through the regular notice and comment period. I think there is 80 percent of this regulation that everybody agrees on, that just dots the i's and crosses the t's on a bipartisan commitment to accountability, and maybe there is 20 percent or 10 percent that Senator ALEXANDER and some other Members think goes a little bit too far, but when you pass a CRA, you don't allow for a regulation to be passed in the future that is substantially similar to the entirety of the regulation. The courts aren't going to look, or, frankly, even know, what parts of the regulation you didn't like and the 80 percent of the regulation you wanted to preserve.

The Department of Education can't pass anything that is similar to this

ever again. So one of the things the regulation says is that you get a 1-year delay because it is just too quick to come up with accountability systems for this coming school year. That is gone. When this CRA passes, every school district in the Nation has to develop an accountability system for this calendar year because without the regulation, you don't have that flexibility.

So what makes me, frankly, so disturbed about this CRA is that it could happen another way, which would preserve the pieces of the civil rights protections that all of us agree on, which is the majority of the regulation. To my mind, it violated the spirit of our agreement when we passed this law. Here was a really amazing achievement; that we were able to rewrite the No Child Left Behind law—essentially repeal it and replace it with something better—that Democrats and Republicans could agree upon. In my mind, that agreement was predicated upon the Department being able to enforce maybe the most important part of the law for big constituency groups in this country—the accountability section, the civil rights protections.

By passing this CRA, we are essentially making it impossible for any regulation ever again to be passed to implement the accountability sections and the civil rights protections in this law. Why? Because you can't pass anything that is substantially similar—substantially similar to the parts you like, substantially similar to the parts you don't like. This isn't like these other CRAs where Republicans didn't like any part of it, where Republicans didn't see any need for the regulation to go forward. This is different. We agree on 80 percent of this one, but the 80 percent is likely gone by passing this.

I guess part of what disturbs me here is that we worked, locked arm in arm, in passing this law. I really do believe that by passing this CRA, Republican leadership—HELP leadership—is violating the agreement we had to make sure this law went into force and effect in the way we all intended.

It happened in the context of the Health, Education, Labor, and Pensions Committee that isn't working this year like it used to work. I have such great respect for the chairman and the ranking member of that committee. They pulled off some big bipartisan wins during the time of their tenure, including the Workforce Investment Act, the rewrite of the No Child Left Behind Act, and some other smaller wins that people didn't necessarily think as much about, and leading up to the end of last year, the passage of a major new commitment to reforming mental illness and mental health in this country.

That spirit of bipartisanship, which was present in the HELP Committee in a way that it wasn't present in other committees, is disappearing before our eyes. We were mad that we only got 5 minutes to question Betsy DeVos because it felt like the committee was hiding her from public view. Democrats were asking for more time to ask more questions, and we didn't get it. That rarely happens in that committee, where the minority party is just asking to be heard and is shut down.

We begged for the CRA not to come before this body because there was another way to get it done that didn't violate the spirit of our agreement around the rewrite of the No Child Left Behind law, but we were denied in that request. Now we are voting on a CRA that is potentially going to be devastating not just for kids out there who need protection but also for States that want this flexibility.

Finally, we are on a schedule, according to the majority leader, that is going to bring a healthcare bill that will rewrite the rules for one-sixth of the American economy to the floor of the Senate without any debate in the Health, Education, Labor, and Pensions Committee, without a single hearing on the bill, without a markup, and without any ability for amendment.

I listened for 6 years to my Republican friends tell me that the healthcare bill, or the Affordable Care Act, was rammed through Congress and that the biggest problem was the fact that it was done outside of the public view for expediency's sake. Now, I was there in the House of Representatives, and let me express the unbelievable irony of those complaints now that there will be no process for the committees to consider the replacement to the Affordable Care Act.

The House and the Senate had hundreds—hundreds—of meetings and hearings. The HELP Committee alone—I don't have the numbers in front of me—considered hundreds of amendments and adopted over 100 Republican amendments in the markup process. The Senate's session was the second longest in the history of the Senate, in for more than 20 days debating that bill. The reason there was so much tempest out in the American public over the Affordable Care Act was because it was open for debate for so long.

The Finance Committee had a full process. The HELP Committee had a full process. The Ways and Means Committee had a full process. The Energy and Commerce Committee had a full process.

None of that is happening here. This bill is being jammed through, as we speak, the Ways and Means and the Energy and Commerce Committees. This bill is going to be jammed onto the floor, perhaps without any committee process, in the Senate. The target is from introduction Monday to passage in the House in 3 weeks and perhaps just a few more weeks before it passes the Senate. So spare me the complaints about the Affordable Care Act being rushed into place when this process is going to make that look laborious in comparison.

What pains me is not just this CRA, which is unnecessary, but it doesn't have to happen this way. What pains me is a committee process that when I got here had a reputation for being truly bipartisan, for being one of the more functional, if not the most functional, committee processes. That is being blown up most significantly by the rush job—the rush job on the repeal and replacement of the Affordable Care Act, which nobody in the American public is going to have enough time to look at it and see it.

I ask my colleagues one more time to reconsider their votes on this CRA. We are at our best when we come together around the idea that every kid in this country should have a chance at a quality education, no matter what color their skin is, no matter what their learning ability is. I know my colleagues have a couple problems with this regulation. I get it. But by passing this CRA, the regulation is gone and never coming back, and the States that want the flexibility, that are begging for the flexibility, won't get it. It will just be an unworkable section of the bill. A section that was supposed to be bipartisan now fundamentally won't work because we can't get a regulation passed that is at all substantially similar to the good parts or to the bad parts.

This body is at its best when we stand together—Republicans and Democrats—and say that no matter what you look like, no matter how well you learn, no matter how much money you have, you get a quality education. We did that when we voted together on ESSA, and we are going back on that bipartisan commitment by passing a CRA that is unnecessary. As to the bad stuff you don't like, it can be gone in a matter of months by a regular process of notice and comment in the Department of Education.

This is part of a disturbing new trend line in this committee toward partisanship and away from a history of commitment to our kids—Republican and Democrat.

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.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following leader remarks on Thursday, March 9, the Senate resume consideration of H.J. Res. 57, with the time equally divided in the usual form until 12 noon, and that at noon, the Senate vote on passage of the resolution with no intervening action or debate. I further ask that, notwithstanding the provisions of rule XXII, the Senate then resume executive session for the consideration of

Executive Calendar No. 18, and that the cloture vote on the nomination occur at 1:45 p.m.

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

MORNING BUSINESS

REMEMBERING THE SOLDIERS OF 2ND BATTALION, 131ST FIELD ARTILLERY REGIMENT

Mr. CORNYN. Mr. President, this week, we remember the brave men of Texas who gave so much to preserve freedom in the Pacific and survived the greatest horrors of World War II. Soldiers of 2nd Battalion, 131st Field Artillery Regiment from Camp Bowie, TX, a Texas National Guard unit, were fighting alongside Australian forces on Java, an island in Indonesia, against invading Japanese forces. On March 8, 1942 the Americans and their Australian allies were captured by the Japanese. A report was never filed by the Japanese to identify the captured unit. As a result, the Texas soldiers had disappeared and were dubbed ''the Lost Battalion.''

They were combined with survivors of the USS Houston, CA–30, which had been sunk in the Battle of Sunda Strait on March 1, 1942, and dispersed to POW labor camps located in Burma, Thailand, and Japan to work as slave laborers. They worked on the Burma-Siam Death Railway, building a railroad through the jungle and into the coal mines, docks, and shipyards in Japan and other Southeast Asian countries. For 42 months, the men of 2nd Battalion, 131st Field Artillery and the USS *Houston* suffered together through humiliation, degradation, physical and mental torture, starvation, and horrible tropical diseases, with no medication.

Five hundred and thirty-two soldiers of the battalion, along with 371 survivors of the USS *Houston* were taken prisoner. As many as 163 soldiers died in captivity, and of those, 133 are estimated to have died working on the railroad.

In August of 1945, after 42 months of captivity and forced labor, the survivors of 2nd Battalion, 131st Field Artillery Regiment and the survivors of the USS *Houston* were returned to the United States. March 8, 2017, marks the 75th year since their capture on the island of Java, and these soldiers deserve to be remembered for their heroic service and sacrifices in the Pacific theater of battle.

TRIBUTE TO DR. ROBERT BACKUS

Mr. LEAHY. Mr. President, today I am honored to recognize a Vermont treasure, Dr. Robert Backus of Grace Cottage Hospital, who is retiring after nearly four decades of dedicated service to the rural community of Townshend, VT.

Dr. Backus, or ''Dr. B'' as his patients often call him, is a natural healer. He discovered his passion for medical sciences as a young hunter. After serving with the Peace Corps in Brazil, he traveled to Australia to complete a medical internship and his residency. Years later, while on a trek across country from California, Dr. Backus found himself meandering along the winding roads of Vermont's Route 30, and he discovered the place he continues to call home today. The people of Townshend are glad he never left.

After settling in Vermont, Dr. Backus went on to complete his premedical studies at the University of Massachusetts and, later, Dartmouth College. He then received his doctorate in medicine from the University of Vermont in Burlington. Soon after, Dr. Backus took a job working as deputy to Dr. Carlos Otis, the revered founder of Vermont's Grace Cottage Hospital, one of the State's leading rural providers.

Dr. Backus is perhaps most well-known for always being there for his patients, even if they are admitted to a different hospital. He is also known for his strong commitment to the community. For example, each year, Dr. Backus dedicates his time to collecting items for the Grace Cottage Fair, an event that supports the work and patients of the hospital. He also enjoys singing in the West River Valley Chorus with his wife, Carol.

Dr. Backus remains committed to staying active in his community after retirement, and as a grandfather to six, he is also looking forward to spending more time with his family.

I am proud to honor Dr. Backus's commitment to our State, and to the health and well-being of Vermonters. I know we will continue to see great things from him, and I wish him the very best as he enters a well-deserved retirement.

CRA DISAPPROVAL OF BLM PLANNING 2.0 RULE

Mr. UDALL. Mr. President, yesterday, the Senate approved H.J. Res. 44, a joint resolution of disapproval under the Congressional Review Act, CRA, that overturned the Bureau of Land Management's resource management planning rule, commonly referred to as the planning 2.0 rule. I oppose this misguided revocation of a rule that would have allowed greater public involvement in the land-use planning process, increased government transparency, and improved the efficiency in making sustainable multiple use decisions for our public lands.

The BLM is responsible for administering 245 million acres, or over 10 percent of the total area of the United States, and 700 million acres, or 30 percent, of the Nation's mineral estate. The majority of BLM lands are in the 11 western States and Alaska.

Across the West, the economy has changed significantly in recent decades. From 1990 to 2010, the population in the West grew by 36 percent, and the economy of the West has grown faster than any other region in the country. As new people and new businesses have moved West, demands on public lands for outdoor recreation, hunting, fishing, tourism, conservation, and renewable energy development have been increasing. These demands have the potential to lead to conflicts with uses such as grazing, timber, mining, and oil and gas extraction.

The planning 2.0 rule represented a new approach to addressing increasingly complex challenges on public lands and balancing what are competing uses and, quite frankly, at times competing values for the use of our public lands. Planning 2.0 was the first update of the BLM's planning regulations in 34 years. It included tools to help local land managers respond to these new challenges and the changing needs of western communities.

Under the BLM's 1983 planning regulations, the BLM's planning process has been far too slow. State, local, and tribal governments and the public have been frustrated with the BLM's inability to complete resource management plans that support key infrastructure projects like pipelines, utility corridors, oil and gas leasing areas, and other management designations. It takes an average of 8 years to complete a resource management plan, and the public is provided few opportunities for input. By the time a plan is completed, it is almost already out of date. Since public involvement doesn't occur until nearly the end of the planning process, new information provided near the end can require revision and cause further delay. Litigation also can stall the process and add significantly more time and costs.

Nullifying planning 2.0 through CRA disapproval permanently forces the BLM to use a planning process that wastes taxpayer money and is inefficient at best.

Planning 2.0 provided earlier and more frequent opportunities for public involvement as part of the new planning assessment step. By inviting State, local, and tribal governments and the public to share information and participate in developing alternatives before the draft resource management plan could be published, planning 2.0 made it possible to discover the issues and potential conflicts and work out solutions before huge investments of time and labor were expended. Early involvement and collaboration with the public and all stakeholders made the planning process more efficient and effective.

Under planning 2.0, the formal planning process remained largely unchanged: a draft environmental impact statement and a draft plan were still required, but with an expanded public comment period, from 90 days to 100 days. Draft plan amendments are often less complex, and so the minimum comment period was reduced from 90 days to 60 days. The rule provided opportunities to extend any comment period as necessary.