

The President campaigned against both establishments, promising to oppose elites and the powerful in Washington, “to drain the swamp.” He campaigned against the Democratic establishment, but he also campaigned against the Republican establishment. As a result, he explicitly promised to introduce an 18-point plan for ethics reform on day 1. How did he do on that? He promised to sign a 5-year ban on lobbying after officials worked in Congress or the White House, but he did not deliver. He promised to institute a lifetime ban on White House officials from lobbying on behalf of a foreign government, but he did not deliver. He promised to put in place a complete ban on foreign lobbyists raising money for American elections, but again he did not deliver.

On day 1, did President Trump fulfill his pledge to bring ethics reform to Washington? No. In fact, looking at his “swamp Cabinet”—stacked with billionaires and bankers with myriad conflicts of interests—he may have already lowered the ethical standards in our government.

On trade—this is an issue where I am probably closer to the views of the President’s than I was to either President Obama’s or President Bush’s, but it seems President Trump is again failing to deliver on his day 1 promises. He promised over and over again—it was one of the few things he said in the campaign I really liked. He said he was going to label China a currency manipulator on his first day. But he did not deliver. Instead, he issued an Executive action withdrawing from the TPP.

Everyone knew the TPP was dead in the water a month or two ago. Leader McCANNELL would not bring it up on the floor of the Senate because he did not have the votes. Furthermore, saying we won’t do TPP, which is not in effect anyway, isn’t creating a single new job.

So there is something else he could have done—his promise: On day 1, label China a currency manipulator. China is propping up their currency at the moment. They do whatever is best for China even if it hurts American jobs and American workers over and over again. You can be sure they will continue manipulating their currency when it is in their best interest to do so. You can be sure, even when they move up the currency, they are manipulating it.

Guess who I worked with on the issue of currency manipulation. Attorney General nominee, then-Senator JEFF SESSIONS. He and I were partners in this, and many others. On our side, Senator BROWN and Senator STABENOW were allies. On their side, Senator GRAHAM and Senator COLLINS were allies. It was a broad bipartisan coalition. And we were opposed, frankly, by both President Bush and President Obama. But here we have President Trump. He promised to label China a currency manipulator on his first day in office. We are still waiting.

Last night at the White House, I mentioned this to the President. He didn’t say no. I am not going to say what he said. He didn’t say no. Maybe he will do it. I hope and pray he does. We await real action on trade, one of the President’s signature issues. It is another promise not fulfilled.

There are many promises President Trump made during the campaign that we are glad he is not keeping, to be honest with you, but the bottom line is, there is a giant gulf between what the President says he is going to do and what he actually does. His rhetoric does not match reality. That is becoming clearer each day. Just look at what happened on Friday, inauguration day, which perfectly sums up my point. The President gave an inaugural address arguing that for too long Washington has reaped the rewards of government, while the people have suffered. Then, an hour later, the President took an Executive action that made it harder for Americans to afford a mortgage, even though Washington could certainly have afforded to give them a tax break. We are seeing a pattern emerge. President Trump is using populist rhetoric to cover up a hard-right agenda.

In short, actions speak louder than words. If day 1 is any indication, the grandiose promises this President made to the working men and women of America seem to be just a hall of mirrors.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with Senator ALEXANDER to be recognized for up to 15 minutes, followed by 30 minutes controlled by the Democrats.

The Senator from Tennessee.

NOMINATION OF BETSY DEVOS

Mr. ALEXANDER. Mr. President, Democratic Senators are searching for a valid reason to oppose the President’s nomination of Betsy DeVos to be U.S. Education Secretary because they really don’t want Americans to know what

their real reason is. Here is the real reason: Betsy DeVos has spent the last 30 years—actually more than 30 years—being dedicated to helping low-income children in America have more of the same choices of schools that wealthy Americans already have.

Specifically, the Democrats object to the fact that Betsy DeVos supports the idea of tax dollars following low-income children to the school that their parents may choose—public, private, or religious. This is not a new or subversive idea. Let us go back to 1944, the GI bill for veterans. The Congress enacted probably the most successful piece of social legislation ever enacted when it passed the GI bill for veterans. As a result, veterans came home from World War II and Federal tax dollars followed them to the accredited college or university of their choice.

They could go to Notre Dame. They could go the University of Arizona. They could go to Nashville Auto Diesel College, the University of Tennessee. It did not matter. It was their choice. That is when Americans experience with education vouchers began. I have always wondered, why would an idea that helped to create the “greatest generation”—which is what we call the World War II generation—that helped to create the best colleges and universities in the world, why would that be such a dangerous idea to use for our schools?

The idea of education vouchers following students to the college of their choice has been continued in higher education. Pell grants—we spend about \$30 billion in Pell grants every year, up to \$6,000, that follow lower income students to the community college or college of their choice. Those are education vouchers.

We have almost \$100 billion of new student loans every year. How do we spend that money? We allow that money to follow the college students to the college of their choice. Those are education vouchers. Starting with the GI bill for veterans, all the way through Pell grants, all the way through student loans, we all endorse those ideas, saying it creates great opportunity for children. It has been so successful. I have not heard any Senator in this body stand up and say: Well, let’s cancel the Pell grants because it is tax money following students to a college. Let’s cancel \$100 billion in student loans this year because it means tax dollars following someone to Harvard or to Notre Dame or to Yeshiva.

No one is going to say that. Then why do they get so exercised about that when it has to do with our schools? In addition to that, Mrs. DeVos has testified before our committee that she does not favor—as much as she supports the idea of giving parents choices with schools—she does not favor Washington, DC, telling Arizona or Tennessee or any other State that they must do that, even though her critics, those who are opposing her

now, delight in the idea of a national school board and in imposing their pet ideas on States, such as the common core academic standards.

Fortunately, we agreed in December of 2015 to prohibit that, but here we have a lady who has spent her time helping low-income children have more choices of schools. It was said, I respect your right to make that decision for yourself. I don't believe Washington should tell you to do that. Yes, they are really upset with her.

So I would ask: Who is in the mainstream—the GI bill for veterans; Pell grants, \$30 billion worth; \$100 billion of student loans this year; President George H.W. Bush; President George W. Bush; the 25 States that have State choice programs; Congress, with its passage of the Washington, DC, voucher program, which has 1,000 students standing in line hoping to get a chance to go to a better school; 45 Senators who voted on this floor in 2015 for the Scholarships for Kids legislation I proposed that would allow States to take \$24 billion in Federal dollars, turn them into \$2,100 scholarships and let them follow the children, the low-income children, to the school the State believes they should go to; or Betsy DeVos—that is all on one side—or her critics? I think Betsy DeVos is in the mainstream.

The second reason the Democrats on the committee are opposing Betsy DeVos is because she supports charter schools. Now, I know a little bit about charter schools. My last month as U.S. Education Secretary, in January 1993, I wrote a letter to every school superintendent in America and said: Why don't you try this new idea that the Minnesota Democratic Farmer-Labor Party has invented called charter schools.

There were only 12 charter schools then. The first President Bush, with my help, had been working for 2 years to create what we called New American Schools, start-from-scratch schools, the idea of giving teachers more freedom, parents more choices.

That seemed to us like a good idea in a country that values opportunity and competition. Well, not only did we think so, over the last 30 years or so, a lot of people have thought so. Today, there are 6,800 public charter schools in America. These are public schools. These are schools that have fewer union rules and fewer government rules so teachers have more freedom to teach and parents have more freedom to choose the school that is appropriate for their child.

Boy, that is really a subversive idea. Oh, no, it is not subversive because the last six Presidents of the United States have supported charter schools, not just the Presidents Bush but also the last four Presidents of the United States—Presidents Bush and President Obama and President Clinton and now President Trump. That is five.

The last six U.S. Secretaries of Education have supported charter schools,

including both of President Obama's Education Secretaries, Arne Duncan and John King. John King was founder of a charter school system in Massachusetts. Forty-three States have authorized charter schools. That is where the 6,800 charter schools are; 2.9 million people go to those charter schools. That is more than 6 percent of all the children in public schools in America. I would ask the question again: Who is in the mainstream? the last five Presidents, the last six Education Secretaries, 43 States, the Senate, Betsy DeVos or her critics—or her critics?

Now, the third reason her critics don't like her is because she is wealthy. No question about that. All of her information is public for everybody to see. She has agreed to divest herself of 102 investments that the Office of Government Ethics has identified as possibly causing a conflict of interest. When those are gone, she has no conflicts of interest. Her investments are public.

They don't like the fact that she has money. Would they have been happier if she had spent the last 30 years trying to deny low-income children an opportunity to go to a better school? No. She has spent her money and her time trying to help children from low-income families go to a better school. Her opponents are really grasping for straws, and I am very disappointed in them.

"We did not have time to question her," they said at our committee hearings. Well, let's go over the facts. No. 1, she visited everyone in their offices individually, so they had a chance to ask her questions then. Then she appeared at a hearing for questions for about 3½ hours or nearly 90 minutes more than either of President Obama's Education Secretaries.

Now we have followup questions coming from the Democratic Senators. Let me tell you what they are doing. They have asked her 1,397 followup questions after the hearing. Remember, this is a hearing where she spent more time than either of President Obama's Secretaries answering questions, after she had been to be their offices answering questions.

By comparison, Republicans asked President Obama's first Secretary 53 followup questions, his second Secretary 56 followup questions. The Democrats have asked 1,397 followup questions. I think what they are doing says more about them than it does about her. In other words, they have asked 25 times as many followup questions of Ms. DeVos as Republicans asked of either of President Obama's Education Secretaries.

Finally, they are throwing around conflict-of-interest accusations. As I just mentioned—let me mention it again. Last week, Mrs. DeVos signed an agreement with the Independent Office of Government Ethics. The job of that office is to review the financial holdings of any Cabinet nominee and identify any conflicts of interest. They identified 102 because the DeVos's have

a lot of money. Mrs. DeVos agreed to sell all 102 of those assets. According to the letter of agreement between the Office of Government Ethics and the independent ethics officer in the Education Department, who is already in the Department, Mrs. DeVos is not, after she divests herself of those items, which she has 90 days to do—she has no conflicts of interest.

She has also filled out the same financial disclosure forms that are fundamentally like the ones we Senators fill out. People know where we get our money. They know what we own. They know what we owe. We know that about her.

We also know that the independent Office of Government Ethics has said she will have no conflicts and that she has agreed to that.

We also know that she supports giving low-income children more choice of schools, which more Americans support; 73 percent of the American people told a Luntz public opinion survey that they supported more choices of schools.

And then tax returns—some have mentioned tax returns. Well, Federal law doesn't require Cabinet nominees to produce tax returns. Our Education Committee does not require nominees to produce tax returns. U.S. Senators aren't required to produce tax returns, and why? Because we fill out extensive financial disclosure forms so that the public knows what we own, what we owe, and they can make an evaluation about that. They also know whether we have a conflict of interest, in the case of the Cabinet members, because the independent Office of Government Ethics decides that, and they know that we have paid our taxes because we have to declare that under oath, and there is an FBI investigation on top of that, which Mrs. DeVos, like every other Cabinet nominee, has gone through.

One year ago, the Office of Education Secretary was vacant. I talked to President Obama about it, and I said: I don't think it is appropriate for that office to be vacant. We need the institutional responsibility of having a confirmed U.S. Education Secretary responsive to the Senate.

And I said: Mr. President, if you appoint someone—and I knew very well that he intended to appoint John King, with whom I greatly disagree on the scope of Federal education policy—I said: I will make sure that he has a prompt hearing in our committee, and I will make sure that he is confirmed on the floor of the Senate.

President Obama appointed John King. He had a prompt hearing, and he was confirmed within 3 weeks. As I said, Republicans asked him 56 questions, compared with the nearly 1,400 questions the Democrats are asking Mrs. DeVos.

So I ask the American people to compare this just for a minute. Look at the reasons they really don't want to confirm Betsy DeVos. No. 1, she spent 30 years trying to help low-income children attend a better school. No. 2, she

supports public charter schools. No. 3, she spent her money helping low-income children have a better school, instead of denying them a better school. And No. 4, she has disclosed everything there is to disclose, and she has divested herself of every conflict that the independent Office of Government Ethics has said there is. In addition, I rescheduled a mark-up this week until next Tuesday so that members of the committee would have a chance to review all of this information.

Next Tuesday, we will vote on whether to approve Betsy DeVos's nomination to the Office of the Secretary of Education, and we will send that to the floor of the full Senate. I am confident we will do that, and I am confident the Senate will approve her.

Even though they may disagree with her, Democrats should give the new President a chance to have his own Education Secretary, just as we did—just as we Republicans did for President Obama.

Few Americans have done as much as Betsy DeVos has to help low-income children have a choice of a better school. The Democrats' opposition to her says more about them than it does about her.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I have written to my distinguished ranking member, Senator MURRAY, declining to have a second hearing on Mrs. DeVos.

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

JANUARY 23, 2017.

Hon. PATTY MURRAY.
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MURRAY: Thank you for your letter today requesting a second hearing for Betsy DeVos.

I have carefully considered the request and decided not to schedule a second hearing, and here is why: Already Mrs. DeVos has spent considerably more time answering questions of committee members than either of President Obama's education secretaries, and I do not know why our committee should treat a Republican nominee so differently than the nominee of a Democratic president.

First, she has met with each committee member in his or her office for the purpose of answering questions.

Then, her confirmation hearing lasted nearly an hour and a half longer than those for either of President Obama's nominees for education secretary.

Now she is answering 837 written follow-up questions from Democratic committee members—1,397 if you include all the questions within a question. By comparison, Republicans asked President Obama's first education secretary 53 written follow-up questions and his second education secretary 56 written follow-up questions, including questions within a question. In other words, Democrats have asked Mrs. DeVos 25 times as many follow-up questions as Republicans asked of either of President Obama's education secretaries.

On January 4, two weeks before her nomination hearing on January 17, committee members received Mrs. DeVos' completed financial disclosure and committee questionnaire. Also on January 4, committee mem-

bers received the same information that she submitted to the Office of Government Ethics on December 12, 2016, about all of her financial holdings.

Many of the 837 written follow-up questions have to do with this financial information that has been before the committee members since January 4, two weeks before her nomination hearing.

Last Thursday, January 19, Mrs. DeVos and the independent Office of Government Ethics agreed that within 90 days of her confirmation, she would divest herself of 102 holdings "to avoid conflicts of interest." When she completes this, according to the letter from the Office of Government Ethics—done in consultation with the department's own Ethics Division—she will be "in compliance with applicable laws and regulations governing conflicts of interest."

I delayed the committee vote which was scheduled for tomorrow, Tuesday, January 24, for one week to allow committee members to review all of this information before they cast a vote next Tuesday, January 31, at 10:00 a.m. on whether or not to recommend Mrs. DeVos to the full Senate.

One year ago, because I believed presidents should have their Cabinet members in place in order to govern, I worked to confirm promptly President Obama's nomination of John King to be education secretary, even though I disagreed with him. Even though you may disagree with Betsy DeVos, I would respectfully ask you to confirm her. Few Americans have done more to help children of low-income families have a choice of better schools.

Sincerely,

LAMAR ALEXANDER,
Chairman, Senate
Committee on
Health, Education,
Labor, and Pen-
sions.

Mr. ALEXANDER. I will point out again that I see no reason I should treat a Republican President's nominee so differently than a Democratic President's nominee would be treated.

Betsy DeVos has visited every office of the Democratic Senators. She has testified for up to 90 minutes longer than either of President Obama's Secretaries. She is answering nearly 1,400 follow-up questions when each of those Secretaries under President Obama answered 53 and 56.

The reasons for opposing her are reasons that are not valid. I mean, how can you turn down a woman for U.S. Secretary when she spent 30 years of her life trying to help low-income children find a better school?

We have had our hearing. She will answer the questions. Next Tuesday we will have a vote. She will be sent to the Senate, and hopefully the Senate will confirm her. I look forward to working with her as U.S. Secretary.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 came to the floor today to talk about wom-

en's health. But before I do, I want to address an issue that my colleague, the Senator from Tennessee, just talked about: President Trump's nominee for Secretary of Education, Betsy DeVos.

This is a nominee the Democrats have significant numbers of concerns about. In her hearing, where Republicans blocked us from asking questions in an unprecedented and disappointing way, Mrs. DeVos gave what has been widely seen as ill-informed, confused, and concerning responses to serious and reasonable questions. She refused to rule out slashing investments in or privatizing our public schools. She was confused that Federal law provides protections for students with disabilities. She actually argued that guns needed to be allowed in our schools across the country to "protect from grizzlies." And even though she was willing to say that President Trump's behavior toward women should be considered sexual assault, she would not commit to actually enforcing Federal laws protecting women and girls in our schools. So that nominee is absolutely not "in the mainstream." She is far from it.

When it comes to policy, many of us have serious concerns about whether she would stand with students and parents who care about strong public education for all or with President Trump and other millionaires and billionaires like them. And that does not even touch on the serious questions that remain regarding her ethics paperwork, her tangled finances, and her potential conflicts of interest—questions that Democrats have continued to demand answers to.

After her first hearing, Mrs. DeVos announced that she would have to divest 102 separate assets, many of them investments in education companies that Democrats were unable to ask her about. So Democrats have requested another hearing to get information on those issues and to do our job scrutinizing this nominee. I am hopeful that my colleague, the Senator from Tennessee, does allow that to happen because here in the Senate, we owe it to our constituents to scrutinize these nominees. That is our job. It is not our job to protect them from tough questions; it is our job to ask them tough questions.

While I suspect that my colleague, the Senator from Tennessee, supports Mrs. DeVos and I respect that he is the chairman of the committee, I am hopeful that he does not simply jam this nominee through without allowing us to do our job.

WOMEN'S RIGHTS AND THEIR ACCESS TO HEALTH CARE

Mrs. MURRAY. Mr. President, having said that, I am on the floor today with a number of my colleagues who will be joining me throughout the time here today in the Senate to stand up and to be a voice for women.

I was so proud to march this weekend with millions of women and men in a