The unit was created after the collapse of Corinthian to improve oversight of higher education institutions and enforcement of Federal laws.

Robert Kaye, a respected investigator and consumer expert from the Federal Trade Commission, was selected to be the first chief. Kaye left the post in March.

Secretary DeVos allowed this critical position to remain vacant for more than 4 months until earlier last month, when she finally announced the appointment of Dr. Julian Schmoke, Jr.

At first glance, Dr. Schmoke meets none of the requirements for the job that my colleagues and I set out in our letter.

As chief enforcement officer, Dr. Schmoke will be charged with ensuring that institutions of higher education are following Federal laws and regulations.

This will mean paying special attention to an area that poses the most risk to students and has demonstrated systemic abuse: for-profit colleges.

These are the colleges that enroll 9 percent of all postsecondary students in America, but take in 17 percent of all Federal student aid and account for 33 percent of all Federal student loan defaults.

Beyond the infamous Corinthian and ITT Tech examples, there are countless examples of for-profit colleges defrauding students, whether it be Ashford, Westwood, or DeVry.

Last year, DeVry agreed to pay the Federal Trade Commission $100 million for defrauding students and agreed to a separate settlement with the Department of Education.

Guess who Dr. Schmoke previously worked for? You guessed it, DeVry University.

In fact, there are reports that DeVry is still under investigation by the very unit Dr. Schmoke has been appointed to lead. How is that for the fox guarding the henhouse?

If that wasn't enough, there is no discernable evidence on Dr. Schmoke's resume of any experience conducting or overseeing investigations.

Shortly after his appointment, I joined Senators BROWN, WARREN, BLUMENTHAL, and WHITEHOUSE in writing to Dr. Schmoke raising these concerns and asking him to meet with us. We are still waiting.

As Betsy DeVos orchestrates a corporate takeover of the Department of Education by for-profit interests, State attorneys general and other Federal agencies are even more important in providing aggressive oversight to protect students and taxpayers.

Betsy DeVos is doing what she can to disrupt that, too.

On September 1, the Department of Education provided notice to the Consumer Financial Protection Bureau that it was terminating its existing data-sharing agreement with the CFPB.

The Department took exception ''to the CFPB unilaterally expanding its oversight role . . .'' into areas that the Department viewed as within its jurisdiction.

The CFPB has been a leader in protecting student borrowers harmed by Federal loan servicers like Navient and predatory lending practices by institutions like Corinthian and ITT Tech.

This political stunt makes clear that Secretary DeVos would rather initiate a turf war than work with other Federal agencies to fulfill the Federal Government's collective oversight responsibilities.

In announcing Dr. Schmoke as the new chief enforcement officer, Secretary DeVos said, ''Protecting students has always been my top priority.''

Well, Madam Secretary, your actions just don't back up that statement.

Nearly every time you have had the opportunity to stand up for students, their families, and taxpayers, you have turned your back on them.

Commonsense protections for students and taxpayers shouldn't be a partisan issue.

Secretary DeVos, I urge you to abandon this assault on students and instead work with us to strengthen America's system of higher education, to deal honestly with wrongdoing by for-profit colleges, and to increase opportunities for all Americans.

VOTE EXPLANATION

● Mr. NELSON. Mr. President, I was necessarily absent for today's vote on the motion to invoke cloture on Executive Calendar No. 226, Callista L. Gingrich to be U.S. Ambassador to the Holy See. I would have voted yea.●

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

CONFIRMATION OF ERIC HARGAN

● Ms. CORTEZ MASTO. Mr. President, I had expected to be able to vote on the confirmation of Mr. Eric Hargan, to be Deputy Secretary for Health and Human Service, HHS. Instead, I am in Las Vegas to grieve with and assist my fellow Nevadans in the aftermath of the worst mass shooting in modern American history.

On the question of Mr. Hargan's nomination, I want to make my opposition to his confirmation clear. I do not believe Mr. Hargan to be qualified to be a leading member of HHS. This decision is based on his prior experience, his work and statements opposing the Affordable Care Act, as well as his statements regarding the extension of the State Children's Health Insurance Program. Deputy Secretary Eric Hargan would be the highest ranking appointee at HHS, making him responsible for implementing and enforcing the Affordable Care Act, ACA, going forward. Considering the fact that the administration has repeatedly and consistently sought to undermine the ACA, I fear that someone with Mr. Hargan's views will only aid and abet this reckless game the administration is playing with Americans' healthcare.

I hope that Mr. Hargan will surpass my expectations and serve this country well as Deputy Secretary at HHS. The role of HHS Deputy Secretary in implementing and administering the efforts of strengthening our healthcare system is too important for any other result. I believe strongly that Americans deserve affordable and accessible healthcare coverage, and I hope Mr. Hargan's actions as Deputy Director show that he agrees. However, I could not in good conscience vote to confirm someone about whom I have so many concerns. Thank you.●

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17–42, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost $113 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 17–42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Japan.

(ii) Total Estimated Value:
Major Defense Equipment * $108 million.
Other $5 million.
Total $113 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Fifty-six (56) AIM–120C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAMs).

Non-MDE includes: Containers, weapon support and support equipment, spare and repair parts, U.S. Government and contractor engineering, technical and logistical support services, and other related elements of logistical and program support.

(iv) Military Department: Air Force (X7–D–YAK).

(v) Prior Related Cases, if any: JA–D–YAI, JA–D–YAH.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: October 4, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Japan—AIM–120C–7 Advanced Medium-Range Air-to-Air Missiles (AMRAAMs)

The Government of Japan has requested a possible sale of fifty-six (56) AIM 120C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAMs). Also included are containers, weapon support and support equipment, spare and repair parts, U.S. Government and contractor engineering, technical and logistical support services, and other related elements of logistical and program support. The total estimated program cost is $113 million.

This sale will support the foreign policy and national security of the United States by meeting the security and defense needs of a major ally and partner nation. Japan continues to be an important force for peace, political stability, and economic progress in the Asia-Pacific region.

The proposed sale will provide Japan a critical air defense capability to assist in defending the Japanese homeland and U.S. personnel stationed there. Japan will have no difficulty absorbing these additional munitions into the Japan Air Self-Defense Force.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missile Systems, Tucson, Arizona. There are no offset arrangements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of U.S. Government or contractor representatives to Japan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 17–42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The proposed sale will involve the release of sensitive technology to the Government of Japan related to the AIM–120C Advanced Medium Range Air-to-Air (AMRAAM). The AIM–120C AMRAAM is a radar guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high flying, low flying, and maneuvering targets. The AMRAAM All Up Round is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technology data and other documentation are classified up to SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or an equivalent system which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Japan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to Japan.

AUTOMATIC GUNFIRE PREVENTION ACT

Mrs. FEINSTEIN. Mr. President, yesterday I introduced the Automatic Gunfire Prevention Act of 2017.

First, I would like to thank Senators BLUMENTHAL, MURPHY, SCHUMER, DURBIN, LEAHY, CORTEZ MASTO, VAN HOLLEN, GILLIBRAND, KLOBUCHAR, MARKEY, CASEY, REED, HASSAN, MERKLEY, CARPER, CARDIN, COONS, FRANKEN, HARRIS, BOOKER, WHITEHOUSE, HIRONO, SANDERS, WARREN, CANTWELL, MCCASKILL, NELSON, MURRAY, UDALL, KAINE, WARNER, BENNET, SCHATZ, WYDEN, BROWN, DUCKWORTH, MENENDEZ, and BALDWIN for cosponsoring this legislation. Their support for this bill is deeply appreciated.

Just days ago, in Las Vegas, NV, we experienced the worst mass shooting—in terms of the number of victims—in our Nation's history.

There are now at least 58 dead and nearly 500 wounded as a result of that attack. The grief and pain of so many victims and their loved ones is overwhelming and all too familiar to gun violence victims and survivors all across America.

What makes this mass shooting particularly devastating is that the shooting was done by a single gunman. Within minutes, the gunman exacted devastating firepower on hundreds of people, terrorizing concertgoers and an entire community.

How was this possible?

While facts are still being uncovered, we know that this particular gunman had amassed a vast arsenal. He had at least 23 firearms and hundreds of rounds of ammunition in his hotel room among which were 12 semiautomatic rifles enhanced with ''bump-stock'' devices.

These bump-stock devices are typically used to turn semiautomatic rifles into functional machine guns, capable of shooting hundreds of bullets per minute.

A semiautomatic rifle's rate of fire is usually 45 to 60 rounds per minute. With a bump-stock device attached, these semiautomatic weapons can fire up to 700 rounds per minute. Bump-stock devices are readily accessible. They can be purchased online or at a store by anyone for merely $100.

Anyone who has seen YouTube video clips of semiautomatic rifles outfitted with these devices knows just how devastating they are.

The number of bullets that can be sprayed into a crowd within minutes is staggering.

Because they are so dangerous, automatic machine-gun-like weapons have been categorically banned in America since 1986 under the National Firearms Act.

This law was a direct response to the Prohibition Era's mobster crimes during which machine guns were used to kill their victims at a deadly rate.

One seminal event during this period was the St. Valentine's Day Massacre of 1929.

That tragic day was marked by the murder of seven men in a garage on the North Side of Chicago. The massacre was the culmination of a feud between an Irish American gang and another gang led by Al Capone. Organized crime was rampant during that era, and fully automatic weapons were the weapons of choice for gangsters. Indeed, the men who committed the St. Valentine's Day Massacre used Thompson submachine guns, known as ''Tommy guns,'' to mow down their victims.

The St. Valentine's Day Massacre, which remains in infamy, clearly demonstrated that elected leaders must do something about this violence and get these fully automatic guns out of the hands of killers.

As a result, the National Firearms Act was enacted in 1934. When originally passed, it heavily regulated machine guns, imposing a tax on the making and transferring of machine guns and other lethal weapons. It also imposed a special occupational tax on those engaged in the business of importing, manufacturing, and dealing in firearms regulated under the National Firearms Act.

It also required the registration of all machine guns and other guns regulated under the National Firearms Act with the Treasury Secretary.

Later, in 1986, the National Firearms Act was amended to ban all future automatic weapons from private possession, except for those legally owned and registered as of May 19, 1986.

Therefore, today, automatic weapons are generally banned for civilian use—and rightfully so. They are absolutely lethal weapons of war and have no business being in our homes, our schools, our businesses, and our streets.

Notwithstanding this outright ban, there is a loophole in the law that allows bump-stock devices to configure legal semiautomatic weapons so that they can function like a fully automatic weapon. This loophole must be closed.

If automatic weapons are banned, these devices should be banned. There is no functional difference between automatic weapons and a bump-stock enhanced semiautomatic weapon. Such devices are simply not needed to hunt