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Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God of infinite goodness, confirm Your past mercies to us by empowering us to be faithful to Your commands. Help our lawmakers this day to use their understanding, affections, health, time, and talents to do what You desire. May they desire to please You with faithful service as You rule their hearts without a rival, guiding their thoughts, words, and works.

Lord, enable them to fulfill their duty to love You with all their heart, mind, soul, and strength. Take possession of their hearts, and order their steps by the power of Your loving providence. Pour down Your blessings upon our Senators that they may ever promote liberty and justice for all.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. FISCHER). Under the previous order, the leadership time is reserved.

LEGISLATIVE SESSION

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with

leaders permitted to speak therein for up to 15 minutes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the nomination of Elisabeth Prince DeVos to be Secretary of Education, which the clerk will report.

The senior assistant legislative clerk read the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

THE CABINET

Mr. SCHUMER. Madam President, I rise this morning to speak directly to my friends on the other side of the aisle.

Now is the time to put country before party. I understand the pull of party loyalty. I understand deference to a new President. But from what we have seen in the first 2 weeks of this administration, party loyalty is demanding too much of my Republican colleagues on several issues. On the matter of the Cabinet, on the matter of the President's Executive order on immigration, and on the matter of dealing with Russia, we need Republicans to set aside partisan considerations in favor of doing what is best for the country; otherwise, our institutions of government, our Constitution, and our core American ideals may be eroded.

My friends on the other side of the aisle are going along with the Presi-

dent and treating many of these things as if they are normal, but America knows they are not. We need Republicans to start recognizing it, saying it, and stepping up to the plate to do something about it.

I understand my Republican colleagues will go along with the President 90 percent of the time, but there are certain issues that are too important that demand putting country above party. Now is the time to put country above party.

First, on the Cabinet, our norms of good government and above all ethics are being tested by a Cabinet unlike any other I have seen in my time in public office. There are so many billionaires with so many conflicts of interest and so little expertise in the issues they would oversee.

Take the nomination we are now considering: Betsy DeVos for Education Secretary. In my mind she is the least qualified nominee in a historically unqualified Cabinet. On conflicts of interest, she ranks among the worst. In her ethics agreement, which was delivered to the committee after the first hearing, it was revealed that she keeps interests in three family-owned trusts that have holdings in companies that could be affected by matters related to the Department of Education. Independent ethics watchdogs have criticized her ethics agreement for failing to deal with these conflicts of interest.

On philosophy of education, her views are extreme. She seems to constantly demean the main purpose of her job—public education. Nine out of 10 American kids attend public schools. Her views on public education are a major concern, particularly for Senators from rural areas. There is not a lot of choice of schools outside major metropolitan areas. If you don't have a good public school in your neighborhood or in your community, you have nothing. Any Senator from a rural State should be worried about her commitment to public education.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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We in New York have the third largest rural population in America. I am worried for those schools where, if the school is no good, you don't have much choice; you don't have any choice.

Above all, and on basic competence, Mrs. DeVos has failed to make the grade. She didn't seem to know about the Federal education law that guarantees education to students with disabilities. She could not unequivocally say that guns shouldn't be in the schools, and she didn't seem to know about a long simmering debate in education policy about measuring growth versus proficiency. Frankly, Mrs. DeVos's answers at the hearings were embarrassing, not only for her but for my Republican colleagues on the committee who rushed her nomination through with 5 minutes of questions, only one round, and at 5 p.m.

Cabinet Secretaries can't be expected to know everything, but this is different. The nominee for Secretary of Education doesn't know some of the most basic facts about education policy. She has failed to show proficiency, and there is no longer any time for growth.

The American people are speaking in one loud voice against this nominee. I have had many people come up to me in New York and say: I voted for Donald Trump, but I am making calls about this nominee. Americans across the country in red and blue States have been flooding our offices with phone calls and emails, asking the Senate to vote no on Betsy DeVos. Local newspaper editorial boards, many of whom have endorsed Trump, are saying the same thing.

My friends, the Senators from Maine and Alaska, were profiles in courage last week when they announced their opposition to her nomination, but, unfortunately, so far they are the exception. We need just one more vote, and we can get a Secretary of Education who is a lot better than the one who was nominated. I ask my colleagues on the other side of the aisle to follow the courageous example of the Senators from Maine and Alaska. We have an obligation as Senators—not as Republicans and not as Democrats, but as Senators—to evaluate these nominees and their fitness for office because these nominees are going to wield immense power over the lives of Americans for the next 4 years. I ask my Republican colleagues to look into their conscience and cast their votes tomorrow, not based on party loyalty but based on whether or not Mrs. DeVos is qualified to be our Nation's leader on education policy. If one doesn't measure up, the Senate has a responsibility to reject the nomination.

I realize it rarely occurs, but this should be an exception because she is so uniquely unqualified, whether it comes to competence, whether it comes to philosophy against the public schools, or whether it comes to conflicts of interest, which still exist in far too many instances with Mrs. DeVos.

TRAVEL BAN

Madam President, second, the President's Executive order on immigration and refugees is so poorly constructed, so haphazardly implemented, so constitutionally dubious, so wrong in terms of what America is all about, and so contrary to our basic values as Americans that my Republican friends should feel a duty to country to help us rescind it. Several Members on the other side—I think it is over a dozen—have expressed concerns about it. Several spoke out strongly and unequivocally about imposing any type of ban during the campaign, but now that we have such a ban, they are unfortunately silent. It is time for that silence to end and for Republicans to step up to the plate and start backing up their words with actions.

On Friday, the order was temporarily blocked by a Federal judge, Judge Robart. On Saturday, the President questioned his court credibility via tweet and then asked the country to blame any potential attacks on the country on the judge and the courts. He is not a "so-called" judge as the President tweeted but rather a Senate-confirmed Bush appointee. That is not how we do things here in America.

There is a separation of powers for a reason. An independent judiciary is absolutely necessary to ensure Presidents and Congresses do not break the law or impinge on the Constitution, but this President has shown a certain callousness when it comes to judges who rule against his whim—Judge Curiel during the campaign and Judge Robart now. Instead of attacking the judge, the President should be working with Congress to tighten up security where it is actually needed.

The President has said that if there are attacks, the judge will be to blame. I will remind him that not one attack on U.S. soil has been perpetrated by a refugee from one of the seven countries in the Executive order. This order doesn't make us any safer; if anything, the Executive order increases the risk of lone wolf attacks, our greatest threat. That is what happened in San Bernardino, it is what happened in Orlando, and no authority less than Senator JOHN MCCAIN has said exactly that—that it will increase the likelihood of attacks by lone wolves, those disaffected people who are egged on by the evil ISIS.

So I make this offer to my friends on the other side of the aisle: Join Democrats in rescinding the Executive order, and we will work with you in a bipartisan way in good faith to actually make our country safer. Close up that visa waiver program where people from countries—just because they are generally friendly to us—are not checked. We know places such as France and Belgium have homegrown terrorists lured by ISIS. They can get on a plane and come here far more easily than a refugee from those seven countries. Let's tighten that up. Instead, the President gives us this Executive

order. Lord knows how he came to it. Every expert on terrorism will say there are a lot more important and better things that we need to do.

So let me repeat: The stakes are too high for party loyalty to stand in the way of doing what is right to protect this country. We ought to scrap the order and start over. The order not only does not protect us from terrorism but makes it worse. It stands in the face of what America is all about. Our country has welcomed immigrants, and the beautiful lady with the torch in the harbor of the city in which I live has beckoned us for generations.

RUSSIA

Finally, Madam President, I ask my Republican colleagues to put country over party when it comes to Russia. This administration has shown a disquieting reluctance to criticize Russia when it flouts international norms and laws. The administration seems hesitant to enforce new sanctions and has even hinted at relaxing existing sanctions at what has always been our most formidable enemy along with ISIS: Russia and Putin.

Unbelievably, just yesterday the President insinuated that the Russian and American Governments were somehow morally equivalent. When asked about Putin's authoritarian regime, President Trump responded: "There are a lot of killers. You think our country is so innocent?" Can you imagine if a Democrat had said that? Every one of these seats would be filled with people decrying that kind of moral equivalence.

Russia, a dictatorship where Putin kills his enemies, imprisons the press, and causes trouble anywhere he can in the world is morally equivalent to this great land? Come on. Where are you? You know if the Democrats had said that you would be howling at the moon, and rightfully so. But here, I don't hear much.

Vladimir Putin has little or no respect for the diversity of his people, for freedom of religion and expression, for a free press, for free and fair elections in Russia—and America, it seems—and he has demonstrated on more than one occasion that he will go to any length to silence political dissidents, including murdering them. I would ask President Trump: Does that sound like America? Maybe in President Trump's mind it does, but it sure doesn't to most of America—just about every American. It is not the America that this body represents.

As I said, my Republican colleagues ought to be aghast. I don't think anyone from the other side would associate himself or herself with those comments. I am encouraged that the Republican leader and other Senate Republicans have criticized the President for those dangerous remarks, but what worries me most is the policy. Russia is a persistent and strategic threat to this Nation. Will this administration cozy up to Putin and his oligarchs and relax sanctions? Will they look the