

education. I support public education. Education is the closest thing to magic in America. Let me say again that again. Education is the closest thing to magic in America. I experienced that magic.

As a kid growing up in a single-parent household, mired in poverty, disillusioned about life, I nearly flunked out as a freshman. I thank God for public education. But far too many kids—too many millions of kids today—do not have a quality educational choice in their communities. And what does that mean? There is a high correlation between incarceration, high unemployment, and lower lifetime incomes for those students who do not have quality public education.

This Nation—the greatest Nation on Earth—has afforded a kid who almost dropped out of high school to become a U.S. Senator. Why? Because I found a path that included public education, and quality public education.

So what does it look like in some of our cities? Let me give my colleagues an example from Detroit. Only 9 percent of African-American kids meet standards for English. Thirteen percent of White kids meet standards or exceed standards in English, and 12.5 percent of Hispanic kids meet or exceed standards in English in Detroit. We need to make sure that every child in every ZIP Code has a quality choice.

The Secretary of Education cannot—cannot—privatize education. That would take an act of Congress.

So, yes, we should have a passionate debate about education, and yes, we should make sure—make sure—that the focus of that debate is on the kid.

The PRESIDING OFFICER (Mr. TILLIS). The Senator's time has expired.

PRAYER

Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer from the Senate Chaplain.

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

Let us pray.

God of mercy and light, we are in Your hands, and we rejoice because of the power of Your presence. Do with us what seems good in Your sight.

Lord, in the welter and variety of decisionmaking, with its alternating and fluctuating intricacies, give our lawmakers a deeper appreciation for a conscience void of offense toward You or humanity. Today, show mercy to the Members of this legislative body. Let Your sovereign hand be over them and Your Holy Spirit ever be with them, directing all their thoughts, words, and works for Your glory. Lord, prosper the labors of their hands, enabling them in due season to reap a bountiful harvest if they faint not.

We pray in Your merciful Name. Amen.

The PRESIDING OFFICER. All postcloture time having expired, the

question is, Will the Senate advise and consent to the DeVos nomination?

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 54 Ex.]

YEAS—50

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

NAYS—50

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

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being equally divided, the Vice President votes in the affirmative, and the nomination is confirmed.

The majority leader.

Mr. McCONNELL. Mr. President, I move to reconsider the vote on the confirmation.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. McCONNELL. I move to table the motion to reconsider.

The VICE PRESIDENT. The question is on agreeing to the motion to table.

The motion was agreed to.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby

move to bring to a close debate on the nomination of Jeff Sessions, of Alabama, to be Attorney General.

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

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of JEFF SESSIONS, of Alabama, to be Attorney General shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SESSIONS (when his name was called). Present.

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 55 Ex.]

YEAS—52

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

NAYS—47

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

ANSWERED “PRESENT”—1

Sessions

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. One Senator responded “present.”

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of JEFF SESSIONS, of Alabama, to be Attorney General.

The PRESIDING OFFICER. The Senator from Mississippi.

RECESS

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:30 p.m. today

and that the time during recess count postclosure on the Sessions nomination.

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

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, I rise to speak in favor of the Senate confirming Senator SESSIONS to the position of Attorney General, chief law enforcement officer of our country, but I do want to say thank you to the Democratic minority of my committee because they did not boycott the meetings. They debated. They debated too long, from my point of view, but they debated, and we were able to do our work in a businesslike way. So I want to thank all of them for their participation.

Now I will take a few minutes to speak in strong support of my friend and our colleague Senator JEFF SESSIONS to serve as the 84th Attorney General.

Last week, the Judiciary Committee spent over 6 hours debating the nomination. Every single Democrat opposed the nomination, but this wasn't, of course, much of a surprise. During our committee debate, Senator GRAHAM correctly pointed out that, based on the standard the Democrats established, it appears no Republican could ever earn their support.

It is no secret that our Democratic colleagues don't like the new President. They are doing what they can do to undermine the new administration.

With respect to Senator SESSIONS, my Democratic colleagues disagree with a number of policy positions he has taken over the years, but this year seems to be unlike previous administrations, where Senators supported Cabinet nominees even if they disagreed with the nominee on policy grounds. That is what happened in 2009, when Senator SESSIONS and I both supported Eric Holder for Attorney General, even though we disagreed with him on many policies.

So after listening to all the reasons they are opposing this nomination, I can boil their objections down to these points:

Even though many of my colleagues have known this good man for years, even though many of my colleagues have worked closely with him to pass important bipartisan legislation, even though many of them have praised him in the past for his integrity and for being a man of his word, even though Senator SESSIONS has pledged to support and defend all laws passed by Congress, even those he disagrees with, when it comes time to stand up in support of this good man, they are unwilling to take him at his word.

This is very troubling because all of us in the Senate know JEFF SESSIONS.

Some of us have known him for decades. Regardless of what my colleagues are willing to admit publicly, we all know him to be a man of deep integrity, a man of his word, and a man committed to fairness, to justice, and, most importantly, to the rule of law.

We all know that when Senator SESSIONS served as an assistant U.S. attorney, as a U.S. attorney, and as attorney general for his home State of Alabama, he worked hard to promote the rule of law and to bring justice to both victims and perpetrators. We know he has a deep commitment to the rule of law, something an Attorney General must possess or he could not be the chief law enforcement officer of the United States. In other words, that law or that position is all about carrying out and having a commitment to the rule of law. As I said, much of Senator SESSIONS' hearing focused on his record as a legislator.

Now, it is true Senator SESSIONS has voted on legislation in ways that the left doesn't like, and of course I have even disagreed with him from time to time, but we all understand that every time we cast a vote, we are voting the way we see as the best for our country. I think we all also understand that very rarely is any bill a so-called perfect piece of legislation.

At one time or another, every single Member of this body has opposed legislation based upon a principle objection to a particular provision.

So, of course, Senator SESSIONS has voted differently than his Democratic colleagues. Now, that is common sense. That is to be expected. This is the Senate. We are all about debating policy and for long periods of time. That is how the Senate works.

We all know the role of an Senator and the role of Attorney General are very, very different. A legislator debates policy and votes on legislation. The Attorney General enforces the laws, as enacted. All of us in the Senate understand that difference. Senator SESSIONS understands the difference better than most.

In addition to serving as a Senator for 20 years, he served in the Department of Justice for 15 years, a Department dedicated to law enforcement and to the rule of law and following what Congress directs law to be.

I am disappointed in my colleagues who have suggested Senator SESSIONS will not be able to put aside his policy differences that he established here in the United States and enforce the law, even if he voted against that law.

This is especially troubling after he specifically committed to us during this confirmation hearing that if he is confirmed, he will follow the law, regardless of whether he supported that statute as a policy matter.

The criteria for this nomination is, will this man, whose integrity is beyond reproach, enforce the law as he said he will?

Senator SESSIONS answered that question directly during his hearing. He stated this:

The Justice Department must remain ever faithful to the Constitution's promise that our government is one of laws and not of men. It will be my unyielding commitment to you, if confirmed, to see that the laws are enforced faithfully, effectively, and impartially.

He goes on to say:

The Attorney General must hold everyone, no matter how powerful, accountable. No one is above the law, and no American will be beneath its protection.

Now, whether he said those things one time or dozens of times—and it is more apt to be dozens of times during the day and a half of hearings that we had on him, plus the speeches that were given—it can't be much clearer than what he just said.

But even after he made this promise, Members asked Senator SESSIONS if he would defend the laws that he had voted against, and he answered in the affirmative, stating:

I would defend the statute if it is reasonably defensible. It is passed by Congress, it would be the duty of the Attorney General, whether they voted for it or support it, to defend it.

He was questioned about a host of hot-button policy issues. Time and again, his answer was the same. He will enforce the law. This will actually be quite different from the Obama administration, which refused to enforce laws it didn't like. They did this while the people who are now in the minority—the Democrats—turned a blind eye when they didn't enforce the law.

Senator SESSIONS also made clear that he possesses the independence necessary for the Attorney General. I have often heard Senator SESSIONS ask Executive nominees, including nominees for Attorney General, whether they will have the fortitude to stand up to the President who appointed them. So I asked him the same question during my time of questioning in the committee. I asked if he will be able to say no to President Trump, and he said:

I understand the importance of your question, I understand the responsibility of the Attorney General, and I will do so. You simply have to help the President do things that he might desire in a lawful way and have to be able to say, "No," both for the country, for the legal system, and for the President to avoid situations that are not acceptable. I understand that duty. I have observed it through my years here, and I will fulfill that responsibility.

Senator SESSIONS' commitment to be independent from the President when it is necessary and his promise to enforce the law is exactly what this Nation needs right now. We haven't seen much of this over the past 8 years.

The Department has been politicized over the past 8 years, and that has caused great harm. The leadership of the Department of Justice has undermined our confidence in the rule of law by picking and choosing which laws it will enforce. I am looking forward to turning a new page at the Department under our friend's leadership as Attorney General. It is desperately needed, particularly at this time.