

returns public; he does not. Everyone else divests themselves of any interest in foreign business to avoid even the appearance of conflict; he does not. It is a double standard.

When the President says he wants to clean up the swamp when he goes to his rallies and gets cheered, what are those people cheering for? He has made the swamp worse than any President I know.

PARDON POWER

In other news, Madam President, we have learned that the President is very keen on his pardon power. The President went so far as to tweet earlier this week that he believes he has the absolute right—his words—to pardon himself.

Let me remind President Trump of a very simple fact: President Trump, you do not have the right to pardon yourself. No one—no one—in America is above the law, not even the President—especially the President. If the President did have the right to pardon himself, he could engage in blatant corruption and self-dealing without consequence. The President could violate the emoluments clause, for example, and simply exonerate himself for taking bribes from foreign interests. Surely that is not what our Framers intended. It would turn the Presidency into a farce and render American democracy greatly defunct.

When the President says and tweets things like this, we have to be very clear about how wrong he is. We cannot allow the morality of this government, the shining example the Founding Fathers put together, to just recede. President Trump is doing that on almost a daily basis, and we need not just Democrats, we need Republicans and Independents to stand up when he says things like that.

I was glad to hear that a number of my Republican colleagues said he doesn't have the power to pardon himself. I was proud of Senator GRASSLEY, who always speaks his mind—sometimes I like it, sometimes I don't, but he always speaks his mind—who talked about how wrong it was for the President to say he could pardon himself.

The idea that the President could pardon anyone, anytime, himself included, is antithetical to the very idea of a democracy.

President Trump, you are not King by another name.

I hope the President will focus instead on the Nation's business in the months ahead.

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. INHOFE. Madam Present, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Will the Senator yield for a UC?

Mr. BOOKER. Mr. Chairman, I will yield to you under almost every circumstance.

Mr. INHOFE. Madam President, I ask unanimous consent that at the conclusion of the remarks by the Senator from New Jersey, I be recognized as in morning business for as much time as I shall consume.

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

The Senator from New Jersey.

Mr. BOOKER. Madam President, I rise today to speak in opposition to the nomination of Kenneth Marcus to serve as the Assistant Secretary for Civil Rights at the Department of Education. One of the most critical functions of the Department of Education is the role in enforcing Federal civil rights and upholding the protection of students' civil rights in schools.

The Office for Civil Rights within the Department of Education is a particularly important instrument in enforcing civil rights in schools, protecting those precious rights of our children, and ensuring that schools provide students with access to equal educational opportunities and a nondiscriminatory environment in which to learn. It is an idea we have in our country that it is fundamental that we have a level playing field and abundant opportunity for all kids, no matter what their background is.

The continued need for this office is clear. In fact, during the Obama administration, the Office for Civil Rights and the Department of Education handled 76,000 complaints over 8 years and issued dozens of policy guidance documents to help schools better protect and preserve civil rights of students.

In the last year alone, or year and a half, we have seen what is clearly an abdication of this leadership in the Trump administration and what that has meant for the protection of civil rights for our country's children and for our country's students. We have seen an Office for Civil Rights that has rolled back protections for LGBTQ students, an office that has rolled back protections for students with disabilities, and an office that is set on gutting the very mission of the office itself, which is to protect all of our students from discrimination and empower them with equal opportunities to succeed.

The confirmation of Kenneth Marcus would be another blow to the civil rights of our students. Mr. Marcus is someone who, in his record and in his testimony to my colleagues on the Senate HELP Committee, has demonstrated that he possesses at best a disturbing apathy and at worst a wanton disregard for the importance, if not urgency, of protecting the rights of our kids in school.

When Mr. Marcus was asked by Senator MURRAY to name an example of something—anything—that Donald Trump had said or done when it comes to discrimination or civil rights that he disagrees with, and Mr. Marcus

could not name any area of disagreement. He couldn't find a single disagreement in the way that Donald Trump demeaned Americans with disabilities or how the President has spoken about Mexicans or even the way the President has issued policies that attack the rights of Muslims or the rights of LGBTQ Americans. There was no disagreement mentioned whatsoever.

When he was asked during his confirmation hearing if as Assistant Secretary he would intervene in an instance where Black students in a school district were receiving lower quality teachers, fewer books, fewer AP classes, and fewer educational resources than White students, one would expect his answer to have been: Yes, I would intervene. Yes, I would stand up for equality. Instead, Mr. Marcus refused to say that he would step in in such a hypothetical circumstance.

When Senator MURPHY asked about disparities in school districts that were suspending or expelling five times as many Black students for the same set of behaviors compared to White students, instead of just saying the obvious thing—that this is wrong, that the same behavior necessitates the same disciplinary action—instead of saying something as simple as that, Mr. Marcus went on to say this:

"I believe that disparities of that size are grounds for concern, but my experience says that one needs to approach each compliant, or compliance review, with an open mind and a sense of fairness to find out what the answers are. I will tell you that I have seen what appeared to be inexcusable disparities that were the result of paperwork errors, they just got the numbers wrong."

I don't know how much of the data on this issue of disciplinary inequality Mr. Marcus has seen, but it is abundantly clear that for someone who wants to be in this position, they should understand the crisis we have with discipline in this country. The data has shown that even in preschool—from the age of 4 years old—Black preschool kids are 3.6 times more likely to receive an out-of-school suspension than White preschool kids. Again, that is also for the same infraction.

This is not about getting the numbers wrong. This is about being aware of a problem we have in this country that fuels the school-to-prison pipeline. It is a problem that is so severe that I fought in a bipartisan way to get an amendment about school expulsions in the Every Student Succeeds Act. This is a problem that is so severe that in 2014 the Department of Education issued guidance clarifying that schools must administer discipline without discrimination on the basis of race, color, or national origin. The guidance provided important information and support for schools to create a safer, more inclusive environment. We know this problem is not going away, because just last month a new report from the Government Accountability Office concluded that Black students, boys, and

students with disabilities were still significantly overrepresented in disciplinary action.

What we need is a Department of Education that is going to stand up for kids on problems that we know exist. I was stunned that this is a candidate who doesn't even acknowledge the urgency in protecting LGBTQ kids. And at a time of such crisis, Secretary Betsy DeVos continues to fail to protect the rights of all of our students, just this week, she called discrimination against LGBTQ students in schools "an issue for Congress and the courts to settle," abdication any responsibility.

That is unacceptable, and I don't understand. We have children who are literally under attack. We face a crisis in this country when it comes to LGBTQ youth. This is not an argument over facts. The facts are clear: LGBTQ youths face a stunning level of prejudice and discrimination inside and outside of schools, starting at a young age. We know that LGBTQ youths are two times more likely than their heterosexual peers to be physically assaulted in school. LGBTQ youths are four times as likely to attempt suicide.

According to the Youth Risk Behavior Survey, 34 percent of gay and lesbian youth students were bullied on school property, and 13 percent report not going to school because of fear for their safety. This kind of harassment has no place in our classrooms or schools or anywhere in the United States. It is far too common, from discriminating disciplinary practice to physical violence against our kids, and we have work to do in this country to keep all children safe, to treat all children equally, to give every kid a fair shot in schools to make it and thrive. Yet we are trying to elevate someone to one of the most significant positions in our land to protect children who has a disregard and an apathy toward the compelling and continuing problems in our schools.

When I think about the role of the Federal Government in protecting children, I think about a picture that, as soon as I walk out of my office, the picture is there, and it is that picture from Norman Rockwell of Ruby Bridges trying to walk to school, at the age of 6, to become the first Black child to attend a White elementary school in the South. The photo of her—and the famous painting—is jarring when you see it. It is a reminder to me every day when I leave my office about the roles and responsibilities we have in this body. The hate that was being spewed on her—Ruby Bridges—was plainly evident.

I am telling you, if you visit schools right now and talk to some of our children who are being bullied and intimidated, they can speak to that kind of hate as well. You can still feel the pain and hatred echoing from our past, and you can see it. You can see it echoing in our present. She was determined, and, most importantly, she was not

alone. At the age of 6, walking to school, Ruby Bridges walked not alone but, as Norman Rockwell's picture captures, she walked with Federal Marshals, and they stood with her. She was not alone. She had government folks who said: Your rights are my rights. Your future is my future. We pledge an oath to be a nation of liberty and nation not for some but for all—that "injustice anywhere," as King said, "is a threat to justice everywhere."

The Federal Government alone is not enough to educate our kids. It is about local communities that keep them safe. It is about those soccer coaches. It is about the drama teacher. It is about the love and the kindness and the nurturing environment that is the common standard in all of our schools in America in every State. We have seen from history that there is a role for us to play in keeping folks safe. There are aberrations in our country where hatred still thrives, where discrimination still exists, where there is a role for us to play, and we can't surrender that role.

We can't retreat from our vigilance in protecting every child in America. That is why the Office for Civil Rights and the Department of Education are so critical and must be led by someone who understands our history and understands the urgent work that still needs to be done. We need a person in this role who is committed to every single child no matter who they are and a person who sees within that child their truth, their divinity, their limitless potential, their promise, and how we as a nation need them to succeed.

We have a long way to go. There is work still to do. Children in this country who are hurting now need champions in positions of high office. That is why I oppose the nomination of Mr. Marcus. He is not the person, by his own testimony, who sees our children, who will protect all of our children, who understands their crises, and hears their cries. I will be voting against his nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Oklahoma.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. INHOFE. Mr. President, arguably, the most significant bill to be introduced and passed every year is the National Defense Authorization Act. Yesterday, the leader moved to proceed to that bill, but then there was some objection. Senator REED and I have spent some time and have been very concerned about getting this started. We passed this out of committee in record time and share the commitment that this bill is a matter fitting for the Senate's deliberative process. We want to have an amendment process, and we proposed this, but there was some objection to it yesterday.

I think an open legislative process is one of the hallmarks of the democracy that we ask our servicemembers to protect and defend. They are out there on

the line. We owe them everything that is in an annual bill. In fact, that bill has actually been passed every year. For the past 57 years, we have had a national defense authorization act. What we wanted to do this time, which would have been different from the last time, was to have had an open amendment process—heard a lot of amendments and had a lot of discussion on the floor. We intended to do that but were disappointed that there was an objection to that yesterday. That is why we have been working on satisfying those objections, and I think we have done this.

I believe, by 12 noon or after the 12:30 vote, we are going to be in a position to go ahead and ask that the majority leader restate his motion to proceed and that it will be passed without objection. I am looking forward to that. I think we need to get started. I don't need to go into the arguments, as others are waiting for the floor right now, but we want to get this bill started immediately.

It is not just to make sure we have the pay raises for our kids who are out there risking their lives, and it is not just that we have to keep up with the commitments we have made. We have gone through some dry years over the last 10 years. When I go around the country and talk to groups, there is this assumption that America has the best of everything, but that is not true anymore. That is one reason there is a sense of urgency on this.

Take artillery, for example. The two things you use to measure the artillery capability of a country are those of range and rapid fire, and we are out-ranged and out-rapid fired by both Russia and China. They have other systems that are better than ours.

Right now, one of the most modern systems is hypersonic warfare. A lot of people are not aware of this, but it allows us to go five times the speed of sound with a weapon. We have been developing this for some time. However, now we have found out that both Russia and China have been ahead of us on this. This bill is going to put us in high gear and make sure this development actually happens.

Our triad system, our nuclear triad, is also one on which we have not been doing anything for the last 8 or 10 years, and now Russia and China have gotten ahead. This is something we are not going to tolerate.

We have the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and we are going to get to it today. I will mention that we are actually hoping for a couple of amendments to take place this afternoon. These have to be agreed to and have been agreed to by both sides. Boozman amendment No. 2276 is a study to suggest the permanent stationing of our troops in Poland. The second one is the McCain fellowship amendment, by Senator REED, amendment No. 2284.

I, and I am sure Senator REED—I speak for him too—would like to get