

I am glad we are having this vote today. I support the nomination, and I urge my colleagues to support Mr. Marcus as well.

I yield the floor.

Mr. SANDERS. Mr. President, I oppose the confirmation of Kenneth Marcus to be Assistant Secretary for Civil Rights at the Department of Education. Mr. Marcus has a long record of targeting First Amendment-protected speech and scholarship of people with whom he disagrees. His history also reflects a hostility towards civil rights, including making racially charged accusations and opposing affirmative action. In addition, Mr. Marcus has not publicly committed to upholding the civil rights protections of every student in the country, without regard to LGBTQI status, race, home language, gender, religion, disability, or immigration status.

I am particularly concerned with Mr. Marcus's nomination, given the important role that the Office of Civil Rights—OCR—plays in protecting students from discrimination in schools and on campuses, as well as holding schools accountable for their sexual assault prevention policies. As we are all aware, Secretary DeVos and Acting OCR Director Candice Jackson have already taken very concerning steps to roll back guidance and investigations of potential civil rights violations. Given his testimony before the Senate HELP committee, I fear Mr. Marcus will likely contribute to this troubling pattern of neglect at the Department.

According to a joint statement by UnidosUS and National Urban League: “Kenneth Marcus’ troubling record with regard to enforcing the rights of immigrant students and English learners, and past attempts to undermine critical policies aimed at remedying racial discrimination, including affirmative action. Mr. Marcus [also] has a demonstrated history of hostility toward affirmative action and all race-based remedies to discrimination. He lacks a commitment to enforcing civil rights protections for students of color, and does not believe in disparate-impact or unintentional discrimination. J Street released a statement expressing its concerns with Kenneth Marcus’ nomination, stating that “[s]tudents deserve an assistant secretary who will uphold all of our community’s values and priorities—including support for the fight against sexual violence and all forms of discrimination. We need government officials who will defend women and all those impacted by sexual violence, and who will fight this epidemic on college campuses and in our society. It’s evident that Marcus would be an obstacle and not an ally in this work. His record shows that he is not prepared to take a stand against the many forms of discrimination based on gender, race, sexual identity and disability that harm students today.”

In addition, the following various education, civil and disability rights

groups oppose the nomination: American Association of University Women, AAUW; American Federation of Teachers; American-Arab Anti-Discrimination Committee; Americans for Peace Now; Arab American Institute; Asian Americans Advancing Justice; Autistic Self Advocacy Network; Center for Law and Social Policy, CLASP; Disability Rights Education & Defense Fund; End Rape on Campus; Feminist Majority Foundation; Hispanic Federation; Human Rights Campaign; J Street; Jewish Voices for Peace; Lambda Legal; Lawyers’ Committee for Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; League of United Latin American Citizens; Middle East Studies Association of North America; Muslim Advocates; NAACP; NAACP Legal Defense and Educational Fund; National Alliance for Partnerships in Equity, NAPE; National Bar Association; National Center for Lesbian Rights; National Center for Transgender Equality; National Council of Jewish Women; National Education Association; National Urban League; National Women’s Law Center; Know Your IX; People for American Way; Policy Link; Poverty & Race Research Action Council; Southeast Asia Resource Action Center; Southern Poverty Law Center; TASH; UnidosUS, formerly NCLR; and YWCA USA.

Given the widespread opposition to Mr. Marcus’s nomination, his troubling testimony in support of his confirmation, I cannot support his nomination. I urge my colleagues to likewise oppose it.

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

• Ms. DUCKWORTH. Mr. President, I rise today to oppose the nomination of Kenneth L. Marcus, of Virginia, to be Assistant Secretary for Civil Rights, Department of Education.

The U.S. Department of Education’s Office for Civil Rights, OCR, was established to address discrimination that prevents all students from receiving an equal opportunity to learn. No student should experience harmful discrimination because of their race, gender, disability, religion, ethnicity, sexual orientation, or gender identity.

Based on Mr. Marcus’s record and performance during his confirmation process, I have no confidence that he is ready to effectively lead OCR and robustly enforce civil rights protections throughout the country. Mr. Marcus’s demonstrated lack of commitment to the mission of OCR and his failure to understand that all children, regardless of citizenship status, have a right to attend public schools, are warning signs that the nominee is not the right person to lead OCR.

Students in Illinois and across the Nation deserve a leader of OCR who will actively investigate and enforce civil rights protections, particularly in cases where there is evidence of systemic discrimination. An unwillingness or inability to address comprehensive,

systemic discrimination in education is disqualifying, and I must oppose Mr. Marcus’s confirmation.●

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Kansas.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. MORAN. Madam President, I want to speak briefly about the National Defense Authorization Act, which will soon be our topic of business.

I compliment the Armed Services Committee for their diligence and their efforts to authorize appropriations for our Armed Forces in a very thoughtful and deliberative manner.

I have submitted several amendments. I want to talk about a particular one to that underlying bill, amendment No. 2269, which is cosponsored by the senior Senator from Kansas, Mr. ROBERTS, as well as Senator GILLIBRAND from New York and the Democratic leader, Senator SCHUMER from New York.

Our amendment takes the same approach that the committee takes by addressing the Army’s internal process on force structure—to thoughtfully deliberate how and where the Army makes smart investments, which includes the stationing decisions for soldiers and families that have a consequence not only on those soldiers and families but also on the cost of defending our country for decades to come.

Fortunately, both the Department of Defense and the Army are now experiencing a much-needed period of time in which there is growth—opportunities for us to spend additional dollars to defend our Nation. Our Armed Forces are modernizing, and they are increasing their readiness and lethality to be in a position to better deter, confront, and defeat adversaries in a security environment more complex and volatile than possibly anytime in our country’s history, certainly within recent time. During this moment of growth, the Army ought not miss the opportunity to conduct due diligence in all of their decisions and invest wisely to pay down the cost in the future.

The Army is focusing on reform and seeking to maximize the value of every dollar, to operate transparently, and to appropriately use the resources that the Congress has entrusted to them. They are taxpayer dollars. With this focus on reform, transparency, and on using every dollar wisely, this amendment No. 2269 helps the Army maximize the value of every dollar, operate transparently with Congress, and appropriately use the resources entrusted to them.

I have been working with Army staff and senior leadership since February of this year to better understand their process, and I thank them for their efforts and the straightforward conversations we have had during this process.

Based upon our conversations and testimony, my amendment codifies the transparency they are seeking and updates to the Army’s stationing process that will better ensure that the Army

is making wiser decisions, more cost-effective decisions, and are making decisions that are beneficial in the long term.

Stationing decisions are long-term decisions. They will impact the Army for many years to come. If we have learned anything from recent budget cycles, as the Commandant of the Marine Corps, General Neller, said before our Appropriations Defense Subcommittee several times, it is that the only certainty is uncertainty.

The Army has the benefit of a growing budget right now, but in future years, there will surely be periods of fiscal stress and uncertainty where smart investments today will be paid forward.

Our intent with the amendment is to support the Army in making decisions based on fair, open, and comprehensive data—particularly long-term cost factors—that will help the Army save dollars in future years. Those savings can be put where they are desperately needed—toward training, supporting our soldiers and their families, sustaining our weapons, and increasing the Army's readiness and lethality.

I appreciate the help I have had from the Armed Services Committee, and I appreciate the chairman, Senator McCAIN, and his staff. I also appreciate very much my colleague from Oklahoma, Senator INHOFE, for his efforts in this regard. I appreciate their interest in my amendment.

I will be happy to respond to any questions my colleagues may have on the merits of this amendment.

I yield the floor.

THE PRESIDING OFFICER. The majority whip.

CHINA AND THE STUDENT VISA PROGRAM

Mr. CORNYN. Madam President, I thank my friend from Kansas.

I want to talk a little bit about a hearing I chaired yesterday, a Senate Judiciary Subcommittee on Immigration hearing that was called "Student Visa Integrity: Protecting Educational Opportunity and National Security." The point of the hearing was to raise awareness about a very serious issue and to hear from the Federal agencies responsible for our national security, visa policy, and the vetting of foreign nationals studying in the United States.

We hoped to shed light on policies and procedures that are in place, what should be in place but is not, and to address what has become a growing source of concern; that is, foreign countries taking advantage of their international students studying in the United States and turning them into intelligence assets or otherwise using them to gain information that will help other countries grow their economy and their military in a way that undermines U.S. leadership in both of those areas.

That issue relates primarily to China's aggressive plan to surpass the United States on all fronts—militarily, economically, and technologically—

and to do so by whatever means necessary. We already know that China is perhaps the No. 1 abuser of cyber space to steal intellectual property and to use that to advance its economy or its military. They have been very public about their ultimate goal; that is, to use whatever means they need in order to advance their economy or their military.

It is important to remember that China is not a democracy like ours. China is a Communist country guided by a doctrine that does not recognize the human rights or individual rights that we take for granted here in the United States and in other democracies.

They made it very clear what they intend to do. For example, in its "Made in China 2025" strategy, which is something that has been published—you can read it yourself—China is accelerating its efforts to acquire U.S. intellectual property and sensitive research. That is where our universities in particular come in.

Billions of Federal tax dollars—I think it is \$178 billion in the Omnibus appropriations bill alone—are given to universities to conduct research to benefit the American people and hopefully all of humankind. Some of that research is sensitive because it is classified research. We had, for example, the head of security at the Texas A&M University System talk about the steps they have taken to protect that from prying eyes because of the sensitivity of some of that research.

Universities are ground zero in this threat. This past February, Director Christopher Wray testified before the Senate Intelligence Committee in an open hearing about the security risk posed by certain Chinese students, visiting scientists, and scholars at American colleges and universities. His remarks were brief, and because of the sensitive and classified aspects of some part of what he said, he couldn't provide the full context and breadth in that open setting, but what he did say publicly was alarming. He said that the FBI is "watching warily" and that "naivete" was exacerbating the problem. What I think he meant by that is that people were simply unaware and thus unprepared for what was happening. He also made very clear that the Chinese Government was intent on doing whatever it needed to do—whether it is placing intelligence officers or other agents of the Chinese Government on campuses—to get the information they want.

We are fortunate to have the world's top universities and colleges, and they are known for their open research, which fosters collaboration and innovation across a broad array of industry sectors and academic disciplines. One of the crown jewels of our country is our colleges and universities and the research they do, but our openness is also a vulnerability when being exploited by other countries for their own purposes.

What is happening now, Director Wray says, is that foreign actors have taken advantage of that open environment and are using it to study, learn, and acquire sensitive information to the detriment of U.S. national security—and that is what we are primarily talking about here.

It is not an isolated problem. Director Wray said that the Federal Bureau of Investigation is actively monitoring universities in all of its 56 field offices across the country, not just in major cities. Nearly all students and visiting scholars come for legitimate reasons. I take that as a given. We are not talking about everybody; we are talking about the isolated few. But the danger still remains. Most are here to learn and share our culture and to contribute their talents to America.

I tend to think that our colleges and universities are the best elements of our soft power as a nation. When people come here and learn more about us and where we share values, perhaps even take those values back to their home country and serve as someone we can talk to and work with in the future, it promotes world peace, promotes mutual understanding, and, as I said, I think it is one of the most important elements of our soft power as a country.

I am not here suggesting that we ought to conflate Chinese Communist Party influence on all students and academics—far from it. Students from across the world are certainly welcome; we welcome them with open arms to come to study at our colleges and universities, and I encourage them to explore opportunities to do so.

What yesterday's hearing was actually about was not them but a small subset of people we should be concerned about—security risks, those who are here to steal and exploit our intellectual property and our national security and economic advantages, people who don't respect the rule of law as we do when it comes to intellectual property rights.

As the FBI Director said, we can't be naive. This theft is occurring. It has been well documented, and we have to take the necessary preventive measures to ensure that it doesn't continue.

By the way, I have mentioned one country, China, but certainly these concerns are not limited to China. There are more than 5,000 Russian students studying in the United States. There are other countries, including state sponsors of terrorism, like Iran, that have foreign students here, actively working to steal U.S. technology and bypass expensive research and development and exploit the student visa program to gain information that will benefit their countries.

I will just pause for a moment to say that we spend untold amounts of money in this country—taxpayers' hard-earned money—to research and develop the newest, most innovative products. That is true in the military sector and in the nonmilitary sector.