

Obama administration and others that Turkey, under President Erdogan, would be a model democracy, in practice, these important values have suffered under his tenure.

As the Turkish people's concern continues growing, it is troubling that the political space for them to express those concerns has seemed to shrink further. At the same time, the United States must recognize that the path to addressing our concerns involves working with this important NATO ally and aligning its interests with ours.

Turning a cold shoulder altogether would be a major strategic misstep and would jeopardize our national security and our interests. We do not need Turkey to fall further into Moscow's orbit. I know my colleagues are looking to see whether a deal can be reached on the S-400 air defense system.

I share my colleagues' uneasiness at seeing President Erdogan honored down at the White House, but I urge this body to remain clear-eyed about our Nation's vital interests in the Middle East and the fact that advancing them will mean strengthening our relationship with this NATO ally, not weakening it further.

IMPEACHMENT

Mr. MCCONNELL. Mr. President, on one final matter, today, almost 3 years in the House Democrats' quest to impeach the President and 7 weeks into the inquiry that Speaker PELOSI proclaimed in a press conference, House Democrats will hold their first public hearing on impeachment.

This hearing was mandated by the strange resolution House Democrats passed a couple of weeks ago. That resolution did not provide President Trump with important rights, which the House afforded to Presidents of both parties during past impeachment inquiries. It didn't even afford their own House Republican colleagues the same rights that House Republicans gave Democrats during the Clinton inquiry. No; House Democrats' resolution just codified their unfair approach: no due process now, maybe some later, but only if we feel like it. That is what it establishes.

The American people know that many Washington Democrats have had their minds made up on impeachment for years. It was clear on election day 2016, and it became undeniable by Inauguration Day. That is when the Washington Post, before he was sworn in, ran this headline: "The Campaign to Impeach President Trump has Begun."

The whole country saw a prominent House Democrat state publicly in April of 2017: "I'm going to fight every day until he's impeached." That is the chairwoman of one of the committees the Speaker has given responsibility for this inquiry, promising impeachment 3 months into his Presidency.

It is hardly surprising that this partisan journey is not yielding a neutral process. Unfortunately, it is also

crowding out important legislation for the American people. In the House, Speaker PELOSI is more interested in taking away President Trump's job than in creating 176,000 new jobs for American workers by passing the USMCA. She is blocking this landmark trade agreement.

In the Senate, our Democratic colleagues have filibustered the funding of our Armed Forces. Despite promising to forgo the poison pills a few months back, Democratic leadership has run the appropriations process aground so they can fight over immigration policy with the White House.

Speaking of our Armed Forces, House Democrats are also slow-walking the National Defense Authorization Act. That is an essential bill that Congress has passed every year—every year since 1961 like clockwork—every year, on a bipartisan basis, for almost six decades, but this year House Democrats broke with precedent and passed their own partisan version and are now stalling the conference committee. These are the priorities that are languishing as impeachment marches on.

MEASURE PLACED ON THE CALENDAR—S. 2840

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 2840) to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and for other purposes.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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 and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Chad F. Wolf, of Virginia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security. (New Position)

The PRESIDING OFFICER. The Democratic whip.

IMMIGRATION

Mr. DURBIN. Mr. President, if members of the American public came to the Senate Chamber this week to witness legislative activity, such as a piece of legislation on the floor, amendments, debate, votes, deliberation, or compromise, they are out of luck. We don't do that in the Senate anymore. We are not going to do it this week; we didn't do it last week; and we didn't do it the week before.

Now, the Republican leader just said the problem is impeachment. The problem is not impeachment. The problem is the Senate is not a Senate anymore. All we do in the Senate—all we do in the Senate is this serial list of judicial nominations, one after the other, after the other, after the other. That is it. We don't take up legislation.

Yesterday there was a—right across the street from this Capitol Building, in front of the Supreme Court, hundreds of people were there because of a hearing in the Supreme Court on the issue of DACA, which was created by President Obama, where 780,000 undocumented young people had a chance to stay in this country and was abolished by President Trump. Hundreds came out yesterday. They wanted to hear—at least try to hear the Supreme Court deliberations on their future and what would happen to them.

It is quite possible that the Court will rule in the President's favor. I hope not, but it is possible, and the future of these young people will be deportation. You can imagine how they feel about this issue. They look back over here at the Capitol and they wonder: What are they doing in the U.S. Capitol building to deal with an issue of such grave importance for such a large group of people in the United States? Here's what we are doing: Nothing—nothing.

The House of Representatives passed the American Dream and Promise Act in the month of June, and the U.S. Senate and Senator MCCONNELL will not let us bring it to the floor. Is he going to blame the impeachment proceedings for the fact that we have waited 5 months now with this critical bill, having passed the House, not even being considered in the U.S. Senate? Is that the reason we haven't been able to take up serious legislation for weeks in the U.S. Senate? Of course not. It is not about impeachment; it is about a strategy designed by the Senate Republican leader not to entertain substantive legislation—just to take up the issues of nominations.

The nominations, of course, are an issue themselves. I mentioned the judicial nominations. Well, last week in the Senate Judiciary Committee, we had the ninth Trump nominee for the

Federal bench who had been found unqualified by the American Bar Association. That is nine so far. You say to yourself, well, that must happen from time to time. It never happened one time under President Obama; not one nominee was judged unqualified. There are nine of them under President Trump. Why? Because this administration, with the cooperation of Senator MCCONNELL, is hell-bent to fill these vacancies, regardless of the competency of the individual who is being nominated.

On the calendar today is another nomination. Today the Senate is going to vote on the nomination of Chad Wolf. This is technically a vote for Mr. Wolf to be the Department of Homeland Security's Under Secretary for policy.

Let's be clear. This is actually a vote on whether Mr. Wolf would run the entire Department of Homeland Security. He would be the sixth Secretary in charge of this critical agency, the Department of Homeland Security—the sixth one since President Trump was elected. Talk about a fast-moving, revolving exit door. You can hardly get your desk put together with a few pens and computers on top of it; then, with President Trump, you are out the door if you are the Secretary of the Department of Homeland Security.

Next up is Chad Wolf. The President has indicated he is going to appoint him, not as the Secretary of Homeland Security—no, the Acting Secretary of Homeland Security. But he first has to be confirmed as an Under Secretary.

The Trump administration has shown in their immigration policy an approach to this issue that we haven't seen for decades in Washington or the United States. The President has been especially harsh when it comes to families and children. President Trump's ineffective policies have made our southern border much less secure than when he took office. The situation has even been worsened by this gaping leadership vacuum in the Department of Homeland Security. In less than 3 years, there have been four heads of the Department. Wolf would be the fifth person—I said six earlier, sorry—to run it and the third Acting Secretary. Every position at the Department of Homeland Security with responsibility for immigration is now held by a temporary appointee ready to be fired at a moment's notice, and the White House is not even submitting nominations for those positions. This is a conscious choice by the Trump White House to increase their power and to undermine the role of the U.S. Senate, and the Republican majority thinks it is just fine.

The President has boasted about all of his Acting Secretaries. He even has an Acting Chief of Staff. Donald Trump said: I like acting. It gives you great, great flexibility.

It sure does. You can just fire a person and call the next up in a moment, in a matter of days.

Stephen Vladeck, a leading expert on the Senate's confirmation process, notes that the President's approach is "depriving the Senate of its constitutional role—and in the process, of opportunities to vet his nominees, to reject those who are unqualified, and to conduct meaningful oversight of the executive branch."

So what does the Senate institutionalists and the Senator from Kentucky think about diminishing the roles of the Senate? Just fine, Mr. President, whatever you want.

Today, the Senate will actually have a chance to vote on this individual, Chad Wolf, to become an Under Secretary on his quick path to become an Acting Secretary on his even quicker path to be in some way retired or fired.

So is Chad Wolf the right person to run the Department of Homeland Security, one of the most important law enforcement agencies? His main qualification appears to be that he was Chief of Staff and top adviser to former Secretary Kirstjen Nielsen.

I would say that arguably she may have been one of the worst performing Homeland Security Secretaries ever in our history. It was Kirstjen Nielsen who falsely claimed, "We do not have a policy of separating families at the border." Then came along the Federal judge in Southern California and demanded an accounting of what actually was going on at the border. Do you know what the judge found after he demanded that the Department of Homeland Security under Kirstjen Nielsen account for family separations? They found that more than 2,800 infants, toddlers, and children had been separated from their parents at the border. Even worse, there was no effort made to trace where the parents were headed and where the child was headed. At the end, some of these children never ever were reunited with their parents, separated by Kirstjen Nielsen's Department of Homeland Security.

I have seen the results of these disastrous separations. At the immigration court in downtown Chicago, in a Loop high-rise building that you would never pick out as a court, you take an elevator to one of the top floors and get out on a crowded floor. There are people standing four- and five-deep waiting for the docket call for immigration court.

I went into the court just last year to see what family separation was all about. I found a good judge who had been at it for almost 20 years, and she said to me: Senator, please stay for the docket call, at least the first group of clients.

The first group of clients were called. Marta was one of the clients. The judge said: Would the clients please take their seats. The problem—the problem was, Marta was 2 years old. Marta had to be lifted into her chair and handed a stuffed animal that she was hanging onto throughout this hearing, which I am sure she never understood.

Hamilton was a little boy who was also a client in the immigration court

that day. He was 4 years old—4 years old in a U.S. immigration court because of the separation of children from their parents. He did jump up on the chair because he saw a Matchbox car on the table that he could play with while this hearing was deciding his fate.

Do you know what happened? They continued their cases for another 6 months. Fortunately, Marta was reunited with her father in less than 6 months. Do you know what happened when separated children were united? Some of these children would not even let their own mothers hold them. That is what happens when you separate a 2-year old from her mother for months at a time. That is what happened over and over again on the watch of Kirstjen Nielsen, the Secretary of Homeland Security. Mr. Chad Wolf, who is on our calendar today, was her chief of staff during this zero-tolerance policy.

These disastrous separations have done permanent damage to countless children. I saw two of them. Publicly released emails show that Mr. Chad Wolf, who will be voted on today in the Senate, was deeply involved in the discussions that led to this policy. As far back as December of 2017, Wolf was Acting Chief of Staff to Secretary Nielsen. He sent the Justice Department a list of 16 options for deterring undocumented immigrants. No. 2 on the list was "separate family units." His fingerprints are all over zero tolerance.

Mr. Wolf was also intimately involved in the Trump administration's efforts to use Dreamers as bargaining chips to advance the President's anti-immigrant agenda. After he repealed DACA, President Trump rejected numerous bipartisan deals to protect Dreamers. I will not go through the awful details of our bipartisan efforts to come up with a bill, which the President time and again rejected. Instead, he said: Here is my approach to the Senate. Take it or leave it.

The Senate left. It received fewer than 40 votes in a Senate dominated by a Republican majority.

The administration said that it would support the authorization of Dreamers if the Congress passed his plan, which included the largest cut in legal immigration in almost a century. The Senate rejected it. How do I know that Mr. Wolf was involved in this effort? I sat in on a half dozen meetings with Secretary Nielsen and Mr. Wolf, just down the hall from here in the office of Republican Congressman KEVIN MCCARTHY. He was there. Wolf was part of the program.

In another administration, involvement in family separation and DACA repeal would be grounds for dismissal. In the Trump administration, it is grounds for promotion—promotion to become the Acting Secretary and to see if this flavor of the month as the head of one of these key agencies can actually gut it out for 6 months. It might be a record if he did.

I urge my colleagues to oppose the nomination of Mr. Wolf.

NOMINATION OF STEVEN J. MENASHI

Mr. President, on the subject of nominations, last week every Republican member of the Senate Judiciary Committee voted to report out the nomination of Steven Menashi for a lifetime judgeship on the Second Circuit. Every Democratic Member voted the other way, and for good reason.

Steven Menashi lacks even the most basic courtroom experience. He has never argued in court, conducted a deposition, or tried a case. He has written dozens of incendiary editorials and articles in which he showed a lack of judgment and judicial temperament.

Let me give you a couple of examples. He said that “charges of racism are typically overblown.” He went on to say that gun control legislation is “pointless and self-defeating because guns reduce crime.” Then he said, “The animal rights crowd is, by and large, a contemptible bunch.”

Mr. Menashi currently works in the White House. He works with Stephen Miller. There is a name that may be familiar. He is pushing Stephen Miller’s anti-immigrant agenda.

He spent several years advising the Secretary of Education, Betsy DeVos, on some of the most anti-student measures that Department has ever undertaken.

Mr. Menashi’s hearing before the Senate Judiciary Committee was an embarrassment. He refused to answer basic questions from either Democrats or Republicans, basically saying to the Judiciary Committee: My experience—what I have done, what I believe—is none of your business.

It was a deeply troubling nomination, to the point where even Republican colleagues on the committee were chiding him to answer a question if he wanted a lifetime appointment to the second highest court in the land. He continued to refuse, but he still won all of their votes when his nomination came up last week.

Apparently, Mr. Menashi is hoping that in this busy week, we are going to hold this floor vote, and nobody will notice. Well, a lot of Americans will notice, especially the tens of thousands of Americans who have been the victims of the for-profit college scams. Do you remember those schools? You have heard a lot about them, haven’t you? All these schools that said they were colleges and universities—they were in it for a buck. Many of them turned out to be frauds. They weren’t really colleges and universities.

Nine percent of high school students in the United States go to for-profit colleges and universities—9 percent—and one-third, 33 percent of all the student loan defaults are students at for-profit colleges and universities. Why? They overcharge the students; they undereducate them; and they leave them with a mountain of debt. When these schools go out of business, we have an opportunity to say to the stu-

dents: We are sorry you were defrauded, but it shouldn’t ruin your life. We are going to make sure your student loan at this bogus institution is forgiven.

Months ago, we learned that the DeVos Department of Education misused private Social Security Administration data to deny student loan relief to thousands of students cheated by the failed for-profit school, Corinthian Colleges. Last week, we learned that Mr. Menashi, the nominee we will consider this week, was the architect of this plan to deny these students full and fair relief. He gave legal advice to Secretary DeVos on how to carry it out.

It was certainly bad advice. A Federal court ruled that the Menashi plan illegally violated student privacy and ordered the Department to stop putting Corinthian borrowers into collection while they waited for relief. This man, who wants a lifetime appointment to opine and rule and judge on laws and statutes and the Constitution, gave advice to the Secretary of Education that turned out to be found in violation of the law. In the months that followed, the Department failed to comply with the order of the court, resulting in the judge’s holding Secretary DeVos in contempt of court and forcing her to pay a fine because of Menashi’s advice. What a debacle. Yet my Republican colleagues believe that the appropriate response to this debacle by Mr. Menashi is to promote him to a lifetime appointment to a court that is one step below the U.S. Supreme Court.

While Mr. Menashi is looking forward to his lifetime job, the victims of Corinthian Colleges’ fraud and Menashi’s illegal scheme continue to suffer without the relief they deserve—victims like a man named Sheldon, one of my constituents from Bloomington, IL. He took out student loans to enroll in an online criminal justice course from one of the Corinthian schools, called Everest College.

Corinthian may have gone bankrupt in 2016 after it was revealed that it had defrauded students into signing up, but former students like Sheldon have had no relief from the Department of Education for their student loan debt from this bankrupt school that defrauded them. The collection agencies still keep calling Sheldon’s home. He wrote to my office and told me how he had his wages garnished because he owes \$13,000 in student loans for enrolling in this bogus Corinthian College program. He said: “My checks have been taken away from me for the past 3 years.”

Mr. Menashi should be embarrassed by the advice he gave to Secretary DeVos to deny full and fair relief to students like Sheldon and thousands of others who were tricked and cheated by for-profit colleges. He is not. Mr. Menashi told me in writing after his hearing: “I am proud of my work at the Department of Education and of the legal advice that I provided.”

The Second Circuit is one of our most important appellate courts. It hears appeals coming out of the Southern District of New York, where there are multiple investigations underway of national note.

The Senate should have grave reservations about advancing a nominee to the Second Circuit who currently works in the White House but would not disclose under oath what he does, who has minimal courtroom experience, who has a record of giving troubling legal advice, and who has a history of expressing views which were entirely out of the mainstream.

I want to commend one Republican colleague, Senator SUSAN COLLINS of Maine, who said she is personally going to oppose the Menashi nomination because in her words—I couldn’t say it more clearly—“I do not believe he is well-suited to serve on the federal bench.” Wouldn’t it be great if a few more Senate Republicans felt the same way?

I urge a “no” vote on the Menashi nomination.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of Steven Menashi to the United States Court of Appeals for the Second Circuit.

From 2017 to 2018, Mr. Menashi served as the Acting General Counsel of the Department of Education under Secretary Betsy DeVos. Mr. Menashi has stated that, in this role, he was “responsible for providing legal advice related to all aspects of the Department’s operations, including litigation, rule-making, regulation, and enforcement.”

Before Mr. Menashi joined the Department of Education, the Department had found that thousands of students had been defrauded by for-profit colleges. The for-profit schools had lied to students about job prospects, graduation rates, and steered them into mountains of debt. The Department had concluded that these students were entitled to relief from their student loan debt.

But when Mr. Menashi arrived at the Department, he took a different view. He wrote a memo, which has since been obtained by the New York Times, arguing against full debt relief for the students.

Many of these students found themselves unable to work in the fields that they had pursued at the for-profit colleges because the colleges had either suddenly closed or the degrees had proven to be worthless. Nonetheless, Mr. Menashi’s idea, which the Department adopted, was to use the private Social Security earnings data of the defrauded students as a basis for limiting their relief. Even if you put aside the unfairness of Mr. Menashi’s plan, there was another problem: It was illegal.

Six months after Mr. Menashi’s plan was implemented, and while Mr. Menashi was still at the Department, a