

The DeVos rule also eliminates the current prohibition on class action restrictions and mandatory arbitration clauses in enrollment.

What does that mean?

Under the current rule which Secretary DeVos wants to replace, you could gather the other students from Corinthian College and work on this together as a class action claim, share whatever expenses that might be involved in proving your claim, and you couldn't be forced into an arbitration where you are likely to lose. You could have your day in court under the rule that Secretary DeVos wants to replace.

Class action restrictions and mandatory arbitration were used by Corinthian and ITT Tech and others that required students to sign away their rights to sue the school as an individual or as part of a class as a condition of enrollment.

The DeVos rule prevents students from holding schools directly accountable for their wrongdoing and seeking financial redress through the courts. It gives students no other option than to seek relief from taxpayers through borrower defense, but, as I just mentioned, it makes that process almost impossible.

And if anyone doubts the devastating effect this rule will have on the defrauded students' ability to get relief, just look at what Secretary DeVos has done to date.

Since taking office Secretary DeVos has had the authority to discharge hundreds of millions of dollars in student loan debt held by hundreds of thousands of defrauded student borrowers. Instead, she has allowed a backlog of more than 200,000 borrower defense claims from virtually every State in the Nation—student borrower defense claims coming from all 50 States—to build at the Department. She is sitting on it. She is playing slow ball. She has not approved a single claim. Although more than 200,000 claims are pending, she has not approved a single claim in more than 1 year.

Here I want to show you what is behind this. In the few cases where Secretary DeVos has been legally required to provide discharges, she has done so with extreme displeasure.

Think about that. Using her authority to help defrauded borrowers get a fresh start brings her extreme displeasure.

How do I know that?

She wrote it. Here is one of them. Recommendation to discharge. She approves it, signs it, and puts down as a comment: "with extreme displeasure."

Discharging a student loan from a for-profit institution that defrauded borrowers, she is displeased to be forced to do such a thing.

She defied a Federal court order and was held in contempt for continuing to collect from these students who had been defrauded by Corinthian.

This is not a Secretary who rewrote the borrower defense rule to help stu-

dent borrowers. In September, I introduced a resolution in the Senate to overturn the DeVos borrower defense rule; 42 of my colleagues have cosponsored that resolution.

I plan to bring the resolution to a vote on the Senate floor where we will only need a simple majority to pass under the expedited procedures provided for in the Congressional Review Act. At that time, my colleagues will have a choice. Will you stand with Secretary DeVos or with the defrauded student borrowers in your State?

There is no doubt where the American people stand. In a 2016 New America poll, the question was asked whether Americans agreed that students should have their Federal student loan debt canceled if their college deceived them, exactly what the borrower defense rule is about.

Seventy-one percent of Republicans said yes, 87 percent of Democrats. On average, 78 percent of Americans understand it is fundamentally unfair to penalize these students, having been defrauded by a school that this U.S. Government said was doing business honestly and professionally. When you break the numbers down, it is clear. The overwhelming majority of people in this country stand by the students, but not by Secretary DeVos.

I will stand with the defrauded students and the American people over Secretary DeVos, and my colleagues in the Senate will get a chance to vote. I hope they will, too.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from South Dakota.

JUDICIAL CONFIRMATIONS

Mr. THUNE. Mr. President, yesterday, we confirmed Robert Luck, a Florida supreme court justice, to be a U.S. Circuit judge for the 11th Circuit Court of Appeals. With Justice Luck's confirmation, the Senate has now confirmed 47 appellate court judges during this administration and 163 Article III judges overall.

That is more appellate court judges than had been confirmed at this point in any of the previous five Presidential administrations, and it is a particularly outstanding number when you consider that the Democrats have made confirming these judges as difficult as they possibly can. From day one of this administration, Democrats were determined to obstruct anything this President did, his nominations in particular.

Again and again and again, they have attempted to block nominees for no other reason than the fact that they were nominated by this President. Democrats have subjected roughly 75 percent of the administration's judicial nominees to the time-consuming cloture process. Compare that to the treatment of President Obama's nominees. At this point in President Obama's administration, roughly 3 percent of his judicial nominees had been subjected to cloture votes—just 3 per-

cent, 3 percent versus 75 percent for President Trump.

The difference in these numbers is not because this President has nominated scores of extreme nominees who Democrats felt they could not support. In fact, Democrats have repeatedly turned around and voted for the very same judges they have obstructed. In one particularly egregious example, in January of 2018, Democrats forced the Senate to spend more than a week confirming four district court judges, even though not one single Democrat voted against their confirmation. These judges could have been confirmed in a matter of minutes by voice vote, but Democrats forced the Senate to spend more than a week on their consideration, time that could have been spent on genuinely controversial nominees or on some of the important issues facing our country.

Despite Democrats' obstruction, we have continued to move forward, and as I said, yesterday, we confirmed our 163rd judge to the Federal bench. Today, we will confirm our 164th. We are putting judges on the bench with a real respect for the law and for the Constitution and a commitment to applying the law as written.

Now, those sound like basic requirements for a judge, but too often, it seems like my Democrat colleagues are interested not in judges who will uphold the law, but in judges who will act like superlegislators, rewriting the law and the Constitution when they do not fit with the Democrats' political opinions, and that is a very dangerous thing.

When judges rule based not on what the law actually says, but what they think the law should be, they undermine a fundamental principle of our system of government. Our system is based on belief in the rule of law. In the American system, the law is supposed to be the final, impartial arbiter. Cases are to be decided based on what the law says, not on what a particular judge feels.

Sure, it might seem nice when an activist judge goes outside the meaning of a law and rules for your preferred outcome. But what happens when that same judge reaches beyond the law to your detriment? What protection do you have if the law is no longer the highest authority? Equal treatment under the law, equal justice under the law, these principles can only be maintained as long as judges actually rule based on the law and not on their personal feelings or personal opinions.

My Democrat colleagues have shown a disturbing tendency to believe that their opinions are the only ones that should prevail. They disapproved of the outcome of the last election, and so for 3 years, they have done everything they can to undermine a duly-elected President. They are upset by the fact that the President got to replace a perceived swing vote on the Supreme Court, and the solution floated by more than one member of their party was to pack the Supreme Court.

For anyone who needs a refresher on an idea that most thought had been consigned to the dustbin of history decades ago, the theory of court-packing is as follows: If the Supreme Court is not deciding cases to your liking, add more Justices to the Court until you start getting the decisions that you want.

Listen to Democrats question judicial nominees, and it soon becomes apparent that their biggest concern is not finding judges who will uphold the law and the Constitution, but judges who will uphold Democrats' political opinions and preferred policy outcomes. It is a disturbing trend. It is natural to want your party to prevail and to believe that your ideas are the best ones for the country. It is another thing entirely to start acting like your opinions are the only ones that should ever prevail, regardless of election outcomes or the wishes of the American people.

I am proud that we are putting judges on the bench who will rule according to the law and to the Constitution, not their personal opinions, their political beliefs, or the political party of the individuals before their court. I am proud that we are putting judges on the bench who will help ensure that the rule of law is maintained and that everyone in their courtroom receives the equal protection of the law.

I look forward to confirming more excellent judges in the near future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

UNITED STATES-MEXICO-CANADA AGREEMENT

Mr. DAINES. Mr. President, Montanans are growing restless, as Speaker PELOSI and the House Democrats continue to slow-walk a very important trade agreement for Montana and for our country. That is the United States-Mexico-Canada Agreement.

In fact, just last week, I was in Billings to celebrate the Montana Farm Bureau Federation's 100 year anniversary—and, again, another big congratulations to the Montana Farm Bureau. As I was talking with folks at the farm bureau event, there were a lot of cowboy boots and hats. These are the farmers and ranchers of Montana, the salt of the earth folks. They are all asking the same question: Why is it taking so long? What is going on?

Frankly, there is one answer: Speaker NANCY PELOSI and House Democrats are playing political games and holding up this trade deal. They are holding this trade deal hostage. It has been a year since the USMCA was signed by President Trump and leaders of Canada and Mexico—a year. NANCY PELOSI has had this signed trade agreement in her hands for about a year, and rather than deliver this win for our farmers and ranchers in Montana and across the United States, she is focused on one thing: impeachment—because, at the end of the day, this is about our farmers and ranchers. It is time we get the job done because, in Montana, agri-

culture is the No. 1 driver of our economy, and it is a large part of our Montana way of life.

This trade agreement is expected to create over 180,000 new American jobs and to boost our GDP by over \$70 billion. Canada and Mexico both are in high demand for our products like wheat, barley, beef. In fact, in 2018 alone, Montana had \$731 million in total exports to Canada and to Mexico. For our producers and our ag-related industries in Montana, passing this trade agreement would help provide certainty and alleviate the challenges and obstacles they have faced over a very tough season.

Mexico is ready. Canada is ready. The United States is ready. I can tell you, Montana is ready. Unfortunately, NANCY PELOSI is not. While the Democrats continue to obsess over impeaching our President, they continue to ignore the voices of our rural communities. This unnecessary reality TV show is nothing but a waste of time to stall the important work like the USMCA. Montanans are sick and tired of the politics and the partisan games being played here in Washington, DC, and frankly, I am, too.

I am grateful for the leadership of my good friend and colleague, GREG GIANFORTE, who is standing up to House Democrats and fighting boldly for the USMCA. Realize, Montana has but one Member in the U.S. House of Representatives, and he is fighting a good fight over there.

We are both fighting to ensure that the votes of Montana farmers and ranchers are heard loud and clear in both Chambers of Congress. The longer the House Democrats stall on this deal, the further we stall opportunity and economic growth in Montana and across our Nation.

To Speaker PELOSI, to my colleagues in the House, enough is enough. Let's deliver the USMCA for the American people and for Montana farmers and ranchers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, first of all, let me say that I totally agree with my friend from Montana on the importance of, after a year of deliberation—or maybe “deliberation” is too strong a word—more than a year since all three countries agreed on an agreement, that we still have not gotten a chance to vote on this agreement on the Senate floor; we have to wait for the House to do that. I want to do everything that I can to encourage the House to move forward with this. I think better trade policy can turn a good economy into a great economy, and we need to be working on that great economy.

NATIONAL ADOPTION MONTH

Mr. President, I am here today to talk about another topic. I want to talk for a few minutes about the importance of November as National Adoption Month and to recognize the celebration of National Adoption Day,

which will take place on Saturday, November 23. I am pleased to work with my colleague and Senate cochair of the Congressional Coalition For Adoption, Senator KLOBUCHAR, again, to introduce this resolution supporting National Adoption Month and National Adoption Day. This is the 5th year Senator KLOBUCHAR and I have worked together on this legislation and the 5th year where I hope our colleagues will unanimously support it and do that this week.

The Congressional Coalition on Adoption is the largest bipartisan, bicameral caucus in all of Congress, and there is a good reason for that. In the Senate Subcommittee, where agreement is really too often hard to find, the idea that every child deserves to grow up in a safe, stable home with a loving family is something that not only everybody should be able to agree with, but in the Congress, we have been able to agree with that in a broad-based sort of way.

Right now, there are more than 437,000 children in the foster care system in our country. More than 125,000 of those are children who are ready and waiting for families who want to get this adoption completed; yet the average length of time it takes a child from foster care to adoption, once the adoption decision has been made by the adopting family, is 19 months. I was in a meeting just last week with the administrator of this program in the administration who is doing everything I believe they can for the first time in a while to do what they can to reduce this wait.

I would also like to see the State Department, frankly, become for vigorous in encouraging foreign adoptions for those kids all over the world who are in need of families.

I don't disagree with the idea that if someone in Ethiopia wants to adopt an Ethiopian child or someone in Guatemala wants to adopt a Guatemalan child or someone in Russia wants to adopt a Russian child, that is all fine. But if they don't have adoptive families in the country they were born in, let's open the door in a more effective way for American families who want to be part of that.

There is some good news. For the fourth year in a row, the number of children who were adopted increased. Four years in a row, more kids were adopted than in the previous year. For the second year in a row, the number of children who entered foster families decreased. I don't want to say that in a way that takes anything away from people who are willing to be foster families, to give that security, that emotional embrace to kids who don't have that at home. Foster families serve a great purpose, but even foster families often become adoptive families, and they do this because they know that is a situation that becomes permanent. Knowing that you have a family forever makes a difference.