

or Alexander Hamilton thought this Nation was about; that is not what generations of Americans who fought and died for our country thought it was about. We have reached a low moment in American history and a very low moment for the Republican Party now that it has been taken over by Donald Trump. This is not the Republican Party of the last 150 years.

All of this is a backdrop to the impending trial of President Trump, where two lines of argument may be presented in a court of impeachment. One line of argument—accusations against the President—has relied on facts, public record, and the sworn testimony of dozens of officials with knowledge of the events. The other line of argument—the defense of the President—has so far relied on conspiracy, innuendo, hyperventilation about the process, with no refutation of the specific facts that the House has found.

The American people will be savvy enough over the next several months to tell the difference.

TAX REFORM

Madam President, now, on taxes, this month marks 2 years since President Trump and the congressional Republicans passed a trillion-dollar tax cut for large corporations and the richest Americans. Republicans make many promises to sell this legislation as a boom for jobs and middle class. They were outlandish at the time, and now, recent history has proven them even crazier. Two years later, these phony promises have not come close to living up to their billing.

President Trump promised the tax bill would benefit middle-class America, creating a \$4,000 raise for every American family. No way. Ask the average American family. The rich Americans will say yes. The top 1 percent will say yes, but, of course, they received a tax cut 64 times the size of the one given to the middle class. President Trump and Republicans promised the bill would prompt businesses to increase investments into their companies, leading to job growth and higher wages. This, too, has proved a fantasy. Less than 5 percent of all workers in America were ultimately promised pay increases or bonuses as a result of the tax cut.

Out of 5.9 million employers, only 413 announced bonuses to workers or wage hikes. Do you want to know where the lion's share of that Republican tax cut went? Shareholders, not workers. In the 2 years since the tax bill, the annual total of corporate stock buybacks have shattered records over \$1 trillion in 2018.

It is impossible to look at the last 2 years with a straight face and say that the Republican tax cut was designed or is helping middle-class families. If anything, the Republican tax bill exacerbated the already staggering inequalities of work and wealth in our country. We need to start moving the needle in a completely opposite direction. Next year, voters will have a chance to

make that happen by voting for a change in the Senate leadership.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF LAWRENCE VANDYKE

Mr. DURBIN. Madam President, the Republican majority leader was on the floor a little earlier, and he talked about the business of the Senate and how busy we are in the Senate. I would like to state for the record, so far in the calendar year 2019, on the floor of this U.S. Senate, where the greatest deliberative body meets and considers the lofty issues of our time, in the year 2019—currently this year—we have considered 22 amendments in the entire year—22 amendments.

Madam President, six of them were offered by the junior Senator from Kentucky. One Senator had six amendments: Senator RAND PAUL. They were all defeated. Then some 16 other amendments were offered.

To put that into perspective, on a good day in the Senate, when the Senate was the Senate, there would be 10 amendments; bills would come to the floor; we would debate; amendments would be adopted. Some would lose. People would give speeches. We would pass legislation, send it over to the House, go to a conference. We don't do that anymore.

Under Senator MCCONNELL, the Republican leader of the Senate, we do not do that anymore. There were 22 amendments in the course of the entire year. If we were paid for the actual piecemeal that we do, we would not get a paycheck this year because we haven't done anything.

I will take that back. What we have done is to fill as many Federal court vacancies as possible with some of the most unqualified people ever offered by a President of the United States. This week, a man named VanDyke is being named to the court in Nevada. He has such a limited connection with Nevada that both Nevada Senators refuse to approve him for this court appointment. He has no connection to their State, but he was chosen by the White House.

He went through a background check by the American Bar Association, and they concluded unanimously that he was unqualified to be a Federal judge—unqualified. He is not the first. Under this President, we have had nine different court nominees found unqualified by the American Bar Association. You say, Well, that is going to happen, lawyers disagree.

Do you know how many were found unqualified under the Obama administration in 8 years? None, not one.

There are nine unqualified men and women now with lifetime appointments on the Federal bench because, for Senator MCCONNELL, that is his priority: Fill the bench with people of his political stripe at any cost.

Take up legislation? No. The Democratically-controlled House of Representatives has sent us over 200 different measures to consider on the floor of the Senate. Senator MCCONNELL has refused. He will not take up any legislation. He is very proud of it. To his credit, he is not ashamed or embarrassed. He says to call himself the Grim Reaper when it comes to measures coming over from the House. He is here to kill them, and he has done a pretty good job of that, if that is his goal in what he wants to achieve. When I hear him come to the floor and say we are not doing enough in the Senate—22 amendments in 1 year. I say to Senator MCCONNELL, you have been in the Senate for a long time. You know that that number tells the whole story.

FOR-PROFIT COLLEGES AND UNIVERSITIES

Madam President, it is the holiday season, and many families are gathering at special meals, giving gifts, with a lot of fond memories, but instead of celebrating, hundreds of thousands of people across America who have been defrauded by for-profit colleges and universities are just trying to get by. There will not be many presents that they will be able to give or probably receive. They have been waiting day in and day out for one person to make a decision. Her name is Betsy DeVos. She is the Secretary of Education. She can provide them relief from their federal student loans that they desperately need, but she refuses to do it.

After being lured with false promises, these people I am talking about ended up in programs at for-profit colleges and universities. Who were the for-profits? See if these names ring a bell: Corinthian, ITT Tech, Westwood, DeVry, University of Phoenix, Dream Center. These are for-profit colleges and universities, and these student borrowers were left with mountains of debt, worthless credits, and diplomas that employers laugh at when it was all said and done. Now, Secretary DeVos refuses to provide these students with relief from their student loan debt to which they are entitled under the borrower defense provision of the Higher Education Act.

Take Rachel from Missouri who attended Corinthian's Everest College. She says, "I am not able to buy my children clothes or shoes."

Pamela from South Carolina owes \$140,000 after attending the corrupt ITT Tech for-profit school. Here is what she says: "I have an autistic daughter that depends on me, and I can't afford to get a decent place to live or buy the things she needs." Is that any surprise with \$140,000 in debt from one of these corrupt for-profit colleges?

Jennifer, who attended the Illinois Institute of Art—not to be mixed up

with the Illinois Art Institute, a reputable institution—but the Illinois Institute of Art where she attended, she owes \$67,800 in Federal student loans, and she says, “The stress and anxiety of working 3 jobs to make a living to pay off these loans, feed my kids, and keep a roof over my head, is exhausting.”

For borrowers like Rachel, Pamela, and Jennifer, Secretary DeVos might as well be Secretary Scrooge this holiday season. She continues to deny them a fresh start. She continues to refuse to apply the borrowed defense provision which would allow the discharge of their federal student debt. More than 200,000 borrowers find themselves in similar positions, while Secretary DeVos lets claims back up at the Department. She has failed to approve a single claim in more than a year, not one for all these hundreds of thousands of students facing this fraudulent debt.

Why we should give them a break? Why should they have any forgiveness for student debt? Let me tell you why. It is because it starts with the U.S. Federal Government Department of Education recognizing the accreditation of these institutions—these worthless institutions. That accreditation says to students applying there: This is a real college.

Well, it turns out that they weren't real colleges and universities. But they were real when it came to costs. Some of the most expensive places to attend higher education in America are these for-profit colleges and universities.

What kind of record do they have? Well, consider this: just nine percent of all postsecondary students in America go to these for-profit colleges and universities—nine percent. This will be on the final, for the students who are listening. Nine percent go to for-profit colleges and universities. Thirty-three percent of all the federal student loan defaults are from students at for-profit colleges and universities. What does that tell you? Well, if I go to one of these schools, I am going to rack up a lot of debt. Maybe I will not be able to find a job; maybe I will not even be able to finish school; and then I learn my credits aren't even transferable from a for-profit school to a real college or university.

It all started with the U.S. Federal Government recognizing the accreditation of these schools, saying “These are real schools,” with the students depending on that accreditation. Then they backed it up, saying: Oh, incidentally, you can borrow money from the Federal Government to go to these real schools. Then, when these schools went bankrupt, when they defrauded everyone in sight, when they were sued by the State attorneys general and other federal agencies, when it turned out they were big frauds and the students saw the schools crumble in front of them, the students ended up with the debt.

We say, under the law, that the Federal Government has some responsi-

bility. We should have done a better job of overseeing these schools.

That isn't the way Secretary DeVos sees it. As far as she is concerned, these kids are on their own. They are not kids anymore. They have been hanging on to their student debt for so long, they don't know which way to turn.

Despite Secretary DeVos's excuses, the reality is that nothing is legally preventing her from providing borrower defense discharges to these students for the loans they took out at these for-profit colleges and universities. She could do it tomorrow. She could clear the backlog quickly, if she wanted to.

We know using her legal authority to provide relief to defrauded borrowers gives her “extreme displeasure”. We know that because she wrote that in an order she issued for the Department. She was extremely displeased to discharge the student loans of these students who had been defrauded by for-profit schools.

Well, I am not surprised. She surrounded herself at the Department of Education with people from that industry who believe that the industry has done no wrong. We know better.

We also know from her previous statements that Secretary DeVos thinks many borrowers got some value from their experience, even though they were defrauded into massive debt. She thinks these borrowers are just after “free money,” and they don't deserve a full discharge.

Yesterday, National Public Radio released a series of internal Department memos showing that the facts don't back up Secretary DeVos's claims.

Back in 2017, the Department staff concluded that “the value of an ITT [Tech] education—like Corinthian—is likely either negligible or non-existent.”

This was a school whose accreditation was recognized by our Federal Government, Secretary DeVos, and it has turned out to be worthless. The memo went on to conclude, “Accordingly, it is appropriate, for the Department to award eligible borrowers full relief.” I agree. It is reasonable for the Department of Education to try to make amends for this miserable failure of oversight of these schools and to give these student borrowers a chance.

Nonetheless, this week, Secretary DeVos announced a new scheme to use something called gainful employment earnings data to deny defrauded student borrowers full discharges. Remember, that the gainful employment rule was meant to ensure that programs were actually preparing students for jobs after graduation. But Secretary DeVos delayed and then eliminated the rule. Now, instead of using gainful employment data to hold poor-performing programs accountable, she wants to use it to punish defrauded student borrowers. She has already tried it once, only to be told by a Federal judge that what she did was illegal.

While it is unclear if this slightly tweaked version of the scheme will pass legal muster, the result for the borrowers would be the same: ultimate denial in terms of full relief from their student loans from miserable for-profit schools.

Not only is Secretary DeVos delaying and denying relief for previously defrauded borrowers, she is rewriting the rules to make it almost impossible for future defrauded borrowers to get relief. She continues to recognize the accreditation of these unworthy institutions. She continues to say to the United States and the world: These are perfectly good schools. Then, when it turns out they are perfectly awful, she wants to accept no responsibility.

She released a new version of the borrower defense rule just a few months ago that places unreasonable burdens on borrowers, way beyond their capacity to detect the fraud being perpetrated at the time. The net result is this: According to The Institute for College Access and Success, the new DeVos rule will cancel just 3 percent of all loans associated with misconduct. She is going to cancel 3 percent.

In September, I introduced a resolution in the Senate to overturn the DeVos borrower defense rule. Forty-two of my colleagues have joined me. I plan to bring it to a vote on the Senate floor, where it needs a simple majority to pass.

Just this week, 57 student, veteran, and consumer organizations released a letter supporting the resolution. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 9, 2019.

SENATOR DICK DURBIN,
Washington, DC.

REPRESENTATIVE SUSIE LEE,
Washington, DC.

DEAR SENATOR DURBIN AND REPRESENTATIVE LEE: As 57 organizations representing and advocating for students, families, taxpayers, veterans and service members, faculty and staff, civil rights and consumers, we write in support of your efforts to disapprove the 2019 Borrower Defense to Repayment rule pursuant to the Congressional Review Act.

The purpose of the borrower defense rule as defined by the Higher Education Act is to protect students and taxpayers from fraud, deception, and other illegal misconduct by unscrupulous colleges. A well-designed rule will both provide relief to students who have been lied to and cheated, and deter illegal conduct by colleges.

However, the final rule issued by the Department of Education on September 23, 2019, would accomplish neither of these goals. An analysis of the Department's own calculations estimates that only 3 percent of the loans that result from school misconduct would be cancelled under the new rule. Schools would be held accountable for reimbursing taxpayers for just 1 percent of these loans.

The DeVos Borrower Defense rule issued in September imposes unreasonable time limits on student borrowers who have been deceived and misled by their schools. It requires applicants to meet thresholds that make it almost impossible for wronged borrowers to obtain loan cancellation.

The rule eliminates the ability of groups of borrowers to be granted relief, even in cases where there is substantial compelling evidence of widespread wrongdoing. It prohibits the filing of claims after three years even when evidence of wrongdoing emerges at a later date. It requires borrowers to prove schools intended to deceive them or acted recklessly, although students have no ability to access evidence that might show this intent. And the rule stipulates that student loans taken by students under false pretenses are insufficient evidence of financial harm to allow the loans to be cancelled.

Additionally, the 2019 rule eliminates the promise of automatic loan relief to eligible students whose school closed before they could graduate. Instead, the Department would force each eligible student impacted by a school closure to individually find out about their statutory right to relief, apply, and navigate the government's bureaucracy to have their loans cancelled.

Many of us wrote to the Department in August 2018 in response to the notice of proposed rulemaking and offered carefully considered recommendations. However, the Department rejected our recommendations that would have provided a fair process that protects students and taxpayer dollars. Instead, the new rule would do little to provide relief to students who have been lied to, and even less to dissuade colleges from systematically engaging in deceptive and illegal recruitment tactics. Moreover, a borrower defense rule that fails to adequately protect students harms the most vulnerable students, including first-generation college students, Black and Latino students, and military-connected students, who are targeted by and disproportionately enroll in predatory for-profit colleges.

Meanwhile, the Department refuses to take action on a massive backlog of over 200,000 pending borrower defense claims, having failed to approve or deny a single claim in over a year. We fully support your effort to repeal the 2019 borrower defense rule, and look forward to restoration of the 2016 rule, which took major steps to provide a path to loan forgiveness for the hundreds of thousands of students who attended schools where misconduct has already been well documented.

Signed,

AFL-CIO, AFSCME, Allied Progress, American Association of University Professors, American Federation of Teachers, Americans for Financial Reform, Association of Young Americans (AYA), Campaign for America's Future, Center for Public Interest Law, Center for Responsible Lending, Children's Advocacy Institute, CLASP, Clearinghouse on Women's Issues, Consumer Action, Consumer Advocacy and Protection Society (CAPS) at Berkeley Law.

Consumer Federation of America, Consumer Federation of California, Demos, Duke Consumer Rights Project, East Bay Community Law Center, Economic Mobility Pathways (EMPath), The Education Trust, Empire Justice Center, Feminist Majority Foundation, Government Accountability Project, Higher Education Loan Coalition (HELIC), Hildreth Institute, Housing and Economic Rights Advocates, The Institute for College Access & Success (TICAS), Maryland Consumer Rights Coalition.

NAACP, National Association for College Admission Counseling, National Association of Consumer Advocates, National Association of Consumer Bankruptcy Attorneys (NACBA), National Consumer Law Center (on behalf of its low-income clients), National Education Association, National Urban League, New America Higher Education Program, New Jersey Citizen Action, One Wisconsin Now, PHENOM (Public Higher

Education Network of Massachusetts), Project on Predatory Student Lending, Public Citizen, Public Counsel, Public Good Law Center.

Public Law Center, Service Employees International Union (SEIU), Southeast Asia Resource Action Center (SEARAC), Student Debt Crisis, Student Defense, Student Veterans of America, Third Way, U.S. Public Interest Research Group (PIRG), UnidosUS, Veterans Education Success, Veterans for Common Sense, Young Invincibles.

Mr. DURBIN. Among the organizations supporting the resolution are the American Federation of Teachers, the Center for Responsible Lending, the Consumer Federation of America, the Education Trust, the National Association of College Admission Counseling, the NAACP, the National Education Association, the Student Veterans of America, and the American Legion on behalf of American veterans who have been victims of this fraud as well.

When our resolution comes to the floor, I hope a handful of my Republican colleagues will take a look at it and realize that we have to give these students a second chance at their lives. We misled them into attending for-profit schools that were worthless. The schools defrauded them. They ended up with a debt to our government, and under the provisions of the Higher Education Act, that debt can be forgiven. Let's give these defrauded student borrowers a second chance. Ultimately, they deserve an opportunity from our government to have a better holiday coming before them and a better life ahead.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Ohio.

UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. PORTMAN. Mr. President, I have come to the Senate floor several times over the past year to talk about the importance of passing the U.S.-Mexico-Canada Agreement. This is the successor agreement to the 25-year-old NAFTA accord.

Yes, it has been a year; in fact, it has been over a year since that agreement was negotiated between Canada and Mexico, and then Congress was meant to take it up. It has been too long.

However, I am happy to report today that now we are at the end of that long process. I am told that the legislation is actually going to be voted on in the House of Representatives probably next week and then here in the U.S. Senate right after the holidays.

We will have a chance, finally, to pass this agreement that is so good for the farmers, for the workers, for the manufacturers, and for the small businesses that I represent.

I am really pleased that the President of the United States and his chief trade negotiator, Bob Lighthizer, had the persistence to get this done. I am not sure I would have had the same patience.

I also want to congratulate House Speaker NANCY PELOSI for making the

decision to move forward with it. This is one of these situations in which, under our law, the agreement has to be voted on first by the House. So the Speaker of the House had an unusual role here, where it couldn't go forward without her approval. Again, finally, we are there.

The agreement, which was negotiated over a year ago and languished—specific language was sent up here in May of last year—is pretty much the same. About 99 percent of it is the same agreement. It is a good agreement because it opens up more markets for us. What has changed is there are new provisions, different provisions, as it relates to enforcing the labor standards that are already in the agreement.

In the agreement, what Mexico and Canada were asked to do, in addition to the United States, in terms of higher labor standards, was negotiated over a year ago, but what has happened over, really, the past several months is now there is a mechanism to enforce it that is a little different.

I think it will make it easier to enforce potential violations of the agreement we have reached, particularly with regard to Mexico. It doesn't really come back against the United States at all. We can explain this in more detail as we see the exact language that is coming up in the next couple of days.

The bottom line is, for a U.S. company, the labor standards that are established are the ones we already have in our law. For Mexico or Canada to file an objection to us potentially not following that agreement is simply after there has been a U.S. law processed, which would involve the National Labor Relations Board and our existing law, so it really shouldn't affect us at all.

By the way, Secretary Scalia, who is the Secretary of Labor, was very involved in ensuring that it wouldn't come back on U.S. companies, on U.S. workers, and on our economy.

At the end of the day, although it took way too long to get there, we have ended up with a very good result—an agreement that does expand trade, and that is the whole idea.

We have talked a lot on the floor as to why this is so important. I will tell you, in my home State of Ohio, we send more than half of our exports to two countries, Canada and Mexico. By far, the No. 1 trading partner is Mexico, and No. 2 is Canada.

This is really important because these jobs are really important. It is about \$28 billion a year. These are jobs that pay higher wages and better benefits—export jobs. For our farmers, this is really important. For manufacturers and workers, it is really important because this lets them be able to do what we do best, which is efficiently and productively make things and produce things that could be sold to other markets.

Remember, in America, we are only about 5 percent of the global economy—five percent of the people—so our