

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 (HELCO), 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

population is only about 5 percent, but we are about 25 percent of the GDP of the world. We are a relatively small country by population, but we have this big economy. To access that 95 percent of consumers outside of America to sell our products is absolutely essential to our prosperity here, to our jobs here.

As I mentioned earlier, those export jobs tend to be better jobs and higher paying jobs with better benefits.

What does this agreement do? First of all, it creates a bunch of new jobs. This chart has 176,000-plus new jobs. That is because the International Trade Commission—which is the independent body that analyzes these things—gave us a range. The GDP increased. It increased our economy. The number of jobs is huge, by the way—greater than any other trade agreement we have entered into, greater on the economic growth side than the Trans-Pacific Partnership that many of my colleagues on the other side of the aisle thought was something we should have entered into and was so important. This is even bigger.

Obviously, it is so big because Canada and Mexico are such big trading partners with us. So even relatively small changes to open up new markets have a big impact. These are going to be welcome jobs and, again, higher paying jobs.

Second, it really helps us with regard to online sales. One of our advantages as a country is we do a lot of commerce over the internet. When the original NAFTA agreement was written and was currently enforced—the status quo—there really were not any significant online sales—virtually none. So there were no provisions in there. Every modern trade agreement has provisions for online sales or for sales over the internet. Now we have them with regard to Mexico and Canada, which we would not have had under the old NAFTA. So that is a big improvement. For Ohio, that is a lot of small companies because entrepreneurs—some of these new startups are online companies—really like these provisions.

By the way, it says a number of things. It says you can't require localization of data. In other words, Canada and Mexico can't say: Hey, you have to have your servers in our country if you are going to do business with us. That is really important to our American online industry.

Second, it says that you can't put tariffs on data online. Again, it is very important to establish that, not just for Canada and Mexico but as a precedent for other trade agreements going forward.

Third, it actually raises the de minimis level. In other words, to apply customs duties on stuff going to Canada and Mexico, they have a very low level. We have a relatively high level here. That level has increased for Canada and Mexico. That is an administrative burden that is lifted off of a lot of these

small businesses but also a costsaver because they don't have to pay customs duty on a relatively small product that goes to another country.

These are all good things for American jobs. Again, we have a comparative advantage here because we do a lot of online sales.

Third is more U.S.-made steel and auto parts. This is really important to Ohio but also to our country. Manufacturing is now finally on the upswing. Manufacturing jobs are actually increasing in this country for the first time in years, and we are getting back on our feet in terms of what has always made America great, which is that we produce things; we make things. So this agreement helps.

It says, as an example, that 70 percent of the steel that goes into automobiles—and the automobile industry is a big deal for Canada and Mexico and the United States—has to be from North America. That helps U.S. steel mills and steel mills in Ohio, as opposed to steel coming in from China, for example, from Brazil, and from other countries.

Second, it changes the rules of origin—how much stuff can go into an automobile that comes from other countries. It is 62½ percent now, and it would take it up to 75 percent in this agreement. That is the highest level of any agreement we have with anybody.

Why is that important? Well, think about it. We have agreed with Canada and Mexico that we are going to have this agreement that lowers the tariffs in all these countries and lowers the trade barriers generally. In other words, it gives them an advantage in our market. We get an advantage in their market. That is the idea. If you don't have a rule of origin where you say stuff can't come in from other countries and take advantage of that, then you have basically free riders.

As an example, China can send a bunch of their auto parts to Mexico and produce a car that is a Mexican car that therefore gets the benefit of the NAFTA agreement. China has not opened its market at all; it has only provided this product to Mexico. But then the product gets the advantage of the lower tariffs and lower trade barriers generally. That is not fair. Raising it from 62½ percent to 75 percent is really significant. Again, it is the highest number of any trade agreement we have, and it avoids this problem.

Some of us say: Gee, that sounds protectionist. I don't think it is. I think what it says to China, Japan, Brazil, or other countries is that if you want to get the advantage of the U.S. market that Canada and Mexico are getting and that we get reciprocally from them, then enter into a trade agreement with us.

Let's have more trade agreements. Let's lower the barriers for everybody. That actually will expand trade. But we ought not to allow them to do it without that. This is a big deal.

It also is true that in this agreement, there is something unprecedented with

regard to leveling the playing field. Remember, a basic concept of our trade laws is that you want to have a balanced trade law where you have imports and exports because that makes sense—keeps consumer prices down and allows us to have good jobs here—but you want it to be reciprocal and balanced. You don't want to have a situation where a country, because of its low wage rates and lack of labor standards or lack of environmental standards, where it is polluting a lot, can take advantage by having lower cost goods coming into America.

In this agreement, we do say that there is a minimum wage for between 40 and 45 percent of the auto production. It is \$16 an hour. That will end up benefiting us because wages are relatively higher in America and Canada than they are in Mexico. That will be good for auto jobs here and help to level the playing field. This is why you might have seen that some of the labor unions are supporting this agreement and some of the U.S. manufacturers are supporting this agreement. They have a lot of facilities here in America, and they like that part of it as well.

There are new markets for farmers. I mean, this is kind of a no-brainer that has made it, for me, frustrating over the last year because we haven't been able to move forward on this agreement while farmers have really been suffering because of a few different things.

One is weather. We have had some lousy weather, particularly in my State and across the Midwest, where it is too wet to plant and too dry for the crops to grow properly for a harvest, and that has hit us hard. We couldn't plant in Ohio in a number of cases this last year because of the weather being too wet, and so farmers have been hit by that.

The second is that prices have been relatively low—not just recently but really over the last several years for different commodities such as corn, soybeans, and wheat. Part of that is because of the global markets.

Part of it is because of the third issue, which is China. Because of our ongoing negotiation with China and disputes with China over what they are doing on intellectual property, stealing our technology, and other issues, they have bought less of our farm products. For Ohio, as an example, our No. 1 market overseas for soybeans is China, and one out of every three acres planted in Ohio is planted for export. Think about how that affects your prices if you lose that big market share and that big customer.

I am pleased to say that we seem to be making some progress with China right now, incidentally, as an aside. It is great to have this agreement done. The next agreement I hope we get done is with China and get them to play by the rules and open those markets more. This week, they started to buy more soybeans, and that is good.

In the meantime, our farmers are desperate for more markets, and in this

agreement, that is exactly what they get. So if you are an Ohio farmer—and we are No. 2 in the country on eggs—you can now have access to these markets in Canada and Mexico, on eggs, that you never had before.

On dairy, Canada in particular has some very protectionist provisions in place with regard to dairy products—think milk and cheese.

If you are an Ohio dairy farmer, you can sell stuff into Canada you couldn't sell before—also pork, beef, wheat, and other products. This is good for our farmers. This is why over 1,000 farm groups around the country have supported this agreement. I mean, I don't know a farm group in Ohio that doesn't support it strongly. Again, part of it is that this is a great agreement for them, and part of it is that they are hurting, and this gives them some light at the end of the tunnel, an opportunity to see new markets and therefore see some prices increase in our ag community.

This is a good agreement that is good for jobs, good for small business, as we talked about, good for farmers, good for workers, and good for our economy. It is important that we get it done. I am glad the House is going to go ahead and vote on it in the next week. I wish we could vote here in the Senate right away, too, but under the process called trade promotion authority, we do have some processes we need to go through. It is probably best to have it happen after the holidays. Right after the holidays, my hope is that here on the floor of the Senate, Members will look at this for what it is. This is not a Democratic or a Republican victory; this is an American victory.

Again, I appreciate the efforts of President Donald Trump because he was persistent and tough on the negotiations, and then he was persistent and patient in working with the U.S. Congress. There were a lot of people saying: Go ahead and send the agreement up and try to jam the Democrats into doing the right thing. He didn't do that. He waited to figure out a way to come up with an agreement, particularly on the labor enforcement provisions we talked about, and as a result, we now have the ability on a bipartisan basis to get this done. I hope the vote in the House will reflect that; likewise, here in the Senate.

I know there are some of my colleagues on both sides of the aisle who think this agreement is not perfect. No agreement is perfect; I will just say that. I am a former U.S. Trade Representative. I am a former trade lawyer. I am a former member of the Ways and Means Committee, which is the trade committee over there. I am now on the trade committee here, the Finance Committee. No agreement is ever perfect. It is not the agreement exactly that you would write or I would write, but, boy, this is a good agreement.

To make perfect the enemy of the good would hurt the farmers and the

workers and the small businesses that we represent that want this agreement badly because they know it is going to help them.

The other thing I would say is that it also helps our relationships with our two biggest trading partners in Ohio, Canada and Mexico, and also our neighbors.

For North America's future, this is a good idea—to have the certainty and predictability that comes with an agreement we have all been able to coalesce around and improve the status quo. NAFTA was negotiated 25 years ago. A lot has happened in the last 25 years. We talked about how the digital economy has transformed our economy, and we have a competitive and comparative advantage in that. That is one small example. So many things have changed.

We have better protections for intellectual property in this agreement, as an example. We have these new trade-opening opportunities in agriculture. We have these opportunities in manufacturing to do more here in North America and specifically in the United States.

A vote against this new agreement is a vote for NAFTA, which is this 25-year-old agreement that has these flaws because that is the status quo. My hope is that the next time I come to this floor to talk about this, it will be to ask my colleagues in short order to support a vote, that it will have come out of the Finance Committee with a strong bipartisan vote, that it will have come to the floor with a strong vote from the House, and that we can get this done. Then President Trump can sign it, and the people we represent will be better off, our community of nations here in North America will be better off, and the United States of America will have another victory.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### APPROPRIATIONS

Mrs. SHAHEEN. Mr. President, I came to the floor this morning to address what has been an alarming and inaccurate information campaign that is being spread about the international family planning amendment included in this year's State and Foreign Operations appropriations bill.

I would note that while this amendment is referred to as the "Shaheen amendment" in alarmist and inaccurate blog posts, it is actually bipartisan language that was agreed to by both the subcommittee and full committee chairs of the Appropriations Committee and ultimately approved unanimously by Republicans and

Democrats in the committee. Yet articles and op-eds online have condemned the amendment as pro-abortion. I was surprised to hear this given that, despite my objections, the amendment does not address the Mexico City policy—or the global gag rule, as it is known—abortion services, or information. In fact, this is the first time in 18 years—I am going to say that again. It is the first time in 18 years that members of the Appropriations Committee were prevented from offering a bipartisan amendment that would strip the bill of the Mexico City provision.

Instead of allowing the established committee process to amend the SFOPs bill with this provision, the entire bill was pulled from consideration. In response to that, in an effort to ensure the bill wasn't endangered, I worked with my colleagues Senator COLLINS of Maine and Senator MURKOWSKI of Alaska and with Republican leadership to limit the scope of the amendment so we could allow the appropriations bill to go forward.

It is false—absolutely, positively false—to say this amendment funds abortions abroad. In fact, it is wrong to say, and inaccurate to say, that any U.S. assistance goes to funding abortions at home or abroad. In compliance with U.S. law, family planning funding does not and never has gone to abortion services. I hope everyone is clear about that. Under our law, family planning funding does not go to support abortion services.

Now that I have outlined what this amendment does not do, let me discuss what it does do. It provides an increase of \$57.5 million for a total of \$632.5 million for existing international family planning accounts. This money funds programs and services that provide modern contraceptives, which 214 million women around the world who want to avoid pregnancy are not able to access.

Again, I don't know when the debate around abortion came to include contraceptives and family planning. It also would allow for the healthy timing and spacing of births, which is very important to the health of infants and it is important to the health of women to be able to space the births of their children to recover between births. It provides education information and counseling about family planning issues. It ensures access to antenatal and postnatal care for a healthy mother and baby. It provides for HPV vaccination and prevention, something very important to the health of children.

These are a few of the critical services the assistance provides. The impact of these services is very real.

According to the Guttmacher Institute, with each additional \$10 million the U.S. dedicates to family planning and reproductive health programs, 400,000 more women and couples receive contraceptive services and supplies. With the \$57.5 million increase provided for in this amendment, more than 2.2 million women and couples