Mr. DURBIN. Mr. President, I have an additional letter from 20 State attorneys general led by the Commonwealth of Massachusetts Office of the Attorney General. I ask unanimous consent to have printed in the RECORD the letter dated January 14, 2020.

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

THE COMMONWEALTH OF MASSACHUSETTS, OFFICE OF THE ATTORNEY GENERAL,

Boston, MA, January 14, 2020.

Senator DICK DURBIN,
Washington, DC.
Representative SUSIE LEE,
Washington, DC.

DEAR SENATOR DURBIN AND REPRESENTATIVE LEE: We, the undersigned Attorneys General of Massachusetts, California, Delaware, the District of Columbia, Hawai'i, Illinois, Iowa, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Vermont, Virginia, and Washington write to express our support for the resolution of disapproval that you have introduced regarding the U.S. Department of Education's (''Department'') 2019 Borrower Defense Rule (''2019 Rule'') pursuant to the Congressional Review Act. In issuing the 2019 Rule, the Department has abdicated its Congressionally-mandated responsibility to protect students and taxpayers from the misconduct of unscrupulous schools. The rule provides no realistic prospect for borrowers to discharge their loans when they have been defrauded by predatory for-profit schools, and it eliminates financial responsibility requirements for those same institutions. If this rule goes into effect, the result will be disastrous for students while providing a windfall to abusive schools.

The 2019 Rule squanders and reverses recent progress the Department has made in protecting students from fraud and abuse. Three years ago, the Department completed a thorough rulemaking process addressing borrower defense and financial responsibility, in which the views of numerous schools, stakeholders, and public commenters were considered and incorporated into a comprehensive set of regulations. The regulations, promulgated by the Department in November 2016 (''2016 Rule''), made substantial progress toward achieving the Department's then-stated goal of providing defrauded borrowers with a consistent, clear, fair, and transparent process to seek debt relief. At the same time, the 2016 Rule protected taxpayers by holding schools accountable that engage in misconduct and ensuring that financially troubled schools provide the government with protection against the risks they create.

The Department's new rule would simply rescind and replace its 2016 Rule, reversing all of its enhanced protections for students and its accountability measures for for-profit schools. The Department's 2019 Rule provides an entirely unfair and unworkable process for defrauded students to obtain loan relief and will do nothing to deter and hold accountable schools that cheat their students. Among its numerous flaws, the Department's new rule places insurmountable evidentiary burdens on student borrowers with meritorious claims. The rule requires student borrowers to prove intentional or reckless misconduct on the part of their schools, an extraordinarily demanding standard not consistent with state laws governing liability for unfair and deceptive conduct. Moreover, even where a school has intentionally or recklessly harmed its students, it is difficult to imagine how students would be able to obtain the evidence necessary to prove intent or recklessness for an administrative application to the Department. The rule also inappropriately requires student borrowers to prove financial harm beyond the intrinsic harm caused by incurring federal student loan debt as a result of fraud, and establishes a three-year time bar on borrower defense claims, even though students typicaJiy do not learn until years later that they were defrauded by their schools. Compounding these obstacles, the rule arbitrarily eliminates the process by which relief can be sought on a group level, permitting those schools that have committed the most egregious and systemic misconduct to benefit from their wrongdoing at the expense of borrowers with meritorious claims who are unaware of or unable to access relief.

We are uniquely well-situated to understand the devastating effects that the 2019 Rule would have on the lives of student borrowers and their families. State attorneys general serve an important role in the regulation of private, postsecondary institutions. Our investigations and enforcement actions have repeatedly revealed that numerous for-profit schools have deceived and defrauded students, and employed other unlawful tactics to line their coffers with federal student-loan funds. We have witnessed firsthand the heartbreaking devastation to borrowers and their families. Recently, for example, state attorneys general played a critical role in uncovering widespread misconduct at Career Education Corporation, Education Management Corporation, the Art Institute and Argosy schools operated by the Dream Center, ITT Technical Institute, Corinthian Colleges, American Career Institute and others, and then working with the Department to secure borrower-defense relief for tens of thousands of defrauded students. Though this work, we have spoken with numerous students who, while seeking new opportunities for themselves and their families, were lured into programs with the promise of employment opportunities and higher earnings, only to be left with little to show for their efforts aside from unaffordable debt.

A robust and fair borrower defense rule is critical for ensuring that student borrowers and taxpayers are not left bearing the costs of institutional misconduct. The Department's new rule instead empowers predatory for-profit schools and cuts off relief to victimized students. During the comment period on the 2019 Rule, we submitted these and other objections to the Department. Rather than engaging with our offices, the Department ignored our comments and left our concerns unaddressed. We commend and support your efforts to disapprove the 2019 Rule to protect students and taxpayers. Congress must hold predatory institutions accountable for their misconduct and provide relief to defrauded student borrowers and, by enacting your resolution of disapproval, ensure that the 2016 Rule remains the operative borrower defense regulation.

Sincerely,

Maurn Healey, Massachusetts Attorney General; Kathleen Jennings, Delaware Attorney General; Clare E. Connors, Hawai'i Attorney General; Tom Miller, Iowa Attorney General; Brian E. Frosh, Maryland Attorney General; Keith Ellison, Minnesota Attorney General; Hector Balderas, New Mexico Attorney General; Xavier Becerra, California Attorney General; Karl A. Racine, District of Columbia Attorney General; Kwame Raoul, Illinois Attorney General; Aaron M. Frey, Maine Attorney General; Dana Nessel, Michigan Attorney General; Gurbir S. Grewal, New Jersey Attorney General; Letitia James, New York Attorney General; Joshua H. Stein, North Carolina Attorney General; Josh Shapiro, Pennsylvania Attorney General; Mark R. Herring, Virginia Attorney General; Ellen F. Rosenblum, Oregon Attorney General; Thomas J. Donovan, Jr., Vermont Attorney General; Bob Ferguson, Washington State Attorney General.

Mr. DURBIN. Mr. President, along with Attorney General Kwame Raoul of Illinois and others, signers include the attorneys general of Maine, Iowa, Pennsylvania, and North Carolina. In their letter, these chief state law enforcement officers write:

> In issuing the 2019 rule, the Department has abdicated its Congressionally-mandated responsibility to protect students and taxpayers from the misconduct of unscrupulous schools. The rule provides no realistic prospect for borrowers to discharge their loans when they have been defrauded by predatory for-profit schools . . . if this rule goes into effect, the result will be disastrous for students while providing a windfall to abusive schools.

Senators are going to get a chance—Democrats and Republicans—to undo the mess created by the Secretary of Education. Senators will get a chance to stand up for the student loan borrowers who have been defrauded and, equally important, a chance to stand up for our veterans. How many speeches have been delivered on this floor about the men and women in uniform and those who have served and how much we honor them? Honor them by standing with the American Legion and vote to undo the borrower defense rule of Secretary DeVos.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The majority whip.

UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. THUNE. Mr. President, later today, the President will sign phase one of the trade agreement we are negotiating with China. Of particular importance to my State, phase one includes a pledge from China to substantially increase its imports of American agriculture products.

That is good news for South Dakota. It is good news for farmers and ranchers who have been struggling in a tough ag economy. Low commodity and livestock prices, natural disasters, and protracted trade disputes have made the last few years challenging ones for farmers and ranchers around the country.

I spend a lot of time in South Dakota, talking to our farmers and ranchers. One thing they always emphasize is the need for trade deals that will open up new markets or expand current markets for their products.

The China deal should significantly increase demand for American agricultural products and boost the farm economy. But while this agreement is excellent news, we do need to make sure that China will actually live up to its commitments. China doesn't have

the best record in this regard, so it is important the United States make clear that any agreements must be honored.

As we wait for the China deal to take effect, one piece of definite good news on the trade front is the arrival in the Senate of the United States-Mexico-Canada Agreement. After months of delay by House Democrats, USMCA is finally—finally—moving through Congress. Here in the Senate, it is advancing rapidly through the required committees, and I expect it will be received for final Senate consideration in the next few days.

Last week, I voted in support of this agreement in the Senate Finance Committee, and just this morning—a few minutes ago, in fact—I voted for this agreement in a meeting of the Senate Committee on Commerce. The United States-Mexico-Canada Agreement has been a big priority of mine over the past year, in particular because of the ways the agreement would benefit farmers and ranchers.

Canada and Mexico are the No. 1 and No. 2 markets for American agriculture products, and this agreement will preserve and expand farmers' access to these two critical export markets and give farmers certainty about what these markets are going to look like going forward.

I am particularly pleased about the ways that USMCA will benefit dairy farmers. If you drive the I–29 corridor north of Brookings, SD, you can see firsthand the major dairy expansion South Dakota has experienced over the past several years.

The U.S.-Mexico-Canada Agreement will preserve U.S. dairy farmers' role as a key dairy supplier to Mexico, and it will substantially expand market access to Canada. The U.S. International Trade Commission estimates that the agreement will boost U.S. dairy exports by more than $277 million. The agreement will also expand market access for U.S. poultry and egg producers. It will make it easier for American producers to export wheat to Canada and much more.

Of course, the benefits of this agreement are not limited to farmers and ranchers. The United States-Mexico-Canada Agreement will benefit virtually every sector of the economy, from manufacturing to digital services to the automotive industry. It will create hundreds of thousands of new jobs, boost our economic output, and increase wages for workers.

The agreement also breaks new ground by including a chapter specifically focused on small and medium-sized businesses—the first time a U.S. trade agreement has ever included a dedicated chapter on this topic.

Roughly, 120,000 small and medium-sized businesses around our country export goods and services to Mexico and Canada, including a number of businesses in my home State of South Dakota. The United States-Mexico- Canada Agreement will make it easier for these businesses to successfully export their products. South Dakota businesses and consumers will also benefit from the fact that the agreement maintains the current U.S. de minimis threshold, which is something I fought hard to protect.

It is too bad farmers and ranchers had to wait so long for the USMCA trade agreement. This agreement was concluded well over a year ago, and it could have been taken up much sooner. But House Democrats have, unfortunately, been more focused on playing political games than on working with Republicans to do the American people's business.

I am very glad we are taking up this agreement now, though, and I look forward to voting for final passage of USMCA in the very near future. We should get this agreement to the President's desk without delay.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

IMPEACHMENT

Mr. SCHUMER. Mr. President, today is a momentous, historic, and solemn day in the history of the U.S. Senate and in the history of our Republic. The House of Representatives will send Articles of Impeachment against President Trump to the Senate, and the Speaker will appoint the House managers of the impeachment case.

Two articles will be delivered. The first charges the President with abuse of power—of coercing a foreign leader into interfering in our elections and of using the powers of the Presidency, the most powerful public office in the Nation, to benefit himself. The second charges the President with obstruction of Congress for an unprecedented blockade of the legislature's authority to oversee and investigate the executive branch.

Let's put it a different way.

The House of Representatives has accused the President of trying to shake down a foreign leader for personal gain to help him in his campaign, and he has done everything possible to cover it up. This administration is unprecedented in its not being open, in its desire for secrecy, in its desire to prevent the public from knowing what it is doing, and it is worst of all when it comes in an impeachment trial.

The two offenses are the types of offenses the Founders had in mind when they designed the impeachment powers of Congress. Americans and the Founding Fathers, in particular, from the very founding day of the Republic, have feared the ability of a foreign power to interfere in our elections. Americans have never wanted a foreign power to have sway over our elections, but that is what President Trump is accused of doing—of soliciting—in these articles.

I would ask my colleagues, and I would ask the American people: Do we want a foreign power determining who our President is or do we want the American voters to determine it? It is that serious. That is the central question: Who should determine who our President and our other elected officials are?

From the early days of the Republic, foreigners have tried to interfere, and from the early days of the Republic, we have resisted. Yet, according to these articles and other things he has done, President Trump seems to aid and abet it. His view is, if it is good for him, then, that is good enough. That is not America. We are a nation of laws—of the rule of law, not of the rule of one man.

So now the Senate's job is to try the case—to conduct a fair trial on these very severe charges of letting, aiding, abetting, and encouraging a foreign power to interfere in our elections and of threatening them with the cutoff of aid—and to determine if the President's offenses merit, if they are proven, the most severe punishment our Constitution imagines.

The House has made a very strong case, but, clearly, the Senators have to see that case and watch it firsthand. A fair trial means the prosecutors who make the case and the President's counsel who provide the defense have all of the evidence available. It means that Senators have all of the facts to make an informed decision. That means relevant witnesses, and that means relevant documents. We all know that. We all know—every Member of this body, Democrat or Republican—that you can't have a fair, open trial, particularly on something as weighty as impeachment, when we don't have the evidence and the facts.

The precedents of the Senate are clear. Leader MCCONNELL is constantly citing precedent. Here is one: The Senate has always heard from witnesses in impeachment trials. There have been 15 completed impeachment trials in the history of this country. In every single one of them, the Senate has heard from witnesses. Let me repeat that for Leader MCCONNELL's benefit since he is always citing the precedent of 1999. There have been 15 completed impeachment trials, including the one in 1999. In the history of this country, in every single one of them, the Senate has heard from witnesses. It would be unprecedented not to. President Johnson's impeachment trial had witnesses—41 of them. President Clinton's