

that is why her selection by President Biden is the right person for the right time for the right job. She is going to make history if we give her this confirming vote.

Now, I will tell you, when you publish some 580 to 600 opinions, you are going to find something in one of those opinions to raise. I listened carefully as Senator McCONNELL went to one of those opinions and drew his own conclusions. I would ask him to take care in accepting that as the fair way to measure a person. People often say that in the U.S. Senate—they ask us: Are you conservative or are you liberal or are you a fiscal conservative? Where do you stand on civil liberties? And people announce a position that they would like to believe they fit in. Then folks go back and look at your voting record and then ask: Well, how do you explain this, Senator? So in any given day, any given vote can raise a question as to a generalization about who you are and what you believe.

For instance, there was a time, as hard as it may be to believe, when people were suggesting amending the Constitution of the United States to make burning an American flag a violation—controversial. All of us revere the flag, but the notion of making this an amendment to the Constitution was a matter of great controversy and debate.

I remember it well in the Senate Judiciary Committee. I came down against it, saying that I revered the flag, but the principles and values behind it were equally or more important to me, and so I opposed flag burning and so did the Senator from Kentucky. Yes, the minority leader, Senator McCONNELL, opposed flag burning. The organization that agreed with our position was the ACLU. Now, can I generalize from that position which Senator McCONNELL took years ago that he is an ACLU-type of Senator? It would be wrong to draw that conclusion. There may have been other instances where he agreed with them, but it was rare.

What I am saying is, if you can take one vote and measure a Senator and realize that it falls short of being an accurate and honest measurement, the same thing is true for a judge, to take one opinion and say: Well, she ruled against President Trump on the issue of immigration, therefore, she is an activist liberal judge. She ruled as well for President Trump in other cases in his favor, and ruled against Democratic Presidents when they came up with their proposals before the court. So generalizations are not fair for her or for individual Members of the Senate based on one opinion, one vote, and that is what many are trying to do.

I will also tell you that this notion—and it pains me to even bring it to the floor, but I know it is going to come up in the next day or two—that she is soft on crime. As I mentioned, the law enforcement groups would not be endorsing her if they believed she was soft on crime.

And the notion that she is somehow, in the words of one Republican Senator—that her sentencing “endangers children,” that is painful because he said as much in front of her family. And I thought about that, how painful that must have been for her to hear those words. They are not true. And to take one or two situations, each of them unique in their factual circumstances, and to generalize in terms of her position on an issue of that gravity is fundamentally unfair. But we have done it, too, on the Democratic side, and I am going to be the first to admit, as I look back in history, there are things that should have been handled better when Republican nominees were before us.

And the majority of Republican Senators on the Senate Judiciary Committee, led by Ranking Member CHUCK GRASSLEY, I believe, were respectful and dealt with the judge in a fair manner. They asked tough questions, as they were expected to, but did not cross the line into personal attack.

There were three or four who broke that rule, as far as I was concerned, but the vast majority of Republican Senators were factual, were fair, and were basing their questions on sound legal questions before any Supreme Court nominee’s consideration. That I think will be talked about over the next couple days, as it should be.

TRIBUTE TO ERIK RAVEN

Mr. President, I want to take a moment to thank a former member of my staff who is an extraordinary man. He is smart, he gives wise counsel, and is truly devoted to this Nation. He worked for me for years.

I have worked with Erik Raven since 2014, when I became ranking member of the Senate Appropriations Subcommittee on Defense, and Erik was the chief clerk of the subcommittee. The title “clerk” is misleading. He was the brains and the operational force behind that subcommittee.

As my right hand, Erik led the massive and critically important effort to appropriate an average of \$700 billion a year for our national defense budget. Incidentally, that is about half of our Government’s annual discretionary spending—a big assignment—and Erik was the right person for that assignment.

As I mentioned before, my first introduction to the Senate was many years ago, as an intern to a former Illinois Senator, Paul Douglas. Douglas was a respected economist who joined the Marines at age 50—50—to defend democracy in World War II. He was badly wounded, became a war hero, and then was elected to the Senate.

Douglas famously said that you don’t have to be a wastrel to be a liberal. Douglas fought against waste in government because he understood that every misspent dollar weakens our national defense, every wasted dollar undermines our ability to build a better future. I think Paul Douglas would have liked Erik Raven.

Erik has been a stalwart ally in my efforts to advance our national defense capabilities while also protecting taxpayers’ dollars and investing in things like defense medical research and domestic sourcing of the components critical to our defense industrial base.

I traveled with Erik to more places than I can remember. There was one particularly eye-opening visit to a classified facility in a desert outside Las Vegas. You might say it was out of this world. I will also remember a trip we made to Poland and the Baltics in 2018, wherein we discussed the danger of the overreliance on Russian gas and other issues. Today, we see that playing out, tragically, in Ukraine.

It was also a relief to have Erik at my side. His deep institutional knowledge, his sense of humor, and his black bag full of secrets have served me and the committee and America well.

I know that Senator JON TESTER of Montana, the new chair of that same subcommittee, and other Senators with whom Erik worked share my high regard for him.

In his 20 years in the Senate, Erik has worked for Senator DIANNE FEINSTEIN, the late Senator Ted Kennedy, Robert Byrd, Senator Inouye, our former colleague Senator Mikulski, and our current chairman, Senator LEAHY. To countless Senate staffers along the way, Erik has been a mentor, a cheerleader, and always a friend.

In addition to his public service, he is a pilot and a black belt in karate. He enjoys golfing and running. He is a devoted husband to Ann, his wife, and father to Edward, his 7-year-old son.

Very soon, pending Senate approval, he will be our Nation’s next Under Secretary of the Navy.

The Senate’s loss is the Navy’s and America’s gain. I am confident that Erik will excel in his new challenge just as he has in the Senate. I wish him the very best of luck and thank him for his outstanding service.

FOR-PROFIT COLLEGES

Mr. President, it has been almost 6 years since the disastrous collapse of the infamous for-profit college chain ITT Tech.

At that time, ITT Tech was one of the largest chains of for-profit colleges in the country—130 campuses spread over 38 States and 40,000 students enrolled. It closed its campuses 2 weeks after the Federal Department of Education barred the parent company from enrolling any more students while using Federal student aid dollars.

I have come to this floor countless times to talk about the deceptive, predatory, desperate tactics of the for-profit college industry at large.

At the peak of its profitability, in 2000 to 2003, it was the hottest sector on Wall Street. Publicly traded shares in for-profit colleges rose 460 percent according to one analysis. In 2010, these for-profit colleges swept up more than \$32 billion in Federal student aid dollars. Hundreds of millions more flowed in through the GI bill. For ITT

Tech, the total haul in Federal dollars that year reached \$1.1 billion. Six years later, the whole ITT Tech house of cards collapsed in a cloud of scandal, leaving students and taxpayers holding the bag.

Now a new report by the Project on Predatory Student Lending reveals disturbing facts about ITT Tech—their deception, their high-pressure recruiting tactics, and other forms of fraud and abuse that they used to rack up massive profits. The report is entitled “Dreams Destroyed: How ITT Technical Institute Defrauded a Generation of Students.”

What makes this new report particularly damning is that the details of these abuses came not only from defrauded students but from the company’s own recruiters and top executives. Like the internal company memos that finally shed light on the inner workings of the tobacco industry, the ITT records reveal a company that prioritized profits over everything else.

Two years before ITT Tech’s collapse, the company’s disgraced CEO, Kevin Modany, wrote in an email to his marketing chief:

I do not have anything more important on my agenda . . . [recruitment] is my personal top priority.

Prospective students were lied to and bombarded with high-pressure tactics to get them to enroll and sign up for more and more and more student loans.

One former ITT Tech recruiter compared the working conditions to a “sweatshop,” where all that mattered was hitting a “quota.”

Appallingly, recruiters were instructed to use the “pain funnel,” they called it, which was a set of eight questions designed to reveal all prospective students’ vulnerabilities. By identifying a student’s pain points, such as working at a dead-end job or feeling unappreciated, recruiters were trained to exploit that pain and present ITT Tech as the solution to this poor student’s problems.

ITT Tech then inflated grades and falsified attendance records to keep students enrolled so they could squeeze out more Federal dollars and leave more student debt for the kids. The company routinely, falsely, filed financial aid forms, including stealing students’ passwords and signing financial aid forms without the students’ knowledge or consent. The list goes on and on.

The result: Modany and the ITT shareholders made millions. Taxpayers got ripped off. Students ended up holding the bag with worthless diplomas, if they finished, and with a mountain of student debt whether they finished or not.

What did Modany think about the students he was defrauding?

Look at his words. This is the man who was the executive who was doing this to these students.

He said: “Take off the gloves with the student and slug back. Do not hold back in any way, and anything that we

can put out there to question the legitimacy of his complaint we should most definitely do so. We need to call him out publicly.”

That is the kind of respect they had for these students.

Many of these students, as the majority leader knows, were first-generation college students. Their mothers and fathers were so proud that they were at ITT Tech—that they made it into college. Mom and dad thought they would have to work extra hours, but it would be worth it. It was a fraud from start to finish—a fraud on American taxpayers and a terrible fraud on these students and their families.

Modany was equally contemptuous of public officials who asked questions about ITT Tech’s business practices.

This 2015 email is a racist tirade against an Education Department official, Rohit Chopra, a longtime foe of predatory lenders who is now Director of the Consumer Financial Protection Bureau.

Mr. Modany rails that Mr. Chopra ought to be jailed at Guantanamo and waterboarded.

Now, you might say, “That’s great, but ITT Tech is gone. Why does it matter?”

First: There are still tens of thousands of ITT Tech students who were defrauded. Under the Higher Education Act’s Borrower Defense provision, their loans should be discharged by the Education Department.

The evidence revealed in this report—evidence collected by the Education Department and numerous State attorneys general—clearly shows that fraud was rampant and systemic at ITT Tech.

The Department should do more to provide ITT Tech borrowers with the relief to which they are entitled under the law—without requiring individual applications.

The second reason is stated in the report’s conclusion, which asserts “ITT was able to escape responsibility for its financial insolvency by declaring bankruptcy in September 2016. Its executives simply walked away from the disaster they created.”

Kevin Modany was fined \$200,000. But that is essentially a parking ticket for a man who made \$36 million defrauding students, taxpayers, and investors between 2007 and 2014.

The Federal Government must use its authority to hold for-profit college executives personally accountable. Claw back some of their fat profits to repay students and taxpayers.

And third, the for-profit college industry continues to prey on students using the same tactics as the band of thieves at ITT Tech.

For-profit Ashford University and its former parent company Zovio were just found to have given students false or misleading information about career outcomes . . . cost and financial aid . . . and transfer credits . . . to get them to enroll. Sound familiar?

Ashford was ordered to pay more than \$22.37 million in penalties.

But . . . Zovio recently sold Ashford to the University of Arizona while continuing to operate much of the school.

What actions will the Education Department take to protect students . . . and taxpayer dollars . . . at the now-renamed Arizona Global Campus—formerly Ashford?

I’ve spoken about these matters with both Education Secretary Miguel Cardona and Rich Cordray, head of the Department’s Federal Student Aid office.

I’m glad the Biden administration has committed publicly to improving enforcement at the Department of Education.

There are other ITT Techs out there. For the sake of students and taxpayers, the Education Department under this administration must begin to use its immense enforcement authority to protect them from the swindlers and conmen.

Mr. President, I have been talking about for-profit colleges for a number of years. Luckily, we have a President and a Secretary of Education who are putting watchmen in place, guardians of students in place, who believe that it is more important that kids are treated fairly and honestly than it is for some executive to make millions of dollars off of an abuse of the system.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. SCHUMER. Mr. President, first, I want to thank my friend and colleague, the senior Senator from Illinois, not only for his wonderful remarks here today but for his passion on this issue. He was one of the first to blow the whistle on these colleges.

When you hear about this, it just boils your blood—boils your blood. These kids did nothing wrong. It is one of the reasons we believe student debt should be forgiven. The Federal Government gave them the loans—that was required by law—but they were taken advantage of through no fault of their own.

I wonder if this Mr. Modany has been prosecuted for any of these things. He does not deserve to have, probably, the millions he has on the backs of all of these students.

But I thank the Senator from the bottom of my heart. This boils our blood, what they did to these kids. That is one of the reasons we believe that the White House ought to forgive up to \$50,000 of student debt.

OK. Let’s go to another subject.

CORONAVIRUS

Yesterday, Mr. President, was, truly, a sorry sight here on the Senate floor. Senate Republicans, down to the last Member, blocked critical funding for more vaccines, more testing, more life-saving therapeutics that our country needs to protect against the dangers of future COVID variants.