

The full Senate was denied a chance to work its will on the NDAA. As a result, the ranking member of the Armed Services Committee was forced to negotiate against the House's much lower top line for defense spending from a much weaker position.

The same is true for Defense appropriations and Vice Chair COLLINS' efforts.

As Ranking Member WICKER has pointed out repeatedly, we have got a lot of work to do to repair America's military and rebuild our defense industrial base, and finishing urgent business in December certainly is no cause for celebration. It will be just the end of an utterly avoidable delay.

#### JUDICIAL NOMINATIONS

Madam President, now, on another matter, just before Thanksgiving, the Senate reached a deal on judicial nominees. Republicans would forego our available procedural roadblocks on nominations for district courts, which had the votes to be confirmed. In exchange, the Democratic leader wouldn't bring any of the remaining nominations to circuit courts to the floor because they don't have the votes to be confirmed.

As a result, President Biden is getting around a dozen more district judges, and the next President will get four more circuits to fill. At least, I expect he will.

We have already seen two partisan Democrat district judges "unretire" after the American people voted to fire Democrats last month. This is noteworthy. Looking to our history, only two judges have ever—ever—unretired after a Presidential election, one Democrat in 2004 and one Republican in 2009.

But now, in just a matter of weeks, Democrats have already met that all-time record. It is hard to conclude that this is anything other than open partisanship. They rolled the dice that a Democrat could replace them, and now he won't. They are changing their plans to keep a Republican from doing it.

It is a brazen admission, and the incoming administration would be wise to explore all available recusal options with these judges because it is clear now that they have a political finger on the scale. This sort of partisan behavior undermines the integrity of the judiciary. It exposes bold Democratic blue where there should only be black robes.

But it would be especially alarming if either of the two circuit judges whose announced retirements created these vacancies currently pending before the Senate—in Tennessee and in North Carolina—were actually to follow suit. Never—never before—has a circuit judge unretired after a Presidential election. It is literally unprecedented, and to create such precedent would fly in the face of a rare bipartisan compromise on the disposition of these vacancies.

It was no surprise to hear the New York Times bemoan the deal, but its

editorial didn't doubt that these vacancies now properly belong to the next President.

To borrow from President Obama, "elections have consequences." But these consequences are for the political branches of government. For sitting judges to change their announced retirement plans because of the Presidential election results or the Senate Executive Calendar puts them three ZIP Codes away from their proper judicial role.

If these circuit judges unretire because they don't like who won the election, I can only assume they will face significant, significant ethics complaints based on canons 2 and 5 of the Code of Conduct for U.S. Judges, followed by serial recusal demands from the Department of Justice. And they will have earned it. As I have repeatedly warned the judiciary in other matters, if you play political games, expect political prizes.

So let's hope these judges do the right thing and enjoy their well-earned retirements and leave the politics to the political branches.

We have just demonstrated that, even on an issue as contentious as judicial nominations, both sides can still come together for a good deal.

The ACTING PRESIDENT pro tempore. The senior Senator from Illinois.

Mr. DURBIN. Madam President, as chairman of the Senate Judiciary Committee, the filling of judicial vacancies has been the focal point of my political attention now for 4 years. There are roughly 800 to 900 Federal judges at the district court level—the lower court level—and the circuit court level and then, of course, 9 on the Supreme Court.

Filling those vacancies is part of our responsibility. People decide to retire, they pass away, for various reasons they leave the bench, and we need to make sure the courts still have people to do their professional job.

I listened carefully to my colleague from Kentucky explain his concerns about the filling of four circuit court vacancies and the possibility—and I don't know with any certainty, but the possibility—that two of those four judges have decided not to retire but to stay on the bench, and he raises a question about whether that is fair.

Well, I would like to call the Senate's attention to the fact that there was a moment in time when we were shocked to learn that Supreme Court Justice Antonin Scalia had died while on a hunting trip. I believe it was in the month of January or February. I don't have notes on it here, but I believe it was January or February of that year, and it was the last year of President Obama's Presidency, in his second term. And so the President—President Obama—said he was going to set out to fill the vacancy created by the death of Antonin Scalia. And he was proposing his nominee, Merrick Garland, a judge at the time who is now our Attorney General.

And the decision was made, almost instantly, by the Senator from Kentucky—the same Senator who just talked about delaying in filling vacancies—the decision was made by him not to fill the Supreme Court vacancy. This was in February of the last year of Obama's Presidency. And, in fact, it wasn't filled until the new President—in this case, Donald Trump—came in, in his first term.

Senator MCCONNELL instructed his Republican Senators not to meet with Merrick Garland, President Obama's nominee, to wait almost an entire calendar year to fill that vacancy; and he succeeded in that effort, so that Donald Trump was able to fill that vacancy and not the situation where President Obama would have that option.

So when I hear the Senator from Kentucky come to the floor and talk about whether there is any gamesmanship going on, I don't know, but I will tell you we saw it at the highest possible level in filling the vacancy in the Supreme Court when Antonin Scalia passed away.

I think what the American people are looking for is fair play. That is not unreasonable. And they are looking for qualified nominees. I am happy to report that well over 50 percent of the nominees that have gone through under the Biden administration for the Federal courts have been bipartisan—it is 86 percent, a dramatic majority that have been bipartisan.

And every single Federal nominee from President Biden has been judged "well qualified" or better by the American Bar Association. That was not the case under the previous administration of President Trump, and it makes a difference whether a person has a quality background and the integrity to serve on the court.

So I am proud of what we have achieved, and I hope we can close the year with the understanding that even more will be filling the vacancies on the bench.

#### FOR-PROFIT COLLEGES

Madam President, my major reason for coming to the floor, in addition to that important topic, is to discuss an issue which I have been bringing to the attention of the Senate for some time: predatory higher education schools that are deceiving and swindling students and burying them in mountains of debt.

Many of the students in high school, looking for a college, don't realize that there are several different categories of schools that are available. Some of their families have never had a college experience. For the young people, it is the first one in the family to try it. And they are deluged with all sorts of brochures and advertising for schools.

The ones who send the most advertising and even show up on television and other places are the for-profit schools. These are schools that are not public and private universities, not-for-profit operations. They are for profit.

They are called for-profit, and they enroll 8 percent of all American college students.

Remember that number: 8 percent of American college students go to for-profit schools.

They account for—those 8 percent account for—30 percent of all Federal student loan defaults, almost four times the number of defaults as the average college student. Why would those students going to for-profit colleges and universities default on their student loans at such a dramatically higher rate than the average college student? They do because they are getting worthless diplomas from too many worthless schools.

Let me tell you the story of one constituent of mine and what happened to her. Jaclyn is from Carlyle, IL, a small town down in Southern Illinois, and she was lured into attending a now-defunct for-profit college known as Brooks Institute. It really has changed her life, what happened to her next.

She dreamed of being a photographer; that was her goal. She thought someday she could work for the Smithsonian Institution, which is just outside our doorway. So she applied to college, and she carefully laid out the pros and cons of attending each and every school.

On her list was Brooks Institute in Santa Barbara, CA, and it sounded like a perfect fit. Brooks sent her dozens of beautiful, glossy brochures with lists of its partner employers. It boasted about its 10 percent acceptance rate at its school and its career services department that placed 89 percent of graduates.

There was one thing that held Jaclyn back, the pricetag: \$50,000 for Brooks Institute in Santa Barbara, CA, to teach her how to be a professional photographer.

She called and discussed it with the counselors at the school. The admissions office reassured her that Brooks graduates earned a starting salary of \$50,000, that salaries actually went up from there, and that Jaclyn easily would be able to pay off her loans within just a few years.

Well, she was convinced. She signed up. She soon learned that Brooks Institute of California was spewing lie after lie. Brooks inflated their graduation rates, exaggerated their job placement rates and starting salaries, and had no connections to the employers listed in the brochures. It was a classic case of bait and switch. The cost of Brooks also was significantly higher than \$50,000.

After taking out Federal and private student loans and watching those loans pile up, Jaclyn threw in the towel. She was no longer able to afford attending Brooks Institute. She dropped out with no degree and thousands of dollars in debt.

She tried to make the best of a bad situation. So she took her 90 credit hours from Brooks to other places. She ran into the same reaction wherever

she went. Too many students who have gone to for-profit colleges don't realize that the credit hours that they supposedly earned are virtually worthless. Reputable public and private nonprofit colleges just wouldn't even recognize that she had gone to school there. To complete her degree, despite her debt and all the time she invested, she had to start over.

Jaclyn's story is not uncommon. Her husband Matthew also was conned by this school. Too many for-profit colleges prey on students, spinning a false story to get them to enroll, and then leaving them with debt, useless credits, and wasted time.

The bottom line: Don't blame Jaclyn. She went to Brooks Institute believing it was a good school. They told her lie after lie to convince her of that.

And, meanwhile, she is looking around realizing that a Federal Pell grant might be in her future too.

Well, wait a minute. If the Federal Government recognizes Brooks Institute, maybe everything they are saying is true. And too many young people with no experience with colleges just make the wrong decision. She was one of them.

Now, Jaclyn and her husband Matthew cannot qualify for ordinary loans that people turn to as they mature: a mortgage on a home, a car loan. Matthew's wages were garnished to pay back these loans to Brooks Institute, and they were forced to close their photography business and sell all their equipment, removing a second stream of income.

The last chance of hope was to apply for something known as borrower defense through the U.S. Department of Education. The Biden administration has worked to discharge student loans through borrower defense for people like Jaclyn and Matthew who were defrauded by predatory for-profit colleges.

Under the Biden administration, the Department has discharged thousands of students' loans—more than \$18.7 billion in loans—for borrowers who attended some of the worst for-profit colleges, such as Corinthian Colleges, ITT Technical Institute, and Westwood College.

Madam President, I am sure you can say this as well: We know the names of these schools. We have run into students who have been defrauded by them.

Many of these borrowers have not seen their loans discharged. It is critical that the Biden administration, in the closing 7 weeks, discharge these loans as quickly as possible, as well as issue and process group borrower defense discharges for students who attended schools with documented fraud, like Brooks Institute. And in the remaining days, the Department must continue to process individual borrower defense applications. This would bring real relief for borrowers like Jaclyn and Matthew.

Why is issuing and processing borrower defense discharges so urgent?

Let me tell you. When President Trump was going through his first term, his Education Secretary, whose name was Betsy DeVos, all but stopped borrower defense applications for years. She called it a "free money" giveaway, and claims that were processed sometimes saw no relief actually granted.

Once the courts finally forced DeVos and the Trump administration in its first term to process borrowed defense applications, the Secretary created a factory system for denials.

Department employees who quickly processed applications that were hundreds of pages long were eligible for bonuses, while employees who took their time to read the application were at risk of being fired.

In Betsy DeVos's final year, the Department of Education rejected 130,000 claims—a far cry from the only 9,000 claims rejected over the previous 5 years.

In contrast, the Biden administration prioritized the most vulnerable student borrowers by processing applications and issuing group discharges for borrowers ripped off by the worst schools.

History shows us that a second Trump administration is likely to do everything in its power to prevent these students from receiving relief again. But our Nation's students—who are simply trying to better their lives—deserve better.

Before the next President is sworn into office, let's make sure the borrowers who have been waiting for justice relief and students who have been waiting for justice receive it.

I met so many of these students. They were trying to do the right thing. Their whole lives they were told: Go to college and prove yourself. Get a better education. You are going to make more money in life and be happier in the outcome.

They sign up for these for-profit schools, and they don't understand they are rip-offs, start to finish. They look around, and they see all these Federal programs investing in the school and think that this must be a real college; I am going to act like it is.

It turns out, years later, deeply in debt, either with a worthless diploma or dropping out, they have so much debt that their lives are virtually ruined. Young people in their thirties are living in mom and dad's basement because there is nowhere to go with all the debt they are trying to pay off. This is outrageous. These schools should have been policed a lot more over the years. I will say that.

In the meantime, we are in a situation where these students, deeply in debt for these terrible schools, have no place to turn but this borrower defense. I am urging the Biden administration, in the closing hours of their administration, the last 7 weeks, to come to the rescue of these students as quickly as possible.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. BOOZMAN. 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.

#### FARM BILL

Mr. BOOZMAN. Madam President, our farmers are hurting. Increased input costs, high interest rates, and depressed commodity prices have created dark conditions in rural America. Farmers, lenders, and community leaders in all regions of the country are saying the same thing: Farmers desperately need help.

When you look at the numbers, it is clear, the pain our farm families are living through. As of the end of November, row crop farmers nationwide are projected to lose more than \$29 billion, corn growers will lose more than \$11 billion, soybean producers will lose \$5.7 billion, and wheat farmers will lose more than \$5 billion. The numbers aren't better for other commodities. Cotton, sorghum, rice, and peanut producers are ending 2024 with projected average losses of over \$200 per acre.

The reality behind these losses is even more worrisome. For some producers, this is the second or third consecutive year of negative cashflow. This means many farm families are ending 2024 in the red: unable to pay off this year's operating loan, unable to get the loan to farm in 2025, and facing the reality of being the generation to have lost the family farm due to extreme market conditions beyond their control. One Arkansas farmer recently shared that he had the best crop yield of his career, but he is still underwater because commodity prices are well below the cost of production. Even for producers who haven't seen severe losses in 2024, the concern for 2025 continues to escalate as margins are forecasted to remain poor.

In the last few months, there has been a significant shift in the spirit of our farmers. After years of unprecedented challenges, they are discouraged and pleading for stronger tools to help survive these conditions.

Farm groups are sounding the alarm. The American Farm Bureau says there are clear economic warning signs of need in rural America. Agricultural Council of Arkansas President Nathan Reed described the conditions that Natural State farmers are facing as "virtually impossible to net anything but a significant loss regardless of crop, yield or safety net coverage."

The severity of these losses has left many producers questioning if they have a future in farming. Established farmers are hesitant to risk what little equity remains, while young and beginning farmers don't have the capital necessary to survive these conditions.

The Southwest Council of Agribusiness expressed concerns about the

full-time farm and ranch families unable to continue and the consequences that would result with these farms being "lost or forced into consolidation."

The USDA has acknowledged the hardships some producers are experiencing as a result of natural disasters, but it is not enough. Federal assistance must support agriculture producers facing market losses, and it needs to happen quickly. Producers need an efficient mechanism to provide 2024 economic assistance and certainty for 2025 through an improved farm safety net.

It is an understanding that is gaining support on both sides of the Capitol. In an Appropriations Committee hearing last month, Senator HYDE-SMITH called for the robust and swift delivery of emergency assistance to agriculture producers because of adverse market conditions. I appreciate the leadership of House Agriculture Committee Chairman GT THOMPSON and Congressman TRENT KELLY for recognizing the urgent need and proposing a solution.

Congress should provide significant economic assistance to producers before the end of the year. We need to provide producers with the certainty and the predictability to be able to go to the bank and have confidence that help is on the way so that they can continue farming.

In recent meetings with members of the Texas Farm Bureau, the Midwest Council on Agriculture, USA Rice, and the Arkansas Farm Bureau, who have been growing food and fiber for generations, they are worried about what the banker will say when they go to get credit for the 2025 crop year and what that means to their future in the industry. If Congress does not act appropriately, I worry many of these producers may not be around next year.

Agriculture is an important part of our country's heritage and our economy. Our producers grow an abundant and affordable supply of food and fiber. They must have the tools they need to manage this extremely difficult market. We must help our farmers recover from the sizable losses they realized in 2024 and give them certainty for 2025. This assistance is crucial to the viability of agriculture in the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

#### BUSINESS BEFORE THE SENATE

Mr. CORNYN. Madam President, the Senate is obviously back from the Thanksgiving recess, and I know we all enjoyed a little bit of time at home with our friends and families, but here we are, back with 18 days until the funding for the Federal Government runs out, and we certainly have our work cut out for us.

Of course, I expect this sort of drama to end next year when we have new management, both in a new President as well as in the Senate and House majorities, because, frankly, the way that the majority leader here in the Senate has managed to cram all of this unfin-

ished business into the last 18 days is by design, and it does not serve the best interests either of the Senate or of the American people. This cannot be and will not be the new normal.

Before we recess for Christmas, we must extend the farm bill, and you have just heard from the ranking member and soon-to-be chairman of the Agriculture Committee on that issue; we need to pass a National Defense Authorization Act bill—something we have done 63 years in a row; and, as I mentioned a moment ago, we need to keep the lights on, as the U.S. Government runs out of money in 18 days. All of these are entirely preventable, and we find ourselves in this uncomfortable and embarrassing situation purely by design.

Starting with the farm bill, unfortunately, the partisan proposal released last month by the chair of the Agriculture Committee last month is not what we need in a new farm bill. I guess, rather than actually do the hard work of sitting down and trying to negotiate a bipartisan farm bill, the soon-to-be-departing chairman of the Agriculture Committee, the Senator from Michigan, just decided to lay down a partisan farm bill and blame Republicans for not capitulating, even when she refused to negotiate a bipartisan outcome.

I am grateful to the ranking member and, again, soon-to-be chairman, Senator BOOZMAN from Arkansas, for continuing to press for a fair, effective farm bill that is actually focused on the American people and farmers and not enshrining a liberal wish list on their way out the door, as our Democratic colleagues seem determined to try to do.

As Senator BOOZMAN likes to say, "We need to put the farm back in the farm bill," which are true words. Only about 20 percent of the farm bill actually benefits farmers. The rest of it is nutrition programs and other mandatory spending that is part of this alliance between urban and rural interests, and that has produced, frankly, an unworkable process where farmers and our agriculture producers are harmed by the fact that so little of the attention and so little of the policies are actually directed at them and their ability to put food on our tables.

Texas is home to more than 230,000 farms and ranches—more than any other State in the country. One out of every 7 Texans is in an ag-related job—that is, 1 out of every 7 of 30 million people is in an ag-related job in Texas.

Of course, the farm bill is important for all of the reasons you just heard but primarily because it provides safety net programs and funding for things like crop insurance. Farming is hard work. You are also dependent on Mother Nature, and sometimes Mother Nature can be pretty cruel through droughts, hurricanes, and all sorts of weather conditions that make it impossible to produce a crop. Of course, these are essential lifelines to countless producers. Our ag producers have