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No. 19

Senate

The Senate met at 6:30 a.m. and was called to order by the Honorable RON JOHNSON, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who has ordained the seasons of our lives, thank You for the steadfastness of Your mercy and long-suffering. Inspire our lawmakers to open themselves to the gift of Your presence, remembering that You are always with them. Where there is fear, give courage. Where there is anxiety, give peace. Where there is despair, give hope. Where there is sadness, give joy. May our Senators joyfully encounter You on a daily basis. Inspire them to hear Your words and obey Your commands.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, February 3, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RON JOHNSON, a Sen-

ator from the State of Wisconsin, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. JOHNSON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

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

NOMINATION OF BETSY DEVOS

Mr. SCHUMER. Mr. President, very briefly because I know we have to vote, the nominee for the Secretary of Education is one of the worst nominees who has ever been brought before this body for a Cabinet position. On the grounds of competence, on the grounds of ideology, and on the grounds of conflict of interest, she scores very, very low. That is why my good friend, who has great integrity, the Senator from Tennessee, had to rush her hearing through. Five minutes of questions and nothing else—they were so afraid to hear what she might or might not know.

So I would urge my colleagues over the weekend—those who have committed and those who have not—to look into their consciences. Sometimes loyalty to a new President demands a bit too much. With this nominee, it does. Please think about it over the weekend. This person, Mrs. DeVos, does not deserve to be Secretary of Education.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 41, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers."

The ACTING PRESIDENT pro tempore. All time is expired.

The joint resolution was ordered to a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—52

Alexander	Collins	Ernst
Barrasso	Corker	Fischer
Blunt	Cornyn	Flake
Boozman	Cotton	Gardner
Burr	Crapo	Graham
Capito	Cruz	Grassley
Cassidy	Daines	Hatch
Cochran	Enzi	Heller

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Hoeven	Murkowski	Sessions
Inhofe	Paul	Shelby
Isakson	Perdue	Sullivan
Johnson	Portman	Thune
Kennedy	Risch	Tillis
Lankford	Roberts	Toomey
Lee	Rounds	Wicker
McCain	Rubio	Young
McConnell	Sasse	
Moran	Scott	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NOT VOTING—1

Markey

The joint resolution (H.J. Res. 41) was passed.

RECOGNITION OF THE MAJORITY LEADER

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

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Pat Roberts, Roy Blunt, John Boozman, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 52 Ex.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

The PRESIDING OFFICER (Mrs. FISCHER). On this vote, the yeas are 52, the nays are 48.

The motion is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, with this vote, the Senate will move early next week to confirm the nomination of Betsy DeVos to be the U.S. Education Secretary. In my judgment, she will be an excellent and important Education Secretary for this country.

The No. 1 job of the U.S. Education Secretary is to help create an environment in which our 100,000 public schools succeed, because that is where 9 out of 10 of our children go.

When I was Education Secretary for President George H.W. Bush in the early 1990s, I had the privilege of working with a man named David Kerns, who had been the chief executive officer of the Xerox Corporation. He came in as the Deputy Education Secretary at a time when he was not only one of the country's leading businessmen, but he was also the leading businessman who tried to help change public education. David Kern's belief was that it was very difficult to help children by changing public education if you try to do it from within. As all of us do, he respected the teachers, the parents, and the students who work within the pub-

lic education system, but over the last 30 years, as this country has worked to try to improve our public schools, much of that energy has come from outside the public school establishment. Among those were the Governors of the country.

In the mid-1980s, all of the Governors met together—in 1985 and 1986—on one subject for a whole year. The purpose was, how can we help improve our public schools? I was chairman of the National Governors Association that year, Bill Clinton was the vice chairman, and we did that in a bipartisan way. We did that from outside the schools. Since that time, many Governors and many business leaders have worked hard in support of our public schools, trying to help them have even better opportunities for our children. Among those has been Betsy DeVos. The Governors I spoke of are Governors who are familiar names in this country. I think of Gov. Jeb Bush, Gov. John Engler of Michigan, Gov. Mitt Romney, and the work they did in their respective States to make their public schools better and to create other opportunities for children. All of the three Governors I mentioned—Bush, Romney, and Engler—support Betsy DeVos.

As chairman of the Senate's Education Committee, there are 22 Governors who have written letters to me supporting Betsy DeVos. They see her as someone from outside the system of public education who, as they worked for 30 years, can help change and improve it.

Madam President, I ask unanimous consent to have printed in the RECORD following my remarks the names of the 22 Governors who support her. They come from Alabama, Arizona, Arkansas, Florida, Illinois, Indiana, Kansas, Kentucky, Maine, Michigan, Mississippi, Missouri, North Dakota, Nebraska, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

The Governors of all those States support Betsy DeVos. Four of the last Education Secretaries support Betsy DeVos. Bill Bennett, Rod Paige, Margaret Spellings, and I support her. Joe Lieberman, who served in this body and worked on the DC voucher program for many years, endorsed her. She has strong support from the Governors who for 30 years have been working hard to successfully improve our public schools.

Some have said: Well, she has spent her time working on giving children choices of schools other than public schools.

She has done that, and it has always puzzled me as to why anybody would criticize that. The idea that a low-income child should have the same opportunity or more of the same opportunities as a wealthy family has would seem to me to be a very all-American idea. Not only does it seem to be, it is an idea that underlies the most successful piece of social policy our country has ever enacted, arguably—the GI

bill for veterans in 1944. Think about that. The veterans came home from World War II. We gave them a scholarship. It followed them to the college of their choice. Ms. DeVos has argued for the same thing for children. Why is an idea that has helped to create the greatest generation and the greatest colleges of the world so dangerous for schools?

I would argue that she has been among the forefront of the leaders—like the Governors—for the most successful reform of the last 30 years to change and improve public education, and that would be the public charter schools. Those began with 12 schools in Minnesota created by the Democratic-Farmer-Labor Party in the early 1900s. Since then, charter schools have been supported by every President—President Obama, President Clinton, Presidents Bush. President Obama's most recent Education Secretary was a founder of charter schools. Four times, this Congress, by big bipartisan majorities, has supported charter schools. The last six U.S. Education Secretaries have supported charter schools. Charter schools have grown from 12 Democratic-Farmer-Labor schools to 6,800 today, and 2.7 million children attend them. Teachers have more freedom and parents have more choices. They are public schools, and Betsy DeVos was in the forefront of helping to create that opportunity for public education.

Finally, she believes what 85 of us voted for in the law that President Obama called a “Christmas miracle” in December of 2015, and that is to reverse the trend from a national school board and restore control of our children and our schools to those closest to the children. There will be no mandates for common core, no mandates for teacher evaluation, no mandates for vouchers, and no mandates for anything else from a U.S. Department of Education headed by Betsy DeVos. We will be swapping a national school board for what she believes in, which is a local school board, which is what 85 of us voted for.

I am pleased to support her.

Madam President, I ask unanimous consent to have printed in the RECORD following my remarks an article published by Max Eden on January 29, 2017, which shows Detroit charter schools—by three major studies—are better and children perform better than the traditional schools of Detroit.

I look forward to casting my vote for Betsy DeVos for U.S. Education Secretary early next week.

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

HIGHLIGHTS AMONG DEVOS SUPPORTERS

22 State Governors, including:

Gov. Robert Bentley, Alabama; Doug Ducey, Arizona; Gov. Asa Hutchinson, Arkansas; Gov. Rick Scott, Florida; Gov. Bruce Rauner, Illinois; Gov. Eric Holcomb, Indiana; Gov. Sam Brownback, Kansas; Gov. Matthew Bevin, Kentucky; Gov. Paul LePage, Maine; Gov. Rick Snyder, Michigan; Gov. Phil Bryant, Mississippi.

Gov. Eric Greitens, Missouri; Gov. Doug Burgum, North Dakota; Gov. Pete Ricketts, Nebraska; Gov. Brian Sandoval, Nevada; Gov. Chris Christie, New Jersey; Gov. Susana Martinez, New Mexico; Gov. John Kasich, Ohio; Gov. Mary Fallin, Oklahoma; Gov. Bill Haslam, Tennessee; Gov. Greg Abbott, Texas; Gov. Scott Walker, Wisconsin.

Former Governors:

Jeb Bush; Mitt Romney; John Engler.

Four Former Education Secretaries:

William Bennett; Rod Paige; Margaret Spellings; Lamar Alexander.

Former Senators:

Joe Lieberman; Bill Frist.

Democrats including:

Eva Moskowitz, founder and CEO of Success; Academy Charter Schools; Anthony Williams, former Mayor of Washington, D.C.

EDEN: WHEN THE NEW YORK TIMES'S REPORTING ON DEVOS AND DETROIT CHARTERS LOOKS LIKE 'ALTERNATIVE FACTS'

(By Max Eden)

The campaign against Education Secretary-designate Betsy DeVos has been both predictable and extraordinary. It's no surprise that the education establishment was perturbed by the selection of a school choice advocate, and opposition from interest groups is to be expected.

But in an era when the president of the United States has declared a “running war” on the media, accusing reporters of distorting facts to attack him, the work of one education journalist unfortunately lends some credence to that argument.

Some critical coverage has been responsible and fair, but DeVos was sadly not “spinning” when she told the Senate that there's been a lot of “false news” about her record. The New York Times has been most conspicuous in this regard. The editorial angle of its national education correspondent Kate Zernike was clear from her first piece on the nominee, “Betsy DeVos, Trump's Education Pick, Has Steered Money From Public Schools.”

Liberal bias at the Times is less than a non-story; if anything, I'd argue a partisan press is healthy in a pluralistic democracy. But when America's “paper of record” makes verifiably false claims, they must be checked and corrected. Here are two significant ones.

In a front-page June article titled “A Sea of Charter Schools in Detroit Leaves Students Adrift,” the Times education correspondent asserts that “half the charters perform only as well, or worse than, Detroit's traditional public schools.”

That claim was echoed by a Times editorial and would be big, if true. DeVos was nominated based on her school choice advocacy. If that work helped foster charter schools that are worse than the worst-in-the-nation Detroit Public Schools, that would be profoundly troubling. But if Detroit's charters are better (even if not as much better as we'd desire), then it's a different story entirely.

Fortunately, they are better.

There are three key studies that compare Detroit's charter and district schools: one from Stanford University, one from the center-right Mackinac Center and one from Excellent Schools Detroit (ESD), a local education nonprofit. As Jason Bedrick, a policy analyst at the Cato Institute's Center for Educational Freedom, and I demonstrated in Education Next, all three show that charters significantly outperform district schools. Perplexed at how the Times reached the opposite conclusion, I reached out to Zernike.

Some critics assumed that Zernike was twisting data from the Stanford study, the presumptive source of district-to-charters comparisons. But Zernike informed me that

she chose to use the ESD study after contacting the Stanford study's author and determining that the data was too outdated for her purposes.

I asked why she chose the ESD data over the Mackinac Center's. Mackinac grades schools using a complex regression taking into account students' socioeconomic background. ESD grades on a combination of raw test scores, test-score growth and a school climate survey, but it doesn't consider socioeconomic status.

She explained that Mackinac is “a partisan group that is pro-school choice and anti-DPS. ESD, despite how GLEP [the DeVos-backed Great Lakes Education Project] will characterize it, supported charters and traditional public schools, and the measures seemed broader.”

When I told her that sounded more like political than methodological reasoning, she countered, “It's not politics, it's methodology. I think graduation rate was the only thing Mackinac used to compare,” and added that she thinks the ESD data “do break down for demographics.” Wrong and wrong.

Now, it's possible that she didn't simply default to the politically congenial option without further scrutiny. Perhaps she just failed to properly recall the details several months later. Whatever the case, the ESD data also show charters outperforming district schools.

So, how did the Times national education correspondent reach the opposite conclusion?

Now, bear with me, here because it's complicated and it makes no sense.

First she separated out K-8 district schools and high schools, calculating their respective average scores, weighted by student enrollment. She included high-performing selective-admissions district schools and excluded low-performing Detroit public schools that have been taken over by the state. (Neither decision is justifiable in a traditional-to-charters comparison.)

Then she saw that for both K-8 district schools and high schools, the (inflated) weighted average score was higher than the median charter school score, and concluded that “half the charters perform only as well, or worse than, Detroit's traditional public schools.”

On the high school side, the unweighted average score of .33 is significantly lower than the weighted average of .41. It's worth noting that the .41 is above the charter median score and the .33 is below it. So going by the weighted average was the only way to arrive at that result for high schools.

On the K-8 side, the weighted and unweighted averages are essentially equal. That average is indeed slightly higher than the median charter score, but it's much higher than the district's median score. So on K-8 schools, by her same faulty logic, it would also be accurate to say that “two thirds of the public schools perform only as well, or worse than, Detroit's traditional public schools.”

If that sounds silly, it's because comparing an average to a median is statistical nonsense. The “apples to oranges” metaphor is apt but insufficient here. Essentially, Zernike took a basket of apples, pulled out the rotten ones, kept the genetically modified ones, made statistically weighted applesauce, and plopped that applesauce in the middle of a row of organic oranges. Then she drew a false conclusion that's become central to the case against Betsy DeVos's nomination for secretary of education.

Personally, I doubt the mathematical mistakes were conscious or intentional. But what really matters is that the ESD, Mackinac and Stanford studies all show Detroit charters significantly outperforming traditional public schools.

The second claim also involves the Times's editorial against DeVos, in this case lamenting that she funded charter advocacy efforts, "winning legislative changes that have "reduced oversight and accountability." The editorial linked to a December article by Zernike covering a legislative debate on Detroit charter regulation wherein "Ms. DeVos pushed back on any regulation as too much regulation."

Whatever the rhetorical merit of that editorial claim, it is flat false. In a Detroit News op-ed, to which the article later links, DeVos called for two additional regulations: A-F school accountability grades and default closure for failing schools, both charter and district. She certainly pushed back on some regulations as too much. But the bill that passed included the additional accountability regulations for which she advocated. In fact, the final legislation boosted Michigan's accountability score on the National Alliance of Charter School Authorizers index.

Given the fact that the main subject of her article was a net increase in charter accountability, Zernike admits on Twitter that she's "not sure what the ed board meant by that," but notes that "MI legislation in 2011 (not June bill) did weaken oversight." Zernike's December article refers to the 2011 legislation in one passing sentence. Her June article noted that "the law repealed a long-standing requirement that the State Department of Education issue yearly reports monitoring charter school performance." While true, that provision didn't merit mention among the 12 key changes in the official legislative summary (five of which increased charter regulation).

It's possible that the Times's editorial was referring to that repealed reporting requirement from 2011 when it claimed that DeVos backed "legislative changes that have reduced oversight and accountability." But that seems unlikely, given that the editorial linked to Zernike's December article on the 2016 legislative debate and that piece doesn't even mention the 2011 provision. It seems more likely that the editors honestly confused an increase in accountability that was smaller than some stakeholders wanted with an actual, absolute reduction. And given the reporting they relied on, it would be hard to blame them.

Education blogger Alexander Russo has skillfully outlined the "problematic media coverage" of Betsy DeVos, in which journalists have latched onto hyper-simplified story lines while ignoring complexities and eschewing nuanced criticism.

Whatever your take on DeVos or the media, everyone loses when the line between fact and falsehood is blurred beyond distinction. At a time when the president's advisers proudly tout "alternative facts," critical, fact-based reporting is more necessary than ever, especially from outlets with the weight and influence of The New York Times. Their readers, and America's schoolchildren, deserve better. Correcting the record would be a good start.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I am on the floor today to stand with parents, students, teachers, families, and communities across our country to make sure they have a voice to strongly oppose Betsy DeVos and her plans to privatize public schools and destroy public education in America. I urge my colleagues to stand with their constituents and join Democrats and Republicans in rejecting this nomination.

I come to the floor as a former pre-school teacher, someone who got my

start in politics fighting for strong public schools, a former school board member, a Senator committed to standing strong for public education in America, and a mother and grandmother who cares deeply about the future of our students in our schools.

Like so many people across the country, I am someone who owes everything I have to a strong public education I received growing up in this country. I believe it is my responsibility to do everything I can to make sure the opportunities that were there for me and so many others are open to every student in this country, no matter where they live or how they learn or how much money their parents have. In general, I believe the Federal Government and specifically the Department of Education has an important role to play in making that happen.

I take the position of Secretary of Education very seriously. Leading this agency in this moment is a critical job. I consider it to be my job to do everything I can to make sure the person who fills it is truly committed to putting students and families first. As I will discuss in detail today and in the coming days, I do not believe Betsy DeVos is the right person to do that.

Before I get into Ms. DeVos's failed record and her lack of experience, I wish to make a point about how I approach nominees and how that impacts my perspective on this one.

Many of my colleagues on the other side of the aisle are going to spend their time in this debate trying to impugn the motives of Democrats and Republicans who are trying to stop this nomination. They will try to say that President Trump won the election and he should be able to pick anyone he wants to fill this position and that we should all sit down and be quiet. I reject that. I believe the Senate has an important role to play in this process. It is our constitutional duty to take these nominations seriously, and I refuse to stand by and just watch.

President Trump absolutely has the right to nominate people for his Cabinet who he thinks will carry out his vision for the country, but that does not mean the Senate should be a rubberstamp. To the contrary, we owe it to the people we represent to make sure every nominee is not only qualified for the position and free of conflicts of interest but that he or she will put families and workers first and not millionaires and billionaires or big corporations.

President Trump was the first Presidential candidate in decades to not release his tax returns, and he is openly flouting ethics conventions regarding his personal and family businesses.

I believe that in an administration where lines around potential conflicts of interest are very likely to be blurred at the top, they need to be even clearer at the individual agencies. So I will not apologize for demanding that the Senate do its job when it comes to doing our due diligence with these nominees.

I will not back down from asking my questions for my constituents—the ones they would want me to ask. I will not stop fighting as hard as I can to oppose a Secretary of Education who doesn't stand with them.

I am extremely disappointed at how this process has gone so far. I have great respect for the chairman of our committee, but I have never seen anything like it, especially coming out of our Health, Education, Labor, and Pensions Committee, where until now we have worked together across party lines so well. Right from the start, it was very clear that Republicans intended to jam this nominee through the process as quickly as possible. Corners were cut, precedents were ignored, debate was cut off, and reasonable requests and questions were blocked. Again, I have never seen anything like it on this committee, Democratic administration or Republican, Democratic majority or Republican. It has been truly frustrating and deeply disappointing.

I believe it is our job in the Senate to scrutinize nominees, but Republicans were acting like it was their job to protect Ms. DeVos, to shield her from questioning. First, Republicans rushed us into a hearing before we had Mrs. DeVos's ethics paperwork in. That might seem like a small thing, it may seem like a procedural issue, but it was important.

Every single nominee during the Obama administration had their ethics paperwork in before a hearing in our committee. The Republican majority leader made having ethics paperwork in before a hearing a core demand of his during the Obama administration. The reason for this is simple: Senators should be able to ask nominees questions about their finances, their potential conflicts of interest, how they plan to avoid them, and how they plan to uphold the letter and spirit of our ethics laws. But without the Office of Government Ethics financial disclosure and without their review, Senators go into a hearing in the dark on a nominee's ethics and finances, and that is exactly what we were pushed into with Mrs. DeVos.

Secondly, when we got into that hearing, we were told that Democrats would only have 5 minutes each to ask questions—5 minutes to ask about Betsy DeVos's finances, her long record of privatization of public education, her vision for this Department, and the many, many issues in this Department's jurisdiction—5 minutes and, then, cut off.

Now, this was completely unprecedented and absolutely wrong. Never before had it been the case in our committee—not a single time that I recall—that a Senator, who had a question for a nominee, was cut off and blocked from asking it. Democrats were sitting in the hearing, waiting, hoping the chairman would change his mind, but we were shut down and we

were silenced, and Mrs. DeVos was protected from answering additional questions.

Third, after we finally got Betsy DeVos's ethics paperwork and had a number of questions about it, I requested another hearing where we could ask her those questions. That was a reasonable request. It was rejected.

Fourth, I had a number of questions for Betsy DeVos about missing information in her paperwork to the committee, and she has simply not provided the committee with the required financial disclosures.

We have a strong tradition in our committee of not moving to vote until the ranking member's questions are answered to satisfaction, and that tradition was ignored as Betsy DeVos was jammed through.

Then, finally, after a vote was pushed through the committee as quickly as possible, with questions about rules being bent or ignored to get that done, this nomination is now being rushed to this floor, and Republicans are attempting to jam it through here as well. It is pretty clear to me why. The more people learn about Betsy DeVos, the more they realize how wrong she is for our students and our schools. The more they hear about her background, the more they see her as one more way President Trump has broken his promise to "drain the swamp." The more that comes out about her failed record, her tangled finances, conflicts of interest, and her lack of understanding or experience, the more the pressure increases on Republicans to put their allegiance to President Trump aside and stand with their constituents.

So I understand why some Republicans want to rush to get this through. I think it is absolutely wrong, and I know people are paying attention.

I want to make one final point on this. The chairman of our committee, the senior Senator from Tennessee, has brought up the idea of "fairness" when it comes to how we should approach this nomination—that he believes President Trump's nominees should be treated "fairly." But my friend, the senior Senator from Tennessee, is defining fairness in an interesting way. He is saying that, if Republicans didn't scrutinize President Obama's nominees and if they didn't take the time to do their due diligence, then, it would be unfair for Democrats to do that for President Trump's.

Well, I don't agree with that. I define fairness very differently. I believe the fair thing to do is what is fair for our constituents, that we work for them and should do right by them—not for a party, a nominee, or an administration. I believe the "fair" thing to do is to scrutinize these nominees, ask tough questions, and push for real answers, and that we should err on the side of deeper review and more robust questioning, rather than on the side of pointing to how Democrats and Republicans were treated in the past and "fairness" to nominees.

So I think it is clear that this nominee is being rushed through and corners are being cut.

I want to take some time now to talk about why I will be opposing her and urging all of our colleagues to do the same. I have three main reasons, and they are these: open questions about her tangled finances and potential conflicts of interest; strong concerns with her record, her lack of experience, and her clear lack of understanding of basic education issues; and the belief that her vision for education in America is deeply at odds with where parents, students, and families across the country want to go.

First of all, there is her tangled finances and potential conflicts of interest. I mentioned this a bit before. I have never seen a nominee with such tangled and opaque finances and who is refusing to shine anything close to an appropriate level of light on them.

Mrs. DeVos is a billionaire, and her inherited money is invested, along with other members of her family, in potentially hundreds of holding companies. Now, these holding companies often invest in other holding companies, and it is often very hard to untangle the individual companies in which she and her family actually own stakes. That is very relevant because we know her family has had significant education company holdings in the past, and they would be impacted by the decisions she made if confirmed.

Mrs. DeVos has told us that she will comply with all ethics rules should she be confirmed, but we still have questions, and she still has not fulfilled the committee requirements. We have questions about areas in Mrs. DeVos's ethics paperwork, where it is simply unclear if assets she continues to hold have potential conflicts of interest, and we have not been given the full answers.

We also want to know more from her about the family trusts she is maintaining positions in, and we have not been given the full answers.

Finally, as I mentioned before, I have raised a number of questions about Mrs. DeVos's failure to provide the required financial disclosure to the committee, and I have not been given full answers there either.

Secondly, I have very strong concerns with Betsy DeVos's record, her lack of experience, and her clear lack of understanding of basic education issues. I will take these one at a time.

Nominees for this position have generally been people who were committed to students, had a long career dedicated to education, and were focused on keeping public education strong for all students and all communities.

Betsy DeVos is very different.

First of all, she is first and foremost a Republican and conservative activist and megadonor. She was chair of the Michigan Republican Party, and she and her family have reportedly donated hundreds of millions of dollars to Republicans and conservative groups over the years.

Second of all, Betsy DeVos has spent her career and her fortune rigging the system to privatize and defund public education and hurt students in communities across our country. She has no experience with public schools, except through her work trying to tear them down.

She has committed herself for decades to an extreme ideological goal: to push students out of public schools and weaken public education, no matter what. She has spent millions of dollars in political donations, organizations, and super PACs to try and influence elections and policies to accomplish that goal.

It is not difficult to pick out where Betsy DeVos has focused. The signs are usually pretty easy to see. Where she has succeeded in getting her way, too often there are weaker public schools, worse outcomes, and fewer true opportunities for students.

In fact, the only people guaranteed to benefit when Betsy DeVos focuses her attention on a community or a State are the TV stations who see hundreds of thousands or millions of dollars in money pour into attack ads against her political opponents.

But all people need to do is watch her hearing in our committee, and they can learn everything they need to know. This is a hearing that people across the country heard about—and for good reason. From local newspapers to local news to the "Daily Show" to "The View" and posts that went viral on social media, a whole lot of people heard Betsy DeVos herself for the first time in that hearing, and they were not impressed, to put it mildly. They watched as Democrats were blocked from asking questions in an unprecedented and disappointing attempt to protect this nominee. Then, on the questions we were allowed to ask, they saw a nominee who was clearly ill-informed and confused and gave a number of very concerning responses to serious and reasonable questions.

Let's go through what Betsy DeVos said to us. She refused to rule out slashing investments in or privatizing public schools—privatizing public schools.

She was confused that Federal law provides protections for students with disabilities.

She did not understand a basic issue in education policy—the debate surrounding whether students should be measured based on their proficiency or their growth.

She argued that guns needed to be allowed in schools across the country to "protect from grizzlies."

Even though she was willing to say President Trump's behavior towards women should be considered sexual assault, she would not commit to actually enforcing Federal laws protecting women and girls in our schools.

Her hearing was such a disaster, and it was so clear how little she understood about education issues, that a

number of people and groups who usually stay on the fence—or even sometimes stand with Mrs. DeVos on some issues—could not stand with her anymore.

Parents watching across the country saw a nominee who doesn't seem to care about or understand the education issues that impact them and their kids.

This takes me to my final point right now on Betsy DeVos. Her vision for education in America is one that is deeply at odds with where parents and students and families across the country want us to go. At a time when education and the opportunity it affords is more important than ever, she would take our country in the absolute wrong direction.

Eli Broad, a philanthropist and a strong charter school advocate, put it very well when he said: "At the risk of stating the obvious, we must have a Secretary of Education who believes in public education and the need to keep public schools public."

He went on to say: "With Betsy DeVos at the helm of the U.S. Department of Education, much of the good work that has been accomplished to improve public education for all of America's children could be undone."

I completely agree. Parents across the country want their government and their representatives fighting tooth and nail to improve public schools for all students in every community, while Betsy DeVos is committed to privatizing public schools and diverting public funds into taxpayer-funded vouchers that will leave far too many of our students behind.

I will add that I have many friends here in the Senate representing rural States that will be severely impacted by a Secretary of Education who implemented a radical agenda like this.

The bottom line is that strong public education is at the heart of true opportunity in America—something we all strive for and work for every day. People understand that. They see that Betsy DeVos's vision for this job is a direct attack on that core national value.

I truly believe this is what has motivated so many people around the country to stand up and speak out. They saw her disastrous hearing on the news and going viral on social media. It is clear that people across the country care so deeply about education and are so passionate about making sure we have strong public schools that seeing President Trump nominate someone like Betsy DeVos to run this Department just hits very close to home to a whole lot of people, and it is so deeply offensive to them. For parents of students in our public schools, it is very hard to see a billionaire—who never went to public school, who didn't send her children to public school—put in a position to work against your interests.

For teachers who work so hard every day in our public schools, it is hard to see your work denigrated.

For so many others in communities across the country, something about Betsy DeVos has lit a fire underneath them, as well, and they have all decided to do something about it. Senate office phone lines have been shut down over the past week with so many callers weighing in against Betsy DeVos. Every office is receiving tens of thousands of letters asking the Senate to reject her. Almost 40,000 have come in to my office alone. Millions of people have signed petitions with the same message. There have been rallies and protests across the country and millions more posting on Facebook, sharing it with their friends, tweeting, and doing everything they can to make their voices heard.

I wish to share just a sample of what I have heard from my constituents.

One teacher from Mukilteo School District, a 26-year veteran of Washington State public schools, said she has worked tirelessly at title I elementary schools to help children achieve their greatest potential. If DeVos is confirmed, this teacher is terrified her school will lose its funding.

Another constituent of mine from Federal Way tells me she has grandchildren in Michigan who are at risk because of Mrs. DeVos's reckless policies there, and she does not want to see this disaster repeated throughout our country.

The regional superintendent in Wenatchee, a small city in North Central Washington, told me that he and his colleagues didn't even know where to begin laying out their concerns about Betsy DeVos.

A fourth grade teacher from Spokane, WA, reached out to tell me she watched the confirmation hearing and was shocked at how little Betsy DeVos seemed to understand about the issues she faces every single day in her classroom.

Those are just a few examples. There are thousands upon thousands in every community, in every State, and it is having an impact. Every Member of this body has felt the pressure. Already, two Republicans have made it clear that the voices of their constituents have pushed them into the "no" column, and I know there are other Republicans who take seriously what their constituents have to say and who have serious concerns about putting partisanship ahead of their States' and their constituents' interests.

I don't like that we are rushing into this without the information we need. But if the majority is going to jam this through, we are going to do everything we can to have a robust debate over the next few days.

So I am here to say: I am proud to stand with parents; I am proud to stand with students; I am proud to stand with teachers; I am proud to stand with those in my home State of Washington and across the country who support strong public schools and true education opportunities for all; and I am proud to stand up and fight back against Betsy DeVos.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF NEIL GORSUCH

Mr. LANKFORD. Madam President, I rise to talk about what is going on in the Senate right now and the work that is done. It is early in the morning right now. It is 8 a.m. In Senate time, we have already done a series of votes that started at 6:30 this morning to be able to work through some of the nominations, and we have a great deal of work to be done.

In the middle of the work that we are taking on right now, there is a lot of conversation about personnel. As you know well, the Senate is in the personnel business as much as we are in the legislative business, especially at the beginning of a Presidential term. One of the biggest decisions that we will make in the Senate will be the Supreme Court.

Americans voted last year, in great measure, about the Supreme Court—in the direction of the Supreme Court. President Trump put out a list of 21 individuals he said he would choose from so the American people would be fully aware that this is the type of individual he would go after, and you can look at any of these to be able to evaluate it.

As I looked through that list of 21, one name stuck out to me. It is the name Neil Gorsuch, who is from Oklahoma, as many people in this Chamber know. Neil Gorsuch represents the Tenth Circuit. He served on that circuit with great distinction, which includes Oklahoma. We have been able to see his work in what has happened on the bench, the opinions he has put out and the consistency, how he has been respected by individuals on both sides of the aisle throughout Oklahoma and across the Tenth Circuit.

Neil Gorsuch went onto the bench in 2006. He was put on the bench by President Bush. What is interesting is this body, when they debated Neil Gorsuch in 2006, unanimously approved him with a voice vote. Not a single Senator opposed Neil Gorsuch when he went onto that Tenth Circuit bench in 2006. That means at that time Senator Barack Obama supported him. Senator Hillary Clinton supported him. Senator Joe Biden supported him. Senator CHUCK SCHUMER supported him in 2006. All these individuals looked at who he was, what he was about, and supported him going on the Tenth Circuit bench.

What has he done since that time? He has been a remarkable judge. He has advocated for something very clearly; that is, the role of each branch of government and each branch of government doing its job and only its job. He

has spoken out on an issue I have spoken out on this floor about several times and oftentimes in committee, an issue called Chevron deference. It is one of those issues that most people don't track, but I hear a lot of people say the Executive orders are out of control and the executive branch is putting all these Executive orders out. I will typically smile at folks and say, actually, if you want to go down into the heart of it, it is not Executive orders, it is Chevron deference.

In the 1980s, the Supreme Court gave the ability to every President to interpret the law as they choose to and to be able to put regulations in if under this term they were reasonable in interpretation. In other words, if a piece of legislation mentioned a topic, then a President could create regulations around it.

It started slow, but I will tell you that has accelerated in the last several years. What has happened in the last several years is, Presidents have reached in, looked at a statute, tried to find a gray area of the statute, and used their deference ability to be able to interpret it.

In his writings, Neil Gorsuch has stepped out and said what that does, to be able to give that kind of deference to any President, is to give the President the ability to literally legislate an issue and then implement the issue and do his own interpretation of the issue. That is all three branches all piled into one. That is the President having the ability to say I am also the Court, I am also the legislative branch, and I am going to execute this out. That is a government out of balance.

What Judge Gorsuch has done is over and over again pushed out this basic judicial philosophy that our Nation was founded on three separate parts of government; that the legislative branch is the only branch that legislates; that the executive branch carries it out; and there is only one branch that interprets the law, and that is the courts.

If we were to move back to that simple model, it gives balance and consistency to all individuals to be able to know what the law says, what is the law, and to be able to actually push that out in such a way that people can trust it stays consistent.

I am proud to be able to sit down and have conversations with Neil Gorsuch in the days ahead. I am looking forward to getting a chance to meet with him in my office and to be able to work through other areas and issues he faces.

When President Trump selected Neil Gorsuch and suggested him for the bench, as I have mentioned before, my first thought was we couldn't have a better judge to be able to come out of the Midwest and to be able to speak out for the issues that real Americans want to be able to speak out for and to be able to have a Court that is consistently speaking, "What did the law say when it was written? Let's just do that."

There are a lot of other personnel issues that are in front of the Senate right now. Betsy DeVos is in the process of what is called a cloture vote right now for Secretary of Education. That is final closing of debate and to be able to move to a vote that will happen Monday or Tuesday of next week.

I will tell you, there has been a lot of conversation about Betsy DeVos, and I have heard the debate on this floor and in conversations and things I have read. What is interesting to me is, to be able to hear person after person stand up and say she is not for public education.

Let me tell you where I am on this. Nine out of ten students in our Nation are in public schools. I grew up in public schools. My kids attend public schools. Many of my family members work in public schools or have worked in public schools. I am very passionate about what happens in our public schools because the vast majority of our students will be influenced and will be trained in our public schools. That has to be a primary focus of what we do.

What is interesting to me is, Betsy DeVos was very outspoken during her confirmation process about her support for public schools. Did her children attend public schools? No, they did not, as Barack Obama's children did not attend public schools, as many other wealthy families' children did not attend public schools. Many wealthy families choose to do that because they have that option. Betsy DeVos, though, has been a person to raise her hand and say: Why do only wealthy families get to choose where their kids go to school? Why is that? Why don't other families have the same option that wealthy families have? But Betsy DeVos has been outspoken in saying it is a main responsibility to be able to focus on the improvement of our public schools because, again, that is where the vast majority of our students attend school.

It has also been interesting to me that all of these statements against Betsy DeVos often don't take into account this basic thing: Betsy DeVos for decades has been passionate about trying to help students in the inner city, students who are in poverty—any student—to be able to have every opportunity in education they can possibly have. I would think that as a nation we would encourage that, and that would be a positive thing rather than a negative thing.

In 2015, this body looked at a public school education law called No Child Left Behind and said that the direction of public school education was going the wrong way. And for 15 years, we have had mandates coming down on our schools from Washington, DC, mandating what type of curriculum they use in their school, what kind of teacher evaluation is done for our public school teachers, what kind of testing requirement will come down on our schools. This body, with 85 of 100 voting

for it, said that No Child Left Behind is putting Federal mandates on every school. The place where those decisions should be made is not Washington, DC; it is in local districts—done by parents, done by teachers, done by superintendents, and done by State legislators. That is exactly what Betsy DeVos has said as well.

Betsy DeVos has been very clear. She is not trying to promote every State and every district doing charter schools, allowing vouchers for private schools, allowing other options. That is completely the decision of the school. While I have heard people say that if she is put in place, she will take away all this money from the schools, it is not her role nor her capacity to even do that. She has been very clear in saying that all of those decisions are made by local districts and by State legislators and by parents—where the decisions should be made.

Betsy DeVos has been very clear that No Child Left Behind was the wrong direction. In a very bipartisan way, 85 Members of this body agreed with that 2 years ago. President Obama agreed with that 2 years ago. And we all said that the best place for education decisions to be made is at the local level.

Betsy DeVos was asked very directly: Will you go to these districts and try to impose on them to be able to put charter schools and private school access there? Her answer was: No, it is up to that local district what they choose to do—but nor would she try to stand in the way. If a local district or if a State chose to provide other options, it is not her role in the Federal Government to try to stand in the way of that. Quite frankly, I find it refreshing that someone would say: We are not going to run your school from Washington, DC. What you choose to do in your schools, you are allowed to do.

Again, there has been a lot of conversation about charter schools and other options that are out there. I hear people all the time say that there is a problem with vouchers. How could the Federal Government be involved in any money going to private schools or public schools or whatever that may be? We settled that issue decades and decades ago. It is called the GI Bill. When the GI Bill was passed after World War II, the Federal Government told those veterans coming back from the war: You can choose to go to any school you want to go to—public school, private school, wherever it may be. The GI Bill is still considered one of the most effective tools that our Nation has ever done in higher education. It is a voucher program. And many people have not had the opportunity to think through: What does this mean?

Again, Betsy DeVos has been very clear in saying it is not her desire to be able to impose that on every State, but if a State chooses to do that, why would we stop them when we have already seen clear evidence that the GI Bill was already successful in its time, going back now 60-plus years? It is an

issue that we look at and say: Why would we stand in the way of charter schools when, in the past, they have been very well received by Republicans and Democrats alike?

President Obama was a supporter of charter schools. Both of his Secretaries of Education were outspoken supporters of charter schools. In fact, one of them helped found a charter school. Charter schools are public schools, and they are received well.

In my State of Oklahoma, we just had another school that came online that is a charter school that has been approved by our State board of education in a unanimous vote just a few weeks ago. These are decisions that are made by local districts. These are decisions that don't work in every area, in every location, especially in many rural areas. It doesn't work the same way. So why don't you allow that local district to make those decisions? Why don't you allow that State to make that decision? Why don't you give the authority to Oklahoma to do it? Let's not ask Betsy DeVos; in fact, allow Congress to hold her to account to make sure that our Secretary of Education is not trying to impose on our States what she wants to do but is allowing our State to do what we want to do. What we ask of a Secretary of Education is not to run our schools but to stay out of our schools' business and to allow us to be able to make those decisions.

She is not going to step in and try to take funds away. Those are not her funds to give and to be able to monitor. Our decision is—what do we want to do as a State in education? What options do we want to provide to our kids? What I would ask most of a Secretary of Education is to leave us alone and allow us to do what we can for our kids.

Quite frankly, I don't have a problem with school choice, even as a parent who sent my kids to public schools when I could have sent them to private schools. I thought the school was doing a great job in my area. I was glad for my kids to be able to be involved in it.

But why would we ever tell a parent: If you will give us just 5 more years, we will get this school cleaned up and turned around. Their child doesn't have 5 more years. Their child has one shot. And if they wait 5 more years, they graduate from high school and without the opportunities they needed. It may work for their younger brother, but they couldn't wait.

Why don't we give that ability back to the parent? As an avid supporter of public education, as a person with deep respect for teachers in my school, as a person who—I myself have a secondary education degree from college; I spent 22 years working for students, and I cannot tell teachers enough: Thank you for your thankless service. They spend all day with students who don't want to be there most of the time. They deal with parents at night who are upset that their child got a B-plus

rather than an A. And they work tirelessly through a lot of bureaucracy. We are grateful for that. I can assure them that this Congress will make sure that no Secretary of Education, including the next one, reaches into any classroom and tells them how to do their business.

NOMINATIONS OF JEFF SESSIONS AND SCOTT PRUITT

Madam President, we have a couple of others I want to mention, as well. JEFF SESSIONS, who is coming out of this body, will be the next Attorney General. He will be a great Attorney General because JEFF SESSIONS has proved over the years that he is passionate about the law. He did it when he was in Alabama. He has done it here in the Senate. He has been an individual who is very focused: What does the law say? Let's do that.

He has been a person who is a lover of all people but also a person who is not opposed to confronting people when they need to be confronted. It is a good role for an Attorney General. I look forward to seeing him in that spot.

We have a favorite son in this fight as well. His name is Scott Pruitt. Scott Pruitt has been beat up a lot by the special interest lobbyists and environmental lobby. They put out all kinds of stuff about him. I encourage them to actually meet Scott Pruitt and to hear from him. Scott Pruitt has been passionate about the environment. Scott Pruitt actually likes breathing clean air. I know that that may be shocking to people, but he actually likes clean air. In fact, he likes clean water as well. I don't know if you knew that or not.

Scott Pruitt has been a very good attorney general for us and has also been very focused on doing this one thing: What does the law say? Let's do that.

Some of the pushback that Scott Pruitt has had is not that he is opposed to the law; it is that he is not willing to push beyond the law, to be more creative with the Clean Water Act, and to be more creative with the Clean Air Act. It is not the job of the executive branch to be creative with an old law; it is to implement the law and to do it well.

I fully expect Scott Pruitt to hold every person and every company that are polluters to account because we as a nation all want clean air and clean water. But I also fully expect him to push back when someone says to him "You ought to do this," and for him to respond "That may be nice, but that has to pass Congress because the Environmental Protection Agency can't make up the rules; they can only implement the rules that have been given to them by Congress." I am looking forward to Scott Pruitt serving in that role.

In the weeks ahead, as he has advanced out of committee, he will come to the floor, and we will have a full vote here. I am willing to tell all of my colleagues that when Scott Pruitt is at the Environmental Protection Agency, you will be pleasantly surprised with

how fair he is, how responsive he is, and how passionate he is about actually implementing the law.

These are long days for us because there are an awful lot of stall tactics going on. President Trump is trying to put his Cabinet together. By this point, 2 weeks in, President Obama had almost all of his Cabinet done already. Over 20 individuals were already in place in President Obama's first term. The other party has blocked as many as they possibly can so that President Trump can't get to work. You may think that is a nice political thing to do, but the Nation had an election. And as President Obama said, elections do have consequences.

President Trump should be allowed to put together his Cabinet just as Republicans allowed President Obama to put together his Cabinet before. It is a fair thing, and it is the right thing to be able to do. We all need to be able to get our work done, President Trump included. Let's let him put his team together and get to work as the American people have asked him to do.

Madam President, with that, I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CAPITO). Without objection, it is so ordered.

Ms. HEITKAMP. Madam President, I come to talk about a topic that is near and dear to my heart. Although I don't serve on the committee of jurisdiction, I will tell some stories today that will demonstrate to you about why I feel so strongly about this nominee and so strongly about this position.

I want to start with my dad's story. My dad grew up on a small family farm outside the town of Barney, ND, not that you would know where that is. When he became an eighth grader—when he graduated with an eighth-grade education, he wanted to go to high school in Wyndmere, but as was the custom at the time, the oldest son was expected to stay on the farm and not get an education beyond the eighth grade and help support the family. That is not unusual. There is probably a number of people in this body whose parents have a similar experience, but this story really came home to me when my dad was diagnosed with melanoma.

Unfortunately, with part of that disease, the cancer moved to his brain and something remarkable happened for all of us, and that was that he would relive parts of his life. He would believe—as the cancer took over his brain, that part would activate his memory, and he would be doing things like calling bingo in the middle of the night during this time when he was in hospice care. It would alarm us, and maybe sometimes even amuse us, but he would

truly believe he was calling bingo at the Mandan VFW Hall.

I remember taking care of him one night, when he started reliving the experience of not going to high school and started really talking about how that affected his life, begging his father. I would never have known that without the cancer, but that education experience was so critical to his future and the future of his children. That experience that he had taught us and informed us and mandated that we appreciate public school education and the opportunity that came with it.

That leads to our story, the seven children of Ray Heitkamp who had a great public school education in Mantador, went to high school in Hankinson. Some of my siblings were fortunate enough to go to parochial school before St. Francis closed down, but we all graduated from Hankinson High School. Then something truly remarkable happened in this country—truly remarkable because we had a chance to go to college. From the time we were just children, my mother would tell us we were going to college. We would wonder, back in the sixties, how that was ever possible.

Then the Federal Government did something truly remarkable. It said our most important asset and our greatest future lies in the education of our children, and we want to help our children advance with that education. We saw what happened with the GI bill when GIs came home from World War II and went to college and became doctors and lawyers, became bankers, became businessmen, and worked to build their communities. We saw that.

We said: Wouldn't it be great if every kid had that opportunity, not just returning veterans but every kid.

So I remember coming here, my first day that I presided in the U.S. Senate after I was elected in 2012, and I was so busy getting ready to serve that I hadn't really gotten to that spot where I realized: Wow. I am standing in the most deliberative body in the world, and I am a U.S. Senator. I remember gaveling in, asking Pastor Black to come forward and give the prayer, and then we turned—as the pages know, we turned to say the Pledge of Allegiance. It was at that moment when I asked myself, "In what country can the daughter of a school cook and a construction worker serve in the U.S. Senate?"

We are blessed in this country to have opportunity, but that opportunity is diminished if we don't support public school education. That opportunity will not be available to future generations. We will continue to divide this country in ways that will destroy our democracy.

So where do we go today and how does this have anything to do with today?

This is our Nation's story. Public school education, which began in Massachusetts, and every step and every development of public school education

has expanded the opportunity for children with disabilities to achieve their highest calling through public school education. Children of a school cook and a construction worker can become a U.S. Senator. Any achievement we all have is because someone cared about our education and cared about our opportunities.

I was fortunate, I had parents who believed in education. Way too many children today are in homes where education isn't a priority. Maybe that home is racked with poverty, addiction, huge challenges. Even homeless children deserve a public school education, deserve access to education.

We are the envy of the world. Children in other countries die for the opportunity for public school education. This is foundational, not just to the individual development but to the future of our country.

So where are we today? Sure, we have challenges in education. No one is denying that. No one is saying our public school education, our entire education system is perfect. The challenge I have in North Dakota is achieving quality education in a rural setting. How do we do that when maybe there are only two high school seniors, and if they are going to go to the next school, they are going to drive at least an hour and a half a day. That is not unheard of. I can only imagine what that looks like in Alaska.

There are parts in our State where we are challenged every day to deliver high-quality education. We have a technology barrier. Fortunately, in North Dakota, we have technology and broadband in many of our schools. That is not true across this country. We need to do more in broadband, bringing high-quality education tools to schools. We need to recruit the best teachers for our rural schools, the best teachers for our urban schools—the best people.

During my time as Attorney General, I did a project involving juvenile justice. We went around to all of the schools, mainly talking to junior high kids because we believed that was the point at which they were making choices that may change the trajectory of their life. We were going around high schools talking to junior high kids. One of the things that kids told us over and over again is, they did not want their teachers to know when they had done something illegal. Why is that? It is not because they didn't trust their teachers with that information. The other group they didn't want to know was their parents because they didn't want to disappoint the heroes in their lives. Contrary to what people think—because they think children's heroes are some sports hero or some rapper or some performer, and that is absolutely not true. Do you know who kids' heroes are? First, they will say their grandparents or parents or a sister or a brother, one of their family members. Next what we hear is their third grade teacher, their seventh grade math

teacher, their high school coach who maybe made their life a little bit easier when they were in school. Those are their heroes. These are the people who are doing the critical work all too often of helping to raise our kids in very challenging circumstances.

So when we do not support public school education with highly qualified nominees for the highest education job in the country, what does that say to people who may choose an opportunity in education? It says we don't think very much of them because we are just willing to go ahead with a D-minus applicant because maybe that applicant had a big checkbook.

I want to talk a little bit about my colleague who is on the floor today, PATTY MURRAY, and a colleague who is not, and that is Senator ALEXANDER. I can state that I was in State office when No Child Left Behind was passed. It was so apparent to me and everyone at that level that this was not a public policy that was going to achieve the intended results, but yet we maintained that public policy for decades—through gridlock, through the inability to sit down and compromise, through the inability to put politics aside and put children first.

Then something remarkable happened in the last Congress. In a highly contentious partisan environment, two great leaders, Senator MURRAY and Senator ALEXANDER, sat down, and they knew the time had come to reverse the No Child Left Behind Act and replace it with something that was going to be much more successful so the Every Student Succeeds Act was passed, and we are now on the path of implementation. We set a new policy for public school education.

We need a leader in the Department of Education who believes in public school education and who can administer that policy, who can leave policy to the local and State school boards, to parents, to PTAs, and to local folks. We want policy. We need someone who can collaborate and implement and work with schools across our country to make this policy work and then report fairly back to us when something is not working to tell us that wasn't a good idea. We need more afterschool programs. We need a hot lunch program that actually serves more kids in the morning so kids are ready to learn. That is what we need.

So what did we get with this nominee? In my opinion, we got a highly unqualified nominee for one of the most significant positions in government for our most precious resource, our children. That is what we got.

So I am standing today, explaining my belief that we need to do something different than approve this nominee. We need to send the right message to all of those educators, all of those State officials, and all of those parents who came together and worked with Senator MURRAY and Senator ALEXANDER to form a policy. Dissent was hardly anywhere. If it was, it was whispered on the edges. We need somebody

who appreciates that work, who understands that work, and who would never say public schools are a dead end.

Public schools are not a dead end. They are the beginning of opportunity. We have to work hard to make sure that happens, but we have to start from a foundational belief that public school education is critically important and needs to be protected, supported, and advocated for. We have to start there, and I think we are not there with this nominee.

I wish to say it is not just my judgment that I bring to the floor of the Senate today. I bring to the floor the judgment of thousands of North Dakotans who have called me.

Hopefully, I did something to give people greater access to my advocacy in the Senate for them. I opened a portal on my Web page and asked people to tell us what they wanted to have done with these nominees. I have received thousands—in fact, 4,600. It may not sound like a lot to other offices, but that is a lot from a State of only 730,000 or 740,000 people. Of those 4,600, over half were on this nomination. Of those who called this office or sent a message to the portal, 92 percent of them said: Please, do not vote to approve Betsy DeVos. These are incredible statistics, very telling statistics.

I wish to read some of the comments I received from North Dakotans. I received a comment from Amber of Burleigh County, who said:

My husband and I are both public educators and we know how critical a good public school education is for students all across North Dakota, including our two daughters. We need a leader at the U.S. Department of Education who supports students, teachers, and public schools. Unfortunately, Betsy DeVos wants to dismantle public schools.

Judith from Cass County said:

DeVos has no public education experience or training of any kind; she has never been a teacher or school administrator, served on any public board of education, or even attended a public school. It is clear DeVos is not qualified to be the head of the U.S. Department of Education.

Patricia from Bottineau County told me:

As a former public school teacher and grandmother of 6, I do not support Betsy DeVos for Secretary of Education. She should not get this job with no experience in education other than trying to get rid of public schools.

An editorial today in the Fargo Forum, a very conservative newspaper in my State—I might say, it is not known for its liberal bias—said:

Of Trump's Cabinet nominees, DeVos is among the least qualified for the intended job because of her uninformed and ideologically skewed views of public education. Her ignorance was on display during her Senate committee hearing during which she was unable to answer even softball questions about long-standing education policies.

If we were inclined to support Ms. DeVos, I felt it was my job to watch the hearings. By anyone's measure, I think the hearings were clearly a disaster for this nominee. But I think it

also represented—more than the lack of knowledge and qualifications—an attitude. That attitude is that it is clear she doesn't understand the importance of public schools and refused to rule out taking Federal investments away from public schools. In fact, I think it was very clever in not revealing the true agenda, which is to privatize—not just charter schools. In fact, some of the greatest charter school advocates in this country do not support her nomination.

She doesn't understand basic education policy, yet she wants to lead the Federal agency overseeing education in our country. She doesn't understand or know of current Federal laws that support and protect students with disabilities. She has shown her severe lack of knowledge about rural schools, which represent about one-third of the public schools nationwide. She never attended or taught in a public school or had any of her children in a public school.

Students, parents, and teachers across North Dakota have stood up to say no to Betsy DeVos. In the Senate, only one more vote is needed to stop this nomination from proceeding.

I ask my colleagues who have not made up their mind, my colleagues whom I know care deeply about children to think about the great history of our country and think about the enormous privilege we had as children and as young adults to access that public school education. I ask them to think about how else someone who is the daughter of a school cook and a janitor and a seasonal construction worker could be in the Senate if it weren't for public school education.

Please, we can find someone so much better—someone who understands the new Federal policy, who has the ability to collaborate with public officials and not criticize, someone who hasn't said the work of these people who have dedicated their lives is a dead end, and someone who has respect for public school education.

We can do so much better. Our kids need it and deserve it. Children in the most precarious and difficult situations need a champion, whether it is because they have disabilities or whether they come from poverty and don't have a parent who really cares about their education or is too busy trying to put food on the table to worry about whether the homework gets done. We can make a difference here. We can send a message out to all of those school teachers who have dedicated their lives, who are our kids' heroes, that their life work matters. We are going to send them the best this country has to offer to be their leader.

Madam President, with that, I yield the floor, and I yield my time to Senator MURRAY.

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.

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

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

Ms. HEITKAMP. Madam President, I yield the remainder of my postcloture debate time to Senator MURRAY.

The PRESIDING OFFICER. The Senator has that right.

Ms. HEITKAMP. Madam President, 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. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. TESTER. Madam President, I rise today to address the potential confirmation of Betsy DeVos as Secretary of Education. I rise today not just as a Senator from Montana; I am a former public school teacher, a former public school board member. I have a mother who was a teacher and an aunt who was a teacher. I have a daughter who is a teacher. I have a sister-in-law who is a teacher. I have a number of teachers in my family. They all have either taught at or currently teach at public schools. When I was growing up, education was a critical part of what we developed into. Public education was something that my parents thought was very important. That was instilled in them by my grandmother, who over 100 years ago immigrated to this country from Sweden, due in part to the public education system we have in this country today.

When I came home from school every day, my mother would quiz me on what went on in public education. By the way, I went to the same school she did. She would find out what had transpired, both the interactions with the kids and what went on academically in the school, and also offer me a hand if I needed help with the academic portion. We would talk about my experiences in the public school because it was important. She knew it was important.

She was the daughter of a homesteader. When she was a child, homesteading wasn't exactly looked upon kindly by the ranchers of the community. They thought homesteaders were taking away their right to make a living—breaking up that good grass and putting wheat on it, making it so cattle couldn't continue to graze there. There was a lot of friction between ranchers' and farmers' kids. They all went to the same public school. In my particular case, it was Big Sandy Public Schools. In the environment of that public school, those kids learned to get along. What resulted from that was the "greatest generation." We live in a world today due in much part to their figuring out a way to get along, figuring out a way to communicate, figuring out a way to make the world a

better place. That was due I think entirely because of the public education system we have in this country today.

Our public education system is—and this cannot be argued—the foundation of our democracy. When I was growing up and the Vietnam conflict was going on and there were conflicts around the world, everybody said: You know, these countries need to have a democracy. And then there was a realization that without an educated population, democracies really don't work.

We have had a democracy in this country for nearly 250 years because of the success of our public education system. We have had a middle class in this country that has been the envy of the world because of our—listen to me—public education system. It is the foundation of our democracy, it is the foundation of our economy, and it is a place where we learn to live together peacefully.

What is troubling about the nomination of Betsy DeVos as Education Secretary is that she wants to privatize this public education system we have. I had her in my office. We talked about vouchers, and we talked about privatizing education. We talked about accountability. Her response to the public education system was that it was failing. Her response to that was, pull a few kids out. Pull the kids out who don't have any disabilities, pull the kids out who are a little smarter, and put them into a classroom, and that will be what makes this country great again. This country is already great, and if we do that, I am here to tell the people of the Senate today that we will destroy the foundation of this country and we will destroy—it may take a few years—we will destroy our democracy.

It would be different if Betsy DeVos had spent 1 hour, 1 minute, 1 second in a public education classroom. She was not educated in public schools. She has not dealt with public schools. I dealt with it as a teacher. I dealt with it as a school board member for 9 years. In fact, my second public service job was on the Big Sandy School Board. It is important because my first one dealt with soil and soil conservation, and my second one dealt with education. She has been in neither of those positions. Quite frankly, it doesn't matter that she wasn't in those—except it does because if you don't touch base with what is going on and see the successes that are happening in public education, you can have a warped view of what is going on in this country right now, and that warped view will cause you to do things like say “You know what, we are going to put up charter schools, we are going to have vouchers, and ultimately we are going to take away public education as we know it today.” Instead of saying “You know what, we are going to invest in accountability, we are going to invest in teachers' salaries, and we are going to invest in a 21st-century education system so our kids can compete,” the answer is “No,

we are going to pull kids out of the school.”

I am going to tell you a secret. I taught in the late seventies. I am far from a master teacher; I taught for a couple of years. I quit teaching because I could do anything else in society and make more money. I could cut meat for a day and make as much money as I made teaching school for a week.

Wouldn't it be a little bit smarter, instead of privatizing the schools, as Betsy DeVos wants to do, to invest in those schools? Let's give the kids the maximum opportunity we can give them. Let's value public education, and let's value education.

I am going to tell you what happens in a rural State like mine with privatization. My school system in my hometown of Big Sandy has about 175 kids. That is not an exception for Montana; there are a lot of schools that have 175 kids or fewer. By the way, that is not high school; that is K–12. Let's say that for whatever reason, somebody wants to set up a charter school a few miles down the road and suck a few kids out of Big Sandy and maybe suck a few kids out of the Fort Benton school system and a few more out of the Chester system. Pretty soon, they have their little charter school, and there is less money to teach the kids who are left in those public schools. What do you think is going to happen to those kids who are left there? That is going to take away from our public education system. Ultimately, it will cause those schools to close because the money that funds our education is at a bare minimum right now.

The other thing that has happened in our public education system is that Congress—people here—has made the promise to local schools to fund kids with disabilities, the IDEA Program, things we can do to help fix public education. Let's fund what we promised—40 percent. It is funded at 16 percent right now. So if we had a person who was going to go in as Secretary of Education and said: You know what, this is a problem, and we are going to fight to make sure that folks have the money from the Federal level to be able to teach the kids; and we are going to live up to our promise; and, by the way, IDEA is a good program that needs to be fully funded, and the Federal Government needs to do their part at 40 percent, I may have a different opinion. But that is not what she wants to do. She, in fact, wants to do something far worse than that.

She told me she wanted to block grant the money for IDEA, which would further put another nail in the coffin of schools around the country, and then put three or four in the rural schools.

It has been documented here earlier this morning that the phones have been ringing off the hook. They have been ringing off the hook opposed to Betsy DeVos. There are 1 million people who live in Montana. Over 3,000 people have contacted me opposing her.

I have had 20 contact me to support her. Phones are ringing off the hook. In fact, the phones are ringing to the tune of 1,200 to 1,500 calls a day. The phone system has shut down. There are some Senators who aren't even answering their phone because they don't want to hear it. But the truth is that public education is important in this country. People know what is at risk here. To have somebody who has never spent any time in the classroom of a public education system is asking for catastrophic results.

I am going to read a few comments from people in my great State who have sent me emails and letters about Betsy DeVos. Here is one from Melee in Missoula:

Mrs. DeVos has no place in our national education system. She is clearly not prepared nor does she even have the most basic experience to do this job well. Our students, teachers, and parents, deserve an excellent candidate, and she is not it.

Kelly from Laurel:

As a mother of an 11-year-old daughter, the thought of this woman in charge of our Nation's school system scares me.

Sandy from Billings:

It would be nice to have an Educational Secretary who has actually worked, I say WORKED, in education instead of some rich woman who has never spent a day in public schools.

Kim in Kalispell:

We need an Education Secretary that knows what the I-D-E-A Act actually is and the needs of rural school districts. We can do better and our kids deserve better.

Jenessa from Froid wrote me quite a long letter. I think it is particularly poignant, so I want to read this to you. It is a little bit long, but I think it is very clear. I want to back up a little bit and tell you that Froid is a very small town, not unlike Big Sandy. It doesn't have a lot of kids, but it has great people. Here is what Jenessa says:

After marrying my husband, a local farmer, in August 2010, I put down my roots with plans to spend my entire teaching career in Froid. With Mrs. DeVos pushing for private school funding, our small school will be one of the first to suffer.

Having two small boys that will be soon entering into their school years, they will be the third generation to walk the halls of Froid Public School. I want them to be able to spend all 13 of their public school years in the same school.

As an educator, I have seen what a small rural school can do for a student. While we may not get the same opportunities as large schools, when the opportunities knock on our door, we have a large percentage of students take advantage.

They have pride in their school and their community. Montana is currently suffering from teacher shortage. With a lack of funding, this shortage will only get worse.

I am currently in the process of earning my Masters degree in Educational Leadership. With this degree, I have been given the opportunity to become the principal of our small school. A school my family attends, my roots are dug, and I do not want a woman like Betsy DeVos having control over [our school].

Please vote no. A vote for Betsy is a vote for private control. A vote for Betsy is against the community of Froid.

A vote for Betsy is against Froid Public School. A vote for Betsy is a vote against public school teachers across this country and against the great State you represent. A vote for Betsy is a vote against my family. A vote for Betsy is a vote against me.

Mary from Red Lodge:

As a 32-year veteran educator in a rural public school, I am deeply concerned about the appointment of Betsy DeVos as Education Secretary. I'm inclined to say that her loyalty and financial backing of Mr. Trump were the reasons for the misguided appointment and not her experience and knowledge in education issues.

To be in such an esteemed position as Education Secretary, one would expect years of experience and an advanced degree to understand the ongoing issues we face in U.S. education.

Sara from Billings:

As a first grade teacher in a low-income school, I believe wholeheartedly in Montana's public schools.

Betsy DeVos believes in school privatization and vouchers. She has worked to undermine efforts to regulate Michigan charters, even when they clearly fail.

The marketplace solution of DeVos will destroy our democratically governed community schools. Her hostility towards public schools disqualifies her.

She will not work to provide a free and fair education to my students who struggle every day with hunger, with homelessness, and more. I am asking you to vote against the confirmation of Betsy DeVos.

But I have heard from far more than that—from parents to grandparents, to doctors, to average Joes who oppose this nomination. Education is something that affects everybody's life. In my opening remarks, I talked about the need for public education for democracy to work and exist. As a former school teacher and as a former board member, I can tell you that there are a lot of things we can do to make public education better, and we ought to do it.

There are hard things to do. It is much easier to say: Let's just destroy the program and privatize it, and then see what we end up with. That would be a bad decision, and that is why we should not vote for Betsy DeVos.

The impacts are huge. They are huge on our economy, they are huge on our form of government, and they are huge for us being a leader in this free world we live in.

In closing, I want Montanans to know that we have heard you. You called, you wrote, and you contacted me on Facebook and Twitter. Your message has been loud and clear. It is a message that we are hearing all across this country. It is a message that, quite frankly, if we confirm this lady, will not make America great again. In fact, it will, over time, destroy this very country that we love.

As to people who I talk to who say: The Secretary of Education doesn't matter; it is not going to affect me—I don't know whom you are kidding. The fact of the matter is, this will affect every school in every community in this country.

We can say President Trump got elected, and he needs to have the team

that he wants. I am not going to vote for a team that destroys the public education system in this country. I would not be doing a service to the people who came before me—the previous generations—and I certainly would not be doing a service to my kids and my grandkids and the generations to come after. This is a very important decision. If we want to do the tough work of debating our public education system and determining how we can make it better, get the best people in the classrooms, and get the best academic material in there for them to work off of, let's do that. But let's not destroy the public education system that has made this country great for generation after generation after generation.

I urge my colleagues to stand with the thousands of Montanans and the millions of Americans who have told us to vote no on Betsy DeVos.

Madam President, I yield my remaining postcloture debate time to the Senator from Washington, Mrs. PATTY MURRAY.

The PRESIDING OFFICER. The Senator has that right.

Mr. TESTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. HIRONO. Madam President, why are we even debating the nomination of a person who clearly does not believe in our Nation's public schools? No matter whether you are a Democrat, Republican, Independent, no matter what part of the country you live in, whether rural or city, whether you have children or not, who would say that education is not important or valuable? Who would say that education is not foundational to success in life?

Nine of every 10 students in the United States attend a public school. Who among us would say those students should be led by a person who does not believe in public schools? Who among us would say that we should have an Education Secretary who does not commit to making public schools better for the sake of all of our children?

Then we should ask ourselves: Is Betsy DeVos the best that we can do for our children and young people? Does Betsy DeVos believe in public schools? No. Has Betsy DeVos ever been a teacher, a principal, or even attended public school? No. Does Betsy DeVos believe that we should hold charter schools—which are public schools, by the way—equally as accountable as other public schools? No. Does Betsy DeVos understand educational civil rights laws that provide all children with disabilities the opportunity to pursue a free and appropriate public education? No. Did Betsy DeVos

commit to holding schools accountable for campus sexual assault? No. Again, I ask: Is Betsy DeVos the best that we can do for our children and young people? No.

Again, why are we even here to debate whether such a person should lead the Department of Education? I feel as though we are going down a rabbit hole where up is down and down is up. It should not be asking too much to have an Education Secretary who will stand up for public schools and the millions of our children and young people who attend our public schools all across our country.

Education is foundational. I think we all acknowledge that. I speak from experience. When I came to this country at almost 8 years old, I did not speak a word of English. I attended public schools where I learned how to speak English, developed my love of reading, and ultimately prepared for college. Public schools really helped prepare me for life.

I had a great sixth grade teacher. His name is Yoshinobu Oshiro. Before he was a teacher, Mr. Oshiro served in the military intelligence service during World War II, one of the segregated Japanese-American units that went on to earn the Congressional Gold Medal. He really cared about his students, and he encouraged me to study hard.

I have stayed in touch with Mr. Oshiro for decades. When I was last home in Hawaii about a month ago, I invited him to the historic meeting of President Obama and Prime Minister Abe of Japan at Pearl Harbor. I wanted to make sure that Mr. Oshiro met both Prime Minister Abe and President Obama. This happened. Today, I have a photo of Mr. Oshiro. There he is, meeting President Obama on that historic day in Hawaii.

Mr. Oshiro was a very important part of my life. In public schools across the country, there are many more Mr. Oshiros, teachers who go out of their way to support and encourage their students. They deserve a leader who will fight for them, who understands the challenges our public schools face, and who is committed to meeting those challenges. They deserve a leader who wants all of our children in public schools to succeed. If you can truly say that Betsy DeVos is that leader, that she is the best we can do for the millions of children attending public schools in our country, then vote for her. But I cannot. Thousands of my constituents agree.

I yield the remainder of my postcloture debate time to Senator MURRAY.

The PRESIDING OFFICER. The Senator may receive up to 40 minutes.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

REMEMBERING LAVELL EDWARDS

Mr. HATCH. Madam President, I rise today to honor the memory of LaVell Edwards, a giant of the gridiron who guided the Brigham Young University football program through decades of unprecedented success. Surrounded by his family, Coach Edwards passed away peacefully on the morning of December 29, 2016.

Born to Philo and Addie Edwards in 1930 in Orem, UT, he excelled in football and basketball at Lincoln High School.

Following graduation, he decided to attend Utah State University to play football. LaVell figured that if he played for BYU, the hometown school, he would have lived at home and been required to milk the family cows, so he went north to Logan. At Utah State, he met the love of his life, Patti Covey. A few months after the two went on a blind date, they were married in Beaver Dam, UT.

Following graduation, LaVell served in the Army for 2 years. After receiving an honorable discharge from the military, he became head football coach at Granite High School in Salt Lake City.

After eight seasons as head coach, LaVell was hired at BYU by Hal Mitchell in 1962. LaVell humorously remarked that he was hired only because Coach Mitchell wanted to run the single wing offense and Coach Edwards was the only Mormon running that offense at the time.

After 10 seasons as an assistant coach at BYU, he was promoted to head coach in 1972. Prior to his promotion, BYU had never achieved much success in football. In LaVell's words, it was a matter of when, not if, he would be fired. So he decided to do something that few other coaches were doing at the time: make the forward pass the focal point of the offense. LaVell's bold move revolutionized the game of football. His quarterbacks ended up throwing for over 100,000 yards, and four of them won the Davey O'Brien Award, given annually to college football's best quarterback. One of his quarterbacks even won the Heisman Trophy, which is awarded each year to college football's best player. LaVell's high-powered offense boosted the team to national prominence and culminated in BYU's 1984 national championship victory.

Following this historic season, Coach Edwards was named the AFCA National Coach of the Year. With LaVell at the helm, BYU consistently finished in the top 25. He would eventually lead the Cougars to 19 conference championships and 257 victories, making him the seventh winningest coach in college football history. He coached 31 all-Americans, 6 College Football Hall of Famers, and 2 Outland Trophy winners. Coach Edwards himself was ultimately inducted into the College Football Hall of Fame in 2004.

Despite his tremendous success on the field, LaVell always remained hum-

ble. He also never lost his sense of humor. Although college football fans typically remember Coach Edwards for his trademark sideline scowl, he was renowned for his wit. He quipped on this fact, saying, "Someone once said I'm a happy guy; I just forgot to tell my face." With his disarming humor and clever one-liners, LaVell could lighten the mood and make almost anyone laugh.

Coach Edwards also had a remarkable ability to delegate. Although he knew football forward and backward, he surrounded himself with capable coaches and he let them do their jobs. His assistants were some of the best ever in college football, partially because he let them have free reign. This quality allowed him to focus on the personal element of football.

He valued all of his players, and by all accounts, his door was always open to them. Indeed, many of his players have spoken about having frequent meetings with him that helped change their lives for the better. At his funeral, hundreds of former football players showed up—Hall of Famers, top-notch-rated people in almost every case. I was there at the funeral on Saturday.

Coach Edwards simply cared about people, and I was fortunate to witness this up close. In the 100th Congress, I had the pleasure of working with him when he was president of the American Football Coaches Association. Together, we helped to pass legislation that allowed the AFCA to establish multiemployer pensions for college football coaches. Given the uncertain nature of the coaching profession, this legislation was an important achievement for coaches and their families across the country.

Although football was important to LaVell, his faith was first and foremost. While he was coaching at BYU, LaVell served as a lay bishop in a Mormon student congregation. He thoroughly enjoyed the interactions he had with those students.

Throughout his life, he served his church in many other positions of responsibility. Following his retirement from coaching in 2000, LaVell and Patti served a public affairs mission in New York City for the Mormon Church. He served honorably in that capacity and even put his experience as a football coach to good use.

I might add that he invited me to come up and go to dinner with a number of dignitaries in that area so that he could chat with them and tell them a little bit about his faith and his beliefs, and it was a privilege to do so.

He and Patti were terrific missionaries and good people. While a missionary, LaVell aided in the establishment of Harlem's first high school football program in decades.

Coach Edwards and Patti also met with many different political and religious leaders, and, as he put it, they looked to "build bridges" between these leaders and his church.

Madam President, LaVell Edwards was a champion on and off the field. Not only was he one of the most successful coaches in college football history, he was also one of the greatest men I ever knew. I will be forever grateful for my own friendship with LaVell, and I pray that we will always remember the humility and humor that were the hallmarks of his life. It was one of the privileges of my life to have a personal relationship with him and Patti. They are two of the finest people I have ever met.

I have to say that LaVell would drop anything to support his religious beliefs, and he was a tremendous influence on literally hundreds, if not thousands, of football players and others who watched what he said, watched what he did, and loved how well he did those things.

I personally was befriended by him on a number of occasions, and it meant a lot to me. It means a lot to me to this day not because he was so important, he was one of the greatest coaches who ever lived, and he was in the Hall of Fame, but because he was down-to-earth, a person who loved to play golf, loved all sports, and loved being with people. And when he supported you, it was really support.

All I can say is, he is one of the greatest men I have ever met in my life. He had a great influence on so many people—still does. His wife is every bit as great as he has been. Both are tremendous human beings who have made this world a better place to live.

From a football standpoint, I think most coaches who knew him would say he was unexcelled, and I agree that is true, but that was minor compared to the type of life he lived, the type of things he did, the type of honors he shared, the type of kindness he showed, the ability to talk to people and help them through the problems they had, and, of course, the overall genuine goodness of a fellow whose life was well spent, who touched so many lives, literally hundreds of thousands of lives over the years, and who had this tremendous sense of humor that made being around him a real pleasure.

I am grateful I knew LaVell Edwards well. I am grateful for the life he lived. I am grateful for the example he set. I am grateful for the joy he brought to so many people. And I wish his dear wife Patti well. I just hope that these words will be a little bit of consolation for her.

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.

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

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise to strongly oppose the nomination

of Betsy DeVos for Secretary of Education.

I want to start by just reading from some letters from some young constituents that I received.

From one little boy named Theodore:

Dear Senator Gillibrand, I am a public student in PS 3. I love my school.

Please vote against Betsy DeVos because she's against public schools. I'm happy here.

From Felix:

Dear Senator Gillibrand, I am a public school student in New York, and I love my school. Please vote against Betsy DeVos as Secretary of Education because she is prejudice against public schools. I am in third grade and am a boy. Love, Felix.

Dear Senator Gillibrand, my name is Mina, and I am a public school student. I love my school (PS3), and I hope you vote against Betsy DeVos because she does not support public schools. Sincerely, Mina.

These are just three letters out of thousands of letters, phone calls, and emails from my constituents. I have never heard so much from my constituents about someone so ill-prepared for the job they have been nominated for.

I am unconvinced that this nominee in any way would use her position to actually fight for the 2.6 million students and 200,000 teachers in the public schools in my State.

She refused during hearings to commit to protecting the Federal funding that goes to our title I schools which serve students from our lowest income families. She refused to uphold critical Federal laws, like the Individuals with Disabilities Education Act, in schools that receive this absolutely necessary Federal funding. She refused to commit to upholding title IX guidance from the Department of Education, which has played an instrumental role in addressing the problem of sexual assault in our schools across the country. She even wavered on whether guns have any place in and around our schools, she said she would oppose gun-free school zones. She doesn't have any experience working as a teacher or as a school administrator at any point in her career. Instead, she has spent decades advocating for education policies that would fundamentally undermine our public school education system.

What kind of message does this send to our students and their families and our teachers if we put our trust in a person who has worked so tirelessly throughout her career to weaken public schools?

I am astonished by how little the nominee seems to understand about the basic needs of New York's schools, teachers, and parents. I am very disturbed about how out of touch her statements are with basic values.

In New York, we have over 2.6 million students who attend public schools, including 450,000 with disabilities. We have over 200,000 public schoolteachers.

Ninety percent of all students in our country go to public school. Public schools serve all kids. They feed them if they show up hungry. Public schools help all kids with disabilities and don't

send them somewhere else. Public schools help all students reach their God-given potential, and public schools are held accountable for meeting the requirements of our Federal education system and essential civil rights protections, but this nominee has vilified public schools.

Teachers and students around the country have raised their voices about this nominee, and they have made their views very clear. They do not want us to confirm Betsy DeVos to lead the Department of Education because they feel she is not an Education Secretary for all of America. I have heard from tens of thousands of them. Listening to what my constituents say, they are pretty concerned.

I would like to read a couple more letters. This one is from a school social worker in a middle school. She was hired to help underserved children develop effective executive functioning skills and survive their day-to-day lives.

My students are resilient, intelligent, loving young women and men, and they face indescribable hardships that no child should have to experience.

The ideologies and policies represented by Betsy DeVos and the Trump administration put my students' futures on the line.

Please continue to represent and fight for my students by denying the confirmation of Betsy DeVos for Secretary of Education.

Here is another letter:

While I teach in a private school setting, my sixth grade daughter attends a public middle school, and my second grade son attends a funded special education school to address his speech and language delays.

We rely on the excellent public schools in our community to support the learning needs of our children, as do hundreds of thousands of other families in New York City and millions of families across the Nation.

Here is another letter from a teacher in one of the poorest school districts in my State. He wrote:

I not only teach the State-mandated curriculum—we offer elite educational programming to all those who reside in our district.

I am honored on a daily basis to know that I have been able to level the playing field for many students by offering them the keys to success through their education.

Students who come to us homeless, underfed, victims of poverty and trauma are given the same access to success as those more fortunate.

Because of our public school systems, they have been able to achieve the American dream and achieve all their dreams.

These are real concerns. These are heartfelt worries. This is what the people of New York are saying and people across this country. We need to listen to our constituents. We need to serve them. We need to represent them. We need to listen to our teachers across our States who work so hard every day to make sure our children can learn and reach their potential. We need to listen to our families and our students who have expressed very real fears that this nominee will cause damage to our public schools.

So I stand with my colleagues from both parties to oppose this nomination.

I will not support the confirmation of someone who is such a threat to our public school system.

I encourage everyone in this Chamber to think about the students and teachers in their States who desperately need a leader to run the Department of Education. I urge all of my colleagues to vote this nominee down.

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

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

Mr. REED. Mr. President, I rise in opposition to the nomination of Betsy DeVos to be the Secretary of Education. This is not a position I take lightly. I have never opposed the confirmation of a nominee for Secretary of Education. I also have never seen the intensity of opposition to a nominee for this position as we have witnessed with Mrs. DeVos.

Thousands of Rhode Islanders—educators, parents, community leaders—have written or called to express their dismay that a person with Mrs. DeVos's record and background would be chosen to lead the Department of Education. What I have seen and heard about Mrs. DeVos leads me to agree with my constituents—she is uniquely unsuited and unqualified for this critical position.

The U.S. Secretary of Education oversees the Federal Government's role in ensuring educational equity in our public schools regardless of family income, race, ethnicity, language, or disability. Mrs. DeVos's work has been in the opposite direction. She has dedicated her time, political capital, and personal fortune to creating private sector alternatives to public education.

She has also fought to shield those alternatives from the same standards and accountability that apply to public schools. For example, she spent a reported \$1.45 million to reward or punish Michigan legislators as part of her effort to kill an accountability plan that would have included charter schools. This hostility to public schools and affinity for using public dollars to fund private schools or for-profit education companies makes her, in my estimation, a poor choice to lead the U.S. Department of Education.

Mrs. DeVos's crusade for vouchers raises another fundamental question about whether she respects the separation between church and state. This is a founding principle of our Nation. However, in the past, she has talked about her education reform efforts in religious terms as advancing God's Kingdom and reversing what she feels is a trend of public schools displacing church in community life. In an administration that has signaled a willingness to discriminate based on religion,

these views are cause for real concern and they have no place at the U.S. Department of Education.

Mrs. DeVos's crusade for school choice in Michigan has been a failure for students. Since 2000, student achievement in that State has fallen. In 2000, Michigan students scored above the national average on the National Assessment of Education Progress in fourth grade reading and math. By 2015, they were below average.

As a single-issue educational reformer, Mrs. DeVos does not have the breadth of knowledge necessary to oversee our national education policy from preschool through adult education and postsecondary education. Her policy solution for education is choice. As they say, when all you have is a hammer, everything is a nail. This one-size-fits-all approach is a real danger given the diversity of our students, our institutions, our communities, and the different educational challenges across the lifespan of individual Americans.

I know many parents and students and employers are worried about our schools. I share that worry, and we need to do more, but Mrs. DeVos's plan to eliminate those neighborhood schools rather than do the hard work of repairing, renovating, and providing the supports that enable all schools to be ready to learn at school is cause for alarm.

During her hearing, Mrs. DeVos displayed little understanding of the Federal student aid programs that provide approximately \$150 billion in assistance to students struggling to pay for college. So not only does she have a single-minded focus on private charter elementary schools, she has very little grasp—from her hearing testimony—on the challenges for postsecondary education in the United States.

She also appeared confused about questions regarding the Individuals with Disabilities Education Act—the landmark law enacted in 1975, and updated many times since, that protects the rights of children with disabilities to a free and appropriate education. At first, she suggested that States should be allowed to decide whether or how to enforce the law, and that, in my view, is a disqualifying answer. This has been a Federal initiative that has proved successful.

Indeed, many of us can recall when students with special needs were ignored—totally ignored—until the IDEA, and now they have been incorporated into our public school systems and into our educational system, which has benefited these students, their families, and our country.

I also share my colleagues' concerns about Mrs. DeVos's finances and her ability to carry out her duties as Secretary free from conflict of interest. Her ethics disclosures show investments and relationships across a range of education interests from for-profit early childhood education companies to for-profit education management

entities, advocacy organizations, education software, campus services, private student loans, and student loan debt collectors. She has not fully disclosed her assets to the Senate Health, Education, Labor, and Pensions Committee and has declined to provide information on the holdings in two family trusts that she will retain if she is confirmed. This lack of transparency raises real questions about whose interests will be served under her administration at the Department of Education.

Education is really the launching pad for the American dream. It is the engine that drives this country forward. The Secretary of Education must be a champion for public education.

As we have seen from the Office of Civil Rights data collection, we have significant gaps in opportunities and resources in schools across this country. Our Secretary of Education must be dedicated to helping States and school districts close those gaps. These children cannot afford to have resources drained from their public schools for vouchers that will do little to improve the quality of education in their communities.

And as many of my colleagues in rural States have indicated, there is just, in many places geographically, the inability to substitute a public school with a vouchered charter or private school. If we break faith with these public schools, we will leave thousands of Americans, particularly in rural communities, without any real choice.

The Secretary of Education should be working toward helping our teachers, principals, school leaders, and parents ensure that we are reaching all students and helping them succeed. All students include students with disabilities and English language learners. All students, together, learning from one another and not in separate and, indeed, perhaps inherently unequal environments. Our goal should be equal opportunity. And if we pursue that goal, we will see the progress and success of America continue.

We need a Secretary of Education who is prepared on day one to lead our Federal student aid system that includes a student loan portfolio of over \$1 trillion with more than 40 million borrowers. This is another aspect of the responsibilities in postsecondary education that, in her testimony and in her presentation, Mrs. DeVos appeared to be ill-informed about. Our Secretary of Education must be at the forefront of expanding college access, improving affordability, and ensuring that students' educational and financial interests are protected.

We need a Secretary of Education who is prepared to address the needs of adult learners, especially those who have been left behind in a changing economy. Mrs. DeVos has provided no insight as to how she will lead the Department of Education's efforts to support adult learners.

In fact, one of the realities of this economy is that learning today is lifelong, lifetime learning. We have left the period in which a high school diploma would be adequate for a person to get a good job, move up through the ranks in a company, retire comfortably, and provide for the next generation. Now, the intensity of education and the duration of education has to be for a lifetime. And, once again, that knowledge, that expertise, was not demonstrated in her testimony.

Sadly, I do not believe that Mrs. DeVos is the Education Secretary that we need. She has dedicated her time and wealth to promoting alternatives to public education, which I believe is the bedrock of our democracy. I think one of the most significant reasons this country grew and expanded was that going back to our earliest days, we, more than any other Nation in the world, pioneered free public education, accessible to all, and that engine drove this country forward. To ignore that, to abandon public education, would be a tremendous setback to not only our economy but to the fabric of our society.

Her focus on vouchers and for-profit education calls into question—very dramatically—her commitment to public schools. It does not seem to be her major priority, and I would argue that has to be a major priority of the Secretary of Education, along with the Federal role of ensuring that the rights of all students are protected, regardless of where they live. This can't be a Department of Education that is focused on certain ZIP Codes and ignores other ZIP Codes.

Furthermore, nothing in her background and in her testimony before the Health, Education, Labor, and Pensions Committee inspires confidence that she has the experience or vision necessary to oversee public education policy, including higher education and adult education.

For these reasons, I cannot support her nomination, and I would urge my colleagues to join me in voting no.

As I indicated in my opening remarks, having served under both Republican Presidents and Democratic Presidents, this is the first time I have ever felt that I could not support a nominee for the Department of Education.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I wish to thank my many colleagues who have been here this morning to talk about this critical appointment, the Secretary of Education, who oversees all of our K-12 and higher education in this country. It is a principle so many of us care about. I have heard passionately from so many of my colleagues here today about what public education means to them, what it means to our country, what it means to our

democracy, and what it means for kids of all different backgrounds to come together in a public education system that is guaranteed by this country. The dangerous views of this nominee, Betsy DeVos as Secretary of Education—who has said repeatedly she will not protect the investments we have made, but rather has the philosophy that we should take money away from our public education students and put it to vouchers for private schools—will undermine our whole entire democracy. It is why we have heard across this country from so many parents and teachers and students and grandparents and business leaders who are urging Senators from every State to vote no on this nominee.

Certainly we can do better. Certainly the last election was not about sending our K-12 and higher education system into chaos, certainly not at a time when one of the most important things people care about is the stability of our economy, the ability to get a job. Fundamental to that is being able to know you can go to a school, no matter where you are or where you live or how much money you have, and get a good education. We need to keep that, and no one wants to send that system into chaos at this time. That is why people are speaking out.

As I mentioned earlier today, I have heard from thousands of people in my home State who have contacted me with concerns about this nomination of Betsy DeVos to be the Secretary of Education. An overwhelming number of them are people who have spent time in our classrooms with our kids; that is, our teachers. Many of them have spent decades in public schools dedicating their own lives to helping our children learn in school districts of all different sizes, and those teachers deserve a voice today.

So I thought I would take a few minutes to tell my colleagues a little bit about what I am hearing and why they believe we should oppose Betsy DeVos as Secretary of Education.

I heard from a teacher from my hometown of Bothell, WA, who wrote me and said that public education is the basis of equality for all students in this country. Our Founding Fathers recognized the importance of having educated citizens and the need to provide it for all of our children. Education for profit doesn't work. And we need to do what we can to make sure we fight privatization of our education system.

I heard from another woman in central Washington who works with low-income students. As she noted, taking title I funding and putting it toward private schools will be devastating to small communities. She is echoing what I am hearing from rural communities across my State and what I am hearing from many other Senators who have talked to me about what they are hearing from rural communities in their States.

From Seattle, I heard from an educator who told me that she wanted to see

fellow educators—or at least people with some experience in our public schools—running this Department. That is why she opposes Betsy DeVos—no experience.

A retired teacher from Mercer Island asked me to oppose this nomination. She has spent 37 years teaching children in our public schools.

On the other side of my State, in Spokane, a 28-year teaching veteran says strengthening public education is the best thing we can do for schools like hers that are located in a high-poverty district.

In Prosser, a public school teacher and a former lawyer told me that he is committed to both the public education system and the Constitution. He called the nomination of Betsy DeVos an affront to both, given what he called her track record of undermining public schools and the need for separation of church and State. He said that only through access to high-quality learning opportunities can we remain free.

I heard from a teacher—also a parent—from Issaquah who said: “This nomination is very disappointing.” In order to “make America great again” she said we need fully funded schools for teachers who have the time and the resources to prepare students to be life-long learners.

In Monroe, WA, a teacher for 35 years says she is afraid of what DeVos could mean to public education.

From Camano Island, a retired teacher of 31 years said all children deserve the same access to high-quality public education.

A teacher from Vancouver School District tells me that our public schools deserve better than someone who has called them a dead end, adding that the Secretary of Education should be an advocate for the principle of free, quality, and equal education. She worries that if we don't defend public education from the views of Mrs. DeVos, then we have failed the future of this democracy.

I received a succinct message from Dave in Seattle, in all caps, where he writes: “ABSOLUTELY NO.”

Those are just a few of the many, many people I am hearing from. There are literally thousands and thousands more. I know that is true from all of our colleagues here. Why? Because people are making their voices heard loud and clear. They want a Secretary of Education with real experience in public schools who is truly dedicated to strengthening our public education system across the country.

I am proud to stand with my constituents and the public school educators from Washington State to urge our colleagues to vote no on Betsy DeVos.

We have had a good number of Senators here today to talk about this. I know we are going to be spending Monday, Monday afternoon, into the night Monday, Tuesday morning hearing from many other Senators and having a very robust debate.

I hope that all of those who are listening, and everyone in this country, stands up at this time and thinks about what public education means to this freedom and this democracy, and I know they will, as they have been continuing to let their voices be heard by their elected representatives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mrs. ERNST. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO REAR ADMIRAL CRAIG FALLER

Mr. KING. Mr. President, today I wish to recognize and congratulate RADM Craig Faller on his outstanding service to our Nation as the Navy's chief of legislative affairs from June 2014 through January 2017. During that time, he was the Navy's lead advocate on Capitol Hill and had the challenging job of communicating with all 535 Members of Congress, handling their constituent inquiries, and properly representing the Navy while taking into account military, political, and budgetary priorities.

Admiral Faller selflessly devoted the last 2 and a half years of his life to ensuring our Nation's sailors were represented in Congress, and he excelled in that role. He established warm and lasting relationships with my colleagues, garnering respect and admiration in both Chambers of Congress and on both sides of the aisle. He worked with us to establish the first-ever Senate Navy Caucus and broadened the Navy's outreach beyond members of defense committees. His efforts, along with those of the Chief of Naval Operations, introduced the Navy to Senators who would not otherwise have had exposure to the great work our sailors are doing around the globe.

On behalf of my colleagues and the U.S. Congress, I thank Admiral Faller for his dedicated service to the Navy and our Nation. I also thank his wife, Martha, for her support and sacrifice. I wish them fair winds and following seas as he moves on to his next assignment as the senior military assistant to the Secretary of Defense.

MESSAGES FROM THE HOUSE

At 10:57 a.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 36. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation".

ENROLLED JOINT RESOLUTIONS SIGNED

At 11:46 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker had signed the following enrolled joint resolutions:

H.J. Res. 38. Joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

H.J. Res. 41. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers".

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. HATCH).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-663. A communication from the President of the United States, transmitting, pursuant to law, the fiscal year 2016 Annual Nuclear Weapons Stockpile Assessments from the Secretaries of Defense and Energy, the three national security laboratory directors, and the Commander, United States Strategic Command (OSS-2017-0053); to the Committee on Armed Services.

EC-664. A communication from the General Counsel, Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, two (2) reports relative to vacancies in the Office of Science and Technology Policy, Executive Office of the President, received in the Office of the President pro tempore of the Senate; to the Committee on Commerce, Science, and Transportation.

EC-665. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the Dakota Access Pipeline; to the Committee on Environment and Public Works.

EC-666. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Technical Collection for the New START Treaty (OSS-2017-0108); to the Committee on Foreign Relations.

EC-667. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities of the Community Relations Service for fiscal year 2016; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-10. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, in *United States of America v. States of Louisiana, Texas, Mississippi, Alabama, and Florida*, 33 U.S. 1 (1960), the seaward boundary of the state of Louisiana in the Gulf of Mexico was judicially determined by the United States Supreme Court to be three geographical miles, despite evidence showing that Louisiana's seaward boundary historically consisted instead of three marine leagues, a distance equal to nine geographic miles or 10.357 statute miles; and

Whereas, the seaward boundaries in the Gulf of Mexico for the states of Texas and Florida were determined to be three marine leagues; and

Whereas, the unequal seaward boundary imposed upon Louisiana has resulted in (1) economic disparity and hardship for Louisiana citizens and entities; (2) economic loss to the state of Louisiana and its political subdivisions; and (3) the inability of the state of Louisiana and its political subdivisions to fully exercise their powers and duties under the federal and state constitutions and state laws and ordinances, including but not limited to protection and restoration of coastal lands, waters, and natural resources, and regulation of activities affecting them; and

Whereas, in recognition of all of the above the Legislature of Louisiana in the 2011 Regular Session enacted Act No. 336, which amended Louisiana statutes to provide that the seaward boundary of the state of Louisiana extends a distance into the Gulf of Mexico of three marine leagues from the coastline, and further defines "three marine leagues" as equal to nine geographic miles or 10.357 statute miles; and

Whereas, Act No. 336 further provides that the jurisdiction of the state of Louisiana or any political subdivision thereof shall not extend to the boundaries recognized in such Act until the United States Congress acknowledges the boundary described therein by an Act of Congress or any litigation resulting from the passage of Act No. 336 with respect to the legal boundary of the state is resolved and a final nonappealable judgment is rendered; and

Whereas, through the federal Submerged Lands Act of 1953, Congress has the power to fix the unequal disparity of the lesser seaward boundary forced upon Louisiana by recognizing and approving that Louisiana's seaward boundary extends three marine leagues into the Gulf of Mexico; and

Whereas, as shown by the national impact of natural and manmade disasters such as hurricanes Katrina and Rita in 2005 and the Deepwater Horizon BP Oil Spill in 2010, the seaward boundary of Louisiana is vital to the economy and well-being of the entire United States, since among other benefits the Louisiana coastal area: (1) serves as both host and corridor for significant energy and commercial development and transportation; (2) serves as a storm and marine forces buffer protecting ports and the vast infrastructure of nationally significant oil and gas facilities located in such area; (3) provides critical environmental, ecological, ecosystem, and fish, waterfowl, and wildlife habitat functions; (4) provides protection from storms for more than 400 million tons of water-borne commerce; and (5) offers recreational and ecotourism opportunities and industries that are known and appreciated throughout the world; and

Whereas, the Louisiana coastal area accounts for 80% of the nation's coastal land loss, with its valuable wetlands disappearing at a dramatically high rate of between 25-35 square miles per year; and

Whereas, hurricanes Katrina and Rita turned approximately 100 square miles of southeast Louisiana coastal wetlands into open water, and destroyed more wetlands east of the Mississippi River in one month than experts estimated to be lost in over 45 years; and

Whereas, the economic, environmental, and ecological damage of the Deepwater Horizon BP Oil Spill is already calculated in terms of billions of dollars, and potential longer-lasting impacts are still being determined; and

Whereas, adopted in 2006, the federal Gulf of Mexico Energy Security Act (GOMESA) would provide ongoing revenues to Louisiana from federal oil revenue derived from gulf leasing and drilling, with the first payment in 2017 estimated to be approximately \$176 million, and with such monies dedicated to coastal restoration, hurricane protection and coastal infrastructure; and

Whereas, despite strenuous objection, efforts are now underway to repeal or amend GOMESA that would result in depriving Louisiana and other gulf coast states of such monies; and

Whereas, the extension of Louisiana's seaward boundary into the Gulf of Mexico for three marine leagues will provide a much-needed stream of revenue for use in the state's ongoing efforts to clean up, rebuild, protect and restore the Louisiana coastal area from losses suffered due to both natural and manmade disasters, and will benefit both the state and the entire nation: Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the President of the United States, to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on the Budget, without amendment:

S. Res. 46. An original resolution authorizing expenditures by the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TESTER (for himself, Mr. COCHRAN, Mr. LEAHY, Mr. GRASSLEY, Mrs. MURRAY, Mr. WYDEN, Mr. DURBIN, Mr. REED, Ms. COLLINS, Mr. CARPER, Ms. CANTWELL, Ms. MURKOWSKI, Mr. MENENDEZ, Mr. CARDIN, Mr. SANDERS, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. WICKER, Mr. UDALL, Mr. WARNER, Mr. BENNET, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. COONS, Mr. PORTMAN, Ms. BALDWIN, Mr. DONNELLY, Ms. HIRONO, Mr. KING, Ms. HEITKAMP, Mr. MARKEY, Mr. PETERS, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HASSAN, and Mr. DAINES):

S. 298. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the Committee on Rules and Administration.

By Mr. LEE (for himself and Mr. PAUL):

S. 299. A bill to require the appropriation of funds to use a fee, fine, penalty, or proceeds from a settlement received by a Federal agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TESTER (for himself, Mr. UDALL, and Mrs. GILLIBRAND):

S. 300. A bill to amend the Internal Revenue Code of 1986 to require that return information from tax-exempt organizations be made available in a searchable format and to provide the disclosure of the identity of contributors to certain tax-exempt organizations; to the Committee on Finance.

By Mr. LANKFORD (for himself, Mr. BLUNT, Mr. LEE, Mr. CRUZ, Mr. MORAN, Mr. ISAKSON, Mr. INHOFE, Mr. DAINES, Mr. THUNE, Mr. SASSE, Mr. RISCH, Mr. ROBERTS, Mr. CASSIDY, and Mrs. ERNST):

S. 301. A bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself and Mr. CRAPO):

S. 302. A bill to enhance tribal road safety, and for other purposes; to the Committee on Indian Affairs.

By Mr. BOOKER (for himself, Mr. SCHATZ, Ms. HIRONO, Mr. DURBIN, Ms. HARRIS, Mr. MERKLEY, and Mr. CARPER):

S. 303. A bill to discontinue a Federal program that authorizes State and local law enforcement officers to investigate, apprehend, and detain aliens in accordance with a written agreement with the Director of U.S. Immigration and Customs Enforcement and to clarify that immigration enforcement is solely a function of the Federal Government; to the Committee on the Judiciary.

By Mr. THUNE (for himself and Mr. ROUNDS):

S. 304. A bill to amend the Indian Health Care Improvement Act to allow the Indian Health Service to cover the cost of a copayment of an Indian or Alaska Native veteran receiving medical care or services from the Department of Veterans Affairs, and for other purposes; to the Committee on Indian Affairs.

By Mr. TOOMEY (for himself and Mr. DONNELLY):

S. 305. A bill to amend title 4, United States Code, to encourage the display of the flag of the United States on National Vietnam War Veterans Day; considered and passed.

By Mr. TESTER (for himself and Mr. WHITEHOUSE):

S.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate corporations, limited liability companies, and other corporate entities established by the laws of any State, the United States, or any foreign state; to the Committee on the Judiciary.

By Mr. TOOMEY:

S.J. Res. 21. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Ms. STABENOW, Mr. CASEY, Mr. FRANKEN, Ms. BALDWIN, Mr. MURPHY, Mr. KING, Ms. HASSAN, and Mr. ISAKSON):

S. Res. 44. A resolution designating February 6 through 10, 2017, as "National School Counseling Week"; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Ms. MURKOWSKI, Ms. WARREN, Ms. HASSAN, Mr. FISCHER, Ms. STABENOW, Mrs. SHAHEEN, Ms. BALDWIN, Mrs. CAPITO, Ms. HEITKAMP, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. COLLINS, Ms. CANTWELL, Mrs. MURRAY, Mr. DURBIN, and Ms. DUCKWORTH):

S. Res. 45. A resolution designating February 2017 as "American Heart Month" and February 3, 2017, as "National Wear Red Day"; to the Committee on the Judiciary.

By Mr. ENZI:

S. Res. 46. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. DONNELLY (for himself, Mr. RUBIO, and Mr. TOOMEY):

S. Res. 47. A resolution supporting the contributions of Catholic schools; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 132

At the request of Mr. CRAPO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 132, a bill to amend title 54, United States Code, to provide for congressional and State approval of national monuments and restrictions on the use of national monuments.

S. 166

At the request of Mr. BOOKER, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 166, a bill to require the Secretary of the Treasury to mint coins in commemoration of Muhammad Ali.

S. 170

At the request of Mr. RUBIO, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 170, a bill to provide for nonpreemption of measures by State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 229

At the request of Mr. HEINRICH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 229, a bill to provide for the confidentiality of information submitted in requests for the Deferred Action for Childhood Arrivals Program, and for other purposes.

S. 240

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Ms. HEITKAMP), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. TESTER) and the Senator from Indiana (Mr. DONNELLY) were added as cosponsors of S. 240, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S. 260

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Colorado (Mr. GARDNER) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. 260, a bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

S.J. RES. 9

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 9, a joint resolution providing for congressional disapproval under chapter 8, of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to the disclosure of payments by resource extraction issuers.

S.J. RES. 11

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S.J. Res. 11, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation".

S.J. RES. 17

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Florida (Mr. RUBIO) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S.J. Res. 17, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself and Mr. CRAPO):

S. 302. A bill to enhance tribal road safety, and for other purposes; to the Committee on Indian Affairs.

Mr. BARRASSO. Mr. President, I rise today to discuss a bill I just introduced, the John P. Smith Act.

Just a few short weeks ago, I came to the floor to recognize John Smith, a Wyoming resident who was a life-long advocate for transportation safety. For nearly three decades, "Big John" Smith led the Department of Transportation for the Eastern Shoshone and

Northern Arapaho Tribes of the Wind River Reservation. Wyoming lost one of its great representatives and leaders on December 31, 2016, but John's legacy lives on through the changes he effected on the Wind River Reservation.

John's unwavering commitment to improving transportation infrastructure earned him awards and respect the country over. More importantly, Big John inspired others to invest in transportation and road safety on the Wind River Reservation. It is only fitting that a bill, which seeks give additional tools to tribal governments across the country, would be named after such a committed man.

The John P. Smith Act will streamline requirements for tribal transportation projects to help make intersections, railroad crossings, and other tribal transportation features safer for the people who depend on this infrastructure. Relatively minor changes can dramatically improve public safety around roads. The John P. Smith Act makes sure that simple things, like installation of rumble strips, improvement of roads for pedestrian or cyclist safety, and even basic signage would not be subject to months or years-long delays due to bureaucratic backlog.

When he testified before the Committee of Indian Affairs when I was Chairman, Mr. Smith told the stories outlining the many tragic deaths on dangerous roads in Indian country. He shared that at the time of his testimony, the Wind River Reservation in Wyoming had the highest rate of pedestrian deaths in the United States. The John P. Smith Act would ensure that basic safety measures could be put in place in a timely manner. Big John shared, "When you have narrow roads, with sharp curves, no medians and no shoulders, you are asking for trouble." The projects included in this bill will help to save lives in tribal communities.

John Smith has been described as a "Champion of Change" by the White House, a skillful diplomat by his peers, and I was proud to call him my friend. It is with great honor and respect that I am pleased today to introduce the John P. Smith Act to build on John's lifetime of transportation safety achievements.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 44—DESIGNATING FEBRUARY 6 THROUGH 10, 2017, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mrs. MURRAY (for herself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Ms. STABENOW, Mr. CASEY, Mr. FRANKEN, Ms. BALDWIN, Mr. MURPHY, Mr. KING, Ms. HASSAN, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 44

Whereas the American School Counselor Association has designated February 6

through 10, 2017, as "National School Counseling Week";

Whereas school counselors have long advocated for equal opportunities for all students;

Whereas school counselors help develop well-rounded students by guiding students through academic, personal, social, and career development;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors play a vital role in ensuring that students are ready for college and careers;

Whereas school counselors play a vital role in making students aware of opportunities for financial aid and college scholarships;

Whereas school counselors assist with and coordinate efforts to foster a positive school climate, resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in their communities and the United States;

Whereas students face myriad challenges every day, including peer pressure, bullying, mental health issues, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas a school counselor is one of the few professionals in a school building who is trained in both education and social and emotional development;

Whereas the roles and responsibilities of school counselors are often misunderstood;

Whereas the school counselor position is often among the first to be eliminated to meet budgetary constraints;

Whereas the national average ratio of students to school counselors is 491 to 1, almost twice the 250 to 1 ratio recommended by the American School Counselor Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week will increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 6 through 10, 2017, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe National School Counseling Week with appropriate ceremonies and activities that promote awareness of the role school counselors play in schools and the community at large in preparing students for fulfilling lives as contributing members of society.

SENATE RESOLUTION 45—DESIGNATING FEBRUARY 2017 AS "AMERICAN HEART MONTH" AND FEBRUARY 3, 2017, AS "NATIONAL WEAR RED DAY"

Ms. HIRONO (for herself, Ms. MURKOWSKI, Ms. WARREN, Ms. HASSAN, Mrs. FISCHER, Ms. STABENOW, Mrs. SHAHEEN, Ms. BALDWIN, Mrs. CAPITO, Ms. HEITKAMP, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. COLLINS, Ms. CANTWELL, Mrs. MURRAY, Mr. DURBIN, and Ms. DUCKWORTH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 45

Whereas heart disease affects men, women, and children of every age and race in the United States;

Whereas, between 2003 and 2013, the death rate from heart disease fell nearly 30 percent, but heart disease continues to be the leading cause of death in the United States, taking the lives of approximately 800,000 individuals in the United States and accounting for 1 in 3 deaths across the United States;

Whereas congenital heart defects are the most common birth defect in the United States, as well as the leading killer of infants with birth defects;

Whereas, each year, an estimated 790,000 individuals in the United States have a heart attack, of whom an estimated 115,000 die;

Whereas cardiovascular disease and stroke account for \$555,000,000,000 in health care expenditures and lost productivity annually;

Whereas, by 2030, cardiovascular disease and stroke will account for \$1,093,900,000,000 in health care expenditures and lost productivity annually;

Whereas individuals in the United States have made great progress in reducing the death rate for coronary heart disease, but this progress has been more modest with respect to the death rate for coronary heart disease for women and minorities;

Whereas many people do not recognize that heart disease is the number 1 killer of women in the United States, taking the lives of 298,840 women in 2015;

Whereas nearly ⅓ of women who unexpectedly die of heart disease have no previous symptoms of disease;

Whereas nearly ½ of all African-American adults have some form of cardiovascular disease, including 48 percent of African-American women and 44 percent of African-American men;

Whereas Alaska Natives die from heart disease at younger ages than individuals from other ethnic groups;

Whereas it is estimated that 36 percent of Alaska Natives and American Indians who die of cardiovascular disease die before reaching 65 years of age;

Whereas many minority women, including African-American, Hispanic, Asian-American, and Native-American women and women from indigenous populations, have a greater prevalence of risk factors or are at a higher risk of death from heart disease, stroke, and other cardiovascular diseases, but such women are less likely to know of the risk;

Whereas, between 1965 and 2017, treatment of cardiovascular disease for women has largely been based on medical research on men;

Whereas, due to the differences in heart disease between men and women, more research and data on the effects of heart disease treatments for women is vital;

Whereas extensive clinical and statistical studies have identified major and contributing factors that increase the risk of heart disease, including high blood pressure, high blood cholesterol, smoking tobacco products, exposure to tobacco smoke, physical inactivity, obesity, and diabetes mellitus;

Whereas an individual can greatly reduce the risk of cardiovascular disease through lifestyle modification coupled with medical treatment when necessary;

Whereas greater awareness and early detection of risk factors of heart disease can improve and save the lives of thousands of individuals in the United States each year;

Whereas, under section 101(1) of title 36, United States Code, the President is requested to issue an annual proclamation designating February as American Heart Month;

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate National Wear Red Day during February by "going

red" to increase awareness about heart disease as the leading killer of women; and

Whereas, every year since 1964, the President has issued a proclamation designating the month of February as American Heart Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2017 as "American Heart Month" and February 3, 2017, as "National Wear Red Day";

(2) supports the goals and ideals of American Heart Month and National Wear Red Day;

(3) recognizes and reaffirms the commitment in the United States to fighting heart disease and stroke by—

(A) promoting awareness about the causes, risks, and prevention of heart disease and stroke;

(B) supporting research on heart disease and stroke; and

(C) expanding access to medical treatment;

(4) commends the efforts of States, territories and possessions of the United States, localities, nonprofit organizations, businesses and other entities, and the people of the United States who support American Heart Month and National Wear Red Day; and

(5) encourages every individual in the United States to learn about the risk of the individual for heart disease.

SENATE RESOLUTION 46—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. ENZI submitted the following resolution; which was referred from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget (in this resolution referred to as the "committee") is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed \$3,534,372, of which amount—

(1) not to exceed \$35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$21,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the

period October 1, 2017 through September 30, 2018 under this resolution shall not exceed \$6,058,924, of which amount—

(1) not to exceed \$60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$36,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed \$2,524,552, of which amount—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$15,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 47—SUPPORTING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. DONNELLY (for himself, Mr. RUBIO, and Mr. TOOMEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 47

Whereas Catholic schools in the United States are internationally acclaimed for

their academic excellence and provide students with more than an exceptional scholastic education;

Whereas Catholic schools instill a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in young people in the United States;

Whereas Catholic schools provide a high level of service to the United States by providing a diverse student population from all regions of the country and all socio-economic backgrounds, with 36.4 percent of students from ethnic and racial backgrounds and 17.4 percent of whom are non-Catholic, with a strong academic and moral foundation;

Whereas Catholic schools are an affordable option for parents, particularly in underserved urban areas;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas Catholic schools are committed to community service, producing graduates who hold "helping others" as one of their core values;

Whereas the total Catholic school student enrollment for the 2015–2016 academic year was almost 2,000,000 and the student-teacher ratio was 13.1 to 1;

Whereas Catholic schools educate a diverse population: 20.3 percent racial minorities; 16.1 percent Hispanic/Latino; 17.4 percent non-Catholic;

Whereas the Catholic high school graduation rate is 99 percent, with 87 percent of graduates attending 4-year colleges;

Whereas, in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."

Whereas the week of January 29, 2017, to February 4, 2017, has been designated as National Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops, and February 1, 2017, as National Appreciation Day for Catholic Schools;

Whereas National Catholic Schools Week was first established in 1974 and has been celebrated annually for the past 43 years;

Whereas, while some Catholic schools are challenged by declining enrollments and school closures, the good news is that there is a strong demand and enthusiasm for Catholic schools;

Whereas 32 percent of Catholic schools have waiting lists for admission and new schools are opening across the country; and

Whereas the theme for National Catholic Schools Week 2017 is Catholic Schools: Communities of Faith, Knowledge and Service: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of National Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of the thousands of Catholic elementary and secondary schools in the United States;

(2) applauds the National Catholic Educational Association and the United States Conference of Catholic Bishops on their selection of a theme that all can celebrate; and

(3) supports the continued dedication of Catholic schools, students, parents, and teachers across the United States toward academic excellence, and supports the key role they play in promoting and ensuring a brighter, stronger future for the United States.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Dr. Anne Ordway, a fellow in my Health, Education, Labor, and Pensions Committee, be granted floor privileges for the remainder of the first session of the 115th Congress.

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

VIETNAM WAR VETERANS RECOGNITION ACT OF 2017

Mrs. ERNST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 305, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 305) to amend title 4, United States Code, to encourage the display of the flag of the United States on National Vietnam War Veterans Day.

There being no objection, the Senate proceeded to consider the bill.

Mrs. ERNST. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 305) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Vietnam War Veterans Recognition Act of 2017”.

SEC. 2. DISPLAY OF FLAG ON NATIONAL VIETNAM WAR VETERANS DAY.

Section 6(d) of title 4, United States Code, is amended by inserting “National Vietnam War Veterans Day, March 29;” after “third Monday in February;”.

ORDERS FOR MONDAY, FEBRUARY 6, 2017

Mrs. ERNST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Monday, February 6; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that the Senate pro-

ceed to a period of morning business for leader remarks, with no motions in order, for up to 15 minutes; and following leader remarks, the Senate proceed to executive session to resume consideration of the DeVos nomination.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Continued

ORDER FOR ADJOURNMENT

Mrs. ERNST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate proceed to executive session to resume consideration of the DeVos nomination and that it stand adjourned under the previous order at 1:30 p.m. today.

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

ADJOURNMENT UNTIL MONDAY, FEBRUARY 6, 2017

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 12 noon on Monday, February 6.

Thereupon, the Senate, at 1:30 p.m., adjourned until Monday, February 6, 2017, at 12 noon.