

If the concept of faithful judges fulfilling their proper role strikes anyone as a partisan development or a threat to their political agenda, I would suggest it is their agenda that needs modifying and not the judicial branch that our Founders intended.

COAL INDUSTRY

Mr. McCONNELL. Mr. President, on another matter, one of the untold stories of the Obama administration was the dramatic geographic inequality that deepened on the Democrats' watch.

From 2010 to 2016, the Nation's largest metro areas captured nearly 75 percent of the new jobs and 90 percent of the population growth. Big cities did OK, but unfair and regressive policies, like the War on Coal, left many other communities—smaller cities, small towns, and rural areas—literally in the dust.

Homegrown American energy, including coal, has supported entire communities in Kentucky and throughout the country for generations, but even before he took office, President Obama declared a war on coal. Here is what he said: "If somebody wants to build a coal-fired power plant, they can; it is just that it will bankrupt them."

Of course, that approach didn't only hurt American businesses, it hurt American workers. In 2009, 23,000 Kentuckians made their living mining coal. By the end of 2016, that number had dropped to barely more than 6,500. It went from 23,000 to 6,500 during the Obama years. Nearly three-quarters of the State's coal jobs were gone in the span of one Presidency.

So since the earliest days of the Trump administration, we have prioritized ending the War on Coal and trying to repair the damage. We have repealed hostile regulations and created tailwinds instead of headwinds for America's energy dominance. But 8 years of damage is not easy to unwind. Many coal communities are still suffering. There are more mine closures and more bankruptcies. Workers' paychecks and retirees' pensions are thrown into uncertainty. So our work continues.

A few years back, I worked to secure permanent health benefits for thousands of retirees. Yesterday, a bipartisan group here in the Senate, led by Senators CAPITO, MANCHIN, and me, took a major step toward addressing the emergency of underfunded pensions for thousands of miners, retirees, and their families. We introduced new legislation to expand that healthcare fix to include 13,000 more miners and protect the pensions of nearly 92,000 miners into the future.

Earlier this week, I personally raised the subject with President Trump. We discussed the importance of working toward a solution for these retirees.

Just yesterday, I hosted Kentucky miners here in the Capitol to hear their concerns and discuss a potential path forward.

I have spent my entire career in the Senate fighting for all Kentuckians. I have worked to protect coal communities from bad ideas and to promote their future, and I will keep working with the Trump administration and my colleagues on both sides to support our mining families.

SECURITIES AND EXCHANGE COMMISSION

Mr. McCONNELL. Now on another matter, Mr. President, earlier this week, the Securities and Exchange Commission took a significant step into the 21st century. When public companies put business decisions up for a vote by their shareholders, it stands to reason that large asset managers who own many shares on behalf of their clients have enormous power to determine the outcome. Since these institutional investors lack the bandwidth to study every single company in great detail, many rely heavily on outside advisory firms.

In principle, there is nothing wrong with institutional investors getting advice, but in practice, things get pretty interesting. This cottage industry of proxy advisory firms is extremely concentrated in a very few hands. I believe the two largest firms have something like 97 percent market share between them, and their advice is often taken uncritically. One analysis of major asset managers found that 95 percent of their voting followed one advisory firm's recommendation.

So we have a small concentration of voices wielding enormous power over American business, and questions have arisen about whether they really exercise that power to serve the best financial interests of the investors. In some cases, the proxy advisers seem less interested in the particular interests of the particular company and more interested in advancing a preconceived ideological agenda. In other words, these firms are accused of leveraging their incredible influence to force corporations to conform to their own vision of social justice.

That is why, as the Chairman of the SEC explained, he receives letters from ordinary American investors expressing "concern that their financial investments, including their retirement funds, were being steered by third parties to promote individual agendas, rather than to further their [own] primary goals" of saving for retirement and leaving something behind for their kids and grandkids.

These proxy advisers are regulated by the SEC, and as it happens, some parts of these rules had not been updated since 1954. So this week the SEC has updated these Eisenhower-era guidelines for the 21st century. The new rules will enable more transparency and accountability. They will help ensure that these powerful voices have meaningful skin in the game and are not simply searching for a convenient vehicle to advance their preconceived interests.

I applaud the step forward by Chairman Clayton and the SEC.

VETERANS DAY

Mr. McCONNELL. Mr. President, now on one final matter, on Monday, our Nation will observe Veterans Day. Some will gather here in our Nation's Capital at the proud monuments that pay enduring tribute to the service and sacrifice of generations of brave servicemembers. Many more will mark the day in ceremonies in small towns and cities across our country. And, of course, many Americans will have veterans to thank firsthand in their own families and neighborhoods.

My own father's Army service took him to the heart of the battle for Europe in 1945. His company sustained heavy losses. When he returned home, he traded his uniform for a briefcase and went back to work in our community.

Perhaps the only thing more remarkable than the heroic service that generations of veterans have offered at home and overseas is the fact that they come home and keep right on serving in new ways—as fathers and mothers, as skilled workers, as entrepreneurs, or as educators, and in every case, as a custodian of a unique part of our Nation's collective memory.

It is a cliché, but it is a cliché for good reason: the land of the free because of the brave.

The Senate will not be in session on Monday, as we honor Veterans Day, but I hope that each of our Members will be remembering and giving thanks for all veterans and for those brave men and women serving today. Their efforts are the reason why this Chamber exists, why it still stands, and why American self-government and American freedom endure.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Lee Philip Rudofsky, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

APPROPRIATIONS

Mr. SCHUMER. Mr. President, Senate Democrats had hoped to work with our Republican colleagues this year on a fully bipartisan process. It got off to a great start when the four congressional leaders reached a budget deal over the summer, but it quickly went awry.

Senate Republicans departed from the bipartisan process by unilaterally proposing their own allocations to the various agencies. This was not part of the agreement. This was not in the spirit or concept of the agreement. It was always, when we agreed, that we would work out the 302(b) allocations. Instead, the Republicans went ahead, unilaterally, and they proposed moving \$12 billion—\$12 billion—from critical health programs and military families to pay for the President's border wall, and that was way out of bounds.

The Republican leader has accused Democrats, myself included, of breaking our budget deal by not going along with these very partisan bills. He knows—and every Member of this Chamber, Democrat and Republican, knows well—that Democrats are not going to support a unilateral move by the Republicans to take \$12 billion away from military families, education, opioids, and NIH and put it into the President's vanity, partisan wall. So, until Republicans get serious about negotiating a bipartisan way forward, the partisan appropriation bills are all we have and they cannot move forward.

Now, in the last few days, after conversations that I had with Leader MCCONNELL, Speaker PELOSI, and Leader MCCARTHY, we are seeing some positive signs that we can get the process back on track. This month, Democrats and Republicans worked through a package of bipartisan appropriation bills on the floor with few issues. Now, as we speak, both parties, both sides—Democrats and Republicans, House and Senate appropriators—have started talking again about restarting the good-faith negotiations on the remaining bills.

We hope this moves forward in a bipartisan way. Each side has to agree. I will repeat my view. If President Trump stays out of it, we will come to an agreement. If President Trump messes in, if the Republican leader feels so in obeisance to Donald Trump, who doesn't have any concept of how to get things done around here, then we will not get it done, and we may have a second Trump shutdown with the leader going along, which will not succeed. It will not succeed in getting them what they want.

So I hope that with a little effort and compromise, we in Congress can find a

way forward on appropriations by working together.

WHISTLEBLOWERS

Mr. President, on the whistleblower, yesterday, the House Intelligence Committee announced the schedule for its first week of public hearings in the House impeachment inquiry, including testimony from the current and former top U.S. diplomats in Ukraine. These public hearings are a reminder that the whistleblower's account has already been corroborated many times over by officials with firsthand knowledge of the situation.

Yet there remains a searing focus by the President and one Member of this Chamber on the whistleblower. Even though his or her account has been verified by other sources, the White House and, most particularly, the junior Senator from Kentucky, seem committed to discrediting the whistleblower, disclosing the whistleblower's identity, and turning the rightwing media machine on this person—and they can be vicious.

The junior Senator from Kentucky went so far as to block a simple resolution from my friend the Senator from Hawaii, MAZIE HIRONO, that would have reconfirmed the Senate's support for whistleblower protection laws—laws that have been on the books for a very long time.

The whole concept started with the Continental Congress, even before the Constitution. We are going down a dangerous road when Members of this body are refusing to stand up for our Nation's laws, particularly those laws that enforce the rule of law and make sure our government is doing what the people want.

These attempts to expose the whistleblower are unfortunately not the only example of how a few of my colleagues are taking the defense of this President too far. It seems that with each coming week, sometimes each coming day, the President's allies in Congress come up with a new tortured defense of his actions. House Republicans have gone from attacking the process because it was closed to attacking it because it was opened. They have gone from insisting on "no quid pro quo" to saying "maybe quid pro quo but who cares?"

Here in the Senate, we heard a new one from the chairman of the Judiciary Committee, who said the Trump policy on Ukraine was so "incoherent" that the administration was "incapable of performing a quid pro quo." That is a good one. Seriously, he said that. They are reaching. They are reaching as far as they can because they know that the facts—at least as we have heard from the House; we will wait until they come over here, if they do—that the facts about what the President did are so damning.

There was even a Member of this Chamber who went so far as to insult the Speaker's intelligence at a political rally—a childish and nasty smear that is far out of bounds.

Nobody is happy about the fact that the House is examining the potential impeachment of a President. It has always been a sad and somber process. But there is no excuse for jumping to conclusions, advocating for lawbreaking, or resorting to nasty insults. This is a time when we must check partisanship at the door, study the facts in the case, and make our own independent judgments. That is our duty. I will remind all of our colleagues that history will one day judge whether or not we lived up to it.

PRESIDENT ERDOGAN

Mr. President, on ISIS, next week President Trump will welcome Turkish President Erdogan to the White House. Frankly, it is confounding that President Trump is rolling out the welcome mat to an autocrat whose recent actions have threatened our allies and partners.

For over 5 years, American and coalition troops, including our Syrian Kurdish partners, worked shoulder to shoulder in northern Syria to bring ISIS to the brink of defeat. But after the President's calamitous decision to greenlight Erdogan's military operation and precipitously withdraw American troops, Turkish forces and their proxies have advanced far into northern Syria, committing atrocities without accountability. It is a shameful betrayal of our Syrian Kurdish partners, and it has thrown our efforts to defeat ISIS into chaos. At least 100 ISIS detainees have reportedly broken out of prison and disappeared, and they could be very dangerous to us in our homeland.

While we are glad that terrorists like al-Baghdadi have been taken off the field, a fundamental question remains: What is the administration's plan to secure and defeat ISIS?

It is unacceptable that a month into this crisis, the President has chosen to welcome Erdogan to American soil before explaining to Congress his plan to defeat ISIS. So ahead of Erdogan's arrival next week, I and several of my Democratic colleagues are sending a letter to President Trump demanding that he submit to Congress a comprehensive plan to secure the enduring defeat of ISIS.

There are questions that need to be answered immediately. How many ISIS members have been accounted for in the wake of our withdrawal? How are we going to stabilize former ISIS territory? What training will we give to the forces on the ground to continue fighting ISIS? These questions need to be answered at once. They are far more urgent than welcoming an autocrat who just bullied the President into giving him everything that this autocrat wanted.

NOMINATION OF STEVEN J. MENASHI

Mr. President, finally, on Mr. Menashi, in a few minutes—maybe as of now—the Judiciary Committee will be holding a vote on a nominee who is dangerously unfit to serve on the U.S. Second Circuit Court of Appeals—Mr.