

Steven Menashi of New York. His nomination should not be allowed to continue.

Mr. Menashi has a very troubling record on race, women's equality, LGBTG rights, and the rights of immigrants. His conduct before the Judiciary Committee was insulting, his contempt for the Senate reprehensible, and his refusal to be forthcoming about his record is outright disqualifying.

But if members of the committee needed any more evidence to vote against Menashi's nomination, they should read this morning's New York Times. The headline reads "Appeals Court Nominee Shaped DeVos's Illegal Loan Forgiveness Effort." The Times reports that during Mr. Menashi's tenure working with Secretary DeVos at the Department of Education, he played a leading role in designing an illegal effort to deny debt relief to thousands of students swindled by for-profit colleges.

Let me repeat. Mr. Menashi concocted a plan to illegally use the private Social Security data of defrauded student borrowers to deny them debt forgiveness after they were preyed upon by for-profit schools. A Federal judge ruled that these efforts violated privacy laws.

This is someone the President wants us to make an appellate court judge? A judge is supposed to uphold the law, interpret the law, and have a reverence for the law, not someone who schemes to break the law, as Mr. Menashi did.

Mr. Menashi's nomination is an embarrassment to this country. It is an insult to millions of hard-working young Americans saddled with student debt. It is an insult to women and LGBTQ Americans, to African Americans and immigrants, and to everyone who believes in the rule of law.

If anyone has not earned the privilege of a lifetime appointment to the bench, it is Mr. Menashi. I urge every Member of the Judiciary Committee to vote against his nomination.

I yield the floor.

THE PRESIDING OFFICER. The majority whip.

DEFENSE APPROPRIATIONS

Mr. THUNE. Mr. President, on Tuesday morning, I visited with Secretary of Defense Mark Esper. We talked about the military's needs and national security priorities, and we talked about the fact that more than a month into the new fiscal year, Congress still hasn't funded the military for fiscal year 2020. We shouldn't have needed to talk about that. We should have passed the Defense appropriations bill for 2020 weeks ago, but Democrats won't let us.

Last week, Democrats blocked consideration of the 2020 Defense appropriations bill for the second time. Apparently they have every intention of continuing to block military funding. This is politics at its worst. And make no mistake—this is politics. A couple of months ago, Democrats and Republicans got together and agreed on defense and nondefense funding levels for

2020 and 2021. The idea was to pave the way for the passage of appropriations bills in a timely fashion. It seemed for a moment that despite Democrats' fixation on partisan politics and impeachment, we could actually go about funding the government and the military in a somewhat bipartisan fashion, but apparently that was too much to ask of the Senate Democrats. Senate Democrats are currently running from the agreement, attempting to derail the defense funding bill with poison pills that would prevent the bill from ever being enacted into law.

Funding our military should be the first priority of every Member of Congress. The safety of our country depends on the strength of our military. If we don't get national security right, the rest is conversation. Getting national security right means making sure our military is adequately funded, making sure we are funding the needs of the current military and preparing for future priorities. It should go without saying that an essential part of this responsibility is getting that funding passed in a timely fashion.

Right now, since we haven't passed the 2020 funding bill, the military is operating under a continuing resolution that maintains funding levels from last year. There are multiple problems with that.

In the first place, the military is operating without all the funding it needs. For example, the Pentagon can't fully support the pay increase military members should be getting.

In addition, the continuing resolution prevents the military from starting key projects that will help ensure our men and women in uniform are prepared to meet the threats of the future. The Pentagon can't start new procurement projects. New research and development initiatives that keep us a step ahead of our adversaries are put on hold.

All told, under a continuing resolution, the military's purchasing power is reduced by roughly \$5 billion each quarter. Five billion dollars each quarter that we continue to operate under a continuing resolution is the amount of purchasing power that is lost to our military to meet their critical priorities. To put that in perspective, that is the equivalent of losing out on about 56 F-35 Joint Strike Fighter planes, depending on the variant, every 3 months; or nearly 2 complete Virginia-class attack submarines, like the recently commissioned USS *South Dakota*; or about 5,000 Joint Air-to-Surface Standoff Missiles, like those used to clean up the site of the Baghdad raid or strike Syrian chemical weapons facilities in 2018. That \$5 billion isn't spare change; it is funding for critical military priorities.

In November of 2018, the bipartisan National Defense Strategy Commission released a report warning that our readiness had eroded to the point where we might struggle to win a war against a major power, like Russia or

China. That is a dangerous situation for our country to be in, and we need to keep working to rebuild our military. That starts with making sure our military is fully funded in a timely fashion.

On the floor last week, I noted that Democrats would like us to believe that they are serious about legislating and that their years-long obsession with impeaching the President isn't distracting them from doing their job. After the Democrats' defense filibuster last week, it is becoming clear that the Democrats are incapable of putting anything ahead of partisan politics, including the safety of our country and the well-being of our military.

It is particularly ironic that the Democrats are blocking this defense funding bill, which would provide \$250 million in assistance to Ukraine, at the same time they are trying to impeach the President for allegedly delaying Ukraine funding. Think about that.

It is hard to know what to say to my Democrat colleagues. It should not be this hard to convince them that funding our military is more important than scoring points against the President.

I hope the leader will continue to bring up the defense funding bill and that enough of my Democratic colleagues will decide to join us in getting this funding to our military. It is the very least we can do for the men and women who spend every day working to keep us safe.

VETERANS DAY

Mr. President, Veterans Day is coming up on Monday, and our Nation will pause to remember all those who have served in our military. I will be calling my dad, who will be 100 in December—a World War II vet who flew Hellcats in the Pacific—to thank him again for his service.

As a U.S. Senator, I have had the privilege of meeting many veterans—men and women who decided they were willing to lay down their lives if necessary to ensure that their families, communities, and fellow countrymen could enjoy the blessings of freedom. Members of the military give up a lot for us. They forgo physical comforts and embrace sacrifice.

They accept long deployments and days of duty that start before dawn or stretch long into the night. They accept the fact that they will miss Thanksgivings and birthdays and Christmases, first steps and first days of kindergarten, date nights and little league games, and family reunions. They shoulder the burden of facing evil head-on so that the rest of us will never have to. And many of them bear the scars—the physical wounds and the invisible wounds—that war can also leave.

We enjoy tremendous blessings, and we are used to them. We are used to waking up in safety. We are used to going about our days in safety. We are used to voting in safety, attending church in safety, reading the newspaper in safety, expressing political

opinions in safety. It can be too easy to forget that we enjoy these tremendous blessings because men and women have been willing to go out and put their lives on the line for them.

Veterans Day is a chance to remind ourselves—to remember that we live in peace and freedom every day because men and women were willing to answer the call to serve our country. We owe our veterans a debt we can never repay. Yet we can make sure that we never forget what they have done for us, and we can resolve to lead the kinds of lives that make us worthy of their sacrifice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

JUDICIAL NOMINATIONS

Mrs. MURRAY. Mr. President, I am here to once again shine a spotlight on Senate Republicans' unwavering support for President Trump's efforts to remake the Federal judiciary and to make clear how this is going to hurt families, women, and communities in Washington State and across our Nation.

I have come here before to call out Senate Republicans for rubberstamping this President's judicial nominees—many of whom have no business sitting on the Federal bench—and for gutting precedent and norms to allow this President to jam-pack our courts with his hard-right, ideological picks from Neil Gorsuch to Brett Kavanaugh and down the line.

In fact, earlier this week, the majority leader pointed out how Senate Republicans have cleared the way on the floor for the Senate to take up even more Trump judges by poisoning the appropriations process and generally turning the Senate into a legislative graveyard. Led by the majority leader, Senate Republicans have ignored the standards we have held for decades when considering judicial nominees and opened the door to people who lack even the most basic qualifications to sit on the Federal bench.

For starters, today the Senate is slated to take up the nomination of Lee Rudofsky for Arkansas' Eastern District. Mr. Rudofsky has a long history in Arkansas of working to deny women access to reproductive healthcare. He defended Arkansas' law that would ban abortion at 12 weeks as an "ideal vehicle" for the Supreme Court to "reevaluate" and "overturn" *Roe v. Wade*. On top of that, Mr. Rudofsky has also previously argued in favor of efforts to cut off Medicaid funding to Planned Parenthood. He defended a State law that could have resulted in the closure of every reproductive healthcare clinic that provides abortions in the State, and he has worked against hard-fought progress for equality for LGBTQIA people.

Does that sound like a judge who is going to protect the rights of women and others and who will put aside his own partisan notions to ensure equal protection under our laws for everyone? It does not.

Take Sarah Pitlyk, whom President Trump has nominated to a district court in Missouri. Missouri is reeling from this administration's repeated attacks on women's healthcare and reproductive health where there is currently only one clinic in the entire State that can perform abortions. Ms. Pitlyk has worked throughout her career to limit access to a wide array of reproductive healthcare services, not just abortions. She has expressed opposition to surrogacy, in vitro fertilization, and even the use of contraception. To be more explicit, she called birth control "evil" and a "grave moral wrong"—birth control. It is the 21st century, and no matter what the extreme anti-abortion men in the White House want us to believe, birth control is healthcare, full stop. We cannot have judges on the bench who are so ideologically driven as to think women are morally wrong for using it.

Even beyond her rigid ideology, Ms. Pitlyk is also woefully unfit on the merits to become a Federal judge. In fact, the American Bar Association unanimously determined that Ms. Pitlyk is "not qualified," writing that Ms. Pitlyk "has never tried a case as a lead or co-counsel" and "has never examined a witness."

Does that sound like someone who will uphold the rule of law justly and apply the laws of our land fairly—someone rated as "objectively unqualified" and who has demonstrated no commitment to protecting individuals' fundamental rights? Again, unfortunately, the answer is no.

Then there is Steven Menashi, whom President Trump has nominated to the Second Circuit Court of Appeals. We know Mr. Menashi has a deeply disturbing history of disparaging comments against women, against communities of color, against immigrants, and the LGBTQIA community. As if his extreme views aren't bad enough, we know that in his role in the Office of the General Counsel at the Department of Education, Mr. Menashi also worked on Secretary DeVos's cruel rollback of title IX protections for survivors of sexual assault and protections for students regardless of sex. Under his tenure, Secretary DeVos has moved us toward a dangerous system of unaccountability and secrecy where LGBTQIA students could be subject to cruel discrimination at school.

Additionally, I am incredibly concerned about Mr. Menashi's confirmed role in being one of the architects of Secretary DeVos's efforts to violate the law by undermining protections for student borrowers who were cheated by predatory for-profit colleges—students whose rights are, at this moment, being undercut by people in our Federal Government, such as Mr. Menashi, who should be doing just the opposite.

People deserve to trust that the women and men who serve as our Federal judges will ensure equal protection for all and apply the law fairly and without bias.

I ask again: Considering Mr. Menashi's troubling record of undermining critical rights and questions surrounding his involvement in Secretary DeVos's shameful efforts to ignore the law, does he sound like someone who deserves a lifetime appointment to our Federal bench, someone who will uphold our rule of law?

Confirming judges to our Federal courts is one of our most important duties as Senators. It is one that I take very seriously. I am deeply disturbed by the harm these individuals, if confirmed, may inflict upon women, on families, and some of the most vulnerable members of our communities.

Let me be clear about these nominations. Nothing less is at stake than the integrity of our judicial system and the future of our democracy. We have to maintain the high bar we set for Federal judges, and these judges I have mentioned are just three examples of how far we have fallen.

It is not too late. I know my Republican colleagues know what a farce this process has become and how supremely unqualified these nominees are. I know they are aware of the irreparable harm people like these will have on the credibility of our judicial system. That is why we have to stop this parade of unqualified, ideologically rigid nominees to our Federal judiciary. When it comes to our courts, nothing is more important than ensuring we are sustaining a system that people can trust—one that upholds our laws, one that seeks justice without bias or favor or agenda.

I urge my colleagues to join me in rejecting Mr. Rudofsky's nomination, as well as the nominations of Ms. Pitlyk and Mr. Menashi and any nominee offered by President Trump who does not meet our high standards, and in returning to a thoughtful, rigorous, bipartisan process of selecting only the most qualified judges to a lifetime appointment on our Federal courts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

VETERANS DAY

Mr. KAINE. Mr. President, I rise today to say just a word about Veterans Day, but then to talk about our Nation's historically Black colleges and universities and other minority-serving institutions.

We will celebrate Veterans Day as a nation on Monday, so this will be an opportunity to stand as a Member of the Armed Services Committee and as a Senator from a very militarily connected State to echo the words of Senator THUNE from a few minutes ago that we owe a huge debt to our veterans.

Also, November 10 is the 244th anniversary of the Marine Corps. As a father of a U.S. marine, I also want to specifically offer my congratulations to the Corps.

One of the joys of serving in the Senate and being on the Armed Services Committee from a State that has the