

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

military tradition of Virginia is the ability to meet wonderful leaders all around my commonwealth, all around the country, and all around the globe. For those serving our country, we are in their debt.

I do want to point out that we are having a debate on the floor over the Defense appropriations. The Senator from South Dakota spoke a little bit about that. I just want to lay out from the Democratic perspective what is at stake. It is not support of the military that is at stake. As an Armed Services Committee member, I am devoted to making sure we get to the right appropriations level for the Department of Defense.

What is holding this up is not one party or the other not supporting the military. What is holding this up is that Democrats do not approve of the practice that has been engaged in by President Trump of rummaging through the Defense Department's budget to come up with money for a border wall, which our military leadership says is a nonmilitary issue.

We do not believe that once Congress appropriates money for a defense budget, the President should be able to use an emergency declaration to go into the coffers of the Pentagon and cannibalize projects that affect our military families to use for the border wall. To the extent there is a dispute right now, that is what the dispute is about. It is not support for the Defense Department or not; it is whether we should allow a rummage sale in the Pentagon budget to fund a border wall.

If you are going to have a discussion about border wall funding, let's do that separately, but let's not cannibalize the Defense Department's budget to do it.

#### FUTURE ACT

Mr. President, I said that I want to talk a little bit about our historically Black colleges and universities and other minority-serving institutions.

Many of my colleagues have been on the floor this week talking about a bill called the FUTURE Act, which is bipartisan. It passed from the House over to the Senate, fostering undergraduate talent by unlocking resources for education. It also has bipartisan support in the Senate. I am hoping that because it has bipartisan support, we might be able to move forward with it promptly.

Congress put in place a mandatory funding stream in title III of the Higher Education Act to invest in these institutions. Historically Black colleges and universities—commonly called HBCUs—Tribal colleges and universities, Hispanic-serving institutions, and other minority-serving institutions help boost educational opportunity for all students but especially for students of color. These schools serve a disproportionate number of students from low-income families, and 75 percent of the students at HBCUs and 90 percent of the students at Tribal colleges and universities are Pell grant-el-

igible and receive Pell grants. Combined, our minority-serving institutions serve nearly 6 million students, which is about one-quarter of all undergraduate students in the country. The \$255 million in annual mandatory funding of these institutions accounts for nearly half of all Federal funding for these institutions.

Unfortunately, the mandatory funding expired more than a month ago on September 30 because of inaction by the Senate—inaction by the Senate; the House has acted—and that jeopardizes the future of these colleges, particularly the students they serve.

The FUTURE Act, which I cosponsored with Senator DOUG JONES and Senator TIM SCOTT, extends this mandatory funding for all minority-serving institutions for 2 years. The bill is bipartisan. The bill has the support of the White House. It is fully paid for, and it is budget neutral. There are no budget gimmicks involved. Yet we are not able to take up the bill for a reason I don't understand.

Let me talk about HBCUs in Virginia because we have five: Virginia Union University, which is in my neighborhood where I live in Richmond; Virginia State University in Ettrick, south of Richmond; Hampton University in Hampton, VA; Norfolk State in Norfolk; and Virginia University of Lynchburg. These five institutions received almost \$50 million in this annual mandated funding over the last 10 years.

Norfolk State University's president, Dr. Adams-Gaston, said that if the FUTURE Act is not passed, "Norfolk State's educational programs in both teacher preparation and the STEM fields will be put at risk at a time when we are working to increase diversity in the front of our classrooms, and grow the pipeline of diverse STEM graduates to fill the jobs of the new economy."

Virginia State University uses its funding to keep student-faculty ratios low, to provide distance education programs, to support curricular updates, faculty training, and technology enhancement, especially for social work, computer science, nursing, and education degree programs. It also uses the funds to prepare and support students to attend graduate or professional schools and to award scholarships to deserving students.

Virginia Union University is in my neighborhood. Yesterday, Jaylynn Hodges, who is a junior biology major at Union, was in the Senate. She spoke about the impact of title III funds and its impact on her own education. Jaylynn wants to pursue a career in medicine, and fortunately Virginia Union uses the funds on neuroscience and chemistry laboratories, where Jaylynn has been able to develop her technical and analytical skills.

Virginia Union also uses funding for technology resources, workforce development programs in STEM and future careers, academic support services, such as academic counseling, updates

to historic buildings, and hiring faculty. Without passing the FUTURE Act, all of these programs are in serious jeopardy.

The HBCUs serve as strong economic drivers and generate significant economic returns year after year in Virginia's communities. I have also had the good fortune to be on HBCU campuses in Florida, and I know they have the same impact within their communities and with students and in the entire State as those in Virginia. The UNCF—the United Negro College Fund—found that, in Virginia alone, the direct economic impact of our five HBCUs is more than \$913 million.

It is not just the impact on the Commonwealth that matters but the impact these institutions have on individual students. In one more quote, the current student body president at Norfolk State University, Linei Woodson, expressed:

Norfolk State University's supportive and culturally aware learning environment helped me to grow as a leader and put me on a path to success. I would likely not have had these opportunities at other schools. All students regardless of their socio-economic background deserve access to quality higher education and the opportunity to realize their full potential.

In closing, the Thurgood Marshall College Fund, which was named after the titanic civil rights leader and Supreme Court Justice—on a personal note, I was proud to have Thurgood Marshall's son John Marshall serve as my secretary of public safety when I was Governor—wrote a letter to Senate leadership. It read that even in the week since this program expired, which was at the end of September, campuses have already notified employees that their positions and programs might be terminated as of September 30, 2020, if not sooner. In the letter, it is noted: "These are real jobs, held by people who interact with students every day, in programs that play a critical role in graduating and retaining students in the STEM fields, among other disciplines."

As a former Governor—and the Presiding Officer and I share that experience—I know that the budget-creating process begins well in advance of the budget's becoming effective. These minority-serving institutions, most of which do not have significant endowments, face unique fiscal challenges, and they count on this mandatory funding. Any uncertainty in the funding creates a significant planning challenge for them, and they run the risk of creating a financial nightmare for the students.

Today marks 51 days since the House passed the FUTURE Act unanimously—these days, it is hard to act unanimously on things in Congress, but this bill passed the House unanimously—and 38 days since funding lapsed for the schools in my State and for minority-serving institutions across the country. It is time for the Senate to pass the bipartisan FUTURE Act and pass it now. I urge my colleagues to join me in that endeavor.