

make this “Patients of the Day.” These are folks who reached out to my office to tell me their story.

Jason is from South Windsor, CT. He says:

I am 54 years old and I have been purchasing insurance since I entered the workforce at 22 years old. I have arthritis that is manageable with medication. Without that medication and care from my physician, I would not be able to function. I would have difficulty with simple tasks like walking and shaking hands.

There is no question that I rely on my insurance. If I were denied coverage because of my preexisting condition, it would be devastating.

Jason is one of the tens of millions of Americans who, without the protections from the Affordable Care Act, would likely not be able to get insurance. He is perhaps months away from that reality.

Lisa, from New Britain, writes on behalf of her grandkids. Because some young kids can't speak for themselves, their parents and grandparents speak for them. Lisa is the proud grandmother of two little girls who were born with cystic fibrosis. She worried that if her son ever had to switch jobs and change insurance plans or if the preexisting condition clause was struck down by the courts, he would be denied coverage because of their preexisting condition. She says:

The girls are doing so well and thriving with the current treatment and medicine they are on. People with cystic fibrosis are now living longer than ever because of medicine available to them. We've worked so hard in keeping them healthy. If this policy of allowing insurance companies to deny people with preexisting conditions or capping lifetime maximums is allowed, you would be taking the lives of our family members.

Finally, Giuseppina, who is a concerned sister in Bridgeport writes:

My youngest brother was born 2.5 months premature in 1977. He spent two months in the hospital and reached his lifetime limit from my father's employer-provided insurance before he left the hospital! In January of 1978, he was diagnosed with hydrocephalus due to underdevelopment or birth trauma.

Due to the massive medical debt accrued from his multiple surgeries and hospital stays, my family had to receive public assistance. . . . My father used to cry when he went food shopping.

I want you to remember that reality. Remember the reality of millions of families who went bankrupt, who lost all their savings, who went on public assistance because they had massive medical debt due to the fact that they lost coverage because of a preexisting condition or lifetime or annual caps.

All of that can come back if the Affordable Care Act is struck down. It is important for us to come down to the floor and remind folks about the human face of healthcare repeal and the consequences if we don't stand together and at least try to make a plan for what will happen if the lawsuit is successful and the Affordable Care Act is struck down by the court system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, on that topic, of course, all Members of the Senate have said they are preserving the coverage of preexisting conditions. It is sort of like the same speech our friend from Connecticut said he was tired of hearing about supporting the troops when you don't do everything you can to pass the Defense bill. It is at least as old as that—maybe older—and often as tiring.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. President, in the shadow of Veterans Day, we are here on our side of the aisle to talk about why we are not doing what we need to be doing to fund the military. In my following Senator SULLIVAN, there are multiple DAN SULLIVANS who are in politics in Alaska. The first time Senator DAN SULLIVAN was on my radar, how could I tell them apart? This one is Afghan Dan. There is Afghan Dan because he was willing to serve just like the Presiding Officer was willing to leave law school and not go to the JAG Corps but to go to the Active, fighting forces of the country. We are grateful for that. Both of them speak with authority on these issues, but the whole Senate and the whole Congress would have a chance to speak with authority on these issues if we would just decide to do our jobs.

The way communities decide they are going to honor Veterans Day, I think, is unique among them. I had a couple of events scheduled on Monday. One was in Hartville, MO. Those in Hartville were creating a wall of people over the history of the country who died in service. If you are in elementary school in Hartville today and you look at that wall, I am confident you will see some of the same last names of the kids in your school.

I was at a high school event in Camdenton at which we had about 20 World War II veterans on the stage. I represent 500,000 veterans. My guess is the chances of finding 20 in 1 county in 1 State is fairly hard to do these days, but they were all there. We were also talking about the beginning of a new Junior ROTC Program at that high school that will start in January. There are 82 high school students who are signed up to be part of that Junior ROTC Program, which they have spent 10 years trying to put in place.

For those who have served and for those who are willing to serve, the one thing we can do in Congress is to pass the two pieces of legislation that are necessary to support that service. Unlike in World War II and unlike in many past conflicts, fewer than one-half of 1 percent of the population today serves in the military. The other 99.5 percent needs to stand up and do what it can to be sure our military is the best supported military in the world. We never want an American soldier, sailor, airman, marine, or a person in the Coast Guard, in the National Guard, or in the Reserves to be in a fair fight. We always want them to be in an unfair fight, wherein they have advantages in that fight.

The only way you can be sure they will have those advantages is to have the training dollars, to have the equipment dollars, and to have the command structure that allows that to happen. For 59 straight years, the Senate has passed the National Defense Authorization Act. This is the act that defines what Congress believes should be the guiding principles for the military for that year—the places in which money should be invested, the equipment that should be bought, and the other changes that need to be made.

The other bill we passed is the appropriations bill that takes that authorization bill and really puts the money by it that allows it to happen. For 59 straight years, it is the only authorization act we have passed every year. I think we could have a really good debate as to why it is the most important of what we do and is the most important thing the Federal Government does. We have done it, but we can't seem to get it done this year. The bill that will have the biggest pay raise in a decade for the people in the military has somehow been negotiated since, roughly, June 27 of this year. It should have been a 1-week effort, not a weeks' and months' effort. When somebody is assigned to a new base, this bill will have the money in it to encourage spouses to go to work and do what they do as quickly as they can possibly do it by the bill's facilitating and expediting State certification.

In January, we had our first military spouse sworn in as a member of the Missouri bar. Her husband had come to take a command position at Fort Leonard Wood. During the first week she was in Missouri, she was able to be sworn in to the Missouri bar and go to work. Whether as a therapist, a teacher, a truckdriver, an electrician, an engineer, or a welder, if you have those skills and if you have followed your spouse to a new assignment, we should make that a top priority.

That is what happens in this bill. It supports the readiness center in Springfield, MO. It supports the vehicle maintenance facility at Whiteman Air Force Base and the C-130 flight simulator facility at the Rosecrans Air National Guard Base. As a Senate, we decided all of those things needed to happen. Now we need to decide as a Senate and a Congress how to make them happen. Whether they be 24 F/A-18 Super Hornets that the Navy wants that will be built in St. Louis, MO, or 15 F-15s for the Air Force, these things will not happen unless they are authorized. Let's get them authorized. Let's appropriate the money. We are already weeks late. We don't need to be months late. It is better to have the money the day you are supposed to have it if you are going to spend it as wisely as we would hope you would be able to spend it.

I join my colleagues and, I know, the Presiding Officer in saying we need to get this work done. It is critical. It is

a priority. I am glad to join my colleagues on the floor in fighting for those who fight for us.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Arkansas.

Mr. COTTON. Mr. President, I join the Senator from Missouri, the Senator from Alaska, and the other Senators in calling for the passage of the National Defense Authorization Act.

This bill is the last of a breed. It is a bill we have passed with a large bipartisan majority in Congress every single year for 58 straight years. It hasn't been derailed by petty, partisan politics or grievances between the parties. It has gotten large bipartisan majorities because Congress has understood that for those 58 years, the national defense must come before politics. It is the definition of a must-pass act, but time is short to get it right, unfortunately, because of those very kinds of petty, partisan politics.

This bill is an opportunity for us to continue rebuilding our military after 8 years of stagnation and cuts by the last administration. The bill would increase funding to our troops by \$22 billion—money that would be spent on cutting-edge technologies, like new vertical-lift jet engines, to give our troops an edge in future conflicts.

This kind of investment is essential, especially as storm clouds brew in the Western Pacific from a rising China. The Communist Party of China is not derailed by petty, partisan politics; therefore, it is investing huge sums to transform its military into a world-class force that will be capable of rivaling and, it hopes, ultimately, of defeating our own military. At the same time, China is pursuing an aggressive technology strategy to dominate the next generation of military hardware. Beijing's ultimate goal, of course, is to replace us not just as the most powerful country in the Western Pacific but in the entire world. So we must invest in our military right now or else we will reap that whirlwind in the future.

There are many other important measures that have been included in this year's Defense bill that will not pass—that will not even see the light of day—on the Senate floor if we fail to pass the bill.

There is the Fentanyl Sanctions Act, which is my bipartisan legislation, that would crack down on foreign criminals—mostly Chinese—who smuggle deadly poisons across our border. Synthetic opioids kill tens of thousands of Americans every year, and that toll will continue to rise if we don't start to bust up the criminal networks that originate in China and then come through Mexico to poison our communities. Let's pass the Defense bill to give law enforcement the tools of the Fentanyl Sanctions Act.

There is also the PCS Act, which is my legislation that would help military spouses transfer their occupational licenses across State lines. When your husband or your wife is in the military, you follow his or her career,

and if you are a lawyer or a nurse or a teacher or any of the other hundreds of jobs that require an occupational license in this country, you face barriers to working and putting food on the table for your family. This bill would allow military spouses to continue to pursue their careers uninterrupted, which would therefore allow their military servicemembers to focus on their own missions and not worry about their spouses' jobs.

There is also our legislation to honor the 241 American victims of the Beirut marine barracks bombing that was perpetrated by an Iranian suicide bomber 36 years ago last month. The Defense bill would designate the anniversary of that bombing as a national day of remembrance and strengthen our resolve to fight the terrorist forces that carried it out and that threaten our security to this day.

There is also the opportunity to strengthen trade restrictions on Huawei by including in the Defense bill the Defending America's 5G Future Act. Huawei is the eyes and ears overseas of the Communist Party of China, so we must deny it access to our sensitive networks and the networks of our allies. There are 91 Senators who voted to instruct the conference committee to include that legislation in the Defense bill. They still hope it will be included, but, first, we will have to pass the Defense bill. If we don't, then China's spy company stands to gain.

This is far from an exhaustive list of the reforms that are or could be included in this year's Defense bill. It is just a sample of the many valuable and bipartisan measures that are under consideration. They also underscore the importance of passing the Defense bill in the first place.

Consider the alternative to passing the National Defense Authorization Act—that being a terrible stopgap spending measure that would include zero reforms and that would degrade, even as we face rising threats from China and Russia every day, the fighting capability of our military. A stopgap spending measure would freeze defense spending at last year's levels. That is not to say that business would go on as usual. No. Inflation would continue to erode the purchasing power of last year's funding levels, and the military would have to tear up and renegotiate many of its multiyear contracts with defense companies. Renegotiating those contracts would cost billions in administrative expenses that would otherwise go to the pay and benefits of our fighting men and women, to a new aircraft, to new ships, to new guns, or to new munitions. This so-called spending freeze would, in fact, cost taxpayers an arm and a leg.

This is all the more reason for Congress to act, once again, to pass the National Defense Authorization Act, as we have for 58 years, without being divided by petty, partisan politics.

I urge my colleagues to put aside their partisan objections on issues that

are really not even related to our military. I urge them to make the hard compromises necessary in order to pass this bill and give our troops what they need.

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

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

Mr. PERDUE. Mr. President, the world is more dangerous today than at any time in my lifetime. We face five threats across five domains: China, Russia, Iran, North Korea, and terrorism. The domains have gotten very complicated—air, land, sea. Now we have to deal with cyber and space.

But in that background, three times over the last 50 years, this government, under the leadership of three different Presidents, has disinvested its military significantly—under President Carter, under President Clinton, and indeed under President Obama. They cut the military by 25 percent at least in each one of those administrations.

The last one was extremely draconian. We saw the impact of that on our readiness, the fact that our modernization program had been killed, and we found ourselves falling behind what we ought to now call near-peer competitors. I would say they are peer competitors now. When you look at the money China is spending on their military, when adjusted for purchasing power parity, it is exactly the same as we are spending. And they don't have the regulatory overhang and they don't have the legacy costs we have here in the United States, so they can get things done quicker and cheaper. In the meantime, the world continues to become very dangerous.

Yet here we are in the second month of our fiscal year under a continuing resolution. As we now are becoming educated about, this is devastating our military and has been. This is the 187th time since the 1974 Budget Act was put into place that we have executed a continuing resolution. It sounds really easy. Well, we can't get agreement on how much to spend for the next year, so we will just keep spending at the same level. Some businesses do that, but in this case with the U.S. military, it is devastating because it locks them into existing programs.

For example, we did an audit last year. It was the first audit in the history of the United States of the Department of Defense—the third largest line item on our expense sheet. We did an audit. In that audit was found and identified by the Department of Defense \$4 billion of obsolete programs that nobody really wanted to keep and continue spending on—\$4 billion a year. So right now, under this continuing

resolution, not only are we not able to give a 3.5-percent pay raise—the largest in 10 years—to our military, not only are we not able to improve their housing, but right now we are obliged to keep spending \$4 billion a year on obsolete programs that the Defense Department doesn't even want. This is ludicrous.

Right now, I would say we are in gridlock. We had 88 votes here in this Senate where we voted to approve the National Defense Authorization Act several weeks ago—very bipartisan, negotiating in committee. I was on the Armed Services Committee, and we took this very seriously. We debated, and it was a definite fight, but we reached compromise. We reached bipartisan agreement to support and defend our military and to make sure they are able to do the things they want to do to make us competitive and defend our country. Yet here we are, 6 weeks into this fiscal year, and we still don't have this year funded. We are under a continuing resolution that devastates the military. For six decades—58 years—each year we have been able to do that. Yet, this year, we can't seem to come to an agreement because the House and the Senate can't get together in conference and agree on exactly what it is they want to do.

That is all window dressing. It is no more complicated than this: The Democratic brethren in this body and in the House simply do not want to allow this President to spend another dime on building a wall around our southern border.

Let's put this in perspective. First of all, we have seen on this floor just in the last 2 hours two different comments: Well, we all know that building a border wall doesn't really work. It doesn't change anything.

Well, that is absolute propaganda. Barack Obama built 135 miles of wall. This body approved that. And wherever that wall was built, illegal crossings at the southern border went down 95 percent. That is not propaganda; that is fact. It is another example of the obstructionism we have been witnessing here since the day this President was sworn in.

On Inauguration Day, January 20, 2017, the headline of the Washington Post was "The campaign to impeach President Trump has begun." Since day one, they have been obstructing this President. We saw that in the confirmation process here. For the first time in 230 years, we saw the minority party not waive the 30-hour debate rule and allow this President to get his nominees confirmed. It has been the slowest ever.

So we sit here today not being able to build the space force that both sides have agreed on. Eighty-eight people in this body agreed that we need to go ahead and start spending money and doing that. We can't do that. We can't put in the building blocks for the Advanced Battle Management System, which is so important to deal with the

modern fight. We can't rebuild our nuclear triad, which is in absolutely critical shape. We can't seem to get at our readiness right now because of the lock we have, under this continuing resolution, on the existing contracts out there. As was just mentioned a few minutes ago, we have to go in and renegotiate all these contracts.

Last year was the first time we did not have a continuing resolution, and there was such a sigh of relief inside our military because it was the first time in a long time—over a decade—that they didn't have that for the first quarter of the year.

This is devastating. It has become habit, and we have to stop it. It is absolutely insidious. It is killing our military and keeping us from doing the things that both sides want to do because of petty politics.

We need to modernize our force, and we need to do it right now. This NDAA allows us to do that. We need to rationalize our expenditures to make sure that every time we are spending on our military, it is exactly what we should be spending it on.

We have a Volunteer Force, and we can never take that for granted. We have to take care of our people in uniform wherever they are in the world. That means working on their mental health, their physical health, and their housing.

I come from a State that has nine military installations. We take national defense very seriously in Georgia and always have.

People are concerned that this gridlock is endangering our country. It is time that we get together, pass this NDAA, move on the appropriations bill, and get this done. People back home are watching, the people in our military are watching, and more importantly, our potential adversaries are watching.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I want to join my colleagues today and speak on the importance of passing the fiscal year 2020 Defense authorization bill.

As others have mentioned, the process of negotiating the national defense bill is one that has a long history on Capitol Hill. For the past 58 years, the Congress has found a way to come together and unite behind a bipartisan bill that supports our servicemembers and enables the defense of this Nation. We must continue this tradition, and that means recommitting to the principles of bipartisanship and compromise upon which it is built.

Thanks in large part to the hard work and the leadership of Chairman JIM INHOFE and Ranking Member JACK REED and the members of the Senate Armed Services Committee, the Senate passed an overwhelmingly bipartisan version of this year's National Defense Authorization Act. The House of Representatives, however, passed a very different bill. The conference process is

ultimately about finding the best solution that supports our men and women in uniform, but we have to be willing to compromise and find consensus. We cannot resort to political brinksmanship.

As the chairman said last week and as some of my colleagues have mentioned here today, we are running out of time. It is essential that our colleagues in the House come to the table to pass the fiscal year 2020 NDAA.

We live in a rapidly changing world and unfortunately one that contains a growing number of threats and challenges that our military must face head-on. These threats demand that we be ready, and our military can effectively confront those threats only if we provide our servicemembers with the support they need to execute the missions, defeat the enemies of freedom, and safeguard the Nation.

Providing for the common defense is the highest responsibility this body has, and that is why it is so essential that we pass this legislation in a timely manner.

As I said before, for 58 years the NDAA has been the subject of a bipartisan consensus in Congress despite all of our other disagreements. No matter what other issues arise, the one area in which we must forge agreement is in authorizing the resources our men and women in uniform need.

Time and again, we have heard from our senior military leaders that their greatest obstacle is budget uncertainty and unpredictable funding. If we do not come together and pass this year's NDAA soon, we are at risk of damaging our military capabilities and jeopardizing our ability to confront threats from China, Russia, and other malign actors.

It is essential that we work swiftly to secure an agreement so that we do not fail to provide the Department of Defense with the predictable funding they need. We must do our part and honor the service of all our men and women in uniform by moving this process forward and passing the fiscal year 2020 National Defense Authorization Act.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, first, I want to thank Senator FISCHER for all of her work on the Senate Armed Services Committee and in so many other areas. I am here to talk about the same subject, the National Defense Authorization Act.

It may be difficult to understand the difference between appropriating and authorizing. We have two different sorts of committees here. One focuses on the resources funding their use, but they can't be used unless they are authorized. So every year for 58 years, we have come into the committee, we have heard differing opinions on priorities, but at the end of the day, the amazing thing about the Senate Armed Services Committee when it comes to

the National Defense Authorization Act is that we always reach a bipartisan agreement. It passed out of the Senate Armed Services Committee with I believe unanimous support, and then it got passed out of the Senate.

Normally, this happens in the June timeframe, maybe the July timeframe. Now here we are in November. Not only have we not passed the National Defense Authorization Act, but we are at risk of not passing anything. Now what we are hearing about is a so-called skinny bill that would just be the basic authorities while we are leaving everything else on the table.

I am going to talk a little bit about the Personnel Subcommittee, which I chair, but what do authorities mean? It means research on new weapons systems. It means research for men and women in a dangerous situation to make sure the best possible technology and training is available to make it as safe as it can be in an unsafe environment. There are hundreds of authorizations in the National Defense Authorization Act that are at risk of sliding another year for the first time in 58 years.

Now what I want to talk about is what is at stake if we can't reach an agreement with Speaker PELOSI specifically in the Personnel Subcommittee.

I actually requested the Personnel Subcommittee because I wanted to focus on the business of the Department of Defense, and I wanted to focus on military families and on the soldiers' health and safety.

If we do not pass provisions that passed out of my subcommittee and that are in the National Defense Authorization Act that passed out of the Senate, here is what is at stake:

There is a pay raise for every soldier, sailor, and marine—a 3.1-percent pay raise that they could lose this year as a result of not gaining agreement.

We have a lot of provisions in there for military housing. I am from North Carolina, and we have two very large installations in North Carolina—Fort Bragg, the home of the Global Response Force, and Camp Lejeune, home to a bigger population of marines than any military installation in the world.

They are in housing today that needs to be outfitted. They are in housing that, quite honestly, is unsafe. This National Defense Authorization Act makes progress to make sure that the families that are housed on bases are in safe, clean settings, and quite honestly, in some cases, they are not today, which is why we have bipartisan support for the provisions we put into our subcommittee mark.

Another thing that we are working on—it is very difficult for one who doesn't come from a military background to understand how challenging it is for a spouse to get a job for the brief period of time that they may be in one military installation or another. This mark has provisions in it to make sure that military spouses get employ-

ment opportunities as quickly as possible and to cut through a lot of the red tape that they are dealing with today. That provision is at risk.

We have also taken major steps and tried to prevent or reduce military sexual assault. Provisions in this bill, I am convinced, because they were voted out on a bipartisan basis, are at risk because we can't seem to get agreement with Speaker PELOSI's House.

Another very important area is in places like North Carolina. In North Carolina, Camp Lejeune alone experienced over \$3.5 billion in damages as the result of the most recent hurricane, and Fort Bragg is still trying to recover from a hurricane that happened about 2 and a half years ago. There are authorities in there to make sure that we can rebuild these facilities. Military housing, as well as offices and other training facilities at Camp Lejeune, could slip another year if we allow what I think right now is the impasse between the House and the Senate to move forward.

These are all very, very important provisions in the National Defense Authorization Act. These are all provisions that got bipartisan support from this body. If you all have been watching Congress, you know that we can have our disagreements. There are certain things that we just simply aren't going to see eye to eye on, but we see eye to eye on the National Defense Authorization Act. That is why I do not understand how the House would not come to the table and pass something that we have successfully passed for every year of my life.

I am 59 years old. This could be the first time in 58 years that we run the risk of not showing the respect that I think the men and women in the military, in uniform, deserve, to give them the authority to be trained properly, to not run the risk of working with old authorities that could diminish training and readiness and capabilities. This is about these folks that have sworn to defend the Constitution and our freedom, and we can't take the time to bridge the gap and eliminate the other reasons that divide us and at least come together on something for 58 years we have seen our way clear to passing and making progress, for men and women in uniform, for soldiers, sailors, and marines and for their families.

So I am for the Speaker of the House and the Members of the House to come to terms and pass what we have done successfully for decades. We owe it to the men and women in uniform, and we owe it to every American to understand what is at stake if we all of a sudden slide for a year while our adversaries continue to gain ground.

I hope that my colleagues will continue to come together and pass this bipartisan legislation. It is within reach and absolutely an expectation, I think, of every Member of Congress to show our men and women in uniform respect by doing our job.

Thank you, Mr. President.

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. WHITEHOUSE. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

NOMINATION OF STEVEN J. MENASHI

Mr. WHITEHOUSE. Mr. President, I am here to speak on the confirmation of Steven Menashi to be a judge on the United States Court of Appeals for the Second Circuit. We have grown accustomed to the violations of norms around here, kind of a dumbing down of the institution. So by all of those standards, I would ordinarily be opposing Mr. Menashi.

We have disposed of the blue slip convention for Circuit Court nominees. I just warn my colleagues, again, that there is a price to be paid for that. The blue slip for Circuit Court nominees is the thing that connects a Circuit Court nominee to a particular State so that an Arkansas judge on the Circuit Court of Appeals or the Rhode Island judge on our Circuit Court of Appeals or the Montana judge on their Circuit Court of Appeals only is the Arkansas judge or the Rhode Island judge or the Montana judge because we honor that blue slip.

In another Presidency, when the shoe is on the other foot, I don't want to hear any of my colleagues who have thrown this Circuit Court blue slip out complain when somebody who is not even from their State gets appointed to the so-called State seat on the Circuit Court.

In addition, we have dealt with a lot of unqualified candidates. I think this administration has set the record for ABA-designated unqualified candidates. This guy has never tried a case, never taken a deposition. He effectively has not practiced law. When he has tried to practice law, it has been a disaster. He has been the counsel for the Department of Education and managed to have various programs that he advised on all thrown out in court and his Secretary held in contempt—so not a guy who, when you get a mere legal decision, comes up with a real winning record.

Moreover, he refused, extremely arrogantly, to answer really basic questions, even to the point of frustrating Republican members of the committee when he was a witness before us, and has refused to answer related questions for the record as well.

So, for all of those reasons, this is a pretty undesirable candidate for the Federal bench, but it gets way, way worse. If you look at what Mr. Menashi has said over the years, it is quite an astonishing window into his mind. With respect to affirmative action, he has compared universities—I am quoting him here—he has compared universities cataloging students according to race on college applications