

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

and official documents, which you obviously do as part of any affirmative action program, he has compared that to the Nuremberg laws.

If you look at the issue of sexual violence, he has made fun of Take Back the Night marches and described women who are active and concerned about sexual violence as—his words here—“campus gynocentrics”—maybe he pronounced it gynocentrics, I do not know—campus gynocentrics. When you are talking about sexual violence, that is not just a normal word to use. When you are talking about affirmative action, reference to Nazi Nuremberg laws is just not normal.

He has argued that gun regulations are “pointless”—I am quoting him here—“pointless and self-defeating because guns reduce crime.” Really? Ask the victims of the firearms massacres happening at such a horrifying rate in this country how guns reduce crime.

With respect to the rights that have been enshrined in our Constitution and recognized in *Roe v. Wade*, giving women the right, to some degree, of self-determination about when to have children, he described the rights codified in *Roe v. Wade*—I quote him here—as “radical abortion rights advocated by campus feminists.” Good luck, on an issue related to a woman’s right to choose, getting a fair hearing from this character once he is enrobed.

He mocked the gay rights group Human Rights Campaign, which he said incessantly exploited the slaying of Matthew Shepard for both financial and political benefit. We engage in some pretty acid rhetoric around here, but about a young man who was murdered about being gay, that is just appalling. If you are in his court on an issue in which the rights of LGBT folks are involved, there is almost no way that you could believe that a judge that has thought or said anything as vile as that could ever give you a fair hearing.

With respect to the question of diversity, which many of us consider to be one of America’s greatest traits, social scientists, he said, have found that greater ethnic heterogeneity, i.e., social diversity, is associated with lower social trust. Ethnically heterogeneous societies exhibit less political and civic engagement, less effective government institutions, and fewer public goods.

First of all, I don’t think that is true. I don’t think that stands to scrutiny. But, second of all, it is just kind of a creepy thing to be saying, that we would be a better country if we marshaled ourselves together into our ethnic enclaves, which “provide the groundwork for social trust and political solidarity”—not in my world, not in Rhode Island. That is not the way we work. I don’t think that is the way America works.

So whether you are looking at diversity, whether you are looking at gay rights, whether you are looking at a woman’s right to choose, whether you are looking at safe regulation of guns,

whether you are looking at sexual violence against women, whether you are looking at affirmative action in colleges, you can find something truly creepy that this individual has said. That, on top of all the other disqualifying factors, makes him perhaps the worst candidate that Donald Trump has tried to put on the Federal bench—by the way, that is in a crop of doozies.

The problem here is that people are going to come into these courts and they are going to have a feeling that no American litigant should have and that is that I have got a judge who is predisposed against me, that it doesn’t matter what my cause is. It matters who I am.

And, sadly, I don’t think this is the bug in these Trump judicial appointments; I think this is the feature. I think it is the intention of the dark money fueled apparatus that has got this assembly line of unusual and peculiar judges cranked on to our courts to actually make sure that our courts are more likely to rule for certain people than others, that they are more likely to rule for polluters, that they are more likely to rule for gun companies, that they are more likely to rule for dark money political operators.

There are essentially, at this point, with this nominee to a Circuit Court of Appeals, no standards left—no standards left. I can’t imagine anybody much worse.

It is a sad day.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from Kansas.

S. 2330

Mr. MORAN. Madam President, today in the Commerce Committee, following an in-depth 18-month investigation to examine cultural and systemic issues regarding abuse in the Olympic movement, Senator BLUMENTHAL and I introduced bipartisan legislation, the Empowering Olympic and Amateur Athletes Act of 2019. It was accompanied by an investigative report, findings, and, recommendations. I am pleased that the Commerce Committee approved that legislation today. This marks a significant step forward to improving the protections and representations provided to our amateur athletes.

The subcommittee that I chair exercises jurisdiction over the U.S. Olympic Committee and amateur sports at large, and I remain fully committed to ensuring the health and safety of all American athletes. Our Empowering Olympic and Amateur Athletes Act would enact reforms to the U.S. Olympic system by strengthening legal liability and accountability mechanisms, restoring a culture of putting athletes first, and fortifying the independence and capacity of the U.S. Center for Safe Sports.

Our investigation, which led to the foundation of the provisions in this bill, included four subcommittee hearings, interviews with Olympic athletes and survivors, and the retrieval of

70,000 pages of documents. This was also made possible by the supportive leadership of the committee—the chairman and ranking member, Senator WICKER and Senator CANTWELL—and the contributions of the committee staff, including the contributions of my staff and those of former Chairman THUNE and Ranking Member NELSON.

Also, I want to take this moment to thank Mr. GRASSLEY, the Senator from Iowa and the chairman now of the Finance Committee. For a portion of the time we were dealing with this issue, he was the chairman of the Judiciary Committee. He, too, made contributions to our legislation, and his continued leadership on this issue in general has helped to move this bill forward and out of the committee today.

During our investigation, Senator GRASSLEY indicated an interest in working together to protect amateur athletes. After we introduced the legislation, I am pleased we were able to include provisions from his legislation that was just introduced yesterday here in the Senate. Specifically, the substitute amendment included funding accountability language for safe sports, clarification on mandatory reporting parties related to child abuse, and new reporting requirements to improve transparency. Senator GRASSLEY was also successful in working with Senator PETERS to include whistleblower protection language in the bill during today’s markup.

Again, I thank Senator GRASSLEY for his leadership and commitment to the health and safety of our amateur athletes.

Additionally, there were thoughtful contributions to our legislation—most recently, in the form of our substitute amendment—from other members of the Commerce Committee, including Senator GARDNER of Colorado.

I also thank my colleague Senator BLUMENTHAL, the ranking member of the subcommittee, for his steadfast and ongoing support and leadership that he has shown throughout this long process.

This investigation and legislative process started out as a bipartisan effort to provide substantive policy protections to amateur athletes and has remained as such. That bipartisanship has continued and will continue to be prioritized as we push for timely consideration of this legislation on the Senate floor.

Finally, I would be remiss not to express my sincere and humble thanks to the survivors for their bravery in guiding our policymaking with their testimonies and ongoing input throughout the process. Their willingness to recount and relive their traumatic experiences played a vital role in informing Congress as it seeks to address key reporting, governance, and resource issues within the Olympic system. This critical legislation would not have happened without their active involvement.

I will never forget the question that was asked of me by one of the survivors