

It would be nice if the House Democrats woke up tomorrow and decided that 13 months was long enough to make America's farmers and ranchers and manufacturers and small business men wait for the United States-Mexico-Canada Agreement, but my hopes of seeing action from the House grow dimmer each day.

The Democrats in the House should be addressing the American people's priorities. American workers shouldn't be sacrificed for the Democrats' partisan political goals. I hope that enough of my Democratic colleagues in the House of Representatives will urge their House leadership to bring up the United States-Mexico-Canada Agreement in the very near future. Americans have waited long enough.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate Senator THUNE's comments about the USMCA. Some might call it NAFTA 1.6. It just doesn't do very much. I was not in this body when NAFTA passed. I was down the hall in the House of Representatives. I voted against it.

I saw what NAFTA did to my State and what it did to our country in the number of lost manufacturing jobs. States in the industrial Midwest still have not recovered from that legislation, from that trade agreement—the North American Free Trade Agreement. During the Clinton administration, I opposed the President of my own party on this. In the Bush administration, the other party pushed the one for Central America. There was one after another after another of these trade agreements, and we see the lost jobs. President Trump made a huge campaign promise that he was going to do something about it, and this agreement simply doesn't do it.

We have talked to the U.S. Trade Representative repeatedly about enforcing labor standards. The whole point of fixing this agreement is so that companies will not shut down in Mansfield, in Zanesville, and in Lima, OH, and move to Mexico to build plants there and sell the products back to the United States. Yet do you know what is happening? Even the USMCA has no language in it that is going to stop the outsourcing of jobs. So, if this Congress moves on the USMCA, you can bet that month after month after month, we are going to lose manufacturing jobs, that the business plan of shutting down production in Ohio, in Rhode Island, in North or South Dakota, or in Montana will continue, and that the USMCA will not do anything about it.

This is the same President who went to Youngstown, OH, as Lordstown was about to shut down, and said: Don't sell your homes. We are going to bring those jobs back.

No, we aren't. GM moved more and more jobs to Mexico at the same time it shut down the GM plant in Lordstown, OH. There were 4,500 jobs lost. This USMCA is simply a

wallpapering over of an agreement. It doesn't do what you have to do to stop the outsourcing of jobs.

I look at trade agreements in one way. Does it mean more jobs in our country or does it mean fewer jobs? The USMCA will do nothing to stem the tide of jobs that are moving to Mexico. That is why we should go back to the table and include the Brown-Wyden amendment on labor enforcement—language that will, in fact, mean there will be more prosperity in both countries.

I thank Senator WHITEHOUSE for yielding the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am not going to be that long. I ask unanimous consent to speak for up to half an hour as in morning business.

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

TRIBUTE TO ADENA LEIBMAN

Mr. WHITEHOUSE. Mr. President, today is my 258th “Time to Wake Up” speech, and I want to use this occasion to take us back to our oceans.

Before I get into the substance of my remarks, I note that this will be the last “Time to Wake Up” speech during which Adena Leibman will be with me. She has been closely involved in all of my office's oceans work. She has, indeed, led it. She came to my office as a Knauss fellow.

We loved Dean Knauss in Rhode Island. He was the dean of the Graduate School of Oceanography at the University of Rhode Island. In working with Senator Pell, he helped to launch NOAA, helped to start the Sea Grant Program, and was extremely significant in the ocean work of our government. So one being a Knauss fellow—one of the Knauss legacies—is a really big deal and is a particularly big deal in Rhode Island.

Adena has been coordinating the oceans work now for 4 years and has also been coordinating our appropriations work. In the time that Adena has been working on this, the bipartisan Oceans Caucus, which Senator MURKOWSKI and I established, has grown to 40 Members. It is very bipartisan. It is very effective. We set it up as a working caucus, and it is working.

Adena helped us get the Coastal Resilience Fund passed into law. It is now producing tens of millions of dollars in grants for coastal communities that need the support as sea levels rise.

She helped to get the Save Our Seas Act passed. That was a unanimous effort. DAN SULLIVAN, of Alaska, was a remarkable partner in all of that. The participants in that included leaders from landlocked States. Senator INHOFE was a real leader on that bill. We had such a good time with it that we are now working on Save Our Seas 2.0, which today came through the Commerce, Science, and Transportation Committee after having passed the Foreign Relations Committee unanimously and the Environment and

Public Works Committee unanimously. We are hoping that soon we will be able to organize the floor consideration of it and, perhaps, pass it by unanimous consent in the way we did with the Save Our Seas Act. The work of all of that progress in those committees and the negotiating of Save Our Seas 2.0 was led by Adena.

Lastly, this week, I started going around to collect cosponsors for Senator MURKOWSKI's and my BLUE GLOBE Act, which is the ocean data monitoring bill that we have worked on and are now ready to launch. An enormous amount of preparatory work goes into getting that ready—getting supporters lined up and doing all of the work of cross-referencing the different points of view—and getting a bill that we also hope stands a good chance of passing this body by unanimous consent. So I give the speech with gratitude to Adena for her work.

CLIMATE CHANGE

Mr. President, the oceans send a clear and consistent signal about climate change, and it is a signal that has been untainted by fossil fuel industry propaganda attacks that have been problematic in other areas. The signals are untainted for good reason, because it is hard to dispute sea level rise measured with tide gauges all around the country. It is hard to dispute acidification that is measured with the kind of pH test kit that a middle school science classroom has, and it is hard to dispute rising ocean temperatures that are measured with that complex, analytical device—the thermometer. Even the fossil fuel industry has trouble fouling the climate signals from our oceans.

The recent “Special Report on the Ocean and Cryosphere in a Changing Climate” confirms through grim data that the health of our oceans is in rapid decline, and it confirms that these changes are caused not by nature but by man. Headlines extracted from the report are pretty alarming.

These are quotes: “The global ocean . . . has taken up more than 90 percent of the excess heat in the climate system.”

“ . . . the rate of ocean warming has more than doubled.”

“Marine heatwaves . . . are increasing in intensity.”

“ . . . the ocean has undergone increasing ocean acidification.”

“ . . . mean sea level is rising. . . .”

“Increases in tropical cyclone winds and rainfall . . . increases in extreme waves . . . extreme sea level events and coastal hazards.”

“ . . . multiple climate-related hazards. . . .”

As if that is not enough, “the ocean is projected to transition to unprecedented conditions.”

It is a grim warning.

Look at acidification. Ocean acidification is a chemical phenomenon. It is not deniable. You can replicate it in a middle school science lab. You can demonstrate it with your breath and a

glass of water and an aquarium bubbler and a pH strip, as I have done from this desk.

The oceans absorb around 30 percent of our excess CO₂ emissions in a chemical interaction that takes up the CO₂ but acidifies the seawater. Off our west coast, the humble pteropod is a building block in the oceanic food chain. Studies show the pteropod suffering “severe shell damage,” worsened by acidification. It is hard to make and maintain a shell in acidifying seas. Coral reefs are dying from acidification. The great ocean die-offs in geologic eras before humans existed were signaled by ocean acidification. So that is serious.

Look at heat. The oceans absorb over 90 percent of the excess atmospheric heat—not 30 percent like the CO₂—that we have trapped in our atmosphere with greenhouse gas emissions.

So think about it. All the terrestrial effects that we are already seeing from climate change come from less than one-tenth of the excess heat that we have trapped. The heat going into the oceans is sparing us humans a real catastrophe, but all that heat is changing the oceans. It is four Hiroshima-size bombs’ worth of heat energy added to our oceans every second—four Hiroshima explosions worth of heat energy per second is the rate of ocean heating. The rate of this ocean heating has already doubled, and the ocean is projected to absorb from five to seven times more heat by 2100. So it is heating at the rate at which its heating is accelerating.

What does that mean? Well, warming seas expand—that is a basic law of physics—and along with melting glaciers and ice sheets, that means seas rise: so far, about 6 inches globally; on Rhode Island shores, already nearly a foot. On our current trajectory, that is more than 3 feet globally by 2100 and more than 6 feet along our shores in Rhode Island.

This is northern Rhode Island. This is Narragansett Bay, and all of these areas that you see that are blue are land now. They are peoples’ homes. They are peoples’ businesses. There are roads and infrastructure—all projected to disappear, all projected to be swallowed by rising seas by the end of the century if we keep fiddling around here and not paying attention.

The First Street Foundation calculates that coastal communities like these along our east coast and in the Gulf of Mexico States have already lost more than \$15 billion in relative property values as the insurance and mortgage markets start to look at sea level rise and flooding, and it affects housing prices.

In Rhode Island alone, they estimate about \$45 million in relative property value lost. Predicted ahead is a coastal property values crash. That is not coming from an environmental organization. That is coming from Freddie Mac, the great American mortgage corporation.

And it is global. The New York Times recently reported new research “that some 150 million people are now living on land that will be below the high-tide line by mid-century”—150 million people.

A UK study warns global sea level rise could cost \$14 trillion annually by 2100.

This is what Freddie Mac has to say about this coastal property values crash: “The economic losses and social disruption of the coastal property values crash may happen gradually, but they are likely to be greater in total than those experienced in the housing crisis and Great Recession.” For those of us who lived through the 2008 meltdown, we don’t want to go there again. Freddie Mac is forecasting that it is going to happen because of coastal property values.

Look here to the Pacific. A new Climate Central study shows that “chronic coastal flooding or permanent inundation threatens areas occupied by more than 10 percent of the current population of nations including Bangladesh, Vietnam, and many small island developing states.”

Here is the southern part of Vietnam, swallowed up by high tide in 2050. That was the projection just a few years ago with the flooding that was going to come into the Vietnam delta area, up here, in Ho Chi Minh City, or Saigon. This is the new projection for 2050—all of it under water, including a good part of Saigon City.

As one of the authors of the report said, “most sea level rise here between now and 2050 is already baked in.” Decades more of sea level rise means the fate of many coastal communities here and around the world is already sealed, which may explain the 2013 warning by the commander of our U.S. forces in the Pacific that upheaval related to climate change “is probably the most likely thing that is going to happen . . . that will cripple the security environment.” He said:

You have the real potential here in the not-too-distant future of nations displaced by rising sea level. . . . If it goes bad, you could have hundreds of thousands or millions of people displaced and then security will start to crumble pretty quickly.

Well, here it is, as predicted by our Navy in 2013.

Thankfully, countries around the globe are awakening to the problems in our oceans. In 2015, I fought to protect a mention—a mention—of oceans in the Paris climate agreement. This year’s original host, Chile, christened the entire upcoming climate meeting a “Blue COP” with a blue vision of repairing ocean health.

I attended, as a U.S. congressional delegation of one, this year’s international Our Ocean conference in Oslo, where advocates, corporations, and governments from around the world, even the helpless Trump administration, made national and corporate and regional ocean commitments.

Norway leads a panel of 14 nations—14 heads of state and the United Na-

tions Special Envoy for the Ocean, advised by people like our own former NOAA Administrator, Jane Lubchenko. A recent panel report outlined five major ocean initiatives that could reduce 20 percent of global emissions by 2050.

The United Nations also declared the 2020s the “Decade of Ocean Science for Sustainable Development.” The world has turned toward action on oceans.

Now, usually, in confronting threats of this magnitude, the United States sets an example of leadership. We are abandoning that tradition. In conversations about climate change and ocean challenges, the United States is, at best, absent. At worst, we are the obstruction. That is a mistake. The United States should not lose its place as an international leader, not if we care about our vaunted role as the indispensable Nation and not if we care about the security and prosperity of our democracy.

It doesn’t have to be this way. Other ocean threats have prompted Congress to do what is right. We passed international fisheries treaties and the Port States Measures enforcement law. We did it unanimously here in the Senate, and now satellites are seeking out and tracking pirate fishing ships to bring them to justice.

We passed our first marine plastics legislation unanimously, and a bigger, better marine plastics bill is moving in the Senate right.

Now Senator MURKOWSKI and I are moving the biggest ocean data bill since NOAA was founded through our bipartisan Oceans Caucus.

So, yes, we can do better, and we must.

Henry Kissinger once told me that the great revolutions of the world have come about from what he called a confluence of resentments. Well, the poorest—those who depend most closely on the oceans, those who lead subsistence lives—will suffer most the brunt of the coming crisis, and they will resent it.

Look at fisheries. The poorest starve when their fisheries collapse. Others are distressed when fisheries collapse but have the resources to migrate or find alternative food sources. For wealthy nations, like ours, the fish in our air-conditioned supermarkets may cost a bit more, but our lives aren’t seriously affected. But when the poor and distressed are hurt like that, they will resent it. That is human nature, and if you turn the pain up high enough, well, good luck defending to them the systems of parliamentary democracy and market capitalism that countenanced their suffering.

Years ago, Daniel Webster described the work of our Founders as having set the world an example. He went on to say that “the last hopes of mankind, therefore, rest with us.” From Jonathan Winthrop to Ronald Reagan, we have called America “a city on a hill,” set high for the world to witness. President Clinton argued that “people . . . have always been more impressed by

the power of our example than the example of our power.”

We still tout our system of democracy and capitalism as a beacon of success and progress, but we have aided and abetted the failure of our system to address the climate and oceans crisis. Worst of all is the reason for it—the fossil fuel industry’s menacing climate denial apparatus. That apparatus may have won the day influencing Congress for now, but it will surely fail the test of time. History will judge harshly an American generation that let its democracy be corrupted by this industry.

The voice of the oceans is more lasting than the greed and folly of man, and it warns of consequences driven by laws of chemistry, physics, and biology. These stern natural laws cannot be repealed or vetoed. Propaganda can manipulate people, passions, and politics, but propaganda cannot change the immutable laws of nature. The data are the voice of the oceans, and if data could scream, the oceans would now be screaming.

So to paraphrase a poem, let us be the “voice the sea would have if it had not a better one: as it lifts . . . its rumbling, deep-structured roar.” Let us wake up and get to our duty.

“Slap Nature,” Pope Francis said, “and she will slap you back.” We have a hell of a slap coming if we don’t get ahead of this, and we better wake up to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

NOMINATION OF STEVEN J. MENASHI

Mrs. MURRAY. Mr. President, I have come here before to call out Senate Republicans and their unwavering support for President Trump’s efforts to pack our courts with partisan and ideologically driven picks, but the nominee I am speaking against today is truly uniquely unfit to serve a lifetime appointment—a lifetime appointment—on a Federal court: Steven Menashi.

Mr. Menashi has a deeply disturbing history of disparaging comments against women, communities of color, immigrants, and the LGBTQI community.

He unabashedly helped to roll back protections for vulnerable communities. He defiantly refused to answer basic questions from U.S. Senators, both Democrats and Republicans, about the policies he worked on while advising the President. He has time and again put extremism and ideology ahead of the rule of law, and he has proven himself incapable of serving as a fair and impartial judge.

As if his record of extremism and partisanship wasn’t bad enough, we now know that Steven Menashi not only helped but was the key architect in Secretary DeVos’s efforts to illegally deny relief to student borrowers who were cheated by predatory for-profit colleges. These policies that Mr. Menashi provided “legal advice” for were subsequently ruled to be in violation of Federal law.

Secretary DeVos’s policy on borrower defense led to her being held in contempt of court. Whether Mr. Menashi did not understand Federal law or whether he advised the Secretary of Education to blatantly ignore it at the expense of students, the fact is that this latest revelation undoubtedly and unequivocally disqualifies him from serving a lifetime appointment on a Federal court—or, at least, it should.

Tomorrow, the Senate will take a critical vote. This is a vote on whether the Senate once again rubberstamps President Trump’s unprecedented effort to remake the Federal judiciary on a partisan ideological basis. It is a vote that shows whether Republicans are willing to support a judicial nominee whose actions—his own actions—have been found to violate the law as recently as just a few weeks ago.

I implore my Republican colleagues to consider not just Mr. Menashi’s record of bigotry and the harm he helped cause to cheated and defrauded students, but also his blatant disregard of the rule of law.

When casting their vote, I ask my colleagues not to worry about what the President might say on Twitter, but to worry about the rule of law and to worry about the idea yet another partisan nominee getting a lifetime on the Federal bench who doesn’t. It is that simple.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

SURVIVORS’ BILL OF RIGHTS IN THE STATES ACT
OF 2019

Mrs. SHAHEEN. Mr. President, I am pleased to join Mr. GRASSLEY from Iowa on the floor today to talk about important legislation that we are cosponsoring that built upon previous efforts that both of us were engaged in to protect survivors of sexual assault in the criminal justice system. The efforts to extend rights to sexual assault survivors across the country is critically important, and I am hopeful that, once our legislation is known to our colleagues, that they will join us in passing this important bipartisan bill.

Amanda Nguyen of the Rise organization initially contacted our office in 2015. I know she also worked with Senator GRASSLEY. When she came to us and detailed her harrowing story of sexual assault, she was raped, and then she felt like she was raped again by a criminal justice system that was not responsive to the challenges of survivors of sexual assault. Amanda described the system that further traumatized survivors and provided scarce protections for their rights.

Evidence of assault was being destroyed without survivors’ consent, and survivors were forced to periodically follow up with law enforcement to preserve that evidence. The broken process that survivors were forced to endure resulted in a system where they were often re-victimized. Instead of a process that helped them move forward

with their lives as they pursued justice, survivors were confronted with the trauma of reliving their attack each time they sought to preserve evidence or gather information about their case.

Well, because of Amanda’s efforts, the Sexual Assault Survivors’ Rights Act was created. It was legislation that provided for the first legally recognized set of rights for survivors that could be enforced in a court of law. Senator GRASSLEY took that legislation, he included it in the Adam Walsh Reauthorization Act, and it was signed into law. It has provided survivors with greater protections in Federal cases because of focus on notice, on access to evidence, and on the preservation of sexual assault evidence collection kits.

By creating this set of court enforceable rights at the Federal level, Congress established a model for the States to adopt similar legislation to protect the rights of survivors. So far, 21 States, including my home State of New Hampshire, have adopted that legislation to guarantee survivors certain basic rights in the criminal justice system.

Now, unfortunately, we are trying to figure out how to encourage other States to follow the lead of Congress, States that have not yet adopted legislation protecting survivors. That is why the bill that Senator GRASSLEY and I are here to discuss today is so critically important. The Survivors’ Bill of Rights in the States Act, the legislation we are cosponsoring, would establish a grant program accessible to States that have in place a law which guarantees the rights contained in the Sexual Assault Survivors’ Rights Act.

The grand amount would be a percentage of the funding that the State receives under the Stop Violence Against Women Formula Grant Program. States could then use the funds to implement survivor rights, preserve sexual assault evidence collection kits, reduce the backlog of kits, and provide support for victim services.

Congress has previously passed legislation using the Stop Formula Grants to incentivize States to adopt legislation, and this is the perfect example of why that kind of an approach would be successful. No survivor should be compelled to bear the indignity of petitioning law enforcement merely to ensure that they are given a fair shake in the criminal justice process. It is my hope that this legislation will lead to an increase in States passing bills to protect survivors’ rights.

I think it is important that Congress again show survivors that we are behind them, that we will stand up with them for their rights. The Survivors’ Bill of Rights in the States Act would do just that.

I am so pleased to be joining Senator GRASSLEY in this effort. I think, with this bipartisan support, we can get support from all of our colleagues to enact this follow-on legislation into law and provide the additional support that survivors need.