

savings, which everyone says is important, including the Congressional Budget Office, and to help people have peace of mind in retirement. What could be more important?

Again, I thank my colleague from Maryland for allowing me to join him on the floor to talk about the importance of this legislation.

I urge my colleagues on both sides of the aisle to take a look at this. I hope they will sign it and be cosponsors on this legislation. Let's get this passed. Let's do it this year.

I yield the floor.

#### NOMINATION OF KENNETH KIYUL LEE

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of Kenneth Lee to the United States Court of Appeals for the Ninth Circuit.

Mr. Lee has been nominated to a California seat on the Ninth Circuit over the objections of Senator HARRIS and myself. Neither Senator HARRIS nor I returned blue slips for Mr. Lee; yet the majority moved forward with his nomination, disregarding our concerns.

In doing so, the majority is violating Senate norms and traditions by—for the first time ever—ignoring the lack of a blue slip from the Judiciary Committee's ranking member. Let me repeat: This has never been done before.

There was no need to proceed with Mr. Lee's nomination over our objections.

As has been true of many of my Democratic colleagues, Senator HARRIS and I made it clear to the Trump administration that we were ready to work with the White House to find a consensus pick for this and two other Ninth Circuit California seats.

Sadly, our willingness to work with the administration has not been reciprocated. Once again, the majority is insisting on moving ahead with a nomination, despite the strong objections of both home-State Senators.

Senator HARRIS and I refused to return blue slips for Mr. Lee for two key reasons.

First, Mr. Lee has a long record of controversial writings and statements on race and diversity, immigration, affirmative action, women's rights, and other issues.

Second, Mr. Lee failed to disclose dozens of problematic writings to our in-state judicial commissions and to the Judiciary Committee itself.

That failure raises significant doubts about Mr. Lee's candor and judgment, and it should be concerning to all Members of this body. In fact, when another nominee for the Ninth Circuit, Ryan Bounds, also failed to turn over his writings, his nomination was rejected by the Senate.

Mr. Bounds had failed to identify to Oregon's in-state judicial screening commission at least five articles that took controversial positions on issues including campus sexual assault and diversity at institutions of higher education, whereas Mr. Lee failed to dis-

close either to my and Senator HARRIS's screening commissions or to the Judiciary Committee itself more than 75 articles.

Importantly, several of Mr. Lee's articles demonstrate a continuity between what he wrote and the positions he has continued to advocate well into his legal career.

For example, Mr. Lee was a vocal critic of affirmative action, writing: "Our stance on affirmative action has always been that it ultimately hurts the recipients instead of helping them. . . . Black students will unfortunately be treated as inferiors because people will always assume that they were accepted solely because of their race."

In a 2003 piece, written while he was a practicing attorney, Mr. Lee criticized the Supreme Court's opinion in the Bakke case, which upheld the use of race as one of several criteria to be considered in college admissions.

Mr. Lee wrote that "[t]he Supreme Court can no longer hide behind the wishful thinking of Bakke," which he said "was based on the naive assumption that universities would consider race merely as a tie-breaker."

Mr. Lee has not backed away from his opposition to affirmative action and so the Congressional Black Caucus wrote a letter stating: "While many of [Mr. Lee's] most disturbing writings have come from when he was in college and law school, there is every indication that these views were well-settled and carried through his career."

In a 2005 article, written years after he graduated from law school, Mr. Lee criticized President George W. Bush's plan to allow undocumented immigrants to work legally within the United States.

Mr. Lee wrote: "By describing illegal immigrants as 'hard-working men and women' who are pursuing 'better lives,' [President Bush] blurs the distinction between illegals and those who came to America following the rules."

Mr. Lee's portrayal of undocumented immigrants is both inaccurate and troubling.

Mr. Lee has also taken extreme positions on women's rights. He argued that feminism "is not about extending equal rights and opportunities to women . . . [but] is about adhering to a stifling orthodoxy." He attacked feminists for "support[ing] unfettered abortion-on-demand."

As NARAL put it in a letter submitted to the committee, Lee's writings "suggest a disdain for women that is concerning in any context, but especially so for someone up for a lifetime seat on the federal bench."

In conclusion, I believe Mr. Lee's record shows that he is far outside the legal mainstream.

Given the positions he has taken in dozens of articles and given his failure to disclose writings to my commission and to the Judiciary Committee I cannot support Mr. Lee's nomination to the Ninth Circuit.

I will vote against Mr. Lee and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Ohio.

#### LEGISLATION SESSION

#### MORNING BUSINESS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### MEASURES PLACED ON THE CALENDAR—H.R. 986 and H.R. 2157

Mr. PORTMAN. Mr. President, I understand there are two bills at the desk due for a second reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the second time.

The senior assistant bill clerk read as follows:

A bill (H.R. 986) to provide that certain guidance related to waivers for State innovation under the Patient Protection and Affordable Care Act shall have no force or effect.

A bill (H.R. 2157) making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

Mr. PORTMAN. In order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

#### RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 178 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 178) recognizing and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. PORTMAN. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 178) was agreed to.