

If the concept of faithful judges fulfilling their proper role strikes anyone as a partisan development or a threat to their political agenda, I would suggest it is their agenda that needs modifying and not the judicial branch that our Founders intended.

COAL INDUSTRY

Mr. McCONNELL. Mr. President, on another matter, one of the untold stories of the Obama administration was the dramatic geographic inequality that deepened on the Democrats' watch.

From 2010 to 2016, the Nation's largest metro areas captured nearly 75 percent of the new jobs and 90 percent of the population growth. Big cities did OK, but unfair and regressive policies, like the War on Coal, left many other communities—smaller cities, small towns, and rural areas—literally in the dust.

Homegrown American energy, including coal, has supported entire communities in Kentucky and throughout the country for generations, but even before he took office, President Obama declared a war on coal. Here is what he said: "If somebody wants to build a coal-fired power plant, they can; it is just that it will bankrupt them."

Of course, that approach didn't only hurt American businesses, it hurt American workers. In 2009, 23,000 Kentuckians made their living mining coal. By the end of 2016, that number had dropped to barely more than 6,500. It went from 23,000 to 6,500 during the Obama years. Nearly three-quarters of the State's coal jobs were gone in the span of one Presidency.

So since the earliest days of the Trump administration, we have prioritized ending the War on Coal and trying to repair the damage. We have repealed hostile regulations and created tailwinds instead of headwinds for America's energy dominance. But 8 years of damage is not easy to unwind. Many coal communities are still suffering. There are more mine closures and more bankruptcies. Workers' paychecks and retirees' pensions are thrown into uncertainty. So our work continues.

A few years back, I worked to secure permanent health benefits for thousands of retirees. Yesterday, a bipartisan group here in the Senate, led by Senators CAPITO, MANCHIN, and me, took a major step toward addressing the emergency of underfunded pensions for thousands of miners, retirees, and their families. We introduced new legislation to expand that healthcare fix to include 13,000 more miners and protect the pensions of nearly 92,000 miners into the future.

Earlier this week, I personally raised the subject with President Trump. We discussed the importance of working toward a solution for these retirees.

Just yesterday, I hosted Kentucky miners here in the Capitol to hear their concerns and discuss a potential path forward.

I have spent my entire career in the Senate fighting for all Kentuckians. I have worked to protect coal communities from bad ideas and to promote their future, and I will keep working with the Trump administration and my colleagues on both sides to support our mining families.

SECURITIES AND EXCHANGE COMMISSION

Mr. McCONNELL. Now on another matter, Mr. President, earlier this week, the Securities and Exchange Commission took a significant step into the 21st century. When public companies put business decisions up for a vote by their shareholders, it stands to reason that large asset managers who own many shares on behalf of their clients have enormous power to determine the outcome. Since these institutional investors lack the bandwidth to study every single company in great detail, many rely heavily on outside advisory firms.

In principle, there is nothing wrong with institutional investors getting advice, but in practice, things get pretty interesting. This cottage industry of proxy advisory firms is extremely concentrated in a very few hands. I believe the two largest firms have something like 97 percent market share between them, and their advice is often taken uncritically. One analysis of major asset managers found that 95 percent of their voting followed one advisory firm's recommendation.

So we have a small concentration of voices wielding enormous power over American business, and questions have arisen about whether they really exercise that power to serve the best financial interests of the investors. In some cases, the proxy advisers seem less interested in the particular interests of the particular company and more interested in advancing a preconceived ideological agenda. In other words, these firms are accused of leveraging their incredible influence to force corporations to conform to their own vision of social justice.

That is why, as the Chairman of the SEC explained, he receives letters from ordinary American investors expressing "concern that their financial investments, including their retirement funds, were being steered by third parties to promote individual agendas, rather than to further their [own] primary goals" of saving for retirement and leaving something behind for their kids and grandkids.

These proxy advisers are regulated by the SEC, and as it happens, some parts of these rules had not been updated since 1954. So this week the SEC has updated these Eisenhower-era guidelines for the 21st century. The new rules will enable more transparency and accountability. They will help ensure that these powerful voices have meaningful skin in the game and are not simply searching for a convenient vehicle to advance their preconceived interests.

I applaud the step forward by Chairman Clayton and the SEC.

VETERANS DAY

Mr. McCONNELL. Mr. President, now on one final matter, on Monday, our Nation will observe Veterans Day. Some will gather here in our Nation's Capital at the proud monuments that pay enduring tribute to the service and sacrifice of generations of brave servicemembers. Many more will mark the day in ceremonies in small towns and cities across our country. And, of course, many Americans will have veterans to thank firsthand in their own families and neighborhoods.

My own father's Army service took him to the heart of the battle for Europe in 1945. His company sustained heavy losses. When he returned home, he traded his uniform for a briefcase and went back to work in our community.

Perhaps the only thing more remarkable than the heroic service that generations of veterans have offered at home and overseas is the fact that they come home and keep right on serving in new ways—as fathers and mothers, as skilled workers, as entrepreneurs, or as educators, and in every case, as a custodian of a unique part of our Nation's collective memory.

It is a cliché, but it is a cliché for good reason: the land of the free because of the brave.

The Senate will not be in session on Monday, as we honor Veterans Day, but I hope that each of our Members will be remembering and giving thanks for all veterans and for those brave men and women serving today. Their efforts are the reason why this Chamber exists, why it still stands, and why American self-government and American freedom endure.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Lee Philip Rudofsky, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

APPROPRIATIONS

Mr. SCHUMER. Mr. President, Senate Democrats had hoped to work with our Republican colleagues this year on a fully bipartisan process. It got off to a great start when the four congressional leaders reached a budget deal over the summer, but it quickly went awry.

Senate Republicans departed from the bipartisan process by unilaterally proposing their own allocations to the various agencies. This was not part of the agreement. This was not in the spirit or concept of the agreement. It was always, when we agreed, that we would work out the 302(b) allocations. Instead, the Republicans went ahead, unilaterally, and they proposed moving \$12 billion—\$12 billion—from critical health programs and military families to pay for the President's border wall, and that was way out of bounds.

The Republican leader has accused Democrats, myself included, of breaking our budget deal by not going along with these very partisan bills. He knows—and every Member of this Chamber, Democrat and Republican, knows well—that Democrats are not going to support a unilateral move by the Republicans to take \$12 billion away from military families, education, opioids, and NIH and put it into the President's vanity, partisan wall. So, until Republicans get serious about negotiating a bipartisan way forward, the partisan appropriation bills are all we have and they cannot move forward.

Now, in the last few days, after conversations that I had with Leader MCCONNELL, Speaker PELOSI, and Leader MCCARTHY, we are seeing some positive signs that we can get the process back on track. This month, Democrats and Republicans worked through a package of bipartisan appropriation bills on the floor with few issues. Now, as we speak, both parties, both sides—Democrats and Republicans, House and Senate appropriators—have started talking again about restarting the good-faith negotiations on the remaining bills.

We hope this moves forward in a bipartisan way. Each side has to agree. I will repeat my view. If President Trump stays out of it, we will come to an agreement. If President Trump messes in, if the Republican leader feels so in obeisance to Donald Trump, who doesn't have any concept of how to get things done around here, then we will not get it done, and we may have a second Trump shutdown with the leader going along, which will not succeed. It will not succeed in getting them what they want.

So I hope that with a little effort and compromise, we in Congress can find a

way forward on appropriations by working together.

WHISTLEBLOWERS

Mr. President, on the whistleblower, yesterday, the House Intelligence Committee announced the schedule for its first week of public hearings in the House impeachment inquiry, including testimony from the current and former top U.S. diplomats in Ukraine. These public hearings are a reminder that the whistleblower's account has already been corroborated many times over by officials with firsthand knowledge of the situation.

Yet there remains a searing focus by the President and one Member of this Chamber on the whistleblower. Even though his or her account has been verified by other sources, the White House and, most particularly, the junior Senator from Kentucky, seem committed to discrediting the whistleblower, disclosing the whistleblower's identity, and turning the rightwing media machine on this person—and they can be vicious.

The junior Senator from Kentucky went so far as to block a simple resolution from my friend the Senator from Hawaii, MAZIE HIRONO, that would have reconfirmed the Senate's support for whistleblower protection laws—laws that have been on the books for a very long time.

The whole concept started with the Continental Congress, even before the Constitution. We are going down a dangerous road when Members of this body are refusing to stand up for our Nation's laws, particularly those laws that enforce the rule of law and make sure our government is doing what the people want.

These attempts to expose the whistleblower are unfortunately not the only example of how a few of my colleagues are taking the defense of this President too far. It seems that with each coming week, sometimes each coming day, the President's allies in Congress come up with a new tortured defense of his actions. House Republicans have gone from attacking the process because it was closed to attacking it because it was opened. They have gone from insisting on "no quid pro quo" to saying "maybe quid pro quo but who cares?"

Here in the Senate, we heard a new one from the chairman of the Judiciary Committee, who said the Trump policy on Ukraine was so "incoherent" that the administration was "incapable of performing a quid pro quo." That is a good one. Seriously, he said that. They are reaching. They are reaching as far as they can because they know that the facts—at least as we have heard from the House; we will wait until they come over here, if they do—that the facts about what the President did are so damning.

There was even a Member of this Chamber who went so far as to insult the Speaker's intelligence at a political rally—a childish and nasty smear that is far out of bounds.

Nobody is happy about the fact that the House is examining the potential impeachment of a President. It has always been a sad and somber process. But there is no excuse for jumping to conclusions, advocating for lawbreaking, or resorting to nasty insults. This is a time when we must check partisanship at the door, study the facts in the case, and make our own independent judgments. That is our duty. I will remind all of our colleagues that history will one day judge whether or not we lived up to it.

PRESIDENT ERDOGAN

Mr. President, on ISIS, next week President Trump will welcome Turkish President Erdogan to the White House. Frankly, it is confounding that President Trump is rolling out the welcome mat to an autocrat whose recent actions have threatened our allies and partners.

For over 5 years, American and coalition troops, including our Syrian Kurdish partners, worked shoulder to shoulder in northern Syria to bring ISIS to the brink of defeat. But after the President's calamitous decision to greenlight Erdogan's military operation and precipitously withdraw American troops, Turkish forces and their proxies have advanced far into northern Syria, committing atrocities without accountability. It is a shameful betrayal of our Syrian Kurdish partners, and it has thrown our efforts to defeat ISIS into chaos. At least 100 ISIS detainees have reportedly broken out of prison and disappeared, and they could be very dangerous to us in our homeland.

While we are glad that terrorists like al-Baghdadi have been taken off the field, a fundamental question remains: What is the administration's plan to secure and defeat ISIS?

It is unacceptable that a month into this crisis, the President has chosen to welcome Erdogan to American soil before explaining to Congress his plan to defeat ISIS. So ahead of Erdogan's arrival next week, I and several of my Democratic colleagues are sending a letter to President Trump demanding that he submit to Congress a comprehensive plan to secure the enduring defeat of ISIS.

There are questions that need to be answered immediately. How many ISIS members have been accounted for in the wake of our withdrawal? How are we going to stabilize former ISIS territory? What training will we give to the forces on the ground to continue fighting ISIS? These questions need to be answered at once. They are far more urgent than welcoming an autocrat who just bullied the President into giving him everything that this autocrat wanted.

NOMINATION OF STEVEN J. MENASHI

Mr. President, finally, on Mr. Menashi, in a few minutes—maybe as of now—the Judiciary Committee will be holding a vote on a nominee who is dangerously unfit to serve on the U.S. Second Circuit Court of Appeals—Mr.

Steven Menashi of New York. His nomination should not be allowed to continue.

Mr. Menashi has a very troubling record on race, women's equality, LGBTG rights, and the rights of immigrants. His conduct before the Judiciary Committee was insulting, his contempt for the Senate reprehensible, and his refusal to be forthcoming about his record is outright disqualifying.

But if members of the committee needed any more evidence to vote against Menashi's nomination, they should read this morning's New York Times. The headline reads "Appeals Court Nominee Shaped DeVos's Illegal Loan Forgiveness Effort." The Times reports that during Mr. Menashi's tenure working with Secretary DeVos at the Department of Education, he played a leading role in designing an illegal effort to deny debt relief to thousands of students swindled by for-profit colleges.

Let me repeat. Mr. Menashi concocted a plan to illegally use the private Social Security data of defrauded student borrowers to deny them debt forgiveness after they were preyed upon by for-profit schools. A Federal judge ruled that these efforts violated privacy laws.

This is someone the President wants us to make an appellate court judge? A judge is supposed to uphold the law, interpret the law, and have a reverence for the law, not someone who schemes to break the law, as Mr. Menashi did.

Mr. Menashi's nomination is an embarrassment to this country. It is an insult to millions of hard-working young Americans saddled with student debt. It is an insult to women and LGBTQ Americans, to African Americans and immigrants, and to everyone who believes in the rule of law.

If anyone has not earned the privilege of a lifetime appointment to the bench, it is Mr. Menashi. I urge every Member of the Judiciary Committee to vote against his nomination.

I yield the floor.

THE PRESIDING OFFICER. The majority whip.

DEFENSE APPROPRIATIONS

Mr. THUNE. Mr. President, on Tuesday morning, I visited with Secretary of Defense Mark Esper. We talked about the military's needs and national security priorities, and we talked about the fact that more than a month into the new fiscal year, Congress still hasn't funded the military for fiscal year 2020. We shouldn't have needed to talk about that. We should have passed the Defense appropriations bill for 2020 weeks ago, but Democrats won't let us.

Last week, Democrats blocked consideration of the 2020 Defense appropriations bill for the second time. Apparently they have every intention of continuing to block military funding. This is politics at its worst. And make no mistake—this is politics. A couple of months ago, Democrats and Republicans got together and agreed on defense and nondefense funding levels for

2020 and 2021. The idea was to pave the way for the passage of appropriations bills in a timely fashion. It seemed for a moment that despite Democrats' fixation on partisan politics and impeachment, we could actually go about funding the government and the military in a somewhat bipartisan fashion, but apparently that was too much to ask of the Senate Democrats. Senate Democrats are currently running from the agreement, attempting to derail the defense funding bill with poison pills that would prevent the bill from ever being enacted into law.

Funding our military should be the first priority of every Member of Congress. The safety of our country depends on the strength of our military. If we don't get national security right, the rest is conversation. Getting national security right means making sure our military is adequately funded, making sure we are funding the needs of the current military and preparing for future priorities. It should go without saying that an essential part of this responsibility is getting that funding passed in a timely fashion.

Right now, since we haven't passed the 2020 funding bill, the military is operating under a continuing resolution that maintains funding levels from last year. There are multiple problems with that.

In the first place, the military is operating without all the funding it needs. For example, the Pentagon can't fully support the pay increase military members should be getting.

In addition, the continuing resolution prevents the military from starting key projects that will help ensure our men and women in uniform are prepared to meet the threats of the future. The Pentagon can't start new procurement projects. New research and development initiatives that keep us a step ahead of our adversaries are put on hold.

All told, under a continuing resolution, the military's purchasing power is reduced by roughly \$5 billion each quarter. Five billion dollars each quarter that we continue to operate under a continuing resolution is the amount of purchasing power that is lost to our military to meet their critical priorities. To put that in perspective, that is the equivalent of losing out on about 56 F-35 Joint Strike Fighter planes, depending on the variant, every 3 months; or nearly 2 complete Virginia-class attack submarines, like the recently commissioned USS *South Dakota*; or about 5,000 Joint Air-to-Surface Standoff Missiles, like those used to clean up the site of the Baghdad raid or strike Syrian chemical weapons facilities in 2018. That \$5 billion isn't spare change; it is funding for critical military priorities.

In November of 2018, the bipartisan National Defense Strategy Commission released a report warning that our readiness had eroded to the point where we might struggle to win a war against a major power, like Russia or

China. That is a dangerous situation for our country to be in, and we need to keep working to rebuild our military. That starts with making sure our military is fully funded in a timely fashion.

On the floor last week, I noted that Democrats would like us to believe that they are serious about legislating and that their years-long obsession with impeaching the President isn't distracting them from doing their job. After the Democrats' defense filibuster last week, it is becoming clear that the Democrats are incapable of putting anything ahead of partisan politics, including the safety of our country and the well-being of our military.

It is particularly ironic that the Democrats are blocking this defense funding bill, which would provide \$250 million in assistance to Ukraine, at the same time they are trying to impeach the President for allegedly delaying Ukraine funding. Think about that.

It is hard to know what to say to my Democrat colleagues. It should not be this hard to convince them that funding our military is more important than scoring points against the President.

I hope the leader will continue to bring up the defense funding bill and that enough of my Democratic colleagues will decide to join us in getting this funding to our military. It is the very least we can do for the men and women who spend every day working to keep us safe.

VETERANS DAY

Mr. President, Veterans Day is coming up on Monday, and our Nation will pause to remember all those who have served in our military. I will be calling my dad, who will be 100 in December—a World War II vet who flew Hellcats in the Pacific—to thank him again for his service.

As a U.S. Senator, I have had the privilege of meeting many veterans—men and women who decided they were willing to lay down their lives if necessary to ensure that their families, communities, and fellow countrymen could enjoy the blessings of freedom. Members of the military give up a lot for us. They forgo physical comforts and embrace sacrifice.

They accept long deployments and days of duty that start before dawn or stretch long into the night. They accept the fact that they will miss Thanksgivings and birthdays and Christmases, first steps and first days of kindergarten, date nights and little league games, and family reunions. They shoulder the burden of facing evil head-on so that the rest of us will never have to. And many of them bear the scars—the physical wounds and the invisible wounds—that war can also leave.

We enjoy tremendous blessings, and we are used to them. We are used to waking up in safety. We are used to going about our days in safety. We are used to voting in safety, attending church in safety, reading the newspaper in safety, expressing political

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.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection it is so ordered.

PRESCRIPTION DRUG COSTS

Mr. CORNYN. Mr. President, the Senator from Connecticut, Mr. BLUMENTHAL, and I have come to a floor to offer a unanimous consent on a bill called the Affordable Prescriptions for Patients Act. We are in consultation with our colleagues on the other side that have another bill that they would also like to offer a unanimous consent request for, and we are going to talk and continue the conversation during these two upcoming votes to see if we can work out holds on their bill, and we certainly would consider to do that.

But Senator BLUMENTHAL and I do expect to offer a unanimous consent on our bill which would lower out-of-pocket costs for prescription drugs, which is something I thought we were all for. But working in good faith with our colleagues to try to work through these two issues, we are going to give it a little bit of time, as long as we can get that done before we leave today.

I will just say there is no agreement to pair these. If they could pass sequentially, I have no objection to that, but just to say that it would be nice, at a time when we are so polarized here and have put the "dys" back in "dysfunction" here in Washington, DC, that we could actually show that we could work together in a bipartisan basis and pass a bill that passed unanimously in the Judiciary Committee, of which my friend from Illinois is a cosponsor.

I understand they want to use this opportunity to get their bill passed. Again, I have no objection to that and do not intend to object, but there are others who apparently have some concerns that we need to check with.

Mr. DURBIN. Mr. President, I would say that my friend and colleague, the gentleman from Texas, has accurately stated the situation, but let me add a few sentences about the bill that we are trying to couple with his effort. I totally support what he and Senator BLUMENTHAL are trying to do. The end goal we all have in mind is to bring under control or at least restrain the increases in prescription drug prices.

The Senators from Texas and Connecticut have their approach. What Senator GRASSLEY—a Republican from Iowa—and I have suggested with this approach is direct-to-consumer advertising. The pharmaceutical industry spends about \$6 billion a year on ads on television. If you have not seen a drug ad on television, you clearly do not own a TV.

We want to make sure that each one of these ads contain, amid all the other

information they give you, one other critical piece of information: the cost of the drug.

We think that will be at least an indication to the pharmaceutical industry that we are watching how much they are charging us. I think some people will be shocked when they see the actual cost of Humira and some other drugs. But that is it, a complementary approach. I hope we can do both. I think the American people want to see prescription drugs become more affordable.

I yield the floor.

VOTE ON RUDOLFSKY NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Rudofsky nomination?

Mr. DURBIN. I ask for the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Ms. WARREN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 41, as follows:

[Rollcall Vote No. 350 Ex.]

YEAS—51

Alexander	Ernst	Paul
Barrasso	Fischer	Portman
Blackburn	Gardner	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Romney
Braun	Hawley	Rounds
Burr	Hoeven	Rubio
Capito	Hyde-Smith	Sasse
Cassidy	Inhofe	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young

NAYS—41

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Sinema
Carper	Leahy	Smith
Casey	Manchin	Stabenow
Cooms	Markey	Tester
Cortez Masto	Menendez	Udall
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Whitehouse
Gillibrand	Peters	

NOT VOTING—8

Booker	Klobuchar	Warren
Harris	Perdue	Wyden
Isakson	Sanders	

The nomination was confirmed.

Mr. SCHUMER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Democratic leader.

UNANIMOUS CONSENT REQUEST—S. 2755

Mr. SCHUMER. Madam President, it is now several weeks since the President asked our troops to leave a critical sector in northern Syria, and, subsequently, lots of things happened, including at least 100 and probably more ISIS prisoners escaping, an uncertainty as to who is guarding the prisons where ISIS prisoners are kept, and a whole strategy as to how to continue the fight against ISIS.

ISIS is not vanquished. ISIS is weakened but not vanquished, and we all know ISIS can come back. We all know a small group thousands of miles away can do untold damage in our homeland. Yet we still have no plan, that we have heard, from the administration on how are we dealing with ISIS; how are we dealing with the prisoners who escaped; how are we dealing with the prisoners who are still incarcerated; and how are we dealing with ISIS overall.

This is one of the greatest security threats America faces, and I would hope we could pass this proposal, which simply demands that the administration report to Congress on what their plan is to deal with ISIS. It is that simple. That is the immediate danger.

I know my friend, the Senator from Florida, wants to talk about what happened in the past. We can argue that all day long, but the immediate danger is ISIS, the ISIS prisoners who have escaped, the ISIS prisoners who are incarcerated, and the ISIS members who still are around. We don't have a strategy, and it is one of the greatest failings of foreign policy not only of this administration but of any administration.

A resolution passed the House a while ago. It has laid fallow here. All we are asking in this legislation is very simple: to require a report on the strategy to secure the enduring defeat of the Islamic State.

I hope we will not hear objection. I don't see how anyone could object when the security of America is at risk and when ISIS is still a danger. Every one of us could come up with an amendment to make it better. We know we will not get it done if that happens.

I hope we can move this forward, and then we can debate other issues that are not directly dispositive here because we have an immediate crisis, and we need a report.

Madam President, I ask unanimous consent, as in legislative session, that the Senate proceed to the immediate consideration of Calendar No. 281, S.

2755, a bill to require a report on the plan to secure the enduring defeat of the Islamic State of Iraq and Syria; that the bill be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, reserving the right to object.

I thank the Democratic leader for his concerns about the defeat of ISIS. If there is one thing I hope we can all agree on, it is that Turkey is not our ally or friend right now. Turkey's invasion of Syria is benefiting ISIS, Iran, and Russia, and hurting our great ally, Israel.

The United States must stand up for our partners, the Kurds, who helped us fight ISIS. I am hopeful the ceasefire will last, keeping American soldiers and our partners, the Kurds, safe. Nobody wants our men and women in uniform involved in unnecessary, extended military conflicts.

Bringing our troops home is a goal we all share. In order to achieve that goal, we need to have a fuller understanding of the crisis in Syria and what got us there—with the hope our troops can finally come home.

I also agree that the President should always be clear with Congress on where all U.S. troops are located and the purpose of their deployment. Unfortunately, my colleague's proposal would produce a report that only tells a small part of the story.

In the name of transparency and a fuller understanding of how we got here, I am proposing a modification to my colleague's bill to require a report that includes information on President Obama's plan for Syria.

We didn't get here overnight. The Democratic leader knows that. He said himself it took us 5 years to get here. So I think we all would like to see what the strategy—or lack of strategy—was from the last administration that put us in this position today. Let's get all the facts on the table so lawmakers in Congress and Americans all across the country can have all the information we need to keep Americans and our allies safe.

Reserving the right to object, therefore, I ask that the Democratic leader modify his request to include my amendment, which is at the desk. I further ask that the amendment be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Will the Democratic leader so modify his request?

Mr. SCHUMER. Madam President, this is a diversion. We can all debate history. Maybe Bush was to blame. Maybe Obama was to blame. Who knows. Maybe Harry Truman was to

blame when they set up CENTO. That is something we can debate at a later time.

We have an immediate crisis. We need a report, and our Republican colleagues keep finding ways so they can object so the President doesn't have to answer. That is wrong. It risks the security of America, and it is not what we should be doing.

So I object, and I urge us to pass the amendment without the modification, which is still as valid as it was a few minutes ago.

The PRESIDING OFFICER. The objection is heard on the modification.

Is there objection to the original request?

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, reserving the right to object. I am disappointed in yet another political stunt from the Democratic leader. It is clear this is nothing but a political attack on the President.

President Trump's goal is to bring American troops home and keep our partners, the Kurds, safe and our ally, Israel, secure. The Democratic leader is requesting information from President Trump but refuses to join me in asking for information about the sequence of events and the strategy under President Obama that led us to this point.

This is sad, but it is not surprising. It is just another charade in a long list of political games. Americans deserve a safe Israel and a safe Syria, so I stand today to object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. SCHUMER. Madam President, if they are worried about an attack, it is not on this President or a previous President. That is the political stunt here, I would say to my friend in Florida. He knows what he is doing. He is trying to stop this from happening. The attack we are worried about is an attack by ISIS on the United States.

Whether you are a Democrat, Republican, liberal, or conservative, the country needs a plan. All of the diversion, all of the games will not prevent the American people from seeing that we need that, and it is our job as Senators to push the administration to do it.

So I would have hoped we could have passed this amendment without the diversionary, partisan proposal made by the Senator from Florida. I am sorry we haven't been able to move the amendment. It is so wrong for the safety of this country.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jennifer Philpott Wilson, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Philpott Wilson nomination?

Mr. BARRASSO. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Maryland (Mr. CARDIN), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Ms. WARREN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 351 Ex.]

YEAS—88

Alexander	Fischer	Reed
Baldwin	Gardner	Risch
Barrasso	Graham	Roberts
Bennet	Grassley	Romney
Blackburn	Hassan	Rosen
Blumenthal	Hawley	Rounds
Blunt	Heinrich	Rubio
Boozman	Hoeben	Sasse
Braun	Hyde-Smith	Schatz
Brown	Inhofe	Schumer
Burr	Johnson	Scott (FL)
Cantwell	Jones	Scott (SC)
Capito	Kaine	Shaheen
Carper	Kennedy	Shelby
Casey	King	Sinema
Cassidy	Lankford	Smith
Collins	Leahy	Stabenow
Coons	Lee	Sullivan
Cornyn	Manchin	Tester
Cortez Masto	McConnell	Thune
Cotton	McSally	Tillis
Cramer	Menendez	Toomey
Crapo	Merkley	Udall
Cruz	Moran	Van Hollen
Daines	Murkowski	Warner
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wicker
Enzi	Paul	Young
Ernst	Peters	
Feinstein	Portman	

NAYS—3

Gillibrand	Hirono	Markey
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NOT VOTING—9

Booker	Isakson	Sanders
Cardin	Klobuchar	Warren
Harris	Perdue	Wyden

The nomination was confirmed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of William Joseph Nardini, of Connecticut, to be United States Circuit Judge for the Second Circuit.