

who said that this decision would “im-peril civic peace”? He said:

No one can possibly predict with any degree of confidence what are all the possible ramifications for our society that are going to take place. No one could have predicted all of the social pathologies from no-fault divorce. This is a far more radical change than no-fault divorce.

He said that “harms” to our democracy from marriage equality “would be severe, unavoidable, and irreversible.”

Certainly, he wanted to slam the door on marriage opportunity for LGBTQ Americans, but he made an outrageous argument that the concern of others should enable his court, as he envisioned it, to deprive Americans of the opportunity to marry the individual they love—no concern for the Constitution, just that some folks might find it uncomfortable. He made an extensive, hyperbolic, hysterical argument that it would completely debase society for people to be with the person they love.

His attacks against the LGBTQ community go on and on, from introducing expert declarations in one case that characterized transgender Americans as “delusional.” If you have been characterized as delusional based on who you are and whom you love, what fairness can you expect from the judgment of this individual? He fought to deny parental rights to the woman who adopted the children of her same-sex partner—the same children she had helped raise for 8 years.

Clearly, this individual is interested in rightwing, opportunity-denying legislating from the bench, not protecting the vision of opportunity embedded in our Constitution.

All that doesn’t even touch on his other efforts, such as his effort to make it difficult for communities of color or communities of modest economic means to be able to vote in the United States of America. If you believe in the Constitution of the United States, you should be a fierce advocate for voter empowerment and participation, not voter suppression, but this individual is a fierce advocate for voter suppression. Isn’t it right to have people confirmed to the bench for a lifetime appointment who actually admire the vision of our Constitution for opportunity and for citizen engagement, not one who wants to tear down opportunities and slam doors on opportunities and stop people from voting.

That is not all. There is more. There are his attacks on deferred action for parents of Americans in which he spreads false and frightening stereotypes about immigrants, echoing his previous hysterical comments, saying that “[m]any violent criminals would likely be eligible to receive deferred action under DAPA’s inadequate standards.” It is kind of the last refuge of a scoundrel, an individual who proceeds to attack our immigrants, saying: Oh, they might all end up being criminals—completely contrary to the facts, where immigrants are far more law-

abiding than the vast average among Americans born here in the United States.

Isn’t it the case that we are a nation of immigrants? Unless you are 100 percent Native American Indian, then you are here because you immigrated or your parents immigrated or your ancestors at some level immigrated generations ago. So basically descending to attack immigrants as all criminals is simply another example of this individual’s unsuitability to serve on the bench.

We are a “we the people” nation, founded on equality, justice, and opportunity for all. Our Nation is about opening doors for each individual to participate to the full degree of their talent, not to have the prejudices of some allow them to slam doors on others. That is why this individual, Stuart Kyle Duncan, should never be on the floor of the Senate to be confirmed as a judge in the United States of America. Let him carry on his advocacy outside the hallowed halls of the courtroom but not inside, sitting on the bench. That is why everyone here tonight should vote against confirming this nomination.

Thank you, Madam President.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I rise to speak to the nomination of and the vote we are about to have on Kyle Duncan. Kyle Duncan is from Louisiana. He has been nominated to be on the Fifth Circuit Court of Appeals. Let me speak a little bit about his qualifications and why I think we should support his nomination and vote yes.

First, I have a little bit of pride in this; he is a graduate of LSU, my alma mater, and graduated from LSU’s law school, the Paul M. Hebert Law School. He graduated in the Order of the Coif and subsequently got a master of law degree from Columbia University. He has the training, experience, and institutional knowledge to be a successful judge.

I have discussed his academics; let’s speak about his experience. His breadth of experience makes him a great choice. He was certified as “well qualified” by the American Bar Association. He has extensive courtroom experience on the Tenth and Fifth Circuit Courts of Appeals, the D.C. Circuit Court of Appeals, the Texas and Louisiana Supreme Courts, and he has twice argued in the U.S. Supreme Court. He has experience working in the public and private sectors and in academia. He pulls from diverse legal backgrounds, including criminal law, American Disabilities Act regulations, section 1983 claims, healthcare law, adoptions, and contract law. He understands the Fifth Circuit.

After law school, Mr. Duncan clerked on the Fifth Circuit Court of Appeals under the Honorable John M. Duhe, Jr. He was the assistant solicitor general at the Texas attorney general’s office and a professor at the University of

Mississippi Law School. He is the appellate chief of the Louisiana Department of Justice. All of these are States included in the Fifth Circuit Court of Appeals. Again, this is the experience and background we should look for when selecting a judicial nominee.

I will also add that he is of high character. Even those who are going to vote no have been impressed once they have met him. They consider him a genuinely nice man whose body of work is reflective of someone who is decent. His body of work also demonstrates his high respect for legal precedent. He understands that a judge is not an advocate for a particular case but, instead, an adjudicator upholding the law, applying the law to the facts. He is a man of high integrity, high character—something sorely needed in this world but especially to be demonstrable in the Federal judiciary.

Clearly, Mr. Duncan is a qualified nominee, having that which it takes to be a successful judge. I recommend Mr. Duncan without reservation, and I urge my colleagues to join in supporting his nomination.

NOMINATION OF MIKE POMPEO

Mr. President, this relates to Mike Pompeo, who is the nominee for Secretary of State. If there is one thing everyone in Washington seems to agree on these days—indeed, in our country—it is that we face very serious threats around the globe. From Russian aggression in Eastern Europe and Syria to China’s expansion in the South China Sea, to Iran’s increased threats against Israel, to a North Korean dictator who likes to fire off missiles and test nuclear weapons, to the collapse of Venezuela, to transnational criminal organizations contributing to the opioid epidemic at home, to trade issues, our country is facing big challenges. As we face these global threats, we need a well-qualified Secretary of State who understands diplomacy and is working to keep our country safe.

It is hard to think of someone more qualified than Mike Pompeo. As Director of the CIA, a former Member of Congress, a top graduate of West Point, and editor of the Harvard Law Review, there are zero—I say zero—questions about his ability. That is what is troubling about our colleagues across the aisle who appear ready to oppose his nomination en masse for no other reason than that he is a Republican nominated by President Trump. It seems to be the latest example of Washington Democrats kowtowing to the so-called resistance movement, opposing anything and everything because they can’t accept that Donald Trump was elected President of the United States.

It used to be said that our partisan differences ended at the shoreline; that we presented a united face to the rest of the world. An extension of that is whom we select as Secretary of State. It is worth noting that the previous Secretaries of State appointed under President Obama had overwhelming

support, both from Democrats and Republicans, precisely because of the importance of having a Secretary of State in place in this challenging world but also, again, because partisan differences should not be reflected to the outside. In this case, that has been lost in the name of the resistance.

When it comes to the critical position of Secretary of State, Mike Pompeo, in particular, would be the man for the job as we deal with Russia, Iran, North Korea, Syria, and other challenges. I urge my Democratic colleagues to do the right thing for our country instead of catering to the most extreme elements of their party.

Most of my Senate colleagues supported Mike Pompeo when he was nominated to serve as CIA Director. They should support him now as Secretary of State so we can show the world that while we may have our political differences at home about any number of issues, we stand united as Americans when it comes to facing threats to our security abroad.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Thom Tillis, John Cornyn, John Kennedy, Richard Burr, Mike Lee, David Perdue, Steve Daines, James Lankford, Pat Roberts, Johnny Isakson, Jeff Flake, Lindsey Graham, Patrick J. Toomey, Marco Rubio, Tom Cotton, James E. Risch.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), the Senator from California (Mrs. FEIN-

STEIN), the Senator from Hawaii (Ms. HIRONO), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 81 Ex.]

YEAS—50

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Collins	Hyde-Smith	Sasse
Corker	Inhofe	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	Manchin	Tillis
Enzi	McConnell	Toomey
Ernst	Moran	Wicker
Fischer	Murkowski	Young

NAYS—44

Baldwin	Hassan	Reed
Bennet	Heinrich	Sanders
Blumenthal	Heitkamp	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Coons	McCaskill	Van Hollen
Cortez Masto	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Harris	Peters	

NOT VOTING—6

Duckworth	Hirono	McCain
Feinstein	Isakson	Nelson

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 44.

The motion is agreed to.

The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

CUBA

Mr. MENENDEZ. Mr. President, today I wish to address Cuba's undemocratic leadership transition and its implications for the Cuban people and U.S. foreign policy.

Today, in a highly scripted process, Cuba's National Assembly replaced Raul Castro, the country's gerontocratic dictator, with heir apparent Miguel Diaz Canel. While this marks the first time in nearly 60 years that a Castro does not occupy the Cuban Presidency, this transition by no means portends the desperately needed political and economic change that Cubans desire, nor does it mean

that the Castro regime is no longer in charge.

This week's transition, characterized as a coronation and an attempt to institutionalize the Castro regime, is a ruse. This spectacle does not remotely come close to meeting internationally recognized standards for a democratic election. Cuba remains a single party, authoritarian state that denies its citizens their most fundamental freedoms.

Some contend that Mr. Diaz Canel could be a "Cuban Mikhail Gorbachev," and in seeking to reform the Castros' broken model, he will stumble into the collapse of Cuba's communist system. Such thinking fails to account for the fact that Mr. Diaz Canel's political ascent was forged under the same Communist Party that has perpetuated the Castros' decades-long stranglehold on Cuba.

More importantly, Raul Castro will maintain his position as the First Secretary of the Cuban Communist Party. As article 5 of Cuba's authoritarian constitution states, "The Communist Party of Cuba [. . .] is the superior ruling force of society and the State . . ." Under such a structure, does anyone honestly think that Raul Castro won't continue calling the shots while his handpicked dauphin occupies the role of President?

As this political farce unfolds, I want to make brief observations about three aspects of Raul Castro's legacy, the state of human rights in the country, the state of the Cuban economy, and the crisis in Venezuela, which Miguel Diaz Canel now owns.

Raul Castro will certainly leave an enduring human rights legacy. In the last 3 years, the Cuban Commission on Human Rights and National Reconciliation, Cuba's leading independent human rights organization, documented more than 20,000 arbitrary detentions of activists. Moreover, the State Department's 2016 Human Rights Report on Cuba stated that the Cuban Government routinely denies its citizens fair trials, monitors and censors private communications, suppresses freedoms of speech, assembly and press, and employs threats, physical assault and intimidation tactics against its own people.

Raul Castro's economic legacy will be the maintenance of the dual currency system that distorts the national economy and subjugates Cuban citizens to second-class status in their own country. Foreign companies seeking opportunities in Cuba are still forced to conduct business with the military and its vast network of shell companies. "Independent entrepreneurs" are a complete misnomer, as individuals continue to operate in a byzantine system that prevents them from owning their own companies and subjects them to licensing and tax requirements designed to stifle entrepreneurial activity.

Additionally, as well-connected members of the Cuban Communist