The American people can see through this kind of concerted effort to prevent the President from filling Cabinet roles that deserve to be filled. In fact, that seems to be the approach: wherever, whenever, however to block President Trump from accomplishing anything he seeks on behalf of the American people, even though he was elected President of the United States.

Several editorial boards have already pointed out the importance of filling this position and have urged our Democratic colleagues to allow Director Pompeo to be confirmed expeditiously. USA Today editorial writers penned a piece saying:

> Unless a nominee has clear ethical or competency failings, presidents should be accorded wide latitude to select top aides whom they trust and agree with. Pompeo passes that test and merits approval.

The Washington Post writes: ''Mr. Pompeo should be deployed to Foggy Bottom in the hope that he will fulfill his promise to revive and reassert U.S. diplomacy.''

The Chicago Tribune writes: ''Pompeo knows well how to work with both Congress and the president—who trusts him so much he sent him on a secret mission to Pyongyang to meet with North Korean leader Kim Jong Un'' in advance of the President's meeting with him in a few weeks.

It doesn't stop there. There are nearly a dozen editorial boards that say the same thing these newspapers have—that Mr. Pompeo is undoubtedly qualified and the President trusts him, and on these two points, the Senate should confirm him.

The flip-flop our Democratic colleagues are doing from last year, when 15 of them supported Mr. Pompeo's nomination to the CIA, should be a source of embarrassment. To say that somehow the job of the Secretary of State is more important or more sensitive than that of the CIA Director—both of them are extraordinarily important. If they had the confidence in him to vote to confirm him to the CIA and are now searching for reasons to support a ''no'' vote for Secretary of State, it is pretty clear what is happening. Some of the most radical activists in the Democratic base are clearly getting to some of these Senators.

There is still time to put country above politics, national security over the next election, and principle over posturing. I urge all of our colleagues to give this nominee the same treatment the Senate gave Secretaries Powell, Rice, Kerry, and Clinton, and confirm Mr. Pompeo as our next Secretary of State.

I yield the floor.

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.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

SENATE RULES ON NOMINATIONS

Mr. SCHUMER. Madam President, the Rules Committee will mark up Senator LANKFORD's resolution tomorrow to change the rules on the consideration of nominees to benefit the Senate majority. Of course, the majority in the Senate can already approve of a nomination on a party-line vote for all nominees up to and including now the Supreme Court since Leader MCCONNELL elected to change those rules last year.

Why the need for further erosions to minority rights in the Senate? The Republicans argue it is because they are facing ''historic'' obstruction of the President's nominees.

A few points on that: First and foremost, the truth is the Democrats have cooperated with the majority on noncontroversial nominees, like career ambassadorships and civil servants, for a long time now. Before each recess, there is a long list of names that is approved. Before the last recess, the Senate had confirmed nearly as many nominations in 2018 as President Obama had confirmed in the analogous year of 2010. Let me repeat that. Before the last recess, the Senate had confirmed almost the exact same number of nominees in 2018 as President Obama had confirmed in 2010, the second year of his Presidency.

So this idea that it is historic—bunk. You can tell it is bunk because at the same time our Republicans and even the President himself, on some days, complain about obstruction, on other days, the President and the Vice President are boasting about how many judges they have filled on the bench.

This morning, President Trump said:

> We put [on] a tremendous amount of [Federal] district [court] judges. We are setting records.

I say to my Republican friends and the President: You can't have it both ways—on the one hand, historic obstruction and, on the other, a record pace of confirmations that you brag to your base about. You can't have it both ways. It is hypocrisy.

A second point: The Republican majority has already taken brazen steps during this Congress to limit minority rights on nominations. I mentioned the leader breaking the rules on Supreme Court nominees. Let's not forget that he broke the rules after letting Merrick Garland sit there while not allowing a nomination. It takes a lot of gall to complain about obstruction when Leader MCCONNELL opened the gates to obstruction—made obstruction his watchword—when he did what he did to Merrick Garland. He didn't stop. The Republicans have not stopped this year. The Republicans have engaged in hardball tactics at the district and circuit court levels.

Here is what happened. Take the Republican seat that is vacant on the Seventh Circuit. Because Senator LEAHY—then-chairman—and, later, Senators HATCH and, I believe, GRASSLEY honored the blue slip, a seat in the Seventh Circuit that belongs to Wisconsin was held open for 6 years by their refusing to approve two nominees by President Obama. Now the President has nominated a very conservative judge, Michael Brennan, who has failed to earn the recommendation of the bipartisan commission that is respected in Wisconsin and was set up by both Senators BALDWIN and JOHNSON—one a Democrat, one a Republican—to recommend Federal nominees. Yet this administration has no known concern about the real qualifications of the judges as long as they meet the hard-right checklist.

Despite the fact that Senator BALDWIN has not returned a blue slip for Mr. Brennan, Chairman GRASSLEY has moved him out of committee anyway. This is the second time Chairman GRASSLEY has ignored the blue slip tradition. The blue slip tradition was faithfully honored by Senator LEAHY when he was chairman. Our Republican colleagues have used it to an extent that, certainly, would be ''historic'' obstruction. For 6 years, a seat was vacant on the circuit court, and it was not the only one that had had long-term vacancies. Now, all of a sudden, because the Democrats want to discuss this, mull this for a few days, Senator LANKFORD wants to change the rules. I know he only came to the Senate in 2014, but he ought to look a bit at the history before he gets into high dudgeon.

The issue of nominations has been fraught, and it is true there have been escalations on both sides. I am the first to say that. Despite the rhetoric from the majority party, the Democrats have worked in good faith this year to clear noncontroversial nominations expeditiously. When nominees require vetting, the Senate should have the tools to consider them thoroughly because, clearly, this administration is not taking the task of vetting seriously.

This is a final argument—and there are many good ones I would like to make. The Trump administration has done the worst job of vetting its nominees of any administration I can remember. It seems a slapdash process. It has had to withdraw the nominee for the Labor Department because he was not properly vetted; it has fired the Secretaries of HHS, State, and the VA; and it has faced a host of other controversies with staff and turnover. I dare say, if Mr. Pruitt had been properly vetted, he may not have been nominated given what we have found out.

Now we hear that the new nominee for the VA Secretary—the President's personal doctor—is on hold because of some troubling allegations. How did he get through the process with all of these allegations not even having been made public? My guess—there was not proper vetting. I was not there, but it is speculative that, maybe, one day, the President, who we know acts on

impulse, had this nominee in the room—his doctor—and he said: Hey, let's put you up without any vetting.

The President is putting forward nominees without appropriate vetting. It is our job to vet, and we will not be rushed through, particularly when this administration has had such a poor record of looking at the qualifications and the problems that each nominee has brought. More than ever, with this President, it is the Senate's job to advise and consent, not to be a rubberstamp. The rule change that is being proposed by Senator LANKFORD is totally unmerited, inadvisable, and lacks any knowledge of history of the Senate.

You know, we are trying to return to some comity here. The omnibus bill was very good work among Speaker RYAN, Leader MCCONNELL, Leader PELOSI, and me. We are going to meet in a little while to talk about doing the appropriations process in regular order and going back to the days when we did that, which I know our majority leader sincerely wants to do, as do I, as does Senator SHELBY, as does Senator LEAHY. Something like this—so partisan, so unfair, and so unacknowledging of the history that has come before—doesn't help the sense of comity in the Senate.

I urge Republicans and Democrats alike on the Rules Committee to reject this terribly ill-advised proposal.

DEPUTY ATTORNEY GENERAL ROSENSTEIN

Madam President, on another matter, over the last few months, House Republicans have heaped enormous pressure on Deputy Attorney General Rod Rosenstein in a transparent attempt to bully him into providing documents that are pertinent to an ongoing investigation—something we have hardly ever seen before, something that really gets in the way of law enforcement doing its job. Representative NUNES, who has shown his partisanship repeatedly, and others have gone so far as to threaten Mr. Rosenstein with contempt of Congress and even impeachment if he doesn't hand over former FBI Comey's memos, FISA Court documents, and other information that is related to Mueller's investigation into foreign interference. Mr. Rosenstein gave them that information, which, of course, was leaked afterward to the press.

It is not Justice Department protocol or any other prosecutor's protocol to share information that is pertinent to an ongoing investigation. It just welcomes interference. That is true even with the most objective of those who get the information, and I think 95 percent of America believes Congressman NUNES is not objective. It is not hard to understand why we don't do this. Yet several House Republicans have smeared Mr. Rosenstein and have even threatened his job unless he breaks the longstanding prosecutorial guidelines which will force him to give them information they can twist into political ammunition. What Representative NUNES and others have been doing is disgraceful, just disgraceful, and not consistent with our being a democracy, where there is the rule of law. It is more consistent with the bullying attitude that we see in nondemocratic countries.

Deputy Attorney General Rosenstein is doing his level best to honor the integrity of the Russia probe while being dragged through the mud by the President and his allies in Congress. He is a strong man. He has done an excellent job, and he is doing his best now. He is doing exactly what a Deputy Attorney General should be doing. Mr. Rosenstein deserves our respect—all parties' respect, the whole country's respect—for his efforts in being honest and transparent with Congress while maintaining the integrity of the Russia probe.

Even so, as a columnist in the Washington Post put it this morning: ''It's a miserable day at the Justice Department when the deputy attorney general is forced at gunpoint''—bullying, threatening—''to turn over important evidence in a pending criminal investigation.'' The ''bullying'' and ''threatening'' are my parenthetical words.

It continues to be a real disgrace for House Republicans to engage in such bare-knuckle tactics in a relentless effort to deter and kick up dust around the Mueller investigation. Our fellow Republicans, the bar across the country, and the country itself—the public—should resist this kind of bullying and pressure. It is so un-American, so against the rule of law, so against how democratic republics work.

I yield the floor.

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

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

Mr. WYDEN. Madam President, I come to the floor this morning to oppose the nomination of Stuart Kyle Duncan to serve on the Court of Appeals for the Fifth Circuit.

I accept that there are differences of opinion with respect to nominees, and I accept that I will not agree on every issue with every Trump nominee. I do expect that individuals who are up for lifetime judicial appointments have to demonstrate that, above all else, above everything else, they will be guardians of the constitutional rights of the American people. If you want to be a judge in America, my view is, you ought to have to show an independence of thought and a respect for the rule of law.

I regret to say this morning, I believe this nominee has not met those important expectations. As I review Mr. Duncan's record, it seems to me he has made a career out of fighting to restrict the rights and legal protections of the vulnerable and those who are powerless. It ought to be an immediate red flag to see how often he has aligned himself with the wrong end of some of the most high-profile cases in the last few years.

My view is that his record on civil rights alone ought to be disqualifying. Twice he has represented States—North Carolina and Texas—in their defense of voter suppression laws that were written and passed based on false claims of voter fraud. Both of those laws, in my view, were a sort of Frankenstein monster of past proposals that would have made it harder for African Americans and Latino citizens to vote. You don't have to take my word for it; both of those cases were thrown out by the courts. Fortunately, neither time was Mr. Duncan successful on appeal.

In another case, he argued before the Supreme Court that a wrongful conviction verdict ought to be thrown out. An African-American man named John Thompson spent 14 years on death row after prosecutors in New Orleans concealed evidence that would have proven his innocence. After his exoneration, this individual won a $14 million wrongful conviction suit. Mr. Duncan, on the other hand, led the effort to have it overturned. An innocent man's life was ruined, and Mr. Duncan saw to it that he had no recompense.

He has clearly been a staunch opponent of women's reproductive rights and healthcare. He was counsel of record representing Hobby Lobby in its case against the Department of Health and Human Services in 2014. In that case, Hobby Lobby sought to throw out the legal requirement that women have no-cost access to contraception through their health insurance coverage. Mr. Duncan argued that the government has no compelling interest in guaranteeing access to contraception. To hold that view, you have to basically throw in the trash can the science showing that contraception results in lower rates of cancer and healthier pregnancies when women choose to conceive. You also have to be willing to turn a blind eye to the matter of economic fairness—that women, particularly those who are vulnerable, those of modest means, should not be taxed for their gender.

Mr. Duncan went on to author a special legal brief in Whole Woman's Health v. Hellerstedt, arguing that the Supreme Court should have ignored medical evidence and allowed the State of Texas to shutter women's health clinics on trumped-up grounds.

I also think that as the Senate considers this nominee, we should look at his record on LGBTQ Americans. In 2015, when he was in private practice, this nominee served as special assistant attorney general for Louisiana. There, he authored an amicus brief on behalf of 15 States, urging the Supreme Court to reject the right to same-sex marriages nationwide. He wrote that recognizing such a right would endanger the ''civil peace.'' It is a head-