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-

scratcher to me how he could reach that conclusion. Whatever damage has been done to the civil peace in the last 3 years certainly has had nothing to do with same-sex marriage.

When I came to the Senate, I believe I was the first Member of this body who came out for marriage equality. Back then, I said: This is pretty simple, folks—if you don't like gay marriage, don't get one. Regrettably, this nominee not only doesn't share that view, but he wrote that recognizing the right to marriage equality would, in his view, endanger the civil peace.

He represented Gloucester County, VA, in an effort to deny a transgender student's right to use the bathroom aligned with the gender identity. He also represented rightwing lawmakers in North Carolina, defending broadly discriminatory legislation that became known as the bathroom bill.

The list of concerning episodes and disqualifying work in Mr. Duncan's career does take a fair amount of time to actually walk through. What I will just tell you is that when I look at Mr. Duncan's background, what I see is a long record of hostility toward the rights of women and minority Americans. He has consistently defended powerful special interests over the rights of those who don't have political action committees, aren't powerful, and don't have high-priced lobbyists.

As Senators consider how to vote on this nomination, I find it hard to believe that this track record of bias that I have outlined this afternoon will suddenly vanish, will just disappear on confirmation. In my judgment, this is an individual who should not serve on the bench. I urge my colleagues to vote no.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. YOUNG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. CANTWELL. Mr. President, I come to the floor to speak in opposition to the nomination of Kyle Duncan for the U.S. Circuit Court for the Fifth Circuit.

I find his nomination troubling, but I find many of President Trump's nominees for judges troubling because they want to restrict established rights or roll back privacy issues, whether it is Roe v. Wade or LGBT rights.

In many cases, Mr. Duncan has tried to take away these very important reproductive rights for women. From 2012 to 2014, he was the lead counsel on the Hobby Lobby v. Sebelius Supreme Court case. That flawed decision allows closely held corporations to deny FDA-approved contraceptive coverage to women employees if the company owners object to the contraception based on religious beliefs.

More than half of the working-age women in Washington State get their healthcare coverage through their employer. They pay for their coverage through hard-earned wages and compensation. Their employer should not be able to just cherry-pick what benefits they get because the owners have a self-professed religious objection.

Mr. Duncan also tried to go after State laws protecting birth control access. Thanks in part to Washington State pharmacist Jennifer Erickson, Washington State has a law on the books requiring all pharmacies to stock and deliver all lawfully prescribed drugs, including contraception, but Mr. Duncan worked to take that hard-fought access away.

In 2016, he filed a brief urging the Supreme Court to take up a challenge to the Washington State pharmacy law in order to strike it down.

He also worked to deny access to constitutional rights to terminate pregnancies. In the Whole Women's Health case, Mr. Duncan filed a brief defending an unconstitutional Texas law that restricted access to safe and legal abortions at qualified health providers.

Ultimately, in the Whole Women's Health case, the Supreme Court rightly struck down this very deceptive Texas law, finding it had nothing to do with medical necessity and placed an undue burden on women.

In the landmark case of Obergefell v. Hodges, Mr. Duncan authored an amicus brief which argued against same-sex marriage, and he has represented North Carolina in their defense of the ''bathroom bill,'' which discriminated against transgender individuals. We need to expand the rights of the LGBT community, not nominate a judge who believes we should roll back these laws that are so important to the individuals in my State.

Mr. Duncan also defended North Carolina's restrictive voting laws which limited early voting, prevented same-day registration, and placed limitations on where people could vote. The appeals court found that these restrictions violated the Voting Rights Act because they were disproportionately affecting African Americans. We do not need to see a judge on our bench who is trying to limit people's participation in our democracy as we are trying to protect their access to voting.

It is no secret the Trump administration has been chipping away at women's healthcare and constitutional rights by using every tool at their disposal. I am especially troubled that the President is intent on nominating judges, such as this one, who do not respect the settled law of Roe v. Wade.

The administration is making every attempt to roll back these important privacy laws. Kyle Duncan, the nominee we are considering, has spent decades doing the same. That is the reason I oppose his confirmation, and I urge my colleagues to do the same. I hope they will follow in making sure we protect these important rights.

Thank you.

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

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

SENATE RULES ON NOMINATIONS

Mr. LANKFORD. Mr. President, earlier today, the minority leader came to the floor to talk about multiple issues. During that conversation, he called me out by name regarding a rules proposal that I have in front of the Rules Committee this week. He said that he vehemently disagrees with that rules proposal. He even mentioned that he knows that I came here in 2014 and that I should study the history of the Senate a little bit more before I bring up a rules proposal. Well, I would only tell my colleague that I have studied the history, and I would like to get a little bit of context around those comments.

The rules proposal that the minority leader is opposing is the exact same rules proposal that he actually voted for in 2013 when he was on the Rules Committee and then voted for again when it came to the floor of the Senate. This is not some radical proposal.

In 2013, Democrats found intolerable what was happening with the nomination process, so at the beginning of 2013, they worked with Republicans and said: We need to be able to put a structure in place to get nominations through because a President should be able to have his staff put in place, and there shouldn't be an arbitrary slowdown of that process.

Republicans came on board, even during a very contentious time, because Republicans did not agree with the policies of President Obama. Yet they agreed.

With a vote of 78 total votes, 78 votes on the floor of the Senate, a rule change was made that was proposed by Senator Reid, supported by Senator SCHUMER, and supported by Senator MCCONNELL, to say that this is a rule change that will go into place. It was a very simple rule. The rule was just for nominees.

When nominees come to the floor, the minority can always ask for additional time to debate. Most of the time in the past, they have not, but they could. The time allotted for that purpose is 30 additional hours for debate. The assumption is that it is a controversial nominee when 30 additional hours of debate is required.

The time was lowered in this 2013 rule so that for district court nominees, just 2 hours of debate on the floor is needed because, quite frankly, district court nominees had never been held up on a cloture vote, so 2 hours of extra time. The nominees have already been through the committee process. They have already been approved. Now