

they are coming to the floor, and if there is a request for additional time, they would get an additional 2 hours on the floor. For any other nominee, they would get 8 hours of additional time, if they even asked for more time. Supreme Court, circuit court, and Cabinet-level nominees would remain at 30 hours.

That was the agreement that was made and that we functioned under in 2013 and in 2014. Fast-forward to today. A historic new precedent has been set for any President coming in. It was absolutely not done by Republicans in the past, and it was absolutely not done by Democrats in the past, but it is being done now.

Right now, there are 67 judges pending and 139 executive nominees pending—139. In just the past year and a few months, Democrats have requested 85 cloture votes—that is asking for an additional 30 hours of debate time.

They can say: Well, these nominees need to be vetted. These are all nominees who have already gone through the committee process, have already waited in line. There has been a tremendous amount of vetting. Even if this was additional vetting—an additional 30 hours of debate on the floor—for most of these nominees by far, there has been less than an hour of actual debate on the floor for these individuals, but 30 hours has been requested. It is not 30 hours of debate. In fact, just over the past couple of weeks, we have had district court judges, and they have had a demand for a cloture vote on them, and we had less than 15 minutes of additional debate time for those individuals on the floor, but 30 hours had to be allocated. There was less than 15 minutes of actual debate on that person.

This is not about vetting. That is a good line for the media. That is a good line for the base. This is about slowing down the Senate. This is about slowing down the process.

Again, giving a side-by-side, the minority leader said that this is about keeping intact the power of the minority, that the power of the minority needs to be maintained in the Senate. I totally agree. That is why I am trying to work this through a normal rules process—the same rule the minority leader supported on the Rules Committee in 2013 and the same rule he voted for on the floor. The only difference now is that it is not Democrats in power, it is Republicans in power. Republicans joined Democrats in 2013 to be able to put this in place, but for some reason, now that Republicans are in power, Democrats are saying that this is an onerous rule that will take away the power of the minority.

The only real thing that has changed here—other than that now the Republicans are in control rather than Democrats—is one other thing; that is, the nuclear option. When Senator Reid and Senator SCHUMER put in place the nuclear option at the end of 2013, at that time, there were 20 judges pending and

56 executive nominations. But they unilaterally changed the rules of the Senate to be able to drop down nominations from 60 to 51 because they were so frustrated that there were 20 judges pending and 56 executive nominations. May I remind my colleagues that right now there are 67 judges pending and 139 executive nominations pending.

The minority was so frustrated when they were in the majority that they had to go nuclear and unilaterally change the rules in November of 2013, even after Republicans joined them in January of 2013 to change the cloture rules because there were 20 judges pending. Yet now there are 67 judges pending. At that time, there were 56, so they went nuclear on the executive nominations. Now there are 139.

Listen, this is not an argument that I am trying to make based on a partisan issue. I am trying to go back to the agreement that was made in 2013, which was a bipartisan agreement. That worked for that time period. Republicans and Democrats supported it, and it worked. We actually had a process that was in place. I am asking to take that Democrat-written document and say: Let's make that the rule from here on out—not just for this session but from here on out—so that we would have consistency whether Republicans or Democrats are in control.

All I am asking is that Democrats vote again now for the same thing they voted for in 2013 when they asked Republicans to join them; for Democrats to join us and to say: Let's make this the clear rule for everyone. That is the history that I think needs to get into this conversation.

Quite frankly, I am not asking for something radical. I am trying to do a rules change the right way, by the rules as they are written, going through the Rules Committee and having a hearing, which we had in December, having a markup in the Rules Committee, and bringing it to the floor of the Senate and actually implementing a rules change. If there is another proposal we want to consider, I will be glad to have that conversation.

I am not looking to make it contentious; I am trying to actually solve a bad precedent because the precedent that has been set by the minority party right now will be the new precedent when the next President comes. So the next time there is a Democratic President, I can assure my colleagues that Republicans will say: We will just do the same thing the Democrats did to the Republican President—we will do that to the next Democratic President. And year after year, this toxic environment will get worse. The only way to dial back the volume is to actually fix the rules to make sure they stay fair for everyone.

Again, this is not a partisan move for me; this is trying to get the Senate to actually function and work again.

This rule change that was done in 2013—Senator Reid and Senator MCCONNELL came to the floor of the

Senate and had a colloquy, and in that colloquy, Senator Reid said:

It is our expectation that this new process for considering nominations as set out in this order will not be the norm—

That is, asking for additional time for every person—

but that the two leaders will continue to work together to schedule votes on nominees in a timely manner by unanimous consent, except in extraordinary circumstances.

Those were Senator Reid's comments. But now, this has been invoked more than 80 times by the minority just this year. There have not been 80 extraordinary circumstances. Quite frankly, many of these individuals waited out additional time for cloture and then they were confirmed almost unanimously. They weren't controversial; it was about slowing down the Senate.

Let's get this fixed. When the Senate is broken—and it is certainly broken in process right now—the Senators can fix the Senate by fixing our own rules. That is what I am encouraging our body to do. I do understand the history—although the minority leader is right, I wasn't here when the nuclear option was imposed. When Democrats did the historic change to the Senate rules, unilaterally—I wasn't here then. Senator SCHUMER did support that and did make a radical change at that time. I have to read about that history. But I can tell my colleagues that we can fix our future—and not just for Republicans but for the country—if we actually fix this rule change for the future.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 765.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Lt. Gen. Paul M. Nakasone to be General in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements related to the nomination be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Nakasone nomination?

The nomination was confirmed.

#### EXECUTIVE CALENDAR—Continued

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the postcloture time on the Duncan nomination expire at 3 p.m. today.

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

The PRESIDING OFFICER. The Senator from Utah.

#### NOMINATION OF MIKE POMPEO

Mr. HATCH. Mr. President, as President pro tempore of the U.S. Senate, I ask my colleagues to join us in voting swiftly and unanimously in support of Mike Pompeo's nomination to serve as the next Secretary of State.

Frankly, I am embarrassed by the naked partisanship that was on display during Director Pompeo's confirmation hearing. The Director deserves better than this. That his nomination was nearly sent to the floor without recommendation is an utter disgrace.

This is a graduate of West Point and a man who served our Nation honorably as a cavalry officer in the U.S. Army. This is a talented litigator who graduated from Harvard Law School, where he served as editor of the Harvard Law Review. This is an accomplished businessman, a former Member of Congress, and the current Director of the Central Intelligence Agency. This is a man who is qualified to serve in every respect. Yet some of my colleagues wanted to block Director Pompeo's nomination on the grounds that he supports our President. Give me a break.

To these colleagues, I say: Enough. Enough of the partisan games. Enough of the political grandstanding and self-serving sanctimony.

Delaying this nomination undermines not only the reputation of this esteemed body but the very safety of our Nation. Obstructing Director Pompeo's confirmation would be a significant break from the bipartisan process that has characterized these kinds of nominations in the past and over my past 42 years.

For example, when President Obama nominated Hillary Clinton to serve as Secretary of State, Republicans and Democrats set aside their differences without delay, confirming her nomination almost unanimously with a vote of 94 to 2. Just 4 years later, the Senate did so again when we confirmed John Kerry with a vote of 94 to 3.

As Republicans, did we disagree with Secretary Clinton's and Secretary Kerry's views on a wide range of issues? Absolutely. But did those disagreements prevent us from confirming two preeminently qualified nominees? Absolutely not.

As a case in point, when Secretary Kerry was confirmed in January 2013, the Syrian civil war was raging, and many of us strongly disagreed with the Obama administration's policies in the Middle East. To my frustration and

that of all my Republican colleagues, it seemed that Secretary Kerry's Syria policy differed little from his predecessor's, but rather than turn our dissenting votes into destructive votes, we voted almost unanimously for his confirmation.

There was an understanding at the time that you paid deference to the President's nominees, even if you disagreed with them on certain policies. Today, that custom is under siege. It is under threat. If we are not careful, in the future, then partisanship will surely get the best of all of us.

The partisan abandon with which some approached Director Pompeo's nomination is something that I fear the Founding Fathers would never have imagined, much less condoned. If we continue down this perilous path, a dangerous precedent will take root, making any nomination under any President at any time all but impossible.

Our role as legislators is to challenge the views of our nominees and to hold them accountable. It is not, however, to discredit, defame, and destroy the reputation of a sitting Cabinet official. Nor is it to prevent from serving a man who is so manifestly qualified to serve. To engage in such political games at a time when our Nation faces growing threats abroad is not only irresponsible, but it is dangerous.

So I say to my colleagues one last time: Confirm Director Pompeo.

He has proven himself as Director of the CIA—one of the most demanding, high-pressure jobs in government. He knows the world and its secrets better than virtually anyone. Moreover, he understands the scale of the threats facing the United States. I know that. I think I am still the longest serving member of the Senate Intelligence Committee. Perhaps most importantly, he has earned the love and trust of the people he serves, boosting the morale of the Agency and reinvigorating its sense of purpose and mission. We are in desperate need of someone who can do the same at the State Department.

Already, Director Pompeo has demonstrated he has the diplomatic skill to lead the State Department, setting the stage for negotiations between President Trump and Mr. Kim by establishing a back-channel line of communication with North Korea. He has also helped foster good relations with our foreign partners—a necessary skill for someone serving as our Nation's top diplomat.

Simply put, there is no reason under the Sun that Director Pompeo should not receive every last vote in this Chamber.

The way we treated Director Pompeo by nearly sending him to this floor without a recommendation was shameful. Indeed, the reputation of the Senate would have been tarnished were it not for the last-minute intervention of a few of my colleagues—in particular, Senator CHRIS COONS, for whom I have great admiration. He thinks for himself.

I wanted to recognize Senator COONS today and thank him for his leadership. In a display of both compassion and bipartisanship, Senator COONS switched his "no" vote to "present," ultimately allowing Director Pompeo to secure a favorable recommendation. Senator COONS did so as a gesture to Senator ISAKSON, who could not be present for the vote because he was delivering a eulogy at his best friend's funeral.

This simple act of bipartisanship reminds me of the Senate I used to know—the institution that lived worthy of its name and reputation as the world's greatest deliberative body. Senator COONS' vote brought us back from the precipice overlooking a partisan abyss. It was a timely reminder that this body is at its best when we put comity and respect ahead of partisanship. Senator COONS' gesture was characteristic of the person I know him to be—a class act, a loyal friend, and a true gentleman of the Senate.

May we all take a cue from yesterday's bipartisan display. Our treatment of Director Pompeo in committee was embarrassing, to say the least, but now we have a second chance. Now we have the opportunity to set things right by voting unanimously for his confirmation. I urge all my colleagues to do what is best for the Senate and the Nation by voting in favor of Director Pompeo's nomination.

Let's get rid of this total partisanship around here. I think both sides are to blame, in some respects. I don't mean to just be picking on Democrats here today, but when somebody with the quality of Director Pompeo is seeing this type of treatment on the floor of the U.S. Senate, my gosh, what are we becoming? All I can say is, it is not right.

This is a chance to reform and make it right. I hope we will do that. If we don't, we have to find a way of getting together. We have to find a way of supporting whoever is President, who nominates people who are qualified and who are good people, regardless of whether we agree with them ideologically.

The fact is, this Senate has become a very partisan body. There are times to be partisan. There is no question about that, and all of us have felt those times from time to time. My gosh, should we be this partisan on somebody like Secretary Pompeo, who clearly is one of the finest nominees I have seen in the whole time I have been in the U.S. Senate?

I hope my colleagues on both sides will vote for him and give him the respect, the support, and the help he is going to need in this position. We all know he is going to be confirmed. The question is, Will he be confirmed with the support of all of us Senators who really think of these things and who really care for our country, who really believe in bipartisanship, who really believe that regardless of differences of politics and opinion, class acts like Mr. Pompeo should be supported?