

House on these two Sixth Circuit vacancies, but the White House was not interested.

The White House knew the Republicans would not keep to the position they expected Democrats to keep when we were in the majority, and because they knew they could rely on Members of their own party not to follow tradition for the first time, they didn't even try. The White House didn't even try to consult. Even superficial consultation is an afterthought.

Senator BROWN then attended the confirmation hearings. He spoke against these nominations. He cited, among other things, Mr. Readler's unprecedented actions attacking healthcare protections while serving in the Trump Justice Department.

Mr. Readler was willing to reverse Justice Department policy and sign a brief undermining protections for pre-existing conditions when career Justice Department officials—career officials who have been there in both Republican and Democratic administrations—refused. They refused to reverse their well-established Justice Department policy. He, however, was perfectly willing to throw it away in court. Is this somebody we expect to be fair on the court?

Senator BROWN cited Mr. Murphy's longstanding support and advocacy for restrictive voting laws in Ohio. He knows that his constituents will have to live with the ramifications if these nominees are confirmed. It will directly affect the State. He expressed his concerns about their records, and his voice, in this process as a U.S. Senator, was ignored.

These votes come on the heels of the Senate's confirming a 37-year-old nominee for the Fourth Circuit who has practiced law for less than 10 years—a grand total of 9 years. She now holds a lifetime judgeship on an appellate court, just one step below the Supreme Court. Her confirmation hearing made a mockery of the Senate's duty of advice and consent.

It marked the first time in the Judiciary Committee's history—the first time ever that a nomination hearing was held during the October recess over the objections of the other party. We found out why.

Only two Republican Senators attended the hearing, and the questioning lasted only 20 minutes for someone who demonstrated no abilities to serve on the Fourth Circuit. They knew it didn't make any difference whether she had the abilities or knew what she was doing. All they knew is that this White House had nominated her, so let's rubberstamp this.

Frankly, the Senate should never function as a mere rubberstamp for nominees seeking lifetime appointments to our Federal judiciary. We shouldn't do it whether there is a Republican or a Democrat in the White House. That is exactly what we are doing with a Republican President and a Republican majority. No matter

whether the person is qualified, if the name comes up, rubberstamp it.

When I chaired the Judiciary Committee, many Senators—Republican Senators—expressed both publicly and privately their appreciation for the fact that my respect for blue slips protected their rights and gave meaning to advice and consent. Many told me this is the way it must always be, whether Republicans or Democrats are in the majority.

Well, their about-face, now that they control the Senate, is unbecoming, and it basically says that the Senate will just bow down to the executive branch. We will give up our responsibility, we will give up our authority, and we will just be rubberstamps. We might as well not even bother to show up; just do whatever we are told. It is deeply disappointing.

I know the pressure because many of my Republican friends have told me to rubberstamp President Trump's nominees. I know my warnings will fall on many deaf ears, even for those who promised me they would not do this.

I have served in the Senate long enough to know that political winds tend to change direction. Inevitably, the majority becomes the minority, and the White House changes hands. I suspect that many of my Republican colleagues who care about this institution, as do I—and there are many—are going to live to regret many of these actions.

The further down this path the Senate goes, the harder it is going to be to unring this bell. A vote for Mr. Readler or Mr. Murphy is a vote to say that we abandon our abilities as home State Senators to serve as a check not just on this President but any future President, Republican or Democrat. Basically, we are saying that we don't believe in advice and consent. Basically, we are saying that we don't believe in the Senate being the conscience of the Nation. Basically, we are saying that we don't believe the Founders of this country knew what they were doing when they said the U.S. Senate—this body of 100 people—has to represent 325 million Americans and that we don't believe they should have any responsibility, have any say in lifetime appointments.

If we abandon longstanding traditions and chase partisan expediency, I remind everybody that provides only fleeting advantage. It inflicts lasting harm on this body. It is within our power to stop it right here and right now.

I urge all Senators to ensure that home State Senators are provided the same courtesies during the Trump administration that they received from both Republican and Democratic judiciary chairmen during the Obama administration. I believe we can do that. I ask my fellow Senators to oppose Mr. Readler's and Mr. Murphy's nominations because they were done so out of the way that they should be done. Let the U.S. Senate, all of us, Republicans

and Democrats, say that we are not a rubberstamp to any President. We don't take our orders from any President. We don't bow and scrape for any President. Let's act like Senators, not like a rubberstamp.

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.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

TRIBUTE TO FRANZ WUERFMANNSDOBLE

Mr. COONS. Mr. President, I come to the floor today to recognize a true public servant, an individual who has been by my side since my first year as a Senator, someone who will be dearly missed, not only in my office but by this institution as a whole as he moves on to his next chapter this week: my deputy chief of staff and senior policy advisor, Franz Wuerfmannsdobler.

Franz has had a great impact on this institution, on the staff members who served here over the last two decades, and on me. His sage advice, his patience, his incredibly calm demeanor, his willingness to mentor and guide others, his respect for this institution, and his knowledge borne out of 20 years of experience in the Senate have contributed in countless ways to the meaningful work we have been able to do here for the people of Delaware and our country.

Today, I want to recognize and thank Franz for his remarkable and his selfless career. I want to thank him for what he has done for me, for my office, for the people of Delaware, and pay tribute to the legacy he leaves.

It is a remarkable legacy. He has been on the frontlines of events and policy battles that have quite literally shaped the history of our country over the last two decades—from 9/11 to the passage of the American Recovery and Reinvestment Act, from energy and appropriations efforts to sustained concerns and engagement around bipartisanship.

Franz's career in the Senate began in 1998 when he served as a legislative assistant for the late, great Senator Robert Byrd of West Virginia, who was himself a giant of this body. For 8 years, Franz handled issues from energy to environment, to climate change and natural resources. It was also in Senator Byrd's office that Franz cut his teeth on the complex appropriations process, learning from the master appropriator himself.

Franz's career then took him to the office of former Senator Byron Dorgan of North Dakota, where he was a trusted senior energy policy advisor, and then on the Senate Energy and Water Appropriations Subcommittee before finally joining my own office in March of 2011.

Franz's list of legislative accomplishments is long and impressive and reflects his deep grasp of policy and the mechanics of politics. He helped to shape elements of the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007. He was central to establishing reformed fuel economy standards for our Nation's automobiles and played a key role in the Recovery Act, a massive effort that helped pull our Nation out of the depths of a recession.

Franz is a person of ideas and vision. His vision for our country has led to policies that have made our Nation cleaner, more innovative, and more secure. Likewise, his vision in my Senate office has made our team more efficient, more effective, and more successful. Franz has played a key role in shaping my office early on, helping to create a team-based structure and the positive culture of our legislative staff.

He also introduced me to the valuable concept of having an office built around and relying on expert legislative fellows, including, in particular, fellows from the American Association for the Advancement of Science, whose incredible expertise and deep knowledge in scientific matters has been invaluable in advancing technology and science policy in my last 8 years. In total, Franz has mentored more than 15 fellows during his time in the Senate—13 of them are AAAS fellows in my own office, and they have attested individually and collectively to the reach, scope, and power of his guidance and mentorship to them.

Franz is also a master of appropriations—an arcane process that even the most seasoned legislative veterans should admit that they don't completely understand. He brought his wealth of experience to our team, taking the reins of the Federal budget and appropriations process and building from the ground up the complex and detailed appropriations system that we use to this day. There is no question that Franz's expertise and the time he dedicated to building this meticulous system has made me a more effective member of the Senate Appropriations Committee and led to countless wins for the State of Delaware—from funding for critical transportation improvements and investments in our first responders to support that has helped to establish and enhance the NIIMBL manufacturing institute of the University of Delaware and to fully fund science and R&D projects around the country and in my home State.

Beyond Franz's technical expertise, nothing better exemplifies his character than the patience and dedication with which he has taught others about the appropriations process. Each year, Franz hosts "Appropriations Bootcamp 101" to teach new staff members the ins and outs of this riveting and complex process. He takes the time to explain it, to get into the weeds, and to answer question after question. Franz has also taken his show on the road in

my home State of Delaware, meeting with State, local government, and community stakeholders to explain the appropriations process and help to secure more funding for our State. He has even developed a legendary method for teaching staff about appropriations by using bags of marbles to explain funding allocations for each Appropriations subcommittee. For the record, the legislative branch gets just one marble.

Franz's patience extends far beyond the annual appropriations process. He always maintains his cool and has a striking and calming presence, even in the most trying of circumstances. One of those more trying circumstances occurred at a staff outing just a few years ago. Franz had driven a couple of other members of our team, and on their way home, his car broke down. The group decided to push start the car, going down a hill to get momentum, while a junior staffer manned the wheel. Unfortunately, the lack of power steering made it impossible to turn the wheel. After a good strong push, the car rolled right down the hill and into a tree. Franz very calmly said: Don't worry about it. It is not a problem; it is all going to be fine—even when the front end of his car was unrecognizable. Franz's response to that situation, his cool and calm demeanor, is characteristic of the grace he has imparted on all of us, even in some of the most tumultuous times here in the Senate.

One of the unique things about Franz is that whenever you meet somebody who knows him or has worked with him, they talk about the ways in which he has gone out of his own way to help them and mentor them over the years. So many people in the Senate view Franz not just as a friend or colleague but as someone who they know has helped them in their careers and someone who has shown them the ropes and invested time in supporting them and helping them succeed. One member of my team described it this way:

Franz has an uncanny ability to take the time necessary to help. He enables us to do our jobs and do them well. We get meaningful things done, and that's because of the wisdom Franz has imparted."

In an environment here in the Senate that is at times fast paced, Franz takes the time to invest in younger people. He sees potential in staff and imparts knowledge and experience, even when there is more than enough to keep him busy just meeting his own commitments. For example, Franz took it upon himself to create a manual for the new fellows who work in my office every year. The manual, which should be required reading for every new Senate staffer, describes how to write a bill and important things about the process of working in the Senate.

He also maintains the Capitol Hill Urban Dictionary, which he shares with new staff and interns to help them decode internal Senate jargon, including oft-used, but rarely explained phrases like "en bloc" or "move the needle." It explains, for example, what

to do when asked: Do you have language on that.

Franz embraces the importance of teaching the next generation of Capitol Hill staff how to do their job well. I think that is truly his greatest legacy—the remarkable diaspora of younger staff members he has believed in, invested in, and helped to train who are now working everywhere from the Senate to the House, to the Department of Defense, to running a non-profit in Kenya.

Each year, Franz and his wonderful wife Lisa host an annual gathering at their home for a growing community of current and former fellows and, literally, dozens of colleagues—folks who have shared experiences, who care about policy, who like a good geeky joke, and who enjoy helping each other and developing and sustaining each other's careers.

That is just the kind of person Franz is. He has impacted so many people—something that was never more evident than at his wedding to Lisa a few years ago, which I was deeply honored to have the chance to officiate. In addition to their friends and family, guests that day included former Senator Dorgan, folks who had mentored Franz early in his career, dozens of individuals he mentored himself, and people from all walks of life who support Franz and Lisa and care about them. It was a testament to the community they have created, both inside and outside the Senate.

Franz cares deeply about this institution. He cares about policies, and he cares about people. He is always looking for ways to bridge the partisan divide and make this broken place work better. It hasn't always been easy. Like many of us, Franz has struggled with the slowing pace of legislative progress in the Senate in recent years and its increasingly divisive nature. It says so much about him and about his faith in us and in this institution that he is leaving his Senate career to go work on these very issues, helping to lead the Bipartisan Policy Center in advancing bipartisan policy solutions to address the challenges facing our Nation and the institution of the Senate.

He has made such a mark that he is known throughout this institution by a single name. Few people are known by just one name—Bono, Noah, Cher, Franz. With Franz's leaving the Senate, I promise to continue to do my part here to bridge what divides us where we can and to do the important work required of us. That includes passage of the Master Limited Partnerships Parity Act, important bipartisan legislation that will level the tax playing field for clean energy, which Franz has worked on for Congress after Congress as long as I have been here—work that I intend to finish.

While I am sad today to see Franz leave my office in the Senate, he will be deeply missed by everyone on my staff and everyone who has benefited from his wisdom, but I am also excited

to see the inspiring things he will accomplish in his next chapter.

I want to thank Franz for his dedication, his leadership, and his expertise. I want to thank his family for sharing him with us these past 8 years in my office and these 2 decades here in the Senate. He inspires me every day to be a better and more thoughtful, more careful, and more caring legislator. He leaves a deep and positive impact on all of us that we will not soon forget. Thank you, Franz. You will be deeply missed.

Thank you, Mr. President.

I yield the floor.

#### JUDICIAL NOMINATIONS

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to three circuit court nominees who will receive votes on the floor this week: Allison Jones Rushing, nominated to the Fourth Circuit Court of Appeals; Chad Readler, nominated to the Sixth Circuit Court of Appeals; and Eric Murphy, also nominated to the Sixth Circuit.

I want to begin by addressing how these nominations were handled and the ongoing disregard for Senate norms and traditions by Republican leadership. Most notable is the change in how blue slips are treated. Blue slips work. The blue slip ensures that the interests of home State Senators are respected when it comes to judicial nominees from their States.

Honoring blue slips helps guarantee that the White House nominates well-qualified, mainstream individuals to key seats on the circuit and district courts, and it prevents the selection of nominees who do not reside in the circuit in which they are slated to serve.

In the past century, before President Trump took office, only five judges had ever been confirmed with only one blue slip; two were by a Democratic chair over the objection of a Democratic Senator, not over the objection of a Republican, then in the minority. The other three instances occurred when a Republican chairman overruled a Democratic Senator.

In fact, Democratic chairs have never moved a judicial nominee to confirmation over the objection of a Republican Senator. Let me say that again: Democratic chairs have never confirmed a judicial nominee without a blue slip from a Republican Senator.

However, since President Trump took office, 10 circuit court nominees have received hearings, and four have been confirmed over the objection of Democratic home State Senators. In just over 2 years, Republicans are on their way to doubling the number of judges confirmed over the objection of home State Senators than have been confirmed in the last 100 years.

This week we are considering both Mr. Readler and Mr. Murphy who lack blue slips from Ohio's Senior Senator, my friend and colleague Senator BROWN.

Senator BROWN's opposition was not unreasonable; in fact, Senator BROWN

worked with the White House for weeks in an effort to find consensus picks for the Sixth Circuit.

But the White House refused to cooperate, and he was left with no choice but to withhold his blue slip. In doing so, Senator BROWN said: "I cannot support nominees who have actively worked to strip Ohioans of their rights. Special interests already have armies of lobbyists and lawyers on their side, they don't need judges in their pockets."

Further, when the majority did move forward on the nominations of Mr. Readler and Mr. Murphy, the two appeared on the same panel at the same hearing. With 5-minute rounds of questioning, these stacked circuit court hearings make it all but impossible for Senators on the committee to thoroughly vet judicial nominees, and that, in turn, makes it impossible for this body to fulfill its obligation of providing advice and consent.

Ms. Rushing's nomination is also the product of a departure from Senate norms. Then-Chairman GRASSLEY held Ms. Rushing's hearing on October 17, 2018, during an extended Senate recess. Only two Senators questioned Ms. Rushing, and no Democrats were present to question the nominee.

These process violations matter. They matter because they impact the quality of the nominees we are considering and the ability of the nominee to reflect the State and community to which they are being nominated.

We have already seen several nominees who have had no judicial experience, and others with no trial experience whatsoever. We have seen nominees who have been rated unqualified for lack of experience and also for lack of judgement, ethical problems, and issues with impartiality and temperament.

This isn't a partisan issue. This is an issue that should concern Senators from both sides of the aisle. At a time when Americans increasingly distrust the institutions of our government, we should not be degrading the Federal judiciary with unqualified and ideological nominees.

Turning to the nominees themselves, I first want to discuss Allison Rushing. Ms. Rushing is only 36 years old. In fact, she has practiced law for only 9 years. She has never tried a case in the Fourth Circuit, the court to which she has been nominated, and she was not even admitted to practice in the Fourth Circuit until 2017; yet she is being nominated to serve on a Federal circuit court.

Even in her limited experience, Ms. Rushing has demonstrated strong ideological views. For instance, in 2013, Ms. Rushing spoke about the Supreme Court's decision to strike down a key provision of the Defense of Marriage Act. She claimed that Justice Kennedy had written "the opinion in a unique way that calls it bigotry to believe that homosexuality does not comport with Judeo-Christian morality."

Ms. Rushing also demonstrated her hostility to the rights of employees in a brief she submitted in a 2018 Supreme Court case. Ms. Rushing argued that employment agreements requiring employees to waive their rights to go to court as a condition of employment should be allowed, even though most people don't have a choice to turn down a job.

Ms. Rushing's view prevents employees who have entered arbitration agreements from bringing lawsuits against their employers, even if the employers have violated their rights or fired them against the law.

As the dissent pointed out, Ms. Rushing's position risked leading to "the under-enforcement of federal and state statutes designed to advance the well-being of vulnerable workers."

I next would like to address the nomination of Chad Readler. Mr. Readler previously headed the Justice Department's Civil Division. In that position, he defended some of the most troubling policies this administration has implemented. He defended the President's decision to end the DACA program, the policy to separate immigrant children from their parents, and the President's Muslim travel ban.

Most concerning, however, is that Mr. Readler led the administration's efforts to overturn the Affordable Care Act. Mr. Readler argued that the healthcare law's protections for pre-existing conditions should be struck down. Even Senator LAMAR ALEXANDER called the arguments made in Mr. Readler's brief "as far-fetched as any I've ever heard."

Finally, the Senate is voting on Eric Murphy to the Sixth Circuit. As the chief appellate lawyer for the State of Ohio, Mr. Murphy led the State's defense of its law banning same-sex marriage, which was struck down by the Supreme Court in *Obergefell v. Hodges*. Jim Obergefell wrote an op-ed recently saying: "Barely four years ago, Mr. Murphy made a forceful argument that my marriage was unconstitutional. As the attorney tasked with defending Ohio's discriminatory ban on same-sex marriage, he used dog-whistles . . . [I]f Murphy had been successful, [my husband] and I, and tens of thousands of couples like us, would have been denied the right to marry and forced to live as second-class citizens."

Mr. Murphy also led Ohio's defense of restrictive voting laws, including the Ohio law allowing the State to purge eligible voters if they missed voting in just one Federal election, and he has amassed a troubling record on women's reproductive rights, arguing for instance in support of a 20-week abortion ban, which he claimed would create "at most, an incidental burden" on a woman's right to make her own reproductive health care decisions.

The three nominees before the Senate exemplify the Trump administration's efforts to stack our courts with nominees who are far outside the judicial mainstream. I believe they will