

things. But he was a real valuable part of the sculpture community in this town. Not just monumental, but the art of what we're doing," he said.

Williams said he will remember Gaylord as someone with a dry wit who knew how to put things in perspective, such as how sculptors fit into the art scene. He said because Gaylord went to art school, he approached sculpting from a different perspective than those who learned by working in a granite shed.

"When I met him I kind of wanted to emulate that part of him that wasn't ground down by an industry. He still had an arts spirit," Williams said.

INTERNATIONAL STUDENTS AND SCHOLARS

Mr. LEAHY. Madam President, I want to take a moment to highlight the benefits of international students and scholars who come to the United States to live and study and who have been unfairly penalized by the current administration's efforts to limit travel to our country.

I wonder how many Americans are aware of the many ways that international students contribute to our colleges and universities, to our communities, and to our Nation. In economic terms, last year alone, international students contributed an estimated \$37 billion to the U.S. economy and created or supported more than 450,000 U.S. jobs. In our State of Vermont, nearly 2,000 international students and their families contributed \$83.1 million and supported 850 jobs. One would think that President Trump, who often touts his efforts to create jobs, would want to encourage this.

In addition to economic benefits, international students and scholars advance U.S. national security by strengthening our diplomatic and cultural ties with foreign countries. Students and scholars who spend time in the U.S. become informal ambassadors when they return home, sharing an appreciation for common values, counteracting stereotypes about Americans, enhancing respect for cultural differences, and maintaining connections with our country and citizens.

However, our country is at risk of losing our position as the most attractive country for international students and scholars and of ceding the critical benefits associated with such a reputation to others.

The U.S. Council of Graduate Schools recently reported a decline in international graduate student applications and enrollment for fall 2017, the first such decline in more than a decade. In fiscal year 2017, the U.S. Department of State issued nearly 20 percent fewer student visas compared to the previous fiscal year. Students and scholars are increasingly uncertain about their status in our country, as well as the types of educational and research opportunities that will remain available to international students. This uncertainty and the chilling effects of recent executive orders targeting foreigners appear

to be diminishing the ability of the United States and our higher education institutions to remain attractive to international students.

At the same time, many other countries—including Australia, Canada, and China—are seizing the opportunity and proactively introducing national policies and marketing strategies to attract talented international students who might otherwise come here.

I urge the administration to not ignore the many important contributions to the U.S. economy, national security, and global reputation that are made by international students and scholars. The administration should reconsider its policies that are contributing to uncertainty and reluctance among such individuals, who instead should feel welcomed and encouraged to bring their talents and other contributions to this country.

CONFIRMATION OF KYLE DUNCAN

Ms. COLLINS. Madam President, this week I cast my vote in support of the nomination of Kyle Duncan to serve as a judge on the Fifth Circuit Court of Appeals. Mr. Duncan has been a successful trial and appellate attorney, as well as a law professor at the University of Mississippi School of Law. He was the assistant solicitor general for the State of Texas and the appellate chief for the State of Louisiana. He has tried cases at the State and Federal levels and has argued twice before the U.S. Supreme Court. The American Bar Association has reviewed his nomination and has rated Mr. Duncan "well-qualified."

Some have criticized Mr. Duncan for his work on certain high-profile cases. Nearly all nominees for the Federal courts who come before the Senate have advocated for various positions. Some of them have been involved in controversial, high-profile cases. In considering a nominee's fitness to serve on the bench, we should consider whether they have the intellect, the temperament, and the respect for precedent to fairly and faithfully uphold the law.

One case that Mr. Duncan litigated has been mischaracterized in a way that suggests he is biased against the LGBT community. Mr. Duncan's opponents argue that his work in *V.L. v. E.L.*, in which the opposing party was a lesbian, demonstrates this bias. What these critics fail to mention is that Mr. Duncan's client was also a lesbian. The matter was a custody case involving two women in a same-sex partnership. As his cocounsel in the case, Randall W. Nichols, has described in a letter to the Senate Judiciary Committee, dated November 27, 2017:

I note that some may criticize Mr. Duncan for representing clients in the same-sex marriage litigation. It must not go without notice that our mutual client, E.L., was a same-sex woman asserting a strong, albeit ultimately unsuccessful, legal argument. Mr. Duncan represented our mutual client with-

out once making an issue of her sexual orientation, without once displaying any personal bias, and without once indicating a desire to advance any agenda other than winning the case for E.L.

Mr. Duncan has testified to the Judiciary Committee that he would follow all applicable precedents of the Supreme Court and Fifth Circuit. He demonstrated his deference to precedent during his time representing the State of Louisiana. While the Supreme Court was deciding the Obergefell case on the constitutionality of same-sex marriage laws, Mr. Duncan was representing the State of Louisiana in a challenge to its marriage law. Following the Court's decision, the Fifth Circuit instructed the parties in the Louisiana case to explain whether Obergefell resolved the matter for the court.

The very next day, Mr. Duncan filed a letter explaining that, despite Louisiana's disagreement with the Obergefell outcome, the Fifth Circuit must follow the new Supreme Court precedent and strike down Louisiana's law. While still representing the State, Mr. Duncan announced that married same-sex couples would be able to have both of their names on their children's birth certificates. Mr. Duncan's actions following the Obergefell decision demonstrate that he will respect precedent and faithfully follow the law.

By contrast, in a similar case, the lawyers for the State of Arkansas continued to fight over whether Obergefell required States to issue birth certificates with the names of both same-sex spouses. Unlike Mr. Duncan, they resisted the Obergefell precedent all the way up to the Supreme Court and lost. That case, *Pavan v. Smith*, confirms that Mr. Duncan did the right thing in advising the Fifth Circuit to apply the Obergefell precedent.

It is also noteworthy that the attorney who argued against Mr. Duncan in the Louisiana case strongly supports his nomination. In an opinion article published in "The Hill" on March 25, 2018, Paul Baier, who is now a law professor at Louisiana State University, describes Mr. Duncan as a "magnificent nominee for the Fifth Circuit who ought to be swiftly confirmed." He goes on to describe Mr. Duncan's qualifications in the following way:

I always appreciated and respected Kyle's advocacy for his client and his respect for the humanity of the same-sex couples who would be most affected by the case. While I disagreed with many of his arguments, often emphatically, I never found a trace of bias, bigotry, or any disrespect towards the same-sex individuals in the case.

Kyle knows well the difference between the advocate's role for his client (in the same-sex marriage case, the State of Louisiana) and what he would be called upon to decide as a judge on the Fifth Circuit. I maintain this view of Kyle even having faced off against him in the highly charged atmosphere of same-sex marriage litigation. His ability to act as a judge and not advocate will surely carry over to other questions of public importance facing the Fifth Circuit.

The advice and consent role given to the Senate in the Constitution is one of