are just running the debate clock on these nominees instead of actually debating. We have what is known as a 1-hour rule in the Senate, and I think it is time to start enforcing it.

Members are entitled to their opinions, and, as the deliberative body, we should debate nominees. But if you are going to debate a nominee, I think you actually need to come here and speak about them. You can't just hide behind your desk and run the debate clock. If you have a problem with a nominee, then you should come to the floor and voice your concerns. If you are not willing to do this, then you shouldn't hold this nominee hostage to an artificial clock. This is what is wrong in Washington. We should use debate time on a nominee to debate the nominee, and if there is no more debate, then we should vote on that nominee and move on to the next one.

The Constitution guarantees the right to a speedy trial. As the body that confirms judges to make that constitutional right possible, we have a critical responsibility, and we need to do whatever it takes to fulfill this duty. In order to deliver swift justice throughout the country, these seats need to be filled.

I am ready and willing to work day and night, weekends and holidays, to do what Nevadans sent me to Washington to do and to accomplish. As the leader mentioned last week, we should work through the week of Thanksgiving. Hard-working Americans don't go home until their work is complete, and neither should we. That work also includes reforming our Tax Code, providing desperately needed relief to the middle class.

Today Chairman BRADY and the Ways and Means Committee released a draft of their tax bill, which is another enormous step forward in providing meaningful tax relief to Nevadans and other hard-working Americans across this country. Middle-class tax relief is particularly critical to the residents of my home State of Nevada. Whether it is the single mother from Gardnerville who doesn't receive child support, works full time, and is simply trying to make ends meet or the entrepreneur in Elko who is fighting hard to get his small business off the ground and wondering whether he will ever catch a break and be able to afford his first employee, I continue to hear from diligent, hard-working Nevada families and small business owners who are struggling to cover their expenses and get ahead in life.

For too many people, the American dream—previously achievable through hard work, sheer determination, and playing by the rules—feels as though it is slipping away. That is in part because, for too long, Nevadans and Americans across this country have faced stagnant wages and slow economic growth.

Under the failed economic policies of the previous administration, we have suffered through 8 years of historically low economic growth. In fact, in those 8 years, we didn't have a single year in which the economy grew by 3 percent. As a result, wages and workers suffered. As a result, job creation suffered. And as a result, middle-class Americans like you and your neighbors suffered.

We still bear the scars of the Obama-era economic policies today. Median household incomes in Nevada are $7,000 lower today than they were 10 years ago. Nevada families are more likely to be living paycheck to paycheck than families living in nearly every other State. It is fair to say—in Nevada at least—the recession has never really ended. To me, this situation is unacceptable. I am doing everything in my power to right the economic wrongs that have been committed by the previous administration.

Under the leadership of the new administration, however, we are starting to see our economy improve. There are positive signs everywhere. Last week, the Commerce Department announced that for the second quarter in a row, the economy had grown by at least 3 percent. This impressive growth occurred despite hurricanes that destroyed the homes and businesses of our good friends and colleagues in Texas and in Florida. Despite these natural disasters, if 3 percent economic growth is possible under the leadership of President Trump and a unified Republican government, just think about how much more we can add to this growth by passing comprehensive tax reform.

As a member of that tax writing committee, I have been working with my colleagues to craft a tax package that accomplishes three major goals: First, create more jobs; second, increase wages; and third, boost Americans' competitiveness worldwide.

What does tax relief mean to you, the average Nevadan who works hard and is trying to provide a better life for his or her children and save for a secure retirement? It means cutting your taxes so that you can keep more of your hard-earned money. It means a bigger child tax credit to help you confront the increasing costs of raising children. It means a simpler and fairer tax code that you yourself can understand. Lower rates for business mean more jobs, higher wages, and growth in our communities—all of which will benefit you. Taken together, all these things mean that you will have a profound increase in your take-home pay and your economic opportunities.

A recent study by the White House Council of Economic Advisers found that reducing the corporate tax rate by 15 percent alone would increase household incomes by an average of $4,000. A similar study by a Boston University economist put the increase at $3,500. I don't know about you, but I think the average American could do a lot with an additional $3,500 to $4,000 in his or her bank account.

As a son of a school cook and an auto mechanic, I understand the discipline and the hard work that go into every dollar and every paycheck, and I am working to see that you have more of it in your back pocket. I am confident that we will fulfill these promises, but that will take a commitment from our colleagues to stay here and work.

In addition to overhauling the Tax Code and confirming judges, we have many other significant legislative responsibilities to complete. I believe we must spend as much time as necessary, including working through the scheduled November constituent work period, to fulfill our commitment to the American people.

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

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

NOMINATION OF STEVE GRASZ

Mr. SASSE. Mr. President, I rise on the floor with a simple message. We should completely dispel with the fiction that the American Bar Association is a fair and impartial arbiter of facts. This is a sad reality, but it is the reality.

Let's back up. We in this body have taken an oath to uphold and defend the Constitution of the United States. Considering judicial nominees who have lifetime appointments is the most important thing this Senate will do over the weeks ahead. It demands the full attention of every single Member—Republican, Democrat, and Independent. This ought to be an opportunity for this body to pause and stand back from the frenzy of day-to-day media cycles and cable news shouting and recommit ourselves to basic American civics and some very basic American ideas: the idea that our three branches of government have three separate roles; the idea that we in the article I branch, the lawmakers, make the laws because we stand before the people and can be hired and fired—if the people are going to be in charge of our system, they need to be able to fire the people who make the laws—the idea that judges are explicitly not to make law; the idea that judges do not have R and D, Republican and Democrat, behind their names but rather that judges should be dispassionately ruling on the law and the facts; and the idea that all of us, temporary public servants, although the judiciary have lifetime appointments, can be upholding and defending a limited system of government, again, through our three differentiated roles.

Unfortunately, over the last few days in this body, it has become clear that some of us are attempting to outsource our constitutional duties to an outside organization. That organization, the American Bar Association, purports to

be a neutral arbiter but is frankly twisting its ratings process to drive a political agenda in an important nomination pending before this body. I am referring specifically to the smear campaign of the ABA against Steve Grasz, a qualified public servant, who has been nominated by the President to the Eighth Circuit Court of Appeals.

Steve Grasz has decades of honorable service in Nebraska, including more than a decade as the chief deputy attorney general of my State.

Mr. Grasz is, in fact, eminently qualified for the circuit court bench as has been testified to by Republicans and Democrats across our State.

Let's set the scene first for the ABA's silly decision earlier this week to announce that they regard Steve Grasz as ''not qualified.'' I will highlight three specific items.

First, we should discuss the two people who interviewed Mr. Grasz and recognize that unfortunately they are blatant partisans with a sad track record of hackery.

Second, the ABA is trying to paint Mr. Grasz as an extremist simply because he did his job as the chief deputy attorney general of Nebraska and defended Nebraska laws and Nebraskans who wanted to outlaw the most barbaric of abortion practices—partial birth abortion.

Third, we should talk about the obvious bigotry of cultural liberals evident in their interview process of Mr. Grasz when they asked him repeated questions about nonlegal matters that had nothing to do with the claims of competence of the ABA.

First, let's talk about the two reviewers. The lead reviewer for the bar association on the Grasz nomination was Arkansas law professor Cynthia Nance. As it turns out, this is an encore performance for Ms. Nance. In 2006, she opposed then-nominee and now-Supreme Court Justice Samuel Alito because of his ''pro-life agenda,'' and she argued that made him unqualified to sit on the U.S. Supreme Court. I wonder if there is anyone in this body who rejected her view then and voted to confirm now-Justice Alito who would now echo her claims that Justice Alito is not qualified to sit in the seat he now holds. Hopefully we as a body are better than that.

The ABA's second reviewer, Lawrence Pulgram, is an attorney from San Francisco. A cursory glance at Mr. Pulgram's political involvement shows a long track record of support for left-wing candidates and aggressively progressive political organizations. These are the reviewers who are setting themselves up as dispassionate umpires calling balls and strikes. It is hogwash. These are not umpires. These are folks in the starting lineup of the ABA, an organization that explicitly endorsed pro-abortion policies beginning two decades ago.

To be clear, there is nothing wrong with Nance and Pulgram's zealous advocacy. They enjoy First Amendment rights just like all 320 million Americans do. There is nothing wrong with advocacy. What is wrong here is advocacy disguised as objective analysis, and that is what is actually happening in the case of the Grasz nomination.

This brings us to our second point about the ABA's treatment of Mr. Grasz. When you read their letter, it makes many anonymous claims that some people supposedly support the author's great worry about Grasz's alleged deeply held social views, but the closest thing the ABA ever comes to stating a fact—let alone producing a smoking gun—is the fact that as the chief deputy attorney general of the State of Nebraska, Mr. Grasz did the job of the chief deputy attorney general of the State of Nebraska. That is not news.

It is no secret that the vast majority of Nebraskans are pro-life, and thus it is no surprise that our State's laws reflect this. In the 1990s, Nebraska outlawed the most horrifying of all abortion procedures—the partial birth abortion. Unless anyone seeks comfort behind empty euphemisms like ''choice,'' let's be very clear what the people of Nebraska were outlawing. The people of my State banned a gruesome and grotesque practice where a doctor partially delivers an unborn baby and, while that baby girl's head is the only thing still in the mother's womb, the doctor would then collapse the baby's skull. If there is anyone in this body who believes that is a good and a moral act, that it is a good and a moral thing to deliver that baby girl, and then moments before her complete and full entry into the world, to vacuum out her brains, please come to the floor because few people believe that is a good or a moral or a just act—or at least few would admit it openly.

In fact, that is why, just a few years later, Federal law followed Nebraska's law and outlawed partial birth abortion, but in the 1990s, when Nebraska first outlawed that partial birth abortion procedure, many pro-abortion advocates brought suit and Steve, as chief deputy attorney general of Nebraska, defended the law of our State, which again is now the Federal law. He defended that law because it was his job. He defended the law because that is what the people of Nebraska wanted when they said this unspeakably barbaric procedure had no place in our State and now, thankfully, has no place in our Nation. Anyone who would paint Steve as an extremist needs to take a long, hard, and honest look at what he did as chief deputy attorney general of Nebraska defending the laws of the State of Nebraska.

Third, I know the ABA has an august-sounding name, but here is the reality of the kinds of stuff they did in their interview with Mr. Grasz. They asked him: What kind of schools do your kids go to? I don't really understand the connection to their legal interview. When they found out his kids attended a religious institution, they asked him why his kids would go to a religious institution. Well, it turns out, in my State, lots and lots of Lutherans and Catholics and lots of non-Lutherans and Catholics send their kids to Lutheran and Catholic schools. I don't know what that has to do with someone's competence, man or woman, to sit as an objective judge on a court of appeals, and yet the interviewers decided they should go there.

Then they began to refer to Mr. Grasz repeatedly in the interview as ''you people.'' They would frame questions to him and ask about ''you people.'' At one point, he finally paused and asked: Can you tell me who ''you people'' are? Because at this point, he didn't know if it was pro-life people, people who send their kids to religious schools, maybe just Nebraskans. They informed him they were using the term ''you people'' to mean conservatives or Republicans.

Third, in the course of their time with Mr. Grasz, their interview went from actual legal questions to just asking him more and more detail about his pro-life views, again that has nothing to do with the distinction between sitting on the bench as someone who applies facts and law and someone who, in a private capacity or in his public capacity, as the chief deputy attorney general of Nebraska had been defending the laws of the State of Nebraska.

Ed Whelan is the president of the Ethics and Public Policy Center and is a legal and jurisprudential expert. He has been covering the ABA case and their judgment on Mr. Grasz this week closely, and so I would like to read a few of his comments into the RECORD.

The ABA contends that Grasz is not sufficiently able ''to differentiate between the roles'' of advocate and adjudicator.

As its first example, the ABA contends that there is an inconsistency between Grasz's stated respect for stare decisis (that is, for binding precedent) and the views he expressed in a 1999 law-review article (and that it says he continues to adhere to). Selectively quoting that article, the ABA faults him for his supposed ''suggestion that a lower court judge was entitled, in deciding the issue [whether a 'partially born' fetus has a right to life under the 14th Amendment], to question the jurisprudence of a superior court.''

But in the law-review article that the ABA criticizes—

In that same article—

Grasz states [on pages] 27–28:

''Lower federal courts are obliged to follow clear legal precedent regardless of whether it may seem unwise or even morally repugnant to do so. However, a court need not extend questionable jurisprudence into new areas or apply it in areas outside of where there is clear precedent.''

Read together, these sentences set forth an uncontroversial position. In order to create controversy, the ABA entirely omits the first sentence, and it then pretends that the second sentence, rather than setting forth a general proposition, is ''referring to the Supreme Court's rulings in Roe and Casey.'' Yes, Grasz applies that general proposition to the question whether Roe v. Wade and Planned Parenthood v. Casey speak to the legal status of ''partially-born human beings,'' but, much as the ABA would have

the reader think otherwise, he isn't concocting a special rule for abortion precedents.

Skipping ahead:

The ABA states that ''members of the bar shared instances in which Mr. Grasz's conduct was gratuitously rude.'' Amazingly, it doesn't bother to give a simple example of rude conduct by Grasz, so its claim is [entirely] impossible to address.

Aside—

This is again quoting Whelan—

Aside: According to Larry Tribe, as Josh Blackman reminds us, Sonia Sotomayor had a ''reputation for being something of a bully'' when she was nominated to the Supreme Court. (It was I [Whelan], by the way, who uncovered and published Tribe's letter to President Obama.)

The ABA alleges that ''there was a certain amount of caginess, and, at times, a lack of disclosure [on Grasz's part] with respect to some of the issues which the evaluators unearthed.'' But once again it provides no specifics or illustrations, so it's impossible to assess whether Grasz can be fairly faulted here.

Something very fishy is going on.

And here pulling up from Whelan, I would comment that my senior Senator DEB FISCHER and I from Nebraska, both of whom were advising President Trump on the selection of Steve Grasz for this Eighth Circuit vacancy, received literally boxes of letters from Nebraska lawyers—both Republican and Democratic—for months in the moment after the Eighth Circuit vacancy appeared, and at no point did we hear either verbally from people we know in the State or in our interview process or in those boxes of letters—at no point did we hear of any rudeness on the part of Mr. Grasz. Yet the ABA is judging him ''not qualified'' for the bench based on anonymous sources that say he is rude, without a single example. There is not one example.

It is an embarrassing letter from the ABA. Folks in this body who would be tempted to take the ABA's judgment seriously should read the letter. It is filled with anonymous claims that once he was rude to someone, and they have no examples.

Back to Ed Whelan:

[Reviewer] Nance's strong ideological bias is not difficult to uncover. Among other things, she signed a letter opposing the confirmation of Justice Alito. Given the ABA's persistent complaints about Grasz's supposed inability to separate his judging from his ''pro-life agenda,'' it's notable that letter against Alito complains about the impact that he would have on . . . women's reproductive [rights]. Nance also signed a letter arguing that the ''government's interests in protecting women's health and reproductive freedom, and combating gender discrimination,'' meant that even religiously affiliated organizations—like the Little Sisters of the Poor—should be required to provide contraceptive coverage (including drugs and devices that can also operate in an abortifacient manner) notwithstanding their own religiously informed views on what constitutes illicit moral complicity in evil.

Nance's very active Twitter feed (more than 24,000 tweets) also offers some revealing insights. Among other things, Nance retweeted the question whether Justice Scalia would have been in the majority in Dred Scott, and she evidently found amusing or insightful the observation that ''Constitutional strict constructionists . . . want women to have all the rights they had in 1787.'' Yes, this is just the sort of fine and balanced legal mind, with a great grasp of conservative judicial principles, that the ABA puts in charge of evaluating judicial nominees.

Finally:

The ABA's supposed check against a hostile lead investigator is to have a second investigator conduct a supplemental evaluation of the nominee in those instances in which the lead investigator recommends a ''Not Qualified'' rating.

So if you're the head of the committee, whom would you select to ensure that ideological bias isn't warping the process? Probably not a very liberal [activist] lawyer from San Francisco. But that's exactly what the ABA did [in this case].

Lawrence Pulgram, the second investigator, is a member of the left-wing Lawyers' Committee for Civil Rights of the San Francisco Bay Area.

We have a crisis of institutional trust in this country that should concern all of us. Our job here, in seeking to preserve and protect and uphold the Constitution, and a Constitution that is focused on limited government, is because our Founders believed that the vast majority of the most interesting questions in life happen in the private sector, not just for-profit entities but primarily civil society, families, neighborhoods, and not-for-profit organizations, and religious institutions, and the Rotary Club, and philanthropies, and voluntary enterprises. The most interesting things in life are not in government. Government provides a framework for order of liberty, but once you have that framework, once you are free from violence, you are free to live your life in all of these fully human-fit community ways in your local community.

Our job in this body is to not only pass good legislation and repeal bad legislation and to advise and consent on the President's nominees to faithfully execute the laws that have been passed by the article I branch, but our job is also to speak to a constitutional system, where a separation of powers exists so power is not consolidated in Washington and so there is room for the full flowering of social community across our great land.

So the decline of trust in our institutions is something that should trouble all of us. Our job here isn't merely about government, it is also teaching our kids about the Constitution and basic civics. I ache when private sector institutions and civil society institutions see the trust in those institutions decline. But one of the things that is clearly happening in our time is that the ABA is becoming much less a serious organization and much more an activist organization advancing a specific political agenda.

The ABA is due to appear before the Judiciary Committee in 2 weeks to explain this interview process and why they gave this judgment on Mr. Grasz with so few facts and so little evidence and so much pro-abortion zealotry driving the opinion of the lead reviewer in this case.

I hope that when the ABA comes before the Judiciary Committee, it recants this very silly opinion of ''not qualified'' on a man who is eminently qualified and is going to serve very well the people of not just the Eighth Circuit but this country on the Eighth Circuit Court of Appeals.

I would hope that the ABA would recant this silly judgment, but if they do not, I think we should recognize that the fiction of the ABA as a serious organization that ought to be taken seriously as a neutral, impartial arbiter of qualifications for the Federal bench should be dispensed with; and that we in this body, who have actually taken an oath to three separate-but-equal branches, with differentiated roles of legislating, executing, and ultimately judging, would continue to affirm that distinction; and that we should want judges who do not try to be superlegislators but, rather, seek to attend themselves to the facts and the law, as is indeed the calling of article III branch judges.

Thank you, Mr. President.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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.

JUDICIAL NOMINATIONS

Mr. COONS. Mr. President, I come to the floor today to join several of my colleagues in raising concerns about nominations to the Federal judiciary and the Senate's role in carrying out its constitutional advice and consent responsibilities. From my vantage point as a member of the Judiciary Committee, I can see all too clearly that an alarming trend of more and more extreme judicial candidates appearing before us is growing, that more extreme judicial candidates are being nominated, and that the safeguards here in the Senate that are important to our vetting process are being threatened.

Let me start by giving a simple overview of what has happened, first in terms of the speed at which we are considering critical lifetime appointments to some of the most central courts in our whole Federal judicial system.

Just this week, my Republican colleagues have brought forward four circuit court nominees—four nominees in one week—beginning to end. That is more than the number of circuit court nominees than were confirmed in the entire first year of President Obama's Presidency.

More important to me than the speed is the quality of our process of reviewing these important nominations. The