

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

LEGISLATIVE SESSION

Mr. MCCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 314, Dabney Friedrich.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

CLOTURE MOTION

Mr. MCCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the mandatory quorum calls with respect to the cloture motions be waived.

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

The majority whip.

TEXAS CHURCH MASS SHOOTING

Mr. CORNYN. Madam President, only 4 days have passed since the terrible tragedy in Sutherland Springs occurred, and, of course, the grieving and

pain of the families who have lost loved ones and who had loved ones injured during the course of that terrible shooting incident—our thoughts and prayers are still with them. I am going to be traveling to Sutherland Springs this weekend to offer my condolences and ongoing support in person. It is important that we give the community the time and space they need to grieve.

By now, we all know that 26 people lost their lives during a church service at the First Baptist Church. This included an unborn child. Twenty more were injured, and some of them still remain in critical condition. What is amazing to me is that First Baptist will hold a church service this Sunday, just 7 days after a gunman stormed the building and committed the deadliest mass shooting in Texas's history. What resilience, what incredible resolve to come together 7 days after this terrible shooting and have the congregation that lost 26 of its members come together for a church service.

One little guy many of us will be praying for is 5-year-old Ryland Ward. Ryland was shot four times and was partially shielded by his mother, Joann, who, tragically, did not survive. Ryland is fighting for his life at University Hospital in San Antonio, and he remains in critical condition. I know we will all continue to think of him and pray for his recovery.

We continue to hear more about what led to this atrocity—a gunman with a history of domestic violence, animal cruelty, and mental illness. Because of his troubled history, which included convictions for domestic abuse in the military, he was legally prohibited from purchasing a firearm, but he lied about it. Unfortunately, the background check system, which is supposed to alert the dealer not to sell a firearm to a person with disqualifiers such as his, simply did not come back at all to demonstrate that he was, in fact, disqualified from purchasing a firearm. He was legally disqualified because he had beaten up his wife, had fractured the skull of his stepson, and he was legally disqualified because a military court in New Mexico had handed down a felony sentence for his attacking his own family. But as we know now, and as I have said, that information was not uploaded by the U.S. Air Force or the Department of Defense in the Federal background check database. Under the law it was supposed to be uploaded, but it wasn't. So he got away with lying about his record.

That is what we have to fix. After terrible incidents like this, the most common question I hear people ask or the most common statement I hear them say is this: We have to do something. But here that something we have to do is crystal clear. Troubled individuals like this monster should never have gained access to a gun. When he tried to purchase them, the person who checked the Federal database should have seen his name and

criminal convictions and said: No way, no how.

I have had conversations with many of our colleagues across the aisle and in the Chamber about this problem and what we need to do to fix it. Next week, I plan to introduce legislation to fix these flaws in the National Instant Criminal Background Check System and to ensure that all Federal agencies upload required conviction records like these in the NICS system as fast as possible. Clearly, that is not being done now, and we must do it and do it quickly to make sure that other potential killers will not be sold a firearm because of the defects in our National Instant Criminal Background Check System. It is imperative that this information be shared, that violent felons' convictions be uploaded, and that dangerous individuals not gain illegal access to firearms. Unlike law-abiding citizens, these individuals can't be trusted to do what is right because we know that in the wrong hands, guns can do tremendous harm.

I must add that in the right hands lives can be saved too. All we need to do is regard the actions of Stephen Willeford. When he heard the gunshots going off in the church, he grabbed his AR-15—what some people call an assault rifle. It is a semiautomatic legal weapon. He is an NRA, or National Rifle Association, certified instructor. He took that gun and shot at this killer to try to stop him from killing more people, and he was successful. He wounded the killer and put himself in harm's way. To me, this demonstrates not only the heroism of Mr. Willeford, but it demonstrates another reason why law-abiding citizens should be able to keep and bear arms, in the terminology of the Second Amendment to the U.S. Constitution. Law-abiding gun owners are not a threat to the public safety. It is only so when they get in the hands of felons, the mentally ill, and domestic abusers, like the killer in Sutherland Springs. So in the right hands, guns can save lives too.

As somebody who is a sportsman and believes in the Second Amendment and believes that law-abiding citizens ought to be able to keep and bear arms to defend their families and communities, I am proud of the work that Stephen Willeford did on that terrible day. I know there are those who believe that the NRA is somehow complicit in some of these terrible events, but I will tell you that the NRA did us all a favor by training somebody like Stephen Willeford so he was prepared on that horrible day to stop the shooter before he killed more innocent people. I applaud him for it, and I applaud them for teaching people gun safety and self-defense so they can protect their families, their property, and their communities as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

NOMINATION OF STEVE GRASZ

Mrs. FISCHER. Madam President, I rise today to share my strong support

for Steve Grasz, who has been nominated by President Trump to fill a vacancy on the U.S. Court of Appeals for the Eighth Circuit. The junior Senator from Nebraska and I asked Nebraskans to express their interest in this position, and we conducted a thorough process of the applicants. I must say that, with more than 5,700 lawyers, Nebraska proved itself to have a talented legal community that has demonstrated an unwavering dedication to the rule of law.

However, in our search, one candidate stood out above the rest, and that was Steve Grasz. He is an outstanding Nebraskan and a talented legal mind. The President agreed. That is why he accepted our recommendation in August, and he nominated Steve for the Eighth Circuit.

Like so many other Nebraskans I have heard from during this process, the President recognized Steve's temperament, intellect, and skill as worthy on the Federal bench.

Steve excelled in his education at the University of Nebraska-Lincoln and the University of Nebraska College of Law. He then built a distinguished legal career, practicing appellate litigation over the past three decades. For 12 years, Steve served Nebraska as the chief deputy attorney general. He did so with dedication to justice, passionately defending our citizens and upholding the laws of our State.

Steve has handled numerous constitutional litigation matters in the Nebraska Supreme Court, the Eighth Circuit Court of Appeals, and the U.S. Supreme Court. In doing so, he has earned the respect of the Nebraska legal community.

For many years Steve has earned the Martindale-Hubbell "AV Preeminent" peer review rating, the very highest available. This peer-reviewed rating is based on legal knowledge and ethical standards, a nonpartisan litmus test.

Steve also serves on the executive committee of the appellate practice section of the Nebraska Bar Association, and he was selected as a fellow by the Nebraska State Bar Foundation, an honor reserved only for the top lawyers in my State. Nebraskans agreed that Steve has the extensive legal experience needed to serve on the Eighth Circuit. Yet the American Bar Association has rated Steve as "not qualified" for this position on the Federal bench.

As someone who spent months reviewing Steve's extraordinary qualifications for this judgeship, I was shocked when I heard the assessment. Something didn't add up.

But after a review of how the evaluation was conducted, things became more clear. The ABA rating of Steve Grasz appears to be based on his work defending Nebraska's pro-life laws as well as his personal views, which he shares with a majority of Nebraskans. Both evaluators discounted his remarkable legal career, choosing instead to focus on innuendo in their report because he associates with political organizations they disagree with.

There is nothing wrong with participating in the democratic process. Indeed, Steve's own evaluators have done just that. Steve's first evaluator, Cynthia Nance, has received several awards from the Democratic Party of Arkansas. His second evaluator, Laurence Pulgram, a San Francisco attorney, works as a liberal activist and has donated thousands of dollars to the Democratic Party. Again, the fact that these Americans have decided to engage in the political process is not shameful. They have every right to do so, just like everyone else. But here is the problem. They claim to be leading an impartial evaluation of Steve, when in fact they are really trying to take down his nomination and further their own political agenda.

A deeper review of the ABA evaluation shows a report that is long on anonymous sources and short on substantiated evidence.

This is not the first time that the ABA has been criticized for using anonymous sources, either. In 2006, while discussing Vanessa Bryan's ABA rating, the senior Senator from Connecticut stated:

I have even greater concern with the credibility of anonymous sources when those sources are used as evidence for a subjective characteristic such as judicial temperament. . . . I urge the Senate Judiciary Committee to only consider anonymous criticisms when such criticisms can be verified from other sources.

Even worse, the sourced evidence the ABA produced for their report doesn't hold up to scrutiny, either. One of the Nation's leading experts on judicial appointments also agrees that the facts are few when it comes to Steve's ABA rating. In his examination, Ed Whelan, the president of the Ethics and Public Policy Center, called the ABA evaluation "feeble beyond the point of incompetence" because it "selectively quotes" portions of an article written by Grasz to misrepresent his views. Whelan concludes that "it would thus seem that . . . the ABA . . . is unable to distinguish between its role as advocate and its role as adjudicator of the merits of judicial nominees."

As we learned more about this evaluation process, it is clear that the ABA uses its power as a reviewer of judicial nominees as a way to support its partisan agenda, instead of making a determination based on the merits of judicial temperament.

During Steve's confirmation hearing last week, my colleagues on the Judiciary Committee asked good questions that brought even more details to light. That is how we discovered that Steve was asked a number of inappropriate, leading questions during his ABA evaluation. These questions had no relevancy toward his ability to serve our Nation as a judge. He was asked for his personal opinion on social issues, including abortion, and he was later questioned about where his children went to school.

In response to a line of questions from the junior Senator from Arizona,

Steve explained that his ABA evaluator continued to use the term "you people" during the interview. When Steve finally asked what he meant by "you people," the evaluator told him he meant "conservatives and Republicans."

Steve also told the committee:

At least a half hour of that time was devoted to discussing a white paper that I had written on the judicial selection process for state judges in Nebraska. There was one paragraph in that rather lengthy article [where] I had criticized the oversized involvement of the American Bar Association in that process, and I had mentioned some of their political activities including their role in the debate over abortion rights as well as Second Amendment rights of individuals.

He continued:

It seemed to be a topic of great concern to the interviewer.

These tactics used by the ABA are not right. They show contempt for ideas that do not fit the interviewer's personal beliefs and in no way portray an attempt to consider carefully whether or not Steve Grasz is capable of being a fair judge. This wasn't an evaluation. It was a partisan, shameful attack. It was intended to further the political agenda of the two evaluators and damage Steve's sterling legal reputation.

In the days since the biased ABA rating was released, Nebraskans have spoken out, and I couldn't be more proud of them. In letters, online, on Facebook, and in the pages of our State's newspapers, our citizens have come to Steve's defense.

Richard Kopf, a senior U.S. district judge for Nebraska said he was "stunned" reading the ABA assessment of Steve. The ABA interviewed Judge Kopf about Steve, and although he did not know Steve personally, on two occasions he told the evaluator he believed Steve was "well qualified."

Judge Kopf wrote in the Omaha World-Herald:

One can only speculate, and my speculation was that Mr. Grasz, who is by all accounts a brilliant and honorable person, would do his best. I certainly have and had no evidence to the contrary. . . . I respectfully suggest that the committee got it wrong when it gave Mr. Grasz a "not qualified" rating.

Additionally, the president of the Nebraska State Bar Association, Timothy Engler, quickly responded to the evaluation by noting that his organization did not participate in the report or the ABA's grade. Mr. Engler also noted that his own personal view was that he always found Steve "to be professional, civil, and ethical in all respects" and that Grasz "would have no questions regarding his judicial temperament as a member of the Judiciary."

We received numerous letters of recommendation on Steve's behalf. Nebraskans from across the political spectrum have pointed to Steve's thoughtfulness, fairmindedness, high ethical standards, and brilliant abilities as a jurist.

The respect and admiration for Steve is also bipartisan. This includes former

Democratic Governor and U.S. Senator Ben Nelson, who wrote that Steve was “an asset to our state and Nebraskans benefitted from having such a capable and thoughtful professional in public service. Today, he is unquestionably one of the foremost appellate lawyers in the state, making him an obvious choice for this seat on our federal appeals court.”

Debra Gilg, the former U.S. attorney for Nebraska and a Democrat appointed by President Obama, wrote:

Steve has always enjoyed a reputation for honesty, impeccable integrity, and dedication to the rule of law. He possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him.

Those who have known Steve his entire life have vouched for him as well. For example, Bill Lydiatt of Bellevue, NE, wrote a letter to the editor to the Omaha World-Herald that said:

As a classmate of Grasz in Chappell, Nebraska, from kindergarten through high school and as a lifelong friend, I can personally vouch that Steve holds all of the attributes to be a successful judge.

Furthermore, pointing to his integrity and fairness, he concluded:

I don't share all his political views, but I can say without any hesitation that Steve Grasz is exactly the kind of person we need as a judge and is perfectly suited to the high honor of joining the 8th Circuit Court of Appeals.

In Nebraska, the truth holds more value than partisanship. Madam President, everyone serving in this Chamber swears an oath to support and defend the Constitution. One of the ways we do that is by confirming judges who we know will faithfully honor that pledge while serving our Federal court system. The Constitution states that we in the Senate, not the American Bar Association, are to advise and consent when it comes to judges. We have a duty to do so thoroughly, without bias, and through the use of all the information available to us.

Both the junior Senator from Nebraska and I trust Steve Grasz to support and defend the Constitution. So do those who know him best—the people of Nebraska who have worked with him for nearly three decades. The Senate should as well.

I urge the Senate Judiciary Committee to advance his nomination. The American people deserve to have talented and fair lawyers like Steve Grasz on the Federal bench.

Thank you, Madam President.

I yield the floor, and 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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

TAX CUTS AND JOBS ACT

Mr. HATCH. Mr. President, today, as chairman of the Senate Finance Com-

mittee, I am releasing a chairman's mark for the Senate version of the Tax Cuts and Jobs Act, legislation that is the culmination of years of effort to reform our Nation's Tax Code. We have been at this a long time, and today marks a significant step forward in this effort. While we refer to this document as a chairman's mark, it has really been a group effort, with significant input from all the Republican members of the Finance Committee and great work from all of our staff. I want to thank everyone involved for their hard work, as well as their feedback, perspectives, advice, and ideas.

The last time Congress enacted a comprehensive overhaul of the Tax Code back in 1986, President Reagan famously noted that the American people would finally have a tax code they could be proud of. And in 1986, that was likely true. At that time, updates to the Tax Code were necessary to keep pace with the technological and geopolitical changes our Nation had been facing. That sounds pretty familiar, Mr. President. It is, after all, what we have been saying for the last several years. The world of 1986 was vastly different from the world we live in today. Advances in the past three decades have been monumental. Yet our Tax Code has not advanced, and it is failing us.

The American people have dealt with years of stagnating wages, sluggishness in labor markets, and weak growth in the economy. Businesses are fleeing our country to find more favorable conditions in other countries. We have been working for years to address these issues and to meet the needs of the 21st-century global economy.

Fortunately, we now find ourselves in a position to make good on all of these years of hard work. A big part of that is the fact that our current President is fully engaged on tax reform, unlike his most recent predecessor. So we have been focused this year on providing middle-class tax relief, reforming the business tax system, and fixing our obscenely outdated international tax regime.

The mark we are releasing today will accomplish all of these goals and more. It will reduce individual rates across the board and direct substantial relief to low- and middle-income families and workers. It will bring down corporate tax rates—a goal long shared by Republicans and Democrats—and provide businesses with new opportunities for growth and expansion. It will modernize our international tax system, bringing to an end our worldwide tax regime, a relic that should have been retired many years ago. We have been laser-focused on reducing taxes for the middle class, and that is exactly what this bill will do.

Combined, these changes to our broken Tax Code in the chairman's mark will give hard-working taxpayers across the country bigger paychecks and more opportunities. They will grow our economy, raising wages and im-

proving the standard of living for all Americans. They will once again make America the best place in the world to create, grow, and keep a business—where we create more jobs and sustain a vibrant, growing economy.

I will have more to say on the specifics of the mark in the coming days. For now, I just want to give my colleagues on the Finance Committee an opportunity to share their thoughts on the steps we are taking today.

Before we get to that, I do want to acknowledge the elephants in the room. Only Republicans will be standing up today to speak in favor of the mark, and I expect we will hear some negative comments from our friends on the other side of the aisle soon enough. On that point, I will just reiterate what I have said many times in the past: Our desire from the outset of this endeavor has been to have Democrats join us in this effort.

I have personally invited my colleagues to come to the table, to share their views, and to work with us in good faith. Yet I expect that we will hear a lot about supposed process fouls in the coming days. Let me make it clear to anyone listening: As chairman of the Senate's tax writing committee, I haven't turned anyone away from the process. I haven't refused to listen to anyone's ideas or suggestions. And I continue to say, with conviction, that I am still willing to have them onboard and hope they will be willing to get onboard and join us in this effort.

A critical objective in the effort is to provide relief and support to the large swath of Americans in the middle class who have been left behind, without economic gain or opportunities for growth.

Our tax reform efforts—represented in the chairman's mark put forward today—show that we are listening to those calling out for relief. We have a historic opportunity to help, and that opportunity should not be squandered by anyone on either side of the aisle for cheap political points.

With that, I am grateful to be a member of this body and grateful to be chairman of the Senate Finance Committee, which is a very powerful and hard-working committee—both Republicans and Democrats. I am grateful to make these remarks today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the last time Congress really did the big job that is before us right now was 1986. It did quite a bit to modernize the Tax Code. That was 30 years ago. In the generation since, the Tax Code has grown out of control. Everybody knows that. It has been a dream come true for accountants and lobbyists who make their living from certain provisions of that Tax Code. But for the American taxpayer, the gigantic Tax Code is not a dream, but a nightmare for most Americans.