

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

The question is, Will the Senate advise and consent to the Brady and Lelling nominations en bloc?

The nominations were confirmed en bloc.

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 548 through 551 and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

##### IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(d):

##### *To be rear admiral*

Rear Adm. (lh) Pat DeQuattro  
Rear Adm. (lh) William G. Kelly  
Rear Adm. (lh) John P. Nadeau  
Rear Adm. (lh) Joanna M. Nunan  
Rear Adm. (lh) David G. Throop

The following named officer for appointment to serve as the Director of the Coast Guard Reserve in the grade indicated under title 14, U.S.C., section 53(b):

##### *To be rear admiral (lower half)*

Rear Adm. Andrew S. McKinley

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203(a):

##### *To be rear admiral (lower half)*

Capt. James M. Kelly

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(e):

##### *To be rear admiral (lower half)*

Capt. Thomas Allan  
Capt. Laura M. Dickey  
Capt. Douglas M. Fears  
Capt. John W. Mauger  
Capt. Nathan A. Moore  
Capt. Brian K. Penoyer  
Capt. Matthew W. Sibley

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### IN THE COAST GUARD

PN1259 COAST GUARD nominations (10) beginning GEORGE BAMFORD, and ending TABITHA A. SCHIRO, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1260 COAST GUARD nominations (71) beginning STEPHEN J. ADLER, and ending TORRENCE B. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1261 COAST GUARD nominations (171) beginning LAWRENCE F. AHLIN, and ending RUSSELL R. ZUCKERMAN, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1277 COAST GUARD nomination of Meghan K. Steinhaus, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### NOMINATIONS OF STEVEN GRASZ, JAMES HO, AND DON WILLETT

Mr. DURBIN. Mr. President, this week, Senate Republicans sought to confirm the 10th, 11th, and 12th circuit court nominees of the year. The Republican-controlled Senate has been moving at warp speed to try to confirm President Trump's circuit court nominees as quickly as possible. Twelve circuit court nominees is the same number of nominees confirmed in the first years of Presidents Obama, Bush, and Clinton combined.

In quickly rushing through President Trump's picks for these critical lifetime appointments, my Republican colleagues have been abandoning long-standing norms of due diligence and careful scrutiny. They want to rubberstamp these nominees despite a lack of complete information about the nominees' records and despite clear warning signs about the nominees' ideologies, temperaments and judgment.

Consider the nominees that came before us this week.

Eighth Circuit nominee Steven Grasz received a rare unanimous "not qualified" rating from the American Bar Association. Only 4 out of 1,755 nominees reviewed by the ABA since 1989 have received this rating. For those who are not aware, the ABA has worked since the Eisenhower administration to conduct a confidential peer review process for vetting judicial candidates. For their review of Mr. Grasz, the ABA conducted 207 interviews with his peers. These interviews revealed some very troubling things. People familiar with Mr. Grasz raised serious concerns about his objectivity, his gratuitously rude conduct, and his deeply held partisan loyalty. Those are major red flags for a lifetime appointment to the Federal bench.

After the ABA's review committee voted Mr. Grasz unanimously "not qualified" for the bench, rather than

reconsidering their support for the nominee, a number of my Republican colleagues decided to aggressively attack the ABA. One Senator described the ABA as "blatant partisans with a sad track record of hackery."

These criticisms are over the top. The ABA peer review and vetting process provides the Senate with valuable information to consider when we decide how to vote on nominees. President Obama took ABA ratings seriously enough that he did not nominate anyone who received a "not qualified" rating.

Of course, Senators do not have to vote on nominees solely based upon ABA ratings. For example, I voted in committee for Kansas District Court nominee Holly Teeter despite the "not qualified" rating that she was given by the ABA. I have voted against nominees who received "well qualified" ratings, such as Neil Gorsuch, because I had serious questions about their judgment and their objectivity.

It would be foolish for Senators to ignore the ABA's peer review process altogether. In Mr. Grasz's case, his ABA rating is just one of many troubling signs. Just look at some of the controversial things Mr. Grasz has said and written. He wrote in a law review article that courts can ignore jurisprudence that they consider to be "questionable." He wrote that the legacy of *Roe v. Wade* was "moral bankruptcy." He described the possibility of Nebraska recognizing same-sex marriages as a "grave danger." He falsely claimed that the term "sexual orientation" could include bigamy and pedophilia. He tried to amend the Omaha city charter because he was upset about a 2012 city ordinance protecting LGBT employees from workplace discrimination.

In Mr. Grasz's case, I share the ABA's unanimous view that he lacks the proper temperament and judgment to sit on the circuit court, and I am deeply concerned about his extreme views. That is why I opposed his nomination.

I also could not support the nomination of James Ho for the Fifth Circuit, for several reasons. First, I am very troubled by Mr. Ho's responses when I asked him whether waterboarding is torture and illegal under U.S. law. He said, "It has always been my understanding that Congress enacted legislation for the purpose of expressing its serious opposition to waterboarding as illegal under U.S. law." That is not an answer about what the law says; that is an evasion. Mr. Ho should have said, with no equivocation and no uncertainty, that waterboarding is illegal, that it is cruel, inhuman, and degrading and that it is torture. That is the law under the 2006 McCain Torture Amendment.

This is a critical issue for me. I am deeply troubled that we are, once again, seeing nominees come before the Senate, like Mr. Ho and Greg Katsas, who are tap dancing around this issue. We need to take a clear stand when it comes to waterboarding.