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

American Bar Association has issued unanimous ''not qualified'' ratings for two current judicial nominees. That hasn't happened in over a decade—since 2006. The American Bar Association is not a partisan or a political group. Founded in 1878, the ABA is a national professional organization with over 400,000 attorney members. The ABA's uncontroversial objectives are to serve its members, improve the legal profession, enhance diversity, and advance and secure the rule of law in our Nation. Its contributions to the legal profession are significant. It is the ABA that accredits law schools and establishes model ethical codes.

Additionally, since 1953, when President Eisenhower invited the ABA to provide specific, timely input on candidates for Federal judgeships, the ABA has evaluated nominees for professional competence, integrity, and judicial temperament. This is a rigorous process that involves collecting impartial, peer-review evaluations of candidates.

It is startling that less than a year into this administration, two nominees have already received ''not qualified'' ratings from the ABA, and two more nominees are under consideration of what is called a second evaluator. This is concerning. You see, the ABA does not take giving a ''not qualified'' rating lightly. Any time an evaluator is considering recommending ''not qualified,'' a second evaluator is brought in to conduct an independent review. I believe all nominees to lifetime article III appointments on the Federal bench should have the competence, integrity, and temperament to do the important work that Federal judges are called on to perform.

The nominees we are seeing not only raise concerns about professional qualifications and the speed with which they have been processed. Many of the President's recent candidates are notable for their polarizing, divisive, even offensive rhetoric, rather than the depth of their legal experience or the quality of their judicial temperament. I will give just a few selections from a broad range.

We have recently considered candidates on the Judiciary Committee who had blogged at length in support for birtherism, the discredited and untrue conspiracy theory that suggested that our immediate past President wasn't born in the United States. Another suggested that ''Mama Pelosi'' should be ''gagged.'' Another called Supreme Court Justice Kennedy a ''judicial prostitute,'' compared abortion to slavery, complained that Americans overreacted to Sandy Hook, repeated anti-gay slurs, and said transgender children are proof that ''Satan's plan is working.'' Many alarming, even extreme comments are in the records of folks brought forward for confirmation—a startling number of them.

Frankly, this isn't about party allegiance—being a Republican or a Democrat, being a conservative or a liberal. This is about having the judgment and the temperament to be a Federal judge.

The mechanisms we have for completely evaluating nominees are today being strained. The American Bar Association has been cut out of some of the White House's efforts, its prenomination vetting process. That means that when the ABA conducts an evaluation and seeks feedback from a candidate's peers, they discover the nomination has already been announced by the White House. The candidate has already been chosen. Understandably, lawyers are reluctant to provide candid feedback when they know a potential judge has already been nominated. Additionally, it is concerning that we have had hearings in the Judiciary Committee before the ABA rating process is completed. When that happens, it prevents the ABA, our professional organization of attorneys, from being called to testify to explain a ''not qualified'' rating at a hearing where a nominee is considered. In fact, just earlier today, we had two judicial nominees listed on our agenda who do not yet have an ABA rating.

I am not suggesting that every Senator needs to vote in lockstep with the ABA rating, but I feel strongly that the ABA's evaluation must be available to Senators before they are asked to vote on a nominee for a lifetime position as a Federal judge.

Another tool that is under attack that is a century-old tradition of the Judiciary Committee is the so-called blue slip. This is a practice that allows the two home-State Senators to give a positive or negative recommendation on a nominee before they receive a hearing and are considered for lifetime tenure. It allows each Senator to approve the judicial nominations for vacancies in their home States or in the circuit courts where a seat is traditionally associated with that home State. By requiring that blue slips be returned before a nominee is considered, each Senator is afforded the courtesy to evaluate whether a judicial nominee will meet the needs of his or her constituents and the priorities and values of their home State. It is an important tool for ensuring that the White House of either party consults with Senators about the judicial candidates the President is considering for nomination. In the end, this tool promotes consensus candidates by ensuring all Senators' views are taken into account, without respect to partisan registration.

As a Senator from Delaware—a State with two current judicial vacancies in one of the busiest district courts in America, which only has four active judgeships—I have been focused on working collaboratively with the White House in a productive manner that ensures that my State gets qualified consensus nominees from the White House. I am pleased to report that Senator CARPER and I have had a very positive experience so far working with the White House on these potential nominations, and it is my hope that we will soon see nominees I can support without reservation. But the blue slip process ensures that this consultative, constructive experience is the rule, not the exception. It is unfortunate that this blue slip practice—this century-old tradition of the Judiciary Committee—is under sustained attack. I believe we should maintain it for all Senators, in the best interests of this institution and our Federal judiciary.

Article III judges, as I have said, serve with lifetime tenure. They decide issues of civil rights, of personal freedom, commercial disputes of enormous value, and even life and death. These judges can and should, on occasion, also serve as checks on Presidential power overreach. Just in the past few months, article III judges have enjoined executive orders, including the so-called travel ban, the transgender military ban, and the decision to strip funding from sanctuary cities.

We should be advancing nominees who can earn broad support from Members of both parties, nominees with the experience to handle some of the most complex and demanding judicial issues of our time, nominees who have demonstrated the temperament to administer justice fairly. These nominations matter. The nominees who will fill the 140 current judicial vacancies on district and circuit courts across our country will play a critical role in either protecting or undermining the constitutional rights that are the bedrock of our Republic. Our courts must continue to be the place where everyone is treated fairly and the legal rights of our citizens can be vindicated.

I wish to close by calling on my colleagues to reconsider how we are conducting the judicial nominee process. This race to confirm as many nominees as possible is not how we respect the rule of law—one of the most treasured American values.

I have come to the floor multiple times since the beginning of this Congress to convey and speak about the importance of bipartisanship, and I will continue to do that today.

As we have seen in important public policy matters, from the healthcare debate to the current debate on tax reform, Republicans and Democrats need to work together to get things done. Purely partisan processes will not succeed in this or future Congresses. We have to work together to protect our democracy and our rule of law.

I would also like to note that today Sam Clovis withdrew as a nominee for Chief Scientist at the USDA.

I am not here to comment on any connection to any ongoing investigations or other social issues but, rather, would like to comment on a simple concern I have had since his nomination; namely, that Mr. Clovis is unqualified to serve as Chief Scientist, lacking any professional training in the hard sciences. This is not just my opinion but a matter of statutory requirement. It is a requirement in statute to have a background in science.

Science is critically important to agriculture, and this is another Federal agency that depends on good science.

Given the serious challenges facing America's farmers and our food system—from pollinator declines, to deteriorating soil health, to a changing climate—USDA's science mission is extremely important. As someone whose home State university has a vibrant department of agriculture, as someone who knows the very broad range of Federal funding for USDA that supports agriculture-related scientific research—the USDA is critical in helping provide our farmers with the information they need to improve plant and animal resilience, to be more effective stewards of the land, and to adopt new technologies and practices on their farms. This could all be at risk if the agency's head of science has no relevant scientific training and even rejects current scientific thinking.

I believe that science, not mere opinion or partisan attitude, should underpin our decisions when it comes to our Nation's agricultural policy.

It is my hope that the administration will now go back and recommend a nominee who is scientifically trained and who cares deeply about the role of science in our Nation's agriculture.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 409, 410, 411, 414, 415, 416, 417, 418, 419, 420, 422, 423, 424, 425, 426, 427, 429, and 431.

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

The clerk will report the nominations en bloc.

The bill clerk read the nominations of Peter Henry Barlerin, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon; Kathleen M. Fitzpatrick, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Timor-Leste; Michael James Dodman, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania; Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti; Jamie McCourt, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the French Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Monaco; Richard Duke Buchan III, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra; Larry Edward Andre, Jr., of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti; Thomas L. Carter, of South Carolina, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization; Nina Maria Fite, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola; Daniel L. Foote, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia; Kenneth Ian Juster, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of India; W. Robert Kohorst, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia; Edward T. McMullen, Jr., of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Swiss Confederation, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein; David Dale Reimer, of Ohio, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles; Eric P. Whitaker, of Illinois, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger; Carla Sands, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Denmark; Michael T. Evanoff, of Arkansas, to be an Assistant Secretary of State (Diplomatic Security); and Manisha Singh, of Florida, to be an Assistant Secretary of State (Economic and Business Affairs).

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Barlerin, Fitzpatrick, Dodman, Sison, McCourt, Buchan, Andre, Carter, Fite, Foote, Juster, Kohorst, McMullen, Reimer, Whitaker, Sands, Evanoff, and Singh 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 the following nomination: Executive Calendar No. 361.

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

The clerk will report the nomination.

The bill clerk read the nomination of Steven E. Winberg, of Pennsylvania, to be an Assistant Secretary of Energy (Fossil Energy).

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Winberg nomination?

The nomination was confirmed.