

because Justice Larsen was included on President Trump's short list for the Supreme Court. Is there anything wrong with the President suggesting whom he is going to put on the Supreme Court if he is elected President? If you look at her background, it should be no surprise that she was included on that list. She is an accomplished legal academic, a mainstream jurist, and is well respected on a bipartisan basis throughout the legal community.

Because my colleagues have been concerned about everyone on that list, at her hearing, I asked Justice Larsen when she learned that her name was on that list. She replied: "The date it was announced . . . it was a complete surprise to me."

I also asked her about judicial independence and whether she could rule against the President who nominated her.

She replied:

I would have no trouble ruling against the President who appointed me or any successor President as well. Judicial independence means one thing, one very simple thing—

At this point I want to emphasize—and that is putting the law above everything else, the statutes passed by this body, and the Constitution of the United States. So I would have absolutely no trouble, and, indeed, that would be my duty.

Here is the most outrageous reason I have heard for voting against Justice Larsen. This should surprise a lot of people. Some in the minority have suggested that she is somehow responsible for outside groups running ads that support her nomination in Michigan. The claim that she is responsible for the action of an outside group is ridiculous, and the allegation that these ads are in some way a guarantee of how she will rule in the future is the most absurd thing I have heard based upon her answers to my questions.

I find it interesting that my colleagues who are complaining about conservative groups do not seem to have the same concern for groups on the left that are spending money in opposition to these nominees. One such group, Alliance for Justice, routinely issues reports and press releases on judicial nominees. Oftentimes, these so-called reports put forward incendiary and false criticisms of these nominees. My colleagues even make the same incendiary attacks against the nominees as these outside groups do. In other words, they use the same talking points. I do not hear that my colleagues on the other side are up in arms about their spending millions of dollars to oppose nominees.

Of course, some may remember that last year groups on the left coordinated attacks on this Senator. I was followed all over Iowa by these groups and their members. They ran ads against me and put up billboards that opposed my election, and that had something to do with the Supreme Court, as one might recall. I don't remember hearing any of my colleagues on the other side of the

aisle complain about all of the money those groups were spending at that time.

As I have said before, I expect that outside groups on the left and on the right want to have their voices heard in the nomination process. Isn't that something to do with what we call democracy, representative government, freedom of speech, freedom of association? There is nothing wrong with that, whether it is done by the right or the left, but I take issue with complaints from the other side that do not acknowledge that all sides have interest groups that are spending and engaging in the judicial nomination process. It was completely appropriate for Justice Larsen not to wade in on the political debate regarding those political ads. Her answers to those questions were exactly what I would expect an independent nominee to say, particularly if she wants to be independent of any President who appoints her when she is appointed to the bench.

Justice Larsen's nomination is supported by a broad and diverse coalition of lawyers, judges, and academic colleagues. It is easy to see why, for she is an accomplished and well-respected academic. She is a brilliant and independent jurist. Her careful and well-reasoned legal analysis puts her squarely within the mainstream of legal thought. I urge my colleagues, in a few minutes, to vote for her nomination.

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

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

Mr. GRASSLEY. Mr. President, I yield back all time.

The PRESIDING OFFICER. All time is yielded back.

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

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 257 Ex.]

YEAS—60

Alexander  
Barrasso

Blunt  
Boozman

Burr  
Capito

Carper	Hatch	Peters
Cassidy	Heitkamp	Portman
Cochran	Heller	Risch
Collins	Hoeben	Roberts
Corker	Inhofe	Rounds
Cornyn	Isakson	Rubio
Cotton	Johnson	Sasse
Crapo	Kennedy	Scott
Cruz	Lankford	Shelby
Daines	Lee	Stabenow
Donnelly	Manchin	Strange
Enzi	McCain	Sullivan
Ernst	McConnell	Thune
Fischer	Moran	Tillis
Flake	Murkowski	Toomey
Gardner	Nelson	Warner
Graham	Paul	Wicker
Grassley	Perdue	Young

NAYS—38

Baldwin	Franken	Murray
Bennet	Gillibrand	Reed
Blumenthal	Harris	Sanders
Booker	Hassan	Schatz
Brown	Heinrich	Schumer
Cantwell	Hirono	Shaheen
Cardin	Kaine	Tester
Casey	King	Udall
Coons	Klobuchar	Van Hollen
Cortez Masto	Leahy	Warren
Duckworth	Markey	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Murphy	

NOT VOTING—2

McCaskill Menendez

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

Mitch McConnell, Steve Daines, Tom Cotton, Pat Roberts, John Boozman, Mike Rounds, Patrick J. Toomey, John Barrasso, Cory Gardner, Richard Burr, Thom Tillis, Roger F. Wicker, James E. Risch, John Cornyn, Lamar Alexander, Dan Sullivan, Chuck Grassley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

The PRESIDING OFFICER (Mr. SULLIVAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 258 Ex.]

YEAS—56

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Bennet	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heitkamp	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	

NAYS—42

Baldwin	Gillibrand	Peters
Blumenthal	Harris	Reed
Booker	Hassan	Sanders
Brown	Heinrich	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Markey	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Franken	Nelson	Wyden

NOT VOTING—2

McCaskill	Menendez
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The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I rise today to add my voice and my strong support for the confirmation of Colorado Supreme Court Justice Allison Eid as the next U.S. court of appeals judge for the Tenth Circuit Court, which, of course, is housed in Denver, CO.

There is no doubt that Justice Eid is superbly qualified for this position. For the past decade, she has served Colorado as a justice on the supreme court. In 2008, Justice Eid was overwhelmingly retained by the people of Colorado. We have a system where every decade the voters of Colorado vote to retain or dismiss a judge, and every time that has come before the people of Colorado, she has been overwhelmingly retained by the people of Colorado.

Prior to her appointment, Justice Eid represented the State of Colorado before the State federal courts as our State solicitor general. She served as a tenured member of the faculty at the University of Colorado Law School, where she taught courses in constitutional law, legislation, torts, and she has published scholarly articles on top-

ics such as constitutional federalism and tort law, in addition to being a clerk on the Supreme Court. She also practiced commercial and appellate litigation at the Denver office of the national law firm Arnold and Porter.

She began her legal career as a clerk to Judge Jerry E. Smith on the U.S. Court of Appeals for the Fifth Circuit. Her law experience took her to the U.S. Supreme Court under Clarence Thomas. Prior to attending law school, Justice Eid was a special assistant and speechwriter for the U.S. Secretary of Education, Bill Bennett. She received her law degree from the University of Chicago Law School, where she was the articles editor of the Law Review. She graduated with high honors and as a member of the Order of the Coif. She received her degree in American studies from Stanford University, graduating with distinction as a member of Phi Beta Kappa.

What her resume clearly shows is that whatever Justice Eid does, she does it at the highest level, with the best results. She has specialized knowledge of federalism, water law, and Indian law, among other important areas of the law. Indeed, the National Native American Bar Association has even noted that she has “significantly more experience with Indian law cases than any other recent Circuit Court nominee.”

We have had some pretty doggone good circuit court nominees in the past, including Justice Neil Gorsuch, whose seat she will be filling on the Tenth Circuit Court. These are concepts that are critical to my home State of Colorado, and her expertise will prove to be invaluable to the Tenth Circuit Court, as well as to the Nation and the people of this country.

But as impressive as her credentials are, it is her demeanor and her approach to the law that make her ideally suited for the court. Justice Eid has been called a “mainstream, common-sense Westerner.” She is also, as her former law clerks have noted, “fiercely independent,” and she will decide cases “as she believes the law requires.” At the same time, she seeks out different viewpoints and wants to understand all sides of the issue she addresses.

That is the law professor I know from my days at the University of Colorado School of Law. I can say from that experience that while Justice Eid has her perspectives on the law, she cares very deeply about robust debate and hearing the views of others. And I know from my classmates who had Justice Eid as their professor—those classmates didn’t always agree with her perspectives, but Justice Eid was open to their debate and hearing their views. She engaged them, and she was never biased against differing perspectives but always applying the law as the law required, not as opinions suited.

I also know that “fiercely independent” jurist whom her former clerks spoke so highly of. Justice Eid will follow the law regardless of the

popular wind, regardless of personal opinion. Whether considering the plain meaning of a statute, discerning the proper role of the courts, the legislative branch, or the executive and its agencies, or evaluating the relationships between the Federal Government and the States, Justice Eid will side with what the law says, and she will do it in that commonsense, western way that clearly and articulately tells the American people what the law is.

I am privileged to know Justice Eid. I have known her for a number of years now from my days as a student at the University of Colorado School of Law and through her work in the State of Colorado at the time that I served in the State legislature. She is an incredible human being with a delightful demeanor that will suit the court well.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters in support of Justice Eid’s nomination: a letter to Chairman GRASSLEY and Ranking Member FEINSTEIN from former law clerks of Justice Eid’s, as well as a letter from various supporters in Colorado and one letter from the Southern Ute Indian Tribe.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 13, 2017.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: We are all of Justice Eid’s former law clerks (except those currently clerking for a federal judge and not permitted to sign) since she began her tenure on the Colorado Supreme Court in 2006, and we write to give our fullest support to her nomination to be a judge on the United States Court of Appeals for the Tenth Circuit. We come from a diverse set of geographic, economic, cultural, and political backgrounds, yet we are united in our belief that Justice Eid is a jurist and a person of the highest caliber and character. We have each learned so much from her.

Justice Eid was raised by a single mother in Spokane, Washington under challenging circumstances, after her father abandoned her family. Justice Eid began college at the University of Idaho, but with the support and encouragement of her mother and a professor there, Justice Eid transferred to Stanford University where she graduated with distinction and was a member of the Phi Beta Kappa honor society. After Stanford, she served as a speechwriter to President Ronald Reagan’s Secretary of Education, William Bennett, and then went on to attend the University of Chicago Law School, where she served as Articles Editor on the Law Review, graduated with High Honors, and was elected Order of the Coif. Justice Eid began her legal career as a law clerk for Judge Jerry Smith on the United States Court of Appeals for the Fifth Circuit. She then served as a law clerk to Justice Clarence Thomas on the United States Supreme Court.

In private practice at Arnold and Porter following her clerkships, Justice Eid practiced both commercial and appellate litigation for a variety of clients. She departed private practice and joined academia where she became a tenured professor at the University of Colorado Law School, teaching Legislation, Constitutional Law, and Torts, and serving as the faculty clerkship advisor. During her time at the University of Colorado, Justice Eid continued her service in