



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, THURSDAY, NOVEMBER 2, 2017

No. 178

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal King, You are great and marvelous. Without Your wondrous deeds, our lawmakers, our Nation, and our planet could not survive. Lord, let the nations You have made acknowledge Your sovereignty.

Continue to meet the needs of our Senators, providing solutions to their most challenging problems. Lord, teach them Your precepts so that they may walk in Your truth, experiencing the reverential awe that comes from Your presence. Make them wise and knowledgeable leaders. At their work, may they be diligent, ever striving through their faithfulness to please You. In their dealings with each other, may they be honest, courteous, and kind, never forgetting that You are the unseen guest in all of their deliberations. We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. HELLER). The majority leader is recognized.

### NOMINATIONS OF ALLISON EID AND STEPHANOS BIBAS

Mr. MCCONNELL. Mr. President, the Senate continues to press forward con-

firmed President Trump's outstanding nominations to the Federal courts. Already this week, we have confirmed two strong, smart, and talented women to serve on our Nation's circuit courts. Today we will consider two more well-qualified nominees: Allison Eid and Stephanos Bibas.

First, we will confirm Allison Eid, whom the President has nominated to serve on the U.S. Court of Appeals for the Tenth Circuit. Justice Eid has big shoes to fill in taking that seat—it became vacant when Neil Gorsuch ascended to the Supreme Court. It is a hard act to follow. Yet I have every confidence she will excel in the role. You see, nominees such as Justice Eid and Professor Bibas are more than just the sum of their credentials—although theirs are indeed impressive, and I will expand on those credentials in just a moment—nominees such as these also believe, like Justice Gorsuch, that the role of a judge is to apply the law equally to everyone and to do so as the law is actually written, not as they wish it might be.

As Judge Gorsuch said, “A judge who likes every outcome he reaches is very likely a bad judge—stretching for results he prefers rather than those the law demands,” or, put a different way, “I don’t think there are red judges, and I don’t think there are blue judges. All judges wear black.” That is the view of Neil Gorsuch. That is the view of Allison Eid and Stephanos Bibas. That is just the kind of fair-minded judge we want serving on the bench and just the kind of fair-minded judge we are confirming this week, including the exceptional nominees before us.

Justice Allison Eid graduated from the University of Chicago Law School with high honors. She earned the opportunity to clerk for Fifth Circuit Judge Jerry E. Smith and then for Justice Clarence Thomas before joining the faculty of the University of Colorado School of Law, where she served as a professor for our colleague Senator

GARDNER. When he introduced his former professor before the Judiciary Committee, Senator GARDNER noted how much she cared about “robust debates and hearing the views of others.”

“Justice Eid,” he said, “was open to their views, engaging with them, and [was] never biased against different perspectives.”

Later, Justice Eid was appointed to serve as Colorado’s solicitor general and, in 2006, to the Colorado Supreme Court. Two years later, 75 percent of Coloradans voted to retain her. Her time on the State’s high court has been marked by clear and precise writing and judicial independence.

One of Justice Eid’s former clerks wrote a column in the *Denver Post* in support of her nomination. As a jurist, this clerk wrote, “Eid commits her full mental energy and attention to each case, carefully mastering every legal and factual detail in order to conduct a rigorous analysis dictated ultimately by the law.” In addition, this former clerk added a personal touch to Justice Eid’s incredible résumé:

For women striving to achieve that elusive balance between family life and a successful career, it can be hard to find strong role models. But Colorado’s Allison Eid is a shining example.

Justice Eid is clearly well qualified for the position to which she has been nominated. She is just the kind of fair-minded judge people would want hearing their case. I look forward to supporting her nomination today, and I ask each of my colleagues to join me in confirming the nomination of this extremely well qualified jurist.

I would ask them to join me in supporting Professor Bibas too. Professor Bibas has served as assistant U.S. attorney. He has experience in private practice. He has clerked for a circuit court judge and for Supreme Court Justice Anthony Kennedy. Today he is a professor at the University of Pennsylvania Law School, where, according to the former dean of students, he “enjoys

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S6975