[Rollcall Vote No. 259 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—41

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	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson	

NOT VOTING—3

McCaskill	Menendez	Warner

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 Stephanos Bibas, of Pennsylvania, to be United States Circuit Judge for the Third 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 Stephanos Bibas, of Pennsylvania, to be United States Circuit Judge for the Third 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), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 260 Ex.]

YEAS—54

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

NAYS—43

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

NOT VOTING—3

McCaskill	Menendez	Warner

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 43.

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 Stephanos Bibas, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. The Senator from Pennsylvania.

TAX REFORM

Mr. TOOMEY. Madam President, I rise to speak about the nomination of Professor Stephanos Bibas, on whom we have just invoked cloture, but before I do that, I want to take a quick moment to observe that we had a big development today—a big development in that the House of Representatives, the majority Ways and Means Committee members, led by KEVIN BRADY and Speaker of the House PAUL RYAN, have unveiled a tax reform plan that is a very exciting step forward in our ambition to bring tax relief and is a direct pay raise to hard-working Americans whom we represent, creating an environment where we could have much stronger economic growth and much more opportunity and rising wages for the American people.

So I congratulate Chairman BRADY and all the members of the Ways and Means Committee. I know this process has a long way to go, but they are off to a great start with a very solid bill. I look forward to continuing to work with my colleagues on the Finance Committee as we finalize our version of the pro-middle-class, pro-growth tax reform, and I am excited to see that step forward.

Madam President, let me get back to the issue of the candidacy of Professor Stephanos Bibas and say how enthusiastically I support his candidacy to serve as a judge on the U.S. Court of Appeals for the Third Circuit.

I thank the President for nominating Professor Bibas, I thank Chairman GRASSLEY for moving Professor Bibas through the nomination process of his committee, and I thank Leader MCCONNELL for bringing Professor Bibas's nomination to the floor. I also thank my colleagues who just voted to invoke cloture so that later today we can vote to confirm this terrifically well-qualified man to a really important court.

Let me touch on some of his qualities. Professor Bibas has a tremendous wealth of experience in the law as a legal scholar and a practicing attorney, so much so that the American Bar Association voted to give him a unanimous rating of ''well-qualified,'' and let me tell you why. No. 1, he starts with outstanding academic credentials. Professor Bibas graduated summa cum laude and Phi Beta Kappa from Columbia University, and he did so at the age of 19. After Columbia, he studied at Oxford University in England and earned his law degree from Yale University.

He has clerked at the highest levels of our Federal court system. He clerked for U.S. Supreme Court Justice Anthony Kennedy and Judge Patrick Higginbotham on the U.S. Court of Appeals for the Fifth Circuit.

The fact is, Professor Bibas is an accomplished legal scholar. For 16 years, he has served as law professor at two outstanding universities—the University of Iowa College of Law and the University of Pennsylvania School of Law. Professor Bibas has been a prolific author whose academic writings are frequently cited by the U.S. Supreme Court, courts of appeals, and other law professors. He has written two books and more than 60 articles, many of which have focused on criminal law and procedures. In fact, in his writings, he has expressed views regarding criminal justice reform that I suspect many of my Democratic colleagues would share. For instance, Professor Bibas has criticized what he sees as the overuse of plea bargains in our courts as being unfair to criminal defendants who then never get their day in court.

So there is no question that Professor Bibas has very extensive academic credentials, but he is also an experienced attorney. He has served on both sides of our criminal justice system. He has been a prosecutor, and he

has been a defense attorney. He has a balanced perspective from both sides of this part of our judicial system. He served as a Federal prosecutor in New York City, where he prosecuted over 100 criminal cases.

Currently, he is the director of the Supreme Court Clinic at the University of Pennsylvania. Professor Bibas also argued six cases before the U.S. Supreme Court. He won a landmark U.S. Supreme Court decision for a criminal defendant in the Padilla v. Kentucky case, a case that held criminal defense attorneys must advise their noncitizen clients about the deportation risk associated with a guilty plea. That was a Professor Bibas case. He has represented dozens of other clients before the Supreme Court, and most of those cases were pro bono clients—clients he did not charge any fees because they couldn't afford experienced counsel. He voluntarily provided that service for them.

Over the course of the work he has done, as a result of the work he has done for the Supreme Court, he has been praised by both Justices Kagan and Ginsberg. Justice Ginsberg praised him as ''among the very best of lawyers presenting cases to the Supreme Court.''

I hope all of my colleagues will support Professor Bibas's nomination. He has outstanding credentials, he has a wealth of experience, and I hope everyone will see that in his background.

I must state I am disappointed that Senator DURBIN, our colleague from Illinois, has stated that he opposes Professor Bibas's nomination. Senator DURBIN has stated that his opposition is because of an unpublished academic paper that Professor Bibas drafted in 2009. In that paper, he proposed the consideration of the use of corporal punishment as an alternative to imprisonment for certain criminal offenses, but Professor Bibas has stated unequivocally that he decided not to publish the paper because he realized that idea was wrong, was deeply offensive, and he does not support corporal punishment for criminals.

Professor Bibas also testified at his confirmation hearing that he fully understands and respects the difference between the role of a professor who considers theoretical questions and writes about them, on the one hand, versus, on the other hand, a judge who is deciding cases that impact the lives of real people.

One of the most important reasons I am an enthusiastic supporter of Professor Bibas is his clear understanding of the role of a judge in the American constitutional system. From my review of his record and from my conversation with him, it is clear he understands the proper role of a judge is to apply the law, including the Constitution, as written and not to make policy himself and that his obligation is to treat everyone absolutely equally, regardless of race, sex, wealth, political affiliation, political connections, or anything else.

Unfortunately, many liberals and progressives have a very different view of a judge. Many of my colleagues and others believe the Constitution is a living document, by which they mean that it really means whatever a judge decides it means. Under this view, changes to the law and Constitution can be made by unelected, unaccountable judges who then substitute their policy preference for the preference of the American people as reflected in their elected representatives. Some who hold this view even think judges should take into account such factors as a person's race, sex, wealth, or political affiliation in deciding cases. In my view, that is a deeply flawed view of the law and is fundamentally inconsistent with the principles of the separation of powers that is essential to our democracy, the sovereignty of the American people, and the fair and equal application of the law to all people. Contrary to this view, Professor Bibas understands the proper role of a judge is to apply the law as written and to treat everyone who comes before him equally, not to impose his policy preferences or impose the law differently for different people.

Finally, let me say a word about Professor Bibas's temperament and suitability for the bench. I think it is very clear that not only does he understand the role a judge is supposed to play, but he is a man of character and of a temperament that makes him very fit to be a judge. I will give you an example. In one letter of support for his nomination, a bipartisan group of 121 law professors from across the ideological spectrum stated that ''his fair-mindedness, conscientiousness, and personal integrity are beyond question.''

In another quote, ''We have no doubt that his judicial temperament will reflect these qualities and that he will faithfully discharge his duty to apply the law fairly and evenhandedly in all matters before him.''

I am very pleased and proud to support Professor Bibas's nomination to the Third Circuit. I am completely confident he has the intellect, experience, temperament, and respect for the limited role of a judge in our system, those attributes that are necessary for him to excel as a Federal appellate judge, and I am pleased to speak on behalf of this highly qualified nominee. I urge all of my colleagues to support his confirmation.

Mr. President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time on the Bibas nomination expire at 1:45 p.m. today.

The PRESIDING OFFICER (Mr. SASSE). Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

TAX REFORM

Mr. VAN HOLLEN. Mr. President, I see my friend and colleague from Pennsylvania on the floor. We have worked together on a number of things over the years, including now, working together to impose and really enforce sanctions against North Korea, putting together a bill modeled after the Iran sanctions bill so we are serious about working to get China and others to come to the table. I thank my colleague for his work on that.

Where we disagree strongly is on the bill that has emerged from the House of Representatives, the so-called tax reform bill. The Senator from Pennsylvania said people should be excited to see it. I can assure you, if you are a millionaire or billionaire, you are going to be really excited about the bill that is coming out of the House and supported by President Trump.

I want to talk a little bit about tax reform because we need tax reform in America. We need to simplify our Tax Code. It has been gummed up over many years with special tax breaks that are there not because they make good sense for the American people but because somebody was able to hire a high-priced lobbyist to give them a break the rest of the country does not enjoy. We need to simplify our Tax Code, and we need to reform our Tax Code.

Unfortunately, what we are seeing come from Republicans today, supported by the Trump administration, doesn't do that. In fact, what it will do is provide full-time employment for tax accountants around the country because it creates all sorts of special provisions for powerful, special interests. It will dramatically cut taxes for big multinational corporations and for millionaires and billionaires, and everybody else is going to be left to pick up the bill in one way or another.

Now we know why this has been cooked up behind closed doors for so long. People knew it would have a lot of turbulence when it emerged. Secondly, we know why there is such a desperate effort to ram this huge tax proposal through the House and the Senate—because people don't want the American people to figure out exactly what is in it because when they do, they are going to see it is bad for everybody but the folks who are at the very top or who are very powerful.

The good news is that people have scrambled to begin to look at this. In fact, certain groups like Realtors—we all have Realtors in all our neighborhoods. They are often very connected to our community. They know exactly what is going on. So they have been monitoring this Republican tax plan and raising concerns about it. In fact, they said just a few days ago that because there was this effort ''to speed tax legislation through the House by Thanksgiving and get it to Mr. Trump by the end of the year, 'we didn't feel like we could wait,''' said the representatives from the National Association of Realtors.

So they began to do an analysis of the impact, and here is what they had to say today when they caught a glimpse of what was actually in the Republican Trump bill. They said that

they are reviewing the details, but at first glance it appears to ''confirm many of our biggest concerns'' about the plan. ''Eliminating or nullifying the tax incentives for homeownership puts home values and middle class homeowners at risk.''

We will be hearing more from them, but they commissioned a study that was done by PricewaterhouseCoopers, which concluded that if you have adjusted gross income between $50,000 and $200,000 and you are a homeowner, on average, you are going to see your taxes go up. They also concluded that home values around the country would fall by 10 percent—not sure when they would begin to recover, but they would fall by 10 percent. Home values would go down, and taxes for middle-class homeowners would go up.

Homebuilders, who are a really important part of our economy, are already against this strongly. They have made it clear that this would hurt new homebuilding around the country, which, as we know, is an important driver in our economy.

Even NFIB, the National Federation of Independent Business, took a look at the bill and said: ''[It] leaves too many small businesses behind.''

I will tell you exactly who this helps. This helps big, multinational corporations. When you drop the tax rate to 20 percent, they get a $2 trillion tax windfall. I would be happy to talk to my colleagues about corporate tax reform that doesn't blow up the deficit, but this proposal is a $2 trillion giveaway to big, multinational corporations under the theory that somehow, when you give a big tax break to a multinational corporation, it is actually going to increase the wages of their workers. Well, we know that just isn't so. We know it from independent analysts.

The nonpartisan, professional Congressional Research Service has looked at the claims of the proponents of this bill and said: No, this isn't going to be a big boost to workers; it is going to be a big boost to the owners of the corporations.

If you don't like nonpartisan analysis—and you know we have a new whole machinery of fake news around here and around this country—why don't we listen to the CEOs themselves? Here is what Reuters reported in a headline: ''CEOs suggest Trump tax cut may lift investors more than jobs.'' That is what the CEOs say. Do you know what? We know from our own experience and our own observations that is absolutely true.

Let's look at the real world. We have seen record increases in corporate profits over the last many years—record increases. Did that extra money, did those bigger profits go to higher wages for American workers? They did not. They have been flat. They have been stagnant. We have had a growing gap between rising corporate profits and the wages of people who work for those corporations. So now we are going to give those same multinational corporations another $2 trillion windfall and think it is going to somehow trickle down to the workers? It just is not the case. That is not how they are using their profits.

The owners of those corporations will pocket the overwhelming lion's share for themselves. We know that because that is what they have been doing already, and giving them another $2 trillion isn't going to change that pattern.

To add insult to injury, not only is this going to be a tax windfall for big corporations that have record profits right now, but because of the way this is designed with respect to the international Tax Code, it is going to create incentives for American corporations to move from Baltimore, MD, overseas or from any other place in the United States overseas. I am not just talking about moving their profits to tax shelters, which you see happen today. You know they park their profits in the Cayman Islands, and they park their intellectual property in low-tax havens. Because of the way they have designed this—a 10 percent average international rate—they are actually encouraging American businesses and corporations to move their operations and their jobs overseas.

Let's look at another part of the plan. We keep hearing from our colleagues that this is going to help folks in the middle class. Let's look at the estate tax. If you are an American couple today and your estate is less than $11 million, you don't pay one penny in Federal estate tax—not one. Somehow it became an imperative of the Republicans, who put together this plan, to give a tax break to people with estates of over $11 million. So, first, they lift that cap from $11 million to somewhere like $20, $22 million, and then they get rid of it altogether. That doesn't help a single American household with an estate that is less than $11 million. We are talking about 2 out of every 1,000 American households that will benefit. That apparently was a big priority of the Trump administration and the Republicans, who put together this plan.

So who is going to pay for it? Who is going to pay for the $2 trillion tax cut for big multinational corporations? Who is going to pay for the windfall tax break for big, big estates? Everybody else. That is why the Realtors are against it. That is why the homebuilders are against it. That is why others are already against it, along with lots of other groups. Middle-class taxpayers are going to have to pick up the tab.

Do you know what they do in this bill, this Republican bill? They eliminate the ability of Americans to deduct their State and local taxes. Except for property taxes, all of those State and local taxes are now going to be paid on twice. You are going to pay your State and local government, and then out of that same dollar, you are going to pay your Federal tax. That is double taxation.

Here is the irony. If you are a corporation in one of those States, you get to deduct your State and local taxes in whatever State it may be. If you are a corporation, you get to take that deduction. If you are workers, if you are homeowners, no, you don't get to take that deduction. You are going to pay more.

Here is the really ironic thing. After they provide these big tax breaks to multinational corporations and millionaires and billionaires and raise taxes on millions of middle-class families, they are still leaving this country with a $1.5 trillion debt. It is written right into the budget.

I served as the senior Democrat on the House Budget Committee for a long time. Speaker RYAN used to be the chairman of that committee. He talked at length about the dangers of rising national debt. Do you know what? This is a serious issue. I used to think my Republican colleagues were serious about it, but now we discover they were only using that as a lever to justify their cause for cutting Medicare, cutting Medicaid, cutting Social Security, cutting education: Oh, the debt is really high; we have to cut all these things. But tax cuts for big corporations and millionaires and billionaires, let's add that to the national credit card. That is $1.5 trillion to be paid for by everybody else—our kids and grandkids.

Do you know what will happen? We will pass this tax cut for the special interests and powerful Americans, and then all of a sudden, I assure you, our Republican friends will rediscover their concern about the national debt. They will rediscover it once they get through with this windfall tax cut, and then they will want to come around and cut Medicare and Medicaid and education.

Do you know how we know that? They have already told us. In the budget that passed this Senate and the House, they called for cutting Medicare by almost $500 billion—$473 billion to be exact—cutting Medicaid by a trillion dollars, cutting education investments very deeply, cutting our investments in national infrastructure. So we know that once they blow up the debt by another $1.5 trillion, they are going to come right back and say to seniors on Medicare or Americans who rely on Medicaid or our kids whose education we want to invest in: Sorry, now we have that national debt we just created. Let's come back and cut everything else.

I really hope that everyone will take a step back. We should not rush through something that will do great damage to the country and great damage to the middle class just because of someone's political imperative to get something—anything—done. The reality is that while we do need tax reform, we don't want to mess things up even worse than they are today.

I would welcome the opportunity to work on a bipartisan basis for genuine

tax reform and simplification of the Tax Code, but I will not support any effort that hikes our national debt by $1.5 trillion in order to give big tax breaks to multinational corporations and millionaires and billionaires. We can do a whole lot better. We should do better.

Thank you.

Mrs. FEINSTEIN. Mr. President, last Thursday, Leader MCCONNELL filed cloture on four circuit court nominees, including two nominees who had been voted out of the Judiciary Committee that very morning.

Voting on four controversial circuit court nominees in 1 week is highly unusual, as is voting on nominees just days after they have moved out of committee.

Senators who aren't on the Judiciary Committee deserve time to consider nominees, review their backgrounds, and make an informed decision for their vote.

But that is not what is happening in the Senate this week. Instead, Republican Senate leadership is pushing President Trump's judges through as quickly as possible.

Jamming through as many controversial judges as possible in as short a time as possible—to lifetime appointments, no less—is irresponsible. I cannot remember a time when we had cloture votes on four circuit nominees in 1 week.

It is important to understand the context in which we find ourselves.

After failing to repeal the Affordable Care Act and with the Republican tax reform plan facing opposition within his own party, President Trump has turned more and more to Executive orders to influence policy.

As we have seen, move after move has run into opposition in Federal courts. So it is really no surprise that Republicans are trying to stack those courts with ideological judges whom they hope and expect will uphold the President's harmful policies.

Consider how many Trump actions have or will see time in the courtroom, and you begin to understand why Republicans are rushing to fill these vacancies—after allowing countless vacancies to remain unfilled at the end of the last administration.

In each of the following cases, the President and Senate Republicans seem to hope that the outcome will be different with a transformed judiciary.

The President's Muslim travel ban has been struck down by multiple courts who ruled that the ban is based on religion and suspending the refugee program is discriminatory, with no basis in fact. The President went so far as to personally insult some of the judges who heard arguments on the travel ban.

The President's decision to end the DACA program is also likely to find its way into the courtroom. Beginning on March 5, 2018, it is estimated that around 1,000 DACA recipients per day will lose their protection from deportation. By ending the program and thrusting 690,000 young people into legal limbo, the President ensured that lawsuits would be filed, and he certainly is hopeful that conservative judges are on the stand to hear the cases.

We have also seen the Trump administration make moves to restrict women's access to healthcare. One woman had to go to Federal court twice to challenge the government's efforts to restrict her access to reproductive care. The full D.C. Circuit chided the attempt to ''bulldoze over constitutional lines'' and deny this 17-year-old young woman court-approved reproductive care. Republicans tried to block three of President Obama's nominees to this same court and now are rushing to fill its one vacancy as quickly as is possible. That is not a coincidence.

President Trump's voter fraud commission will also certainly end up in legal battles. At least eight lawsuits have been filed against the President's Presidential Commission on Election Integrity, created to investigate false claims that 3 million people voted illegally last year. It is possible the commission has already violated Federal laws with regard to how it handled sensitive information. This is already the subject of ongoing litigation.

These are just a handful of Trump actions that will see time in court. They highlight not only what is at state, but also why the President is so anxious to hurry judges that he has selected on the bench.

I would add that Republicans are now rushing to fill judicial vacancies for this President after spending years blocking President Obama from filling many of these same vacancies. It actually is the most egregious effort I have ever seen.

This record of obstruction dates back to 2001 during the Clinton administration. Senate Republicans used secret holds on nominees to prevent judicial nominees from receiving committee hearings or floor votes. This resulted in Republicans ''pocket filibustering'' nearly 70 of President Clinton's circuit and district court nominees, preventing their confirmation. As discussed by Senator LEAHY when he served as chair and ranking member of the committee, Republicans would block nominees through pocket filibustering, which meant they would deny nominees hearings or up-or-down votes in committee. This is a chart that lists those nominees.

Mr. President, I ask unanimous consent to have the chart printed in the RECORD following my remarks.

In the first 5 years of the Obama administration, Republicans forced Obama's district court nominees to wait nearly three times as long and circuit court nominees nearly twice as long as Bush nominees for confirmation votes. During the final 2 years of his Presidency, Senate Republicans engaged in a historic blockade of judicial nominees.

It wasn't just the unprecedented decision to block Chief Judge Merrick Garland for the Supreme Court.

During the final 2 years of President Obama's administration, only 22 judicial nominees were confirmed—and just nine in the final year.

That is the lowest number of judges confirmed in a 2-year Congress since President Truman was in office. Contrast this with the last 2 years of the Bush administration when Democrats were in the Senate majority and still confirmed 68 of his nominees.

In the last 2 years under President Obama, there were 53 article III judicial nominees pending in the Senate at the end of 2016. That is 53 nominees who Republicans either refused to hold hearings on or refused to confirm once they were on the floor.

In fact, of those 53 nominees, 25 had been voted out of committee and were waiting for confirmation on the Senate floor. All they needed was for the Republican leadership to bring them up for a floor vote.

Twenty-three of those 25 nominees had been unanimously voice-voted out of committee with overwhelming bipartisan support. Still, Republicans refused to confirm them.

Since my colleagues have spent some time noting that three of the circuit court nominees we are considering this week are women, I would like to note that half of the nominees Republicans blocked from becoming circuit and district court judges last year were women.

Here is the point: Republican leadership wanted those seats, including the Supreme Court, left open in the hopes that a Republican would be elected President and pick new judges. They ignored the needs of country and the judiciary for their own political wants.

Two of the nominees we are considering this week—Amy Coney Barrett and Stephanos Bibas—are filling seats that President Obama had nominated African-American women to. Neither were confirmed because Republican home-State senators didn't return blue slips. That is a fact.

Judge John Bush, who now sits on the Court of Appeals for the Sixth Circuit, was likewise confirmed only because Leader McConnell refused to return a blue slip on a well-qualified woman, Kentucky Supreme Court Justice Lisabeth Tabor Hughes, whom President Obama had nominated last year.

Republicans exploited the blue slip process during the Obama Presidency, but today we hear constant rumors that Republicans want to do away with the process—another tool allowing them to ram through more judges.

It is worth noting that, even though Democrats had sincere, legitimate concerns about the writings of John Bush—which included him equating slavery and abortion—his nomination was rushed through by Leader MCCONNELL.

John Bush was confirmed just 73 days after he was nominated. In fact, President Trump's first four circuit court

nominees waited just 84 days, on average, from nomination until confirmation. By contrast President Obama's first four circuit court nominees waited an average of 213 days. That is nearly three times longer.

The hypocrisy we are seeing on display is stunning. With that in mind, I want to say a few words about the nominees themselves.

Our Nation's appellate courts are the final deciders of the vast majority of cases, so a nominees experience matters a great deal to me. However, the first nominee we voted on, Professor Amy Barrett, who has now been confirmed to the Seventh Circuit, had very limited experience.

She did not have any experience as a judge, and she only worked on one trial before becoming a professor.

Practically speaking, this meant the only record on which we could judge her was her academic writings. In those writings, I was especially troubled by her position that Supreme Court precedents can simply be set aside when a Justice disagrees with them.

The National Women's Law Center wrote that these writings ''raise serious concerns'' about how Professor Barrett, if confirmed, ''would interpret, apply, and follow precedent, including Supreme Court precedent.'' In fact, they point out that Professor Barrett's ''prior writings consistently suggest that she believes precedents like Roe and Casey should be considered weaker and are susceptible to challenge. . . .''

That is why I was unable to support Professor Barrett's nomination.

The second nominee we voted on was Justice Joan Larsen for the Sixth Circuit. Justice Larsen, who currently serves on the Michigan Supreme Court, has deeply troubling views on Presidential powers.

In fact, she advocated for the Bush administration's view that the President had the authority to disregard a law that Congress had just passed, which prohibited the U.S. Government from using torture.

It is no surprise that President Trump, who has shown contempt for the other coequal branches of government, nominated Justice Larsen. Her views are undoubtedly part of why the President included Justice Larsen on his short list of Supreme Court nominees last year.

President Trump repeatedly made clear that he was only considering nominees for the Supreme Court who passed his litmus tests, including to overturn Roe v. Wade. Recall President Trump's interview with ''60 Minutes'' immediately after he won the election. He said, ''I'm pro-life. And the judges are going to be pro-life.''

He added that his judges were going to be ''very pro-Second Amendment.''

We heard from 30 groups who were concerned about Justice Larsen's nomination, and several highlighted the danger of this litmus test.

As Lambda Legal wrote, ''A decision by this Committee to advance her nomination will be rightfully understood as not only a threat to Roe but also to the LGBT cases that were built upon Roe's foundation.''

I opposed Justice Larsen's nomination.

The third nominee we are considering is Justice Allison Eid for the Tenth Circuit. She was also included on President Trump's short list of Supreme Court nominees last year.

Since 2006, Justice Eid has served on the Colorado Supreme Court. A review of her opinions shows why the Denver Post wrote in September before her hearing: ''On the state's high court, Eid has earned a reputation as one of its most conservative members.'' Here are just a couple of examples.

In 2014, the Colorado Supreme Court held that a worker who fell down a flight of stairs at her workplace and suffered multiple aneurysms as a result deserved to be compensated under the State's workplace compensation law. Justice Eid dissented, arguing that the employee did not deserve any compensation for her injuries, in City of Brighton v. Rodriguez.

In 2012, Justice Eid was the lone dissenting vote when the Colorado Supreme Court upheld a new redistricting map that was drawn to protect residents' constitutional right under the ''one person, one vote'' standard. The old map had unequal populations and was redone with the extensive work of a trial court.

On appeal, Justice Eid was the only dissenting judge, and she argued to throw out the trial court's work because she believed it had not given ''adequate weight'' to one entirely optional factor.

Justice Eid's record has also led a number of organizations to oppose her nomination, including the AFL-CIO, the Leadership Conference on Civil and Human Rights—LCCR—and Planned Parenthood.

I opposed Justice Eid's nomination.

The final nominee we will vote on is Professor Stephanos Bibas for the Third Circuit. Like Professor Barrett, much of his legal career has been spent in academia, so our job in reviewing his record is to carefully consider his writings.

Professor Bibas's writings have focused on criminal law, and he has pushed forward controversial ideas about punishment. His most troubling proposals were set out in a paper he wrote in 2009.

In it, he argued that, for a wide variety of crimes, ''the default punishment should be non-disfiguring corporal punishment, such as electric shocks.''

Bibas also suggested ''putting offenders in the stocks or pillory, where they would sit or stand for hours bent in uncomfortable positions. Bystanders and victims could jeer and pelt them with rotten eggs and tomatoes (but not rocks).''

For more severe crimes, he advocated ''multiple calibrated electroshocks or taser shots,'' with medical personnel on hand to ensure ''that the offender's health could bear it.''

These views are shocking and outside of the mainstream. A few years before Professor Bibas wrote his article, this body had already debated and passed the Detainee Treatment Act in 2005, which prohibited ''cruel'' and ''degrading'' punishment of prisoners.

I appreciate that Professor Bibas testified to the Judiciary Committee that he now understands that his views on use of corporal punishment for prisoners are, in his words, ''wrong and deeply offensive.''

He came to this conclusion only after he repeatedly made public presentations on his paper, including one to a Federalist Society Chapter entitled, ''Corporal Punishment, Not Imprisonment: The Shocking Case for Hurting Criminals.''

I cannot support Professor Bibas's nomination and will vote no.

In closing, as my colleagues consider how they will vote on these and other nominees, I would urge them to consider the broader context in which we are considering this President's judicial nominees.

We have a President who has demonstrated contempt for the rule of law and for the independence of the federal judiciary. I am deeply concerned that this President expects the courts to just rubberstamp his policy preferences.

For every judicial nomination, we have to consider carefully the nominee's record and reflect on whether they can truly be fair, independent, and impartial—whether they will respect the rule of law. For these reasons and the records of the four nominees I have just discussed, I cannot support them.

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

CLINTON ADMINISTRATION: SENATE REPUBLICANS BLOCKED FROM CONFIRMATION VOTES OVER 60 JUDICIAL NOMINEES

[Source: Congressional Research Service]

	Name	Circuit/Court	First Nom Date	Hearing Date(s) (if any)	Final Action Date	Markup Date (if any)
	Circuit Court					
1	Stack, Charles R.	11	10/27/1995	2/28/1996	5/13/1996	
2	Beaty, James A., Jr.	4	12/22/1995		10/21/1998	

CLINTON ADMINISTRATION: SENATE REPUBLICANS BLOCKED FROM CONFIRMATION VOTES OVER 60 JUDICIAL NOMINEES—Continued

[Source: Congressional Research Service]

	Name	Circuit/Court	First Nom Date	Hearing Date(s) (if any)	Final Action Date	Markup Date (if any)
3	Leonard, J. Rich	4	12/22/1995		10/4/1996	
4	White, Helene N.	6	1/7/1997		3/19/2001	
5	Ware, James S.	9	6/27/1997	10/29/1997	11/7/1997	
6	Rangel, Jorge C.	5	7/24/1997		10/21/1998	
7	Raymar, Robert S.	3	6/5/1998		10/21/1998	
8	Goode, Barry P.	9	6/24/1998		3/19/2001	
9	Durham, Barbara	9	1/26/1999		8/5/1999	
10	Johnson, H. Alston, III	5	4/22/1999		3/19/2001	
11	Duffy, James E., Jr.	9	6/17/1999		3/19/2001	
12	Kagan, Elena	DCC	6/17/1999		12/15/2000	
13	Wynn, James A., Jr.	4	8/5/1999		3/19/2001	
14	Lewis, Kathleen McCree	6	9/16/1999		3/19/2001	
15	Moreno, Enrique	5	9/16/1999		3/19/2001	
16	Lyons, James M.	10	9/22/1999		6/6/2000	
17	Snyder, Allen R.	DCC	9/22/1999	5/10/2000	12/15/2000	
18	Markus, Kent R.	6	2/9/2000		12/15/2000	
19	Cindrich, Robert J.	3	2/9/2000		12/15/2000	
20	Campbell, Bonnie J.	8	3/2/2000	5/25/2000	3/19/2001	
21	Orlofsky, Stephen M.	3	5/25/2000		12/15/2000	
22	Gregory, Roger L.	4	6/30/2000		3/19/2001	
23	Arguello, Christine M.	10	7/27/2000		12/15/2000	
24	Davis, Andre M.	4	10/6/2000		12/15/2000	
25	Gibson, S. Elizabeth	4	10/26/2000		12/15/2000	
	District Court					
26	Klein, Theodore	S.FL	10/29/1993	11/16/1993	11/14/1994	
27	Paz, R. Samuel	C.CA	3/24/1994	8/25/1994	11/14/1994	
28	McConnell, Judith D.	S.CA	8/5/1994		11/14/1994	
29	Tait, John R.	ID	8/25/1994		11/14/1994	
30	Snodgrass, John D.	N.AL	9/22/1994		9/5/1995	
31	Toole, Patrick J., Jr.	M.PA	9/23/1994		11/14/1994	
32	Whitfield, Wenona Y.	S.IL	3/23/1995	7/31/1996	10/4/1996	
33	Shurin, Leland M.	W.MO	4/4/1995		9/5/1995	
34	Bingler, John H., Jr.	W.PA	7/21/1995		2/12/1998	
35	Greer, Bruce W.	S.FL	8/1/1995		5/13/1996	
36	Sundram, Clarence J.	N.NY	9/29/1995	6/25/1997	10/21/1998	
37	Myerscough, Sue E.	C.IL	10/11/1995		10/4/1996	
38	Wattley, Cheryl B.	N.TX	12/12/1995		10/4/1996	
39	Schattman, Michael D.	N.TX	12/19/1995		7/31/1998	
40	Rodriguez, Anabelle	PR	1/26/1996	10/1/1998	10/21/1998	
41	Lasry, Lynne R.	S.CA	2/12/1997		2/12/1998	
42	Massiah-Jackson, Frederica A.	E.PA	7/31/1997	10/29/1997; 3/11/1998	3/16/1998	11/6/1997
43	Colman, Jeffrey D.	N.IL	7/31/1997		10/21/1998	
44	Klein, James W.	DDC	1/27/1998		12/15/2000	
45	Freedberg, Robert A.	E.PA	4/23/1998		10/21/1998	
46	Norton, Lynette	W.PA	4/29/1998		12/15/2000	
47	Davis, Legrome D.	E.PA	7/30/1998		12/15/2000	
48	Leonard, J. Rich	E.NC	3/24/1999		12/15/2000	
49	McCarthy, Frank H.	N.OK	4/30/1999	10/26/1999	12/15/2000	
50	Simon, Kenneth O.	N.AL	6/6/2000		12/15/2000	
51	Lim, John S. W.	HI	6/8/2000		12/15/2000	
52	Litman, Harry Peter	W.PA	7/27/2000		12/15/2000	
53	Cercone, David S.	W.PA	7/27/2000		12/15/2000	
54	Couch, Valerie K.	W.OK	9/7/2000		12/15/2000	
55	Johnston, Marian McClure	E.CA	9/7/2000		12/15/2000	
56	Achelpohl, Steven E.	NE	9/12/2000		12/15/2000	
57	Anderson, Richard W.	MT	9/13/2000		12/15/2000	
58	Lieberman, Stephen B.	E.PA	9/14/2000		12/15/2000	
59	Hall, Melvin C.	W.OK	10/3/2000		12/15/2000	
60	Coan, Patricia A.	CO	5/27/1999		12/15/2000	
61	Gee, Dolly M.	C.CA	5/27/1999		12/15/2000	
62	Woocher, Fredric D.	C.CA	5/27/1999	11/10/1999	12/15/2000	
63	Tusan, Gail S.	N.GA	8/3/1999		3/27/2000	
64	Bell, Steven D.	N.OH	8/5/1999		12/15/2000	
65	Fields, Rhonda C.	DDC	11/17/1999		12/15/2000	
66	Fineman, S. David	E.PA	3/9/2000		12/15/2000	
67	Riegle, Linda B.	NV	4/25/2000		12/15/2000	
68	Morado, Ricardo	S.TX	5/11/2000		12/15/2000	
69	Sebelius, K. Gary	KS	6/6/2000		12/15/2000	

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are about to vote on our fourth circuit court nominee this week, and I am glad to speak in support of the nomination of Professor Bibas to serve on the Third Circuit Court of Appeals. That court sits in Philadelphia. Professor Bibas is a highly qualified nominee. His background as a well-regarded legal scholar and Supreme Court advocate will serve him well as a judge on that circuit.

Additionally, Professor Bibas received a rare, unanimously ''well qualified'' rating from the American Bar Association. My Democratic colleagues on the Judiciary Committee have expressed to me that the ABA's ratings are very important to their evaluation of nominees. Yet all of the Democratic members of the committee voted against Professor Bibas in the committee, despite his having received the highest rating possible. This is consistent with their votes against Professor Amy Barrett, Justice Joan Larsen and Justice Allison Eid, all of whom received ''well qualified'' ratings. It appears that my Democratic colleagues don't actually treat the ABA's ratings as particularly important when it comes right down to practice.

Professor Bibas is the son of a Greek immigrant who came to this country after surviving the Nazi occupation of Greece. He boasts impressive academic credentials. He graduated from Columbia University at the age of 19. He then received degrees from the University of Oxford and Yale Law School. After law school, Professor Bibas clerked for Judge Patrick Higginbotham of the U.S. Court of Appeals for the Fifth Circuit and then for Justice Anthony Kennedy of the U.S. Supreme Court.

Following these prestigious clerkships, Professor Bibas became an assistant U.S. attorney in the Southern District of New York. His experience as a prosecutor gave him a firsthand view of the problems and injustices in the American criminal justice system. He decided to pursue a career as an academic, focusing then on improving the criminal justice system for all involved.

Professor Bibas's first stint as a professor was in my home State of Iowa at the University of Iowa College of Law. He taught criminal law and procedure there for 5 years. We were certainly lucky to have a professor of his caliber. Professor Bibas then took a position on the faculty of the University of Pennsylvania Law School, where he has been teaching since.

Professor Bibas has been prolific in his academic writings, publishing numerous articles on all aspects of criminal law. His academic work culminated in the publication of his book entitled ''The Machinery of Criminal Justice.'' That book was published in 2012. In this book and in many of his articles, Professor Bibas criticized the current model of bureaucratic ''assembly line'' justice and America's high incarceration rate. Much of his work is devoted to finding solutions to these problems. His academic work has certainly had an impact on the law. In fact, Professor Bibas is one of the most cited law professors in judicial opinions. One study shows that he is the 15th most cited legal scholar by total judicial opinions, and he is the fifth most cited in the area of criminal law—not bad for a relatively young professor.

Professor Bibas has also had a positive impact on colleagues and students. The Judiciary Committee received a letter from 121 law professors throughout our country representing a diverse range of viewpoints. These professors support Professor Bibas's nomination, pointing to his—and this quote comes from the letter—''influential contributions to criminal law and procedure scholarship,'' as well as his ''fair-mindedness, conscientiousness, and personal integrity.''

Professor Bibas also received a letter in support of his nomination from many colleagues at the University of Pennsylvania. They stated that he has been ''an outstanding scholar, teacher, and colleague'' at Penn.

Professor Bibas also has extensive litigation experience. He is currently the director of the University of Pennsylvania Law School's Supreme Court Clinic. In this role, he and his students have represented numerous litigants who could not otherwise afford top-flight counsel. He has argued numerous cases before the Supreme Court, and he obtained a significant victory in the landmark case of Padilla v. Kentucky, which established a defendant's Sixth Amendment right to accurate information about deportation before pleading guilty.

One of our Supreme Court Justices, Ruth Bader Ginsburg, in a personal letter to Professor Bibas that the Judiciary Committee received, called him one of the ''very best lawyers presenting cases to the Court.'' It is kind of nice, if you are considered kind of a strict constructionist, that you get a letter like that from one of the more activist members of the Supreme Court.

Some of my Democratic colleagues criticize Professor Bibas during his confirmation hearing for two really isolated events in the long and illustrious career he has had.

First, Democrats criticized Professor Bibas for prosecuting a minor theft of only $7 when he was an assistant U.S. attorney. This case took place nearly 20 years ago. But it was Professor Bibas's supervisor who made the decision to charge the defendant and, of course, required an underling by the name of Bibas to pursue the case even after it started to fall apart.

In his hearing, Professor Bibas readily acknowledged that the defendant should not have been prosecuted, and the professor stated this to our committee:

> I learned from that mistake, and as a scholar, I have dedicated my career to trying to diagnose and prevent the causes of such errors in the future—inadequate Brady disclosure, new prosecutor syndrome, tunnel vision, jumping to conclusions, partisan mindsets. And I have testified before this committee on those very issues. And so I made a mistake. I apologized. I learned from it, and I have tried to improve the justice system going forward.''

Some of my colleagues have also criticized Professor Bibas for a single article that he wrote but never published. This article endorsed limited forms of corporal punishment as an alternative to lengthy prison sentences. But Professor Bibas reconsidered this idea soon after completing the article. He concluded that it was a bad idea and did not publish it. He completely disavowed the position in his book published shortly thereafter.

When asked about corporal punishment at his hearing, Professor Bibas stated:

> It is wrong. It is not American. It is not something I advocate. I categorically reject it.

Additionally, Professor Bibas's position on corporal punishment was well-intended. He was motivated to address overly harsh and unproductively long prison sentences. As he said at his hearing, he wanted to offer an answer to the question, ''Is there some way, any way, we can avoid the hugely destructive effect [of imprisonment] both on prisoners' own lives and on the families, the friends, the communities?''

In the time since Professor Bibas wrote the article, he has offered more creative solutions to the disruptions caused by lengthy prison sentences. As an example, instead of suffering through forced indolence, prisoners could work and develop work-related skills in anticipation of their release from prison.

Professor Bibas's scholarship, as I have stated and quoted from, is a testimony to his devotion to the rule of law and the notion of equal justice before the law. It is very clear that he cares very deeply about how the criminal justice system impacts defendants, victims, families, and entire communities. As you can tell, I am very confident that Professor Bibas will make an excellent judge on the Third Circuit Court of Appeals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

NORTH KOREA

Mr. CARDIN. Mr. President, President Trump will be leaving on a lengthy trip to Asia. He will be visiting Japan, the Republic of Korea, China, the Philippines, and Vietnam. In each of those countries, we expect that the No. 1 national security issue that will be talked about is North Korea.

North Korea's dangerous activities are certainly putting not only the region but the global community at risk. They have a nuclear weapons capability. They currently have the ability to explode a nuclear device. They are working on delivery systems that could very well reach not just the region but the United States. They are violating international commitments. They have done dozens of tests this year alone, all in violation of those international commitments.

We have had a strong policy to try to isolate North Korea. The United States has led in the imposition of sanctions. We introduced this year and passed the Countering America's Adversaries Through Sanctions Act. It passed this body by a 98-to-2 vote. I notice the chairman of the Senate Foreign Relations Committee is on the floor, and he was one of the strong architects of that legislation. The United Nations Security Council passed Resolutions Nos. 2270, 2321, and 2375. The President has issued Executive Order No. 13810.

We have been asking for rigorous enforcement of sanctions. We could do more. One of the points I hope the President will be talking about during his trip is robust and rigorous enforcement of the sanctions that are out there. And I see there is activity taking place in the Banking Committee. We have legislation in the Senate Foreign Relations Committee. If additional sanction authority is needed, let's do that. That is important.

But what additional things can we do, and what should the President be promoting as he visits Asia? First, let me give you a few unacceptable alternatives.

We cannot lead with military intervention. The casualties could be astronomical. The technology to develop nuclear weapons would still remain. Our allies are certainly not in agreement with that policy. There is no congressional authority for the use of force.

A second alternative that is not acceptable is to just continue the current course. North Korea is developing a delivery system that will threaten not just Japan and the Republic of Korea but also Guam and the United States. We will see an arms race if we do not effectively stop North Korea's nuclear program.

President Trump's statement, in my view, made the challenges even more dramatic. His ''America first'' statements isolate America and make it more difficult for us to get the type of support we need. I think his reckless statements make it more likely rather than less likely that we will use a military option.

What we need is a surge in diplomacy. A surge in diplomacy can very well start with the meeting between President Xi of China and President Trump of the United States. We have a

common agenda. Neither China nor the United States want to see a nuclear North Korea. Both China and the United States recognize that the Kim Jong Un regime in North Korea is unreliable. We are both looking for an offramp so we don't need to use a military option.

China has the capacity to turn the pressure on North Korea through sanctions that could change the equation in North Korea. China and North Korea have a common agenda. Both want to preserve the regime of Kim Jong Un—Kim Jong Un for obvious reasons; China, because they do not want to see a unified Korean Peninsula under Western influence.

Our objective is for North Korea to give up its nuclear weapons. China needs to be convinced that our objective is the same as theirs. With that, they could instill greater pressure on North Korea, and diplomacy could work.

What should be our objective? We have to be realistic. In the short term, it should be containment. Freeze the current program. Stop the testing. Make it clear that we cannot allow these programs to continue. Ultimately, we want to see a nonnuclear Korean Peninsula.

We know that in the past—the 1994 framework agreement with North Korea lasted for 8 years. So there is an ability to make progress, but we have to develop confidence between the parties.

In conjunction with this, let me urge us not to lose sight of the North Korean people. Let's continue our focus on the human rights problems in the country. Let's work with our allies, particularly Japan and the Republic of Korea, and let's rigorously enforce the sanctions until progress is made.

We can achieve an alternative outcome in North Korea, but it requires U.S. leadership, and President Trump needs to engage on that issue. We need confidence building, and we need to make sure that we make progress. Time is not on our side, but there is still time to make progress. Without a diplomatic surge, there are only unacceptable options. Our goal should be a more peaceful, stable, and prosperous northeast Asia community.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all time has expired.

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

Mr. ALEXANDER. 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 assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Florida (Mr. NELSON), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 261 Ex.]

YEAS—53

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

NAYS—43

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

NOT VOTING—4

McCaskill	Nelson
Menendez	Warner

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I ask unanimous consent that with respect to the Bibas nomination, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. HELLER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for 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.

The Senator from Nevada.

JUDICIAL NOMINATIONS AND TAX REFORM

Mr. HELLER. Mr. President, this week, we have the unique opportunity to move forward on promises we made to the American people last year, confirming judges and providing tax relief to hard-working Americans. The American people sent us to Congress to complete this critical work, and we must stop at nothing to do it. We have already taken significant steps to address both of these issues by confirming 13 judges, with 5 more this week, and passing a budget with instructions for tax reform.

There is still much more that we need to do, and I stand ready to stay here until that job is done. Most people can't go home until their work is finished; I don't think we should either. Imagine dropping your car off at the auto mechanic and, instead of staying to finish the job, they leave at 3 p.m. to go home because that is convenient for their schedule; yet you still have to pay them for a full day's work. That is effectively what we have been doing here in Congress, and that needs to stop. We need to work as much as possible to ensure that the Federal judiciary is filled with judges that will uphold the Constitution and bring us closer to providing tax relief for the American people.

We need to have a fully occupied, fully functioning Federal judiciary to ensure that Americans' constitutional rights are upheld. In almost 10 months, we have started to address the issue of judicial vacancies by confirming 13 judges, most notably Justice Gorsuch, who has already served as a strong, conservative voice on the Supreme Court. As a fellow westerner, I was proud to vote for such a qualified judge to serve in our Nation's highest Court.

Beyond the vacancy we filled on the Supreme Court, there are vacancies on all levels of our Federal judiciary. We cannot forget the importance of every single court that makes up the Federal system. We must prioritize confirming judges to fill these openings, especially those deemed judicial emergencies. The fact that we have so many judicial emergencies is incredibly concerning and should be a wake-up call to all Senators, especially those who are slowing down this important process.

The President is continuing to send us well-qualified nominees, and Chairman GRASSLEY has done an excellent job of moving nominees through the committee process. I am especially encouraged that this week we are confirming five more judges, including four circuit court judges. This is the pace we need to keep. If that means working 24/7 to continue confirming these constitutionalists, you can count me in. Confirming Federal judges is a unique duty of the U.S. Senate, and we cannot allow obstructionism from the other side of the aisle to prevent us from filling vacancies throughout the country.

It is clear that when judges are brought to the floor for a vote by a healthy majority, the gridlock being caused is purely political. Because of this, leadership is having to file cloture on all of these judicial nominees, and some of my colleagues across the aisle