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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 confirming 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.

the give and take of discussion'' and is ''very fair, considerate, and encouraging.''

Moreover, as a bipartisan group of more than 100 law professors put it in a letter to the Judiciary Committee, Professor Bibas's ''fair-mindedness, conscientiousness, and personal integrity are beyond question,'' and in their view, ''his judicial temperament will reflect these qualities and . . . he will faithfully discharge his duty to apply the law fairly and evenhandedly in all matters before him.''

Professor Bibas also reminded us that he, like Justice Gorsuch and Justice Eid, believes in a fair-minded approach to the law. In his words, ''People need to know and believe that judges will apply the law impartially and evenhandedly to all litigants, regardless of their wealth or power.'' He is right. Let's join together in supporting him today.

I would like to once again thank Judiciary Committee Chairman GRASSLEY for all his work to bring these impressive nominees to the floor. Together with the President, we will continue working hard to put judges on the Federal courts who will uphold the law as it is written, not as they wish it were.

TAX REFORM

Mr. MCCONNELL. Mr. President, on another matter, the Obama years were not easy for America's middle class. For many, steady work became harder to find, paychecks stagnated, and opportunities faded. America's middle class deserves better after a decade of drift, and we are working hard to deliver for them.

Tax reform is the single most important thing we can do today to get the economy reaching for its true potential again. That is why the Senate recently passed the legislative tools to advance it. That is why the House recently did the same. And because we did, later today, after months of hard work, the House's tax-writing committee will unveil its version of tax reform legislation.

I commend Chairman BRADY and the members of the Ways and Means Committee for their hard work in unveiling this critical legislation today. This announcement is more positive momentum from our colleagues over in the House, and I look forward to continued work with them as we move forward. Here in the Senate, the Finance Committee will continue its work on tax reform legislation as well.

Both Chambers are working on this at full steam because we are committed to achieving our mutual tax reform goals for the middle class, working families, and small businesses. Our main goal is this: We want to take more money out of Washington's pockets and put more in yours. This goal is shared by the American people, it is shared by the President and his team, and it is shared by Republicans in the House and in the Senate.

The goals of tax reform used to be shared by our Democratic colleagues as well. Over many years, multiple Senate Democrats, including the Democratic leader himself, have called on Congress to pass reform. But then something changed. It was the President who changed, it seems.

Now we are reading reports that our friends across the aisle plan to oppose any tax reform bill at all, regardless of what is in it. It seems that Democratic leadership is praying that this chance to put more money in the pockets of the middle class will not succeed. But why? To protect incentives and encourage companies to ship jobs overseas? I thought they were against those. To prevent working families from keeping more of what they earn? I assumed we were all for that. According to recent news reporting, Democrats apparently want to tank tax cuts for the middle class because it might give them a political leg up. In other words, it seems that this is some kind of game to them.

I certainly hope what we read is not true. I certainly hope Democrats will take note of the fact that their latest false talking point about tax reform just got debunked today as well. This effort is way too important for any of that. I hope our friends will decide to work with our colleagues in a serious way instead. That is what their constituents sent them here to do, and that is what their constituents deserve after the last decade of economic disappointment. There is no reason for our Democratic friends not to work across the aisle in a serious way to help shape this critically important effort.

I thank Chairman HATCH and Chairman BRADY for their commitment to tax reform and regular order. Through the committee process, Members on both sides of the aisle will have the opportunity to offer input as the tax reform effort advances. Today's announcement is an important step forward for that process, as well as for our once-in-a-generation opportunity to fundamentally rethink our Tax Code and deliver real relief. It has been 30 years since we did that. It is time to do it again.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the Eid nomination, which the clerk will report.

The 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 West Virginia.

TAX REFORM

Mrs. CAPITO. Mr. President, I rise to give my fifth in a series of speeches addressing what I think will be a monumental achievement of this Senate and House when we pass our tax reform bill.

I have spoken previously about how I believe tax reform will be good in a lot of different ways. First of all, I talked about how this tax reform bill will spur economic growth in our country. Second, I talked about how it would grow jobs in small businesses. Third, I talked about the benefits working-class families will have through policies such as the child tax credit.

So today I rise to talk about the importance of tax simplification. According to a publisher who analyzed the issue, since 1913, the Federal Tax Code is 187 times longer than it was a century ago. On top of the Tax Code itself that spans thousands of pages, there are additional IRS regulations that are complicated, and you need somebody not just to figure them out for you and interpret them for you but to figure out how that translates to your own tax return. Of course, taxpayers have to comply with all of these.

Beyond the code and the regulations, there are countless IRS procedures, technical memorandums, and more, and all of this adds to the length and complexity of our tax system. You can see it when you turn toward the April 15 date, the stress level in this country really rises, and a lot of it has to do with the complications of our tax system.

The point is this, when it comes to figuring out your taxes, it is just far too complex. That is why businesses and individuals spend 6 billion hours a year complying with the Tax Code. That is more than 18 hours for every man, woman, and child in this country. That is equivalent to 3 million people working full time—3 million people working full time to comply with the Tax Code and fill out your tax forms or, another way of looking at it, that is $195 billion in lost productivity.

Again, our Tax Code is just too complicated, and that is also what tax reform is about, simplifying and making it easier for Americans to comply.

According to the Brookings Institution, ''The notion that taxes should be simpler is one of the very few propositions in tax policy that generates almost universal agreement.''

Despite years of bipartisan talks, we are now on the verge of major tax reform for the first time in 30 years. Making our Tax Code simpler will benefit every single working family in this country. By roughly doubling the standard deduction, filing your taxes will be easier and more understandable. The higher standard deduction will let more middle-class Americans benefit from not just lower taxes but also without the hassle of itemizing your tax return. Lower rates and fewer deductions will help all Americans spend less time and energy and worry on tax compliance.

Our goal is for the overwhelming number of Americans to be able to submit their tax forms on a single sheet of paper without all those extra forms, and for many families in West Virginia and around the country who already use the standard deduction, increasing it will reduce their taxes. Now, 83 percent of West Virginians last year—or maybe it was the year before, 2015, 2016—83 percent filed a simple form.

Simplicity in our Tax Code and relief for middle-class families, those are the reasons I offered a straightforward amendment to the Senate's budget resolution. My amendment said Congress should focus on eliminating deductions that primarily benefit wealthier individuals in favor of tax policy that benefits the middle class. Let me say that again. Congress should focus on eliminating deductions that primarily benefit wealthier individuals in favor of tax policy that benefits the middle class. That means a tax code that is simpler with fewer deductions and lower rates.

It will not just be individuals and families who benefit from a less complicated tax code. Tax simplification will help our small businesses start, grow, and succeed. Ninety-five percent of the businesses in my State of West Virginia are small businesses, and they employ over half of West Virginia's private sector workforce. So in addition to their high marginal tax rate, the complexity and compliance cost of their taxes impedes their economic growth, impedes their ability to grow their job, raise their wages, spur growth. A CNBC survey found that 22 percent of small business owners aren't sure what their effective tax rate really is. If Congress can simplify the code just to cut compliance costs in half, that would free up significant resources that could be used to grow the economy. Given that 50 percent of U.S. job growth has occurred in just 2 percent of our country's counties, we need that growth. Think about that. Over the last several years, 50 percent of the U.S. job growth has only occurred in 2 percent of our country's counties. We need the rest of the country to be able to enjoy that growth. To do that, we need to help the small businesses that are the major economic drivers in our economy.

Simplifying the Tax Code will benefit so many across this country through GDP growth and higher wages. I look forward to working with my colleagues to make tax reform and tax simplification a reality.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. STRANGE). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

REPUBLICAN TAX PLAN

Mr. SCHUMER. Mr. President, later this morning, after months of hemming, hawing, and delaying, House Republicans will finally release some legislative details about their tax plan. It may not even include all the details. The on again, off again nature of these deliberations should concern every Member of both Chambers. That is not how you construct sound policy, especially with something as complicated and impactful as the Tax Code. Each decision has enormous ramifications. Last-minute changes and sloppy drafting could change the fate of entire industries. Rushing it through in a hasty manner could have disastrous consequences.

We know why my colleagues are doing this. They don't want the public to know what is in this bill—increases on the middle class, breaks for the wealthy, big corporations getting a huge tax break, with no guarantee and very little likelihood that they will use the money to create jobs. That is why they don't want it to be public. It is not popular. On polls, it says: Do you support tax reform? They say yes. Do you support cutting the taxes on big corporations? They say, overwhelming, no. Do you support increasing taxes on the middle class? Overwhelming, they say no. Do you support decreasing taxes on the wealthy? They say, overwhelming, no. Those are the three tenets of this bill.

I hope my Republican colleagues here in the Senate are watching what is going on in the House—the problems they are having, the secrecy they need—and realize how difficult and dangerous it is to rewrite the Tax Code by the seat of your pants. Looking at the Tax Code and real tax receipts after all the loopholes, the wealthy in our country pay far less in Federal taxes than they did historically while the middle class pays more. Corporate profits are at a record high, while average wages have been stagnant. Those statistics articulate a real problem with the basic fairness of our Tax Code that tax reform could underline and could fix. This plan doesn't.

Instead, what we are seeing today is a plan that exacerbates the unfairness and inequality in our Tax Code. If the details of the Republican tax plan are anything like we have seen in the press—to repeal the estate tax, to create a huge new loophole for wealthy individuals in the form of a reduction in the pass-through rate, and lowering the big rates on corporations and the wealthy—this sure doesn't fit the bill of helping the middle class.

Meanwhile, to pay for all the tax giveaways in their bill, the Republicans are likely to make it worse for the middle class—not just not help them but hurt them. It will slash State and local deductibility, which is a bedrock middle-class and upper middle class deduction, that would hurt so many middle-class taxpayers. Nearly one-third of all taxpayers claim it from all over the country, the vast majority of whom make under $200,000 a year.

Today, Republicans will crow about reaching a compromise on State and local, whereby they don't eliminate the deduction; they just reduce its value by about 70 percent. That means the bulk of the deduction will go away for so many middle class Americans. I would remind my Republican colleagues over in the House, particularly those from States like New York, New Jersey, California, Pennsylvania, Illinois, Virginia, and Colorado, that this compromise will not solve your problem. You will still pay the price with the voters.

I have been in politics a long time. I know how this will affect people—this compromise. They will not look and say: Oh, it could have been worse. Maybe we would have lost the entire deduction. They will say: This year, I have the whole deduction, and next year, I have less than half of it. They will take it out on our Republican colleagues who vote for it, particularly from those States, and they are throughout the country—in well-to-do and upper middle class and middle-class suburban districts.

So anyone who thinks this compromise is going to help them doesn't understand how politics works. It is not what it could have been. It is what it is and what it will be. Now it is a complete deduction. What it will be is that you will lose 70 percent of that deduction. No one is going to breathe a sigh of relief and say: I could have lost 100 percent.

Taxpayers will see that the Republicans have capped the amount of mortgage interest they can deduct from purchasing a new home now. That is the latest. Again, that hits right at the middle class. The mortgage deduction doesn't really affect the wealthiest. They have all their money in unearned income and capital gains, and all of that is what affects them the most. But the mortgage deduction is one of the hearts of the middle class. To play with it—to reduce it, to cap it, so they can do tax giveaways for the very rich—is not going to fly, I don't think—not in America, not in the America most of us know.

Taxpayers in the big cities and small ones, in the exurbs and suburbs, who

commute to work, will also notice if they never receive the critical transit benefits they receive now. Thousands of dollars a year that help pay when you transit to work will be gone. Why? To help the wealthy.

While some working Americans and middle-class taxpayers watch their taxes go up, they will read about how Republicans repealed the estate tax, which benefits only 5,500 families whose estates are worth over $5 million. They will learn how, instead of keeping the estate tax or closing the egregious carried-interest loopholes, the Republicans reached into their pockets—the middle-class pockets—to pay for a big corporate tax break that has no guarantee and very little likelihood of producing jobs. They will learn that, while the reduction to the corporate tax rate is permanent, the increase in the child tax credit is temporary.

Big, wealthy corporations count far more than kids in this bill. Corporations get permanent benefits, and families with kids get temporary and meager ones.

The Tax Code is a reflection of fairness in our society. Do we want to be in a country where everyone pays their fair share, including big corporations and the very wealthy? I think so. I think most Americans agree with that. Yet right now, our Tax Code is slanted in favor of the rich and the powerful, and the Republican plan makes it only worse.

The Republican tax plan would put two thumbs down on a scale already tipped toward the wealthy and powerful. It wouldn't create jobs. It wouldn't raise wages. The Tax Policy Center, as we know, estimated that 80 percent of the benefits of the Republican plan go to the top 1 percent—this new bill doesn't change that a bit—while nearly one-third of middle-class Americans would see a tax increase; 80 percent of the benefits to the top of our country, 20 percent of the benefits to the other 99 percent. That is not a middle-class tax bill, as President Trump said it would be.

Surely, we can do better. If our colleagues—whether it be in the House or Senate, our Republican colleagues who are trying to go it alone—can't pass this bill, we would welcome them. We would welcome an opportunity to sit down together and come up with a bill that really helps the middle class.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TAX REFORM

Mr. COTTON. Mr. President, today is an important day on our promise to deliver tax relief for America's working families and our businesses, to create more jobs and grow our economy faster. The House Ways and Means Committee is about to unveil their first draft of a tax cut bill. That is a good step forward after we both passed our budgets a couple of weeks ago.

As we move forward through this process, it is important that we all recognize that tax cuts are a way to let the American people and our businesses keep more of their money, not the government's money but their money. We also have to be mindful of the impact it has on our staggering national debt of over $20 trillion and rising deficits. We can expect the economy to grow at a much healthier rate than it has in recent years if we pass a good tax bill. But we also need to look for other ways to offset the costs of those tax cuts to a degree.

There have been a lot of discussions during the year about what I would consider unwise and painful changes to our tax law. Eliminating deductions, credits, exclusions, exemptions—they are popular and widespread. Some people call that the spinach, in addition to the ice cream of tax cuts.

However, I have what I would call maybe a creative idea, a novel idea—one that I think is gaining momentum in the Senate and in the House. We can repeal the individual mandate of ObamaCare and save $300 to $400 billion for the Federal Government and therefore deliver more tax relief to our families and our workers and our businesses. That is not my math. That is the math of the Congressional Budget Office. They have said repeatedly that eliminating the individual mandate of ObamaCare would save $300 to $400 billion. That is a lot of tax cuts.

The individual mandate has also been the most unpopular part of ObamaCare. More than two-thirds of Americans want to see it repealed. The House has voted repeatedly to repeal it. The Senate has voted to repeal it. Even some Democrats have said that they want to repeal the individual mandate as well. It is the first time in our country's history, after all, that the Federal Government has said: You must buy the product of a private company for the mere privilege of being an American citizen.

We also know that the individual mandate simply has not worked. It was designed to hold down premiums on the ObamaCare exchanges. That has not been the case. Despite the individual mandate being in place now for 4 years, we continue to see premiums spiral out of control. So I think it is a pretty reasonable proposal to repeal the most hated part of ObamaCare to help pay for tax cuts the American people want rather than trying to eliminate popular and widely used deductions, credits, exemptions, and exclusions.

Moreover, it allows us to make more of the tax cut bill permanent because the $300 to $400 billion savings over a 10-year period is just a 10-year period, but it will continue to save money after those 10 years. With the crazy way we do our budgeting around here, that allows us to make more of those tax cuts permanent so that our families and our businesses can have greater predictability to save and invest and grow our economy.

It is also a kind of tax cut for working-class Americans in its own right. According to IRS data, more than five out of six households that paid the mandate fine last year made less than the median income. They were in the bottom half of income earners.

So what are we doing? We are imposing a fine on the working class and working poor because they can't afford the insurance that ObamaCare made unaffordable in the first place. That is crazy.

We can do this in a way that makes it easier to pass a tax bill. I know some of my colleagues around here, especially some of my Republican colleagues, say: Oh, no. We can't go back to healthcare. It is going to make the tax bill a little harder to pass. That is nonsense. It makes the tax bill easier to pass—easier to pass because it helps make the fiscal picture balance, and it helps deliver more tax cuts to our families and our businesses back home.

Some of my Democratic colleagues, drawing on that same estimate from the Congressional Budget Office, will say: You are going to take healthcare away from 15 million people. That is nonsense. This bill doesn't cut a single dime out of ObamaCare, not even one penny, not one penny taken out of Medicaid, not one penny taken out of the subsidies from the exchanges, not a single regulation change. It simply says that the IRS will not fine you if you cannot afford the insurance that ObamaCare made unaffordable.

The $300 to $400 billion—even in Washington, that is a lot of money, and that is money that is better left in the pockets of America's workers and families and on the financial statements of businesses that are looking to expand their operations, increase their wages, and hire more workers.

No, this hasn't been part of the tax debate for a long time. This Chamber considered repealing the mandate as part of our healthcare debate, but the Obama administration called the individual mandate a tax.

In 2012, the Supreme Court upheld its constitutionality saying that it was a tax. The IRS collects it. You pay it on your 1040. That is about the ''taxiest'' provision I can think of.

Let's make a commonsense decision, even if it is a little late in the game. Repeal the individual mandate. Pay for more tax cuts for families and businesses. Make a tax bill easier to pass. Deliver on the promise that we made to the American people to repeal the most unpopular part of ObamaCare and have a very big victory for the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. FLAKE. 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. FLAKE. Mr. President, we currently have the highest Federal corporate tax rate in the developed world. Businesses are moving from here overseas to seek a friendlier tax environment.

If we are going to compete globally—and we are in a global economy—we have to have a conducive tax and regulatory environment to do so. We don't have a conducive tax environment now. We cannot compete globally with the second highest or the highest corporate tax rate in the developed world.

We also have a tax code that is far too complicated. Taxpayers and companies alike spend about 9 billion hours a year—9 billion hours a year—combined with IRS requirements, and this costs the U.S. economy more than $400 billion a year. This is just compliance costs.

The Tax Code is also full of costly loopholes which allow businesses and millions of individuals to get away with paying no income tax or no corporate tax.

After over 30 years, I am pleased to see Congress finally getting down to the work of doing a tax overhaul. A few weeks ago, we passed a budget that allows some cuts—about $1.5 trillion. I believe that when we do cut certain taxes, it does generate a greater economic activity, which does in turn mean additional revenue to government. However, there are limits to that model. We cannot simply assume we can cut all taxes and realize additional revenue. It is important that tax reform comes as well.

We have been hearing a lot about cuts, cuts, cuts. If we are going to do cuts, cuts, cuts, we have to do a wholesale reform. With the national debt exceeding $20 trillion, we have to take this seriously. Rate reductions have to be accompanied by repeal or reform. We cannot simply rely on rosy economic assumptions, rosy growth rates to fill in the gap. We have to make tough decisions. We cannot have cuts today that assume we will grow a backbone in the out-years in terms of the real reforms we are going to need. We have seen this before. We make the cuts now; we rely on rosy economic assumptions; and then, in the out-years, if those don't come about, we forget what we were supposed to do in terms of reform. We can't do that today, not with a debt of $20 trillion, not with a deficit of over $600 billion a year adding to that total debt.

I welcome this opportunity to do tax reform. It is needed. As I mentioned, we have to have a conducive tax and regulatory environment in order to compete, but we have to be realistic as well about what we can achieve, and we can't push off the reforms for cuts today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

SAVE ACT

Mr. COLLINS. Mr. President, today I rise with my colleague from New Mexico, Senator HEINRICH, to discuss the Securing America's Voting Equipment Act of 2017, or the SAVE Act, which we introduced earlier this week.

I know that you are well aware that the Senate Intelligence Committee has been conducting an in-depth investigation into attempts by the Russians to interfere with our elections last fall. What we have found is that the Russians' active measures preceded last fall, and they continue to this very day.

We have an election coming up in November of this year and a major election next year, and both Senator HEINRICH and I believe that it is so important that we act to assist States in protecting the integrity of their voting systems.

Our bill seeks to facilitate information sharing on the threats posed to State election systems by foreign adversaries, to provide guidance to States on how to protect their systems against nefarious activity, and, for States that choose to do so, to allow them to access some Federal grant money to implement best practices to protect their systems.

Let me be clear that I know of no evidence to date that actual vote tabulations were manipulated in any State in the elections last fall. Nevertheless, as early as the summer of 2016, the FBI discovered that foreign-based hackers had gained access to voter registration databases in two States. The Department of Homeland Security confirmed that Russia-linked actors attempted to access voter rolls and registration data in those two States.

More alarming is that further investigation revealed that many more States than just two were ultimately found to have had their voting systems probed by the Russians. The Department of Homeland Security notified election officials in a total of 21 States that their election systems had been targeted by Russian Government-linked hackers.

If voter rolls were altered or voting equipment tampered with, a compromise of these systems could open the door to voter disenfranchisement and would undermine public confidence and the integrity of our free and fair elections—a bedrock principle of our democracy.

In response to these alarming threats, the SAVE Act would assist States in hardening their systems. It does not aim to tell States how to conduct their elections. The responsibility for conducting elections would remain with each State, as has been our country's tradition since its founding. State and local election officials alone, however, cannot be expected to defend against cyber attacks from foreign adversaries. That is why our bill seeks to bring to bear the unique authorities, capabilities, and resources that the Federal Government can offer to State and local election officials.

Let me briefly describe the Heinrich-Collins bill.

First, our bill would codify a decision made by both Secretaries of Homeland Security, Jeh Johnson and John Kelly, to designate election systems as ''critical infrastructure.'' This designation allows DHS to prioritize providing assistance to election jurisdictions and to establish formal mechanisms to enhance information sharing and collaboration within the electoral sector. More than 30 States took advantage of DHS's offer of assistance last year.

Our bill also addresses a shortcoming that I raised during a hearing before the Senate Intelligence Committee in June regarding foreign efforts to compromise American voting systems. During this hearing, we learned that not a single secretary of state had been cleared to receive classified information before the 2016 election or in the 6 months since voting systems had been declared as critical infrastructure. This delay is truly inexplicable. We have to be able to share this critical information in order for State election officials to take the necessary steps to safeguard their systems.

Our bill addresses this limitation on information sharing by authorizing the Director of National Intelligence to provide security clearances to designated chief election officials in each State. That way, the intelligence community can share appropriate classified information with States regarding foreign threats targeting election systems.

Our bill also mandates that DHS conduct a threat assessment on physical and electronic risks to voting systems. Then, in collaboration with stakeholders, the Department will develop best practices to address those risks.

A few simple measures can make a big difference. Best practices like relying upon paper ballots, as the State of Maine currently does, and conducting postelection audits to ensure that the tabulation by vote-counting machines matches the results of the paper ballots can bolster both resilience and public confidence in the integrity of the voting process.

Finally, our bill creates a Federal grant program available for States to upgrade and safeguard the integrity of their systems by implementing the best practices that have been identified.

Last year, the Russian Government sought to disrupt our democracy by threatening the integrity of our elections. It is incumbent upon Congress to

assist the States and those charged with conducting elections at the local, State, and Federal level to protect them from foreign interference. Our bill would do just that.

I am very pleased to work with the leader on this effort, Senator HEINRICH, and I would urge all of our colleagues to join Senator HEINRICH and me in sponsoring this bill.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I want to start by thanking my Republican colleague from Maine, Senator SUSAN COLLINS, for her work on this legislation. In addition to her excellent work on the Intelligence Committee, her experience in homeland security and critical infrastructure was absolutely critical to the drafting of this legislation.

As current members of the Senate Select Committee on Intelligence, we are continuing to work on the investigation into Russian interference in the 2016 Presidential election. Yesterday, our committee held an important open hearing where we had representatives from companies such as Facebook, Google, and Twitter. We know that Russian Government-linked actors purchased online advertisements last year in order to influence voters and, frankly, in order to divide Americans. Additionally, Russia used bots and trolls to spread misinformation and division organically through social media networks.

While the President has labeled reports of these ads as a ''hoax,'' now that Facebook has actually released many of those ads and acknowledged their extensive reach last year, I hope we can all agree that this is a problem which we must solve before future election cycles.

I have called on the Federal Election Commission to consider new guidance on how online advertisement platforms can better prevent foreign nationals from illicitly spending in future U.S. elections. I certainly support legislation to require the same transparency for online political ads that we currently enjoy for television or print or radio ads. These are simple, straightforward steps we can and must take to protect the sanctity of our democracy.

We also know, based on intelligence assessments, that as part of Russia's larger hostile effort to interfere in last year's election, Russian actors targeted State election voting centers and State-level voting registration databases—the very heart of the infrastructure we all rely on for free and fair elections. In my view, these intrusions demonstrate a troubling vulnerability to potential future cyber attacks and manipulations by foreign hackers of our elections and our democratic process.

Our democracy fundamentally hinges on protecting the rights of Americans to be able to fairly choose their own leaders. That is why I am proud to be partnering with Senator COLLINS in introducing the bipartisan Securing America's Voting Equipment Act, or the SAVE Act, to provide increased security for American election systems. I am proud to join Senator COLLINS on the floor today to demonstrate our commitment to being able to move forward in a bipartisan and pragmatic way to find solutions to protect the integrity of that voting process.

Our bipartisan legislation would permanently designate State-run election systems as ''critical infrastructure,'' and it would require the Department of Homeland Security to create a Federal grant program to help States upgrade the physical, electronic, and even the administrative components of their voting systems and develop those best practices that Senator COLLINS mentioned in her speech earlier.

The SAVE Act would also require the Director of National Intelligence to sponsor security clearances to the officials responsible for the administration and certification of Federal elections in each State—usually our secretaries of state. The Director of National Intelligence would then share all appropriate classified information with those State officials to help them protect their election systems from these kinds of security threats.

Finally, the SAVE Act would create a Federal competition that would award computer programmers who discover vulnerabilities in nonactive voting systems so that the equipment and the software vendors can work to fix those vulnerabilities.

The SAVE Act does not aim to tell States how to conduct their elections or what policies or procedures or equipment is best where they are; rather, this bill is designed to facilitate information sharing with States, to provide guidelines on how best to secure those systems, and to allow States to access funds to develop solutions and implement best practices in response to these threats.

I consulted closely with my own Secretary of State from New Mexico, Secretary of State Maggie Toulouse Oliver, in drafting this legislation to ensure that it provides the security measures State election officials need to keep our voting systems secure. I commend Secretary Toulouse Oliver for her tremendous leadership in the effort to safeguard election infrastructure at the State level.

We are at a critical juncture in the Russia investigation in which the public is beginning to see the tactical evidence of how the Kremlin sought to influence our elections and divide our populous. Until we set up stronger protections of our election systems and take the necessary steps to prevent future foreign influence campaigns, our Nation's democratic institutions will remain vulnerable. But we have the tools to fix those vulnerabilities. I look forward to working with Senator COLLINS and all of our colleagues on both sides of the aisle to ensure that we do that.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I ask unanimous consent that I be allowed to complete my remarks prior to the vote.

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

Mr. GARDNER. Mr. President, I will be brief in my remarks. We are about to vote on the confirmation of Allison Eid to become a judge on the U.S. Circuit Court of Appeals for the Tenth Circuit, which is housed in Denver, CO.

I have had the privilege and honor of knowing Justice Eid for over a decade. Justice Eid now serves on the Colorado Supreme Court. I have known Justice Eid since the time I was a young law student, 6 foot 4 and with black hair. That is how long I have known Justice Eid. I am very honored to have worked with her.

I know that a lot of my classmates who had her as a professor are people who shared political perspectives that were far different from Justice Eid's, but they never criticized her teaching. They always found her to be open-minded and open to debate of other's views.

Most importantly, what Justice Eid will do, once confirmed to the Tenth Circuit Court, is to make sure that she rules based on the law, not on personal opinion or preferences but how the law dictates. That is the kind of judge she will be and continues to be, from the supreme court to the circuit court. She will be somebody who is a guardian of the Constitution, as our Founders were hoping we would see on our Federal courts when they wrote the Constitution.

I have a letter that I ask unanimous consent be printed in the RECORD. It is from the National Native American Bar Association in support of Ms. Eid's nomination.

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

NATIONAL NATIVE AMERICAN
BAR ASSOCIATION,
July 12, 2017.

Re National Native American Bar Association Support for Confirmation of Colorado Supreme Court Justice Allison Eid to the Tenth Circuit Court of Appeals.

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.
Hon. MITCH MCCONNELL,
Majority Leader,
Washington, DC.
Hon. CHARLES SCHUMER,
Minority Leader,
Washington, DC.
Hon. MICHAEL BENNET,
Washington, DC.
Hon. CORY GARDNER,
Washington, DC.
Hon. STEVEN DAINES,
Washington, DC.

DEAR SENATORS: As President of the National Native American Bar Association, it is my privilege to endorse Colorado Supreme Court Justice Allison Eid to be a Judge on the United States Court of Appeals for the Tenth Circuit. Since she began her tenure on the Colorado Supreme Court in 2006, and indeed throughout her legal career before her

appointment to the bench, Justice Eid has demonstrated deep understanding of federal Indian law and policy matters, as well as significant respect for tribes as governments. Such qualities and experiences are rare among nominees to the federal bench and consequently, many in Indian Country strongly support Justice Eid's confirmation.

The National Native American Bar Association's mission is to advance justice for Native Americans. As our name implies, NNABA represents the interests of all populations indigenous to the lands which are now collectively the United States: American Indians, Alaska Natives, and Native Hawaiians. Our members include Native American attorneys, Indian law practitioners and professors, as well as numerous tribal court advocates and tribal court judges. As you know, all branches of the Federal government play an integral role in justice for Native Americans and their government-to-government relationship with the United States. The unique legal posture of Indian tribes to the federal government is deeply rooted in American history and has always been heavily intertwined with often-shifting federal Indian policy, but often a central role in justice for Native Americans rests with the federal courts. Yet nearly all federal courts have suffered without any Native voice on the bench and often without judges with knowledge of federal Indian law or familiarity with Indian Country. NNABA strongly encourages the confirmation of judges with experience or interest in federal Indian law and who respect the role of tribal sovereigns under the Constitution and treaties with the United States. It is NNABA's honor and privilege to commend for your consideration for the confirmation of Justice Allison Eid, who exemplifies those qualities and who is also an exceptionally well-qualified candidate in every other regard, as well as the first Colorado woman to be nominated to the Tenth Circuit.

Her academic credentials are excellent. Raised by a single mother in Spokane, Washington, Justice Eid began college at the University of Idaho and then transferred to Stanford University where she graduated with distinction and was a member of the Phi Beta Kappa honor society. After Stanford, Justice Eid served as a speechwriter to President Ronald Reagan's Secretary of Education, William Bennett. She 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, including significantly for the Hopi Tribe. She was a key part of litigation teams asserting the Hopi Tribe's sovereign rights in litigation against the United States Department of the Interior, for example in the so-called ''Bennett Freeze'' litigation, wherein the Hopi Tribe sought the right to develop its lands and resources despite a federal moratorium on such development.

Justice Eid later became a tenured professor at the University of Colorado Law School where she taught Legislation, Constitutional Law, and Torts, and served as the faculty clerkship advisor. During her time at the University of Colorado, Justice Eid continued her service in the legal community, being active in a number of bar organizations and serving as a frequent speaker and author. In 2005 she was appointed by Colorado Attorney General John Suthers to serve as the Solicitor General of Colorado. One year later, Governor Bill Owens appointed Justice Eid to the Colorado Supreme Court where she has served for 11 years, and was successfully retained by the voters of Colorado on a statewide ballot. While serving as a Justice on the Colorado Supreme Court, Justice Eid has continued to teach at the University of Colorado. She also serves as the Chair of the Supreme Court Water Court Committee which works to identify rule and statutory changes to achieve efficiencies in water court cases, while maintaining quality outcomes for all. Justice Eid was also appointed by Chief Justice John Roberts to serve on the Federal Advisory Committee on Appellate Rules—a prestigious appointment where she has served alongside federal judges, law professors, and lawyers to craft revisions to the Federal Rules of Appellate Procedure—including her support for efforts to allow tribes to file amicus briefs as of right at the Supreme Court just as state governments can. Justice Eid is also active in her community and church. As the mother of two children, Justice Eid has volunteered numerous hours at her children's schools and for their extracurricular activities.

NNABA is very concerned that federal appointees, whether judicial, executive branch or independent agency representatives, be well versed in and respectful of tribal sovereignty. Justice Eid has significantly more experience with Indian law cases than any other recent Circuit Court nominee. Her Indian law cases generally reflect her respect for tribes as sovereign governments and understanding of tribes' roles in our federalism. Justice Eid has been involved in five Indian law cases, each addressing only a subset of myriad issues of importance to Indian tribes. We have examined Justice Eid's record and are heartened by the respect and fairness she has always shown tribes appearing before the Colorado Supreme Court. We have canvassed NNABA members who have appeared before or clerked for Justice Eid (yes, Justice Eid has hired a Native American law clerk!) and received unanimous positive feedback.

Justice Eid has knowledge gained from living in and working in a State which has Indian Country and strong tribal governments, and also from being the spouse of a noted American Indian Law practitioner, Mr. Troy Eid, who served as Chair of the Indian Law and Order Commission, as the United States Attorney for Colorado from 2006–2009, and who now co-chairs the national Indian law practice group at Greenberg Traurig LLP, is admitted to practice before numerous tribal courts and serves as a Tribal appointee on the Navajo Nation Commission on Judicial Conduct. Her husband is widely regarded as an expert in Indian law, and in particular on tribal law enforcement and access to justice issues. In her personal life, Justice Eid regularly interacts with tribal leaders and Native American lawyers and often brings that knowledge to bear on the bench. We believe her to be a conscientious, diligent, careful and scholarly jurist. Each NNABA member we heard from concluded that Justice Eid is a woman of integrity and extremely well-qualified for the Tenth Circuit.

NNABA has long sought the nomination of federal judges with knowledge of federal Indian law, and more generally with experience on western issues directly impacting Indian tribes such as water law and public lands. With Justice Neil Gorsuch's elevation to the U.S. Supreme Court, that knowledge base and experience is lacking in the current makeup of the Tenth Circuit, and is a vitally important perspective. In short, Justice Eid has shown herself to be interested and engaged and willing to make the federal judiciary more accessible to tribes, who regrettably often find themselves in the position of federal court litigants.

On the Colorado Supreme Court, Justice Eid has always ''gotten it right'' on Indian law matters, as reflected in her majority opinion in Pawnee Well Users v. Wolfe, 320 P.3d 320 (Colo. 2013) (tribal water rights), in her joining of the dissent in Southern Ute v. King Consolidated Ditch Co., 250 P.3d 1226 (Colo. 2011), and in her votes to grant certiorari in TMR v. TER, 2013 WL 3809175 (Indian Child Welfare Act case) and Begaye v. People, 2011 WL 6162622 (Batson challenge involving Native American jury pool). We also note her important concurring opinion in Cash Advance & Preferred Cash Loans v. State, 242 P.3d 1099 (Colo. 2010), principally a case about tribal enterprises' sovereign immunity from suit and service of process. This opinion illustrates Justice Eid's respect for tribal sovereignty and we think is emblematic of the practicality, fairness, the careful attention to what the law requires, and the accessibility of writing style that she would bring to the Tenth Circuit.

In sum, while we do not expect that Justice Eid will agree with tribal interests on every issue, we also believe that she is immensely well qualified and we are confident that Justice Eid is a mainstream, commonsense Westerner who will rule fairly on Indian Country matters. We endorse her confirmation to serve.

Thank you for considering our views.

And special thanks to Senators Daines and Gardner, who have consistently solicited feedback from tribes and tribal organizations regarding federal judicial nominations. NNABA appreciates your continued commitment to Indian country, to fortifying the government-to-government relationship between the United States and tribes, and to ensuring that Native American voices are heard at the highest levels of the federal government.

If you have any further questions, do not hesitate to contact our NNABA Nominations and Endorsements Committee Chair, and Immediate Past NNABA President Jennifer Weddle.

Respectfully and humbly,

DIANDRA BENALLY,
President, National Native American Bar Association, 2017–2018.

Mr. GARDNER. I ask for the support of my colleagues for Justice Eid's confirmation to the U.S. Court of Appeals for the Tenth Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Eid nomination?

Mr. WICKER. 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), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The result was announced—yeas 56, nays 41, as follows:

[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

are just running the debate clock on these nominees instead of actually debating. We have what is known as a 1-hour rule in the Senate, and I think it is time to start enforcing it.

Members are entitled to their opinions, and, as the deliberative body, we should debate nominees. But if you are going to debate a nominee, I think you actually need to come here and speak about them. You can't just hide behind your desk and run the debate clock. If you have a problem with a nominee, then you should come to the floor and voice your concerns. If you are not willing to do this, then you shouldn't hold this nominee hostage to an artificial clock. This is what is wrong in Washington. We should use debate time on a nominee to debate the nominee, and if there is no more debate, then we should vote on that nominee and move on to the next one.

The Constitution guarantees the right to a speedy trial. As the body that confirms judges to make that constitutional right possible, we have a critical responsibility, and we need to do whatever it takes to fulfill this duty. In order to deliver swift justice throughout the country, these seats need to be filled.

I am ready and willing to work day and night, weekends and holidays, to do what Nevadans sent me to Washington to do and to accomplish. As the leader mentioned last week, we should work through the week of Thanksgiving. Hard-working Americans don't go home until their work is complete, and neither should we. That work also includes reforming our Tax Code, providing desperately needed relief to the middle class.

Today Chairman BRADY and the Ways and Means Committee released a draft of their tax bill, which is another enormous step forward in providing meaningful tax relief to Nevadans and other hard-working Americans across this country. Middle-class tax relief is particularly critical to the residents of my home State of Nevada. Whether it is the single mother from Gardnerville who doesn't receive child support, works full time, and is simply trying to make ends meet or the entrepreneur in Elko who is fighting hard to get his small business off the ground and wondering whether he will ever catch a break and be able to afford his first employee, I continue to hear from diligent, hard-working Nevada families and small business owners who are struggling to cover their expenses and get ahead in life.

For too many people, the American dream—previously achievable through hard work, sheer determination, and playing by the rules—feels as though it is slipping away. That is in part because, for too long, Nevadans and Americans across this country have faced stagnant wages and slow economic growth.

Under the failed economic policies of the previous administration, we have suffered through 8 years of historically low economic growth. In fact, in those 8 years, we didn't have a single year in which the economy grew by 3 percent. As a result, wages and workers suffered. As a result, job creation suffered. And as a result, middle-class Americans like you and your neighbors suffered.

We still bear the scars of the Obama-era economic policies today. Median household incomes in Nevada are $7,000 lower today than they were 10 years ago. Nevada families are more likely to be living paycheck to paycheck than families living in nearly every other State. It is fair to say—in Nevada at least—the recession has never really ended. To me, this situation is unacceptable. I am doing everything in my power to right the economic wrongs that have been committed by the previous administration.

Under the leadership of the new administration, however, we are starting to see our economy improve. There are positive signs everywhere. Last week, the Commerce Department announced that for the second quarter in a row, the economy had grown by at least 3 percent. This impressive growth occurred despite hurricanes that destroyed the homes and businesses of our good friends and colleagues in Texas and in Florida. Despite these natural disasters, if 3 percent economic growth is possible under the leadership of President Trump and a unified Republican government, just think about how much more we can add to this growth by passing comprehensive tax reform.

As a member of that tax writing committee, I have been working with my colleagues to craft a tax package that accomplishes three major goals: First, create more jobs; second, increase wages; and third, boost Americans' competitiveness worldwide.

What does tax relief mean to you, the average Nevadan who works hard and is trying to provide a better life for his or her children and save for a secure retirement? It means cutting your taxes so that you can keep more of your hard-earned money. It means a bigger child tax credit to help you confront the increasing costs of raising children. It means a simpler and fairer tax code that you yourself can understand. Lower rates for business mean more jobs, higher wages, and growth in our communities—all of which will benefit you. Taken together, all these things mean that you will have a profound increase in your take-home pay and your economic opportunities.

A recent study by the White House Council of Economic Advisers found that reducing the corporate tax rate by 15 percent alone would increase household incomes by an average of $4,000. A similar study by a Boston University economist put the increase at $3,500. I don't know about you, but I think the average American could do a lot with an additional $3,500 to $4,000 in his or her bank account.

As a son of a school cook and an auto mechanic, I understand the discipline and the hard work that go into every dollar and every paycheck, and I am working to see that you have more of it in your back pocket. I am confident that we will fulfill these promises, but that will take a commitment from our colleagues to stay here and work.

In addition to overhauling the Tax Code and confirming judges, we have many other significant legislative responsibilities to complete. I believe we must spend as much time as necessary, including working through the scheduled November constituent work period, to fulfill our commitment to the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF STEVE GRASZ

Mr. SASSE. Mr. President, I rise on the floor with a simple message. We should completely dispel with the fiction that the American Bar Association is a fair and impartial arbiter of facts. This is a sad reality, but it is the reality.

Let's back up. We in this body have taken an oath to uphold and defend the Constitution of the United States. Considering judicial nominees who have lifetime appointments is the most important thing this Senate will do over the weeks ahead. It demands the full attention of every single Member—Republican, Democrat, and Independent. This ought to be an opportunity for this body to pause and stand back from the frenzy of day-to-day media cycles and cable news shouting and recommit ourselves to basic American civics and some very basic American ideas: the idea that our three branches of government have three separate roles; the idea that we in the article I branch, the lawmakers, make the laws because we stand before the people and can be hired and fired—if the people are going to be in charge of our system, they need to be able to fire the people who make the laws—the idea that judges are explicitly not to make law; the idea that judges do not have R and D, Republican and Democrat, behind their names but rather that judges should be dispassionately ruling on the law and the facts; and the idea that all of us, temporary public servants, although the judiciary have lifetime appointments, can be upholding and defending a limited system of government, again, through our three differentiated roles.

Unfortunately, over the last few days in this body, it has become clear that some of us are attempting to outsource our constitutional duties to an outside organization. That organization, the American Bar Association, purports to

be a neutral arbiter but is frankly twisting its ratings process to drive a political agenda in an important nomination pending before this body. I am referring specifically to the smear campaign of the ABA against Steve Grasz, a qualified public servant, who has been nominated by the President to the Eighth Circuit Court of Appeals.

Steve Grasz has decades of honorable service in Nebraska, including more than a decade as the chief deputy attorney general of my State.

Mr. Grasz is, in fact, eminently qualified for the circuit court bench as has been testified to by Republicans and Democrats across our State.

Let's set the scene first for the ABA's silly decision earlier this week to announce that they regard Steve Grasz as ''not qualified.'' I will highlight three specific items.

First, we should discuss the two people who interviewed Mr. Grasz and recognize that unfortunately they are blatant partisans with a sad track record of hackery.

Second, the ABA is trying to paint Mr. Grasz as an extremist simply because he did his job as the chief deputy attorney general of Nebraska and defended Nebraska laws and Nebraskans who wanted to outlaw the most barbaric of abortion practices—partial birth abortion.

Third, we should talk about the obvious bigotry of cultural liberals evident in their interview process of Mr. Grasz when they asked him repeated questions about nonlegal matters that had nothing to do with the claims of competence of the ABA.

First, let's talk about the two reviewers. The lead reviewer for the bar association on the Grasz nomination was Arkansas law professor Cynthia Nance. As it turns out, this is an encore performance for Ms. Nance. In 2006, she opposed then-nominee and now-Supreme Court Justice Samuel Alito because of his ''pro-life agenda,'' and she argued that made him unqualified to sit on the U.S. Supreme Court. I wonder if there is anyone in this body who rejected her view then and voted to confirm now-Justice Alito who would now echo her claims that Justice Alito is not qualified to sit in the seat he now holds. Hopefully we as a body are better than that.

The ABA's second reviewer, Lawrence Pulgram, is an attorney from San Francisco. A cursory glance at Mr. Pulgram's political involvement shows a long track record of support for left-wing candidates and aggressively progressive political organizations. These are the reviewers who are setting themselves up as dispassionate umpires calling balls and strikes. It is hogwash. These are not umpires. These are folks in the starting lineup of the ABA, an organization that explicitly endorsed pro-abortion policies beginning two decades ago.

To be clear, there is nothing wrong with Nance and Pulgram's zealous advocacy. They enjoy First Amendment rights just like all 320 million Americans do. There is nothing wrong with advocacy. What is wrong here is advocacy disguised as objective analysis, and that is what is actually happening in the case of the Grasz nomination.

This brings us to our second point about the ABA's treatment of Mr. Grasz. When you read their letter, it makes many anonymous claims that some people supposedly support the author's great worry about Grasz's alleged deeply held social views, but the closest thing the ABA ever comes to stating a fact—let alone producing a smoking gun—is the fact that as the chief deputy attorney general of the State of Nebraska, Mr. Grasz did the job of the chief deputy attorney general of the State of Nebraska. That is not news.

It is no secret that the vast majority of Nebraskans are pro-life, and thus it is no surprise that our State's laws reflect this. In the 1990s, Nebraska outlawed the most horrifying of all abortion procedures—the partial birth abortion. Unless anyone seeks comfort behind empty euphemisms like ''choice,'' let's be very clear what the people of Nebraska were outlawing. The people of my State banned a gruesome and grotesque practice where a doctor partially delivers an unborn baby and, while that baby girl's head is the only thing still in the mother's womb, the doctor would then collapse the baby's skull. If there is anyone in this body who believes that is a good and a moral act, that it is a good and a moral thing to deliver that baby girl, and then moments before her complete and full entry into the world, to vacuum out her brains, please come to the floor because few people believe that is a good or a moral or a just act—or at least few would admit it openly.

In fact, that is why, just a few years later, Federal law followed Nebraska's law and outlawed partial birth abortion, but in the 1990s, when Nebraska first outlawed that partial birth abortion procedure, many pro-abortion advocates brought suit and Steve, as chief deputy attorney general of Nebraska, defended the law of our State, which again is now the Federal law. He defended that law because it was his job. He defended the law because that is what the people of Nebraska wanted when they said this unspeakably barbaric procedure had no place in our State and now, thankfully, has no place in our Nation. Anyone who would paint Steve as an extremist needs to take a long, hard, and honest look at what he did as chief deputy attorney general of Nebraska defending the laws of the State of Nebraska.

Third, I know the ABA has an august-sounding name, but here is the reality of the kinds of stuff they did in their interview with Mr. Grasz. They asked him: What kind of schools do your kids go to? I don't really understand the connection to their legal interview. When they found out his kids attended a religious institution, they asked him why his kids would go to a religious institution. Well, it turns out, in my State, lots and lots of Lutherans and Catholics and lots of non-Lutherans and Catholics send their kids to Lutheran and Catholic schools. I don't know what that has to do with someone's competence, man or woman, to sit as an objective judge on a court of appeals, and yet the interviewers decided they should go there.

Then they began to refer to Mr. Grasz repeatedly in the interview as ''you people.'' They would frame questions to him and ask about ''you people.'' At one point, he finally paused and asked: Can you tell me who ''you people'' are? Because at this point, he didn't know if it was pro-life people, people who send their kids to religious schools, maybe just Nebraskans. They informed him they were using the term ''you people'' to mean conservatives or Republicans.

Third, in the course of their time with Mr. Grasz, their interview went from actual legal questions to just asking him more and more detail about his pro-life views, again that has nothing to do with the distinction between sitting on the bench as someone who applies facts and law and someone who, in a private capacity or in his public capacity, as the chief deputy attorney general of Nebraska had been defending the laws of the State of Nebraska.

Ed Whelan is the president of the Ethics and Public Policy Center and is a legal and jurisprudential expert. He has been covering the ABA case and their judgment on Mr. Grasz this week closely, and so I would like to read a few of his comments into the RECORD.

The ABA contends that Grasz is not sufficiently able ''to differentiate between the roles'' of advocate and adjudicator.

As its first example, the ABA contends that there is an inconsistency between Grasz's stated respect for stare decisis (that is, for binding precedent) and the views he expressed in a 1999 law-review article (and that it says he continues to adhere to). Selectively quoting that article, the ABA faults him for his supposed ''suggestion that a lower court judge was entitled, in deciding the issue [whether a 'partially born' fetus has a right to life under the 14th Amendment], to question the jurisprudence of a superior court.''

But in the law-review article that the ABA criticizes—

In that same article—

Grasz states [on pages] 27–28:

''Lower federal courts are obliged to follow clear legal precedent regardless of whether it may seem unwise or even morally repugnant to do so. However, a court need not extend questionable jurisprudence into new areas or apply it in areas outside of where there is clear precedent.''

Read together, these sentences set forth an uncontroversial position. In order to create controversy, the ABA entirely omits the first sentence, and it then pretends that the second sentence, rather than setting forth a general proposition, is ''referring to the Supreme Court's rulings in Roe and Casey.'' Yes, Grasz applies that general proposition to the question whether Roe v. Wade and Planned Parenthood v. Casey speak to the legal status of ''partially-born human beings,'' but, much as the ABA would have

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.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 295, 296, 323, 324, and 325.

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

The clerk will report the nominations en bloc.

The bill clerk read the nominations of Paul Dabbar, of New York, to be Under Secretary for Science, Department of Energy; Mark Wesley Menezes, of Virginia, to be Under Secretary of Energy; Richard Glick, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2022; Kevin J. McIntyre, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2018; and Kevin J. McIntyre, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2023.

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 Dabbar, Menezes, Glick, McIntyre, and McIntyre 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 en bloc consideration of the following nominations: Executive Calendar Nos. 378, 380, and 385.

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

The clerk will report the nominations en bloc.

The bill clerk read the nominations of Kyle Fortson, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2019; Gerald W. Fauth, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2020; and Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2018.

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 Fortson, Fauth, and Puchala nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to the consideration of Calendar No. 107, Steven Engel.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, Mike Rounds, James M. Inhofe, John Hoeven.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 384, Peter Robb.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, Mike Rounds, James M. Inhofe, John Hoeven.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 407, William Wehrum.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

Mitch McConnell, Orrin G. Hatch, Thom Tillis, John Barrasso, Johnny Isakson, Chuck Grassley, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, Mike Rounds, James M. Inhofe, John Hoeven.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 159, Derek Kan.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 Derek Kan, of California, to be Under Secretary of Transportation for Policy.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, Mike Rounds, James M. Inhofe, John Hoeven.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls with respect to the cloture motions be waived.

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

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the pending cloture motions ripen at 5:30 p.m. on Monday, November 6. I further ask that at 11 a.m. on Tuesday, November 7, the Senate proceed to the consideration of Executive Calendar No. 247, as under the previous order.

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

Mr. MCCONNELL. For the information of all Senators, there will be a cloture vote on the Engel nomination at 5:30 p.m. on Monday. The Senate will vote on the Gibson nomination at 12 noon on Tuesday.

The PRESIDING OFFICER. The Senator from Nebraska.

CONFIRMATIONS OF AMY BARRETT, JOAN LARSEN, AND ALLISON EID

Mrs. FISCHER. Mr. President, although nearly half of those graduating from law school are women, only about a third of the Federal judges are female. This week, we had the honor of adding three more.

I rise to congratulate these three successful women because their additions to the Federal court system are historic. They serve as more evidence that well-qualified women are becoming more confident in stepping forward and serving our great Nation.

Amy Coney Barrett, Joan Louise Larsen, and Allison Eid are three more cracks in that glass ceiling. Their confirmations are proof that successful women can balance responsibility and seize opportunity when it knocks on their doors. These accomplished nominees are not joining the Federal bench because of a frivolous attempt at trying to balance out the gender disparity in our courts. They will be donning the black robes because they will have earned it.

Amy Coney Barrett, our new judge for the Seventh Circuit, climbed to the ranks by clerking for Judge Laurence Silberman on the DC Circuit and Justice Scalia on the U.S. Supreme Court. In working with her husband, who is a successful lawyer in his own right, she has balanced family responsibilities while having achieved personal success. At the age of 30, she was hired as a professor at one of the Nation's best law programs, Notre Dame. Over the past 6 years, she has sat on the Advisory Committee on Federal Rules of Appellate Procedure on the recommendation of Chief Justice Roberts.

Joan Louise Larsen, the next U.S. circuit judge for the Sixth Circuit, is proof that hard work pays off. After graduating at the top of her class from Northwestern, Judge Larsen clerked for Justice Scalia on the U.S. Supreme Court before serving as a Deputy Assistant Attorney General in the U.S. Department of Justice, Office of Legal Counsel. She most recently sat on the highest court in her State, the Supreme Court of Michigan. She has done this while raising two children with her law professor husband.

Allison Eid, the newest judge for the Tenth Circuit, has demonstrated brilliance throughout her career. After graduating from Stanford, she worked as an assistant speechwriter for William Bennett, President Reagan's Secretary of Education. After graduating from law school with honors, she clerked for Justice Clarence Thomas of the U.S. Supreme Court. She has served with distinction on the Colorado Supreme Court since 2006. With her husband, Troy, the first Egyptian American to serve as a U.S. district attorney, she has helped to raise two children.

These three successful women should serve as role models to girls and boys across this Nation. They are proof that women do not need to stand back while others find success, and their confirmations are evidence that, when women support each other, they will achieve at the highest level. They also demonstrate the power of families when they work together to accomplish goals.

We should be proud to have confirmed these three great women to the Federal bench. All of us receive letters from children who ask questions about: What do you do in the U.S. Senate? Weeks like this one should be part of our response. We empower those who have empowered themselves regardless of their gender. We shape our legal system by filling it with qualified women who are dedicated to preserving and protecting our Constitution—the framework of our free Nation. We proclaim that hard work is to be rewarded. These three important confirmations are further proof that young women do not have to choose between raising families and rising to the top of their chosen professions.

I stand here today and send a message to every little girl who wonders about politics and every young woman who faces the challenges of starting out in her career: You can do this too. We love you, and we support you. Be confident when you want to step forward and serve your community and serve your country.

The judicial nominees who were voted on this week exemplify the best of our Nation's legal community. Their confirmations to the Federal bench have added significant talent to our Nation's system of justice. The work being done by the President and by this Senate in shaping the Federal courts with those who will follow the rule of law is historic. President Trump should be applauded for nominating such well-qualified people to be on the Federal bench.

All of the nominees voted on this week will make exceptional additions to the Federal bench, and I hope that the President will send many more like them for us to consider. All four are deserving of their new positions, and I am sure that they will honor and protect the Constitution and serve the American people well as good judges.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mrs. FISCHER. 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.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD)

VOTE EXPLANATION

● Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 259, on the nomination of Allison Eid, of Colorado, to be U.S. circuit judge for the Tenth Circuit. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 260, on the motion to invoke cloture on Stephanos Bibas, of Pennsylvania, to be U.S. circuit judge for the Third Circuit. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 261, on the nomination of Stephanos Bibas, of Pennsylvania, to be U.S. circuit judge for the Third Circuit. Had I been present, I would have voted nay.●

VOTE EXPLANATION

Mr. DONNELLY. Mr. President, earlier today, on rollcall vote No. 260, the motion to invoke cloture on Stephanos Bibas, of Pennsylvania, to be U.S. circuit judge for the Third District, I voted yea when I had intended to vote nay.

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17–22, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Qatar for defense articles and services estimated to cost $1.1 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER, *Lieutenant General, USA, Director.*

Enclosures.

TRANSMITTAL NO. 17–22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) Of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Qatar

(ii) Total Estimated Value:
Major Defense Equipment* $ 0 billion.
Other $ 1.1 billion.
TOTAL $ 1.1 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:
Major Defense Equipment (MDE): None
Non-MDE: Design and construction services, new parking/loading ramps, hot cargo pads, taxiways, hangars, back shops, alert facilities, weapons storage areas, hardened shelters, squadron operations facilities, maintenance facilities, training facilities, information technology support and cyber facilities, force protection support facilities, squadron operations facilities, other F–15QA related support structures, construction/facilities/design services, cybersecurity services, mission critical computer resources, support services, force protection services, and other related elements of logistics and program support.

(iv) Military Department: Air Force (X7–D–QAL).

(v) Prior Related Cases, if any:
Air Force: QA–D–SAC, QA–D–TAH, QA–D–YAB.
Navy: QA–P–AAG, QA–P–AAE, QA–P-AAH, QA–P–LAC, QA–P–LAE.

(vi) Sales Commission, Fee, etc., Paid, Offered. or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: November 1, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Qatar—F–15QA Construction, Cybersecurity, and Force Protection Infrastructure

The Government of Qatar has requested support of its F–15QA multi-role fighter aircraft program to include design and construction services, new parking/loading ramps, hot cargo pads, taxiways, hangars, back shops, alert facilities, weapons storage areas, hardened shelters, squadron operations facilities, maintenance facilities, training facilities, information technology support and cyber facilities, force protection support facilities, squadron operations facilities, other F–15QA related support structures, construction/facilities/design services, cybersecurity services, mission critical computer resources, support services, force protection services, and other related elements of logistics and program support. The estimated cost is $1.1 billion.

This proposed sale supports the foreign policy and national security objectives of the United States. Qatar is an important force for political stability and economic progress in the Persian Gulf region. Our mutual defense interests anchor our relationship and the Qatar Emiri Air Force (QEAF) plays a predominant role in Qatar's defense.

The proposed sale improves Qatar's capability to operate and sustain its F–15QA aircraft. A robust construction, cybersecurity, and force protection infrastructure is vital to ensuring the QEAF partners can utilize the F–15QA aircraft to its full potential. Qatar will have no difficulty absorbing this support into its armed forces.

The proposed sale of this construction, cybersecurity, and force protection infrastructure will not alter the basic military balance in the region.

The prime contractor for construction, cybersecurity, and force protection infrastructure will be determined through competition. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of the construction, cybersecurity, and force protection aspects of this notification include the establishment of a construction office in Doha with as many as ten (10) U.S. Government civilians which will adjust in size as case workload varies. Anticipated contractor footprint for this effort is approximately fifteen (15) to fifty (50) personnel, which may vary based on phases of construction and establishment of required services.

There will be no adverse impact to U.S. defense readiness as a result of this proposed sale.

HEALTHCARE

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the article, ''More ACA Plans to Come With No Premiums in 2018,'' by Anna Wilde Mathews and Christopher Weaver that was published in the Wall Street Journal on October 27, 2017.

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

MORE ACA PLANS TO COME WITH NO PREMIUMS IN 2018

Insurers selling Affordable Care Act plans have a compelling new pitch: free health insurance.

When sales of plans on the law's exchanges begin Nov. 1, a growing number of consumers around the country will be able to get coverage for 2018 without paying any monthly premium, according to health insurers and an analysis of newly available federal data.

In nearly all of the 2,722 counties included in the data, some consumers will be able to obtain free health insurance because they qualify for larger federal premium subsidies that cover the full cost of a plan, according to the new analysis.

The growing availability of no-premium plans is a side effect of a decision by President Donald Trump's administration to end federal payments that are used to reduce out-of-pocket costs, such as deductibles, for low-income enrollees. The administration didn't halt—and indirectly bolstered—the federal subsidies that help consumers with their insurance premiums.

The new analysis doesn't project exactly how many consumers could be eligible for the no-premium plans, a figure that depends on variables including people's income, household size, age, location and access to other types of health coverage.

In the coming weeks, insurers are gearing up to promote the no-premium option. Amid uncertainty about the future of the 2010 health law, known as Obamacare, many insurers have pulled back from the law's marketplaces. Many of the remaining ones are worried about losing enrollment next year—largely among consumers who aren't eligible for subsidies and won't be able to get premium-free plans.

Insurers hope the no-premium insurance draws in more enrollees, particularly those they need most: people with few health needs. Healthy consumers help bolster the stability of the market by balancing out the health costs of sicker enrollees.

''We absolutely will be promoting this opportunity to get coverage at a zero price,''

said Wendy Curran, a spokeswoman for Blue Cross Blue Shield of Wyoming, which is mentioning the no-premium plans in print, radio and social-media advertising. ''We hope those younger people will say, 'Well yeah, if it's not going to cost me anything, sure.' ''

Ms. Curran said it was ''astounding even to us'' how many people will be able to get no-premium insurance in Wyoming.

The no-premium plans will also receive a hefty promotional push from insurance agents. EHealth Inc. and HealthMarkets Inc., both big national agencies, said they're preparing to highlight the option in advertising and other outreach.

''It's just the idea of something free being really appealing,'' said Nate Purpura, a vice president at eHealth. The company's surveys have consistently shown that price is the most important factor in consumers' choice of plan, he said.

Availability will vary by age and income, but some enrollees who don't have a very low income may be able to land zero-premium coverage, according to the analysis of federal data conducted by consulting firm Oliver Wyman, a unit of Marsh & McLennan.

The firm found that zero-premium ACA exchange plans would be available next year to at least some consumers in a total of 2,692 counties, out of 2,722 in the study.

A 60-year-old making about $36,000 a year could find free 2018 plans in 1,590 counties, while one with income of about $48,000 could do so in 654 counties, according to the analysis, which used data released Wednesday for plans available on HealthCare.gov, the federal marketplace used by 39 states.

For 2017, no-premium plans were available in many places for the very lowest-income enrollees, but for those at slightly higher levels, they were much more scarce. For instance, in 2017, a 60-year-old making about $36,000 could find free plans in about 300 of the counties.

That is what is different in 2018, said Kurt Giesa, a partner at Oliver Wyman. The zero-premium plans are ''much more prevalent now than they were,'' he said.

In California, which isn't included in the federal data, consumers must pay a minimal $1 a month. But there is a ''huge increase from last year'' in the number of people who will be able to buy virtually free plans, said Peter V. Lee, executive director of Covered California, the state's ACA exchange. Covered California currently has about 1.1 million enrollees who receive federal-premium subsidies, and more than half of them will be able to buy a plan for $1 for 2018, he said.

The growing availability of no-premium plans is tied to the complicated dynamics of the 2010 health law, as well as a recent move by the GOP president.

Under the law's rules, subsidies that help pay for premiums are available to people making up to about $48,000 a year. Those subsidy amounts are linked to the cost of the second-cheapest silver plan in an enrollee's location. So, when silver premiums go up, subsidies go up.

Earlier this month, Mr. Trump's administration cut off federal payments to insurers for covering certain out-of-pocket costs for low-income enrollees in silver plans. In response, insurers raised premiums on their 2018 policies sharply to cover the extra expense, now coming out of their pockets—and in many cases, they loaded the extra boost only onto the silver plans.

Because the separate premium subsidies, which Mr. Trump didn't cut, are linked to silver-plan prices, those subsidies are rising, too. In many states, the costs for cheaper bronze plans are going up much less rapidly than silver plans, so many more people will wind up being eligible for no-premium plans.

On the flip side, those who don't get premium subsidies under the 2010 law may be responsible for the full brunt of steep rate increases, though they may be able to mitigate the impact by staying away from silver plans.

For those who can get free plans, the lure may be irresistible.

Medica, an insurer that is offering exchange plans in states including Iowa, Nebraska and Wisconsin, is running ads in some places that say ''$0 premium plans for individuals who qualify.'' It is also sending letters to some current exchange enrollees with bronze plans, who are likely to be enrolled with Medica in 2018, informing them that they can stop paying premiums next year. ''That's a nice letter to get,'' said Geoff Bartsh, a vice president at Medica.

Jerry Dworak, chief executive of Montana Health Co-op, said, ''of course we're hoping that'' young and healthy enrollees flock to the no-premium plans.

''If they see that it's free, why not take it?,'' he said.

Mr. Dworak said that a person making as much as $33,000 a year could get one of his company's Idaho plans and pay no premium.

The plans may attract more older consumers than younger because premiums and subsidies rise with age, making free plans more available to older people.

And for some, the zero-premium plans won't actually be the best deal, insurers and insurance agents say. The silver plans could be cheaper overall for people who use much health care, despite their higher premium costs, if these people are eligible for the health law's cost sharing help.

According to HealthCare.gov, for instance, a 40–year-old man in Cheyenne, Wyo., who makes about $24,000 a year could get a zero-premium bronze plan, but he could pay as much as $6,650 over the course of 2018 in deductibles and other out-of-pocket charges. Or he could get a silver plan that would cost him around $125 a month, but cap his out-of-pocket costs at $2,450.

''There's this trade-off,'' said Michael Z. Stahl, a senior vice president at HealthMarkets, who said the company's agents will walk through the pros and cons with clients.

TRIBUTE TO SUSIE McMURRY

Mr. BARRASSO. Mr. President, today I wish to honor Susie McMurry.

On November 10, 2017, the Greater Wyoming Council of the Boy Scouts of America will hold their annual ''Strength of America Banquet'' and celebrate Susie McMurry, a remarkable Wyoming philanthropist. Every year at this event, the council honors an individual who made invaluable contributions to the community and demonstrates the values of the Scout oath and law.

Susie McMurry is a perfect choice to receive this special recognition. She is a role model in our community and truly represents a spirit of citizenship, leadership, and service. Throughout her life, Susie has always demonstrated an enduring devotion to God, her family, and Wyoming. She loves her family. She loves her home State of Wyoming. She loves her country.

She truly exemplifies the Scout promise ''to help other people at all times.'' Should an opportunity arise to improve the life of a child, Susie is the first to offer her assistance, time, and resources. Susie strongly supports programs for children that focus on mentoring, developing leadership skills, encouraging community service, and building self-esteem. She believes ''Children are the sunshine in our lives. If we don't take care of our children, our world will be without sunshine.''

Her parents raised her with a deep understanding of the importance of giving back. While growing up, her parents always lent a helping hand and opened their homes to individuals in need. Throughout her life, she has tried to follow their example. For nearly 30 years, she and her husband, Mick McMurry, were foster parents. They provided a safe and caring home for hundreds of children in Wyoming.

Susie is a strong, compassionate, and caring woman. In 1946, she was born in Casper at Memorial Hospital of Natrona County. She called both Elk Mountain and Hanna home before eventually moving to Casper. Susie discovered her calling to help children early in life. She studied elementary education at Casper College and the University of Wyoming. After graduation, she returned to Casper and taught first grade at Crest Hill Elementary School.

She met her husband of 41 years, Mick McMurry, in Casper. On December 21, 1973, Susie and Mick McMurry were married in Glenrock, WY. A few years later, they adopted their daughter, Trudi, and Susie retired from teaching. In 1979, Susie and Mick became foster parents. Their second daughter, Jillian, was adopted from the foster program. Susie has eight grandchildren: Lou Davis, Tayla Davis, Tillie Holthouse, Ellie Holthouse, Evie Kaschmitter, Lily Kaschmitter, Max Kaschmitter, and Andrew Kaschmitter. She also has one great-grandchild, Neil Campbell. In 2015, Susie, the McMurry family, Casper, and the State of Wyoming mourned the loss of her husband, Mick. Susie's compassion and strength continues to guide her family and our community.

The McMurry family has a remarkable history of helping people across the State of Wyoming. Susie explained, ''One of our goals is to teach the younger generation how to give back, how to participate, and love making a difference.'' Mick and Susie established the McMurry Foundation in 1998 with a mission to make a significant and beneficial impact on the lives of others. Guided by the values of excellence and compassion, the foundation has awarded more than $50 million since it was established. It focuses on education, religion, children and advocacy for children, health and human resources, the arts and humanities, and favorable business environments.

Buildings across the State bear the McMurry name as a mark of gratitude for their wonderful support. The number of places in Wyoming that have benefited from the contributions of the McMurry family is incredible, but one organization especially dear to Susie is the Wyoming Medical Center. Susie has spent a tremendous number of

hours volunteering her time and talents to the benefit of everyone who comes through the doors. She feels that the health of a community is directly tied to the health of its people.

The values that Susie and the McMurry Foundation promote go hand in hand with the mission of the Boy Scouts of America. They both work to ensure youth have the knowledge and skills needed to become future leaders of Wyoming. Their continued focus on education, leadership, and community service will serve these young people and our State for generations.

Susie's kindness, generosity, and grace are true reflections of her character. She believes that fulfillment in life comes from making a difference in the lives of others. Whether it is volunteering at the Wyoming Medical Center to support patients and families or raising funds for the Boys and Girls Club of Central Wyoming, she has made a huge difference in the lives of so many people. Susie continues to have a positive and lasting mark on our community.

It is with great honor that I recognize this exceptional member of our Wyoming community. My wife, Bobbi, joins me in extending our congratulations to Susie McMurry for receiving this honorable distinction.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF MISSOURI ASSOCIATION OF STUDENT FINANCIAL AID PERSONNEL

● Mr. BLUNT. Mr. President, I rise today to congratulate the Missouri Association of Student Financial Aid Personnel, MASFAP, which is celebrating its 50th anniversary. MASFAP organized in 1967 with a steering committee of five members. Today the association has grown to over 800 members. The observance of MASFAP's 50th anniversary provides an opportunity to recognize the work of Missouri's student financial aid personnel and the association's partnerships and to raise awareness about the affordability of a postsecondary education.

MASFAP is a dynamic association dedicated to serving and advocating for practitioners, users, and providers of student financial aid programs. Most families and students are aware of student financial aid programs because they provide valuable funds to assist in the costs of a postsecondary education, without which many would be unable to achieve their education goals.

As a former high school teacher and university president, I know how fortunate it is for Missouri to have so many great post-secondary education options. With the assistance of student financial aid administrators throughout Missouri, students are learning about the resources available to help them attend one of the great schools of their choice. As a result, students are getting the education and training they need to succeed.

When I served as Missouri Secretary of State, I had the opportunity to sign the first articles of incorporation for MASFAP. Today I thank the association and all its members for their work and congratulate them on their 50th anniversary.●

TRIBUTE TO MAJOR GENERAL RICHARD C. NASH

● Mr. FRANKEN. Mr. President, today I wish to recognize and celebrate the career of Minnesota Adjutant General Richard C. Nash. Major General Nash retired on October 31st, after leading the Minnesota National Guard for the past 7 years. His leadership has ensured the excellence of the Minnesota National Guard.

Major General Nash enlisted in the infantry in 1972 and quickly rose through the ranks, earning a commission as a second lieutenant following completion of officer candidate school. Since then, he has commanded at all levels, starting as a company level commander and rising to lead the U.S. Divisions-South supporting Operation Iraqi Freedom in 2010.

In November of 2010, Major General Nash was appointed by Governor Tim Pawlenty to be the adjutant general of the Minnesota National Guard. In this role, he has skillfully commanded Minnesota's Army and Air National Guard units not only in missions in Minnesota, but also as they have served across the globe, in places such as Iraq, the Sinai Peninsula, and the Baltics. Under Major General Nash's stewardship, the Minnesota National Guard has performed every mission reliably and with distinction.

I have had the honor of working closely with Major General Nash during my time in office. He has been a tireless advocate for the Guard on issues ranging from installations, to the Guard's renewable energy use, to the important task of ensuring the Guard's annual priorities are met. One area I worked particularly closely with Major General Nash on has been our efforts to expand medical, education, and retirement benefits that had been previously denied to National Guard soldiers deployed under the 12304b authority. Major General Nash has been a strong voice on this issue, and his work was critical to my efforts to enact bipartisan legislation to ensure Minnesota Guardsmen and Reservists have access to these services. Our veterans have earned these benefits through their service and sacrifice to our country, and they should not be denied those benefits.

In addition to his exemplary leadership of the Minnesota Guard's service in missions foreign and domestic, Major General Nash deserves special recognition for his work preparing the force for future energy and sustainability challenges. In particular, his work developing the Minnesota Guard's sustainable infrastructure has made the Minnesota Guard a pioneer in the use of solar and geothermal energy initiatives. In 2011, Minnesota National Guard facilities set a goal to reduce energy consumption by 3 percent. Forty-one Minnesota National Guard armories participated in this program and energy consumption was reduced by an average of 5.4 percent year over year through the use of geothermal and solar thermal heating, water reuse, solid waste recycling, as well as natural and LED lighting. Furthermore, all new construction projects under Major General Nash's leadership have been designed to LEED standards. These developments are so important because they reduce the Guard's reliance on fossil fuels and foreign oil, support jobs in the local economy, and reduce energy costs for the Guard, allowing them to invest more in our civilian soldier's readiness, training, and education. The work Major General Nash has done to prepare for future energy and sustainability challenges has ensured that the Minnesota National Guard will continue to lead the country on the battlefield and at home.

Finally, I want to note with my gratitude Major General Nash's many years of service as a judge in my annual poetry contest that allows Minnesota students to write about a military veteran who has made a difference in their lives. Each year, he spends hours reading these heartfelt poems and helping me decide which ones will hang in my Senate office.

I would like to extend my best wishes to Major General Nash upon his retirement and wish him the best of luck in his future endeavors. Thank you, General Nash. Your service to our Nation and our State has been indispensable and invaluable. Above all, it has made a difference to the men and women who served under you.

Thank you.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Cuccia, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:01 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 425. An act to authorize the revocation or denial of passports to individuals affiliated with foreign terrorist organizations, and for other purposes.

H.R. 1074. An act to repeal the Act entitled ''An Act to confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation''.

H.R. 1488. An act to retitle Indiana Dunes National Lakeshore as Indiana Dunes National Park, and for other purposes.

H.R. 1585. An act to amend the Securities Act of 1933 to codify certain qualifications of individuals as accredited investors for purposes of the securities laws.

H.R. 2600. An act to provide for the conveyance to the State of Iowa of the reversionary interest held by the United States in certain land in Pottawattamie County, Iowa, and for other purposes.

H.R. 2936. An act to expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

H.R. 3279. An act to amend the Mineral Leasing Act to provide that extraction of helium from gas produced under a Federal mineral lease shall maintain the lease as if the helium were oil and gas.

H.R. 3903. An act to amend the Securities Act of 1933 to expand the ability to use testing the waters and confidential draft registration submissions, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 43. Concurrent resolution providing official recognition of the massacre of 11 African-American soldiers of the 333rd Field Artillery Battalion of the United States Army who have been captured in Wereth, Belgium, during the Battle of the Bulge on December 17, 1944.

At 12:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 28. Concurrent resolution providing for a correction in the enrollment of S. 782.

ENROLLED BILL SIGNED

The President pro tempore (Mr. HATCH) announced that on today, November 2, 2017, he has signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 1329. An act to increase, effective as of December 1, 2017, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

ENROLLED BILL SIGNED

At 3:52 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 782. An act to reauthorize the National Internet Crimes Against Children Task Force Program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 425. An act to authorize the revocation or denial of passports to individuals affiliated with foreign terrorist organizations, and for other purposes; to the Committee on Foreign Relations.

H.R. 1074. An act to repeal the Act entitled ''An Act to confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation''; to the Committee on Indian Affairs.

H.R. 1488. An act to retitle Indiana Dunes National Lakeshore as Indiana Dunes National Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1585. An act to amend the Securities Act of 1933 to codify certain qualifications of individuals as accredited investors for purposes of the securities laws; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2600. An act to provide for the conveyance to the State of Iowa of the reversionary interest held by the United States in certain land in Pottawattamie County, Iowa, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2936. An act to expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3279. An act to amend the Mineral Leasing Act to provide that extraction of helium from gas produced under a Federal mineral lease shall maintain the lease as if the helium were oil and gas; to the Committee on Energy and Natural Resources.

H.R. 3903. An act to amend the Securities Act of 1933 to expand the ability to use testing the waters and confidential draft registration submissions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 43. Concurrent resolution providing official recognition of the massacre of 11 African-American soldiers of the 333rd Field Artillery Battalion of the United States Army who had been captured in Wereth, Belgium, during the Battle of the Bulge on December 17, 1944; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3373. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary (International Markets and Development), Department of the Treasury, received in the Office of the President of the Senate on November 1, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3374. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Mississippi River/Gulf of Mexico Watershed Nutrient Task Force: 2017 Report to Congress''; to the Committee on Environment and Public Works.

EC–3375. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(d) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data, defense services, and manufacturing know-how to the Republic of Korea to support the design and manufacture of Programmers and Digital Cockpit Display Units for ALE–47(V) Threat Adaptive Countermeasures Dispenser System (TACDS) to be used in Korean Utility Helicopters of the South Korean Army in the amount of $33,200,000 or more (Transmittal No. DDTC 17–022); to the Committee on Foreign Relations.

EC–3376. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(d) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data, defense services, and manufacturing know-how to Canada to support the manufacture and delivery of constituent material of plasma spray powder for use in certain U.S. military ceramic coatings in the amount of $57,000,000 or more (Transmittal No. DDTC 17–026); to the Committee on Foreign Relations.

EC–3377. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of firearms and accessories abroad controlled under Category I of the United States Munitions List of various caliber finished replacement barrels and various caliber rifle barrel blanks for commercial resale to Canada in the amount of $1,000,000 or more (Transmittal No. DDTC 17–081); to the Committee on Foreign Relations.

EC–3378. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the semi-annual report of the Inspector General for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3379. A communication from the Secretary of Veterans Affairs, transmitting proposed legislation entitled ''Veteran Coordinated Access and Rewarding Experiences (CARE) Act''; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on the Judiciary, without amendment:

S. 807. A bill to provide anti-retaliation protections for antitrust whistleblowers.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on the Judiciary.

Matthew G. T. Martin, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Christina E. Nolan, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself, Mr. ALEXANDER, Mr. BURR, Mr. ENZI, Mr. ROBERTS, and Mr. CASSIDY):

S. 2059. A bill to amend title XVIII of the Social Security Act to provide for a 90-day period for the determination of whether a MIPS eligible professional or eligible hospital is a meaningful EHR user and to remove the all-or-nothing approach to meaningful use, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. CARDIN, Mr. DURBIN, Mr. YOUNG, Mr. MARKEY, Mr. RUBIO, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. SCHATZ, Mr. KAINE, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. BOOKER, and Mrs. SHAHEEN):

S. 2060. A bill to promote democracy and human rights in Burma, and for other purposes; to the Committee on Foreign Relations.

By Mr. NELSON (for himself and Ms. KLOBUCHAR):

S. 2061. A bill to further deployment of Next Generation 9–1-1 services to enhance and upgrade the Nation's 9–1-1 systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FLAKE:

S. 2062. A bill to require the Secretary of Agriculture to convey at market value certain National Forest System land in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself and Mr. BLUMENTHAL):

S. 2063. A bill to direct the Secretary of Veterans Affairs to submit to Congress certain documents relating to the Electronic Health Record Modernization Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. JOHNSON (for himself, Mr. DONNELLY, Mr. YOUNG, and Ms. BALDWIN):

S. 2064. A bill to amend the Richard B. Russell National School Lunch Act to include canned, dried, frozen, and pureed fruits and vegetables in the fresh fruit and vegetable program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. YOUNG (for himself, Mr. NELSON, Mr. HELLER, and Mr. BENNET):

S. 2065. A bill to establish a demonstration program to provide integrated care for Medicare beneficiaries with end-stage renal disease, and for other purposes; to the Committee on Finance.

By Mr. NELSON (for himself, Mrs. GILLIBRAND, and Ms. HARRIS):

S. 2066. A bill to provide housing and Medicaid assistance to families affected by a major disaster, and for other purposes; to the Committee on Finance.

By Mr. CRAPO:

S. 2067. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain DNA Specimen Provenance Assay clinical diagnostic laboratory tests; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. HATCH, Mr. THUNE, and Mr. DAINES):

S. 2068. A bill to discourage litigation against the Forest Service and the Bureau of Land Management relating to land management projects, to require the Secretary of the Interior to develop a categorical exclusion for covered vegetative management activities carried out to establish or improve habitat for greater sage-grouse and mule deer, to address the forest health crisis on National Forest System land, to expedite and prioritize forest management activities to achieve ecosystem restoration objectives, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself, Mrs. GILLIBRAND, Mr. DURBIN, Mr. FRANKEN, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Ms. BALDWIN, and Mr. BOOKER):

S. 2069. A bill to amend the National Labor Relations Act to clarify the requirements for meeting the definition of the term ''employee'', and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, Mr. TILLIS, Mr. SCHUMER, and Mr. DURBIN):

S. 2070. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism; to the Committee on the Judiciary.

By Ms. HIRONO (for herself and Mr. SCHATZ):

S. 2071. A bill to authorize the temporary entry into the United States of alien crewmen employed on longline fishing vessels originating in Hawaii, to ensure that such aliens receive reasonable wages and working conditions, and to provide for appropriate enforcement and oversight of fishing companies employing such aliens; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself, Mr. BOOKER, Mrs. FEINSTEIN, Mr. DURBIN, Mr. SANDERS, Mr. TESTER, Mr. WHITEHOUSE, and Mr. MARKEY):

S. 2072. A bill to amend the Toxic Substances Control Act to require the Administrator of the Environmental Protection Agency to take action to eliminate human exposure to asbestos, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BENNET (for himself, Mr. GARDNER, and Mr. THUNE):

S. 2073. A bill to establish a vegetation management pilot program on National Forest System land to better protect utility infrastructure from passing wildfire, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HOEVEN:

S. 2074. A bill to establish a procedure for the conveyance of certain Federal property around the Jamestown Reservoir in the State of North Dakota, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 321. A resolution honoring the career of Major General Richard C. Nash and recognizing his service to the United States and the State of Minnesota; to the Committee on Armed Services.

By Mr. LANKFORD (for himself and Mr. MANCHIN):

S. Con. Res. 29. A concurrent resolution recognizing the 100th anniversary of the Balfour Declaration; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 236

At the request of Mr. WYDEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 322

At the request of Mr. PETERS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 514

At the request of Mr. PERDUE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 514, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans.

S. 620

At the request of Mr. FRANKEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 620, a bill to amend the Workforce Innovation and Opportunity Act to support community college and industry partnerships, and for other purposes.

S. 654

At the request of Mr. TOOMEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 654, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 699

At the request of Mr. MURPHY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 699, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental and behavioral health care to certain individuals discharged or released from the active military, naval, or air service under conditions other than honorable, and for other purposes.

S. 783

At the request of Ms. BALDWIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 783, a bill to amend the Public Health Service Act to distribute maternity

care health professionals to health professional shortage areas identified as in need of maternity care health services.

S. 807

At the request of Mr. GRASSLEY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Delaware (Mr. COONS), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Louisiana (Mr. KENNEDY) were added as cosponsors of S. 807, a bill to provide anti-retaliation protections for antitrust whistleblowers.

S. 833

At the request of Mr. TESTER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 833, a bill to amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

S. 992

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 992, a bill to direct the Secretary of Veterans Affairs to conduct an independent review of the deaths of certain veterans by suicide, and for other purposes.

S. 1002

At the request of Mr. MORAN, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1002, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1014

At the request of Mrs. FISCHER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1014, a bill to direct the Secretary of Veterans Affairs to make grants to eligible organizations to provide service dogs to veterans with severe post-traumatic stress disorder, and for other purposes.

S. 1027

At the request of Mr. HATCH, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1027, a bill to extend the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 1089

At the request of Mr. PORTMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1089, a bill to require the Secretary of Energy to review and update a report on the energy and environmental benefits of the re-refining of used lubricating oil.

S. 1109

At the request of Mr. MERKLEY, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1109, a bill to amend title VIII of the Public Health Service Act to extend advanced education nursing grants to support clinical nurse specialist programs, and for other purposes.

S. 1357

At the request of Ms. BALDWIN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1357, a bill to amend title XIX of the Social Security Act to provide a standard definition of therapeutic family care services in Medicaid.

S. 1568

At the request of Mr. MARKEY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Mr. PETERS) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 1568, a bill to require the Secretary of the Treasury to mint coins in commemoration of President John F. Kennedy.

S. 1707

At the request of Mrs. GILLIBRAND, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1707, a bill to amend the Food and Nutrition Act of 2008 to provide for a standard medical expense deduction under the supplemental nutrition assistance program, and for other purposes.

S. 1977

At the request of Mr. PORTMAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1977, a bill to amend the Internal Revenue Code of 1986 to extend the 7.5 percent threshold for the medical expense deduction for individuals age 65 or older.

S. 2042

At the request of Ms. KLOBUCHAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2042, a bill to authorize a joint action plan and report on drug waste.

S. RES. 315

At the request of Mr. HOEVEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. Res. 315, a resolution designating November 4, 2017, as National Bison Day.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, Mr. TILLIS, Mr. SCHUMER, and Mr. DURBIN):

S. 2070. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today Senators KLOBUCHAR, TILLIS, SCHUMER, DURBIN and I will introduce legislation to help America's families locate missing loved ones who have Alzheimer's disease, autism or related conditions that may cause them to wander. Congressman CHRIS SMITH will introduce a virtually identical companion bill in the House of Representatives today as well.

Our bill, which was introduced for the first time in the 114th Congress, extends an existing program that helps locate individuals with Alzheimer's disease or dementia. It also adds new support for people with autism.

We have named the legislation in honor of two boys with autism who perished because their condition caused them to wander. One of these children, nine-year-old Kevin Curtis Wills, slipped into Iowa's Raccoon River near a park and tragically drowned in 2008. The other, 14-year-old Avonte Oquendo, wandered away from his school and drowned in New York City's East River a few years ago.

Theirs are not isolated cases. Just a few months ago, a four year-old with autism drowned in a pool after wandering away from her caretakers. We've all read or heard the heartbreaking stories of families frantically trying to locate a missing loved one whose condition caused him or her to wander off.

Our bill will give communities the tools they need to help locate people with Alzheimer's disease or other forms of dementia as well as children with autism spectrum disorders who wander away from their families or caregivers and into dangerous situations.

My home State of Iowa has the fifth highest Alzheimer's death rate in America and we have about 63,000 Iowans living with the disease, according to the Alzheimer's Association. Additionally, the CDC identified 1 in 68 children across the country as having autism spectrum disorders. In Iowa alone, about 8,000 individuals have been diagnosed with autism spectrum disorders.

This bill will make resources available to equip first responders, law enforcement officials, and other community leaders with the training and tools necessary to better prevent and respond to these cases as soon as possible. With better information sharing, communities can play a central role in reuniting autistic children and other individuals who wander with their families.

Finally, the bill will ensure that local law enforcement agencies and nonprofits that educate and train people on how to proactively prevent and locate missing individuals who wander are eligible for grants from the U.S. Department of Justice. These grants will facilitate the development of training and emergency protocols for

school personnel, supply first responders with additional information and resources, and make local tracking technology programs available for individuals who may wander from safety because of their condition. Grant funding may also be used to establish or enhance notification and communications systems for the recovery of missing children with autism.

I urge my colleagues to support this important legislation, which in the 114th Congress passed the Senate unanimously. The House companion bill garnered over 90 cosponsors and passed the other chamber by vote of 346 to 66 in the 114th Congress. Our bill has been endorsed by, among others, the Autism Society of Iowa, Autism Speaks, the National Autism Association, SafeMinds, the National Center for Missing and Exploited Children, ANCOR (American Network of Community Options), National Autism Society of America, the Alzheimer's Impact Movement, the National Down Syndrome Society, and the Color of Autism Foundation.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 29—RECOGNIZING THE 100TH ANNIVERSARY OF THE BALFOUR DECLARATION

Mr. LANKFORD (for himself and Mr. MANCHIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 29

Whereas the Jewish people have had a homeland in modern-day Israel for more than 3,000 years;

Whereas on November 2, 1917, United Kingdom Foreign Secretary Lord Arthur Balfour wrote to Lord Walter Rothschild, to be declared to the Zionist Federation, a letter declaring, on behalf of the Government of the United Kingdom, support for a home for the Jewish people in the former Ottoman district of Palestine;

Whereas this letter, known as the Balfour Declaration, was ratified into international law by the League of Nations on July 24, 1922;

Whereas on September 21, 1922, President Warren G. Harding signed House Joint Resolution 322, after unanimous support from the House of Representatives and the Senate, favoring the establishment, in the former Ottoman district of Palestine, of a national home for the Jewish people;

Whereas the Balfour Declaration clearly recognized and sought to uphold the ''civil and religious rights of the existing non-Jewish communities in Palestine,'' as well as the ''rights and political status enjoyed by Jews in any other country''; and

Whereas the Balfour Declaration was a significant part of the chain of events that led to the establishment of the modern State of Israel on May 14, 1948: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the centenary of the Balfour Declaration;

(2) affirms its commitment to maintaining the strongest of bilateral ties with the State of Israel; and

(3) recognizes the importance of the establishment of the modern State of Israel as a secure and democratic homeland for the Jewish people.

SENATE RESOLUTION 321—HONORING THE CAREER OF MAJOR GENERAL RICHARD C. NASH AND RECOGNIZING HIS SERVICE TO THE UNITED STATES AND THE STATE OF MINNESOTA

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 321

Whereas Major General Richard C. Nash served as the Adjutant General of the Minnesota National Guard with distinction during the last 7 years;

Whereas Major General Nash is a native of Minnesota who has dedicated his life to serving the United States and the State of Minnesota;

Whereas Major General Nash served honorably in the Armed Forces for 45 years, 29 of which were served in the Minnesota National Guard;

Whereas Major General Nash has commanded at all levels, from company to multinational task force, demonstrating steadfast and wise leadership;

Whereas the men and women of the Minnesota National Guard are among the very best in the United States, with more than 13,000 soldiers and airmen;

Whereas the Minnesota National Guard has 58 Army facilities and 2 air bases in more than 50 communities;

Whereas Major General Nash has led international initiatives in Iraq, Afghanistan, the Sinai Peninsula, and the Baltic region, helping to protect the interests of the United States and spread the values of the United States around the world;

Whereas Major General Nash has kept Minnesotans safe during times of floods and other natural disasters;

Whereas Major General Nash has been a strong advocate for the men and women of the Minnesota National Guard and the families of those men and women;

Whereas Major General Nash has been committed to the Beyond the Yellow Ribbon program of Minnesota, which helps returning servicemembers and the families of those servicemembers;

Whereas Major General Nash has been a tireless advocate for Family Assistance Centers, which advocate for veterans of the Armed Forces and the loved ones of those veterans;

Whereas Major General Nash is a highly decorated military officer and the recipient of many awards, including—

(1) the Distinguished Service Medal of the Army;

(2) the Defense Superior Service Medal;

(3) the Legion of Merit;

(4) the Bronze Star Medal;

(5) the Meritorious Service Medal;

(6) the Army Commendation Medal;

(7) the Army Achievement Medal;

(8) the Army Reserve Components Achievement Medal;

(9) the National Defense Service Medal;

(10) the Armed Forces Expeditionary Medal;

(11) the Iraq Campaign Medal;

(12) the Global War on Terrorism Service Medal;

(13) the Armed Forces Service Medal;

(14) the Armed Forces Reserve Medal;

(15) the Army Service Ribbon;

(16) the Overseas Service Ribbon;

(17) the Army Reserve Components Overseas Training Ribbon;

(18) the North Atlantic Treaty Organization Medal;

(19) the Minnesota Commendation Ribbon;

(20) the Minnesota State Active Duty Ribbon;

(21) the Minnesota Distinguished Recruiting Ribbon;

(22) the Minnesota Service Ribbon;

(23) the Expert Infantryman Badge; and

(24) the Air Assault Badge; and

Whereas the service of Major General Nash lives on through his legacy in the United States, Minnesota, and abroad: Now, therefore, be it

Resolved, That the Senate—

(1) honors the decades of distinguished service of Major General Richard C. Nash; and

(2) congratulates Major General Richard C. Nash on his retirement, which took place on October 31, 2017, following a distinguished 45-year military career.

AUTHORITY FOR COMMITTEES TO MEET

Mr. GARDNER. Mr. President, I have 4 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, November 2, 2017, at 9:30 a.m., to conduct a hearing on the following nominations: Mark T. Esper, of Virginia, to be Secretary of the Army, Robert L. Wilkie, of North Carolina, to be Under Secretary for Personnel and Readiness, Joseph Kernan, of Florida, to be Under Secretary for Intelligence, and Guy B. Roberts, of Virginia, to be an Assistant Secretary, all of the Department of Defense.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, November 2, 2017, at 9:30 a.m., in room SD–366 to hold a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, November 2, 2017, at 10 a.m., in room SD–226 to conduct a hearing on S. 807 and the following nominations: of Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, Jeffrey Uhlman Beaverstock, to be United States District Judge for the Southern District of Alabama, Emily Coody Marks, and Brett Joseph Talley, both to be a United States District Judge for the Middle District of Alabama, Holly Lou Teeter, to be United States District Judge for the District of Kansas, and Matthew G. T. Martin, to be United

States Attorney for the Middle District of North Carolina, and Christina E. Nolan, to be United States Attorney for the District of Vermont, both of the Department of Justice.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, November 2, 2017, at 2 p.m., in room SH–219 to conduct a closed hearing.

ORDERS FOR MONDAY, NOVEMBER 6, 2017

Mrs. FISCHER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m. on Monday, November 6; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Engel nomination under the previous order.

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

ADJOURNMENT UNTIL MONDAY, NOVEMBER 6, 2017, AT 3 P.M.

Mrs. FISCHER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 4:35 p.m., adjourned until Monday, November 6, 2017, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL RESERVE SYSTEM

JEROME H. POWELL, OF MARYLAND, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS, VICE JANET L. YELLEN, TERM EXPIRING.

DEPARTMENT OF COMMERCE

JEFFREY KESSLER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PAUL PIQUADO, RESIGNED.

DEPARTMENT OF STATE

ROBIN S. BERNSTEIN, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

CHRISTOPHER ASHLEY FORD, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON–PROLIFERATION), VICE THOMAS M. COUNTRYMAN, RESIGNED.

DEPARTMENT OF JUSTICE

JOHN C. ANDERSON, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE DAMON P. MARTINEZ, RESIGNED.

JOSEPH D. BROWN, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE JOHN MALCOLM BALES, RESIGNED.

JOHN H. DURHAM, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS, VICE DEIRDRE M. DALY, RESIGNED.

BRANDON J. FREMIN, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE JAMES WALTER FRAZER GREEN, RESIGNED.

ROBERT K. HUR, OF MARYLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF FOUR YEARS, VICE ROD J. ROSENSTEIN, TERM EXPIRED.

RYAN K. PATRICK, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE KENNETH MAGIDSON, RESIGNED.

MCGREGOR W. SCOTT, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE BENJAMIN B. WAGNER, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 2, 2017:

DEPARTMENT OF ENERGY

PAUL DABBAR, OF NEW YORK, TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY.

MARK WESLEY MENEZES, OF VIRGINIA, TO BE UNDER SECRETARY OF ENERGY.

FEDERAL ENERGY REGULATORY COMMISSION

RICHARD GLICK, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2022.

KEVIN J. MCINTYRE, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2018.

KEVIN J. MCINTYRE, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2023.

DEPARTMENT OF ENERGY

STEVEN E. WINBERG, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY).

NATIONAL MEDIATION BOARD

KYLE FORTSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2019.

GERALD W. FAUTH, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2020.

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2018.

DEPARTMENT OF STATE

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).

MANISHA SINGH, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF STATE (ECONOMIC AND BUSINESS AFFAIRS).

THE JUDICIARY

ALLISON H. EID, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

STEPHANOS BIBAS, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.