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