

The list of comments goes on and on. On a range of policies and legal issues, Mr. Bush has already made crystal clear where he stands.

At his hearing, Mr. Bush asked the Judiciary Committee to trust that he could completely set aside everything I have read into the RECORD this morning; that he can walk away from his personal views if he is confirmed to serve on the circuit court. Unfortunately, he has given us little reason to trust that assurance. He has no judicial experience demonstrating that he could be impartial. He spent his entire career in private practice.

At his hearing before the Judiciary Committee, Mr. Bush was asked by Senator TILLIS, a Republican Senator: "Do you think that impartiality is an aspiration or an absolute expectation?"

Mr. Bush responded: "It is an aspiration. I will do my best to be impartial."

In other words, Mr. Bush claims that he will try to be impartial but that the Senate shouldn't expect that he will be completely successful.

Here is what Senator TILLIS, my Republican colleague, then said in reply: "I actually have a concern with someone who thinks impartiality is an aspiration. I think it is an expectation."

I agree with Senator TILLIS.

I believe Mr. Bush's failure to commit to impartiality disqualifies him from this lifetime position.

Mr. Bush's views are far outside the judicial mainstream. He provided no evidence that he could set aside his views if confirmed.

I understand that Mr. Bush does check many of the boxes we have seen for recent nominees from this administration. Most important and absolutely essential to his nomination is the fact that he is a longtime member of the Federalist Society.

The Federalist Society describes itself as "a group of conservatives and libertarians dedicated to reforming the current legal order." The Federalist Society is funded by big money, right-wing interests like the Koch brothers, the Chamber of Commerce, and the Ed Uihlein Family Foundation. This is the group President Trump personally thanked for selecting his list of Supreme Court nominee finalists. So far this year, every Trump judicial nominee who has had a hearing before our Senate Judiciary Committee has been a Federalist Society member. Coincidence? I don't think so.

I urge my Republican colleagues not to let the Federalist Society serve as the selection committee—the secret handshake—to become a Federal judge for life in the United States of America. We want a Federal bench that welcomes independent and impartial thinkers. Mr. Bush's Federalist Society membership shouldn't be his ticket to the Federal bench.

In conclusion, this vote, when it comes to his nomination, is really not a close call. It is clear that Mr. Bush has friends in high places, but he has

demonstrated a temperament and a judgment which we should not put in a lifetime position on the Federal court of appeals. I urge my colleagues to oppose his nomination.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The bill 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. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

HEALTHCARE

Mr. SCHUMER. Mr. President, according to the majority leader, there will not be a vote on the motion to proceed to the healthcare bill until next week. In the time between now and then, my Republican friends have a choice to make about how they want to move forward on what looks like will be a failed vote.

Do they want to take the path of President Trump, who yesterday said that he wanted our healthcare system to fail, or do they want to work with Democrats on legislation to improve the law? It is that simple.

We Democrats know the Affordable Care Act isn't perfect, and we propose specific legislation that could pass right now to stabilize marketplaces and lower premiums for Americans across the country. These proposals are specific, nonideological, and could pass quickly and make life better for millions of Americans. A decent number of Republican Governors and even Senators have said that these are the kinds of proposals we need.

Here they are:

First, we have proposed a bill by Senator SHAHEEN that would guarantee the premium reduction payments that insurers say is the No. 1 thing we could do right now to stabilize the individual marketplace.

Second, we have proposed a bill by Senators CARPER and KAINE that would create a reinsurance program for the individual health insurance market, again, aimed at stabilizing the marketplaces.

Third, we have proposed a bill by Senator MCCASKILL that would enable any American living in a bare county—that is, a bare county that lacks health insurers—to purchase the same insurance we get here in Congress.

All three of these would stabilize the markets and help to prevent premiums from going up further and coverage from decreasing. They address the actual issues in our healthcare system. I have mentioned they are not ideological and exactly the kind of legislation we could work on together. If our intent is to make things better, this is something we can come together on—all three of these proposals. They address the actual issues that we have

and should be something we can do together immediately.

The Republican approach—decimating Medicaid to give a tax break to the wealthy—doesn't solve any of the problems Republicans claim to be so worried about: high premiums, high deductibles, bare counties. In fact, by most objective reports, it makes them worse. The CBO said that under each version of the Republican plan, premiums would go up on many Americans, deductibles and copays would go up, there would be even more bare counties than there are today, and tens of millions would lose insurance.

Repealing the healthcare law without any replacement is even worse. It would cause our healthcare system to implode, creating chaos. Millions more would lose insurance, and for millions more than that coverage would be diminished, all of which is even worse than under the Republican bill.

I hope my colleagues will join with us in working on these three nonideological, practical problem solvers that will reduce premiums and make healthcare better for many, many Americans. Again, many Republicans have spoken favorably of these ideas, and I hope we will go forward.

The worry I have is that our Republican colleagues follow the policies of President Trump. President Trump's promise to let our healthcare system collapse is just mind-boggling. It is hard to believe he could say something like that.

President Trump's promise to let our healthcare system collapse is so, so wrong on three counts: It is a failure morally, it is a failure politically, and it is a remarkable failure of Presidential leadership.

First, the President's position is a moral failure. It is morally wrong to intentionally undermine the healthcare system in this country, using Americans as political pawns in a cynical game. It is morally wrong to play a political game with healthcare in this country. There is no religious teaching or moral precept that could advocate such a cynical ploy.

The President didn't say that he wanted the system to change in a way to make it better. He said: I have lost, and I am going to make things worse for everyone to show you that I should have won. As I said, that is a moral failure that none of our religious leaders of any of the great religions would ever, ever accept, nor will the American people.

Second, saying "I am not going to own it" will not work politically. The President is the President. He is in charge. Americans look to him for leadership. They know that Republicans control both branches of Congress and the White House. They know they are in charge.

Earlier this year, the Kaiser Family Foundation found that two-thirds of Americans would blame President Trump and congressional Republicans for the future problems in our

healthcare system. Just as they blamed President Obama when he was in charge, they are going to blame President Trump while he is in charge. He is tweeting away that someone else is to blame when he is in charge, which will not work politically, particularly when it comes to something as near and dear to Americans as healthcare—God's great gift to us, life itself.

It just will not work to say that Democrats are to blame. Believe me, we are not going to stand idly by and shrug our shoulders when American people are suffering because the President is sabotaging our healthcare system for political purposes. We are going to point it out, and the spotlight will be on those whom the American people in November put in charge.

Elections do have consequences, and one of the consequences, Mr. President, one of the consequences, Mr. Trump, is that you are in charge. You have to make things better, not simply point fingers and tweet.

Finally, the President's position is an astonishing failure of Presidential leadership. His own party has failed to pass a bill—his own party, which controls both Houses of Congress, his own party, which has used special rules designed to exclude Democrats from the beginning. President Trump blames Democrats and threatens to hold our Nation's healthcare system hostage out of pique—out of pique.

The President was being petty; the President was being small; the President was not Presidential at all. The President would rather throw up his hands than roll up his sleeves and get to work. He would rather cast blame and point fingers than even try to work with Democrats to make the healthcare system better. That is not what Presidents do. It shows a tremendous lack of leadership. The American people want their President to lead. The American people, when there is a problem, want the President to fix it. The American people know that, when facing a defeatist President, you don't just sit in the corner and pout and get angry. You go on from there and try to make things better, as I hope my colleagues on the other side of the aisle will do. Some of them have indicated they will.

Let's recall another President—President Truman. President Truman famously said: "The buck stops here." He was admired for it. This President's words, shirking responsibility and casting blame, were exactly the opposite of President Truman's. "The buck stops here" made President Truman look tall. President Trump's blame game makes him look small and diminished, and people will begin to totally realize his lack of leadership, and respect for him and the office will diminish.

The President should rise to the incredible responsibility of the office, not quit and take the ball home every time the game isn't going the way he likes. The President of the United States, for better or for worse, is responsible for

the healthcare of the country, for the healthcare of Americans who voted for him and for Americans who voted against him. He took an oath to faithfully execute the laws of this country, not just the ones he likes.

There is no ducking responsibility as President. The buck stops with you, President Trump.

So if the procedural votes fail next week, I sincerely hope that my Republican friends here in Congress reject the premise of the President to let our healthcare system collapse and hurt millions. Instead, I hope they work with us in the areas I mentioned and many others to do what is right for the American people.

Mr. President, a brief word on the circuit court nominee on whom we will be voting for cloture soon. The nominee, Judge Bush, in my view, is not fit for the austere office of circuit court judge. He has made some extremely troubling comments about the rights of women and the rights of the LGBTQ community. He has employed anti-gay slurs in his speeches and writings. He has disparaged a woman's right to choose, drawing an offensive and false moral equivalency between choice and slavery. How can my Republican friends vote to elevate to the Sixth Circuit a man who has said things like this?

He clearly lacks the temperament required of a circuit court judge, and I urge all of my colleagues to vote no on cloture and no on the nomination.

Thank you, Mr. President.  
I yield the floor.

#### 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 John Kenneth Bush, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

Dan Sullivan, John Barrasso, John Cornyn, Orrin G. Hatch, Ron Johnson, Chuck Grassley, Tom Cotton, Richard Burr, James Lankford, Lamar Alexander, John Kennedy, Cory Gardner, James M. Inhofe, Michael B. Enzi, John Thune, Todd Young, Mitch McConnell.

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 John Kenneth Bush, of Kentucky, to be United States Circuit Judge for the Sixth 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. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 163 Ex.]

#### YEAS—51

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	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	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

#### NAYS—48

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

#### NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48.

The motion is agreed to.

The majority leader.

#### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate recess from 1:45 p.m. until 4 p.m.; further, that all time during morning business, recess, adjournment, and leader remarks count postcloture on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio.

Mr. BROWN. Mr. President, today's vote to move forward the President's nominee to join the Sixth Circuit Court of Appeals is a new low. It is a new low that sets a dangerous standard for judges who have power to make critical decisions that impact the everyday lives of the people we serve.

John Bush has a clear record—think about it. He is going to be a judge if this place moves forward tomorrow. John Bush has a clear record of promoting bigotry and discrimination that have no place in our courts. We can't let this nomination slide through this body.

Mr. Bush advocated to the U.S. Supreme Court that women should be barred from attending our military institutions—in this case, Virginia Military Institute. Think about that. There are people in this body who just voted on the motion to proceed—a very small majority that passed this—they are