

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the Bush nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of John Kenneth Bush, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

Mr. ENZI. Mr. President, I ask unanimous consent to speak for a few minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTHCARE

Mr. ENZI. Mr. President, my colleagues and I have been on this floor for the last 7 years talking about the problems with ObamaCare and the need to address them.

In the early days, when ObamaCare was still being cobbled together, we talked about individuals losing their coverage. Promises were made that if you liked the plan you had, you could keep it. That turned out to be a broken promise.

In 2009 and 2010, we talked about premiums skyrocketing. Today, we are still talking about it. Premiums are more than 100 percent higher in Wyoming today than they were when the law was passed. Our insurer has fortunately been more conservative in their approach. So premiums didn't spike the way they did in other States.

I usually enjoy being right, but in this case, I am very sad to have watched the worst possible scenario play out. Time after time, President Obama was faced with problems in implementation and in outcomes, and he would dismiss them by saying: "It just needs more time," or, as this cartoon shows, "it just needs a tune up."

We and the American people gave it time and money—specifically, 7 years and hundreds of billions of dollars. We are now left trying to pick up the pieces of health insurance markets all across the country.

You can see here that this ambulance is ObamaCare. Behind it is its engine and other key components, and they have completely fallen apart. That is the private insurance market today. The part you don't see here is that there is a patient in the back of this ambulance. This isn't just about politics. This is about real people and whether they can afford an insurance premium that is in some cases higher than their rent or their mortgage payments each month.

Even before its passage, my Republican colleagues and I talked about the

danger that ObamaCare posed to private insurance markets.

Insurers have already left the market in droves. In Wyoming, we are down to one carrier. We lost the others to the economics of ObamaCare, and we will be lucky to keep the one we have. I know many people in our country are going to be in the position of having no insurers offering plans in their county.

How could this happen? It has happened because of politics being put before patients and an unwillingness to take on the hard task of fixing something that you have sold as the perfect solution.

I can tell you that healthcare isn't a simple issue. It is incredibly complex and, really, there is no one right way to tackle it. I was the ranking member of the Health, Education, Labor, and Pensions Committee when ObamaCare passed. We worked hard to find common ground. When it became clear that there was not a reciprocal commitment to that from our colleagues on the other side of the aisle, we did work hard to try to stop it.

Now we are finally in a position to do so. We have a President in the White House who is committed to repealing and replacing ObamaCare with better care before more irreparable harm is done. Republicans have been working on an approach that attempts to address both the short-term and long-term problems caused by ObamaCare.

We have problems to solve right now. We are proposing to stabilize insurance markets in the short term and to get insurance costs on a more manageable trajectory over the longer term. We are striking at the heart of ObamaCare by removing its mandates and taxes while putting Medicaid on a more sustainable footing.

Doing this isn't easy. You may have read a little something about the challenges of moving a healthcare bill forward, but the alternative is to do what our colleagues on the other side of the aisle have done for 7 years and watch ObamaCare crater. We don't think that is the right thing to do. We think we have an obligation, even if it is not an easy vote, to salvage our insurance system.

Getting something done in Washington isn't always a pretty process, but I am proud to be working with the women and men in my conference who see that there is something larger at stake than themselves and who know that sitting this out means more harm and, perhaps, harm that can't be undone later.

I will keep working. I am committed to passing the best product that we can deliver for the people of Wyoming and for our whole country. I look forward to continuing to work together to repeal ObamaCare and replace it with policies that will truly improve healthcare in America. I hope my colleagues will join me in this worthy endeavor.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative 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 (Mr. SULLIVAN). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, yesterday, several of my Democratic colleagues spoke in opposition to the nomination of John Bush to serve on the Sixth Circuit Court of Appeals. They were particularly concerned about his activities outside of the courtroom, especially his personal blog posts. The comments of my friend, the junior Senator from Minnesota, were representative of their concern.

He reminded us that he has been serving on the Judiciary Committee for 8 years. He said that by confirming someone to the Federal bench like Mr. Bush, who has blogged about controversial political and policy matters, the Senate would be doing something unprecedented. Specifically, my friend from Minnesota—in angst—said, "I don't think we have been here before."

"I don't think we have been here before," he said. I would encourage my friend to think a little harder about his tenure on the Judiciary Committee. Just a few years ago, the Senate considered President Obama's nomination of Stephen Bough to be a Federal judge in Missouri. Mr. Bough had been quite an active blogger himself. His blogging and online commentary were not simply confined to political satire and sarcasm. His blogging didn't use merely flippant or intemperate language. His blogging demonstrated a real and palpable animus toward conservatives and Republicans in general, toward elected Republicans in particular, and by name—by name. He insulted and impugned people from his home State, such as Senators, his Governor, the President of the United States, and a Republican nominee for President, just to name a few.

Mr. Bough's posts were truly mean-spirited. It wasn't just that he called Republicans "knuckleheads"—which he did. That was when he was feeling especially kind. No, he said specific Republicans were "corrupt." They had done "evil things"—"evil things." I can go on and on about his corrosive rhetoric.

He approvingly posted an article describing how San Francisco was contemplating naming a sewage plant after President Bush as a suitable legacy for the President and posted another one that said his Governor was highly "ignorant."

His invective was not reserved to members of the political branches. He said that his State supreme court was the most corrupt in the history of the State. I am not making this up. He is an officer of the court, calling the supreme court the most corrupt in the history of his State.

For my Democratic colleagues who now profess to care about the judgment of judicial nominees who blog, I submit that impugnig the integrity of the tribunal that has jurisdiction over their professional conduct and law license, as Mr. Bough did, is more than a few tweaks shy of exhibiting sound judgment.

Mr. Bough also implied that President Bush made his Supreme Court appointments as some sort of quid pro quo. He harshly criticized sitting Supreme Court Justices by name, and he claimed that the Republican nominee for President wanted only Federal judges who would disregard the law and rule in favor of the "religious right" and that he was "sucking up."

He made a crude comment about women that I will not repeat.

Now, some of our Democratic colleagues have criticized John Bush because he said that he would try hard to be impartial as a judge. By contrast, in one of his blog posts, Stephen Bough flat-out said that he, himself, "shouldn't be a judge." This is commentary on himself. But every one of our Democratic colleagues on the Judiciary Committee at the time, including our friend from Minnesota, obviously disagreed with his own judgment about himself. They all voted for him, which is especially curious in hindsight, given the superior weight our Democratic colleagues now place on blog posts. Only one Member of the Democratic conference voted against Mr. Bough. These are many of the same Democrats, of course, who are supposedly aghast—aghast—at the Bush nomination. Mr. Bough is now Federal District Court Judge Stephen Bough.

Finally, I would like to set the record straight on the subject of the slur. Mr. Bush did not use the slur in a blog post, and he did not use it flippantly. In fact, he said he has never used this term and would never use it.

Rather, Mr. Bush quoted by name someone else—a prominent author who had used the slur. Mr. Bush quoted him to show how various authors had viewed our hometown of Louisville over time—both those who praised it and those who criticized it. In short, Mr. Bush said that he used it to show "the good, the bad, and the ugly."

So who was the author he quoted verbatim and by name? Why, it was noted liberal Hunter Thompson. I note that Mr. Thompson's use of the slur did not prevent liberals, including Democratic officeholders, from praising him. In fact, not one but two Democratic Presidential candidates went to his funeral—George McGovern and John Kerry.

The Senate has considered a judicial nominee who did use this slur in a blog posting, who actually did use the exact same slur, in fact. The judicial nominee was not quoting any literary or published work, and this judicial nominee did not use the slur for any critical purpose. The judicial nominee used it flippantly and cavalierly. Who was the

judicial nominee? It was President Obama's judicial nominee and current Federal District Court Judge Stephen Bough, who sits on the bench right now for life, after being confirmed by the votes of our Democratic colleagues.

I hope I have at least refreshed the memory of my friend from Minnesota and some of my other Democratic colleagues.

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. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

THOUGHTS AND PRAYERS FOR SENATOR MCCAIN

Mr. SCHUMER. Mr. President, first, on a sad note but one always of hope when it comes to Senator MCCAIN, his cancer diagnosis sent a shock wave through the Senate last night. He is one of my dear friends, as he is a dear friend to many in this body, and from the bottom of my heart, I wish him and his family well. So does every Member of this Chamber. The respect that this man has is broad and deep, both based on his service to America and on what he has done here in this Chamber.

I agree with what the majority leader said earlier, in that JOHN MCCAIN is an American hero. There is no one who has done more to serve his country and this Chamber than Senator MCCAIN. There is no one who is more passionate in the defense of our soldiers and in our defense than Senator MCCAIN.

The same courage that he showed as a soldier he showed here. JOHN MCCAIN and I led a group to deal with immigration reform. He had to take so many tough positions to do what was right. He was fearless. His word was good. He was good at compromising, and he was good at making his views known.

With that bill, which passed this body with 67 or 68 votes—a large number of Democrats and Republicans—had it become law, our country's economy would have been better, and our security would have been better because it was so tough on the border. We would have been in a better place for it had that bill passed.

The point I want to make is not with regard to the bill but to MCCAIN—how we were in rooms for hours and hours, day after day, and we got to see the mettle of the man. Boy, the more you knew him, the better he looked, and the better he was.

So we know that, against this new battle, Senator MCCAIN will fight in the only way he knows how—with every fiber of his being. We wish him well. Our prayers are for him and his family. We hope that he joins us very soon because this country needs JOHN MCCAIN now more than ever.

HEALTHCARE

Mr. President, on the issue of healthcare, yesterday President Trump seemed intent on pushing forward the Republicans' failing healthcare plan with a vote sometime early next week. We have been on the topic of healthcare for 7 months, and I am still not sure which version of the Republican plan we will be voting on.

Will it be repeal and replace? Will we be voting on the Senate bill that would cause 22 million Americans to lose their coverage and that would cause costs to go up and care to go down? Will it be with the Cruz amendment, which would annihilate the "pre-existing condition" requirement, in quoting my friend Senator GRASSLEY? Or will it be repeal without replace, which would cause our healthcare system to implode, creating chaos, which would cause millions to lose insurance and millions more to have their coverage diminished?

The CBO confirmed last night that repeal without replace would cause 32 million Americans—that is about a 10th of the country—to lose their insurance and would cause premiums to double after 10 years.

It was a horrible idea in January and was rejected, wisely, by our Republican colleagues. We were not involved. The door was closed on us on January 4. It is a horrible idea now.

So will that be the focus next week or will it be a new bill that has more money thrown in, as some have suggested—the same core bill of devastating cuts to Medicaid, tax breaks for the wealthy and the special interests, the cruel Cruz amendment, and an extra \$2 billion slush fund? Is that going to be the bill?

We Democrats do not know what our Republican friends are planning to vote on next week. I will bet that many Republicans do not know yet either. What we do know is that a \$200 billion slush fund, tacked onto a bill that would gut Medicaid and other services by well over \$1 trillion, is like putting an old bandaid on a bullet wound. The \$200 billion in additional funding would only offset 17 percent of the bill's total cuts to coverage. It would not come anywhere close to covering the wound that the Republicans are inflicting on Medicaid, on Americans in nursing homes, on Americans in rural areas, on those who are suffering from opioid addiction. It just will not work, and repeal without replace is even worse. All of the options are horrible options for the Republican Party, but, more importantly, they are horrible options for the American people.

It is time to start over. It is time for our Republican colleagues to drop this failed approach and work with Democrats on actually improving our healthcare system. They closed the door on us on January 4 in passing something called reconciliation, which basically says: We do not need the Democrats; we will do it ourselves. Let them open the door now that they have