

For my Democratic colleagues who now profess to care about the judgment of judicial nominees who blog, I submit that impugning 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

seen that that failed approach does not work. I outlined three specific, non-ideological proposals yesterday that we could work on together, right now, to stabilize the marketplaces and help bring down premiums. I believe they would pass quickly. My Republican friends do not seem to know what to do. My suggestion is to drop these failed ideas and work with Democrats on the commonsense, nonideological solutions that we Democrats have offered.

Here is one more point. I have heard some of my colleagues say they may vote for the motion to proceed next week because they are in favor of debate. I will remind them that the rules under reconciliation only allow for 20 hours of debate to be equally divided between the parties and 1 minute of debate allowed per amendment. That is not debate. The idea that you would vote on the motion to proceed in order to have a healthcare debate is absurd. If my colleagues want to debate healthcare, they should vote no on the motion to proceed and urge their leader to hold a real debate—in committees, in public hearings, on the floor, and through regular order, which is a process that they have spurned for 7 months—not 10 hours for each party, with 1 minute per amendment, on such an important proposal. That is not a debate. It is the legislative equivalent of “Beat the Clock.” This is serious business—the health and welfare of the American people—not some game show.

TRADE AND OUTSOURCING

Mr. President, just as the administration is flailing and failing on healthcare, they are failing on trade and outsourcing as well.

I read today that the administration has failed to secure any concessions from China on its dumping of excess steel and aluminum in our markets, which is killing jobs in my State and in many others. As well, today, the Carrier plant at which President-Elect Trump tweeted about saving jobs just laid off 300 workers in Indiana and moved the positions to Mexico. It is exactly 6 months to the day since President Trump took office. It is a shame that we are losing these good-paying American jobs. Despite all of the President's tough talk on trade and his Commerce Secretary's “100 days of trade talks” plan, the loss of these jobs shows that, in 6 months, the Trump administration has been unable to actually deliver results on trade, with the exception of the first U.S. beef shipment to China, which was the result of an agreement that President Obama helped to broker before the end of his term. The Trump administration has made few inroads in reducing our trade deficit or in making it easier for our companies to compete abroad.

It is all well and good to tweet about a few hundred jobs saved at the Carrier plant, as the President-elect did last December—and I am glad he saved them—but as President, you have to

actually take strong action, not go to one plant. You need policies that will protect millions of workers from the rapacious policies of China and other countries. Making America great again requires more than 140 characters per issue. The 338 jobs that are leaving Carrier today are a reminder that, when it comes to actual substance and policy, the Trump administration has done very little to change the game on trade to keep jobs in the United States—another broken promise to the American worker.

Mr. President, I reiterate my remarks from yesterday on the nomination of John Bush to the Sixth Circuit Court of Appeals. Many of my colleagues have been down on the floor and have expressed just how distressing and damaging this nomination will be.

His extreme record demonstrates that John Bush simply does not have the temperament to be an impartial Federal judge—the very least our system requires. Once again, I urge my colleagues to oppose his confirmation.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

THOUGHTS AND PRAYERS FOR SENATOR MCCAIN

Ms. HASSAN. Mr. President, I thank our leader, Senator SCHUMER, for his remarks.

I join with Senator SCHUMER and all of our colleagues in wishing the very best to our tough and resilient American hero and colleague, JOHN MCCAIN. Our thoughts and prayers are with him and his family. We need him back here as fast as he can get here.

HEALTHCARE

Mr. President, I also share Leader SCHUMER's remarks and concerns about the current status of the healthcare bill as we understand it.

I urge my colleagues on the other side of the aisle to vote down the motion to proceed so that we can have regular order and so that we can hear from stakeholders and the American people about how changes in healthcare would impact them and what ideas they have for us to be able to lower costs and make sure that all Americans have access to truly affordable, high-quality care.

Mr. President, I also rise to oppose the nomination of Attorney John K. Bush to serve on the U.S. Court of Appeals for the Sixth Circuit.

An independent and impartial judiciary is critical to our democracy and to our march toward progress. Our Founders established our court system to serve as an independent arbiter that would protect the rights of every American and ensure equal justice under our laws. Unfortunately, it is clear that Mr. Bush lacks the impartiality and commitment to equal justice for every American that is needed to qualify for a lifetime appointment on the Sixth Circuit Court of Appeals.

President Trump's nomination of Mr. Bush represents yet another attempt by this administration to undermine

the rights of American women to make their own healthcare decisions and to control their own destinies. To fully participate not only in our economy but also in our democracy, women must be recognized for their capacity to make their own healthcare decisions, just as men are, and they must have the full independence to do so, just as men do. Mr. Bush has made it clear that he fundamentally disagrees with that principle and that he does not support a woman's constitutionally protected right to have a safe and legal abortion. Hiding behind a pseudonym on an online blog, Mr. Bush has gone so far as to compare a woman's right to make her own reproductive health decisions to slavery, saying they are “the two greatest tragedies in our country.” The fact that someone nominated for the bench would believe something like this is nothing short of appalling.

Mr. Bush has also criticized essential programs that women and their families depend on, referring to programs like the Women, Infants, and Children Program—otherwise known as WIC—and grants to combat violence against women as “wasteful.”

I also have real concerns with Mr. Bush's record when it comes to the rights of LGBTQ Americans. Mr. Bush has made clear that he is vehemently opposed to marriage equality, calling it a “no-compromise” position. In 2011, he criticized the State Department for an announcement that led to more equal treatment of same-sex parents, and he has even used an offensive, anti-gay slur in a quote that he chose to use in public remarks.

Mr. Bush's deeply offensive public statements and his record indicate that he is an individual who is focused on extreme partisanship and who does not recognize the basic equality of all Americans. His statements and his actions tell us that he is not committed to the concept of equal justice under our laws. This is unacceptable for someone seeking a lifetime appointment to a job that requires sound judgment, objectivity, and, more than anything else, an essential commitment to fairness.

I will oppose Mr. Bush's nomination to the Sixth Circuit Court of Appeals, and I urge my colleagues to do the same.

Thank you, Mr. President.

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. WHITEHOUSE. 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. WHITEHOUSE. I ask unanimous consent to be allowed to speak as in morning business for up to 15 minutes.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, to the disappointment of the American