

in terms of coverage and tens of millions more in terms of protection.

He said that the Affordable Care Act would “lead to the rationing of healthcare.” He has personally advocated for abolishing the Department of Education, and he used false, unfounded claims of voter fraud to support voter ID laws that disproportionately affect low-income voters and communities of color.

Second, Kenneth Lee was confirmed over the objections of both California Senators, Senator HARRIS and Senator FEINSTEIN—Senator FEINSTEIN, in this case, being the ranking member of the Judiciary Committee, the very committee that considers judges. Mr. Lee has a litany of writings that include offensive statements about immigrants, people of color, and LGBT Americans. He has strongly opposed affirmative action policies that help make our institutions of higher learning more diverse, and it is very possible that he may consider matters relating to these policies as a member of the Ninth Circuit.

Finally, Wendy Vitter has virtually no Federal trial court experience, has a long record of opposing contraception, and has promoted false information about the safety of oral contraceptives. These views are not only outside of the mainstream—the judicial or legal mainstream—but they are also not supported by science.

I don’t believe these nominees will be able to set aside their personal views and apply relevant precedent, and my concern is compounded by recent efforts by conservative jurists to overturn longstanding precedents. Most Americans thought that the Voting Rights Act, which for decades protected the franchise for Americans of color, particularly Black Americans, was a foundational, almost untouchable statute. But in 2013, the conservative majority of the Supreme Court, which has gotten only more conservative, moved to the right even more. That Court, the Supreme Court, gutted the protections of the Voting Rights Act in the *Shelby County v. Holder* case.

Just last year, in the *Janus* decision, the Supreme Court overturned a four-decades-old precedent in the *Abood* case that allowed public sector unions to collect nonpolitical, so-called fair share fees to cover the costs of negotiations that benefit all workers. So you have the union doing the work, and the law allowed them, for four decades, to charge other employees who benefit from the work of the union, and the Supreme Court struck that down.

Pennsylvania passed a similar law in the 1980s, which has been the law of the land in Pennsylvania for years. It was signed into law in the late 1980s by my father when he was serving as Governor, so that is an important issue in Pennsylvania for working men and women.

The conservative majority of the Supreme Court overturned the *Abood*

case, eviscerating a precedent that was relied upon by public sector unions and their governmental employers all over the country. I believe the next step by the far right and by this court and maybe by the Supreme Court and maybe in another court would be to make illegal the very right to organize for wages and benefits. I hope I am wrong about that, but I believe that is the logical next step for the right.

Just this week, a conservative majority of the Supreme Court overturned a 40-year precedent regarding States’ sovereign immunity in the courts of other States. In the last line of his dissent, Justice Breyer sounded alarm bells about this kind of judicial activism from the right, saying: “Today’s decision can only cause one to wonder which cases the court will overrule next.”

He is right. We no longer know what is civil law and what could be up for debate. We thought that *Abood* was settled law in the context of labor unions and the right to organize or an issue related to the right to organize. We thought the Voting Rights Act was settled law.

This week we mark the 65th anniversary of *Brown v. Board of Education*, a unanimous Supreme Court decision holding that segregation in our public school system, in addition to being a profound moral failure, was a violation of our Constitution. I would hope—we all would hope that *Brown v. Board of Education* would remain rock solid settled law. Yet, because of what we have seen in the last couple of years with this Court, we must stay vigilant. We cannot let civil rights that Americans fought for and earned and have cherished for decades be chipped away by extreme judicial nominees who hold insuperable political and policy preferences.

I oppose the nominees that the Senate has considered this week, and I will continue to oppose extreme nominees to our Federal courts.

I yield the floor to the distinguished Democratic leader.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### HEALTHCARE

Mr. SCHUMER. Madam President, I thank my colleague Senator CASEY for, as usual, his thoughtful, erudite, on-the-money remarks—this time about judges. I am going to talk about that in a minute.

We see something happening here. We see State after State trying to repeal *Roe*. When we ask our Republican colleagues directly “Do you want to appeal *Roe*?” they are usually silent. Their votes on judges say they do, and that is what they are doing. The voters should hold them accountable. I will get to that more in a minute, but I wanted to follow up on the remarks about judges by my good friend from Pennsylvania.

#### IMMIGRATION

Madam President, yesterday, the Trump administration released the

outlines of its plan for immigration reform. Truth be told, the reported White House plan isn’t a serious attempt at immigration reform. If anything, it is a political document that is anti-immigration reform. It repackages the same partisan, radical, anti-immigrant policies that the administration has pushed for 2 years, all of which have struggled to earn even a simple majority in the Senate, let alone 60 votes. The hands of Stephen Miller are all over this plan, and, of course, he had a watchful eye when other administration officials came into the Republican lunch yesterday and talked about it.

The plan they put together holds immigration precisely at current levels, meaning that for every new immigrant the plan potentially lets in, it must kick one out. What kind of logic is that? What kind of harebrained logic is that—the idea that for every immigrant you help you have to hurt another? How arbitrary. How simplistic. How cruel. It is like the Procrustean bed of immigration policy.

We need immigrants in America. Our labor force is declining. If you go to businesses at the high end, the middle end, and the low end, they say their greatest problem is a lack of workers. And we come up with a policy like this? Make no mistake about it. It is cruel and inhumane, but it also hurts our economy significantly. If you don’t believe me, talk to business leaders—any business leader you know.

Shockingly, the White House’s immigration proposal fails to deal with Dreamers or the 11 million undocumented immigrants now living in the United States. The White House Press Secretary said Dreamers were “left out on purpose.” What does that say about the administration? That goes to the root of what is wrong with this administration’s approach to immigration. If they think they can repeat what they failed to do in the past, if they try to repeat it, saying “OK, we will let Dreamers in, but you accept a whole lot of bad things,” which is why immigration reform failed last time, last year, it ain’t happening. It ain’t happening.

I would say two things. If you are going to do major immigration reform through Congress, you are going to need bipartisan support. That means you sit down and talk to Democrats. Four of us on the Democratic side and four of us on the Republican side in the Gang of 8 spent hours and weeks and months together and carved together a bill that got overwhelming support from Democrats and Republicans in this Chamber and was overwhelmingly supported by the American people and still is. I think 68 percent still support comprehensive immigration reform.

But what does the White House do? Typically, they put together their own plan—Stephen Miller, chief cook and bottle washer—and they say that Democrats should support this. Ain’t happening.

No consultation, no nothing—that is not the way you would go about putting together a bill that you really want to pass. That is not the way to go about things if you really want to solve our immigration problem.

When Stephen Miller, one of the President's most virulently anti-immigrant advisers, is in the room crafting an immigration plan, it is a surefire failure. The fact that the President is announcing his bill today provides a further bit of irony because, this afternoon, the new Statue of Liberty museum opens. There is no greater symbol of Americans' openness to immigration, of the greatness of America, than the Statue of Liberty, which reaches out to people from every corner of the globe. It towers over nearby Ellis Island, where generations of hopeful strivers shuffled off boats into a new life and into a new country and helped build America into the greatest country in the world.

The White House immigration bill is an insult to our grand tradition of welcoming immigrants from all walks of life, and it is an appropriate metaphor that the President, today, is skipping the opening of the new Statue of Liberty museum, even though he is in New York, simply to go to political fundraisers. He skips real immigration reform and offers a political document, and his trip to New York embodies that ironically and metaphorically.

#### IRAN

Madam President, on Iran, this has been a chaotic week in the news about the Trump administration's position on Iran. We have gone from reports that the Trump administration's national security team was discussing possible troop deployments—one newspaper, the New York Times, reported 120,000—to coverage now of infighting among the President's staff about the credibility of the threat from Iran.

As usual, the signals indicate chaos coming out of the White House—individuals fighting with each other, no real plan, no real pattern, and no discussion with the American people or with the Congress.

Yesterday, personnel were evacuated from our Embassy in Iraq, and Republicans in Congress have now started to echo the same saber-rattling we typically hear from folks like Ambassador Bolton. At this moment, the only thing that is abundantly clear about the administration's Iran policy is its lack of clarity and the lack of consultation with Congress and with the American people.

Congress has not been fully informed about the intelligence. We have not been properly consulted about the administration's strategy, to the extent one exists.

More importantly, the American people deserve to know what is going on here. They are rightfully skeptical and tired of wars in the Middle East—a skepticism many of my Republican friends across the aisle don't seem to share. We need to get a better public

understanding of what President Trump and Republicans in Congress plan to do.

Yesterday, I called on Acting Secretary of Defense Shanahan and Chairman of the Joint Chiefs Dunford to testify publicly before the Armed Services Committee so that the American people can at least get an idea of what is being cooked up here. We have learned, sadly, in Iraq, when things are done behind closed doors and the American people aren't fully informed, it can lead to significant foreign policy blunders. So they should come up here—General Dunford, Acting Secretary Shanahan, as well as Secretary Pompeo—and I hope that request will be granted.

#### HEALTHCARE

Now, Madam President, on healthcare and our friends creating the Senate graveyard, as well as the abortion bill in Alabama, the House has passed over 100 pieces of legislation, many of them with bipartisan support, only to get buried in this graveyard of a Chamber. Leader McCONNELL, who controls the calendar, prefers to run it as a legislative graveyard.

Let's take healthcare as an example, the No. 1 issue the American people care about. Our colleagues in the House passed a modest bill to protect families from getting charged more if they have a preexisting condition. It should be bipartisan, and most Republicans—or many of the Senate Republicans say they agree with that policy when asked. Well, we have a bill that does it, and what does Leader McCONNELL do? He just deep-sixes it and sets aside another tombstone for his legislative graveyard.

What about today's House vote on another set of healthcare bills to protect people with preexisting conditions and help them sign up for insurance? What is the fate of those bills in the Senate? Will Leader McCONNELL sentence them to the same legislative death as all of these other proposals or will Leader McCONNELL actually allow us to debate something of great importance to the American people, to amend it, and then vote on it? Hopefully it will pass. I believe it would.

What is Leader McCONNELL afraid of? Is he afraid the American people will get protection from preexisting conditions? Is he afraid he might anger some special interest? Is he afraid he might anger President Trump? We have a higher obligation here.

Instead of debating those crucial pieces of legislation, Leader McCONNELL has treated the Senate like a rubberstamp for the Trump administration's often radical nominees. For 3 straight weeks, we have only processed nominations, including several judges who are merely unqualified ideologues or merely unqualified.

This matters. The judges we have heard from are narrow. Many have offered bigoted remarks in the past, really bigoted. They are not who a judge should be. A judge is supposed to walk

in the plaintiff's shoes and the defendant's shoes, and then come up with a decision that is governed by existing law. These people are ideologues, many of them stooges and acolytes for the Federalist Society. Now we have in Alabama the most radical anti-abortion bill in the country, inviting a challenge to *Roe v. Wade* in the courts. So the effort by the Republican leader to remake the Federal judiciary into a conservative redoubt has a direct impact on these legal challenges.

If you ask most of the Republican Members in this Chamber “Are you for repealing *Roe v. Wade*, hook, line, and sinker?” they would say, no, they are not or they would mostly be silent; they would be afraid to answer. Then they vote for judges who want to do it, either frontally or by various deep cuts. When our Republican friends vote for these radical, hard-right judges, they are saying they want to repeal *Roe v. Wade*, even if they will not say it directly.

So I say to my colleagues, much as you prefer to remain silent on the Alabama Republican abortion bill, your votes for the hard-right, anti-*Roe* judges speak volumes—volumes. I would say the whole impetus of the Alabama bill is now that we have very conservative, anti-*Roe* judges on the Supreme Court, supported universally by the Members of the other side, they feel they have the boldness to introduce a bill that actually repeals *Roe* instead of just curbing it.

#### CHINESE TRADE POLICY

Madam President, finally, something good that I think the administration has done. I was pleased for two reasons to see the administration issue an Executive order laying the groundwork for the Commerce Department to ban all purchases of telecommunications equipment from China's State-controlled firms.

First, it was a good decision for our national security. We have long known the threat posed by foreign telecommunications companies, particularly Chinese firms like Huawei and ZTE. The tentacles of the Chinese Government are deep in these two companies. Our intelligence and defense communities, concerned about our own security here in America, have banned the use of Huawei products in the military and labeled its technology a national security threat. That is serious stuff.

So I applaud the decision to protect our networks from potential malware, foreign surveillance, and cyber espionage, and I applaud the administration. They backed off on ZTE 1 year ago, despite the overwhelming support in this Chamber for not letting ZTE sell products, but they are now doing the right thing on Huawei, which is even a greater danger than ZTE.

There is a second reason this is a good decision, aside from national security. It is called reciprocity. In America, we make great products, and time and again, when we make great