

Mr. President, 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. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, yesterday, President Trump's nominee to the Supreme Court, Judge Neil Gorsuch, was introduced in the Judiciary Committee for opening statements. We all look forward to today's round of questioning, during which I hope the nominee will be more forthcoming than he was with me. I am very sympathetic to the fact that judges should not offer opinions on cases that could come before the Court lest they bias themselves. Every Senator is aware of that. We know to ask general questions or questions about cases previously decided to get a sense of a judge's philosophy.

In our meeting, Judge Gorsuch refused to even answer those questions. For instance, I asked him a very simple question. I said forget about the case that was then pending in the Ninth Circuit on the Executive order. I said: Let's say Congress passed a law: No Muslim could enter the United States. Would that be unconstitutional?

He even refused to answer that question. So I hope he will be more willing to answer questions in the Judiciary Committee today, particularly about his views of important Supreme Court cases of the past and his own ideology. This idea that judges judge regardless of ideology is totally belied by the fact that there is a coalition right now—four judges on one side, four judges on the other. Four appointed by Democratic Presidents who generally rule one way, four appointed by Republican Presidents who generally rule the other.

If it was just interpreting the law without any input from a person's life and thoughts and ideology, we would not have that stark breakdown, but we do. In my view, the hard right, in trying to populate the bench with people way over, has adopted this philosophy, starting with Miguel Estrada: Don't answer the questions because if the American people knew how you really felt, they would not want you on the bench.

Let's take the case of President Trump. Of course President Trump considered ideology when he selected

Judge Gorsuch off a list culled by the far-right Heritage Foundation and Federalist Society. He did not pick the judges himself. He went to these extreme groups and said: You make a list. I promise I will pick people from that list.

Do you think organizations—these organizations—dedicated to a certain ideological viewpoint, did not consider ideology when building their list of possible Supreme Court picks? Of course they did.

President Trump said himself, he wanted to appoint a Justice who would overturn *Roe v. Wade*. The idea that he selected a judicious, neutral judge is belied by the selection process, totally and amazingly. That is how the President considered these judges. So it is not unreasonable for Senators to consider and question the ideology of a nominee in committee. President Trump sure did when he came up with a list. The only way for the Judiciary Committee to do that is if the nominee is willing to answer specific questions. If he is not willing to answer specific questions, what is the purpose of even holding a 4-day hearing?

Before I move on to another topic, I would like to point out that it is the height of irony that Republicans held this Supreme Court seat open for nearly a calendar year while President Obama was in office but are now rushing to fill the seat for a President whose campaign is under investigation by the FBI.

Even Representative NUNES, the Republican chairman of the House Intelligence Committee, said the investigation, confirmed yesterday by FBI Director Comey, puts a "big gray cloud" over this administration. You can bet if the shoe were on the other foot and a Democratic President was under investigation by the FBI, the Republicans would be howling at the Moon about filling a Supreme Court seat in such circumstances.

After all, they stopped the President who was not under investigation from filling a seat with nearly a year left in his Presidency. It is unseemly to be moving forward so fast on confirming a Supreme Court Justice with a lifetime appointment while this "big gray cloud" of an FBI investigation hangs over the Presidency.

TRUMPCARE

Mr. SCHUMER. Mr. President, the Republicans plan to repeal and replace the Affordable Care Act. Their bill is such a mess and is proving so deeply unpopular that Republicans are playing a game of hot potato with it. Speaker RYAN does not want to call it RyanCare. The administration does not want to call it TrumpCare. They are pointing at each other and hoping the other one takes responsibility and blame.

President Trump, who has tried to put his name on nearly everything in his career—ties, steaks, water—does

not want his name on this bill. Well, the President himself is here on the Hill today to sell the bill to House Republicans. Make no mistake, this is TrumpCare, the President's bill. Every American should know that if Republicans ultimately pass this bill, President Trump is behind it, and Republicans will have helped him every step of the way.

So voters, particularly Trump supporters, who would be hurt most by this TrumpCare should remember that when your premiums start going up, President Trump did that. When your insurance does not cover all the things it used to, President Trump did that. If you are older and insurance companies are now charging you exorbitant premiums, several times what you used to pay, President Trump did that. When 24 million fewer Americans have health insurance while the wealthiest Americans get a huge tax break, you can be sure President Trump did that too.

Even now, the changes House Republicans are making to buy off different factions of their caucus are making the bill more harsh. Some of these changes will further weaken Medicaid and result in even fewer Americans with healthcare coverage. Though Republicans claim they are fixing the bill's unfair tax on older Americans, they are not. The truth is, the Republican age tax is still in the bill. People in their fifties and sixties still stand to lose big time.

The larger truth is, Republicans are not trying to make this bill better. They are just trying to make it pass with all their various factions pulling them in different directions. There is no better evidence of that than the new "Senate slush fund," a \$75 billion earmark the House is giving the Senate to buy off Republican Senators who don't want to vote for this bill.

What happened to our fiscal conservative friends in the House—no unnecessary expenditures. A \$75 billion slush fund. It doesn't even say what it does. Wow. Unbelievable. Many Republican Senators don't want to vote on the House bill because it is going to crush older Americans with a new age tax, but make no mistake about it, the Senate slush fund is not going to fix that problem at all.

Here is the biggest problem. The consequences of TrumpCare are so bad for working Americans and older Americans that my friend the majority leader may rush it through the Chamber after we get it from the House. He has already said TrumpCare is going to bypass committees and go right to the floor. There is even talk that Republican Senators, under his leadership, are negotiating a substitute bill behind closed doors that would take its place and also go straight to the floor.

That is not how we should do business here on something as important as healthcare. That is not just my view, that is the majority leader's view. Listen to what the distinguished majority leader—then-minority leader—said