

Member of this body as manifestly unqualified, by any measure. Through his writings alone—and I urge all of my colleagues simply to look at his writings on his blog or on his wife's blog that he wrote with a pseudonym. They are awful. They are disgraceful.

Please, I beg my colleagues, read these and say to yourself: Are these writings the writings of a man—no matter what his leanings are in terms of how constitutional law should be decided, what his philosophy is, whether conservative, progressive, or liberal—how we can confirm someone to the circuit court, to a Federal judgeship for life, who writes anonymously these awful, incendiary things, relying on sources that are known for spreading hatred and linking to them. I don't think we have been here before. I don't think we have been here before.

I would beg my colleagues, before you cast this vote—I believe you could not justify to your constituents, that you could not justify to your family—please read these blog posts by this nominee and check your conscience—not at the door, check it. This is one of those incredibly unusual circumstances where somebody comes before us who, I believe, is uniquely unqualified for the job.

Thank you.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 1:55 p.m., recessed until 4:02 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Texas.

Mr. CORNYN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

SMALL BUSINESS EMPLOYEE OWNERSHIP PROMOTION ENHANCEMENT ACT

Mr. PETERS. Mr. President, each Michigander I talk to has their own unique hopes and dreams, but some aspects of the American dream are truly universal—financial security, the opportunity for your children to grow and prosper, and a dignified retirement. We know there are almost limitless paths to achieve these shared goals. For my parents' generation, this often meant a fair day's pay for a day of hard work, a good wage that grew steadily over time, and perhaps a pension that could support a comfortable retirement, and

even the money to help for college tuition for your children. For small business owners, the path could mean bootstrapping a business from scratch, scraping by at first, building a business that made a good product, and doing the right thing by your employees and growing into a profitable business.

But in today's economy, for so many people, the connection between today's hard work and tomorrow's economic security isn't always so clear. New entrants to our workforce are increasingly unlikely to have a pension they can rely on for retirement. We are also seeing an entire generation of business owners rapidly approaching retirement after spending a lifetime building their businesses. We have a younger generation of employees who are increasingly disconnected from their employers and an older generation of entrepreneurs who are trying to figure out how to retire without disrupting their successful businesses.

Actually, I see this as a unique opportunity to solve two problems at once. The employee ownership model, including employee stock ownership plans—better known as ESOPs—allows employees of a company to become partial owners. ESOP plans, which often are created as heads of family-run small businesses look to retire, create employee-owners who have a real stake in the company to which they have dedicated their careers. For both management and employees, ESOPs mean that their goals are aligned—a growing, sustainable company that gives a shot at prosperity for everyone, from the highest ranking employee, to midlevel managers, to the front office staff.

For both business owners and employees, the proven benefits of the ESOP model are clear: Employee-owners have higher wages, more job stability, higher net worth, and larger retirement accounts than non-employee owners in similar companies. For entrepreneurs who want to see the company they built continue to thrive after they are gone, research has shown that businesses see their sales grow faster in the years following their conversion to employee ownership.

The data is clear on what employee ownership means for a company's bottom line and for workers' performance, but when I have the chance to visit employee-owned businesses, the benefits are as clear as day.

Last summer, on the first day of my motorcycle tour across Michigan, I visited Sport Truck USA, an aftermarket suspension and offroad distributor in Coldwater that makes world-class parts. Sport Truck USA wasn't just proud of their offered products, they were also proud of their achievement as an employee-owned business. I met a longtime front office employee who had a retirement account worth upwards of \$1 million. I met a warehouse worker who does as well. And they were both very happy to show up for work every day. When Sport Truck was

sold in 2014, the ESOP model ensured that their employee-owners had a say in whether to approve the sale and fully compensated them when it went through.

Sport Truck USA is a great success story, but for many businesses, the idea of an employee-owned transition is simply not on their radar. Despite having been enshrined in the law by Congress in 1974, for many business owners and employees, the ESOP model is not well known or understood. Before an ESOP transition can take place, there can be months or sometimes even years of preparation and planning that have to take place. But it is clear—the more people who are aware of their options for employee ownership, the more businesses that will decide this is the path they want to take.

There is now bipartisan agreement that Congress can take steps to help businesses find the awareness and support they need to make this a reality. That is why I recently introduced bipartisan legislation with the chairman of the Small Business Committee, Senator RISCHE. Our Small Business Employee Ownership Promotion Enhancement Act will increase awareness and provide technical assistance for the creation of ESOPs and other employee-ownership models. We do this by empowering the business experts at SCORE—the nonprofit small business counseling organization—to provide information about employee ownership. Many of these counselors themselves participated in ESOPs and can speak to their benefits and what it takes to transition to this structure.

As a partner of the Small Business Administration, SCORE and their volunteers are on the ground in communities across the country, and I believe they will help create the next generation of employee-owners. Increasing awareness of ESOPs is a vital first step, and I am committed to finding new ways to provide resources to businesses and employees as they transition to employee ownership. But, for Michiganders who are looking to secure their futures, building awareness of the ESOP model can help make this critical transition.

The Small Business Employee Ownership Promotion Enhancement Act will help successful small business owners retire with the peace of mind that their legacies will be carried on by the employees they will have hired, mentored, and developed over the years. It will help businesses invest in their employees and employees invest in their businesses.

When too many Americans feel as though they are being left behind, employee ownership lifts up employees and gives them a real stake in their companies and the opportunity to prosper and achieve their versions of the American dream.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COONS. 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. COONS. Mr. President, I come to the floor to join my colleagues in opposing the nomination of John Bush to serve on the Sixth Circuit Court of Appeals. Mr. Bush's record leaves me deeply concerned that he has not demonstrated the civility, the temperament, and the judgment that are the most basic requirements to be a judge on a U.S. Federal circuit court.

I also have some concerns with Mr. Bush's legal philosophy. At Mr. Bush's confirmation hearing, I asked questions about his interpretation of due process and the right to privacy. These constitutional rights protect the freedoms that are the linchpin of our modern, diverse, and inclusive society. They impact real people.

My concerns about Mr. Bush extend far beyond disagreements about legal philosophy. I worry more deeply about his judgment and temperament.

He has published statements that demonstrate not just a lack of judgment and temperament but also a fundamental lack of civility and decency.

There are many examples which I could read, but let me cite just a few. He referred to the first female Speaker of the House as "Mama Pelosi" and said she should be gagged. He depicted a threat that Obama supporters stealing a campaign sign would "find out what the Second Amendment is all about." He chose to repeat the use of a well-known, anti-gay slur in a speech he gave. All of this was not while he was in middle school or high school but after he had been practicing law more than 15 years.

There is much more I could cite—some of it more offensive and more derogatory—but I frankly think they don't expand upon my core argument.

These are not the statements of someone fit to serve on a Federal circuit court bench.

Don't get me wrong. Mr. Bush has every right to put these views out into the world. Even now, over in the Senate office buildings, there are folks exercising their First Amendment rights, protesting and, in some cases, being arrested today, expressing strongly their feelings. I am sure some of them are saying things that are forceful, vigorous, even perhaps personally offensive to Members of the Senate as they are protesting.

The vote this body will take on the nomination of Mr. Bush isn't about his First Amendment rights, it is about whether he is capable of conducting himself in a civil way such that he can give fair treatment to all litigants who come before his court.

Our vote isn't about Mr. Bush's own constitutional rights of free expression; it is about upholding all Americans' constitutional rights to fair treatment

before the courts and what sort of expectations litigants will have when they stand before him.

Mr. Bush's judgment and his repeated choice to utilize not just negative, not just provocative but inflammatory and derogatory language when expressing himself do not suggest to me that he is capable of the fairness, the civility, and the impartiality we expect.

Mr. Bush owns the reputation he has built for himself in many speeches, op-eds, blogs, and newsletters. I heard very little in the way of disavowing these prior statements at his confirmation hearing, suggesting that he either stands by them, doesn't see what is wrong with them, or simply doesn't care. I am not sure which is worse, but, to me, each of these is disqualifying.

If my Republican colleagues have reservations about this nominee putting on the robe, sitting on a circuit court bench, and interpreting the law for years to come, I hope you will deliver that message with your vote on the floor.

I haven't shied away from supporting President Trump's nominees when I believe they are fully qualified for the job—even when their politics have sharply diverged from my own, but this case isn't about partisan politics. The Senate should not be a rubberstamp for nominees of any President of any political party. We must guard the balance of power and the integrity of the Federal judiciary as an unbiased and fair-minded institution.

President Trump has more than 100 judicial vacancies to fill. If we don't demand any other standard of the White House than this, this problem will extend beyond the nomination of Mr. Bush to this circuit court seat, and the precious and vital reputation of our Federal judiciary will be damaged as a result.

I pray we do not reach that outcome. I yield the floor.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

FOSSIL FUELS

Mr. INHOFE. Mr. President, some really big things are happening right now that are happening under the radar; people are not aware of them. One of them is the fact that the Obama war on fossil fuels is officially over now and good things are happening.

This coincides with a time when we have a shale revolution. We have a situation where we are actually reviving an industry that had been pushed for the last 8 years. Oil and gas accounts for over 5 percent of the jobs in the entire country and accounts for over \$1 trillion in economic impact in the U.S. gross domestic product.

In my State of Oklahoma, the industry directly employs nearly 150,000 peo-

ple, and each of those jobs support more than two additional jobs in the State. Thanks to the election of President Trump, help has arrived.

There are some very vocal sectors in America that want to put the fossil fuel industry out of business. We know that. They are out there. They are alive and well, and the attacks will keep coming. While most inroads were made toward that goal during the Obama administration, the environmental extremists will continue to use our court system and the media to ensure that the war on fossil fuels continues, putting American jobs and the economy at risk.

Back in Oklahoma—it is kind of funny—I have an established policy for the last 20 years that every year, at the end of every week, I will either—if I don't have to be in Afghanistan or someplace else—I am always back in the State, never here.

I have been in aviation for many years so I get one of my airplanes and travel around the State and talk to people—real people. People don't understand this because you don't get logical questions asked or responded to here in Washington. They will say, for example—and this happened early in the Obama administration. They would come up to me and say: Explain this to me, Senator INHOFE. We have a President who has a war on fossil fuels, trying to do away with fossil fuels. He doesn't like nuclear either. Yet nuclear and fossil fuels, which is oil and gas, account for 89 percent of the energy it takes to run this machine called America. So if he is successful, how do you run the machine called America? The answer is that you can't.

With the election of a Republican-led Congress and a Republican in the White House, we should be working together to address the concerns of the industries that provide cheap, reliable fuel for American energy. Unfortunately, as what always seems to be the case when we are in power, Republicans can't seem to get together and work toward a common goal, dividing themselves over some of the issues. Healthcare is no better example.

But the threat against the industry and fossil fuels should be a priority of all Republicans and Democrats, whether or not they come from a State dependent on these resources for jobs, because cheaper and more reliable energy is an issue that affects all Americans, helping them to get to work, to heat their homes, and to cook their meals. Yet we already have examples of Republicans not working together to defeat threats to our energy sector.

We only had one CRA vote fail, and that was the one on the BLM venting and flaring rule. It was held up by some of the Republicans who want to expand a mandate they already have, and that is the renewable fuels standard. It was ultimately defeated by another Republican. Now, the oil and gas industry considered this to be one of the real key regulations that was imposed by

President Obama and that needed to be released.

If anyone is interested, in my office we have accumulated all 47 of the regulations this administration either is in the process of doing away with or has already done away with, and these are the things putting people out of business.

So some good things are happening right now. We know that programs were created at the time in our history when we were dependent on foreign oil or when our energy production at home was receding, and that all has changed. Some might not be old enough to remember. I am.

Back in the early 1970s, OPEC in the Middle East retaliated against us for helping Israel against Egypt and Syria in the Yom Kippur invasion by imposing an oil embargo. This resulted in long lines of cars at the pumps and in rationing. It was pretty traumatic. In the late 1970s, unrest in the Middle East again disrupted the oil market, once again causing shortages and prices to skyrocket.

There is the corporate average fuel economy, or CAFE, standards program, as we call them. The CAFE standards program was created during this time of uncertainty in the oil and gas market, when we were dependent on oil from the Middle East. But the bleak future we were facing at that time didn't happen. It wasn't the end of the world as they said it was going to be. In fact, just the opposite happened. The United States is no longer dependent on foreign sources for oil and gas and is in the position to export our resources and provide for better security for us here.

I was very proud of the President the other day when he was in Poland and he made a speech with Putin right there. He talked about the fact that we are going to start exporting our oil and gas—and we are already doing it now—to some of these former satellite countries of the Soviet Union and other countries where they want to import from us but Iran and Russia have had a lock on the exports and so they were forced to be dependent on them. That is not the case anymore.

I would say, parenthetically, to anybody who believes this President was trying to cater to Putin at any time, that he stood up and said: We are going to be the ones exporting, instead of Russia, when their economy is dependent upon their exports. That is actually happening right now.

The cost of cars went up, even though that didn't work. The CAFE standards were by government officials who thought they could force the public into smaller cars, more mileage, and all that, but that is not the way the American people responded. The cost of cars did go up \$3,800 per vehicle from their standards put together for 2016. This was significant when it happened, but it didn't change the behavior of the American people. So any small benefit of new standards estimated at 0.007 de-

grees by 2100 is outweighed by the fact that consumers are doing something different than the government predicted—I am happy about that—which always seems to be the case when the government starts messing with industry.

None of this touches the effect the California waiver has on the fuel economy debate and the consumer market. If California and the States that have followed had their way, liquid fuels would be phased out altogether and consumer demand and prices wouldn't really matter.

Another way Congress has tried to manipulate the fuel market when the energy future was uncertain is through the renewable fuels standards. This is not a partisan issue because it is really more of a geographical issue. People up in the core area are very strongly supportive of the renewable fuels standards. Some other people are not. So it is not a partisan thing, as most of the things we talk about on the floor of the Senate are.

In 2005—and then expanded in 2007, despite my best efforts—the RFS was created to address decreased energy production at home and to decrease carbon dioxide emissions. However, with the shale revolution, our dependency on foreign energy stopped. The more we learn about corn ethanol, the more we know RFS has not been the environmental solution as sold to us.

In case we forgot—it has been a while ago—Al Gore was the guy who invented ethanol. This was supposed to solve all the problems out there, until Al Gore realized that the environmental community, which motivated him to get involved with this issue, said: No, that is the worst thing in the world for the environment. So he had to back down.

Land is increasingly set aside for the production of corn to feed the mandate, and the more corn that is diverted to ethanol production, the less there is for our food consumption and for ranchers who need corn to feed their livestock, making the cost of our food rise. That is another major issue nobody talks about anymore.

Fuels with corn ethanol are less efficient than gasoline diesel by 27 percent. So while consumers may pay less at the pump than conventional fuel, they are coming back to the pump more often, and the math works so that it costs them more.

This also translates into more greenhouse gases being released into the atmosphere to make up for the efficiency lost in using corn ethanol. Oklahomans know this and demand for clear gas remains high.

This is very common in Oklahoma. I actually took this picture myself. People know, No. 1, that it is bad for the environment; No. 2, it is not good for mileage; and, No. 3, it destroys small engines. So in Oklahoma, this is what you see in almost every community. They know the demand for clear gas—gas which doesn't have any additives—remains high in my State. Retailers in Oklahoma continue to advertise it.

They also don't like corn ethanol because they understand it is not good for their engines. We heard testimony from people in the small-engine business, such as outboard motors and those things, talking about how they are quite often sued and then have to defend the thing because the damage was actually caused by the ethanol as opposed to the manufacturer.

Ethanol supporters claim the warning labels on the pump are sufficient to alert customers, but studies show consumers make fueling choices by price, and they have ruined boats and small engines, causing manufacturers and retailers to invest in a nationwide campaign to prevent misfueling.

Furthermore, the mandate is not living up to its promises of advancing biofuels. In fact, over the last 5 years, the EPA has had to lower the total renewable volume requirements to amounts below statutory requirements because advanced biofuels have not been developed in the capacity drafters of the RFS had hoped, even with a mandate. To comply with the RFS, we have become reliant on foreign imports of soybeans and ethanol from South America to count toward the RFS—the exact opposite of what the mandate was supposed to prevent in the first place.

Meanwhile, supporters of the RFS want more. They want a waiver for even higher ethanol levels in gas. Currently, gas with 15 percent ethanol or higher can't be sold during the hot summer months because of its negative effect on ambient air quality. Ethanol supporters want a waiver now so that E15 and higher can be sold year round. Right now, it can't be sold during the hot summer months, for obvious reasons. With all the problems with RFS, we should not give them this waiver without addressing the larger issues with the program. Between CAFE and RFS, the fuel industry has had its hands full. But the war is being waged on all fronts, and I will continue to work to make sure that doesn't happen.

There are no guarantees that the next administration after President Trump will not return to the "regulate to death" plans of the Obama administration. I am not talking about the war on fossil fuels. We need to work together to address the regulations that we were not able to address with the CRA process. By the way, the CRA process, the Congressional Review Act process, is one of the two ways that you can minimize or eliminate onerous regulations. It has been very effective. The mandate was the only one that has not been successful. All the rest of the CRAs have been successful. We went 20 years, using it effectively once in 20 years, and we have used it 47 times now. So times have changed.

We are going to work with our colleagues to get as much as we can on any legislation that looks like it might be moving both in my committee of jurisdiction and on the Senate floor. Any

regulation that is a threat to the energy sector should be addressed so we don't find ourselves in the situation of hoping for favorable court rulings again, which is what we relied on before.

There are many regulations that threaten the availability of cheaper energy, and I will be pursuing any means available to address them. As for the waters of the United States rule, when we talk to the farmers and the ranchers around the country and ask what the major problems are, they say: It is nothing found in the farm bill; it is the overregulation by the EPA. Which one regulation do they single out as being the most serious one? It is the waters of the United States.

In my State of Oklahoma, the Panhandle is a very arid area. If we change the jurisdiction from the States to the Federal Government, I am sure it will become some type of a serious problem with all of the water that is not out there. We have the waters of the United States, the Clean Power Plan, the EPA, and the BLM methane rules, and fixing compliance issues with the most recent NAAQ standards.

I will also be pursuing ways to amend the RFS and CAFE programs—from rescinding the California waiver that drives CAFE issues and harmonizing the EPA and DOT rulemaking to reforms of the RFS program, including requiring that any E15 or higher blend be tied to the commercial availability of cellulosic ethanol, or requiring that certain criteria be reached before an E15 waiver is triggered.

There are many ways in which I will be looking to address the issues I have outlined here today, and I look forward to working with my colleagues to ensure that not only is the environment protected but that the entire fuel industry is, as well, and that we have the available fuel.

The latest battle on fossil fuels was won with the election of President Trump, but the war is still being waged. I will continue to defend that industry and any industry that employs that number of people and provides cheap energy for Americans.

Again, the question that I got back in Oklahoma—where the real people are, I might add—if the Obama administration had been successful—and we are dependent upon the very thing he was trying to do away with for 89 percent of the industry—how do we run the machine called America? The answer is, we can't.

With that, I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. 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. MERKLEY. Mr. President, our Nation's courts are supposed to be bas-

tions of justice. They are intended to be run by men and women of sober contemplation and scholarly reflection, with the temperament to put aside their own personal feelings and biases and consider the facts of the case before them in order to make the best judgments possible; men and women committed to a full and fair judiciary—a judiciary that respects our constitutional rights.

I am sorry to say that the nominee for the Sixth Circuit Court of Appeals does not meet those standards. This man is unfit to serve on the bench. As revealed by his own words in a series of blog posts written under a pseudonym, John Bush does not have the temperament or the impartiality to sit on a court where jurists such as William Howard Taft and many eminent others have sat.

Mr. Bush himself acknowledged during his confirmation hearing that “many of the blog posts used flippant or intemperate language”—something I believe is unbecoming of an individual nominated to sit on the Federal bench. But it wasn't just flippant language. It wasn't just intemperate language. He wrote in an extreme rightwing, partisan fashion. His confirmation would threaten women's rights and the rights of LGBTQ Americans. It would threaten Americans' voting rights. It would threaten issue after issue, topic after topic, of the rights embedded in our Constitution.

Let's take a few moments to look at his words and his record. Let's look first at women's rights and the extreme views he has held on this issue.

In 1993, he filed an amicus brief in a Supreme Court appeal defending the Virginia Military Institute's policy of not admitting women, stating that the military-style atmosphere of the institute “does not appear to be compatible with the somewhat different developmental needs of most young women.” He was basically indicating that young women cannot handle the same rigors as men or serve in the same capacities as men—certainly a myth that has been shattered time and time again. He is locked into an 1800s view of the world. I know that my daughter, I know that her friends, I know that my colleagues who serve in the Chamber certainly don't believe that a woman is incapable of serving in the same roles in which a man can serve.

There was a 2008 blog post Mr. Bush wrote conflating a woman's legal, constitutional right to choose with slavery. He wrote:

Slavery and abortion rely on similar reasoning and activist justices at the U.S. Supreme Court . . . first in the Dred Scott decision, and later in Roe.

It is hard to imagine how an individual takes the extraordinary human condition of slavery and the lack of freedom involved in that and compares it to a woman making decisions, with the advice of her own doctor, about her own body. One is slavery, and one is freedom—clearly not the same thing.

How could any woman walking into his courtroom believe she would get a fair hearing with his extreme anti-women views?

For that matter, Mr. Bush's words and actions call into question whether he would abide by and uphold precedent that is far more recent; that is, the rights of the LGBTQ community in America. The Supreme Court declared in *Obergefell v. Hodges* that same-sex couples enjoy the fundamental right to marry, just like any other couple. Yet Mr. Bush has repeatedly demonstrated insensitivity and contempt for the rights of the LGBTQ community.

In 2005, he gave a speech to a private club in Louisville. He apparently wanted to bond with his audience by saying something about the town of Louisville—something he found positive. So he chose to use a quote related to Hunter Thompson, who described Louisville in a quote that uses a derogatory term for gay men. In the piece, Thompson recites the words of a man named Jimbo, who said to him over a glass of double Old Fitz: “I come here every year, and let me tell you one thing I've learned—this is no town to give people the impression you are some kind of . . .” Fill in the derogatory word—the pejorative for gay men. Of all the possible quotes this individual could choose to create a bond between himself and his audience in Louisville, he chooses to attack the LGBTQ community.

Now, he could have chosen any of a number of quotes. A member of my team did a very quick look. In moments, they found a quote from the great frontiersman Daniel Boone, saying: “Soon after, I returned home to my family, with the determination to bring them as soon as possible to live in Kentucky, which I esteemed a second paradise.” That would be a nice thing to describe about Kentucky—about connecting to your audience in Louisville rather than describing the characteristics of hatred and discrimination.

That is where this nominee comes from—full of his vile opinions about women and about a great spectrum of people in our Nation. So much for opportunity for all in the United States of America.

The following year, he coauthored a paper criticizing the Kentucky Supreme Court decision regarding the right to privacy, specifically focusing on LGBTQ communities.

Then, a couple of years later, with the State Department updating the passport applications, he ridiculed the effort to accommodate LGBTQ in one of his posts. At a time when we should be continuing to push our country forward toward ensuring that the community enjoys the full measure of equality they are entitled to in our Constitution and under the 1964 Civil Rights Act, confirming John Bush to be a Federal judge would certainly walk back many of the gains so many have made.

Then there is his opinion of money in politics. Our Constitution starts with those beautiful three words, “We the People,” not “We the powerful who can spend billions of dollars in third-party campaigns to have a megaphone the size of a stadium sound system.” No. Jefferson said, for us to really secure the will of the people, the individuals have to have essentially an equal voice.

This individual who is before us today doesn’t like that whole concept of equal voice. He doesn’t like the mission statement of the Constitution of the United States of America. He wants government by and for the powerful and the privileged and nothing less. Therefore, he should go and serve in some foreign country that doesn’t have a vision of government of, by, and for the people. He certainly doesn’t belong in our court system in the United States of America.

There is so much more that people have described, including his writing in support of the “lock her up” chants at last summer’s Republican convention, his trafficking in birtherism, and more and more.

I will be vehemently opposing this confirmation. I urge my colleagues to do the same. Let’s fight for the vision. Let’s fight for the “We the People” mission on which our Constitution was founded and that we have the responsibility to uphold.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, so far this year President Trump and Senate Republicans have selected a long list of Wall Street insiders, corporate CEOs, lobbyists, and radical rightwing ideologues to run the Federal Government, but the Republicans haven’t stopped there. They are also working to fill vacancies on the courts with the same kind of people—nominees who reflect pro-corporate, radically conservative views that will threaten the principle of equal justice under law.

That is not coincidence. Powerful rightwing groups have had their sights set on the courts for decades, and over the past 8 years they have launched a relentless campaign to capture our courts. During the Obama administration, a key part of their strategy was stopping fair, mainstream nominees with diverse, professional backgrounds from becoming judges. Our Federal courts suffered the consequences. Vacancies sat open for months. They sat open for years, and cases piled up on the desks of overworked judges.

Now, with President Trump in the White House and Senate Republicans are in control of the Senate, those powerful interests see an unprecedented opportunity to reshape our courts in ways that will benefit billionaires and giant corporations for decades to come. Now they see their chance to stack the courts with radical, rightwing, pro-Big Business conservatives.

John Bush, President Trump’s nominee to sit on the Sixth Circuit Court of Appeals, is one of those radical, right-

wing, pro-business conservatives. Mr. Bush is not just a member of the ultra-conservative Federalist Society. He is the cofounder and 20-year president of the Louisville chapter. During his career, he has earned a reputation for fighting for the big guys. For example, Mr. Bush supports weakening our campaign finance laws so giant corporations and wealthy individuals can flood our elections with unlimited contributions and buy the officials they want. I believe Mr. Bush’s pro-corporate views call his qualifications to the Federal bench into question. I do not understand how he can be fair and impartial when his billionaire buddies show up in court.

My concern about Mr. Bush runs much deeper. He has demonstrated a level of disrespect for other people that flatly disqualifies him for a lifetime appointment to the Federal bench. Here is just a glimpse of what the man nominated to be a Federal judge has written and said in public:

In a blog post, he called for then-House Speaker NANCY PELOSI to be gagged.

In another blog post, Mr. Bush mocked policies that recognize same-sex parents saying that “[i]t’s just like the government to decide it needs to decide something like which parent is number one and which parent is number two.”

In a speech in Louisville, he repeated a quote from a late journalist saying: “I come here every year, let me tell you one thing I’ve learned—this is no town to be giving people the impression you’re some kind of. . . .” He finished the quote with an anti-gay slur that begins with an “f.”

There it is: dismissive, demeaning, and downright ugly. If that word makes you furious, or if you believe that term is hurtful, then think about what it means that this is the man President Trump has put forward to be a Federal judge to sit in judgment on others. Whatever his other qualifications, Mr. Bush has aggressively and conclusively disqualified himself to be a judge. I think Mr. Bush knows that.

In his hearing before the Judiciary Committee, Mr. Bush was not keen to defend what he said. When asked about those hateful statements, he ducked and dodged like a prize fighter. He played that old game we have seen before—the “I promise to be a fair and impartial judge if I am confirmed” game. He is selling, and I am not buying. Mr. Bush should be embarrassed to defend those statements. They are shameful.

Senator MCCONNELL might defend this man, calling those statements, as he did, “personal views about politics,” but I call them hateful views that disqualify him for a lifetime appointment as a Federal judge. Yes, decent, reasonable people can disagree on policy, and decent, reasonable people can disagree on legal interpretation, but decent, reasonable people should not disagree on basic norms that all judges in our

Federal court should abide by. Anyone who thinks it is OK to use anti-gay slurs and to tell anti-LGBTQ jokes is disqualified to be a Federal judge, period.

No Senator—Republican or Democratic—should be willing to confirm such a man. Our courts have one duty: to dispense equal justice under the law. No one can have confidence that Mr. Bush could fulfill such a task, and no Senator should be willing to give Mr. Bush a seat on the court of appeals of the United States of America.

I yield the floor.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REMOVAL OF NOMINATION OBJECTION

Mr. GRASSLEY. Mr. President, on June 20, 2017, I notified the majority leader of my intent to object to any unanimous consent request relating to the nomination of Steven A. Engel, of the District of Columbia, to be the Assistant Attorney General for the U.S. Department of Justice Office of Legal Counsel, until he adequately responded to my questions regarding his views on the OLC’s May 1, 2017, opinion, “Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch.”

As I have previously noted, the opinion erroneously states that individual Members of Congress are not constitutionally authorized to conduct oversight. It creates a false distinction between oversight and what it calls non-oversight requests. It relegates requests from individual Members for information from the executive branch to Freedom of Information Act requests. I have written a letter to the President requesting that the OLC opinion be rescinded. The executive branch should properly recognize that individual Members of Congress have a constitutional role in seeking information from the executive branch and should work to voluntarily accommodate those requests.

My June 12, 2017, letter to Mr. Engel asked him several questions about the opinion, including whether the opinion