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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we bless Your Holy Name. Lead us safely to the refuge of Your choosing, for You desire to give us a future and a hope.

Today, give our Senators the power to do Your will, as they realize more fully that they are Your servants. May they seek Your best for our Nation, repeatedly soliciting Your guidance and following Your leading. Lord, inspire them to not merely give a handout but a hand up, so that people can maximize their possibilities for the glory of Your Name. Give our lawmakers the perseverance and faith to remain true to duty, striving always to please You.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. PAUL). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Bush nomination, which the clerk will report.

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

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. will be equally divided between the two leaders or their designees.

If no one yields time, the time will be charged equally.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

HEALTHCARE

Mr. MCCONNELL. Mr. President, ObamaCare was imposed on our country 7 long years ago. It has been hurting the people we represent ever since. Families were supposed to spend less on healthcare costs. They actually paid more. Families were supposed to have more healthcare choices. They ended up with fewer, sometimes none at all.

Worse still, for many years, we had an administration that often waived away the concerns of middle-class families who were hurting. Today, we thankfully have an administration that has chosen instead to listen and agrees with us that Americans deserve a lot better.

I appreciate the efforts of the administration at every step of the process to move beyond the failures of ObamaCare. The President, the Vice President, Secretary Price, Administrator Verma, so many others—we thank them for all the work they have done so far. We look forward to continuing these collaborative efforts when we travel to the White House later today because we have a very important task before us.

As I announced last evening, after consulting with both the White House and our Members, we have decided to hold a vote to open debate on ObamaCare repeal early next week. The ObamaCare repeal legislation will ensure a stable 2-year transition period, which will allow us to wipe the slate clean and start over with real patient-centered healthcare reform. This is the same legislation that a majority of the Senate voted to send to the President in 2015. Now we thankfully have a President in office who will sign it, so we should send it to him.

Mr. President, today the Senate will vote to move forward on the nomination of John Bush, of Kentucky, to serve as a judge on the Sixth Circuit Court of Appeals.

As I said when I introduced Mr. Bush to the Judiciary Committee, I am pleased to join the bipartisan chorus of voices supporting his nomination. More than 100 lawyers and law professors from around the country have written in support of his nomination. Nearly one-third of those supporters are Democrats. They laud Mr. Bush's ''excellence, professionalism, and leadership in the legal profession.'' They also note his ''capacity to approach issues with an open mind and to respectfully consider the viewpoints of others.''

In addition, some of his supporters from across the ideological spectrum and from around the country who have known Mr. Bush for decades have written separately to underscore their support for his nomination. They are confident he understands the role of a judge, which is to fairly consider the arguments of both sides in a case and then to decide that case based on the law and nothing else. Indeed, it is precisely because of his firm belief in the rule of law that they strongly support his nomination, despite the fact that he and they may hold different political and policy views.

As an illustration, I think we can all agree it is not common for current or former leaders of Planned Parenthood

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to praise judicial nominees of Republican Presidents, just as it is not common for me to quote leaders of that organization.

More than one has praised the President's nomination of John Bush because of his fairness, thoughtfulness, and respect for the views of others, regardless of his personal opinions. For instance, Christie Moore is on the board of directors of Planned Parenthood of Indiana and Kentucky. She has practiced law with Mr. Bush for nearly two decades. She is ''confident'' that ''he will follow the rule of law regardless of his personal or political opinions. In my experience, John naturally approaches issues with an open mind and has always been respectful of differing viewpoints. In fact, I am a living example of John's ability to seek out and respect differing viewpoints and opinions. John and I come from opposite ends of the political spectrum—I am a life-long registered Democrat and proudly approach life and politics as a Democrat. Yet John and I have practiced closely together and enjoy a strong and respectful relationship.''

She concludes: ''I can personally attest John is a consummate professional, and I believe he will be a tremendous asset to the federal court of appeals.''

Her law firm colleague, Janet Jakubowicz, similarly explains why Mr. Bush will do an outstanding job on the Sixth Circuit. She states that he ''has shown himself to have both the legal ability and temperament to be an outstanding judge.''

She writes it is precisely because she is a ''long time registered Democrat'' that she can say ''with extreme confidence'' that John Bush ''approaches issues with an open mind and has always been respectful of differing viewpoints'' and that he will make decisions on the bench ''in the same manner, and follow the rule of law regardless of his personal or political opinions.''

Sheryl Snyder, also from my hometown, notes that he and Mr. Bush ''come from different political parties and have different perspectives on many political issues.'' Mr. Snyder says that he is ''a Member of the American Civil Liberties Union, and not the Federalist Society.'' Nevertheless, he has ''every confidence that as a Court of Appeals Judge, John will scrupulously follow the law and apply precedent.'' He notes that Mr. Bush is ''well known . . . as an experienced, capable, ethical litigator'' and that ''his knowledge of the law is unquestioned.''

Praise for Mr. Bush is not confined to those from the Commonwealth of Kentucky, however. Ted Boutrous, Jr. practices law in Los Angeles. Among other matters, Mr. Boutrous represented the plaintiffs in their challenge to California's Proposition 8. He has known John Bush for a quarter century. He writes that ''while we come from different political parties . . . I am certain John will make an absolutely superb Circuit Judge. He is an extraordinary lawyer and an exceptionally fair, decent, and honest person. I have every confidence that as a judge, John will scrupulously follow the law and Constitution and precedent.''

Mr. Bush has received numerous professional awards. For instance, the Best Lawyers in America named him the ''Louisville Litigation-Antitrust Lawyer of the Year in 2017,'' this year. Last year, the same organization recognized him as the ''Louisville Appellate Practice Lawyer of the Year.'' He has been included on the Kentucky Super Lawyers list every year for the last decade.

Beginning in 2012, the Sixth Circuit appointed him to serve on its advisory committee on rules, in recognition of his in-depth knowledge of the court's practice and procedure.

In sum, as evidenced by the impressive testimonials of those who actually know him, John Bush is a man of integrity and considerable ability. He will do an outstanding job on the Sixth Circuit.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in open opposition to the nomination of John Bush, nominated to serve a lifetime appointment on the Sixth Circuit Court of Appeals.

The Federal courts of appeal have a significant impact on the lives of many Americans. Because the Supreme Court only reviews a limited number of cases each year, decisions by the circuit courts represent the final word on thousands of legal matters that involve a host of important issues.

The Senate has to take very seriously its obligation to consider candidates for these important courts. We have to make sure they have the qualifications, the temperament, and the judgment to serve for the rest of their lives. Based on Mr. Bush's record and his testimony before the Judiciary Committee, I believe he falls short of this standard.

Over the course of his legal career, Mr. Bush has made dozens of provocative comments, casting serious doubt on his temperament, his judgment, his impartiality, and his ability to serve as a fair and impartial judge.

Consider the following things that this nominee has said or done:

In 2008, Mr. Bush compared abortion to slavery, writing in an anonymous blog, I might add, that ''the two greatest tragedies in our country—slavery and abortion—relied on similar reasoning and activist justices at the U.S. Supreme Court, first in the Dred Scott decision and later in Roe.''

Senator FEINSTEIN and I decided to ask Mr. Bush to explain this statement at his hearing. He did not disavow the comparison he made in this anonymous blog. Here is what he said instead. He claimed that he had referred to Roe v. Wade as a tragedy ''in the sense that it divided our country.''

I asked Mr. Bush to explain his logic, asking whether he would characterize Brown v. Board of Education as a case that divided our country. He answered: ''I wasn't alive at the time of Brown, but I don't think it did.''

That is an incredible statement made by a man who seeks to serve on a Federal circuit court for the rest of his life. His logic and his historical analogy have fallen apart. There is no dispute that Brown v. Board of Education, which ended up in the official desegregation of public schools across America, was a landmark Supreme Court decision that deemed racial segregation unconstitutional and, as a result, led to controversy and division across the United States.

I can't believe a man from Kentucky, a border State—a neighboring state of my State of Illinois—could not measure the impact of Brown v. Board of Education and whether it divided our country. That, to me, is incredible. The reason, of course, he didn't is because he didn't want to concede, quite obviously, that he was just opposed to a woman's right to choose, and this was a rationalization for this position.

There were many other instances in which Mr. Bush expressed provocative and troubling views. He wrote that public financing of election campaigns is ''constitutionally dubious'' and ''runs afoul of constitutional guarantees by forcing taxpayers to subsidize candidates' political speech and contravention of those taxpayers' First Amendment rights.''

This is a view which is hard to understand because it contradicts decades of Supreme Court precedent. Mr. Bush, seeking this opportunity to serve for the rest of his life on a Federal court, has now questioned a Supreme Court precedent which has been on the books for years.

He gave a speech where, sadly, he made an anti-gay slur about the town of Louisville, KY. He wrote blog posts supporting the nomination of a voter suppression advocate Hans von Spakovsky to the Federal Election Commission. In response to a written question I sent to him, he refused to disavow President Trump's claim that 3 to 5 million people voted illegally in 2016. He said it was ''the subject of political debate.'' That assertion by the President has been rejected and discredited by every objective person who has been challenged but not by Mr. Bush, who seeks this lifetime appointment to the court.

Mr. Bush wrote blog posts that repeatedly placed the terms global warming and climate change in quotes, insinuating they did not exist.

He described then-House Speaker PELOSI as ''Mama Pelosi'' and wrote that someone should ''gag the House speaker.''

He posted articles from right wing websites, speculating that former President Barack Obama was born in Kenya.

He wrote in a blog post during the 2016 Republican National Convention, ''Time to roll with Trump.''

The list of comments goes on and on. On a range of policies and legal issues, Mr. Bush has already made crystal clear where he stands.

At his hearing, Mr. Bush asked the Judiciary Committee to trust that he could completely set aside everything I have read into the RECORD this morning; that he can walk away from his personal views if he is confirmed to serve on the circuit court. Unfortunately, he has given us little reason to trust that assurance. He has no judicial experience demonstrating that he could be impartial. He spent his entire career in private practice.

At his hearing before the Judiciary Committee, Mr. Bush was asked by Senator TILLIS, a Republican Senator: ''Do you think that impartiality is an aspiration or an absolute expectation?''

Mr. Bush responded: ''It is an aspiration. I will do my best to be impartial.''

In other words, Mr. Bush claims that he will try to be impartial but that the Senate shouldn't expect that he will be completely successful.

Here is what Senator TILLIS, my Republican colleague, then said in reply: ''I actually have a concern with someone who thinks impartiality is an aspiration. I think it is an expectation.''

I agree with Senator TILLIS.

I believe Mr. Bush's failure to commit to impartiality disqualifies him from this lifetime position.

Mr. Bush's views are far outside the judicial mainstream. He provided no evidence that he could set aside his views if confirmed.

I understand that Mr. Bush does check many of the boxes we have seen for recent nominees from this administration. Most important and absolutely essential to his nomination is the fact that he is a longtime member of the Federalist Society.

The Federalist Society describes itself as ''a group of conservatives and libertarians dedicated to reforming the current legal order.'' The Federalist Society is funded by big money, right-wing interests like the Koch brothers, the Chamber of Commerce, and the Ed Uihlein Family Foundation. This is the group President Trump personally thanked for selecting his list of Supreme Court nominee finalists. So far this year, every Trump judicial nominee who has had a hearing before our Senate Judiciary Committee has been a Federalist Society member. Coincidence? I don't think so.

I urge my Republican colleagues not to let the Federalist Society serve as the selection committee—the secret handshake—to become a Federal judge for life in the United States of America. We want a Federal bench that welcomes independent and impartial thinkers. Mr. Bush's Federalist Society membership shouldn't be his ticket to the Federal bench.

In conclusion, this vote, when it comes to his nomination, is really not a close call. It is clear that Mr. Bush has friends in high places, but he has demonstrated a temperament and a judgment which we should not put in a lifetime position on the Federal court of appeals. I urge my colleagues to oppose his nomination.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The bill 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 minority leader is recognized.

HEALTHCARE

Mr. SCHUMER. Mr. President, according to the majority leader, there will not be a vote on the motion to proceed to the healthcare bill until next week. In the time between now and then, my Republican friends have a choice to make about how they want to move forward on what looks like will be a failed vote.

Do they want to take the path of President Trump, who yesterday said that he wanted our healthcare system to fail, or do they want to work with Democrats on legislation to improve the law? It is that simple.

We Democrats know the Affordable Care Act isn't perfect, and we propose specific legislation that could pass right now to stabilize marketplaces and lower premiums for Americans across the country. These proposals are specific, nonideological, and could pass quickly and make life better for millions of Americans. A decent number of Republican Governors and even Senators have said that these are the kinds of proposals we need.

Here they are:

First, we have proposed a bill by Senator SHAHEEN that would guarantee the premium reduction payments that insurers say is the No. 1 thing we could do right now to stabilize the individual marketplace.

Second, we have proposed a bill by Senators CARPER and KAINE that would create a reinsurance program for the individual health insurance market, again, aimed at stabilizing the marketplaces.

Third, we have proposed a bill by Senator MCCASKILL that would enable any American living in a bare county—that is, a bare county that lacks health insurers—to purchase the same insurance we get here in Congress.

All three of these would stabilize the markets and help to prevent premiums from going up further and coverage from decreasing. They address the actual issues in our healthcare system. I have mentioned they are not ideological and exactly the kind of legislation we could work on together. If our intent is to make things better, this is something we can come together on—all three of these proposals. They address the actual issues that we have and should be something we can do together immediately.

The Republican approach—decimating Medicaid to give a tax break to the wealthy—doesn't solve any of the problems Republicans claim to be so worried about: high premiums, high deductibles, bare counties. In fact, by most objective reports, it makes them worse. The CBO said that under each version of the Republican plan, premiums would go up on many Americans, deductibles and copays would go up, there would be even more bare counties than there are today, and tens of millions would lose insurance.

Repealing the healthcare law without any replacement is even worse. It would cause our healthcare system to implode, creating chaos. Millions more would lose insurance, and for millions more than that coverage would be diminished, all of which is even worse than under the Republican bill.

I hope my colleagues will join with us in working on these three nonideological, practical problem solvers that will reduce premiums and make healthcare better for many, many Americans. Again, many Republicans have spoken favorably of these ideas, and I hope we will go forward.

The worry I have is that our Republican colleagues follow the policies of President Trump. President Trump's promise to let our healthcare system collapse is just mind-boggling. It is hard to believe he could say something like that.

President Trump's promise to let our healthcare system collapse is so, so wrong on three counts: It is a failure morally, it is a failure politically, and it is a remarkable failure of Presidential leadership.

First, the President's position is a moral failure. It is morally wrong to intentionally undermine the healthcare system in this country, using Americans as political pawns in a cynical game. It is morally wrong to play a political game with healthcare in this country. There is no religious teaching or moral precept that could advocate such a cynical ploy.

The President didn't say that he wanted the system to change in a way to make it better. He said: I have lost, and I am going to make things worse for everyone to show you that I should have won. As I said, that is a moral failure that none of our religious leaders of any of the great religions would ever, ever accept, nor will the American people.

Second, saying ''I am not going to own it'' will not work politically. The President is the President. He is in charge. Americans look to him for leadership. They know that Republicans control both branches of Congress and the White House. They know they are in charge.

Earlier this year, the Kaiser Family Foundation found that two-thirds of Americans would blame President Trump and congressional Republicans for the future problems in our

healthcare system. Just as they blamed President Obama when he was in charge, they are going to blame President Trump while he is in charge. He is tweeting away that someone else is to blame when he is in charge, which will not work politically, particularly when it comes to something as near and dear to Americans as healthcare—God's great gift to us, life itself.

It just will not work to say that Democrats are to blame. Believe me, we are not going to stand idly by and shrug our shoulders when American people are suffering because the President is sabotaging our healthcare system for political purposes. We are going to point it out, and the spotlight will be on those whom the American people in November put in charge.

Elections do have consequences, and one of the consequences, Mr. President, one of the consequences, Mr. Trump, is that you are in charge. You have to make things better, not simply point fingers and tweet.

Finally, the President's position is an astonishing failure of Presidential leadership. His own party has failed to pass a bill—his own party, which controls both Houses of Congress, his own party, which has used special rules designed to exclude Democrats from the beginning. President Trump blames Democrats and threatens to hold our Nation's healthcare system hostage out of pique—out of pique.

The President was being petty; the President was being small; the President was not Presidential at all. The President would rather throw up his hands than roll up his sleeves and get to work. He would rather cast blame and point fingers than even try to work with Democrats to make the healthcare system better. That is not what Presidents do. It shows a tremendous lack of leadership. The American people want their President to lead. The American people, when there is a problem, want the President to fix it. The American people know that, when facing a defeatist President, you don't just sit in the corner and pout and get angry. You go on from there and try to make things better, as I hope my colleagues on the other side of the aisle will do. Some of them have indicated they will.

Let's recall another President—President Truman. President Truman famously said: ''The buck stops here.'' He was admired for it. This President's words, shirking responsibility and casting blame, were exactly the opposite of President Truman's. ''The buck stops here'' made President Truman look tall. President Trump's blame game makes him look small and diminished, and people will begin to totally realize his lack of leadership, and respect for him and the office will diminish.

The President should rise to the incredible responsibility of the office, not quit and take the ball home every time the game isn't going the way he likes. The President of the United States, for better or for worse, is responsible for the healthcare of the country, for the healthcare of Americans who voted for him and for Americans who voted against him. He took an oath to faithfully execute the laws of this country, not just the ones he likes.

There is no ducking responsibility as President. The buck stops with you, President Trump.

So if the procedural votes fail next week, I sincerely hope that my Republican friends here in Congress reject the premise of the President to let our healthcare system collapse and hurt millions. Instead, I hope they work with us in the areas I mentioned and many others to do what is right for the American people.

Mr. President, a brief word on the circuit court nominee on whom we will be voting for cloture soon. The nominee, Judge Bush, in my view, is not fit for the austere office of circuit court judge. He has made some extremely troubling comments about the rights of women and the rights of the LGBTQ community. He has employed anti-gay slurs in his speeches and writings. He has disparaged a woman's right to choose, drawing an offensive and false moral equivalency between choice and slavery. How can my Republican friends vote to elevate to the Sixth Circuit a man who has said things like this?

He clearly lacks the temperament required of a circuit court judge, and I urge all of my colleagues to vote no on cloture and no on the nomination.

Thank you, Mr. President.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John Kenneth Bush, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

Dan Sullivan, John Barrasso, John Cornyn, Orrin G. Hatch, Ron Johnson, Chuck Grassley, Tom Cotton, Richard Burr, James Lankford, Lamar Alexander, John Kennedy, Cory Gardner, James M. Inhofe, Michael B. Enzi, John Thune, Todd Young, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of John Kenneth Bush, of Kentucky, to be United States Circuit Judge for the Sixth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 163 Ex.]

YEAS—51

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48.

The motion is agreed to.

The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate recess from 1:45 p.m. until 4 p.m.; further, that all time during morning business, recess, adjournment, and leader remarks count postcloture on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio.

Mr. BROWN. Mr. President, today's vote to move forward the President's nominee to join the Sixth Circuit Court of Appeals is a new low. It is a new low that sets a dangerous standard for judges who have power to make critical decisions that impact the everyday lives of the people we serve.

John Bush has a clear record—think about it. He is going to be a judge if this place moves forward tomorrow. John Bush has a clear record of promoting bigotry and discrimination that have no place in our courts. We can't let this nomination slide through this body.

Mr. Bush advocated to the U.S. Supreme Court that women should be barred from attending our military institutions—in this case, Virginia Military Institute. Think about that. There are people in this body who just voted on the motion to proceed—a very small majority that passed this—they are

voting for a judge who says to the Supreme Court that women should be barred from attending military institutions like VMI. He went so far as to call the legal standard allowing women to attend ''destructive.'' And we are going to put him on the court? That wasn't 1950. That wasn't 1960. That wasn't in the 1970s. That wasn't even in the 1980s. It was in the 1990s when he said that. Luckily, our Nation's Supreme Court disagreed with Bush's retrograde and sexist opinion by a vote of 7 to 1.

But, alas, Bush wasn't deterred. To this day, he is still a member of an organization that doesn't allow women to join. He has been a member of groups that have a history of barring Jews and African Americans. Maybe we see some signs of that at the White House, but we shouldn't be affirming that on the Senate floor. One of these groups actually changed its street address after the city of Louisville renamed the street where the front entrance sits for the boxing legend Muhammad Ali. Think about that.

Senator MCCONNELL himself resigned from that same organization because, according to the Lexington Herald-Leader, the majority leader said he ''thought it was no longer appropriate to belong to a club that discriminated, and my impression was that the club did.'' But we are bringing to the floor a vote for a judge who still belongs.

Leader MCCONNELL went on to reference a commonly accepted Senate standard that Federal judges should not belong to discriminatory organizations, saying: ''I thought if it was inappropriate for a federal judge to belong to an all-white club, it certainly was something a United States Senator shouldn't do.''

So I guess the logic here is that Senators shouldn't belong to a Whites-only club, but Senators should vote for Federal judges who can belong to a Whites-only club.

I agree with Senator MCCONNELL that a Senator shouldn't belong, but no Federal judge should belong to a group with a history of discrimination, especially a recent history of discrimination.

Bush regularly contributed to a conservative blog using a fake name. There he advocated extreme political views on issues, including healthcare, campaign finance, LGBT rights, climate change—all critical issues that come before this court, the Sixth Circuit serving Michigan, Ohio, Kentucky, and Tennessee. He even cited White supremacist sources. We are going to vote for this man? He even cited White supremacist sources that pushed the conspiracy theory that President Obama was not born in the United States.

I know the President of the United States—the man who sits in the White House—also subscribed to those birther theories, and only late in his campaign did he say: Well, I do, in fact, believe that the President was born in the United States. He, at least—the President of the United States, the sitting President, then-Candidate Trump—at least finally retracted that. Mr. Bush seems to continue to say that President Obama wasn't born in the United States and cited those White supremacy theorists who pushed that conspiracy theory.

He has expressed hostility toward women's rights to make their own personal, private healthcare decisions. In a 2005 public speech—again, not in 1965 or 1975 or 1985, but in a 2005 public speech, he cavalierly repeated a hateful homophobic slur. I would repeat it, but I don't think it is proper to use that language on the floor of the Senate. I also don't think it is proper to vote for a nominee to be a judge who feels cavalierly that he can use that term. He said Speaker of the House NANCY PELOSI should be gagged. He has attacked Senator TED CRUZ, our colleague in this body.

Everyone is entitled to free speech, obviously, even if they choose to do it under a fake name. And Mr. Bush is entitled to his political opinions, no matter how offensive. I, of course, defend his right to say whatever he wants. I think others do too. But those opinions have no place in a Federal court whose job it is to interpret the law fairly and impartially.

Can Mr. Bush be trusted to put aside his personal views when considering the law? Even according to his own words, he can't. At Mr. Bush's hearing, my friend from North Carolina, Senator TILLIS, asked Mr. Bush if judicial impartiality is ''an aspiration or an absolute expectation.'' Bush responded that impartiality is an aspiration—so, in other words, not an expectation. He doesn't think he needs to be an impartial judge; he just needs to be able to say that he tried.

To administer the law fairly and impartially is the No. 1 job of a judge. The ability to do so is the most basic qualification for the job. Judicial impartiality is a principle of democracy and the backbone of our government. It is the reason African Americans and women can vote, that segregation is part of the past, and that marriage inequality is part of the past.

I saw dozens of Democrats and Republicans last night at the Library of Congress listen to the words of Taylor Branch, perhaps the most noted historian of the civil rights movement, in an interview speaking to us about Dr. King having one foot in the Scriptures and one foot in the Constitution as he advanced and advocated for civil rights. We know what that means for our country. Last night, I saw Republicans and Democrats coming together and celebrating that. Then today on the Senate floor, we are voting for somebody like Mr. Bush, who eschews all of those values we hold dear as a country.

The courts are the reason that women can now attend the Virginia Military Institute. It is the difference between upholding and oppressing the rights of the people we serve.

Think about this: The Obergefell decision—Obergefell v. Hodges in Ohio—was the decision that guaranteed the right to marriage equality. It came out of the Southern District of Ohio and was initially appealed to the Sixth Circuit in Cincinnati. Imagine if a man who boldly repeated homophobic slurs had heard the Obergefell appeal. Think about that. He thinks it is very acceptable in public to make speeches and use homophobic slurs, and he is now sitting on the court bench making decisions about this.

Imagine if today an LGBT Ohioan or a Michigander or someone from Senator MCCONNELL's home State or Senator ALEXANDER's home State of Tennessee—if they faced this man, could they be confident that their case would be decided fairly and impartially and that justice would be served? Could we be confident that it would when we have a man who will stand up at an event in a big city, the largest city in Kentucky, and engage in homophobic slurs?

I have heard from both African Americans and Jewish Americans who are absolutely outraged at this nomination, partly because he is unfit to serve and partly because now, as Senator WHITEHOUSE, my friend from Rhode Island, who has one of the best judicial minds in this body, has said, if we confirm Bush, it is going to lower the bar in the future to where it is OK to engage in racist talk or homophobic or misogynist talk; it is OK because Judge Bush did, and he is sitting on the Sixth Circuit, so why not bring some more forward? Is that the standard, that your votes today—the 51 Members of this body who voted for cloture—is that the standard you want to set for the future?

Organizations with a history of fighting for justice and equality have written to me opposing this nomination, including the Human Rights Campaign, the NAACP Legal Defense and Educational Fund, the National Council of Jewish Women, the Leadership Conference, and on and on and on.

We have a responsibility to hold judges to the highest standard. The job demands it. The people we serve—the people whose lives can be forever changed by the decisions these judges make—deserve it. We cannot allow the bar to be lowered for what is considered acceptable behavior by members of the Federal bench because as this bar is lowered, the faith of citizens in the courts and in this body falls along with it. That is the tone we are setting. That is the precedent we are setting.

I am not a lawyer. A lot of my colleagues who voted for John Bush to be confirmed are lawyers. They understand what precedent means. They understand what political precedent means in this body. I don't think they want that bar lowered because they know that if we do, as I said, the faith of citizens in the courts and in this body falls along with it.

I hope my colleagues join me in opposing Mr. Bush and show the American people that the Senate still has high expectations and that we still stand for decency and impartiality in our Federal judiciary.

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

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

The legislative clerk proceeded to call the roll.

Mr. CORNYN. 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. CORNYN. Mr. President, we are grinding the wheels here in Washington, DC, in the Senate very slowly, too slowly, when it comes to confirming the President's nominees, first to the Cabinet and now to the sub-Cabinet positions.

When the American people elected President Trump on November 8, they knew they were electing not just one person but also his full executive branch team, most certainly when it comes to filling vital national security positions like those in the Department of Defense. But because of unprecedented delay and obstruction from our Democratic colleagues, at the current pace, it would take more than 11 years to fully staff the executive branch—and to what end? Do our Democratic colleagues object to the qualifications of these nominees? Well, the answer is, by and large, no. Most of these nominees have sailed through the relevant committees, and some were even nominated by President Obama, but that doesn't do anything to expedite the confirmation process. So I can only be left to conclude that our Democratic friends are just trying to make it more difficult for President Trump to do his job and, in the process, make it harder for us in the Senate to do ours.

On Monday, we voted to end the filibuster of Patrick Shanahan, the nominee for Deputy Defense Secretary at the Department of Defense. Thankfully, we voted to confirm him, but he was confirmed by a vote of 92 to 7, so there wasn't any good-faith disagreement about his qualifications. There wasn't any real doubt about whether he would be confirmed, but our friends across the aisle insisted on burning as much time as possible, using every procedural objection they could in order to delay it. This is the same person who passed out of the Armed Services Committee by unanimous voice vote, essentially by unanimous consent.

Well, if there is one thing that is indispensable in the Federal Government, it is our national security. The Department of Defense has been facing a critical shortfall in leadership, which is dangerous to the Nation, especially while we are engaged in such a vast array of conflicts around the world. We have seen only 6 of President Trump's 22 nominations confirmed, and by drastically delaying this process, our Democratic colleagues are promoting not only the waste of taxpayer dollars, but they are putting lives at risk. I recently talked to the commander of a cyber unit who said that it took months for recently appropriated money to make its way out to his unit. In the meantime, he had to make personnel cuts and forgo investing in resources that would strengthen our cyber defenses, all because we couldn't get administrative positions filled at the Pentagon. The type of drastic action this particular commander was forced to take is not unique. It is reprehensible that anyone would play politics and delay for delay's sake, especially when considering the nomination of a person who directly impacts the training and readiness of our troops.

Of the 197 nominations to agencies made by the President so far, the Senate has confirmed only 48. Additionally, the Senate has confirmed only 2 of the 22 judicial nominations. This is one reason the majority leader said that we are going to spend a couple more weeks during the August recess to be here, working to get our work done. I have already heard from some of our Democratic colleagues saying: Why would the majority leader make that decision? I said: All you need to do is look in the mirror and ask that question of the Democratic leader, who is leading this unprecedented effort in obstructing and slow-walking these nominations. I suspect that they are going to come forward and say: Well, let's play nice now. Let's make a deal.

The Department of Justice, for example, has only 3 out of 19 nominations confirmed. This is the Department of Justice. The Department of Health and Human Services—by the way, we have been talking a lot about healthcare. Wouldn't you think we need a full complement of nominees confirmed there? But only 3 out of 11 have been confirmed there.

In November, when the people elected President Trump, they wanted him, certainly by implication, to appoint a Cabinet of qualified individuals to help guide our country and carry out the tasks and policies of the administration. I am left with the unfortunate conclusion that, really, what this is designed to do is to not accept the verdict of the voters on November 8 but to continue to obstruct this President and the executive branch by any means available in order to try to make his job harder. The problem with that is it hurts the American people. It wastes taxpayer money. It makes our country and the world more dangerous, especially when his national security nominees are not considered and not confirmed. So it really does represent, to my experience, an unprecedented unwillingness to accept the outcome of the election, and it shows contempt, I believe, for the will of the American people when it came to the election on November 8.

It is easy to call this what it really is. It is an unwillingness to accept the outcome of the election, further poisoning the already toxic atmosphere here in Washington, DC, and it doesn't need to be that way. In my experience, even after tough elections, people on both sides of the aisle would generally accept the outcome. I don't know what the alternative might be but to accept the outcome and then try to work together in the best interest of the American people, try to find those areas where we do agree—we don't agree on everything, but there are areas where we do agree—and to move forward and make progress. That doesn't seem to be happening today, and it is too bad. It is unfortunate.

To put this in perspective, there were only eight cloture votes of President Obama's nominees by his first August recess in 2008. For everybody's concern, the term ''cloture votes'' basically means invoking all of the procedures to delay things and make it harder to confirm nominees. Only eight times was that used when President Obama was President. By the time we reach the August recess this year, we will have had over three times as many cloture votes; that is, unnecessary obstacles placed in the way of timely confirmation of President Trump's nominees, making us jump through more hoops. It is delay for delay's sake. I believe this strategy—and it is a strategy—is simply unconscionable and that the time-consuming parliamentary procedures and slow-walking and needless gridlock advance no interest of the American people.

I can only hope people will change in the way they approach this. Maybe if they hear from their constituents, maybe if the stories are written about it or people hear about it on the news, they will call their elected representatives and say: The election is over. Accept the outcome and try to work together in the best interest of the American people. I think that is what our constituents expect of us.

So this week we will press forward with two important nominations, John Bush to be U.S. circuit judge for the Sixth Circuit and David Bernhardt to be Deputy Secretary of the Interior. These are two additional, highly qualified individuals who are seriously needed in their respective roles, but it shouldn't take a whole week to confirm three nominees. That is what it takes now, given the obstruction and foot-dragging on the other side.

I would urge our colleagues to end their political gamesmanship for the benefit of our country and for the American people so we can move forward doing the people's business.

I yield the floor.

I suggest the absence of a quorum.

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

The bill 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.

HEALTHCARE

Mr. MERKLEY. Mr. President, the most important three words in our Constitution are the first three—''We the People''—the mission statement for our Nation, laid out in supersized font so that no one would forget what this document, our Constitution, is all about. Our Founders did not start out by writing ''We the privileged.'' They did not call for a document or a form of government for ''We the powerful.'' Indeed, they wanted to make clear that the structure of the government they were founding would be very different from those in Europe that functioned for the privileged and the powerful.

As President Lincoln summarized, we are a Nation of the people, by the people, and for the people. That is the vision. That is the vision that I have been coming to the floor and talking about for the last year and a half—about the importance of a government that responds to the issues that affect the citizens across this country, that listens to the people of this Nation.

It was President Jefferson who said that the mother principle of the United States is that we have a government within which each citizen has an equal voice. Admittedly, we had some deep flaws that had to be corrected in order to reach that objective, but that vision of each citizen's having an equal voice was the only way that the government would reflect the will of the people and make decisions that would reflect the will of the people. Of course, it is hard to hold onto that vision because the powerful and the privileged do not like that vision. They want a government that is of, by, and for the powerful and the privileged, not of, by, and for the people.

The history of the United States is one battle after another of decisions that make a foundation for families to thrive in the United States of America and decisions that raid the National Treasury for the benefit of the rich. We see that battle time and time and time again, and we have seen it very recently in this battle over healthcare. Today, I come to the floor to say that the people of the United States have had an incredible victory—a resounding victory—over those who were championing government by and for the privileged and the powerful.

It is really all about this bill, this TrumpCare bill, which originated in the House of Representatives. It proceeded to throw millions off of insurance—more than 20 million people off of insurance—in order to give tax breaks to the richest Americans. What did the House's bill do? The House's bill said that we will give to the 400 richest Americans $33 billion—not $33,000, not $33 million—and rip healthcare away from millions of Americans in order to pay for those kinds of tax breaks for the richest. In fact, just those tax breaks for the richest 400 Americans would have paid for 700,000 Americans to have had Medicaid, which is basic healthcare insurance. That would have been enough to have covered the States of Arkansas, West Virginia, Nevada, and Alaska all put together.

Then we saw the House's bill come over here to the Senate, and the Senate set up a group of the secret 13. Is there anything more opposite of ''we the people'' than the secret 13 Senators meeting in the halls of this building and particularly choosing a room that the press would not be allowed into? They did not want to be seen entering the room or leaving the room. That is how secretive it was. That is how embarrassed they were about the possibility of having the American people see what they were crafting. Then they came forward with the Senate's version of the bill.

Now, of the House's version, the President of the United States of America called it mean, and he called it heartless, but the Senate's version did not end up being much different than the House's version—the Senate's version that would proceed to throw more than 20 million people off of healthcare, as well, the Senate's version that, through, maybe, the Congressional Budget Office's analysis, would throw off 1 million fewer over 10 years—22 million instead of 23 million—but 1 million more over the first year, that being 13 million rather than 12 million. It proceeded to constrain basic Medicare—Medicare as it existed before ObamaCare—in such a fashion that, over time, it would put a stranglehold onto Medicaid. Therefore, it was even meaner, if you will. It was even more heartless than the Senate's bill.

Then the secret 13 and its leadership said: We do not want to have the American people see this, so we are not going to give the time in order to have committee hearings on it. We are going to keep it out of the healthcare committee. We are going to keep it out of the Finance Committee because the experts will come, and the American people will see just how terrible, how mean, how heartless this bill is.

We had a zero, zero, zero process—zero days of committee examination, compared to 8 years earlier with the longest committee hearing and markup that lasted 5 weeks in the Health, Education, Labor, and Pensions Committee. We had the second longest committee hearing and markup in Finance 8 years earlier, which was the second longest in history. Again, the Senate's leadership recently said: No exposure in the Finance Committee—zero days in the Finance Committee—zero days in the HELP Committee, and zero months for the Senators to go back and talk to their citizens and talk to their healthcare stakeholders about what this bill would mean.

You know that something is wrong when you have a process that has diverged so dramatically from ''we the people.'' Instead, we had the secret 13 and the zero days of committee examination and the zero days in the Finance Committee and the zero months to be able to consult with healthcare experts and stakeholders and, most importantly, zero months to be able to hold a dialogue with the citizens back home.

Yet we did hear from the citizens back home. As great as the effort was to hold them at bay—to give them the stiff arm and prevent them from weighing in—they weighed in nonetheless. My office received well over 8,000 phone calls. Of those, they ran 84 to 1, saying stop this diabolical TrumpCare bill. I also received a whole lot of constituent mail, with more than 25,000 people weighing in from Oregon, back home. It ran 36 to 1.

With 84 to 1 and 36 to 1, when do you see such opposition?

Maybe we saw such opposition because the people of the United States wanted to weigh in, knowing that only the powerful special interests were meeting with the secret 13 to design this diabolical bill to rip healthcare from millions of Americans. Maybe that is why so many American citizens weighed in. Thank goodness they did weigh in. They filled our email boxes, and they overflowed our phone systems. They filled the streets often and went to our home States' offices to say that this matters, and it certainly did matter.

Has there ever been a bill in the history of the United States that did more damage to more people than the TrumpCare bill that was proposed here in the U.S. Senate?

One of the things that the citizens of the United States did was to weigh in with their stories with all of us—with all 100 Members of this Chamber. They wanted to let us know how unexpectedly they had been affected by their having a child who had a sudden and dramatic illness or a car accident that had occurred or, suddenly, a family member who had been afflicted with cancer or emphysema or leukemia or multiple sclerosis. The list went on and on and on—real people, real lives, real challenges, real ''we the people'' input.

I heard from Caroline in Portland, the mother of two young children who wrote to me, sharing her story of raising a child with special needs and the help that the Oregon Health Plan had been to her family—the Oregon Health Plan, Oregon's version of Medicaid—and how terrified she was about not being able to afford healthcare for her child under TrumpCare.

I heard from Leslie, who contacted me about his 3½-year-old daughter Gloria, who suffers from a rare genetic condition that has led her to live with near constant seizures and cystic fibrosis. She needs intensive, around-the-clock care, and she is able to get that care because of a special Medicaid waiver that helps her parents afford it. With TrumpCare, she would have lost that waiver.

I heard from Jay in Eugene, who reached out to share his story about his battle with leukemia and stage IV

colon cancer. He was told he could only expect to live another 3 months, unless he received treatment. That was 2 years ago, and he is alive because he was able to access treatment. He has been able to fight the battle with cancer and fight the battle with leukemia, and he was able to do so because of the insurance he had through ObamaCare—through the Affordable Care Act.

Kerry from Corvallis wrote to me, terrified about all of the members of her family who would be uninsurable if they passed TrumpCare: her husband, because he had a blood clotting disease; her son, who suffers from epilepsy; and her 78-year-old mother, who has Alzheimer's.

That fear of being unable to access healthcare because of a preexisting condition ran through story after story after story, but that is the system we had in the United States of America before we had the Affordable Care Act.

Then, there was a woman from Ashland who asked me not to share her name but wanted her story shared. I will call her Katie. Katie is a single mother who is currently battling cancer—invasive breast cancer and malignant melanoma. This is what she wrote to me:

> In simple terms, I will die without treatment and the ongoing care that I have received so far through Oregon Health Plan. As a single parent, I could work 24/7 until my last breath and still my income would not afford me basic healthcare if it were not for the Affordable Care Act.

Katie continued:

> With a pre-existing condition I would not be insurable, left to suffer and even to succumb from my illness. Once, this was only a nightmare, but now it is a horrifying reality, too surreal to comprehend. I cannot explain the deep heartache and frustration of the thought of orphaning my son, all due to dying from an illness that could have been treated if I had been insured.

Stories like Katie's and Caroline's and Gloria's keep coming in, day after day, email after email, phone call after phone call—indeed, from individuals at my townhalls. The weekend before last, I held a lot of townhalls and a couple of special healthcare forums and a bunch of Main Street walks in Oregon. Five of those townhalls were in counties that are very red, very Republican, and I lost those counties in my reelection by rates of probably 20 to 40 to 50 percent. But at those townhalls, people came out and said: Please stop TrumpCare.

One out of three individuals in rural Oregon, in Republican Oregon, are on the Oregon Health Plan. They remember that, not so long ago, all they had for a healthcare plan was to say a prayer each night and hope they didn't get sick the next day. They would say a prayer each night and hope they would not be in an accident the next day. That is all the healthcare they had.

Now they are able to get preventive care—preventive care for free. Now they are able to take their children in and get them inoculated. Now they know that, if a loved one in their family becomes ill or injured, that loved one will get the care they need, and they won't go bankrupt in the process.

That is peace of mind. Isn't that the kind of foundation we want, to enable every family to thrive in America? Shouldn't we consider healthcare to be a basic right, a basic service, that is provided with a healthcare system in a ''we the people'' nation, not a ''we the privileged'' nation, where healthcare is only available to those who are rich enough to buy it? That is wealth care. That is not healthcare. It is a healthcare system for ''we the powerful'' or for the powerful who write the laws that benefit themselves but leave everyone else out in the cold. No, a ''we the people'' nation has a healthcare system suited to we the people, where we provide streets and we provide public transportation and highways as part of the common infrastructure, where we provide free public schools so that every child has a chance to thrive, and where we provide public healthcare so that every citizen can have the peace of mind that, if their loved one gets sick, they will get the care they need.

But we saw the opposite this year. We saw the House bill that would have thrown 12 million people off of healthcare within a year and 23 million within 10 years. As for the President, weeks after he celebrated with his champagne glasses and his leaders from the House and weeks after he celebrated passage, someone told him what was in the bill, and the President said: Wow, that bill is mean and heartless.

Then we came to the Senate, and the secret 13 met, and what did they craft? A bill that was even meaner and more heartless. Instead of throwing 12 million people off of healthcare in a single year, it threw 13 million people off in a single year, and over 10 years, essentially the same number as the House. It wrote a Medicaid provision that over every subsequent year would have made Medicaid less and less accessible to people who need it.

Well, that ran into a dead end. So the Senate said: Let's recraft something that is better. And what did they do? They threw in the Cruz amendment. What did the Cruz amendment do? It is fake insurance. It is a fake insurance amendment.

Do you remember those days when you would get advertisements for healthcare that said: Pay us $25 a month, pay us $50 a month, and we will give you a healthcare policy. Millions of Americans bought those policies, and they thought they had something valuable, until they became sick and went to the doctor. Then they were told: This doesn't cover your doctor's visit, and it doesn't cover your x-ray. It doesn't cover your MRI—that is for sure. It doesn't cover the drugs you need to treat this illness. It doesn't cover a specialist. It doesn't cover hospital care. Oh, and you are pregnant? How wonderful that you are going to have a child, but your healthcare policy—that fake insurance policy that you bought—doesn't cover maternity care.

Fake insurance for the people of the United States of America is the Cruz amendment that was added as a so-called improvement to the mean and meaner bill already crafted by the secret 13—fake insurance. To make it worse, the fake insurance system means that the healthcare policies that cover essential benefits enter into a death spiral. They become so expensive that people can't afford them. So they don't buy them. As a result, only those who are already ill buy the policies, and that makes the policies even more expensive, and so even fewer buy them.

There it is—the Cruz amendment—fake insurance for the young and healthy, and the destruction of insurance with essential benefits for everyone else, pricing it out of reach. In other words, it is like a bomb going off in the healthcare system to destroy healthcare both for the young and healthy and for the older and the sick and those with preexisting conditions.

So some experts weighed in on this and said how terrible that idea is. This is how destructive this is to the healthcare of Americans. Suddenly, there weren't the votes for the Cruz fake insurance amendment, either.

So now what do we have before us? We have the repeal-and-run plan coming to the floor of the Senate, repealing the exchanges; that is, the healthcare marketplace, where people can use subsidies to be able to buy insurance, enabling individuals who are struggling and working families—working families assembling a number of part-time jobs, often minimum-wage jobs with no benefits—to buy insurance on this marketplace.

By the way, this was the Republican plan for healthcare: Let's bring together a marketplace where people can compare policies and can get subsidies to be able to afford those policies. This was the Republican plan. It came from a far-right Republican think tank. It was championed by a Republican Governor. It was test-run at a State level by a Republican nominee who became the nominee of the Republican Party for President of the United States of America. Call it RomneyCare. Call it the exchange. It was the Republican plan.

But my colleagues now say they don't like their own plan, and they don't like the expansion of Medicaid. They don't like the free preventive conditions. They want to get rid of the possibility of your children staying on your policy until age 26. They want to get rid of the healthcare bill of rights that says that gender is no longer a preexisting condition and you can't discriminate against women because they happen to be women. They want to get rid of the protection you have against policies that have an annual cap, which means, if you get seriously hurt or seriously ill, you don't get covered. They want to get rid of the protection you have that says there can't

be lifetime caps that destroy healthcare, so that if you are seriously sick, then, you not only hit your annual limit, but you hit your lifetime limit and no more care for you. Now you have a preexisting condition, and you can't get a policy anywhere else.

As for that whole set of consumer protections—the healthcare bill of rights—my Republican colleagues want to bring this bill to the floor to destroy that entire set of rights. Then, they say: After we have destroyed all of this—destroyed the expansion of Medicaid, destroyed the funding for our healthcare clinics—somewhere down the road we might figure out a new way to provide healthcare—even though they have had year after year after year after year after year after year. Let's count them all up, from the years when we crafted the ACA—with an incredible amount of Republican input, by the way. There were more than 100 Republican amendments that were adopted. All of those years later, and now what we have is the majority party's Republican plan to simply repeal all of these pieces that have given a healthcare bill of rights to Americans, that have given struggling Americans access to healthcare, and saying: We are just going to wipe it all away and have people return to where we were before, where the only healthcare insurance they had was to say a prayer each night.

That is not acceptable in a ''we the people'' republic. I know that as citizens across the country weigh in, they are going to say, as they again fill our inboxes and ring up our phones and visit our offices, that this is not acceptable. It is not acceptable to make it impossible for an entrepreneur to leave a big company and found their company because they now have access to healthcare. That is a beautiful thing. We have launched small businesses by the thousands and thousands and thousands because people were able to get healthcare without being at a large company—small businesses that used to have to just struggle to get any sort of coverage.

There have been a lot of battles between we the people and we the powerful over the history of the United States of America—this 241-year history. We have had those who wanted to suppress the ability of workers to organize and ask for a fair share of the wealth they were creating. They wanted to bust the union, but the union worked not only to have better benefits for the workers at the mine or at the mill but to have better work circumstances for all Americans—to have a 5-day workweek, to have an 8-hour workday, to have overtime paid at time and a half, to have safer working conditions, to end the exploitation of children in child labor sweatshops, and to have employer-based health coverage. Again and again, workers organizing in the workplace have fought not only for benefits in that workplace but for benefits for all working Americans.

That is a ''we the people'' battle against the powerful and privileged who want to squeeze the working people until they have nothing—nothing left.

We have had other ''we the people'' versus the powerful battles. We had one back in the 1920s, where the powerful said: Let's deregulate everything about the banking system. Let's turn it into a wild casino, and everybody will make a lot of money.

There was massive speculation. The stock market ran up like this, and then it crashed. When it crashed, it destroyed the finances of millions of American working families. It left millions of regular families homeless and destitute. My grandmother lived in a boxcar because of this reckless pursuit of more wealth and deregulation by the powerful and the privileged. Thousands of banks across the country closed. More than 1 million families lost their farms in the first 4 years as loans were called in. More than half of all Americans were impoverished. Ninety percent of children in mining communities were malnourished. All because ''we the privileged and powerful'' want to crush ''we the people.''

But ''we the people'' surged back. They elected a government that established protection for depositors of accounts in our banks, protection through the Federal Deposit Insurance Corporation. They elected a government that said: Let's regulate and create honesty and integrity in the stock market—the Securities and Exchange Commission—so it is a safe place to invest. We can invest with confidence. They created the Tennessee Valley Authority to provide electricity and modernize the impoverished Tennessee Valley region. They forged Social Security so that for the first time Americans could count on having some income when they retire.

We had another ''we the people'' versus ''we the powerful'' battle: the civil rights movement. There were those who wanted to suppress opportunity on the basis of race and on the basis of ethnicity. But ''we the people'' came together and said: Here in America, it is going to be a land of opportunity for every single individual. No matter your race, no matter your ethnicity, you get a chance to thrive here in the United States of America. The doors cannot be slammed in your face.

That incredible 1964 Civil Rights Act, forged right here in this Chamber where I am speaking at this very moment, was an incredible ''we the people'' moment.

But it is not a battle we have completely won because still even today in many States across our country doors are legally being slammed in the face of our LGBTQ community. So shouldn't we come back together, pass the Equality Act, and give every single American full opportunity in our country?

Right now, as we come to the conclusion of the healthcare battle between the privileged and the powerful and the people, we have a chance to step out of the extraordinarily partisan role that the majority in this Chamber has played, treasuring power over healthcare in order to—well, in order to what? What purpose? To what purpose? What mission is being fulfilled? Yes, more desks are on that side of the aisle than this side of the aisle, but shouldn't we be here to solve problems? Shouldn't we work together to make our healthcare system better?

Buried deep within that mean and meaner bill are a couple provisions that would make our healthcare system better. There is reinsurance, which enables a company to go into a new healthcare marketplace and be insured against having a disproportionate share of sick people. That makes a marketplace function. Remember, this was the Republican marketplace plan, and they have a provision deep in their bill that would make that marketplace work better.

The marketplace requires healthcare companies to know how much they are going to get paid. Right now, that is in limbo because President Trump has held up the cost-sharing payments and won't commit to them, so nobody knows how to price their policies. He is driving healthcare companies out of one county after another after another. They are saying: We don't know how to price our policies because we aren't told how much we will be compensated. Well, there is a provision deep within that Republican bill that says: We are going to nail down the cost sharing.

There is another provision in that bill that says we should spend more to take on the opioid epidemic. Let's pull that out.

Let's work together. Let's take the cost-sharing block down and the reinsurance proposal and the funding to take on opiates and other drug addiction across the country, combine them, and we will have something we can do to make our current healthcare system better—and make it better as we work en route to having a healthcare system where simply by virtue of being born an American, you have basic, affordable, quality healthcare. We are a ways from that, from a Medicare for all or a Medicaid for all, but shouldn't we aspire to have that kind of peace of mind rather than the complexity of the system we have now?

At this moment, we have the opportunity to set aside our partisanship and make healthcare work better for our ''we the people'' Nation, and we should seize that moment.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, today the Senate is considering the nomination of John K. Bush to the Sixth Circuit—someone who should have no place on the Federal bench.

Mr. Bush is one of the most outspoken and blindly ideological judicial nominees I have seen in my time in the Senate. A longtime Republican Party

activist and donor in Kentucky, Mr. Bush is also a political blogger whose incendiary comments are beneath the dignity of the office he aspires to hold. On this blog, Mr. Bush hid behind a secret online identity to denigrate people with crude language and to question the very foundation of our country's legal system. Mr. Bush has been a champion of the racist birther conspiracy about President Obama.

When asked about these posts during his hearing, Mr. Bush appeared to regret that his posts presented problems during his confirmation process and did not demonstrate any remorse for the views he expressed in his blog.

In another post, Mr. Bush equated abortion and slavery, calling them ''two of the greatest tragedies in American history.''

In Dred Scott, which is widely considered to be the worst decision in Supreme Court history, the Court held that African Americans were property, not people, and that they were not entitled to citizenship under our Constitution. The American people rejected this holding in the Civil War and in the constitutional amendments passed in its aftermath.

In contrast, the core holding of Roe, as reaffirmed in Casey, is the law of the land and based on the Constitution's protections for individuals to make intimate and personal decisions.

Comparing a constitutionally protected right to slavery—a crime against humanity and one of the deepest stains on the moral conscience of this country—is unconscionable. I question how a judge holding this kind of view would rule on any number of cases coming before him that force him to confront his strongly held ideological beliefs.

Mr. Bush made repeated attempts to downplay these outrageous statements and tried to convince us that he would simply follow precedent. Saying ''I will follow precedent'' should not shield this extreme nominee from legitimate scrutiny of his ideology.

Should he be confirmed, Mr. Bush will likely be presented with cases that provide opportunities to push the precedent envelope. This is particularly evident when examining Mr. Bush's own writings. For example, in a 2008 blog post, he supported statements made by the majority leader, whose campaigns he supported, that judicial appointments could preserve ''the anti-abortion agenda.'' If confirmed, we have every reason to believe that Mr. Bush will take every opportunity to pursue a radical, anti-woman, anti-choice agenda.

Statements like these raise serious questions about whether litigants appearing before potential circuit court judge Bush could trust in the fairness that is the hallmark of our judicial system.

Mr. Bush's inability to understand why his past writings are such a big problem only deepens my concern about his nomination. As a private citizen, Mr. Bush has every right to express his opinions in any way and on any platform he chooses. But he does not have the right to be confirmed to the Federal bench, and he doesn't have the right to demand that we set aside the clear pattern of extremism evident in his writings when considering his lifetime appointment.

There is no question that elections have consequences for who is appointed to be judges and Justices. That is part of our system. With a Republican President and a Republican majority in the Senate, many deeply conservative nominees will be confirmed to the judiciary. But the Senate cannot and must not become a rubberstamp for nominees who do not demonstrate the ability to be fair and impartial in the cases that come before them.

We are reminded every day why fair and impartial judges are so important for our country and for our democracy. Just last week, Judge Derrick Watson from Hawaii tossed out the narrow limits the Trump administration placed on who counts as close family when enforcing the President's discriminatory Muslim ban. Judge Watson's decision shows the importance of ensuring we have Federal judges who understand the rule of law and also have an appreciation for the impact of the court's decisions on ordinary Americans.

Nothing I have heard or read provides any reassurance that the American people can trust that Mr. Bush will put his views aside to render fair and impartial decisions.

I urge my colleagues to oppose his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, at a time when millions of people nationwide are speaking out and making absolutely clear ''no to more attacks on women's health and women's rights and no to the kind of hate and division President Trump sowed on the campaign trail,'' it is unconscionable that my Republican colleagues are moving now to confirm a circuit court nominee who is so clearly anti-women, anti-choice, and so clearly unqualified and unfit to serve on the bench.

Our Republican colleagues may think that no one is paying close attention to this nomination, that perhaps they will just slip this one through. They are wrong. Today I am here, along with many of my colleagues, to take a stand, to make sure that families know just who President Trump is trying to fill our Nation's court system with and call on Republicans to reject this nomination of John Bush to the Sixth Circuit Court of Appeals.

I consider my decisions about whether to support judicial nominees to be among the most important and consequential choices I make as a Senator. Like Supreme Court Justices, circuit court judges have lifetime appointments. They set legal precedent. They decide on the majority of Federal cases. They can change and shape the lives of generations to come. So it is a responsibility I do not take lightly.

There are so many troubling aspects of this nominee's record—previous statements, writings, legal views—they should alarm every American, from his views on LGBTQ rights, race, and campaign finance reform, to his vision of the environment and election laws.

I would like to start with one aspect of his record that is especially important to me as a woman, a mother, a grandmother, and a U.S. Senator, and that is what this nomination would mean for women. For nearly a decade, Bush has made countless inflammatory, offensive, and troubling comments on a number of issues important to women. It is not possible to go through them all, and, frankly, most should not be repeated on the Senate floor, but I do want to make clear what kind of nominee this is.

Bush has likened a woman's constitutionally protected right to choose to that of slavery, calling it one of the greatest tragedies in the history of our country. This harmful view is a pattern with Bush. In fact, he consistently uses anti-choice rhetoric, whether he is writing about the right to privacy or other case law.

On top of that, Bush has attacked essential health programs for women and children. For example, he has called the Maternal, Infant, and Early Childhood Home Visiting Program—which helps provide at-risk pregnant women the resources they need to raise healthy children—wasteful.

He has authored an amicus brief advocating for the Virginia Military Institute to continue excluding women from admission, where he stated that there are ''different developmental needs of women and men.''

Most recently, on his Judiciary Committee questionnaire, he failed to disclose memberships with various organizations that do not admit women, as well as people of color.

I could go on and on, and any of these alone would be enough for me to oppose this nomination. There are a lot more. Along with his views about women, we have learned of a disturbing pattern of hostility toward the LGBTQ community.

In several articles, Bush has praised court decisions that attack LGBTQ rights. He has used anti-LGBTQ slurs in his personal speeches. He has publicly applauded statements made by candidates for office and government officials that oppose marriage equality.

When given an opportunity to explain any of these comments or previous writings during his committee testimony, he was evasive and dodged questions, and he certainly did not apologize or clarify any of those comments.

I don't think I need to go any further, but I hope it is becoming increasingly clear that this is not a normal nominee. This is someone who lacks the qualifications and character and

temperament to be appointed to a lifetime position on the Federal bench.

It is time for President Trump to stop trying to divide our country and use Federal court nominations to push his extreme agenda and undo progress for women and the LGBTQ community.

I will remind my Republican colleagues, we have joined together this year to reject extreme nominees like this before—Andrew Puzder and Mark Green. Those, by the way, were temporary Cabinet positions. This is a lifetime appointment. I hope we do the right thing and reject this nomination.

Before I conclude, it is my understanding that Senate Republicans may attempt to misrepresent Bush's harmful record on women. In case there is any confusion, I would like to read a statement from Planned Parenthood of Indiana and Kentucky on the Bush nomination:

Planned Parenthood of Indiana and Kentucky calls on Sen. Mitch McConnell and Sen. Rand Paul to reject the nomination of John Bush to the Sixth Circuit Court of Appeals.

Bush has demonstrated that he is unqualified for this federal court in upholding fundamental constitutional rights in his writings comparing abortion and slavery, while applauding statements that demonstrate a record of hostility to women and LGBTQ individuals.

Sen. McConnell's statements citing PPINK board members support on the Bush nomination do not reflect the organizational position of the Planned Parenthood affiliate in Kentucky and Indiana and we urge the Senate to reject a nominee that lacks the independence and temperament necessary for a federal judgeship.

Mr. President, I urge our Republican colleagues to make the right choice: to reject this nominee and put in place a person in a court position that is a lifetime appointment, one who all Americans feel will represent them on the bench.

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. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, I am here to oppose the nomination of John Bush to the U.S. Court of Appeals for the Sixth Circuit.

I have been a member of the Judiciary Committee since I was sworn in as a U.S. Senator 6 years ago. I have participated in dozens of confirmation hearings. Over time, I have become accustomed to hearing nominees attempt to dodge our questions. I have rarely come across a nominee who was as reluctant to respond to my questions as John Bush, and I have rarely felt so unsure and concerned about how a nominee would assume the responsibility of a Federal judgeship if confirmed.

I should emphasize to my colleagues, as well as to the people of Connecticut, there is no nomination I take more seriously than a Federal judgeship, having been before numerous Federal judges, district court judges, courts of appeals judges, and the U.S. Supreme Court on four cases. Having seen as a law clerk, as well as a practicing lawyer, the enormous impact and profound importance of this position, I take no job more seriously and regard no more steadfastly any responsibility that we have.

Mr. Bush has previously stated that originalism was the ''only principled way'' to interpret the Constitution. When our ranking member, Senator FEINSTEIN of California, then, very reasonably, asked Mr. Bush if judges should always use originalism to interpret the Constitution, his response was this: ''My personal views on constitutional interpretation will be irrelevant if I am fortunate enough to be confirmed to the 6th circuit.''

With all due respect to Mr. Bush, I could not disagree more strongly. Asking judicial nominees about how they would approach the task of interpreting the law is extraordinarily relevant to this job. First, judges are not robots. They have views regarding how to interpret statutes and the Constitution. Applying those views is not inconsistent with judicial impartiality, but, especially for a judge on the U.S. court of appeals, those views matter greatly. The American people have a right to know what those views are for an appellate judge, who often cannot simply follow the letter or the exact words of the Constitution or the Supreme Court's interpretation of it. There are all kinds of gaps that may be left and questions that may be unanswered. Circuit court judges are routinely asked to address constitutional questions that the Supreme Court has never addressed or has answered incompletely, and, sometimes, yes, incorrectly. It changes its constitutional view because of a circuit court judge who has the temerity to say that the Supreme Court either hasn't spoken to the issue or, perhaps, has spoken decades ago, at a time when that interpretation of the constitutional law had relevance and correctness, but not now.

To do our job reviewing judicial nominees of the President, we need to know how Mr. Bush plans to do his job. His refusal to answer causes me extraordinary concern, particularly because, in light of his previous comments, I have a pretty good idea how he intends to continue to apply what he believes to be the original philosophy. It is one thing to say forthrightly and honestly: ''That's my philosophy originally.'' It is another to completely dodge the question.

I am pleased to be on the floor today with one of my really great colleagues, Senator FRANKEN, who will speak after me, and to have followed two other extraordinarily distinguished Members of this body, Senators MURRAY and HIRONO, to focus on these concerns regarding Mr. Bush's approach to the question of women's healthcare and constitutionally guaranteed reproductive rights under the Fourth Amendment.

Let me note at the outset that our Republican colleagues have referred to a letter of support for Mr. Bush from someone who is on the board of the Kentucky Planned Parenthood affiliate. That letter in no way represents the position of the organization as a whole. In fact, the president of Planned Parenthood of Indiana and Kentucky has stated that Mr. Bush ''lacks the independence and temperament necessary for a Federal judgeship.'' That's the position of the President of Planned Parenthood for Indiana and Kentucky: He ''lacks the independence and temperament necessary for a federal judgeship.'' The issue of a woman's right to make decisions about when she becomes pregnant and whether she has an abortion is a constitutionally guaranteed, protected right of every woman, regardless of where she lives and what her background is and any other circumstances. She has that right. I need to know that any person I vote to confirm to the Federal bench will approach cases involving reproductive rights with the utmost care and respect for decades of hard-won precedent.

In coming years, judges will have to determine what constitutes an undue burden—and that is a term of law, ''undue burden''—as States continue to pass new laws that try to restrict women's reproductive rights. They will have to probe the boundaries of the Court's Hobby Lobby decision on how religious and reproductive freedoms might conflict. These issues are far from easy, and the Supreme Court has spoken to them in many respects incompletely or unclearly.

So when a nominee will not tell me how he plans to approach constitutional interpretation—even though his record strongly reflects a hostility to reproductive rights—how can I evaluate? How am I to do my job when I don't know how he is going to do his job? How am I supposed to take seriously his pledge to faithfully apply Roe v. Wade and related precedent?

All I have left in evaluating the Bush nomination is what he said outside the confirmation process before he was nominated for this position. As many of us know, Mr. Bush was a blogger, authoring hundreds of posts over several years under a pseudonym. I have read his blog. In the words of one of my colleagues, I am not impressed. He once wrote:

The two greatest tragedies in our country—slavery and abortion—relied on similar reasoning and activist justices at the U.S. Supreme Court, first in the Dred Scott decision, and later in Roe.

Never mind that this statement is absurd on its face. Never mind that the NAACP called it ''offensive and dishonest.'' What concerns me at this moment is how this is the best statement of his views on the constitutionality of

women's reproductive rights that we have heard. In light of that statement, how can we expect anything else from this nominee other than the narrowing of reproductive rights?

Then along with the question of how John Bush might act as a judge comes the question of how the public perceives him. When you search the internet for information about his nomination, here is what you find on his blog: a post suggesting that someone ''gag the House Speaker,'' referring to former House Speaker NANCY PELOSI, not current House Speaker RYAN; two posts suggesting that a reader of the blog from Kenya must somehow be connected to President Obama; a post applauding former Presidential candidate Mike Huckabee's statements that he believes ''life begins at conception'' and ''strongly disagrees'' with ''the idea of same-sex marriage''; and a whole collection, a menage of partisan and inflammatory language—to use some euphemism for what can be found here.

Reporters who covered this nomination have used words like ''provocative,'' ''controversial,'' and ''not normal.'' This nomination is, indeed, not normal. It is different and profound, not in a good way. The Courier-Journal, Bush's hometown newspaper, chose this headline for their coverage: ''Trump's judicial nominee from Louisville ducks questions about his controversial blog posts.'' The article went on to quote lawyers describing his answers to Judiciary Committee members as ''laughable,'' ''absurd,'' and ''dishonest''—all quotes.

The Judiciary Committee heard from 27 LGBT advocacy organizations and 14 reproductive rights groups, and they told us, in no uncertain terms, ''no'' to this nominee. I agree with them.

Finally, Mr. Bush wants us to believe that his political views can be separated from his law practice or his prospective service on the court. When asked why he cited unreliable news sources like World Net Daily in his writings, he repeatedly shrugged off the question and declined answering, saying political analysis is different from legal analysis. There is truth to that point. Prior political activity is no disqualification, in and of itself, for serving as a judge, but the importance of public confidence in the judiciary is profound. The confidence of people in the fairness and impartiality of our judges is profoundly important and necessary. The courts have no army. They have no police force of their own. Their rulings are credible and enforceable because of confidence in the fairness and objectivity of our judges.

Someone who is so clearly unqualified, by virtue of his record, I cannot support. I encourage my colleagues to join me in voting against Mr. Bush's nomination.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise also in opposition to the nomination of John Kenneth Bush. Mr. Bush, who has been nominated to serve as a judge on the Sixth Circuit Court of Appeals, has the dubious distinction of having anonymously written scores of blog posts that aren't just offensive—which, believe me, they are—but that call into question the nominee's ability to be a fair and impartial arbiter of the law, which is the job of a judge, especially a circuit court judge. In my view, the nominee's lengthy record of inflammatory and intemperate writings stands as evidence that Mr. Bush falls far short of the high standards that the Senate should demand of nominees to the Federal bench.

Over the course of nearly 10 years, Mr. Bush wrote under the pseudonym ''G. Morris.'' He wrote under a pseudonym on a political blog operated by his wife, where he published hundreds of incendiary posts.

Let me be absolutely clear. Being politically active or expressing political opinions is not a disqualifying characteristic in a judicial nominee—at least, not in my view. But as I said during Mr. Bush's hearing, it is important for the Senate, in attempting to determine whether a nominee is qualified to serve as a Federal judge, to assess that nominee's judgment as a judge—to assess his or her judgement—and that is what I would like the President and all our Members to consider.

In the hundreds upon hundreds of posts that Mr. Bush anonymously published on his wife's blog, Mr. Bush did not demonstrate what any Member of this body would characterize as good judgment. It was far from it. During his hearing, I questioned the nominee about a series of posts in which he seemed to fixate on President Obama's Kenyan heritage. In one post, Mr. Bush discussed an article that suggested a reporter was detained by the Kenyan Government because he was investigating ''Barack Obama's connections in the country'' and that authorities had locked up the reporter in order to prevent him from publishing what he discovered. The article Mr. Bush quoted from and linked to was published on World Net Daily, a website known for peddling conspiracy theories, bogus claims, and White nationalism. In fact, World Net Daily is widely known for trafficking in birtherism—the widely debunked and racist belief that President Obama was not born in this country. Nonetheless, Mr. Bush presented the World Net Daily article as fact. This is a guy who has been nominated to be a circuit court judge calling a World Net Daily article fact.

So during his confirmation hearing, I asked Mr. Bush—and I asked him over and over again—how he decided which sources to rely upon in his writings and how he determined a particular source was credible. In my view, whether a nominee is capable of discerning real news from fake news or blogs that traffic in conspiracy theories from legitimate journalism directly speaks to the nominee's judgment. Again, the job is judge. Really now, World Net Daily?

Whether and how a nominee evaluates the credibility of a claim or a source of information provides a window into how he might approach the factual record in a case, for example. That is what judges do. But Mr. Bush couldn't answer my question. Instead, he said: ''As a blogger, I was finding things that were in the news that were of note, I thought.'' In response to a written question I posed, Mr. Bush said that rather than perform original research to support his claims, he instead ''relied upon readily available sources on the internet.'' That would be the prestigious internet. Really? Really? From a nominee for the circuit court?

This begs the question: How did Mr. Bush find these articles? Does the nominee consume a steady diet of disinformation and conspiracy theories? I asked him that question in writing. Mr. Bush responded that he did not remember how he came upon those sources and that, in fact, aside from the articles he quoted, he did not recall reading any articles from those sources, despite the fact that he linked to and quoted liberally from conspiracy-minded websites many, many times in his writings.

Despite Mr. Bush's claims that he can't remember how it was that World Net Daily found its way onto his computer screen and despite his claim that he can't recall how he discovered and then later cited the writings of a birther conspiracy theorist, I suspect that in Mr. Bush's case, the simplest explanation is probably the right one. I suspect the reason Mr. Bush quoted from sources like World Net Daily so frequently is that Mr. Bush frequented those sources, that he frequently read the material they published, and I suspect he enjoyed it. That is just a suspicion based on my judgment.

The fact that a man who anonymously wrote inflammatory and offensive blog posts and who consumed information from sources that routinely publish lies and racially insensitive material could be confirmed to a lifetime appointment on one of the U.S. courts of appeals should shock the conscience of each and every Member of the Senate, no matter what your politics are.

I have served on the Judiciary Committee for 8 years, and during that time I have had the opportunity to evaluate countless judicial nominees. I understand that each Senator has his or her own way of determining whether a nominee should be confirmed. Some Senators prefer nominees who embrace a judicial philosophy of originalism or strict constructionism, others reject that view. For some Senators, a nominee's view of the Second Amendment or Roe v. Wade serves as a litmus test.

Setting aside the usual yardsticks by which we measure judicial nominees, Mr. Bush should strike each and every

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 RISCH. 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 people, 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 degrees 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 bastions 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, rightwing, pro-business conservatives. Mr. Bush is not just a member of the ultraconservative 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

met the OLC's own internal standards requiring impartial analysis, whether individual Members of Congress are ''authorized'' to seek information from the executive branch, and what level of deference the executive branch should provide to individual Member requests.

Mr. Engel promptly responded to my letter on June 23, 2017, and to a second June 27, 2017, followup letter on July 12, 2017. I ask unanimous consent that Mr. Engel's responses be placed in the RECORD following my remarks.

I also met with Mr. Engel in my office on July 19, 2017, to further discuss and clarify his views on the authority of individual Members to request information from the executive branch. Mr. Engel's responses, both in writing and in person, indicate that he agrees each Member, whether or not a chairman of a committee, is a constitutional officer entitled to the respect and best efforts of the executive branch to respond to his or her requests for information to the extent permitted by law. He also agreed: No. 1, that the May 1, 2017, OLC opinion on this topic failed to consider adverse legal authority, specifically *Murphy* v. *Dep't of the Army*, 613 F.2d 1151 (D.C. Cir. 1979); and No. 2, that, if confirmed, he would review the opinion; and No. 3, consider whether a more complete analysis of the issue is necessary.

I am satisfied that Mr. Engel understands the obligation of all Members of Congress to seek executive branch information to carry out their constitutional responsibilities and the obligation of the executive branch to respect that function and seek comity between the branches. Therefore, I agree a vote should be scheduled on his nomination, and I wish him the very best in his new role.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Washington, DC, June 23, 2017.

Hon. CHARLES E. GRASSLEY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: I write in response to your June 12, 2017 letter concerning the May 1, 2017 letter opinion of the Office of Legal Counsel (''OLC''). I appreciate your interest in ensuring that Members of Congress are able to obtain the information necessary to fulfill their constitutional responsibilities, as well as your attention to ensuring that OLC opinions provide candid, independent, and principled legal advice. If I am confirmed as Assistant Attorney General, I will be committed to ensuring that OLC complies with these principles.

I provide here my responses to the seven questions in your June 12 Letter.

1. Are you familiar with the May 1, 2017 OLC opinion?

Response: I am not currently at the Department of Justice, but I read the May 1, 2017 opinion shortly after it was published.

2. In your view, does this opinion meet the standards described in OLC guidance that require impartial analysis of competing authorities or authorities that may challenge an opinion's conclusions? If so, can you please point to the portion of the opinion which you believe fully discusses contrary authority or arguments for non-Chairmen's need for information from the Executive Branch to carry out their constitutional function?

Response: Because I am not currently at the Department of Justice, I have not had occasion to review all of the underlying precedents that may bear upon the May 1, 2017 letter opinion. I agree that an OLC opinion should candidly and fairly address all relevant legal sources, and there are judgment calls that must be made in determining what should be included, particularly with respect to letter opinions (which tend to be shorter and less formal). With respect to the May 1, 2017 opinion, I do agree that Murphy v. Dep't of the Army, 613 F.2d 1151 (D.C. Cir. 1979), which was cited in your June 7, 2017 letter to the President, may bear upon the issues addressed in the May 1, 2017 opinion. I understand that in 1980, and again in 1984, the Department of Justice advised that, with respect to FOIA practices, the Murphy decision did not eliminate the legal distinction between requests made by Committee Chairmen and those made by individual Members of Congress. In my opinion, it would have been useful for OLC's letter opinion to address the Department's current understanding of the Murphy decision in the context of congressional oversight.

3. Do you believe that individual Members of Congress, who are not Chairmen of committees, are ''authorized'' to seek information from the Executive Branch to inform their participation in the legislative powers of Congress? Do you believe they are authorized by the Constitution? Why or why not? Do you believe that they are authorized by Congress? Why or why not?

Response: The D.C. Circuit has recognized that each member of Congress has a ''constitutionally recognized status'' that includes a legitimate need ''to request such information from the executive agencies as will enable him to carry out the responsibilities of a legislator.'' Murphy, 613 F.2d at 1157. I believe that individual Members are ''authorized'' to seek such information in their roles as constitutional officers. The question whether Congress has separately authorized such requests would turn upon the rules of each House of Congress. In my view, the Executive Branch should seek to satisfy the legislative interests reflected in the information requests of individual Members, to the extent practicable and consistent with the confidentiality obligations of the Executive Branch,

4. In your experience, what percentage of congressional requests for information are answered by the Executive Branch on a voluntary basis?

Response: In my experience at the Department of Justice, the Executive Branch seeks to answer the majority of congressional requests for information on a voluntary basis. Congress rarely seeks the compulsory disclosure of information from a Department or agency.

5. In your view, what is an appropriate reason for withholding information requested by an individual Member of Congress?

Response: Traditionally, the Executive Branch has sought to provide Members of Congress with requested information except where there is a need to protect important confidentiality interests, such as those involving national security information; materials that are protected by law (such as grand jury information, taxpayer information, or materials restricted from disclosure by the Privacy Act); information the disclosure of which might compromise open law enforcement or civil enforcement investigations; presidential communications; or information involving agencies' predecisional deliberative communications.

6. In your view, does the Executive Branch have any Constitutional responsibility to respond to requests for information from individual Members of Congress as part of a process of accommodation in order to promote comity between the branches? If not, why not?

Response: The Department of Justice has recognized that the accommodation process ''is an obligation of each branch to make a principled effort to acknowledge and if possible to meet, the legitimate needs of the other branch.'' Opinion of the Attorney General for the President, Assertion of Executive Privilege in Response to a Congressional Subpoena, 5 Op. O.L.C. 27, 31 (1981). At the same time, the courts and others have distinguished between official requests from Committees and those from individual Members. See, e.g., Exxon v. FTC, 589 F.2d 582, 592–93 (D.C. Cir. 1978) (recognizing that the ''principle is important that disclosure of information can only be compelled by authority of Congress, its committees or subcommittees, not solely by individual members . . .''); Alissa M. Dolan et al., Cong. Research Serv., RL 30240, Congressional Oversight Manual 65 (Dec. 19, 2014) (''[N]o judicial precedent has directly recognized an individual Member's right, other than a committee chair, to exercise the committee's oversight authority without the permission of a majority of the committee or its chair.''). In my view, the Executive Branch should seek to satisfy the legislative needs of Members to the extent practicable and consistent with the confidentiality obligations of the Executive Branch.

7. Is a request from an individual, elected Member of Congress entitled to any greater weight than a FOIA request, given the Member's broad Constitutionally mandated legislative responsibilities? Why or why not?

Response: In view of the constitutional responsibilities of individual Members of Congress, the Executive Branch may well provide information to Members that goes beyond the requirements of the FOIA statute, and the Executive Branch has the discretion to provide information or documents even if it would be exempt from mandatory public disclosure under FOIA. I understand that the Executive Branch does not treat individual Member requests as requests under FOIA, and thus, the Executive Branch may provide more information about Executive Branch programs than it provides to FOIA requestors, who are entitled to receive only documents.

I appreciate your attention to these important questions. Please let me know if I may be of any more assistance on these issues, or on any other matters in the future.

Sincerely,

STEVEN A. ENGEL.

Washington, DC, July 12, 2017.

Hon. CHARLES E. GRASSLEY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: I write in response to your June 27, 2017 letter, which continues our correspondence concerning the May 1, 2017 letter opinion of the Office of Legal Counsel (''OLC''). I understand your concerns with the legal opinion, as well as with recent reports concerning Executive Branch policies governing congressional oversight. Because I am currently in private practice, I had no role in drafting the May 1 opinion, and I likewise have no familiarity with the Administration's internal policies concerning congressional oversight requests. If I am confirmed as Assistant Attorney General for the Office of Legal Counsel, I will review the May 1 opinion and ensure that OLC's legal advice reflects my best judgment of the law and established practice in this area.

I provide here my responses to the six additional questions raised in your letter.

1. You acknowledged that the OLC opinion did not examine key additional authorities which recognize the constitutional role of individual Members to seek information from the Executive Branch. If confirmed, will you commit to a more careful study of this issue and other questions I have raised?

Response: Yes.

2. Will you commit to modifying this OLC opinion to be consistent with your own recognition that individual Members ''are 'authorized' to seek . . . information [from the Executive Branch] in their roles as constitutional officers?'' If not, why not?

Response: If I am confirmed, I will review the May 1 opinion and come to my best judgment of the law and established practice in this area, including with respect to any further guidance or clarifications to the May 1 opinion that may be appropriate.

3. You note in your response to Question 3 that ''the Executive Branch should seek to satisfy the legislative interests reflected in the information requests of individual Members.'' As I wrote in my June 7, 2017, letter to the President, the May 1 OLC opinion draws a distinction between ''oversight'' and ''non-oversight'' requests. I have never sent or seen a letter requesting information for ''non-oversight'' purposes, and I still do not understand what it means. As you know, courts have recognized that ''oversight'' is inherent in the legislative power and just as broad. As the Court recognized in McGrain v. Daugherty, 273 U.S. 135 (1927):

A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it.

Id. at 175. This power of inquiry ''encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes.'' Watkins v. United States, 354 U.S. 178, 187 (1957). Congressional oversight encompasses a myriad of legislative tools, processes, and purposes, and is not simply limited to investigations of waste, fraud, and abuse conducted by a Committee Chairman.

How exactly can a congressional inquiry be distinguished on the basis of whether it is an ''oversight'' or a ''non-oversight'' inquiry, to borrow the language from the May 1 opinion? More importantly, by what authority can the Executive Branch purport to make such a determination absent explicit direction from the Legislative Branch?

Response: If confirmed, I will review the distinction between ''oversight'' and ''non-oversight'' inquiries, as those terms are used in the May 1 opinion. The May 1 opinion appears to draw a procedural distinction between information requests made by ''a committee, subcommittee, or chairman exercising delegated oversight authority'' and those made by individual Members who are not acting pursuant to explicit authorization of the Standing Rules of the Senate or the Rules of the House of Representatives. See Office of Legal Counsel, Letter Opinion for the Counsel to the President, Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch at 3 (May 1, 2017). In support, the May 1 opinion quotes the Congressional Research Service's Congressional Oversight Manual, which advises that when individual Members request agency records ''they are not acting pursuant to Congress's constitutional authority to conduct oversight and investigations.'' Alissa M. Dolan et al., Cong. Research Serv., RL30240, Congressional Oversight Manual 56 (Dec. 19, 2014)).

As we have previously discussed, the D.C. Circuit has recognized that individual Members have a ''constitutionally recognized status'' that includes a legitimate need ''to request such information from the executive agencies as will enable him to carry out the responsibilities of a legislator.'' Murphy v. Dep't of the Army, 613 F.2d 1151 (D.C. Cir. 1979). This would be true, no matter whether those requests are called ''oversight'' inquiries or something else. If confirmed, I will consider these issues in connection with my review of the May 1 opinion.

4. The Inspector General Empowerment Act of 2016 explicitly authorizes any member of Congress upon request to obtain information related to Inspector General reports that is not otherwise prohibited from public disclosure. Do you agree that such requests from individual Members are ''oversight'' requests? Why or why not?

Response: I have not previously studied the referenced provision of the Inspector General Empowerment Act. As a general matter, if a statute calls for the Executive Branch to provide information in response to a request from a Member of Congress, then the Executive Branch should respond—no matter whether the Member's request would be characterized as ''oversight'' or something else—in a manner consistent with the Department's other statutory and constitutional obligations, including its law enforcement, litigation, and national security responsibilities.

5. I asked in my June 12, 2017, letter whether the Executive Branch has any Constitutional responsibility to respond to individual Members of Congress. You noted, as the OLC opinion notes, that requests from individual Members cannot be compelled. But I did not ask whether individual Members have the power to compel responses. They clearly do not. As you noted in your response to question 4, ''Congress rarely seeks the compulsory disclosure of information from a Department or agency.'' Your experience matches my own. As I noted in my June 7, 2017 letter to the President, most responses to requests for information—from Chairmen or not—are received voluntarily. I also believe it is important to remember that many of the relevant case precedents examining questions related to congressional oversight arise in a compulsory context. By virtue of the fact that most responses are voluntary, a court has never had occasion to consider them.

What I want to understand is not whether the Executive Branch will pay a legal penalty for refusing to answer individual Member requests, but whether such requests, made as part of their wide-ranging Constitutional responsibilities, are due the best efforts of the Executive Branch given the nature of those responsibilities and the need and desire for comity between the branches. Do you agree? Is this what you mean by your response: ''In my view the Executive Branch should seek to satisfy the legislative needs of Members to the extent practicable''?

Response: I agree that in the interest of comity, the Executive Branch should give due weight and sympathetic consideration to requests from individual Members of Congress, even where the executive official is not faced with a legal penalty for refusing to answer, and that is what I meant in my prior response.

6. I asked you whether an individual Member request was entitled to any greater weight than a Freedom of Information Act (FOIA) request. You responded that ''the Executive Branch may well provide information to Members that goes beyond the requirements of the FOIA'' and that you believe ''the Executive Branch does not treat individual member requests as requests under FOIA, and thus, the Executive Branch may provide more information about Executive Branch programs than it provides to FOIA requestors, who are entitled to receive only documents.'' However, in my experience, FOIA requestors with ready access to judicial review and experienced FOIA litigators often get more information even than Congressional Committees, let alone individual Members. Unlike FOIA litigants, a Member must first convince an entire House of Congress to hold an executive branch official in contempt before obtaining judicial review of an information request. Should the Executive Branch strive to meet a higher standard for voluntary cooperation with Congress, given its constitutional duties, than merely disclosure of that which could be judicially mandated? If so, what would you do to ensure that Executive Branch officials understand the Constitutional basis for the importance of voluntary cooperation with Congressional information requests?

Response: Yes, I agree that the measure of the Executive Branch's cooperation should not be simply what could be judicially mandated. I believe that, in the interest and spirit of comity, the Executive Branch should seek to satisfy the legislative needs of Members, as indicated by my prior response. That may well include providing additional information about Executive Branch programs beyond what would be available to FOIA requestors. If confirmed, I will ensure that the Office of Legal Counsel's legal advice in this area would be consistent with such principles.

I appreciate your interest in these important questions. Please let me know if I may be of any more assistance on these issues or on any other matters in the future.

Sincerely,

STEVEN A. ENGEL.

HONORING CAPTAIN ROBERT ''BOB'' HOLTON

Mr. TESTER. Mr. President, today I wish to honor the life of Air Force Capt. Robert ''Bob'' Holton, a lifelong resident of Butte, MT, and an intrepid Vietnam veteran.

To Bob's family, on behalf of myself, my fellow Montanans, and my fellow Americans, I would like extend our deepest gratitude for Bob's service to this Nation.

Bob was born on April 8, 1941, in Butte, MT. He graduated from Butte High School in 1959, a talented musician who excelled at the saxophone, clarinet, and piano.

Bob continued his education at the University of Montana, where he earned his pilot's license and served as an outstanding military cadet with the ROTC. Bob went on to marry his high school classmate, Diane Eck, in 1962, and graduated with a business degree in 1965.

Bob proudly served his country during the Vietnam War, flying an F4 Phantom as an interceptor alongside his comrade Maj. William Campbell, a fighter-bomber. Their deployment took them near the border of Laos and Vietnam, where their plane was downed in enemy fire on January 29, 1969.

This disaster sparked a tragic mystery for the Holton family, who have been unable to find the site of the crash, nor fully confirm its outcome. The circumstances gave them no closure and left Bob's family in pain.

Bob's memory has been tirelessly honored, with folks across the U.S. wearing MIA bracelets in recognition of his unfinished story. The National League of Families and the Air Force have continually supported the Holton family's search for Bill, for which they are endlessly grateful.

Now, 48 years after the crash, Butte's only Vietnam war Missing in Action has been found. Bob's remains have been recovered and will finally be returned to his home State. His life and light will be honored Saturday, July 22, in a ceremonial burial at the Sunset Memorial Park.

For Bob's family, the actions by so many have helped provide closure. On behalf of a grateful Nation, I want to thank them for their hope and continued support for Bob and all of our veterans who are missing in action.

Let us now take a moment to recognize the life of Capt. Robert Holton and the legacy he left behind. We deeply appreciate his service to the American people.

ADDITIONAL STATEMENTS

TRIBUTE TO SHANE DELANDE GILBERT

● Ms. HASSAN. Mr. President, today I wish to recognize Mr. Shane Delande Gilbert, born July 16, 2007, and wish him a happy 10th birthday. A Granite Stater from Merrimack, Shane possesses a deep love for our country and its history. Shane recently was graduated from Thorntons Ferry Elementary School, where he was an excellent student in Mrs. DeFrancisco's fourth grade class and enrolled in the school's gifted and talented program. This fall, Shane will enter the fifth grade at James Mastricola Upper Elementary School in Merrimack.

Shane is deeply engaged in his community. He is a member of his school's Junior Lego League and is involved with the For Inspiration and Recognition of Science and Technology—FIRST—Lego League, as well as karate.

Shane has, with tremendous strength of spirit, shouldered the responsibility of fighting non-Hodgkin's lymphoma and every day exhibits remarkable bravery and courage. Shane is an active participant in the Greater Nahua Relay for Life. For his 10th birthday, in lieu of gifts, Shane asked that donations be made instead to his Relay for Life team ''Spuddie's Against Cancer.'' He raised $150 towards cancer research and achieved his personal best by walking 10 miles.

Shane's civic mindedness extends to all aspects of life. He is nicknamed. ''The Mayor'' due to his gregariousness and passion for helping others. A keen political observer and participant, Shane spoke to many Presidential candidates during New Hampshire's most recent primary season and has expressed interest in 1 day running for that office himself. He is also a student of the American Civil War, and recently visited Gettysburg National Military Park in Pennsylvania and will be touring the U.S. Capitol today.

Shane's commitment to his community and his love of our country and its history gives me great hope for our future. I join Shane's parents, Laurie-Ann Gilbert and Christine Delande, in celebrating Shane on the occasion of his 10th birthday.●

REMEMBERING MAYNARD F. HAGEMEYER

● Mr. PORTMAN. Mr. President, today I wish to remember Maynard F. Hagemeyer, a WWII veteran and Ohio business and civic leader. Mr. Hagemeyer passed away on July 16, at the age of 98, at his home on Wilmington Road in Clarksville; he died in the same room he was born in on November 22, 1918.

Maynard Hagemeyer attended Spring Hill elementary school in a one-room schoolhouse and graduated from Massie Township High School in Harveysburg, OH in 1936. He attended the University of Cincinnati, studying business administration. He loved horses and, in his youth, showed Percheron and Belgian horses throughout the U.S., and in 1940, he traveled through the Panama Canal, transporting draft horses to Chile.

Drafted into the U.S. Army in 1941, Maynard served almost 5 years during WWII, half in deployment overseas. He attained the rank of captain and commanded a company in the 23rd replacement battalion in North Africa, serving under General George Patton. He also served under General Mark Clark in Italy.

Maynard took over the family farm in 1948 and operated various business ventures over the years. These included an excavation business, a feed mill, an anhydrous ammonia and fertilizer business, an egg business, and a Standardbred racing and breeding business he started in 1957 that still continues today.

Active in the community, Maynard was a member of the Clarksville Masonic Lodge since 1940, the Scottish Rite and Shrine since 1946, and he joined the Eastern Star in 1947 and served as ''Worthy Patron'' in 1952 and in 1962.

Maynard was on the Warren County Fair Board for 42 years and the Warren County Veterans Commission for 20 years. He also served as a director of the Ohio Harness Horsemen's Association and was the first president of the Harness Horse Youth Foundation.

He stepped into public service after the death of his father in 1948, completing the balance of his father's term as Warren County commissioner. He was also a member of the Warren County School Board for 10 years and served as a Washington township trustee for 32 years.

Maynard has been recognized many times over the years, including the Pacer Grass Roots award in 1989, named a ''Kentucky Colonel'' at the age of 91, Masonic Lodge 75-year award in 2016, and the Harveysburg alumni 80-year award in 2016.

Maynard and his beloved wife, Stella, were married for 71 years and had 4 children, 8 grandchildren, and 10 great-grandchildren.

I would like to honor Maynard Hagemeyer for his contributions to his community, his country, and his family.●

TRIBUTE TO LIEUTENANT ZACHARY HODGES

● Mr. RUBIO. Mr. President, I would like to highlight the outstanding accomplishments of Lt. Zachary Hodges of Gainesville, FL. Four years ago, I nominated this impressive young man to attend the U.S. Air Force Academy.

I recently received a letter from Zachary letting me know that he has graduated from the U.S. Air Force Academy—a major milestone that his family and friends should be very proud of.

Zachary also said he plans to attend medical school at the University of Florida and looks forward to serving our Nation as an Air Force physician.

I am very proud to have nominated Zachary, who has already accomplished so much at the age of 22. His enduring commitment to his studies and his country is a testament to his will to succeed and serve. I have no doubt he will inspire others around him to do the same.

I wish Zachary the best of luck and look forward to hearing of his continued success; I am sure he has a very bright future ahead. May God bless him and all of the men and women who serve our Nation in the Armed Forces.●

TRIBUTE TO MACI BURKE

● Mr. THUNE. Mr. President, today I recognize the hard work of my Commerce, Science, and Transportation Committee intern Maci Burke. Maci hails from Chamberlain, SD, and is a rising sophomore at the University of Nebraska-Lincoln.

While interning on the Commerce Committee, Maci assisted the Surface Transportation Subcommittee. She is a dedicated worker who was committed to getting the most out of her internship. I extend my sincere thanks and appreciation to Maci for all of the fine work she did for the committee and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13581 ON JULY 24, 2011—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days of the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to significant transnational criminal organizations declared in Executive Order 13581 of July 24, 2011, is to continue in effect beyond July 24, 2017.

Significant transnational criminal organizations continue to threaten the safety of the United States and its citizens through the scope and gravity of their actions. Such organizations derive revenue through widespread illegal conduct and overwhelmingly demonstrate a blatant disregard for human life through acts of violence and abuse. These organizations often facilitate and aggravate violent civil conflicts and increasingly facilitate the activities of other dangerous persons. As the sophistication of these organizations increases, they pose an increasing threat to the United States.

The activities of significant transnational criminal organizations continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13581 with respect to transnational criminal organizations.

DONALD J. TRUMP.

THE WHITE HOUSE, *July 19, 2017.*

MESSAGE FROM THE HOUSE

At 10:01 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 806. An act to facilitate efficient State implementation of ground-level ozone standards, and for other purposes.

H.R. 2786. An act to amend the Federal Power Act with respect to the criteria and process to qualify as a qualifying conduit hydropower facility.

H.R. 2828. An act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 3050. An act to amend the Energy Policy and Conservation Act to provide Federal financial assistance to States to implement, review, and revise State energy security plans, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 806. An act to facilitate efficient State implementation of ground-level ozone standards, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2786. An act to amend the Federal Power Act with respect to the criteria and process to qualify as a qualifying conduit hydropower facility; to the Committee on Energy and Natural Resources.

H.R. 2828. An act to extend the deadline for commencement of construction of a hydroelectric project; to the Committee on Energy and Natural Resources.

H.R. 3050. An act to amend the Energy Policy and Conservation Act to provide Federal financial assistance to States to implement, review, and revise State energy security plans, and for other purposes; to the Committee on Energy and Natural Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ALEXANDER for the Committee on Health, Education, Labor, and Pensions.

*Marvin Kaplan, of Kansas, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2020.

*William J. Emanuel, of California, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2021.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

*David P. Pekoske, of Maryland, to be an Assistant Secretary of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PAUL (for himself and Mr. TESTER):

S. 1578. A bill to streamline the application process for H–2A employers and for other purposes; to the Committee on the Judiciary.

By Mr. ROUNDS (for himself and Mr. KING):

S. 1579. A bill to amend the Consumer Financial Protection Act of 2010 to establish advisory boards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RUBIO (for himself, Mr. MENENDEZ, and Mr. MANCHIN):

S. 1580. A bill to enhance the transparency, improve the coordination, and intensify the impact of assistance to support access to primary and secondary education for displaced children and persons, including women and girls, and for other purposes; to the Committee on Foreign Relations.

By Mrs. SHAHEEN:

S. 1581. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for gain from the sale of real property for use as a manufactured home community, and for other purposes; to the Committee on Finance.

By Mr. VAN HOLLEN (for himself and Mr. CARDIN):

S. 1582. A bill to establish the Frederick Douglass Bicentennial Commission; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. ENZI, Mr. LEE, and Mr. STRANGE):

S. 1583. A bill to limit the period of authorization of new budget authority provided in appropriation Acts, to require analysis, appraisal, and evaluation of existing programs for which continued new budget authority is proposed to be authorized by committees of Congress, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON (for himself and Mrs. MCCASKILL):

S. 1584. A bill to amend the Ethics in Government Act of 1978 to reauthorize the Judicial Conference of the United States to redact sensitive information contained in financial disclosure reports of judicial officers and employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. SCHUMER, Mr. LEAHY, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. DURBIN, Mr. REED, Mr. NELSON, Mr. CARPER, Ms. STABENOW, Mr. MENENDEZ, Mr. CARDIN, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. TESTER, Mr. UDALL, Mrs. SHAHEEN, Mr. MERKLEY, Mr. BENNET, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. COONS, Mr. BLUMENTHAL, Mr. SCHATZ, Ms. BALDWIN, Mr. MURPHY, Ms. HIRONO, Mr. HEINRICH, Mr. KING, Mr. KAINE, Ms. WARREN, Ms. HEITKAMP, Mr. MARKEY, Mr. BOOKER, Mr. PETERS, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HASSAN, Ms. HARRIS, Ms. CORTEZ MASTO, and Ms. CANTWELL):

S. 1585. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes; to the Committee on Rules and Administration.

By Mr. PETERS (for himself and Mr. YOUNG):

S. 1586. A bill to require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal

area of the Great Lakes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRUZ (for himself, Mr. LEAHY, and Mr. TILLIS):

S. 1587. A bill for the relief of Liu Xia; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CASEY, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Mr. FRANKEN, Ms. HARRIS, Ms. HIRONO, Mr. LEAHY, Mr. MARKEY, Mr. SANDERS, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 1588. A bill to secure Federal voting rights of persons when released from incarceration; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself, Mr. CARDIN, Mr. WHITEHOUSE, Ms. STABENOW, Mr. BLUNT, Mrs. GILLIBRAND, Ms. COLLINS, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. CASEY, Mr. FRANKEN, Mr. PORTMAN, Mr. CRAPO, Mr. THUNE, Mr. TESTER, Mr. BROWN, Mr. RISCH, Mr. MORAN, Ms. CANTWELL, Mr. ISAKSON, Ms. BALDWIN, and Mr. PETERS):

S. 1589. A bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes; to the Committee on Finance.

By Mr. SANDERS:

S. 1590. A bill to provide for youth jobs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VAN HOLLEN (for himself and Mr. TOOMEY):

S. 1591. A bill to impose sanctions with respect to the Democratic People's Republic of Korea, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KING (for himself, Ms. COLLINS, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MURPHY, Ms. HASSAN, Mr. REED, and Mr. MARKEY):

S. Res. 221. A resolution designating September 25, 2017, as ''National Lobster Day'' ; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. BURR, Mrs. FEINSTEIN, Mr. RISCH, Mr. WYDEN, Mr. RUBIO, Mr. HEINRICH, Ms. COLLINS, Mr. KING, Mr. BLUNT, Mr. MANCHIN, Mr. LANKFORD, Ms. HARRIS, Mr. COTTON, and Mr. CORNYN):

S. Res. 222. A resolution designating July 26, 2017, as ''United States Intelligence Professionals Day'' ; to the Committee on the Judiciary.

By Mr. CRUZ (for himself, Mrs. FEINSTEIN, and Mr. GARDNER):

S. Res. 223. A resolution honoring the life and legacy of Liu Xiaobo for his steadfast commitment to the protection of human rights, political freedoms, free markets, democratic elections, government accountability, and peaceful change in the People's Republic of China; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself, Mr. NELSON, Mr. RUBIO, Mr. MENENDEZ, Mr. CRUZ, and Mr. MERKLEY):

S. Res. 224. A resolution recognizing the 5th anniversary of the death of Oswaldo Paya Sardinas, and commemorating his legacy and commitment to democratic values and principles; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 372

At the request of Mr. PORTMAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 372, a bill to amend the Tariff Act of 1930 to ensure that merchandise arriving through the mail shall be subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection and for other purposes.

S. 382

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 382, a bill to require the Secretary of Health and Human Services to develop a voluntary registry to collect data on cancer incidence among firefighters.

S. 720

At the request of Mr. CARDIN, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Arkansas (Mr. COTTON) were added as cosponsors of S. 720, a bill to amend the Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, and for other purposes.

S. 910

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 910, a bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

S. 916

At the request of Mr. BENNET, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 916, a bill to amend the Controlled Substances Act with regard to the provision of emergency medical services.

S. 926

At the request of Mrs. ERNST, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 926, a bill to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes.

S. 1024

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1024, a bill to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1050

At the request of Mr. COCHRAN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1050, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

S. 1113

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1113, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of cosmetics.

S. 1146

At the request of Mrs. SHAHEEN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1146, a bill to enhance the ability of the Office of the National Ombudsman to assist small businesses in meeting regulatory requirements and develop outreach initiatives to promote awareness of the services the Office of the National Ombudsman provides, and for other purposes.

S. 1182

At the request of Mr. YOUNG, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1182, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

S. 1238

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1238, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 1312

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1312, a bill to prioritize the fight against human trafficking in the United States.

S. 1455

At the request of Mr. FLAKE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1455, a bill to amend the United States Energy Storage Competitiveness Act of 2007 to direct the Secretary of Energy to establish new goals for the Department of Energy relating to energy storage and to carry out certain demonstration projects relating to energy storage.

S. 1507

At the request of Mr. REED, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1507, a bill to amend the National Flood Insurance Act of 1968 to allow the Administrator of the Federal Emergency Management Agency to provide capitalization grants to States to establish revolving funds to provide funding assistance to reduce flood risks, and for other purposes.

S. 1514

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma

(Mr. INHOFE) was added as a cosponsor of S. 1514, a bill to amend certain Acts to reauthorize those Acts and to increase protections for wildlife, and for other purposes.

S.J. RES. 17

At the request of Mr. CORNYN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S.J. Res. 17, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

S. CON. RES. 7

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that tax-exempt fraternal benefit societies have historically provided and continue to provide critical benefits to the people and communities of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VAN HOLLEN (for himself and Mr. CARDIN):

S. 1582. A bill to establish the Frederick Douglass Bicentennial Commission; to the Committee on the Judiciary.

Mr. VAN HOLLEN. Mr. President, I rise to join my colleague and friend, Congresswoman ELEANOR HOLMES NORTON, in introducing legislation that would establish a Bicentennial Commission to honor Frederick Douglass in 2018. Douglass was an extraordinary individual who was enslaved at birth in Talbot County, Maryland.

At a young age, Douglass learned to read and write. In 1838 he escaped from Maryland and moved to New York. Then, in 1845, he published his first autobiography called ''The Narrative of the Life of Frederick Douglass: an American Slave''.

He later escaped to Great Britain to avoid being tracked down and returned to slavery in Maryland. Ultimately, British Quakers paid for his freedom, which enabled him to return to United States, settling in Baltimore, Maryland in 1847. Frederick Douglass continued to be a strong Abolitionist who campaigned against slavery and in favor of the right to vote throughout the East and Mid-West. In 1850 he oversaw the Underground-Railroad in Rochester, New York.

As a Freeman he was able to hold significant positions within the Government. He served as an Advisor to President Lincoln. He was appointed to serve as the District of Columbia Legislative Council, the United States Marshall and the Recorder of Deeds. He subsequently became the Ambassador to Haiti from 1889 to 1891.

Despite his extensive travel, Douglass made four trips back to Talbot County, Maryland. He reconciled with Captain Thomas Auld who had enslaved him in the past. He made a pilgrimage to Tappers Corner in search of his grandmother's cabin and his birthplace. As an entrepreneur, he invested in several enterprises, especially those that would benefit the African-American community. These included low-income housing developments in his old neighborhood in Fells Point (named Douglass Place) and at Highland Beach, a summer resort community outside of Annapolis popular with African Americans outside of Annapolis.

Two hundred years after Douglass' birth is a fitting time to reflect upon his work and achievements and pay tribute to a man who fought for his freedom and justice for all. He stated: ''We have to do with the past only as we can make it useful to the present and the future.''

In that spirit, it will be important to honor this man and explore how his legacy can help guide the future of our Country. As Douglass stated, ''The life of the Nation is secure only while the Nation is honest, truthful and virtuous''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 221—DESIGNATING SEPTEMBER 25, 2017, AS ''NATIONAL LOBSTER DAY''

Mr. KING (for himself, Ms. COLLINS, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MURPHY, Ms. HASSAN, Mr. REED, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 221

Whereas the American lobster is recognized around the world as a prized and flavorful culinary delicacy;

Whereas lobster fishing has served as an economic engine and family tradition in the United States for centuries;

Whereas thousands of families in the United States make their livelihoods from lobster fishing and processing;

Whereas, with approximately 150,000,000 pounds of lobster landed each year in the United States, at an annual value of more than $500,000,000, lobster represents one of the most valuable catches in the United States;

Whereas foreign markets for lobster from the United States are booming, with export values having nearly tripled since 2005;

Whereas historical lore notes that lobster likely joined turkey on the table at the very first Thanksgiving feast in 1621;

Whereas responsible lobstering practices beginning in the 1600s have created one of the most sustainable fisheries in the world;

Whereas 2017 marks the 145th anniversary of lobster conservation efforts in the United States, starting with a Maine law banning the harvest of egg-bearing females;

Whereas, throughout history, United States presidents have served lobster at their inaugural celebrations and state dinners with international leaders;

Whereas lobster is an excellent, versatile source of lean protein that is low in saturated fat and high in vitamin B12;

Whereas the peak of the lobstering season in the United States occurs in the late summer;

Whereas the preservation and long distance transportation of lobster meat was first achieved 175 years ago with the advent of a canning process;

Whereas lobster has become a culinary icon, with the lobster roll featured at the 2015 World Food Expo in Milan, Italy; and

Whereas lobster is enjoyed at casual beachside lobster boils and also revered as a delicacy at fine dining restaurants: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 25, 2017, as ''National Lobster Day''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 222—DESIGNATING JULY 26, 2017, AS ''UNITED STATES INTELLIGENCE PROFESSIONALS DAY''

Mr. WARNER (for himself, Mr. BURR, Mrs. FEINSTEIN, Mr. RISCH, Mr. WYDEN, Mr. RUBIO, Mr. HEINRICH, Ms. COLLINS, Mr. KING, Mr. BLUNT, Mr. MANCHIN, Mr. LANKFORD, Ms. HARRIS, Mr. COTTON, and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 222

Whereas on July 26, 1908, Attorney General Charles Bonaparte ordered newly-hired Federal investigators to report to the Office of the Chief Examiner of the Department of Justice, which subsequently was renamed the Federal Bureau of Investigation;

Whereas on July 26, 1947, President Truman signed the National Security Act of 1947 (50 U.S.C. 3001 et seq.), creating the Department of Defense, the National Security Council, the Central Intelligence Agency, and the Joint Chiefs of Staff, thereby laying the foundation for today's intelligence community;

Whereas the National Security Act of 1947, which appears in title 50 of the United States Code, governs the definition, composition, responsibilities, authorities, and oversight of the intelligence community of the United States;

Whereas the intelligence community is defined by section 3 of the National Security Act of 1947 (50 U.S.C. 3003) to include the Office of the Director of National Intelligence, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs, the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Department of Energy, the Bureau of Intelligence and Research of the Department of State, the Office of Intelligence and Analysis of the Department of the Treasury, the elements of the Department of Homeland Security concerned with the analysis of intelligence information, and other elements as may be designated;

Whereas July 26, 2017, is the 70th anniversary of the signing of the National Security Act of 1947 (50 U.S.C. 3001 et seq.);

Whereas the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) created the position of

the Director of National Intelligence to serve as the head of the intelligence community and to ensure that national intelligence be timely, objective, independent of political considerations, and based upon all sources available;

Whereas Congress has previously passed joint resolutions, signed by the President, to designate Peace Officers Memorial Day on May 15, Patriot Day on September 11, and other commemorative occasions, to honor the sacrifices of law enforcement officers and of those who lost their lives on September 11, 2001;

Whereas the United States has increasingly relied upon the men and women of the intelligence community to protect and defend the security of the United States in the years since the attacks of September 11, 2001;

Whereas the men and women of the intelligence community, both civilian and military, have been increasingly called upon to deploy to theaters of war in Iraq, Afghanistan, and elsewhere since September 11, 2001;

Whereas numerous intelligence officers of the elements of the intelligence community have been injured or killed in the line of duty;

Whereas intelligence officers of the United States are routinely called upon to accept personal hardship and sacrifice in the furtherance of their mission to protect the United States, to undertake dangerous assignments in the defense of the interests of the United States, to collect reliable information within prescribed legal authorities upon which the leaders of the United States rely in life-and-death situations, and to ''speak truth to power'' by providing their best assessments to decision makers, regardless of political and policy considerations;

Whereas the men and women of the intelligence community have on numerous occasions succeeded in preventing attacks upon the United States and allies of the United States, saving numerous innocent lives; and

Whereas intelligence officers of the United States must of necessity often remain unknown and unrecognized for their substantial achievements and successes: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 26, 2017, as ''United States Intelligence Professionals Day'';

(2) acknowledges the courage, fidelity, sacrifice, and professionalism of the men and women of the intelligence community of the United States; and

(3) encourages the people of the United States to observe this day with appropriate ceremonies and activities.

SENATE RESOLUTION 223—HONORING THE LIFE AND LEGACY OF LIU XIAOBO FOR HIS STEADFAST COMMITMENT TO THE PROTECTION OF HUMAN RIGHTS, POLITICAL FREEDOMS, FREE MARKETS, DEMOCRATIC ELECTIONS, GOVERNMENT ACCOUNTABILITY, AND PEACEFUL CHANGE IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. CRUZ (for himself, Mrs. FEINSTEIN, and Mr. GARDNER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 223

Whereas Liu Xiaobo was born on December 28, 1955, in Changchun, People's Republic of China;

Whereas Liu Xiaobo received his bachelor's degree in literature from Jilin University in 1982, his master's degree at Beijing Normal University in 1984, and his doctorate degree in 1988 in literature, after publishing several best-selling books over the course of pursuing his doctorate degree;

Whereas Liu Xiaobo began his work as a visiting lecturer at universities across the world, including Columbia University in New York, New York;

Whereas over the tenure of his career, Liu Xiaobo authored 18 major publications;

Whereas Liu Xiaobo was active in the Tiananmen Square protests, where he initiated the Tiananmen Four Gentlemen Hunger Strike, which lasted 3 days;

Whereas Liu Xiaobo has been credited for saving many students' lives by helping to negotiate their evacuation from Tiananmen Square;

Whereas Liu Xiaobo was detained and jailed in 1989 through 1991 for his role in the protests, and then jailed again in 1996 through 1999 for advocating that the Government of the People's Republic of China redress its wrongdoings in the student protest;

Whereas Liu Xiaobo married Liu Xia in 1996, who has stood bravely by his side as a partner and fellow activist;

Whereas, on December 9, 2008, a diverse group of more than 300 Chinese scholars, writers, lawyers, and activists issued Charter 08, a manifesto calling on the Communist Party of China to abandon authoritarian rule in favor of democracy, the guarantee of human rights, and the rule of law;

Whereas Liu Xiaobo was 1 of the original drafters of Charter 08 and was taken into custody just days before the manifesto was released;

Whereas in December 2009, a court in Beijing sentenced Liu Xiaobo to 11 years in prison for ''inciting subversion of state power'' for his involvement in drafting Charter 08;

Whereas Liu Xiaobo was awarded the Nobel Peace Prize on October 8, 2010, ''for his long and non-violent struggle for fundamental human rights in China'';

Whereas Liu Xiaobo's wife, Liu Xia, has been held in extra-legal home confinement since October 2010, 2 weeks after her husband's Nobel Peace Prize award was announced, and has reportedly suffered severe health problems over the years that required hospitalization;

Whereas in May 2011, the United Nations Working Group on Arbitrary Detention issued opinions declaring that the imprisonment of Liu Xiaobo and the detention of Liu Xia by the Government of the People's Republic of China contravened the Universal Declaration of Human Rights;

Whereas Liu Xiaobo has also received more than a dozen awards and honors from several international groups for his work as a defender of the press, an outstanding democratic activist, and a defender of human rights;

Whereas Liu Xiaobo was diagnosed with terminal liver cancer in May 2017;

Whereas Liu Xiaobo died on July 13, 2017, while serving his 11-year prison sentence; and

Whereas Liu Xiaobo dedicated his life to human rights, not only in his own country, but across the globe: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the life and accomplishments of Liu Xiaobo; and

(2) calls for the Government of the People's Republic of China to release Liu Xiaobo's wife, Liu Xia, from house arrest, and allow her to settle in a place or country of her own choosing.

SENATE RESOLUTION 224—RECOGNIZING THE 5TH ANNIVERSARY OF THE DEATH OF OSWALDO PAYA SARDIÑAS, AND COMMEMORATING HIS LEGACY AND COMMITMENT TO DEMOCRATIC VALUES AND PRINCIPLES

Mr. DURBIN (for himself, Mr. NELSON, Mr. RUBIO, Mr. MENENDEZ, Mr. CRUZ, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 224

Whereas Oswaldo Payá Sardiñas was born in Havana, Cuba, in 1952 and became a nonviolent critic of the communist government as a teenager, resulting in 3 years of imprisonment in 1969 at a work camp in Cuba, formerly known as ''Isla de Pinos'';

Whereas, in 1987, Oswaldo Payá Sardiñas founded the Christian Liberation Movement that called for peaceful civil disobedience against the rule of the Communist Party of Cuba and advocated for civil liberties;

Whereas, in 1992 and 1997, attempts by Oswaldo Payá Sardiñas to run as a candidate for the National Assembly of People's Power were rejected by Cuban authorities;

Whereas, in 1998, Oswaldo Payá Sardiñas and other leaders of the Christian Liberation Movement established the Varela Project in order to circulate a legal proposal to advocate for democratic political reforms within Cuba, including the establishment of freedom of association, freedom of speech, freedom of the press, free elections, freedom to start private businesses, and amnesty for political prisoners;

Whereas, in 2002, the Varela Project delivered a petition to the National Assembly of People's Power with 11,020 signatures from Cuban citizens calling for a referendum on safeguarding basic freedoms, an end to one-party rule, and citing Article 88 of the Constitution of Cuba that allows Cuban citizens to propose laws if the proposal is made by at least 10,000 Cuban citizens who are eligible to vote;

Whereas, in 2003, Oswaldo Payá Sardiñas redelivered the petition to the National Assembly of People's Power with an additional 14,384 signatures, establishing the biggest nonviolent campaign to oppose the Communist Party of Cuba;

Whereas, in March 2003, the crackdown on Cuban dissidents by the Government of Cuba, referred to as the ''Black Spring'', led to the imprisonment of 75 individuals, including 25 members of the Varela Project and 40 members of the Christian Liberation Movement, and the formation of the Ladies in White movement by the wives of the imprisoned activists;

Whereas, in 2007, Oswaldo Payá Sardiñas called on the National Assembly of People's Power to grant amnesty to nonviolent political prisoners and to allow Cubans to travel freely without a government permit;

Whereas, in 2009, Oswaldo Payá Sardiñas developed a Call for the National Dialogue;

Whereas petitions and calls by Oswaldo Payá Sardiñas to the National Assembly of People's Power were repeatedly dismissed and disparaged by the Government of Cuba;

Whereas Oswaldo Payá Sardiñas, his family, and friends endured years of harassment and intimidation for the peaceful political activism of Oswaldo Payá Sardiñas;

Whereas Oswaldo Payá Sardiñas has been formally recognized in the past for his dedication to the promotion of human rights and democracy, including by receiving the Homo Homini Award in 1999, the Sakharov Prize for Freedom of Thought in 2002, the W. Averell Harriman Democracy Award from the

United States National Democratic Institute for International Affairs in 2003, and being nominated for the Nobel Peace Prize by Václav Havel, the former president of the Czech Republic, in 2005;

Whereas, on July 22, 2012, Oswaldo Payá Sardiñas and Harold Cepero, a fellow pro-democracy activist, died in a troubling car crash in Granma Province, Cuba after being followed by government agents;

Whereas the Government of Cuba has failed to conduct a credible investigation into the car crash that led to the death of Oswaldo Payá Sardiñas;

Whereas the trial and conviction of Ángel Carromero, a youth leader of the People's Party who was visiting Cuba and driving the car at the time of the crash, did not include testimony from key witnesses, and did not resolve questions about whether another car was involved or whether Mr. Carromero was coerced by the Government of Cuba into signing a false statement of guilt;

Whereas, in 2012, the United States Senate unanimously passed Senate Resolution 525, 112th Congress, agreed to July 24, 2012, honoring the life and legacy of Oswaldo Payá Sardiñas;

Whereas, in 2013, a number of United States Senators and the United States Department of State called for an impartial, third-party investigation by the Inter-American Commission on Human Rights of the Organization of American States into the circumstances surrounding the death of Oswaldo Payá Sardiñas;

Whereas, in 2013, Ángel Carromero spoke in detail during an interview with The Washington Post about being hit by another car during the crash, being mistreated and coerced by Cuban authorities following the crash, and being made the ''scapegoat'' by the Government of Cuba for the death of Oswaldo Payá Sardiñas;

Whereas the dissidents of the ''Black Spring'' have been released from prison, but many political prisoners remain imprisoned in Cuba despite trails that failed to meet international due process standards; and

Whereas the 2016 Human Rights Report on Cuba by the United States Department of State cited ongoing human rights abuses by the Government of Cuba, namely ''the abridgement of the ability of citizens to choose their government; the use of government threats, physical assault, intimidation, and violent government-organized counter protests against peaceful dissent; and harassment and detentions to prevent free expression and peaceful assembly.'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commemorates the legacy of Oswaldo Payá Sardiñas on the 5th anniversary of his death on July 22, 2017;

(2) honors the commitment of Oswaldo Payá Sardiñas to democratic values and principles;

(3) calls on the Government of Cuba to allow an impartial, third-party investigation into the circumstances surrounding the death of Oswaldo Payá Sardiñas;

(4) urges the United States to continue to support policies and programs that promote respect for human rights and democratic principles in Cuba in a manner that is consistent with the aspirations of the Cuban people;

(5) urges the Inter-American Commission on Human Rights of the Organization of American States to continue reporting on human rights issues in Cuba, and to request a visit to Cuba in order to investigate the circumstances surrounding the death of Oswaldo Payá Sardiñas; and

(6) calls on the Government of Cuba to cease violating human rights and to begin providing democratic political freedoms to Cuban citizens, including freedom of association, freedom of speech, freedom of the press, free elections, freedom to start private businesses, and amnesty for political prisoners.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have two requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday July 19, 2017, at 10 a.m. in room G50 of the Dirksen Senate Office Building, to hold a ''Nominations Hearing.''

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

That the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, July 19, 2017, at 10 a.m., in room 406 of the Dirksen Senate Office building, to conduct a hearing entitled, ''Legislative Hearing on S. 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act.''

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, July 19, 2017 at 2 p.m., to hold a hearing entitled ''Nominations.''

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet in executive session during the session of the Senate on Wednesday, July 19, at 10 a.m. in SD–430. We will be considering the following: Nomination of Marvin Kaplan to be a Member of the National Labor Relations Board Nomination of William Emanuel to be a Member of the National Labor Relations Board.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, July 19, 2017, at 10 a.m. for a business meeting to consider pending committee business.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, July 19, 2017, upon conclusion of the preceding business meeting, in order to conduct a hearing titled ''The Postal Service's Actions During the 2016 Campaign Season: Implications for the Hatch Act.''

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, July 19, 2017, at 1:30 p.m., in SR–418, to conduct a hearing on pending nominations.

COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Wednesday, July 19, 2017 from 9 a.m. in room SH–216 of the Senate Hart Office Building to hold an open hearing entitled ''Open Hearing on the Nomination of Susan Gordon to be Principal Deputy Director of National Intelligence at the Office of the Director of National Intelligence preceded by Robert P. Storch to be Inspector General of the National Security Agency, and Isabela Patelunas to be Assistant Secretary for Intelligence and Analysis at the Department of the Treasury.''

COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence authorized to meet during the session of the 115th Congress of the U.S. Senate on Wednesday, July 19, 2017 from 2 p.m. in room SH–219 of the Senate Hart Office Building to hold a Closed Hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS

The Senate Committee on Energy and Natural Resources; Subcommittee on National Parks is authorized to meet during the session of the Senate in order to hold a hearing on Wednesday, July 19, 2017 at 10:15 a.m. in Room 366 of the Dirksen Senate Office Building in Washington, DC.

SUBCOMMITTEE ON WESTERN HEMISPHERE, TRANSNATIONAL CRIME; CIVILIAN SECURITY, DEMOCRACY, HUMAN RIGHTS AND GLOBAL WOMEN'S ISSUES

The Committee on Foreign Relations Subcommittee on Western Hemisphere, Transnational Crime; Civilian Security, Democracy, Human Rights and Global Women's Issues is authorized to meet during the session of the Senate on Wednesday, July 19, 2017 at 4:15 p.m., to hold a hearing entitled ''The Collapse of the Rule of Law in Venezuela: What the United States and the International Community Can Do to Restore Democracy.''

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Janine Kritschgau, be granted privileges of the floor for the remainder of the day.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senator to the Board of Visitors of the U. S. Air Force Academy: the Honorable STEVE DAINES of

Montana (Committee on Appropriations).

ORDERS FOR THURSDAY, JULY 20, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, July 20; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Bush nomination; further, that all postcloture time on the Bush nomination expire at 12:15 p.m.; finally, that notwithstanding the provisions of rule XXII, the cloture vote with respect to the Bernhardt nomination occur at 1:45 p.m. tomorrow.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:32 p.m., adjourned until Thursday, July 20, 2017, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

STEPHEN CENSKY, OF MISSOURI, TO BE DEPUTY SECRETARY OF AGRICULTURE, VICE KRYSTA L. HARDEN, RESIGNED.

DEPARTMENT OF DEFENSE

JOSEPH KERNAN, OF FLORIDA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE, VICE MARCEL JOHN LETTRE II.

GUY B. ROBERTS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ANDREW CHARLES WEBER.

SECURITIES AND EXCHANGE COMMISSION

HESTER MARIA PEIRCE, OF OHIO, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2020, VICE LUIS AGUILAR, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

MICHAEL DOURSON, OF OHIO, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JAMES J. JONES.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOHN J. BARTRUM, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE ELLEN GLONINGER MURRAY.

DEPARTMENT OF STATE

PETER HENRY BARLERIN, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

DEPARTMENT OF HOMELAND SECURITY

DANIEL J. KANIEWSKI, OF MINNESOTA, TO BE DEPUTY ADMINISTRATOR FOR NATIONAL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE TIMOTHY W. MANNING.

DEPARTMENT OF JUSTICE

KURT G. ALME, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE MICHAEL W. COTTER, RESIGNED.

THE JUDICIARY

ANNEMARIE CARNEY AXON, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE SHARON LOVELACE BLACKBURN, RETIRED.

LILES CLIFTON BURKE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE C. LYNWOOD SMITH, JR., RETIRED.

DEPARTMENT OF JUSTICE

DONALD Q. COCHRAN, JR., OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE DAVID RIVERA, RESIGNED.

RUSSELL M. COLEMAN, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE DAVID J. HALE, RESIGNED.

PETER E. DEEGAN, JR., OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE KEVIN W. TECHAU, RESIGNED.

J. CODY HILAND, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE CHRISTOPHER R. THYER, RESIGNED.

MARC KRICKBAUM, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE NICHOLAS A. KLINEFELDT, RESIGNED.

BRIAN J. KUESTER, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE MARK F. GREEN, RESIGNED.

R. TRENT SHORES, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE DANNY CHAPPELLE WILLIAMS, SR., RESIGNED.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on July 19, 2017 withdrawing from further Senate consideration the following nominations:

JAMES CLINGER, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS, VICE JEREMIAH O'HEAR NORTON, RESIGNED, WHICH WAS SENT TO THE SENATE ON JUNE 19, 2017.

JAMES CLINGER, OF PENNSYLVANIA, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF FIVE YEARS, VICE MARTIN J. GRUENBERG, TERM EXPIRING, WHICH WAS SENT TO THE SENATE ON JUNE 19, 2017.