

matters of national security, the economy, health care, and so many others.

It is also in our Nation's best interests to confirm the next Supreme Court nominee, which the President has said he intends to announce tomorrow. Justice Antonin Scalia was a towering figure on the Supreme Court. His unfortunate passing was not only a great loss to our country, but it came, as we all know, as our country was already in the midst of a contentious Presidential election process. So in keeping with the Biden rule, which states that action on a Supreme Court nomination must be put off until the election campaign is over, I have stood firm on the principle that the American people should have a voice in the selection of the next Supreme Court Justice. I consistently maintained that the next President would fill this vacancy. I held to that view even when nearly everyone thought the President would be Hillary Clinton. Our friends on the left may lack the same consistency on this topic. The principle we have followed, after all, is not only known as the Biden rule but also the Schumer standard.

But there is one thing from which we can expect the left not to waiver: trying to paint whoever is actually nominated in apocalyptic terms. It does not matter whom this Republican President nominates. It does not matter whom any Republican President nominates really. The left has been rolling out the same tired playbook for decades.

When the Republican President was George Herbert Walker Bush, groups on the left said the record of his first Supreme Court nominee was “disturbing” and “very troubling” and that his opinions “threaten to undo the advances made by women, minorities, dissenters and other disadvantaged groups.” That is what the left said about President Bush 41’s first nominee. Who was it? David Souter.

When the Republican President was Ronald Reagan, groups on the left also said that the record of one of his nominees was “troubling.” They even called him a “sexist” and said he “would be a disaster for women” if confirmed. The nominee in question? Anthony Kennedy.

When the Republican President was Gerald Ford, the left said that they had “grave concern with his Supreme Court nominee” and that the record of this nominee “revealed an extraordinary lack of sensitivity to the problems women face.” In fact, they said he was disqualified from being a member of the Supreme Court of the United States because of his consistent opposition to women’s rights. Who was the nominee they were referring to? John Paul Stevens.

I am serious. That is what they said about John Paul Stevens, David Souter, and Anthony Kennedy.

So we can expect to hear a lot of end-times rhetoric from the left again today. In fact, we already have. The

same groups on the left that always seem to say the sky is falling when a Republican President puts forward a Supreme Court nominee are saying it is falling again. Only this time, they are saying it before we even have a nominee. We don’t even have a nominee yet.

President Trump has a list of about 20 Americans he is considering nominating to the Supreme Court. These men and women have different professional backgrounds, different life experiences. Some have distinguished themselves in State courts; others have distinguished themselves in Federal Court. Some are appellate court judges; others are trial court judges. Some passed the Senate without a single negative vote against their nomination; others passed the Senate without requiring a rollcall vote at all on their nomination.

The bipartisan support, the years of judicial experience, the impressive credentials—none of these appear to matter to some on the left. They say things like “We are prepared to oppose every name on the list.” That is right. Every single name on the list they have already announced opposition to. Even more troubling, some Senate Democrats are saying the same thing. My friend from New York said it was hard for him to imagine a nominee from President Trump whom Senate Democrats could support. We don’t even have one yet.

I hope we can all skip past that and get down to our serious work. The election is now behind us. The President has been working to make his decision on a nominee. We expect him to announce that decision tomorrow. The Senate should respect the results of the election and treat this newly elected President’s nominee in the same way the nominees of other newly elected Presidents have been treated; that is, with careful consideration followed by an up-or-down vote.

We had two nominations in the first term of President Clinton: Ginsburg and Breyer. Both got up-or-down votes. There was no filibuster. We had two nominations in the first term of President Obama: Sotomayor and Kagan. No filibuster. Up-or-down votes. First-term Presidents. We have every right to expect the same courtesy from today’s minority when we receive this nomination tomorrow.

RECOGNITION OF THE MINORITY LEADER

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

TRAVEL BAN

Mr. SCHUMER. Mr. President, I rise this afternoon, like much of America, angry and perturbed but in resolute opposition to the President’s Executive order issued on Friday. This Executive order was mean-spirited and un-American.

It made us less secure. It put our troops in the field at increased risk. It was implemented in a way that caused chaos and confusion across the country. It must be reversed immediately. Let me give three reasons why.

First, it ought to be reversed because it will not make us safer, as the President argues. It will make us less safe.

The President’s Executive order targeted seven Muslim-majority countries. Not one terrorist attack has been perpetrated on U.S. soil by a refugee from one of these countries—not one. Moreover, it could alienate and inflame the communities we need most in the fight against terrorism.

As my friend Republican Senator JOHN McCAIN noted, it could increase the small number of lone wolves, which pose the greatest threat of terrorism. Both the San Bernardino and Orlando attacks were done by lone wolves, American citizens importuned by the evil ISIS. This rule would have nothing to do with that.

As my friend JOHN McCAIN has noted, it could increase the small number of lone wolves, which pose the greatest threat of terrorism. As both Senators McCRAIN and GRAHAM expressed yesterday, this order is a valuable propaganda tool for ISIS. We saw that happen today. They predicted it yesterday, McCRAIN and GRAHAM. It happened today. They want nothing more than to paint the United States as a country at war with all of Islam. This order feeds right into the perception ISIS and other extremists want to create. The bottom line is, the policy will make us less safe, not more safe.

Second, while there is no way to defend the order, it was poorly constructed and even more poorly executed. The order was signed into effect without the consultation of the Federal agencies that are responsible for enforcing it: the Department of Justice, the Department of Homeland Security, or the Department of State, and possibly others.

People across America saw utter chaos and confusion that resulted in our airports over the weekend. The people in charge of implementing it weren’t even told about it. Folks were caught in detention at airports around the country, young children separated from their mothers, husbands from their wives, green card holders and legal residents being denied the right to see an attorney. Some folks were pressured into signing away their permanent legal status. We are looking into that right now.

It raises serious doubts about the competence—the basic competence—of the new administration when such an important order is so poorly vetted and executed, just like some of their Cabinet nominations. Such a far-reaching and impactful Executive order should have gotten extreme vetting. Instead, it was rushed through without much thought or deliberation. I could not disagree more with the intention behind the order, but the haphazard and

completely incompetent way in which it was implemented made matters even worse.

Third, and most important of all, the order should be reversed because it is un-American. We are a nation founded by the descendants of asylum seekers, a nation that has been constantly invigorated, replenished, and driven forward by immigrants, many millions of whom came under duress, seeking a new birth of freedom in America. The ability to find refuge from persecution, whether based on one's religion or race or political views, goes to the very foundation of the country, starting with the Pilgrims and Plymouth Rock. The Executive order is antithetical to everything we are about.

President Trump seems to want people to believe that all immigrants are terrorists or criminals, but when you meet immigrants, you see they are not the face of terrorism; they are families just like ours. Yesterday I met two. They were at my office. Mr. Hameed, an Iraqi refugee, worked at a local university department in English literature and, because he loved our country and what we were trying to do, he chose to use his language skills to be a translator for American soldiers in Iraq. He worked as a translator for the U.S. Army in Iraq for 10 years. He endured death threats and harassment to himself and to his family because he was helping us and our soldiers. So he began the refugee process about 2 years ago.

He arrived on January 5. If Donald Trump had been inaugurated on January 1 and enacted his order 6 weeks sooner, Mr. Hameed would have had to stay in Iraq. His life would have been threatened for cooperating with our military.

What kind of message does this send to the untold millions of people just like Mr. Hameed throughout the Muslim world who today will be less likely to work for and with our great country?

Then I met the Elias family. They were a different type. They have four children. They arrived here a month ago. Their journey to the United States began 5 years ago from war-torn Syria. After surviving the brutal civil war, where suicide bombs had been blowing up in front of their house, they were finally reunited with their family in the Bronx. You see, the driving force that brought them here were two American citizens, their grandparents. Mr. and Mrs. Elias came in around 1970.

They are model Americans, the Elias. I met them. I talked to them. I enjoyed talking to them. Mr. Elias started out as a tailor, a skill that is disappearing. We don't have too many tailors left in America. He is an entrepreneur, like so many immigrants, and he started a small business. He now refurbishes the interior of boats mainly on City Island over there in the Bronx. I have been there. It is a beautiful place.

Well, he wanted to bring his people, his kids and grandchildren, here be-

cause their lives were threatened. They came again a month ago. I met the little boy, a beautiful little boy, a red-headed Syrian refugee.

I said: What do you want to be when you grow up?

A policeman.

I asked the daughter: What do you want to be?

A doctor.

The Elias family and their young children are not a threat to America; they are the promise of America, the same types of people, Mr. President, as your ancestors and mine who came here seeking a better life and working so hard for it.

It is my guess, if President Trump met these refugees, Mr. Hameed and the Elias family, he wouldn't be so hard-hearted.

Our country has a grand and proud tradition of welcoming families like these with open arms. America is at her best when she is a safe harbor in a world of stormy seas.

I urge my Republican colleagues to help us overturn this wrongheaded, counterproductive, dangerous, and un-American Executive order. So many of you know it is wrong. I understand party loyalty. I do. But what this order does is go against the grain that there are higher values at stake.

Eleven of my colleagues on the other side of the aisle have expressed reservations already. I urge them and others to back up their words with action. Let's repeal the order, then sit down and thoughtfully and carefully construct a better way to keep our country safe from terrorism.

President Obama toughened up vetting. If there is more vetting that has to be done, we will be happy to look at it and work with you on it but not something like this.

At 5:15 today, I will be asking unanimous consent to call for a vote on a bill offered by my friend from California Senator FEINSTEIN, the ranking Democrat on the Judiciary Committee, to overturn the order, and I hope our Republican colleagues will join us.

As proponents of this legislation, we believe it shows strength.

Proponents of the order say it shows strength, but it is not true; it is not true. Let me explain why. My middle name is Ellis; Charles Ellis Schum. I was named after my uncle Ellis, who was named for Ellis Island. My daughter's middle name is Emma. We named her for the poet Emma Lazarus, whose timeless words adorn the base of the Statue of Liberty: "Give me your tired, your poor, your huddled masses yearning to breathe free."

The Statue of Liberty is a symbol of our Nation. Around the world, people recognize it, that mighty beacon that I can see from my home in Brooklyn, and they know we are a nation whose might comes not only from our great military but from our morality, whose leadership—our country's leadership is demonstrated not by projecting a fear of outsiders but by inspiring them in a

hope for a better life here in America. Our country is a country whose strength comes from its values, and among them is a commitment to be that golden door that Emma Lazarus spoke about, a shelter, a commitment to shelter the oppressed and the persecuted.

Just as we faced down and defeated the threat of communism with our values—a respect for the rule of law, for equality under the law, for free markets and free societies—we must face down the twin threats of terrorism and jihadism, not only with military strength, as important as that is, but also with our values: religious freedom, tolerance, decency.

Our greatest weapon will always be our values. That is what makes us strong. They are "a new colossus," as Emma Lazarus called it over 100 years ago.

The only way we will lose the war against terrorism is if we lose ourselves and retreat from our values. Not only will this Executive order embolden and inspire those around the globe who wish to do us harm, it strikes against the very core of America, our values, our greatest strength. We are better than this. So I will fight with every fiber of my being until this Executive order is gone.

NATIONAL SECURITY COUNCIL

Mr. SCHUMER. Mr. President, on Friday, the President reshuffled the National Security Council to remove permanent postings for the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence and installed a permanent seat for White House Political Adviser Steve Bannon. It is a disturbing and profound departure from past administrations.

On the most sensitive matters of national security, the President should be relying on the informed counsel of members of the military and intelligence agencies, not political advisers who made their careers promoting a White nationalist Web site.

The Chairman of the Joint Chiefs of Staff is the President's primary military adviser, and his voice, along with that of the Director of National Intelligence, are the only independent, apolitical voices. President Trump's move to strip them of their seats is baffling. It endangers our national security and is contrary to the spirit and intent of the National Security Act.

This morning, Gen. Michael Hayden—I can't think of a more respected general and intelligence leader. He has served bipartisanly, the Clinton, Bush, Obama administrations. He said that the move—and these are his words, not mine, General Hayden's—"puts ideology at the center over the professional kind of information that the DNI and the Chairman of the Joint Chiefs bring to the party."

That is a deeply disturbing thought. It reinforces this administration's preference to propagate its own reality, rather than grapple with the facts on the ground, and if that continues, America is going to have real trouble.

It is one thing when it comes to a dustup about the size of the inauguration crowd; it is an entirely different story when it is the most sensitive activities undertaken by our Nation's government.

Much like the Muslim ban, this decision was poorly thought out and ill-conceived. It has put a filter on the information going to the President and, like the Executive order, makes us less safe.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that my 10 minutes be extended to 15 minutes.

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

(The remarks of Mr. INHOFE pertaining to the introduction of S.J. Res. 9 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. INHOFE. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRAVEL BAN

Mr. SCHATZ. Mr. President, in just a few weeks, our great country will mark the 75th anniversary of President Roosevelt's Executive order authorizing the internment of hundreds of thousands of Japanese, German, and Italian Americans during World War II. They were rounded up with their families and held behind barbed wire like war criminals. But they had done nothing wrong; their crime was being Japanese, German, or Italian. They were labeled "enemy aliens."

Mark Twain reportedly said that history doesn't repeat itself, but it does rhyme, and this seems to be the path the President has pursued with his Muslim ban. This ban has already harmed green card holders, students, business people, and those fleeing violence and persecution. Remember, these are the people fleeing the vio-

lence, not the perpetrators of the violence. They are the victims, not the criminals. They have been pulled from their flights, left stranded in the airports. They have been detained without the ability to talk with a lawyer. And they are wondering if the United States of America is still the beacon of hope, the lamp by the golden door, the shining city on the hill.

Iraqis who risked their lives to serve our country as translators saw their visas revoked. An 11-month-old baby was detained. That is disgusting. It is un-American. It is contrary to everything we stand for.

We stand for providing refuge for those who want to escape their own awful circumstances and live in freedom and opportunity. It is my grandparents escaping Ukraine. It is my wife's grandparents leaving China. It is the Schatzes. It is the Binders. It is the Kwoks. It is Albert Einstein. It is Madeline Albright. This is who we are. We are people from all over the world. We are united not by our ethnic extraction or religious affiliation but tied together by our love for America.

Here is the thing: It is not even as though we are trading liberty for security. We are getting no additional security. This is all about being cruel to Muslims because it is good politics for some people.

This isn't just morally wrong, it is also guaranteed not to work. This ban is ridiculous as a homeland security measure.

First, zero people from the countries on the ban list have been involved in terrorist attacks in America. Zero people from the countries on the ban list have been involved in terrorist attacks on America. It is almost as though the criteria for picking the countries is something other than the threat of terrorism.

Second, this ban has the potential to strengthen violent extremist groups by playing right into their hands. It encourages everyone to be afraid of people we don't know from other places. That is not America, and it will not work.

When President Gerald Ford repealed the Executive order interning Japanese Americans, he asked citizens across the country to make a pledge. He said: "I call upon the American people to affirm with me this American promise—that we have learned from the tragedy of that long-ago experience forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated."

That promise is being broken. It is broken for the American who came to this country as a lost boy from Sudan and who now cannot see his family. It is broken for the American married to an Iranian, whom the government is splitting from her husband. It is broken for the millions of Americans, the majority of us, who want us always to have the moral high ground.

The world is watching. History is watching. We have to ask ourselves:

What do they see? Do they see Lady Liberty or do they see something darker? The choice is ours. We can fix this.

We start by following the wise words of Fred Korematsu, an outspoken voice against Japanese internment and an American hero who was born 98 years ago today.

He said: "Protest, but not with violence, and don't be afraid to speak up."

Today I call on every Member of the Senate to follow Mr. Korematsu's advice. Speak up, stand against this ban, and fight chaos and paranoia as official government policy.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CAPITO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

(The remarks of Mrs. CAPITO pertaining to the introduction of S.J. Res. 10 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF SCOTT PRUITT

Mrs. CAPITO. Madam President, the Environmental Protection Agency, which bears most of the blame for regulations targeting energy jobs, is in dire need of a change of direction. The EPA under the Obama administration was unwilling to engage the people of West Virginia in public listening sessions or hearings about decisions that directly impacted our State's economy, and I have described what the result of that has been.

This failure to effectively engage resulted in a number of job-killing regulations, like the utility MATS rule for powerplants, the so-called Clean Power Plan, and the waters of the U.S. rule.

As the Presiding Officer knows, the waters of the U.S. rule is something that impacts not just mining but also agriculture, construction, and it really has far-reaching implications.

Scott Pruitt, who is President Trump's nominee to become the EPA Administrator, has gone through a thorough review process by the Environment and Public Works Committee. At Attorney General Pruitt's confirmation hearing, Senators from both parties were permitted to engage in as many as four rounds of questioning, and some of them were pretty tough. After the hearing, Attorney General Pruitt answered 1,078 questions for the RECORD. Combining both the hearing and the followup questions, Attorney General Pruitt answered more than 1,200 questions from our committees.

Through the process, Attorney General Pruitt has shown himself to be a person who cares about applying our environmental laws as they were written and intended by Congress. He has a