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Senate

The Senate met at 12 noon and was called to order by the Honorable SHELLEY MOORE CAPITO, a Senator from the State of West Virginia.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rabbi Barry Block, leader of the Congregation B'nai Israel in Little Rock, AR.

The guest Chaplain offered the following prayer:

Divine Source of Blessing, we come before You today to ask Your blessings on the United States Senate and on the 100 men and women who serve our Nation here. Like King Solomon before them, let these Senators lead our Nation with wisdom, with Your Word and our Nation's Constitution constantly guiding them to pursue liberty and justice, opportunity and equality, for every man, woman, and child within our borders, for those who would peacefully seek refuge on our shores, and for each of Your children on Earth. Make them ever mindful of Your command to remember the heart of the stranger—the people most unlike them and the least powerful of voices—for we were all strangers in one Egypt or another. In this age of division, unite these Senators, for only when working together across party lines do they truly represent all Americans.

Temper the majority's resolve with humility. Let the minority manifest an opposition that is as loyal as it is robust. Let all come together to ask Your choicest blessings on the United States of America.

And let us say, Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 31, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELLEY MOORE CAPITO, a Senator from the State of West Virginia, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mrs. CAPITO thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

WELCOMING THE GUEST CHAPLAIN

Mr. BOOZMAN. Madam President, Senator COTTON and I would like to welcome Rabbi Barry Block and thank him for delivering the opening prayer to the Senate today. I am proud that he accepted our invitation to lead the Senate with his spiritual guidance.

Rabbi Block is the leader of B'nai Israel—Arkansas's largest Jewish congregation—a position he has held since 2013. I have gotten to know Rabbi Block and his dedication to his congregants through his annual visits to Washington with the Religious Action Center of Reform Judaism. He has served Reform Judaism as a member of the Board of the Central Conference of American Rabbis and chair of its Resolutions and Nominating Committee and as president of the Southwest Association of Reform Rabbis.

Serving as the guest Chaplain is an incredible honor. Today he is joined by his sons Robert and Daniel. He wished to share this experience with his congregants as well. I enjoyed meeting

yesterday with him and his confirmation students to hear about their concerns on a wide variety of social issues. I appreciate his prayer for our country and its leaders.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

FILLING THE SUPREME COURT VACANCY

Mr. McCONNELL. Madam President, yesterday the Senate voted to advance President Trump's nominee for Secretary of State. I look forward to confirming him and the rest of the President's slate of well-qualified nominees. We need them to get to work as soon as possible.

We will have more opportunities to advance nominees starting this afternoon, and later tonight, we expect the President to send us another nominee. The President said he will announce his choice for the Supreme Court shortly from a list of about 20 well-qualified Americans. It is a list he shared publicly months ago. As I said yesterday, each of those potential nominees has a distinguished background, whether on the appellate courts or trial courts, whether at the State level or the Federal level.

We look forward to the announcement of this nominee tonight, and we look forward to doing our job to fairly consider that nominee here in the Senate. Our friends across the aisle should treat this President's nominee in the same manner as previous nominees of newly elected Presidents. This is not the time for our friends to embark on another partisan crusade.

We have just been through a contentious election. It is time to bring our country together. It is disappointing

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



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S499

that we have already started hearing some of the same tired rhetoric from the left. This is before the President even announces the nominee—disappointing but not surprising. The left has been doing this for decades. It does not matter if the President is George H.W. Bush or Gerald Ford. It does not matter if the nominee is David Souter or John Paul Stevens. They will warn of impending doom. They will claim the end is nigh. They will run through the required list of attacks: extreme this, anti that, herald the apocalypse. And then, miraculously, the Sun will rise again in the East, and the world will still keep on turning. I hope we can skip past the left's hyperbole this time.

Unfortunately, we have heard our friend the Democratic leader talk about fighting the President's nominee tooth and nail. We have heard that others in his party are preparing to mount a filibuster of this nominee. Of course, we do not even know who it is yet. That is not productive. That is not what our country needs right now.

We understand that some on the left will never be pleased with any nominee this President—or any Republican President, for that matter—puts forward. We know some will continue to refuse to accept the results of the election. But our Democratic colleagues should not follow the far left down that harmful path for our country.

We need to all remember that the Supreme Court seat does not belong to any President or any political party. I have been clear all along that the next President, regardless of party—regardless of party—would name the next nominee for this seat. It is a decision I stood by even when it seemed likely we would have a Democrat in the White House. It is worth repeating, of course, that this standard is not uniquely mine or even Senate Republicans'. There is a reason this principle has been called not only the Biden rule but also the Schumer standard.

But, look, the election season is now over. We have a new President. We each have a responsibility to be serious and move from campaign mode to governing mode. It is my sincere hope that our friends across the aisle will join us in thoughtfully reviewing and considering the next Supreme Court Justice. It is the best way forward for the Senate, for the Court, and for our country.

RECOGNITION OF THE MINORITY LEADER

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

TRUMP ADMINISTRATION

Mr. SCHUMER. Madam President, there is a theme that is beginning to define this new administration: incompetence leading to chaos. Over the weekend, the hastily constructed Executive order on immigration and refu-

gees caused chaos in airports across America and across the world. Folks were caught in detention at airports for up to 12 hours, young children separated from their mothers, husbands from their wives, elderly travelers denied medical care, 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. There were scenes of utter havoc.

Nobody seemed to know the legal ramifications of the order, including the most senior officials in charge of enforcing it—at DHS, DOJ, and State. There is a reason no one knows the legal ramifications. No one asked the professionals in the Departments. Isn't it amazing—on one of the most sweeping Executive orders ever issued, the Secretary of Defense, the Secretary of Homeland Security, and the head of the CIA have said through reports that they did not even know of it.

The level of incompetence of this administration already, only 10 days into the Presidency, is staggering.

The legal ramifications leading to the firing of Sally Yates last night—there is a reason no one knows the legal ramifications. No one asked the professionals in the Departments and agencies responsible for implementing the rules.

A good manager, an administration with even a low bar of confidence, would have given the Department of Justice ample time to shape this policy and review it, as well as 15 or 30 days to implement it. At Kennedy Airport, Customs, the CPB—they had no idea this was coming down.

Last night, incompetence led to chaos at the Justice Department. Deputy Attorney General Sally Yates, then-Acting Attorney General, issued a notice saying the Department of Justice will not defend President Trump's Executive order on immigrants and refugees from Muslim-majority countries because of its dubious legality and even more dubious constitutionality. To put this in perspective, this was our country's top lawyer, someone who served administrations in both parties, someone who has the reputation of doing things on the merits, of not being political, saying that the Executive order is on such shaky legal and constitutional ground that the administration's lawyers should not defend it.

I have to say that she was our country's top lawyer, because within hours of her principled statement detailing her professional legal opinion, the Trump administration fired her. An hour later, the Acting Immigration and Customs Enforcement Director was dismissed as well.

The hair-trigger response from the White House to relieve them of their duties was a Monday night massacre, eerily reminiscent of the political firing by the Nixon administration during Watergate. But instead of it happening 6 years into an administration, it happened within the first 2 weeks. How

many more of these dismissals will take place over the next 4 years? How many more firings because the President and his people in the White House do not want to hear a proper legal opinion?

Sally Yates was the Acting Attorney General. Why wasn't she consulted on the Executive order? Maybe if she had been, they would have learned all of the ways it is legally and constitutionally deficient and the administration would not have issued it.

But here we are, 2 weeks into the new Trump administration. Already we are on the cusp of a constitutional crisis. We are already in a crisis of competence.

A dangerous pattern is beginning to emerge because throughout the past week, incompetence led to chaos at the State Department as well. Before the Secretary of State is confirmed, before any Deputy and Under Secretaries have been named, the President unceremoniously cleared out more than a century of experience among senior officials at the State Department. One of the top officials removed last week was in charge of management issues at the State Department, including security of our embassies and associated personnel overseas. This could potentially put our people overseas at risk and could potentially make it more difficult for our government to conduct the business of our Nation overseas. This makes America weaker, not stronger.

Another official was in charge of ensuring the compliance of nations with whom we have arms control and security treaties. This is an area where my friends from the other side of the aisle—most notably, my friend from Arkansas—demanded robust action under the previous administration, especially with respect to Russia. These important issues require continuing senior-level government attention and expertise, not a vacant office.

So, again, incompetence is astounding the American people. It is amazing how poorly done so many things that have come out of the White House in the first 2 weeks have been. It seems the President is treating our Nation's most senior and capable members of his workforce as if this is an episode of "The Apprentice."

Unlike on the campaign trail, the President's slapdash decisions, tweets, and the basic incompetence of his administration threatens to spread chaos across the country and across the world, undermining America's global reputation and making Americans less safe—especially the Executive order on immigrants and refugees.

The events of last night make that fact as clear as day. Our country's top lawyers think it is illegal, unconstitutional, and indefensible. An unprecedented number of senior nonpartisan State Department personnel—many of whom served under Republican administrations loyally and ably—signed