

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

onto a letter of dissent, a memo of dissent, actually, arguing that the Executive order “will immediately sour relations with much of the Muslim world . . . [and] increase anti-American sentiment” from seven countries from which not a single refugee has ever committed an act of terrorism in America, not a single one.

Today, even more than yesterday and over the weekend, we have reason to overturn this Executive order. I urge my Republican colleagues to rethink their position, to join us on Senator FEINSTEIN’s bill to rescind the order. Then we can actually get to work, actually protecting our country with a smart, thoughtful, and effective policy against terrorism—not with what seems good on a tweet.

I asked a unanimous consent request yesterday because this order is so bad for our safety, for our security, for our troops, for our country, and for the moral leadership that we have always held. There is even a greater need today because we saw what Sally Yates said and the President’s actions.

The need to rescind this order is even greater today than it was yesterday, so I am pleading with my colleagues. I know many of you have doubts about this order. You have expressed them. Let’s rescind it and really get to work on tightening up our laws and making America safe from terrorists.

UNANIMOUS CONSENT REQUEST—S. 240

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senator FEINSTEIN’s bill, S. 240; that there be 2 hours of debate equally divided; and that upon the use or yielding back of time, the bill be considered read a third time and the Senate proceed to vote on passage of the bill; finally, that there be no amendments, motions, or points of order in order to the bill.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Reserving the right to object, I feel like Yogi Berra when he said “It’s déjà vu all over again.”

Just 18 hours ago, the Senator from New York and I stood here, and he made the exact same request, and I objected to it. And I will object again. I will object tomorrow, and I will object for as long as he wants to make these requests.

I will point out, though, that the business of the people is not being done. For all of you up there in the Gallery, we just started 20 minutes ago. That is the regular order under which the Senate starts when it can’t reach agreement on when to start earlier. We typically would start around 9:30 or 10, but the Democrats refused to allow us to come in earlier today to start processing some of the President’s nominations.

You may have heard on TV that Democrats on the Finance Committee have boycotted their hearing this morning. They refused to show up to do their job to confirm some of the President’s nominees.

I don’t know how long they plan to do this. I don’t know if they intend to abscond out of the district, if we are going to have to vote to have the Sergeant at Arms track them down and haul them into work to do their business. I see him standing right over there. He has a distinguished record in military and law enforcement. He could probably do that effectively.

I wish, though, that they would simply show up and have a debate and do their work and confirm the President’s nominees in an orderly process.

The Senator from New York mentioned State Department officials who had left work last week. Well, there is a simple solution for getting political accountability at the State Department, and that is for this body to confirm Rex Tillerson to be the Secretary of State.

Finally, I just want to make a few points about Ms. Yates’s firing last night, since that is the only thing that has changed since the Senator from New York and I were on the floor yesterday.

Ms. Yates, in her letter about the President’s order, did not cite any provision of the Constitution, any Federal law that suggested the President’s order was unlawful or unconstitutional, nor could she because her own Office of Legal Counsel, which provides legal guidance for the executive branch, had already reviewed the order before it was issued for its form and its legality and had signed off on it. Her decision was a policy decision, which is not a decision of the Attorney General—certainly is not a decision of a holdover Acting Attorney General—to make.

She was grandstanding. She should have been relieved. I am glad the President relieved her.

The American people deserve to have a politically accountable Attorney General to make these decisions, which we would have, yet again I say, if the Democrats would simply do their job and process these nominees in an orderly fashion.

So, as I said, on behalf of the Republican Conference, I object. I will object tomorrow. I will object for as long as we make these frivolous, dilatory requests.

The PRESIDING OFFICER (Mr. CRUZ). Objection is heard.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the nomination of Elaine Chao to be Secretary of Transportation, which the clerk will report.

The senior assistant legislative clerk read the nomination of Elaine L. Chao, of Kentucky, to be Secretary of Transportation.

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes of debate, equally divided in the usual form.

The Senator from South Dakota.

Mr. THUNE. Mr. President, I have sought recognition to speak in support of Secretary Elaine Chao to be the Secretary of Transportation.

It would be hard to come up with a more qualified nominee than Secretary Chao for this important role. In addition to serving for 8 years as the U.S. Secretary of Labor, Secretary Chao has also served as the Deputy Secretary of the Department that she has now been tapped to lead. Her extensive experience also includes the United Way of America, the Peace Corps, and the Federal Maritime Commission.

The Commerce, Science, and Transportation Committee, which I am honored to chair, held a hearing on Secretary Chao’s nomination on January 11 of this year. To no one’s surprise, she demonstrated her experience, her thoughtfulness, and her commitment to working collaboratively with Congress on the challenges facing our transportation system.

Last week, the Commerce Committee acted by voice vote to report her nomination favorably to the floor, and I am hopeful that the Senate will confirm her overwhelmingly today.

The agency Secretary Chao has been nominated to lead plays a vital role in facilitating and promoting the safe and efficient movement of goods and people throughout the country and around the world.

Our economy is truly dependent upon a thriving transportation sector. Without a robust and efficient transportation sector, rural States like mine would be unable to get their goods to the market.

Increasing the capacity and the efficiency of our Nation’s highways, rail lines, pipelines, and ports is crucial and will have to be a top priority for the next Secretary of Transportation.

A continued focus on safety must also be a top priority for the next Secretary. While our Nation’s pipelines, railroads, airways, and highways have a strong record of safety, improvements can and should be made. Many of the strong safety improvements the Commerce Committee advanced as part of the FAST Act and the PIPES Act last Congress are yet to be implemented, and we will expect our next Secretary of Transportation to work with us to ensure speedy implementation.

We will also have the opportunity to collaborate on safety improvements when we revisit the authorization of the Federal Aviation Administration later this year. The next Secretary of Transportation will also have a unique opportunity to show Federal leadership in the advancement of transportation innovation. V2V technology, autonomous vehicles, and unmanned aircraft systems, to name a few, have great promise to promote safety, improve efficiency, and spur economic growth in this country.