

known Senator Sessions for. We are going to miss him in the Senate, but we couldn't be more proud of him as he begins this new position.

SENATOR-DESIGNATE LUTHER STRANGE

Mr. MCCONNELL. Mr. President, of course the departure of one Senator typically heralds the arrival of a new one. Today is no different. I hope colleagues will join me in welcoming Alabama's newest Senator later today, LUTHER STRANGE, who will be sworn in this afternoon.

You won't have much trouble finding him. He will be the tallest guy around here. Now, you would expect nothing different from a former college basketball player. Senator THUNE and Senator COTTON last night were somewhat distressed by the notion that they would be replaced by an even taller Senator, and that will happen later today.

LUTHER STRANGE, like the man who preceded him, is a devoted Eagle Scout. He shares his interest in the law too. He even argued successfully before the Supreme Court. It is notable experience to bring to any job, especially this one, and especially at a time when we are actively involved in the process of considering a new—and superbly qualified—nominee to the Court.

We are looking forward to the contributions that Alabama's newest Senator will make. He will have the chance to get started right away. We have important work to do, and that starts with confirming more of the qualified Cabinet nominees who are before us.

NOMINATION OF TOM PRICE

Mr. MCCONNELL. Mr. President, the nominee currently before us is the President's pick for Health and Human Services Secretary, Congressman TOM PRICE, a physician. Dr. PRICE knows more about health care policy than just about anyone. He doesn't just understand health care policy as a policymaker—although he does deeply—he also understands it as a practicing physician. He gets the real-world impact.

He has a clear-eyed view about Washington's capacity to do great harm, even with the best of intentions, just as he is excited about his potential to do great good.

He can start having a positive impact almost as soon as he is confirmed. He can start bringing stability to the health care markets ObamaCare has harmed. He can start bringing relief to the families ObamaCare has hurt. I know he is ready to get to work with Congress to move toward truly patient-centered health care—care that prioritizes the needs of patients over the needs of Washington.

The American Medical Association supports him and says: “[H]is service as a physician, state legislator and member of the U.S. Congress provides a depth of experience to lead HHS.”

The Association of American Medical Colleges supports him and says: “[H]e will bring a thoughtful, measured approach to tackling the wide range of issues affecting the nation's health.”

And the Healthcare Leadership Council couldn't be more enthusiastic. “It is difficult,” they said, “to imagine anyone more capable of serving his nation as the Secretary of Health and Human Services than Congressman Tom Price.”

That is high praise. It also happens to be accurate.

The American people need Dr. TOM PRICE applying his practical knowledge as a doctor and as a legislator at the Department of Health and Human Services, an agency in great need of new leadership.

This job is a big one. There is no doubting that. It requires overseeing some of the Nation's most important programs, like Medicare and Medicaid, and helping to protect public health at the CDC and helping to find cures at NIH and helping to ensure at the FDA that those cures can make it to the patients.

It is a big job, but TOM PRICE is the right man for it. We shouldn't wait a moment longer to confirm him. As soon as we do, we will turn to the nomination of Steve Mnuchin to lead the Department of the Treasury.

NOMINATION OF STEVEN T. MNUCHIN

Mr. MCCONNELL. Mr. President, I will have more to say about Mr. Mnuchin tomorrow, but let me say this. For the last 8 years, Americans had to endure an economy that failed to live up to its potential. Part of the problem was the regulatory avalanche of the last administration. It is time to finally move toward a modern regulatory framework instead, one that appropriately manages risks while promoting growth and job creation. The President has started providing relief already that will move us toward that goal. Steve Mnuchin can help do more.

He also has an important role to play in the effort to make our tax system simpler and more conducive to the kind of economic growth and job creation we should all want. It won't be easy to get that done. We need someone like Steve Mnuchin working with both parties to make it happen.

The Treasury nominee is smart, capable, and he has impressive private sector experience. We need him confirmed as soon as possible so he can begin to tackle these challenges and reverse the last 8 years of economic heartache.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the nomination of THOMAS PRICE, of Georgia, to be Secretary of Health and Human Services, which the clerk will report.

The senior assistant legislative clerk read the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The Senator from Utah.

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. I will be happy to yield.

Mr. SCHUMER. I thank my colleague.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CONGRATULATING SENATOR HATCH: THE LONGEST SERVING REPUBLICAN SENATOR IN AMERICAN HISTORY

Mr. SCHUMER. Mr. President, before our great friend from Utah gets up, I have other remarks; I will let the Senator from Utah speak before those. But I want to join my distinguished friend the majority leader in recognizing the Senator from Utah, who has become the longest serving Republican Senator in history.

We have been friends for a long time. He has given me guidance. He keeps telling me he is going to straighten me out one of these days—a work in progress, I guess we would think—but he is a terrific guy. He is a decent man. He is a caring man. He is an honorable man.

He has been a great partisan when he has to be, but he has shown tremendous independence on many different occasions. In fact, probably my mentor around here, Senator Kennedy, loved working with Senator HATCH, and they accomplished great things for America.

Even just recently, on an issue like Puerto Rico, there was not much gain for him personally. I don't think there is a large Puerto Rican population in Provo or Ogden. But he cared and he knew there was a problem. We spent late nights trying to figure out what to do, and while the solution may not have been as good as some of us would have wanted, it was a solution, and it wouldn't have happened without Senator HATCH. So we can say that on issue after issue after issue, he has risen to the occasion and has been the best of the Senate.

It is a fitting honor that he is here. Last time around, when he was not thinking of running, I think in the hearts of most Democrats there was hope that he would run again, and that was because we so esteem him.

I want to join the majority leader in congratulating Senator HATCH and wish him many, many more years of success both personally—I know he has a large and wonderful family, and we

have talked about our religious faith quite often—as well as a successful career.

With that, I will yield the floor and resume after Senator HATCH has had a few words to say.

The PRESIDING OFFICER. The Senator from Utah.

THANKING THE MAJORITY AND MINORITY LEADERS

Mr. HATCH. Mr. President, I want to thank the distinguished majority leader and the minority leader. I didn't expect this today; I was just happy to be in the Chair. But it was certainly nice of them to say such nice things. That means a lot to me, and I am sure it will mean a lot to my wife Elaine and our family.

I have a great deal of respect for both leaders. Senator MCCONNELL is a very close friend and a wonderful leader. I don't think we have had a better leader than he in my time in the Senate.

I will not go on and on, but Senator SCHUMER and I have been friends for a long time, and I believe he is one of the great Senators here. I hope we will be able to work together on a lot of things in the future. I hope we can get out of this rut we are in right now so we can work together, so we can feel good about being here, and so we can help this country.

I thank both the majority leader and the minority leader for their kind remarks. I didn't expect those, and I was a little shocked that they would say these things this morning, but I am very grateful to both of them. I want to thank both of them for being my friends.

I yield back to the minority leader.

Mr. SCHUMER. Mr. President, I thank my friend for his kind words and, most importantly, his distinguished service to his country. Now on to other subjects.

THE PRESIDENT, THE TRAVEL BAN, AND AN INDEPENDENT JUDICIARY

Mr. President, I rise on a few topics. First, our President has shown a deeply troubling lack of regard for an independent judiciary. He criticizes individual judges in the court system in general. He has gone so far as to preemptively blame future terrorist attacks on the judiciary for putting a stay on his Executive order. I have not heard a President—I can't recall a President in history doing something like that, certainly not in my lifetime.

Let's look at the facts.

Our President all too often seems fact averse. I have experienced that personally, but much more importantly, in general. Not one terrorist attack has been perpetrated on U.S. soil by a refugee from one of these countries—not one.

Since 1975, 3,024 Americans have been killed on U.S. soil in terrorist attacks. I know that painfully because some of them are people I knew who died on 9/11 in that awful, vicious, horrible attack that still stays with me every day I wear the flag, this flag on my lapel in memory of those who were lost, and

have since 9/12/2001. So I am aware of the danger of terrorists. But of those 3,024 Americans killed, zero of these deaths were the result of an attack by a person from one of the countries listed in the ban. Do you know where I got that information? Not from some liberal publication but from the libertarian-leaning Cato Institute. I hope the President is not going to attack them now.

What are the threats of terrorism? The great threats, if you ask the experts, are two things above all: the lone wolves and the visa waiver program. The lone wolves caused the terror recently in both San Bernardino and Orlando. They were American citizens importuned by the evil ISIS—American citizens who were probably disturbed or off base in a lot of ways. ISIS propaganda got to them, and they acted. Nothing in the President's proposed law would have stopped them, even if it were in effect.

The visa waiver program is the gaping hole. The visa waiver program tells 29 countries that they can send people here without going through extensive checks and background checks. They are mainly countries that are friendly, such as the countries of the EU. But what has happened recently is that those countries have become a place of refuge for terrorists. People trained by ISIS, Belgian citizens, French citizens perpetrated the horrible attacks in those countries. One of those terrorists could, God forbid, get on a plane, come to America with few questions asked. The President's proposal does nothing to stop that. The President's proposal, if anything, encourages lone wolves because it makes them even more out-cast. Those are not my words; they are Senator JOHN MCCAIN's words, and he is one of the greatest experts in this body and in this country on terrorism.

If the President wants to do something on terrorism, instead of these back-of-the-envelope, quickly and shabbily put together proposals, he ought to study it, talk to the experts, and certainly close these two loopholes or greatly decrease the danger of terrorism from these two places.

To blame judges for future attacks because they didn't pass this law when not a single American has died because of people coming from these countries and to leave open these other two gaping loopholes—I want to work to close them right now. I will work with the President. I will work with Senator MCCAIN. I will work with our Republican colleagues; we all will on this side of the aisle. But the President put together something that didn't seem to have much thought, didn't seem to have much coordination. Despite the fact that the admirable General Kelly took the lance and said “I'll take the blame”—we all know that didn't happen. He was not consulted at length nor was his Department.

The President seems to preemptively say: Well, if there is terrorism, blame the judge. It is dangerous for him to

say this. It is dangerous because it diverts us from going after the big gaping loopholes of terrorism—lone wolves and the visa waiver program.

It also underscores the fact that we need judges who are going to be independent of this President. If this President can attack the judiciary the way he does, if this President has so little respect for the rule of law or for separation of powers, our last and best refuge is the courts.

So in my opinion, this new nominee to the Supreme Court has to pass a special test: true independence from the President. I worry that he doesn't have it. His answers to my questions—I won't go into them today—were disappointing in terms of that independence. You can't just assert “I am an independent person,” which he did. You have to show examples. I await them.

When I met him, he said: Well, I am disheartened. He said it to me, he said it to Senator BLUMENTHAL, he said it to Senator SASSE. To whisper in a closed room, behind closed doors to a Senator “I am disheartened,” and not condemn what the President has done to the judiciary and not do it publicly—what he did does not show independence; it shows his ability to desire an appearance of having independence without actually asserting it. There is even more reason to do it now because the President—I don't know how; I don't know who told him about those meetings, but the President tweeted that Judge Gorsuch didn't say those things, as mild as they were and, at least in my opinion, as insufficient as they are to showing independence. To whisper to a Senator but to refuse to say anything publicly is not close to a good enough showing of independence.

From my view, it is not a good start for Judge Gorsuch—not a good start. I haven't made up my mind completely. I am willing to—there is going to be a process. There are going to be papers filed; there are going to be hearings. Judge Gorsuch may go further, but right now it is an uphill fight to get my support.

While this President is attacking everyone under the sun, most of it with no basis in fact, just assertions—and by the way, I will talk about this more later, but if we become a nation where facts don't mean anything, the sun will set on this great country.

We have always been a fact-based country. The Founding Fathers had different views, but they never disagreed on the facts as they debated issues in Philadelphia, for the Declaration, for the Constitution. In this Chamber, where we have had great Senators—the Clays, the Websters, the Calhouns—they never disputed the real facts. Neither, in my opinion, has any President, Democrat, Republican, liberal, conservative, until this one, and he just seems to make it up as it goes.

Today he attacked not only my colleague Senator BLUMENTHAL in what I thought was a cheap way, but he attacked JOHN MCCAIN, one of the most respected voices on national security.