

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.

JOHN MCCAIN voiced his views on what happened in Yemen. Most of the independent reports corroborate what JOHN MCCAIN said. The President, of course, said it was a great success. I don't know if anyone believes—he is saying so many things that are not fact-based that I don't know if anyone believes him anymore. It would be amusing, except it is not; it is sad, very sad.

It is not the first time he has impugned a Republican Senator. He has had harsh words for the Senator from Nebraska, BEN SASSE. BEN is one of the most independent, thoughtful Senators who I have ever come across on either side of the aisle. I really respect that man. We have spent some time together. We see each other in the gym.

He has attacked the Senator from South Carolina, my friend LINDSEY GRAHAM. He has attacked the Senator from Florida. He has attacked the Senator from Kentucky, the junior Senator from Arizona, and so many others.

I would ask my colleagues, who I know care about this Chamber—and the Senator from Utah's heartfelt plea that we can get over these bumps in the road and start working together is one I feel we share—but are we going to let this new President, who seems to have so little respect for other institutions and people, other than himself, oftentimes; are we going to let him force us to change the rules of this great body? Are we going to let him force us to change the rules of this great body? He immediately demanded a changing of the rules on the Supreme Court. I hope not.

In conclusion, I hope these attacks on an independent judiciary are restrained. I hope my colleagues will join some of us in voicing discontent with those attacks and asking the President to cease and desist. I hope the President himself will stop attacking Senators personally, whether it be the Democratic Senator from Connecticut or the Republican Senator from Arizona—which just happened this morning. I hope we will not let the President intimidate us into changing the way this body works and instead try to come together, not let him divide us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

THE PRESIDENT AND WORKING TOGETHER IN THE SENATE

Mr. HATCH. Mr. President, this has been a nice morning for me. To have both the majority leader and the minority leader say such nice things means a lot to me.

Having said that, let me just say I am concerned about this body and how it is going. I am also concerned about the President. I personally wish he would choose his words a little more carefully because everybody in the world pays attention to the President of the United States.

On the other hand, I kind of find it refreshing that he doesn't take any guff from anybody. I like that. He is a

person who speaks his mind, but I have also seen him change his mind after saying he was for something and change it when he got more facts.

He is a brand new President coming right out of the private sector. He is picking excellent people for his Cabinet. I don't know that I have ever seen any President pick better Cabinet members than he has, not the least of whom will be the two who should go through before the end of this week. Congressman PRICE is a tremendous choice. As both leaders had indicated, he probably has as much knowledge about our health care system as anyone on Earth.

Steve Mnuchin—I didn't even know Steve Mnuchin, but I spent hours with him. I have to say he is brilliant. I said to him: You know, Steven, you are going to lose a lot of money by taking this job. He said: I don't care. I want to serve my country.

I was refreshed by this attitude to the point that I am going to help him every way I can to become the greatest Treasury Secretary we have ever had. I will tell you one thing, he does understand a lot about money. He understands a lot about Wall Street. He understands a lot about business acquisitions and business matters. He is a practical person, as is our President.

I don't know that we should be so sensitive sometimes because he oftentimes repeals what he said afterward, and I find that refreshing too. I happen to like this President. I think he is a refreshing new leader for this country. He is not going to play these same old games that almost everybody who has been President has played.

He reminds me a lot of President Reagan in that regard. Of course, Reagan had been a Governor before he came here and a good Governor, but he didn't take himself too seriously, and he would say some things that got him in trouble from time to time too. They all have, haven't they? I guess, being President, every word you say is being carefully weighed.

This President is going to have to realize that as well. I think he will. He is a very bright man. I think we are lucky that we would have somebody come out of the private sector into the White House, with all the flaws, and flaws that people are finding with Donald Trump, and be willing to take the criticisms and fight back sometimes. Is he perfect? No. Is he ever going to be perfect? No, he is not, but neither will any of us ever be perfect.

I will say this. A lot of us have more experience than he has. On the other hand, in my eyes, isn't it wonderful to have someone who has been immensely successful in the private sector—who has had some very tough realities in the private sector, who has had his ups and downs in the private sector, who understands pain, who understands exhilaration—isn't it wonderful to have someone like that who just may be able to pull this country out of the stinking mess it is in, a mess caused by

a superabundance of bureaucracy, by arrogant Members of Congress, and by very liberal States that are dependent upon the Federal Government rather than upon themselves? I could go on and on and on.

Let us give this President a little bit of a chance. Above all, let us give him his Cabinet and let us quit playing these games. I know some on the Democratic side must feel they are making headway by playing these silly games, knowing that these Cabinet officials are going to go through while they stopped them from being able to do the job that needs to be done. They have made it more difficult than any President I recall in my time in the U.S. Senate. They are treating this President in a very belligerent, awful way. So I think we ought to give a little bit of leeway for him to make some verbal mistakes from time to time—even though we all wish he wouldn't.

I will say I think it is time for this body to start working and, more importantly, start working together. There is nothing we cannot do if we work together. We can save this country if we work together. We could have a better attitude in this country if we will work together. We can be an exemplar for the rest of the world if we work together.

Look, there is no excuse for these two big fights that are going on. I like big fights on the floor. I like big fights in committees. Sometimes out of those fights comes very good legislation or very good approaches to government. It is good for us to go at each other from time to time. But to make it impossible for a President to have his Cabinet early on? There is something wrong with this approach.

Some people are using this particular situation to enhance their ability to run for President.

I will say it would be wonderful if, once again, we could get Democrats and Republicans to work together. I remember in the early days, when I became one of the youngest committee chairmen of a major committee in history, when I became chairman of the Labor and Human Resources Committee—which is now the Health, Education, Labor, and Pensions Committee—there were nine Republicans.

Senator Kennedy came over from the Judiciary Committee, which he had chaired, to become my ranking member. There were seven Democrats, including Senator Kennedy, but two of our Republicans from the Northeast were from States that were quite liberal then. I couldn't blame them, but I knew that Kennedy had the 9-to-7 ideological edge. I was going to be chairman, and I could determine some things, but I wasn't going to be able to get much done unless I had some help from Senator Kennedy.

Senator Kennedy was not known for being cooperative up to that time. He was not known as a person who really aligned with Republicans to try to get things done. He was known as a bomb