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Senate

The Senate met at 3 p.m. and was called to order by the Honorable TODD YOUNG, a Senator from the State of Indiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who inhabits eternity, whose throne is Heaven and whose footstool is the Earth, You have given us the gift of this day, and we will rejoice and be glad in it.

May our lawmakers never forget that they borrow their heartbeat from You. Continue to sustain them and give them all that they need to glorify Your Name. May Your Spirit move them that they will make concessions without coercion and be conciliatory without compromising. Compel them to be just and honest in all their dealings. May they remember that our country is no better than its citizens and no stronger than its commitment to righteousness. Lord, bless our Senators in their going out and coming in, their rising up and lying down, their labor and their leisure.

We pray in Your loving Name. 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 30, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TODD YOUNG, a Senator from the State of Indiana, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. YOUNG thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

STREAM BUFFER RULE

Mr. McCONNELL. Mr. President, for too long, coal communities in States like Kentucky were unfairly targeted by the Obama administration as part of its War on Coal. We now have the opportunity to start providing relief to coal families, whose only crime was working to support their loved ones. Easing the pain of these regulations is a priority. I laid it out in a letter to President Trump earlier this year. That letter was a continuation of efforts I began several years ago to push back against the previous administration's assault on coal families. I am pleased the President has already begun taking steps to provide relief from several different regulations imposed by the former administration, regulations that for too long have stifled growth and held our country back.

Together, we can do more, including right here in Congress through the Congressional Review Act or CRA process. One of the first regulations we are working to address is the so-called stream buffer rule, a harmful regulation put into place by the Obama administration at the eleventh hour. One analysis estimates that it could threat-

en one-third of the Nation's coal-mining jobs—one-third. That is why so many across coal country have called for relief from this harmful attack.

We have heard individual voices against this regulation. We have heard union voices in opposition, like the United Mine Workers of America, and we have heard from groups like the Kentucky Coal Association, who recently wrote to me about its negative impact. Here is what they said:

The undeniable truth is that this rule will have a real impact on the real world. It will cause real harm to real people who support real families in real communities.

This regulation is an attack on coal families. It jeopardizes jobs and transfers power away from States and local governments. Today, I am introducing a bipartisan resolution to overturn it.

Congress will also continue acting to provide relief from other regulations that attack our economy and our constituents. In fact, the House will act on its own version of this Congressional Review Act resolution and several others this week. I urge our friends to do so quickly so we can pass them here in the Senate and start providing relief to our coal communities, to our national economy, and to our constituents.

NOMINATIONS

Mr. McCONNELL. Mr. President, the Senate will continue working to put into place President Trump's Cabinet, and tonight we will have a cloture vote on the nominee for Secretary of State. This nominee is well qualified. He has been a leader at one of America's largest employers, and he has the type of international work experience that will serve him well as our next Secretary of State. We are looking forward to advancing his nomination tonight.

Remember, it is in everybody's best interest to confirm each of the President's well-qualified nominees in a timely manner so they can begin the very important work before them on

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



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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-Amer-

ican. 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 MCCAIN and GRAHAM expressed yesterday, this order is a valuable propaganda tool for ISIS. We saw that happen today. They predicted it yesterday, MCCAIN 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