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Senate

The Senate met at 10 a.m. and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

PRAYER

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

Let us pray.

Spirit of love, enlarge our horizons. Give to us this day perspectives that go beyond pessimism and negativity. Lord, enable us to lift our eyes to You, our provider, sustainer, and friend. May we refuse to permit today's challenges to make us forget how powerfully you have led us in the past.

Bless our legislative branch today with Your wisdom. Help our Senators to follow the path that leads to the fulfillment of Your purposes. Inspire our lawmakers to focus on the priorities that will cause justice to roll down like waters and righteousness like a mighty stream.

We pray in Your marvelous 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 (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 31, 2023.

To the Senate:

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

PATTY MURRAY,
President pro tempore.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MINORITY LEADER

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

JUDICIAL NOMINATIONS

Mr. MCCONNELL. Mr. President, the Constitution charges the Senate with giving advice and, if we choose, providing our consent to the President's judicial appointments.

The President nominates somebody whom he thinks ought to serve on the Federal bench, and then the nominee comes here to the Senate for a job interview. Sometimes these job interviews make news because they go spectacularly well.

When the Judiciary Committee subjected now-Justice Amy Coney Barrett to a battery of questions a little over 2 years ago, she literally dazzled the country with her force of intellect. At one point, hours into a hearing, after being asked multipart questions about the finer points of constitutional law, now-Justice Barrett was asked to hold up the notepad she had been provided to keep everything straight, and it was completely blank. She hadn't even touched it.

Justice Barrett is an intellectual outlier by any standard, but she is an appropriate stand-in for the judicial nominees whom Republican Senators confirmed from 2017 through 2020. As one left-leaning analysis admitted in 2020, ''based solely on objective legal credentials''—''solely on objective legal credentials''—the last administration's average pick for the Federal bench had ''a far more impressive résumé than any past president's nominees.'' They had more circuit court clerkships, more Supreme Court clerkships—objectively, more experience in the Federal judiciary.

Under President Biden, though, with his nominees, well, you might say things have gone somewhat differently.

Last week, our colleague on the Judiciary Committee from Louisiana, Senator KENNEDY, was quizzing a panel of President Biden's nominees, and he decided to try some very simple questions that should have been beyond basic for anybody nominated to serve as a U.S. district judge. He asked one nominee, currently a superior court judge in Spokane County, WA, to simply explain what article V of the Constitution says. That would be the article that explains how the Constitution gets amended. Here was the nominee's response:

Article V is not coming to mind at the moment.

Senator KENNEDY came back with another, even more basic question. He asked:

How about article II?

As high schoolers across America learn each year, article II sets up the Presidency and the executive branch. It establishes the President's powers, including the power to nominate the person for the vacancy in question. But this sitting judge drew another blank.

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

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