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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, May 8, 2020, at 10 a.m.

Senate

WEDNESDAY, MAY 6, 2020

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

Eternal God, we continue to depend on You to fulfill Your purposes for our lives. You have told us that Your purpose for us is that we live for Your glory. As our lawmakers strive to do Your will, bringing honor to Your name, have Your way in all they say and do.

Lord, send them Your help from celestial portals so that they will please You and be Your ambassadors during these challenging times. Rescue them from anything that will keep them from remembering that nothing is impossible for you.

Be exalted, O God, above the highest heavens. Let Your glory shine in our Nation and world.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask to speak in morning business for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORONAVIRUS

Mr. GRASSLEY. COVID-19 has put America through the wringer. There will be many lessons learned and stories to tell from this chapter of our history.

Today, I salute the heroes working on the frontlines during this pandemic. I can't overstate the debt of gratitude we owe the healthcare professionals who selflessly put their own lives on the line to care for COVID-19 patients. Our doctors, nurses, respiratory therapists, nursing home workers, pharmacists, and first responders are among those who have shouldered physical and mental exhaustion to heal the sick. In fact, today is National Nurses Day. So I give our nurses an extra applause on this their day. To the legions of healthcare professionals across America, thank you for the full measure of devotion you have shown to your community and to our great country.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination which the clerk will report.

The senior assistant legislative clerk read the nomination of William R. Evanina, of Pennsylvania, to be Director of the National Counterintelligence and Security Center. (New Position)

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATIONS

Mr. McCONNELL. Mr. President, the core business of our Nation does not stop while we fight the coronavirus. This week, Senate committees are conducting oversight and holding hearings. Members are tracking the implementation of the CARES Act. We are discussing how Congress could do everything from further strengthening the health response to ensuring that a second epidemic of frivolous lawsuits does not redirect the national recovery into a trial lawyer bonanza.

Here on the floor, we are filling major vacancies in the Federal Government. Today, we will confirm Bill Evanina to lead the National Counterintelligence and Security Center. As our Nation grapples with challenges at home, it is critically important that a full complement of skilled professionals keep a close watch on our foes, adversaries, and competitors.

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



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Mr. Evanina's nomination will make him the first Senate-confirmed Director of the NCSC. This role represents our government's senior-most expert in counterintelligence. Fortunately, this nominee has served for 3 decades as special agent with the FBI, as chief of the CIA's Counterespionage Group, and as one of the principal advisers to the Director of National Intelligence.

Mr. Evanina's long professional experience has given him a well-trained eye. He has made clear he is focused on the most serious espionage threats facing our country today: China's insidious efforts to steal our industrial, governmental, technological, and political secrets and Russia's continuing efforts to meddle in our democracy. We have a qualified professional who is tailor-made for an important job. Our colleagues on the Intelligence Committee have reported him out on a unanimous bipartisan basis twice. The vice chairman, Senator WARNER, said: "Bill Evanina should be confirmed without further delay."

But even still, our Democratic colleagues chose to obstruct his nomination on the floor this week and require a full day of floor time to confirm. Ironically, at the same time, we have also heard some of our Democratic colleagues complain that we spend too much time voting on nominations. It is bad enough to spend 3 years delaying nominations to a historic degree and deliberately making the process painful, but it reached a new level of irony for our Democratic friends to do all that and then complain that their own strategy is inconveniencing their schedules.

Essential matters of government do not cease because of the coronavirus. They do not cease because of partisanship either. As long as Senate Democrats continue to make incredibly qualified nominees travel the hard way, including someone whom their own Democratic ranking member openly praised, then, I will assure them they will need to continue to show up and cast votes. The country's business will not go undone.

NOMINATION OF JUSTIN WALKER

Mr. President, speaking of nominations, this morning our colleagues on the Judiciary Committee are examining the qualifications of Judge Justin Walker. Judge Walker is a fellow Kentuckian. He is a district judge of the Western District of Kentucky, and he is President Trump's nominee to serve on our second most important Federal Court, the Court of Appeals for the District of Columbia.

I am grateful to Chairman GRAHAM and all the other chairmen who are finding creative ways to conduct important business. The Senate is demonstrating that the work of governing must and can continue, albeit in new ways.

So to respect this time of social distancing, I am going to offer my introduction here on the floor instead of over in the committee. Since Judge

Walker was tapped to serve the people of Kentucky on the Federal district bench, he wasted no time in expanding his strong reputation for intellectual brilliance, legal acumen, and total fairness and impartiality.

In just the last few weeks, Judge Walker has won national attention for an eloquent and persuasive opinion that forcefully defended Kentuckians' basic First Amendment freedom of religion, and he has earned a "well-qualified" rating from the left-leaning American Bar Association that Senate Democrats, like my friend the Democratic leader, have frequently described as "the gold standard."

Let me say that again. In the span of just a couple of weeks, almost simultaneously, Judge Walker has won praise from religious freedom advocates nationwide and the approval of the ABA, which Democrats call "the gold standard." That illustrates the kind of impressive individual the committee is considering this morning.

Already, Judge Walker's reputation as a brilliant legal rising star precedes him. Yet, when you consider the full scope of his education and experience, it is hardly a surprise. Judge Walker graduated from Duke University summa cum laude. He graduated from Harvard Law School magna cum laude, and he edited the Law Review.

He had prestigious clerkships at the DC Circuit for then-Judge Brett Kavanaugh and at the Supreme Court for then-Justice Anthony Kennedy. He learned at the elbows of legal giants. Then, he moved on to skilled performance in private practice, and then to distinguished scholarship at the University of Louisville Law School, with particular expertise in national security, administrative law, and the separation of powers.

Indeed, it is an impressive record. As Kentucky's secretary of State, Mike Adams, put it recently, "Judge Walker is more than just a [C.V.]." Hence, the outpouring of praise from his peers, colleagues, and neighbors in Kentucky who know him well. One hundred Kentucky lawyers, many of whom have practiced before Judge Walker in the district court, wrote to praise his "courage to apply precedent faithfully." Sixteen State attorneys general wrote to share their confidence in Judge Walker's ability to "weigh the facts against the law as it is written . . . not as he wishes it to be."

I am confident our colleagues on the committee will find that this nominee possesses a generational legal mind, a kind heart, and total judicial impartiality.

President Trump made an outstanding choice when he asked this Kentuckian to take his public service to the next level. I am confident Judge Walker will not disappoint. I urge the committee to approve his nomination. I look forward to voting to confirm him soon here on the Senate floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

NOMINATION OF JUSTIN WALKER

Mr. SCHUMER. Mr. President, the Senate is here, open for business. The janitors and food service workers, police officers, and all the staff who operate the floor are here. They are all here. Capitol Police are doing their usual excellent job.

The Republican leader called us back despite the obvious health risks, but we are ready to do the business our country demands. So there is a question that looms: Why isn't the Senate focused on responding to the COVID-19 pandemic? There hasn't been a single vote here on the Senate floor related to coronavirus—not even a nominee related to coronavirus.

Rather than focusing on COVID-19 with laser-like intensity, the Senate Judiciary Committee today will waste precious time on the nomination of Leader MCCONNELL's protegee, Justin Walker, to serve on the DC Court of Appeals, the second most powerful court in the country.

Mr. Walker is a 37-year-old Federalist Society disciple who has more experience as a cable news commentator than he does trying cases in court. Mr. Walker's qualifications pale in comparison to those of previous nominees to the DC Circuit—Democrat and Republican. Nominees by Democratic Presidents and Republican Presidents all were deeply steeped in the law—just about every one—and here we have this?

What Leader MCCONNELL is doing to the courts is nothing short of disgraceful. The judges currently sitting on the second highest court in the land had decades of experience in Supreme Court advocacy, appellate work, criminal law, private practice, academia, and so on, prior to their nominations. Mr. Walker has been a district court judge for less than a year—less than a year. He had no trial experience prior to that.

Inexperience aside, bad enough as that is, Walker's views are way out of the mainstream. In 2018, he described Chief Justice Roberts' opinion upholding our healthcare law as "indefensible" and "catastrophic." Meanwhile, he praised a dissenting opinion by then-Judge Kavanaugh as a "roadmap for the Supreme Court" to invalidate it.

Every Republican who votes for this nominee, Mr. Walker, will be voting to dismantle the ACA and take millions of people's healthcare away from them if his statements prove to be how he judges things, which seems very likely given previous experience of other nominees like this.