

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—73

Alexander	Gillibrand	Roberts
Baldwin	Graham	Rosen
Bennet	Grassley	Rubio
Blumenthal	Harris	Sanders
Blunt	Hassan	Schatz
Booker	Heinrich	Schumer
Boozman	Hirono	Scott (SC)
Brown	Hoeven	Shaheen
Burr	Jones	Sinema
Cantwell	Kaine	Smith
Capito	King	Stabenow
Cardin	Klobuchar	Sullivan
Carper	Leahy	Tester
Casey	Loeffler	Thune
Collins	Manchin	Tillis
Coons	McConnell	Udall
Cortez Masto	McSally	Van Hollen
Cotton	Menendez	Warner
Cramer	Merkley	Warren
Daines	Murkowski	Whitehouse
Duckworth	Murphy	Wicker
Durbin	Perdue	Wyden
Ernst	Peters	Young
Feinstein	Portman	
Gardner	Reed	

NAYS—25

Barrasso	Hawley	Risch
Blackburn	Hyde-Smith	Romney
Braun	Inhofe	Rounds
Cassidy	Johnson	Sasse
Cornyn	Kennedy	Scott (FL)
Crapo	Lankford	Shelby
Cruz	Lee	Toomey
Enzi	Moran	
Fischer	Paul	

NOT VOTING—2

Markey	Murray
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The bill (H.R. 1957), as amended, was passed.

AMENDMENT NO. 1618

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the title amendment No. 1618 be considered and agreed to and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1618) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: “An Act to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Parks and Public Land Legacy Restoration Fund to address the maintenance backlog of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Indian Education, and to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes.”.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Justin Reed Walker, of Kentucky, to be United States Circuit Judge for the District of Columbia Circuit.

Mitch McConnell, Tom Cotton, John Boozman, Joni Ernst, Todd Young, Steve Daines, Cory Gardner, Jerry Moran, James E. Risch, Shelley Moore Capito, David Perdue, Ben Sasse, Kevin Cramer, Tim Scott, Lamar Alexander, Mike Rounds, Pat Roberts.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Justin Reed Walker, of Kentucky, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—52

Alexander	Gardner	Portman
Barrasso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Loeffler	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	
Fischer	Perdue	

NAYS—46

Baldwin	Harris	Sanders
Bennet	Hassan	Schatz
Blumenthal	Heinrich	Schumer
Booker	Hirono	Shaheen
Brown	Jones	Sinema
Cantwell	Kaine	Smith
Cardin	King	Stabenow
Carper	Klobuchar	Tester
Casey	Leahy	Udall
Collins	Manchin	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warren
Duckworth	Murphy	Whitehouse
Durbin	Peters	Wyden
Feinstein	Reed	
Gillibrand	Rosen	

NOT VOTING—2

Markey	Murray
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The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46.

The motion is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Cloture having been invoked, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Justin Reed Walker, of Kentucky, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER (Mr. ROMNEY). The Senator from Vermont.

Mr. LEAHY. Mr. President, this morning, the Senate narrowly invoked cloture on the nomination of Justin Walker to the DC Circuit. Within the week, the Senate is expected to confirm, by the thinnest margins, both Judge Walker and a separate nominee, Cory Wilson, to the Fifth Circuit. That fills the final two available seats on the circuit courts. In one case, there isn't a vacancy yet, but he is preemptively filling it. This will complete Leader MCCONNELL's rush to pack our appellate courts with President Trump's nominees.

I want to speak about this because I have had more experience on nominations, only because of tenure, than anybody else in this body. I note that both Judge Walker and Judge Wilson are partisan ideologues who have given no indication that they will leave their politics outside the courtroom. This has become par for the course under this President—choosing nominees not for their judicial qualifications and in spite of their political leanings but because of those partisan leanings. Extreme partisanship has become a qualifier, not a disqualifier. It is a prerequisite.

My Republican friends may consider these confirmations a great achievement; however, I fear that the damage left in the wake of their effort—to the courts, to the Senate, to the country—is going to remain with us for years to come after most of us have probably left this body.

Let us consider the backdrop in which we consider these nominees. We are in the throes of a global pandemic that has taken almost 120,000 American lives. It has plunged our economy into a deep recession. It has deprived nearly 45 million Americans of their jobs, something I have never seen in my years here in the Senate. Yet are we here today considering legislation that further assists Americans struggling during this pandemic? Indeed, we have done nothing to respond to COVID-19 for months even though the House passed \$3 trillion in further assistance last month.

The Senate today is not working together to find bipartisan meaningful ways to address the plagues of racial and social inequality, despite the fact that we see millions of Americans of all backgrounds, ages, creed, and color who flood our streets and squares with protests in the wake of the murder of George Floyd.

What are we doing to respond as a body? We are busy processing and confirming an endless stream of partisan ideologues, such as Justin Walker and Cory Wilson, to our Federal courts. I think it has to be noted, again, that Judge Walker, who is a protege of Senator McCONNELL, has been nominated to a seat that isn't even vacant until September.

It would be one thing if we were coming together in the Senate across party lines to confirm mainstream nominees, something we have done so many times in years past, but nothing about Judge Walker and Judge Wilson is mainstream. Judge Walker is not shy about his overt partisanship. He is openly hostile to the Affordable Care Act, even though the Affordable Care Act has provided a critical lifeline to millions of Americans during this pandemic. He has dangerously suggested that the FBI Director—whom we provided with a 10-year term to avoid politicization—“must think of himself as an agent of the President.” One can see why President Trump is interested in a nominee like him. People should worry about somebody who would want the FBI Director—who is supposed to treat everybody the same and just uphold the law—to be, instead, an instrument of whoever is present. Even if we ignore his hyperpartisan writings and countless cable news appearances before he became a district court judge—and that was just a few months ago, last fall—he has already shown he does not leave politics at the door when he puts on his robes. Even his judicial investiture ceremony could have been a lead-in for a Trump campaign rally, where he lamented that his legal principles have not yet prevailed and feared losing “our courts and this country” to his critics. These may be the words of Judge Walker, but they are not the words of any other judge I have ever known, Republican, Democrat, Independent. This judge wears his partisanship as a badge of honor, knowing that it will only appeal to a President who knows nothing of the role of the Federal judiciary and, sadly, knowing it will not deter this Senate from confirming him.

Judge Cory Wilson is no better. Again, I spoke about the Affordable Care Act, which has provided help to millions of Americans during the coronavirus epidemic. What does he call it? He calls the Affordable Care Act “perverse” and “illegitimate.” Golly, how would he vote on that? I wonder if those Americans—Republicans and Democrats alike—who are receiving lifesaving care through the ACA would call the law perverse.

He has attacked President Obama in ugly, personal terms, berating him as a “fit-throwing teenager” and “shrill, dishonest, and intellectually bankrupt.” That is a good attitude to hold when you are coming to the Senate as a Federal judge where you are supposed to be impartial. Such baseless accusations were laughable when he made them. They are beyond parody today.

Judge Wilson has a long record of undermining minority voting rights and dismissing the scourge of voter suppression, which we saw again last week during primary elections. He dismisses that as “phony,” even though everybody watching the news, from the right to left, can see it happening.

What message do these nominees of President Trump send to the country in this moment? Well, it says that the Republicans in the Senate are fast-tracking nominees who are eager to overturn the Affordable Care Act in the midst of a public health pandemic. They are fast-tracking nominees who are dismissive of racial injustices in the midst of a national reckoning on racial injustices.

The Senate has a constitutional duty to provide advice and consent to a President's nominee. When I came to the Senate, that meant something. It meant something under both Republican leadership and Democratic leadership. It meant something with both Republican and Democratic Presidents. But under this President, that constitutional duty has meant no more than serving as a mindless conveyor belt to rubberstamp nominees, however unqualified, however extreme, and however inappropriate at the moment.

You couldn't have two more inappropriate nominees at a time when we need healthcare because of the coronavirus or so inappropriate at a time when we are trying to do away with racial tensions and address the racial tensions of our country. It says that we don't believe in our standing as a coequal branch of government and that the Senate is willing to have that position as a coequal branch of government diminished.

Worse is the damage we inflict upon our courts. The Senate has now reshaped our Federal courts, especially our appellate courts, to resemble an extreme partisan arm of the Republican Party. For generations, Americans have valued our judiciary for its independence, a place where all Americans—of any political party or background, race, or belief—believed they could obtain fair and impartial justice. That is changing every day under President Trump.

When I tried cases before Federal courts at the district level or the appellate level—and the same with State courts at the trial level and the appellate level—I never worried that I would come before that court and my political beliefs would in any way affect the outcome. What I thought would affect the outcome would be the facts and the law. I have appeared before courts of appeals and Federal courts of appeals. Most of the time I had no idea what the political position or political party of the judge was. Yet today, anybody who comes in trying a case or appealing a case has to say: No matter what my facts are or no matter what the law is, I have to face a partisan ideology with a judge who is supposed to be non-partisan. We have seen fair and impar-

tial justice, as I said, changing every day under President Trump.

I have to hope that the Senate can rediscover its better angels. I can hope that we can again reassert ourselves as the crucible in which the great issues of the day are debated heatedly but resolved amicably, across party lines. I hope that one day the Senate will again serve as the conscience of the Nation, as it has during so many moments of upheaval and uncertainty in our history.

Today, more than any other time since I have been here, when we should be the conscience of the Nation, we are keeping that conscience locked up behind closed doors.

I hope, one day soon, the Senate will again demand—as it has under Republican and Democratic leadership in the past—that our President's judicial nominees are deserving of lifetime appointments to our Federal courts, possessing the qualifications and temperament that, until now, were rarely in question and now, time and again, are in question.

I ask my colleagues to go back to being the U.S. Senate. We owe it to ourselves. We owe it to the Constitution. Most of all, we owe it to the American people. Let the Senate once again be the conscience of the Nation, as it should be.

JUSTICE IN POLICING ACT

Mr. President, I also looked at the policing bill that Senator SCOTT announced today and Leader McCONNELL will proceed to next week. I am still reviewing the text. From the descriptions I have heard, the bill may be well-intentioned but falls far short on the reforms we need. It fails to meet this moment. That doesn't mean we can't come together and make it meet this moment.

We need more than a Rose Garden signing of an Executive order that has no authority and does nothing except look good. Millions of Americans in both parties are demanding real change. This moment doesn't call for a handful of studies and some grant programs; it calls for fundamental reforms to ensure our accountability and restore our trust. It requires a thoughtful debate, a real debate in which we have a real amendment process. Let Senators stand up and vote yes or no on amendments. Let the American people know where they stand. Let them take a position.

If our Republican leadership won't commit to such a real debate and such real votes or amendments—a real amendment process—they fail the American people at a critical time; they fail them in favor of partisan politics.

Each one of us has to cast votes on this floor. Some are very routine and easy to do, but so many are monumental. We have to speak to our conscience. We have to speak to our background. We have to speak to who we are. I will look at my background as a former prosecutor. I will look at my