

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.

The clerk will report the nomination.

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

MR. McCONNELL. 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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.

DACA

MR. SCHUMER. Madam President, I cried tears of joy a few minutes ago when I heard the decision of the Supreme Court on DACA. These wonderful DACA kids and their families have a huge burden lifted off their shoulders. They don't have to worry about being deported. They can do their jobs, and I believe—I do believe this—someday, someday soon, they will be American citizens.

I have met so many of these beautiful children and their families. Now, many have grown up. They came to America as little kids, and all they want to be is Americans. They worked hard. I met some of them during the COVID crisis in New York risking their lives to deal with the healthcare crisis we had. I have seen them enlist in the Armed Forces and go to college, some of our best colleges and law schools, and climb that American ladder that has been around for so many years and some people want to rip away.

So this is a wonderful, wonderful day for the DACA kids, for their families, and for the American Dream.

We have always believed in immigration in America. We have had some dark forces oppose it in recent years, but we believe in it. It is part of our soul. Every one of us cares about immigrants, and so many of us are descendants of immigrants. Wow, what a decision.

Let me say this: In these very difficult times, the Supreme Court provided a bright ray of sunshine this week with the decision on Monday preventing discrimination in employment against the LGBTQ community and now with this DACA decision. Frankly, to me, the Court's decision was surprising but welcome. It gives you some faith that the laws and rules and mores of this country can be upheld. Wow, the

decision is amazing. I am so happy for these kids and their families. I feel for them, and I think all of America does. Again, I cannot—who would have thought the Supreme Court would have so many good decisions in one week? Who would have thought it? Wow.

JUSTICE IN POLICING ACT

Madam President, now let's get to some other very important issues as well.

Two weeks ago, House and Senate Democrats introduced a bill, the Justice in Policing Act, to bring sweeping change to the Nation's police departments. The bill would bring comprehensive and enduring reforms—the most forceful set of changes to policing in decades.

The House Judiciary Committee approved the legislation yesterday, and it will pass the full House next week.

Here in the Senate, Republicans put forward their own proposal yesterday, led by the Senator from South Carolina. We welcome our Republican colleagues to this discussion. It is something they have resisted for so long. But merely writing the bill—any bill—is not good enough at this moment in American history. It is too low a bar.

To simply say “We will write any old bill, and that is good enough” isn't good enough for so many people, many of whom are marching in the streets to get real justice.

We don't need just any bill right now. We need a strong bill. We don't need some bipartisan talks. We need to save Black lives and bring long-overdue reforms to institutions that have resisted them. The harsh fact is that the legislation my Republican friends have put together is far too weak and will be ineffective at rooting out this problem.

The Republican bill does nothing to reform the legal standards that shield police from convictions for violating Americans' constitutional rights. It does nothing on qualified immunity, which shields even police who are guilty of violating civil rights from being sued for civil damages. The Republican bill does nothing to encourage independent investigations of police departments that have patterns and practices that violate the Constitution. The Republican bill does nothing to reform the use of force standard, nothing on racial profiling, nothing on limiting the transfer of military equipment to local police departments.

What the Republican bill does propose does not go far enough. Unlike the Justice in Policing Act, which bans no-knock warrants in Federal drug cases, the Republican bill requires data only on no-knock warrants. Breonna Taylor, a first responder in Louisville, KY, was asleep in her bed when she was killed by police who had a no-knock warrant. More data would not have saved Breonna Taylor's life.

Unlike the Justice in Policing Act, which bans choke holds and other tactics that have killed Black Americans, the Republican bill purports to ban choke holds only by withholding fund-

ing from departments that don't voluntarily ban them themselves—only those choke holds that restrict air flow but not those choke holds that resist blood to flow to the brain—and the ban only applies unless the “use of deadly force” is required. Who determines when the use of deadly force is required? It is usually the police themselves, and courts defer to their judgment.

I don't understand. If you want to ban choke holds and other brutal tactics that have killed Black Americans in police custody, why don't you just ban them?

I like my friend from South Carolina, Senator SCOTT. I know he is trying to do the right thing, but this is not just about doing any bill. This is not about finding the lowest common denominator between the two parties and then moving on. This is about bringing sorely needed change to police departments across the country, stopping the killing of African Americans at the hands of police, and bringing accountability and transparency to police officers and departments that are guilty of misconduct.

Unfortunately, the Republican bill doesn't go nearly far enough on prevention. It doesn't go nearly far enough on transparency and hardly brings even one ounce of accountability, and that matters a great deal. We have to get this right.

If we pass a bill that is ineffective, the killings continue, and police departments resist change, and there is no accountability, the wound in our society will not close. It will widen.

This is not about making an effort and dipping our toes into the waters of reform. This is about solving a problem that is taking the lives of Black Americans.

Let me say that again because it is so important for my colleagues across the aisle to hear. This is not just about making an effort or dipping our toes into the waters of reform. This is about solving a problem that is taking the lives of Black Americans.

If the bill would not have prevented the deaths of George Floyd, Breonna Taylor, Ahmaud Arbery, Michael Brown, or Eric Garner, if it will not stop future deaths of Black Americans at the hands of the very people who are meant to protect and serve, then it does not represent the change we need now.

As drafted, the Republican bill does not rise to the moment. The Democratic bill, the Justice in Policing Act, does.

NOMINATION OF JUSTIN REED WALKER

Madam President, of course, while Democrats are glad that Leader McCONNELL felt the pressure and heeded our call to put policing reform on the floor next week, it will not be before the Republican leader asks us to confirm two more hard rightwing judges to the Federal bench.

Today, the Senate will vote on Justin Walker, a 38-year-old with less than a

year's worth of experience as a district court judge, to sit on the second highest court in the country for the rest of his life. The temerity of doing that—he was on the court for just a few months, but he is friends with Leader McCONNELL, so he gets rushed to this very high court without the necessary experience and maturity of judgment.

The Republican Senate approved his nomination to the district court on October 24 last year, after the ABA rated him "not qualified." Now, 8 months later, Leader McCONNELL wants to give Justin Walker, a former intern of his, a promotion to the DC Circuit.

Even in his extremely limited time as a jurist, Walker made news by calling the Supreme Court's decision to uphold our healthcare law "catastrophic" and "an indefensible decision."

I would like Leader McCONNELL to go home to Kentucky and tell the citizens of Kentucky why he nominated someone who wants to repeal our healthcare law when the COVID crisis is hurting people there as it is everywhere else. In the middle of a national healthcare crisis, the Republican Senate majority is poised to confirm a judge who opposes our country's healthcare law.

There is no reason to do this nomination now. There is no stunning number of vacancies on the DC Circuit. We are in the middle of a global pandemic and a national conversation about racial justice and police reform. This is about the Republican leader and his relentless pursuit of a rightwing judiciary.

Usually my friends on the other side of the aisle vote in lockstep on these judges, so it is an indication of Mr. Walker's caliber, or lack thereof, that at least one Senate Republican has announced opposition to his nomination.

After Mr. Walker—again, before we move to policing reform—Leader McCONNELL will put forward the nomination of Mr. Cory Wilson to the Fifth Circuit Court of Appeals.

Even by the very low standards of Trump's nominees to the Federal bench, Mr. Wilson is appalling. He called our Nation's healthcare law "illegitimate" and "perverse" and advocated the repeal of Roe v. Wade. Worse still, Mr. Wilson strongly supported restrictive voting measures, including voter ID laws and is opposed, in this day and age, to minority voting rights.

There will be a massive split screen in the Senate next week. As we prepare to debate legislation to reduce racial bias and discrimination in law enforcement, Senate Republicans will push a judge who has a history of fighting against minority voting rights. The hypocrisy is glaring. It is amazing to me—the temerity sometimes that the majority leader shows in talking about trying to bring racial justice and putting on the bench someone who has fought against racial justice in terms of voting rights throughout his career. Again, the hypocrisy is glaring.

CHINA

Madam President, now on China, my colleagues know how long I have

pressed administrations of both parties to be tougher on China's rapacious economic policies. For a time, I even praised our current President for talking about going after China's trade abuses, but, as on so many other issues, President Trump talks a big game and then completely folds.

After a few months of negotiation, President Trump announced his phase one trade deal with China, which lifted tariffs on Chinese imports in exchange for a few short-term agricultural purchases. It was clear at the time that President Trump sold out.

I argued strenuously with the Trade Representative, Mr. Lighthizer, about the phase one deal. And now, as excerpts of Mr. Bolton's book hits the press, we see why President Trump caved to China so completely.

The President's former National Security Advisor wrote that President Trump decided to drop all of our major demands on China because he wanted agricultural purchases from States that would aid his reelection. Mr. Bolton alleges that the President wanted the support of farmers in key States, so he sold out the national interest for his personal political interest. Does it sound familiar, my Senate Republican colleagues? Does it sound familiar?

Ironically, of course, American farmers aren't even getting the benefit because President Xi has reneged on purchasing American soybeans and wheat. When President Trump was so craven as to bring this up, it was a signal to Xi: You can stand strong, and the President will not do anything—will not do anything. And that is what happened, so no one won. American manufacturing and American jobs lost out in a weak-kneed deal with China, and then, even the farmers who were supposed to get benefit, of course, for Trump's political interests, didn't get any benefit.

While I would have preferred Mr. Bolton to have told these stories under oath at the impeachment trial, they are quite illuminating nonetheless. It seems he should have titled his book, "The Real Heart of the Deal."

President Trump's failure to secure an end to China's predatory intellectual property theft is now explained. President Trump's ridiculous praise of how Xi handled the coronavirus is now explained. President Trump's silence on human rights abuses and the protests in Hong Kong is now explained.

Even more revolting, Mr. Bolton alleges that the President approved of President Xi's plan to place up to 1 million Uighurs into concentration camps—possibly the largest internment of religious or ethnic groups since World War II.

China is America's competitor to this generation and the next, and this President's insecurity, weakness, vanity, and obsessive self-interest is a threat—a real threat—to our economic security and our national security. President Trump cannot be trusted to deal with China policy any longer.

DACA

Madam President, before I yield the floor, I spoke earlier about the DACA decision and how I thought, first, of those wonderful kids and their families and the burden that is off their shoulders. But after a few minutes, I dialed my dear friend Senator DURBIN. He has waged this fight since, I believe—2002?

Mr. DURBIN. 2000.

Mr. SCHUMER. 2000.

He has been passionate and unrelenting in fighting for the DACA kids and their families. He talks about it in our caucus every week. He did just this past week.

Now, while our work is still not done, we must all work so that these kids can eventually become American citizens. At least they are free—free at last—and, in good part, that is because of the work of the senior Senator from Illinois, who met them, got to know them and love them, and took his amazing legislative acumen to help them.

I believe, in part, that the decision across the street occurred because of Senator DURBIN's effective and unrelenting passionate advocacy for the DACA kids.

I yield the floor to my dear friend and a happy man this morning, the senior Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I want to thank my friend and colleague from both the House and the Senate, Senator CHUCK SCHUMER, the Democratic leader, for his kind words. He has been such a valuable ally in this battle.

As leader on the Senate side, CHUCK, I just can't thank you enough.

Mr. SCHUMER. DICK, the thanks goes to you. The thanks goes to you.

Mr. DURBIN. Time and again, we did things here that were difficult politically—difficult politically—to fight for the young people.

I just want to thank all of the Senators on both sides of the aisle who were a part of moving this issue forward. They did it at great political risk.

I can remember, as sure as I am standing here, watching one of my Democratic Senate colleagues walk down and vote for the Dream Act, return to her desk in the corner, put her head down and sobbed, realizing that she had probably cost her own reelection with that vote. Over and over again, people stood up for these young people.

This morning, minutes ago, the Supreme Court brought a smile and a sigh of relief to more than 700,000 young people in the United States of America. This morning, the Supreme Court ruled that the September 2017 rescission of the DACA Program by the Trump administration was to be stricken as arbitrary and capricious.

So what does it mean? It means, for these 700,000 DACA-protected individuals, that they can continue to live, to