

light on what the regime does to its own people and to others.

I thank Senator PORTMAN for his leadership on this.

Mr. PORTMAN. Mr. President, as in legislative session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and that the Senate now proceed to S. Res. 623.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 623) commemorating Otto Frederick Warmbier and condemning the North Korean regime for their continued human rights abuses.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. PORTMAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 623) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 16, 2020, under "Submitted Resolutions.")

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Texas.

DACA

Mr. CRUZ. Mr. President, today's decision from the U.S. Supreme Court in *Department of Homeland Security v. Regents of the University of California* is disgraceful.

Judging is not a game. It is not supposed to be a game. But, sadly, over recent years, more and more Chief Justice Roberts has been playing games with the Court to achieve the policy outcomes he desires.

This case concerned President Obama's Executive amnesty—amnesty that President Obama decreed directly contrary to Federal law. He did so with no legal authority. He did so in open defiance of Federal statutes. Of course, he was celebrated in the press for doing so.

Obama's Executive amnesty was illegal the day it was issued and not one single Justice of the nine Supreme Court Justices disputed that—not a one.

Chief Justice Roberts wrote the majority opinion, joined by the four liberal Justices on the Court. This is becoming a pattern.

The majority assumes that DACA—Obama's Executive amnesty—is illegal, and then bizarrely holds that the Trump administration can't stop implementing a policy that is illegal.

Think about that for a second.

In fact, it is even worse. The majority explicitly concedes, of course, the

administration can stop an illegal policy. "All parties agree"—that is a quote—"all parties agree that DHS may rescind DACA."

OK. Easy. Everyone agrees. DHS can rescind DACA. Right?

Not so fast. A clever little twist. The majority says: Do you know what? The agency's legal explanation wasn't detailed enough. Yes, you have the authority to do it. Everyone agrees. There is no argument that you don't have the authority to do it, but we are checking your homework and, you know, the memo you wrote explaining it just didn't have all the detail we need. Just a touch more, so start over.

What is interesting is that is exactly the sleight of hand that Chief Justice Roberts did almost exactly a year ago today in another case where the Chief joined with the four liberals from the Court and struck down another one of the Trump administration's policies.

In that case a year ago, the Commerce Department, which is charged by the Constitution with conducting a census every 10 years—the Commerce Department wanted to ask a common-sense question in the course of the census: Are you a citizen of the United States? That is a question that has been asked in nearly every census since 1820. It ain't that complicated, asking someone in the course of a census: Are you a citizen?

But in today's politically fraught world, the Democratic Party has decided they are the party of illegal immigration, as is the press. And so what did John Roberts do a year ago? Same thing. He wrote an opinion saying: Of course, the Commerce Department has the authority in the census to ask if you are a citizen. Of course. We have done it since 1820.

For those who are math impaired, that is 200 years ago.

Steadily since then, every 10 years, over and over and over again, but no, no, no, no—John Roberts, little twist of hand.

Do you know what? The Commerce Department didn't explain their reasoning just clearly enough. We looked at their memo announcing it, announcing that they were making a policy decision that they have unquestioned legal authority to do, that the Bill Clinton administration had asked that question, but John Roberts and the four liberals are going to strike it down because they say it wasn't explained clearly enough.

This is a charade. Last year, they pretended it was just about the agency could go back and do it again. They knew full well there wasn't time to do it again; that they had to start the census, and so they got the result they wanted. They didn't like, as a policy matter, asking this. There was no legal reason, no legal authority to strike it down, so they played a little game: Go back and start over. Of course, now we are doing the census without asking that question.

That is the same game here today in DACA. They don't like the policy so

they say: Just go back and do it over. Just give a little more explanation. Just start over. Everyone knows the game they are playing. They are hoping that in November, in the election, that there is a different result in the election; that there is a new administration that comes in that decides amnesty is a good thing, and so this sleight of hand is all about playing policy.

Five Justices today held that it was illegal for the Trump administration to stop breaking the law. That is bizarre. The reasoning is because the Obama administration violated Federal immigration laws, for now—wink, wink, let's pretend, because that is what they are doing, is pretending—Trump has to continue violating the law and behaving illegally.

Chief Justice Roberts knows exactly what he is doing. We saw earlier this week a decision rewriting title VII of our civil rights laws—rewriting title VII, the prohibition on sex discrimination, on discrimination against women or against men, rewriting it to add "sexual orientation or gender identity."

Now, as a policy matter, there are a lot of people who support that. Indeed, legislation to do that has passed the House of Representatives twice. It has passed this body once. But the Court just rewrote it. The Court just engaged in legislation, plain and simple, as Justice Alito powerfully wrote in dissent.

By the way, Chief Justice Roberts, again in the majority, assigned that majority. This is gamesmanship. Chief Justice Roberts knows exactly what he is doing. The fact that elites in Washington don't see a problem with illegal immigration doesn't answer the reality for millions of working men and women who do, and these kinds of games ultimately make a mockery of the rule of law. They make a mockery of the Constitution and Bill of Rights.

It is the same legerdemain we saw Chief Justice Roberts do several years ago upholding *ObamaCare*, where, again, just with a little flip of the wrist, he changed a penalty into a tax. That is not clever; that is lawless.

This decision today was lawless; it was gamesmanship; and it was contrary to the judicial oath that each of the nine Justices has taken.

JUDICIAL NOMINATIONS

Mr. DURBIN. Mr. President, we are in the midst of one of the greatest public health crises in our Nation's history. Over 2 million Americans have been infected by the COVID-19 virus. Over 115,000 Americans have died. Sadly, infections are still trending upward in many States. And what is the response of the Republican majority in the U.S. Senate to this public health crisis? This week, the majority leader, Senator MCCONNELL has scheduled a vote on his family friend and former intern, Justin Walker, to be a judge on the DC Circuit, the second highest court in the land.