| | | |
|---|---|---|
| Fischer | Loeffler | Rubio |
| Gardner | McConnell | Sasse |
| Graham | McSally | Scott (FL) |
| Grassley | Moran | Scott (SC) |
| Hawley | Murkowski | Shelby |
| Hoeven | Paul | Sullivan |
| Hyde-Smith | Perdue | Thune |
| Inhofe | Portman | Tillis |
| Johnson | Risch | Toomey |
| Kennedy | Roberts | Wicker |
| Lankford | Romney | Young |
| Lee | Rounds | |

NAYS—43

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

NOT VOTING—4

| | |
|---|---|
| Booker | Jones |
| Harris | Sinema |

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The majority leader.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 890 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The Democratic leader.

Mr. SCHUMER. Mr. President, now, I believe the Senate majority is on the precipice of making a colossal and historic mistake. By rushing this nomination through the Senate only 8 days before a national election, after 50 million Americans have already voted, the Republican majority is steering the Senate, the Supreme Court, and the country in a very dangerous direction. The damage to Americans' faith in these institutions could be lasting.

So before we go any further, we should shut off the cameras, close the Senate, and talk face-to-face about what this might mean for the country.

We need to restore public trust in our institutions, not continue to undermine it. The Senate majority may have the power to confirm this nomination before the election, but that does not make it right. Might does not make it right.

We ought to have a candid conversation, Senator-to-Senator, in which we truly listen to each other before it is too late. So I am making a motion to move to closed session.

## MOTION TO GO INTO CLOSED SESSION

Mr. SCHUMER. Mr. President, in accordance with rule XXI, I now move that the Senate go into closed session.

The ACTING PRESIDENT pro tempore. Is there a second?

Mr. DURBIN. I second the motion.

The ACTING PRESIDENT pro tempore. The motion having been made and seconded, the Senate will go into closed session.

The Chair, pursuant to rule XXI, now directs the Sergeant at Arms to clear all Galleries, close all doors of the Senate Chamber, and exclude from the Chamber and its immediate corridors all employees and officials of the Senate who, under the rule, are not eligible to attend the closed session and who are not sworn to secrecy.

The question is not debatable.

Pursuant to rule XXIX, I authorize the Secretary's desk staff and her Deputies and the Assistant Secretaries for the majority and minority to remain in the Chamber during the closed session.

The doors will be closed.

People who are not authorized to be here will please leave the Chamber.

(At 12:55 p.m., the doors of the Chamber were closed.)

(At 1:15 p.m., by a vote of 53 to 44, the doors of the Chamber were opened, and the open session of the Senate was resumed.)

VOTE ON MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. The question is on the motion to proceed to executive session to consider Calendar No. 890, the nomination of Amy Coney Barrett to be an Associate Justice of the Supreme Court of the United States.

The yeas and the nays were previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Alabama (Mr. JONES), and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote or change their vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—51

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

NAYS—46

| | | |
|---|---|---|
| Baldwin | Cardin | Duckworth |
| Bennet | Carper | Durbin |
| Blumenthal | Casey | Feinstein |
| Booker | Collins | Gillibrand |
| Brown | Coons | Hassan |
| Cantwell | Cortez Masto | Heinrich |

| | | |
|---|---|---|
| Hirono | Murphy | Stabenow |
| Kaine | Murray | Tester |
| King | Peters | Udall |
| Klobuchar | Reed | Van Hollen |
| Leahy | Rosen | Warner |
| Manchin | Sanders | Warren |
| Markey | Schatz | Whitehouse |
| Menendez | Schumer | Wyden |
| Merkley | Shaheen | |
| Murkowski | Smith | |

NOT VOTING—3

| | | |
|---|---|---|
| Harris | Jones | Sinema |

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The legislative clerk read the nomination of Amy Coney Barrett, of Indiana, to be an Associate Justice of the Supreme Court of the United States.

The ACTING PRESIDENT pro tempore. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative 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 Amy Coney Barrett, of Indiana, to be an Associate Justice of the Supreme Court of the United States.

Mitch McConnell, John Thune, Joni Ernst, Cindy Hyde-Smith, Marsha Blackburn, Roy Blunt, Shelley Moore Capito, Roger F. Wicker, Lindsey Graham, David Perdue, Chuck Grassley, James M. Inhofe, Tom Cotton, John Hoeven, Mike Crapo, Richard Burr, Lamar Alexander, Ben Sasse.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MCCONNELL. Mr. President, colleagues, in my first experience with Supreme Court confirmations in the Senate, I was a young staffer for a junior Member of the Judiciary Committee. That was also the same time I met a young guy named LAMAR ALEXANDER, who had just left the Senate to go to the White House to work in Congressional Affairs. So I have had an opportunity for quite a long time to observe the confirmation process through various ups and downs—periods when nominees were confirmed almost overwhelmingly and periods during which they were heated, to put it mildly, contests over the nomination.

What I think you can safely say about the Senate over the last 40 or 50 years is that it is in an assertive period. In other words, viewing the whole process as a joint thing, the President has a role to play, and the Senate has a role to play. And at various times in the history of our country, the Senate has been pretty passive about it; at

other times, they have been pretty aggressive about it. But the Constitution is clear: The Senate has a role if it chooses to exercise it.

Rarely have we ever had a nominee as extraordinary as the one we have before us right now. We have had a chance to witness this outstanding nominee. We have watched her in committee. She has demonstrated she has the deep legal expertise, dispassionate judicial temperament, and sheer intellectual horsepower that the American people deserve to have on their Supreme Court.

Last week, we saw why fellow legal scholars called Judge Barrett ''a brilliant and conscientious lawyer who will analyze and decide cases in good faith,'' and they say she is ''tailor-made''—tailor-made—''for this job.''

We saw why her former law clerks—her students—call her ''a woman of unassailable integrity'' and ''a role model for generations to come.''

We saw why the American Bar Association—an institution the Democratic leader has called the gold standard—the gold standard—deemed Judge Barrett ''well qualified'' to sit on the Supreme Court. And they heard why the legal professionals behind that rating called her—listen to this—''a staggering''—staggering—''academic mind.''

The chair of the ABA Standing Committee on the Federal Judiciary told the committee directly that ''in interviews with individuals in the legal profession and community who know Judge Barrett, whether for a few years or decades, not one person''—not one, not one—''uttered a negative word about her character.''

This outstanding nominee is exceptionally suited to this job, period. And I know we all know that. She is an exceptional nominee to the Supreme Court who will make the Senate and the country exceedingly proud.

There are few of us around here who have experienced the last 30 years up close and personal, and I am one of them. Others of you have followed parts of history from the outside, and now you are making history.

It is a matter of fact, a matter of history, that it was Senate Democrats who first began our contemporary difficulties with judicial nominations back in 1987 and who have initiated every meaningful escalation—every single one of them—from then up to the present day. Every escalation was initiated by the other side.

In 1987, Ted Kennedy and his friends introduced the country to Robert Bork's America—the first effort to smear a fully qualified judicial nominee based on insulting, apocalyptic scare tactics. Even some of the people who were directly involved in ''Borking'' Bork—Democrats, by the way—say they regret that low moment and what it has unleashed in the years since.

In the early 2000s, it was Democrats who very willfully invented a brandnew strategy to make judicial ideology, and not just qualifications, an acceptable criteria for tanking Presidential nominees.

I remember reading in the early part of Bush 43's first term a seminar that was convened by my friend the Democratic leader, and he invited a couple of scholars—Laurence Tribe and Cass Sunstein—to come talk to him about the appropriateness of beginning to use every single tool in the toolbox to stop judicial nominations.

It was always possible to filibuster judges; it just wasn't done. I mean, there are plenty of things you could do that you don't do; it just simply wasn't done.

The best example of that was the Clarence Thomas nomination. There couldn't have been a more controversial nomination than that one. The chairman of the Judiciary Committee, Joe Biden, and Ted Kennedy sitting next to him—it was about as aggressive as it gets. It made, in some ways, the Bork treatment look like child's play. The committee reported out Justice Thomas with an even vote—even. And as we all know around here, it only takes 1 of 100 Senators to make you get 60—just 1—only 1 to get the Senate in a place where you have to get 60 votes.

The tradition of dealing with the judicial nominees with a simple majority was so strong that not 1 Democrat—not 1—required 60 votes on Clarence Thomas. In case you don't remember, the vote on this confirmation was 52 to 48. One Senator out of 100 could have denied Clarence Thomas his career on the Supreme Court. That is how strong the tradition was of dealing with the Judiciary in a simple majority way.

Well, in Bush 43, my colleague, the Democratic leader, at this meeting, apparently, with Cass Sunstein and Laurence Tribe—I am paraphrasing, I am sure—was predicting all of these crazy rightwing judges were going to be sent up by Bush 43, and we ought to use every tool in the toolbox, whether it was used before or not, to stop judicial nominees.

So Democrats used the brandnew tool, the partisan filibuster, to block one Bush nominee after another whose qualifications nobody even disputed.

In her own confirmation hearing years later, for example, now-Justice Elena Kagan went out of her way to say that Miguel Estrada—a name some of you may not be familiar with, who got here recently—would have been qualified to sit on the DC Circuit. She said he even would have been qualified to sit on the Supreme Court. He became the poster child for this new process invented by the Democratic leader and his colleagues to routinely filibuster judges. It was written, the suspicion was, that it might provide for Bush 43 the opportunity to name the first Hispanic Supreme Court Justice, and, of course, they didn't want that to happen. So Senate Democrats filibustered him seven separate times in 2003. He was one of the many victims of this norm-shattering, precedent-breaking behavior.

A few years later, colleagues such as Senators Biden, DURBIN, LEAHY, Obama, and SCHUMER tried to filibuster Justice Alito's nomination to the Supreme Court. Fortunately, that was not successful.

But then something really funny happened. Something really funny happened. All of a sudden, there was a new President—President Obama. Suddenly, a Democratic President was making judicial nominations.

Well, imagine what happened then. Suddenly, Senate Democrats became very allergic to experiencing the effects of what they had started—in effect, the effects of their own playbook. They had no patience to taste their own medicine, none whatsoever. Our colleagues did not appreciate being held to the standards they had just created a few years before. The shoe was on the other foot.

Well, we all know what happened next—another massive Senate-shaking escalation by Senate Democrats in 2013: the nuclear option. They broke the Senate rules to change the Senate rules so that a Democratic President would not have to play by the same rules they had invented shortly before. And with a 51-vote threshold in place, Democrats began confirming nominees without meaningful minority support.

I said at the time, quoting myself: They would regret it a lot sooner than they would think.

Well, that regret began in 2016. In 2016, when Justice Scalia passed away, Senate Republicans had won our majority a year later. As I said then, when I recommended to all of you that we not fill that vacancy created in the middle of a Presidential election year, you would have to go back to 1888 to find the last time a Senate of a different party from the President confirmed a Supreme Court nominee to a vacancy created during the Presidential election year. In other words, not surprisingly, one party in control of the Senate was less inclined—and had been less inclined for a very long time—to confirm a Supreme Court nominee in the middle of a Presidential election year. It was entirely within the rights of the Senate to do that because what had clearly developed over these years was the Senate viewed itself as a partner—a partner—in the process. The President gets to nominate, but we get to decide whether to act on the nomination.

Needless to say, after the unprecedented Senate-shaking steps that Senate Democrats had taken, the Republican Senate majority was not much inclined to depart from precedent and do President Obama that favor.

Our decision in 2016 was fully in line with precedent, fully within the Constitution, and completely within the Senate rules. Now, I understand why they didn't like it. I wouldn't have either. Of course they didn't like it. But elections have consequences, and

America had chosen a Republican Senate in 2014.

But there is no parallel between actually breaking the rules, as the Democrats did in 2013, and merely applying the rules in ways the Democrats do not like. There is a big difference between breaking the rules and applying the rules in ways the Democrats did not like. If the Senate is going to function, we must maintain a distinction between when people break the rules and when they apply the rules in ways we may not like.

When President Trump won in 2016, Senate Democrats took yet another reckless and unprecedented step. They mounted the first ever successful partisan filibuster of a Supreme Court nominee. That had not been done before. They tried it on Alito; it didn't succeed. They tried it on Gorsuch, and it did. The message was, in effect, nobody who President Trump nominates is going to get 60 votes for the Supreme Court, no matter how qualified.

Of course, speaking of qualifications, Justice Gorsuch's qualifications were simply beyond question—someone who, frankly, has gone on to issue some rulings, by the way, that these guys over here like, which shows you predicting what a Supreme Court Justice is going to rule on has been a hazardous guess most of the time. Their apocalyptic threats about predictions about what is going to happen with nominees of Republican Presidents have been consistent going back to John Paul Stevens: Every single one of them is going to be a disaster for women, minorities, and all the rest—none of which, of course, ever materialized.

So, Republicans applied and extended what Senate Democrats had begun in 2013. They had left out the Supreme Court from being dealt with with a simple majority. So we decided we were going to return to where, by the way, the judicial calendar was—by practice anyway—just a few years ago. It was always dealt with with a simple majority. The Thomas nomination proved it. That was the custom here, until our friends on the other side decided to start a new custom, within the rules but a new custom.

So, all of my friends, this happened as a result of the threshold being lowered for the Supreme Court, and we are back to where we were as recently as Clarence Thomas. The Executive Calendar is dealt with with a simple majority. I think that is better for the country, and they will benefit from that, too, at some point.

When you have a President and a Senate of the same party, obviously, this is going to happen quicker. That is the way it has always been, whether the rule allowed a filibuster or not. So, ironically, we are back to where we were; the entire Executive Calendar will now be dealt with as it was a few years ago, before all of this back-and-forth with a simple majority.

Well, obviously, Justice Gorsuch was confirmed on a bipartisan basis once the Executive Calendar was returned finally to a simple majority.

And then Justice Kavanaugh—most of us were here for that—despite the horrific and embarrassing display that some of our Senate colleagues aided and abetted, we made it through that.

So the good news is this: In about 72 hours, I anticipate we will have a third new Associate Justice of the Supreme Court—in about 72 hours.

I do not blame some of my Democratic colleagues, who were not present for all of this, who wish the Senate would behave differently.

But just know this—this is not spin. This is fact. Just know this: Every new escalation, every new step, every new shattered precedent, every one of them, was initiated over there. No exceptions. Every one of them. And it all happened over the strenuous objection of Republicans, who tried, in each instance, to stop Democrats from trading away long-term Senate norms for short-term political wins.

Seventeen years ago, colleagues—seventeen years ago—Democrats were boasting to newspapers about this brandnew campaign to politicize judicial confirmations. They thought it was a great idea—bragged about it. One of my colleagues called himself the king of the filibuster and proudly wanted to own it. Well, sooner or later, the shoe is always on the other foot.

So I hope our colleague from New York is happy with what he has built. I hope he is happy with where his ingenuity has gotten the Senate.

Colleague, we have had this argument over and over for months, if not years. This is not really what we are here to debate today. We are here to actually consider an outstanding nominee whose qualifications nobody doubts—Judge Amy Coney Barrett.

So, colleagues, let's get on with it. Let's do our job. Let's rediscover the rational treatment of nominations that the Democratic leader embarked on a deliberate project, starting 20 years ago, to erase.

We will give this nominee the vote she deserves no later than Monday.

I yield the floor.

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

Mr. SCHUMER. Mr. President, we have just heard a tit-for-tat, convoluted version of history that the majority leader uses to justify steering the Senate toward one of the lowest moments in its long history. Might does not make right.

''You did something wrong, so we can do something wrong'' is no justifications when the rights of the American people are at stake. The Republican majority is steering the Senate toward one of the lowest moments in its long history. The Republican majority is on the precipice of making a colossal and historic mistake, and the damage it does to this Chamber will be irrevocable.

After thwarting the constitutional prerogative of a duly elected Democratic President to appoint a Supreme Court Justice because it was an election year, the Republican majority is rushing to confirm a Justice for a Republican President 1 week before election day. Consistency? I am afraid not. You don't have the right to argue consistency when you are doing what you are doing now.

Four short years ago, all of our Republican friends argued that it was a principle—that was the word they used, ''principle''—to let the American people have a voice in the selection of a Supreme Court Justice because an election was 8 months away.

Those same Republicans are preparing to confirm a Justice with an election that is 8 days away. In the process, the majority has trampled over norms, rules, standards, honor, values—any of them—that could possibly stand in its monomaniacal pursuit to put someone on the Court who will take away the rights of so many Americans.

The Republican majority, of course, ignored health guidelines to conduct in-person hearings in the middle of a pandemic after Republican members of the committee themselves had contracted COVID–19. It has broken longstanding Senate precedent. Never—never in the history of the Senate, despite any sophistic analyses of recent history, never has a Supreme Court nominee, a lifetime appointment, been considered so close to an election. The Presiding Officer of the Senate confirmed this yesterday in response to this Senator's inquiry; never in the history of the Senate has a Supreme Court nominee been confirmed after July of an election year.

My friends, it is the hallmark of democracy that might does not make right. The Republican Senate is blatantly ignoring this principle. Here in Leader MCCONNELL's Senate, the majority lives by the rules of ''because we can.'' They completely ignore the question of whether they should.

A Supreme Court nominee will be confirmed on a party-line vote after the rules were changed to allow it. Now it doesn't matter that an election is just a short time away. It is a complete contradiction of the supposed principle that same party so vehemently argued only 4 years ago. Again, it is 8 days—8 days—before an election in which the American people will choose exactly whom they want to pick Supreme Court Justices for them.

For the Republican leader to argue for consistency, using his convoluted version of history is laughable. It is absurd. It is outrageous. It is a stain on this body and an indelible mark on this Senate majority. In short, the Senate Republican majority is conducting the most rushed, most partisan, and least legitimate process in the entire history of Supreme Court nominations, and Democrats will not lend an ounce of legitimacy to the process.

Yesterday, the seats of the Democratic members of the Judiciary remained vacant in that committee

room. In their place, were the reminders of what is ultimately at stake in this nomination—the fundamental rights of the American people. It is not Democrat or Republican or who did this when and who did that when. It is the rights of the American people, what America needs and what Judge Barrett has stood for on these issues in the past that is ultimately what matters.

On the seats of those Democratic members were photographs of Americans whose lives would be devastated if a Justice Barrett delivers the decisive vote to strike down the Affordable Care Act, ripping away healthcare from tens of millions of Americans and eliminating protections for more than 130 million Americans with preexisting conditions.

You could imagine, alongside their faces, the faces of women who cherish the right to make their own private medical decisions, the faces of LGBTQ Americans who want to marry whom they love and not be fired for who they are, the faces of American workers who are breaking their backs to make ends meet and need their union to help them get a better wage, the faces of young people who know that the planet is in peril in their lifetimes.

I hope that when Republican Members of the Senate think about this nomination, they will think about those faces and what this nomination means to them, the hundreds of millions of Americans who will lose rights and fundamental things they need to make their lives better because of this nomination. It is not about qualifications. It is about what the American people need and want and will an unelected body take those rights away from them.

So I hope my colleagues will think about that. Take a moment. Take a moment to think about it, and then think about what it says about this sham of a process and the passion that we on this side of the aisle feel about protecting those people's rights, that we were forced to take the extraordinary step of refusing to participate in this process, because while they may realize it or not, our Republican majority's monomaniacal drive to confirm this Justice in the most hypocritical, the most inconsistent of circumstances will forever defile the Senate and, even more importantly, curtail the fundamental rights of the American people for generations to come. Democrats will play no part in that.

MOTION TO POSTPONE NOMINATION

Mr. President, I move to indefinitely postpone the Barrett nomination.

MOTION TO TABLE

Mr. President, I move to table the motion to indefinitely postpone the nomination.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Alabama (Mr. JONES), and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 218 Ex.]

YEAS—53

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

NAYS—44

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

NOT VOTING—3

Harris
Jones
Sinema

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Democratic leader.

MOTION TO RECOMMIT

Mr. SCHUMER. Mr. President, I move to recommit the Barrett nomination to the Committee on the Judiciary.

MOTION TO TABLE

I move to table the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. HAWLEY). Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Alabama (Mr. JONES), and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 219 Ex.]

YEAS—53

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

NAYS—44

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

NOT VOTING—3

Harris
Jones
Sinema

The motion was agreed to.

The PRESIDING OFFICER. The Democratic leader.

MOTION TO ADJOURN

Mr. SCHUMER. Mr. President, I move to adjourn and to then convene for pro forma sessions only, with no business being conducted, at 12 noon on the following dates, and that following each pro forma session, the Senate adjourn until the next pro forma session: Tuesday, October 27; Friday, October 29; Tuesday, November 3; Friday, November 6. Further, that if there is an agreement on legislation in relation to the COVID pandemic, the Senate convene under the authority of S. Res. 296 of the 108th Congress. Finally, that when the Senate adjourns on Friday, November 6, it next convene at 4:30 p.m., Monday, November 9, and that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed.

The PRESIDING OFFICER. That motion would require consent. It is not in order.

Mr. SCHUMER. Mr. President, I appeal the ruling of the Chair, and I move to table the appeal.

VOTE ON MOTION TO TABLE

The PRESIDING OFFICER. The question is on the motion to table the appeal.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Alabama (Mr. JONES), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Arizona (Mrs. SINEMA) are necessarily absent.

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

The result was announced—yeas 53, nays 43, as follows: