United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166 WASHINGTON, SUNDAY, OCTOBER 25, 2020 *No. 184—Part II*

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, October 27, 2020, at 10 a.m.

Senate

SUNDAY, OCTOBER 25, 2020

(Legislative day of Monday, October 19, 2020)

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Madam President, I rise today to join my colleagues in opposing the confirmation of Judge Amy Coney Barrett as Justice of the Supreme Court. This is the wrong time to be choosing a Supreme Court Justice, and Justice Barrett is the wrong candidate for a seat on that Court.

The timing of tonight's confirmation vote is shocking. The majority of Americans want to be able to weigh in on who should sit in Justice Ruth Bader Ginsburg's seat on the highest Court in the land. They want to vote to choose a President to fill that vacancy.

We are 8 days away from Americans casting their final votes in the 2020 election. Over 58 million Americans have already voted, including more than 649,000 Nevadans. The American people are making their voices heard in response to this administration's disastrous handling of the coronavirus pandemic, which has led to the loss of 225,000 American lives, including 1,748 Nevadans, and sickened over 95,000 Nevadans.

In the middle of this crisis, Congress should be doing everything it can to address the needs of the American people. Instead, the Senate majority leader is ramming through a nominee at breakneck pace. He and the President are rushing this nominee's confirmation for a reason, which is because they believe, based on Judge Barrett's own public statements, that she will be the decisive vote to overturn the Affordable Care Act in a case that will be heard just a week after the election.

On November 10, the Supreme Court will listen to arguments from lawyers in a court case about whether the Affordable Care Act is constitutional. Majority Leader MCCONNELL and the President want a Justice who shares their views on the Affordable Care Act seated on the Court by that date.

Amy Coney Barrett's record on the ACA, not to mention her stance on the rights for women and the LGBTQ Americans that you have heard from my colleagues today and you will hear throughout the night, but her record on the ACA poses tremendous risk to Nevadans at a time when they need every help we can extend to them during this health pandemic.

That is why I opposed her nomination to the Seventh Circuit Court of Appeals back in 2017, and that is why I oppose her confirmation to the Supreme Court today. Instead of rushing her through in a partisan fashion to a lifetime seat on the Supreme Court, we should be working together to get the additional coronavirus relief that Nevadans and Americans so badly need right now.

Most of us here in the Senate understand that the American people need help to cope with the pandemic. To save lives and to stop the spread of the virus, people have to wear masks, they wash their hands, and they socially distance. That has meant that businesses haven't been able to operate as usual.

Some companies have been able to rethink their business models and thrive, but others just can't substitute online interactions for in-person contact. That includes Nevada's world-class travel, tourism, and hospitality industry.

During April, Nevada had the highest unemployment rate ever recorded anywhere in the country at 30 percent. We are recovering from that peak more slowly than other States, and we still have one of the highest unemployment rates in the country. In August, second only to Hawaii's, it was 12.6 percent. Nevadans are hurting. Nevadans are hurting, Americans are hurting, and my constituents tell me about it all the time, and the data is clear what I see in Nevada. One in seven Nevadans say they aren't getting enough to eat, and one in five Nevadans say the children in their household are underfed.

There has been a 14-percent increase in those receiving SNAP benefits in the Silver State since February. There are 14 percent of Nevadans who say they are behind on rent or mortgage, and 38 percent are having difficulty with household expenses. There are 110,000 households in my home State that could be at risk of eviction by January.

That is why I have spent weeks calling on Leader MCCONNELL to extend and expand upon the support that we put in place in the relief legislation that we passed in the first half of this year. Unfortunately, instead of negotiating another COVID relief package, Leader MCCONNELL would rather play politics.

Nevadans need to understand the partisan political games that are being

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

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played right now. Over the last 7 months, Senator MCCONNELL has refused to come to the table to even negotiate with the administration, with Speaker PELOSI, and Leader SCHUMER.

Now, Speaker PELOSI and Minority Leader SCHUMER originally asked for $3.4 trillion in a new stimulus package. They have since come down to request for $2.2 trillion in relief. That is a decrease of $1.2 trillion from their original position. In return, as they have been negotiating with the administration, President Trump and Secretary Mnuchin have offered $1.8 trillion in coronavirus relief. Clearly, Speaker PELOSI and Secretary Mnuchin have been working to get closer to an agreement over the amount and structure of the next needed comprehensive COVID stimulus package.

Meanwhile, while that negotiation is going on, Senator MCCONNELL is not even at the table. He refuses to even negotiate with the Democrats. Just this week, last week, he has forced two votes on the floor of the Senate on relief packages that were crafted behind closed doors with no bipartisan negotiation, and the second package was half the price of the one before. That is not a negotiation. That is politics. Senator MCCONNELL doesn't want to deal. He hasn't participated in the talks, and he is proposing less than a third of what even the Secretary of the Treasury thinks we need.

Instead, the majority leader has been laser-focused on one thing and one thing only, rushing through the Supreme Court nomination for Judge Amy Coney Barrett. There is a reason he is pushing so hard. He and others in the GOP have been obsessed with getting rid of the Affordable Care Act since it passed, and in Amy Coney Barrett, they see their chance to finally do just that.

Now, I want Nevadans to understand exactly what is at stake and how we got here. Let me lay out the timeline of just some of the dozens of Republican attacks on the Affordable Care Act and how Judge Barrett fits into their larger plan to overturn healthcare protections.

In 2010, the Obama administration passed the Patient Protection and Affordable Care Act, the ACA, to bring down healthcare costs and make sure that Americans had access to quality healthcare. Now, Republicans have been trying to repeal it ever since, voting at least 70 times—70 times—to undo the law in Congress. When they failed in Congress, they attempted in the courts.

Republicans have repeatedly used the courts to challenge Congress's power to enact the ACA. Their first attempt ended in failure in 2012 when the U.S. Supreme Court upheld the important provisions of the ACA in an opinion written by Chief Justice Roberts in the landmark case, NFIB v. Sebelius, but that has not stopped the Republican leadership.

Even though a majority of the American people have made it clear over and over that they want the ACA and its extensive protections for healthcare, this administration and MITCH MCCONNELL have been stacking the court with Federal judges they believe would overturn the ACA, and Professor Barrett fits their profile.

In 2017, Professor Amy Coney Barrett wrote a book review article for Notre Dame Law School making it clear at the time in that book review that she thought Justice Roberts incorrectly decided NFIB v. Sebelius. She said that Chief Justice John Roberts ''pushed the Affordable Care Act beyond its plausible meaning to save the statute.'' Conservatives who agreed with her, well, they took notice, because in May of that same year, 2017, they nominated her to serve as a judge on the Seventh Circuit Court of Appeals—go from professor to a judge of the Seventh Circuit Court of Appeals.

Now, while her nomination was pending in 2017, in July, the Republican leaders in the Senate again tried to force a vote to repeal the Affordable Care Act, and during that vote, the late Senator John McCain gave his famous thumbs down to show that he would not be responsible for repealing the ACA and ripping healthcare away from millions of Americans.

Well, a couple of months later, October 2017, Amy Coney Barrett was appointed to the Seventh Circuit Court of Appeals. I opposed her then for the same reasons that I oppose her nomination today. One month later, in November, she is then placed on President Trump's list of potential nominees to the U.S. Supreme Court. She just got to the circuit court. A month later, she is now on President Trump's list. Why is she on that list? Because she made it very clear in her writings that she was opposed to the Affordable Care Act.

Then 3 months later, in December of 2017, the Republicans in Congress passed a bill that would continue their attempts to sabotage the ACA. What they couldn't get done, because Senator John McCain and several others stopped him, they continued to sabotage it, so they passed a law. Based on this new law, several Republican attorneys general then went to Court asking the Court to rule the ACA unconstitutional. That case is California v. Texas, and it will be argued this year, November 10, just 2 weeks from now.

So their pathway has been consistent; I give them credit for that. The Republicans have been consistent in wanting to do away with the Affordable Care Act. They have either tried it here in Congress, or they are continuing to work the courts, and if they can't win in the courts, then let's put judges on the Federal benches that we know will support our position, and that is what you have happening. That is why this is being rushed through now, because they need Amy Coney Barrett on the bench when that case is heard November 10 to determine the constitutionality of the Affordable Care Act.

Let me tell you, the U.S. Department of Justice has done everything it can to assist their efforts to strike down the ACA. They filed a brief. The U.S. Department of Justice, on behalf of President Trump's administration, have filed a brief arguing that the entire law is invalid in support of those Republican attorneys general who want to do away with the Affordable Care Act. They have done this because the President wants them to.

In an interview with ''60 Minutes'' that aired just this evening, the President said that with regard to the Supreme Court's decision on the Affordable Care Act, ''I hope that they end it.''

That is not the only time. It is not a secret. President Trump wants to do away with healthcare coverage and patient protections in the middle of a pandemic that has killed 225,000 Americans, and he has been very clear about it. I mean, look back. June 26, 2015:

If I win the Presidency—

When he was a candidate.

—my judicial appointments will do the right thing, unlike Bush's appointee, John Roberts, on ObamaCare.

February 8, 2016:

I am disappointed—

This is President Trump.

—I am disappointed in Chief Justice Roberts because he gave us ObamaCare. He had two chances to end ObamaCare, and he should have ended it by every single measurement, and he didn't do it, so that was a disappointing one.

May 7, 2020, President Trump reiterated his position:

We want to terminate healthcare under ObamaCare, and ObamaCare is a disaster.

September 27, 2020, shortly after Barrett's nomination to the Supreme Court, President Trump tweeted:

ObamaCare will be replaced with a much better and far cheaper alternative if it is terminated in the Supreme Court. It would be a big win for the USA.

So, 4 years, at least, while I have been here, Republicans have been trying to repeal it, and this administration has been promising a replacement for healthcare in this country if the Affordable Care Act is repealed, but we see no replacement. We know that they have been putting judges on the Federal courts that will do their bidding—or at least think that they will do their bidding.

Now, let me give Judge Amy Coney Barrett credit because here is the thing: As an attorney, I respect judges, and I am always looking for a judge—a mainstream judge—who is going to weigh the evidence and the facts, look at the precedent, and make a decision that is on behalf of this country and the American people. So it is fair, though, without knowing her background, to judge which way she is going to rule and if she has an inherent bias based on her writings. That is what we do all the time.

What are her writings? Whether it is in private life as a professor or as an

attorney practicing law or as a judge in her written opinions, that is fair game. That will give us insight, because we can't see into somebody's mind and what they are thinking. That will give us insight on their legal analysis.

We know what she said at the hearing. There is two hearings: One is the Seventh Circuit, and one is U.S. Supreme Court. I will say, in her confirmation hearings, Judge Barrett has said:

I am not hostile to the ACA at all.

But this statement contradicts the thing she said about the ACA before her nomination to the court.

I believe now what I believed in 2017, Judge Barrett's writing showed her to be clearly opposed to the ACA. My view is that no one—no one—not even a judge, should weaken those protections for healthcare in this country during a once-in-a-lifetime pandemic.

The Affordable Care Act is a crucial part of the Nation's response to coronavirus. Without it, insurance companies would be able to charge more or even deny insurance to people with preexisting conditions. That includes more than 95,000 Nevadans who have had COVID–19 to date because contracting that coronavirus is a preexisting condition. It includes another 1.2 million Nevadans with other preexisting conditions from asthma to cystic fibrosis to depression.

Without the ACA, insurance companies would also be able to consider pregnancy a preexisting condition as they used to. The 1.5 million women in Nevada could be charged more for their care than men, and lifetime and annual benefit caps could be reinstated.

If the Affordable Care Act is repealed or found unconstitutional, insurance companies would be able to kick children off their parents' insurance before the age of 26. Across the country, without the ACA, more than 20 million people would lose their health coverage, and over 135 million Americans would lose protections for their preexisting conditions. If the Supreme Court eliminates the ACA, millions of newly uninsured people will be unable to afford coronavirus treatment.

If you don't have insurance and you contract COVID–19, you are looking at tens of thousands of dollars in hospital bills. Let me tell you, this is especially alarming because COVID–19 has hit communities of color the hardest, including in my State. In Nevada, a third of our population are Latino; with another 10 percent of the population African-American; and 9 percent, fastest growing Asian-American/Pacific Islander; 2 percent, Native-American.

Among COVID–19 cases, however, these numbers are practically turned upside down. Forty-five percent of Nevada's COVID–19 cases are among Latinos who make up 29 percent of the population. And 29 percent of the cases are among White Nevadans who are 45 percent of the population. Nevadans of color are also overrepresented in the numbers of those who have lost their lives during this pandemic. In Nevada, 12 percent of those who have died of COVID–19 are African-American and another 12 percent are Asian-American/Pacific Islander.

We also know from national data that COVID–19 has particularly devastating effects on children of color. Of those under 21 who have been killed by the coronavirus, more than 75 percent have been Hispanic, Black, or Native American. In addition, the coronavirus pandemic has had a disproportionate effect on pregnant women of color and their babies.

Nationwide, Latino mothers make up nearly half of the coronavirus cases among pregnant women, according to the CDC data through August.

Young people and communities of color are also seeing the greatest economic impact as a result of this pandemic. They are losing jobs and healthcare at higher rates. A recent study suggested that job losses would mean that 5 million Black, Latino, and Asian Americans would lose healthcare during the pandemic.

People in these communities don't always have the financial reserves to keep a roof over their heads, let alone access to critical, physical, and mental healthcare. Repealing the ACA would just further jeopardize these Americans, including millions in my home State and across this country.

And without the ACA protections, women in Nevada would also see adverse impacts on their health. That is because the ACA requires insurance plans to offer women essential benefits, like annual wellness examines, preventive mammograms and other screenings, maternity care, and access to free birth control. If the law is struck down, these benefits would go too.

In fact, Judge Barrett publicly signed a statement of protest against the ACA contraceptive coverage requirements. She said that those requirements were ''an assault on religious liberty when applied to religious employers and institutions.''

But that is just the first part of the danger that Judge Barrett represents to women's healthcare. She puts reproductive health rights at risk across the board.

In 2006, Judge Barrett signed a letter that called for ''an end to the barbaric legacy of Roe v. Wade.''

As a judge, she has repeatedly voted to rehear cases that struck down unconstitutional abortion restrictions.

During her confirmation hearing, she refused to describe Roe v. Wade as a superprecedent that could no longer be challenged. These views suggest—her written views and comments—that as she predicted in a 2016 speech, a Trump nominee to the Supreme Court would mean that the restrictions on abortion would change and that the Court would likely increase how much freedoms States have in regulating abortion, and if those States have more freedom to regulate abortion, it will lead to a patchwork of different laws in different States.

A recent study suggests that if Roe v. Wade were overturned, the closest abortion clinic would close for 41 percent of women across the country, and the distance to the nearest clinic would increase from an average of 36 miles to an average of 280 miles.

In 2020, American women shouldn't have to choose what State to live in based on what kind of healthcare they think that they can get. These are fundamental rights that shouldn't be up for grabs.

More than 80 percent of Nevadans believe that women should control their own reproductive choices, and I stand with them.

I am also concerned about the impact that Judge Barrett would have on LGBTQ Nevadans if she is confirmed to the Court. The ACA contains specific protections against discrimination based on gender identity. The Trump administration has already weakened these protections significantly. If the ACA is struck down altogether, people who don't conform to gender stereotypes, including transgender Americans, could face increased discrimination in healthcare.

A study of transgender patients before the ACA went into effect, found that one in five had experienced discrimination from doctors and that 28 percent have postponed medical care in the past in order to try to avoid that discrimination.

Judge Barrett could also pose a considerable threat to the LGBTQ individuals in other ways. During her confirmation hearings, she refused to say whether she agreed with a decision in Obergefell v. Hodges, which established the right to same-sex marriage nationally.

In 2015, she publicly signed a letter stating that marriage is founded on the indissoluble commitment of a man and a woman. She has also publicly argued that title IX of the Civil Rights Act does not apply to transgender Americans, noting that it seems to strain the text of the statute to say that title IX demands that the government guarantee transgender bathroom access.

So, again, I am very concerned that if she is confirmed to the Court, Judge Barrett will be an additional vote to strike down things like same-sex marriage and imperil the health of LGBTQ Nevadans.

The truth is that Judge Barrett's views on a whole host of issues are far from mainstream. In her short time in the Seventh Circuit Court of Appeals, Judge Barrett has sided with corporations over workers and consumers in a majority of business-related cases, resulting in the erosion of workers' rights and consumer protection rights. She has suggested that voting rights should be more easily restricted than the right to possess firearms. And she has ruled that the Age Discrimination in Employment Act does not protect job applicants from hiring practices that harm older Americans.

Now, I have received over 18,000 letters from Nevadans opposing her confirmation. That is compared to 3,900 supporting it. So, clearly, Nevadans are concerned that Judge Barrett doesn't share their views, and they are right to be concerned.

The Supreme Court makes decisions about so many issues that affect our communities, and it will be lifelong. People in this country care deeply about issues, and in so many cases, Judge Barrett's views are out of step with what large majorities of Americans want.

Seventy-seven percent of Americans think we should stop unlimited dark money from influencing our politics, but a 6-to-3 conservative Court would slam the door on campaign finance reform, allowing corporations and other groups to throw their wealth behind their pet policies.

Americans believe voting should be easy, safe, and secure, and that you shouldn't have to risk your health during a pandemic to cast your ballot. But, again, a 6-to-3 conservative Court with Amy Coney Barrett on the Bench would make it harder for people to vote, especially people in low-income communities and communities of color. And, again, bear in mind that we are in the middle of an election.

If she is confirmed tonight, Justice Barrett would also be in a position to rule on any legal disputes about that election.

That is one of many topics that she simply refused to answer questions about during her confirmation hearings.

Now, it is understandable for a judge to avoid questions about a case that may come before her so that she doesn't prejudge the outcome. But Judge Barrett refused to answer the most basic of questions—questions that any high school civic student knows the answer to.

She wouldn't say whether the Constitution allows Congress to protect the right to vote. Answer: It does in at least five separate provisions.

She wouldn't say whether the President of the United States can delay the election. Answer: He can't. That is not within his authority.

She wouldn't say whether the President should peacefully transfer power to the winner of a Presidential election. The most important American principle is that we the people get to decide who governs it, but Judge Barrett wouldn't even affirm that.

And she wouldn't say whether voter intimidation or voting twice in an election is illegal. Well, it is. Those laws are clearly on the books. It doesn't take a constitutional scholar to interpret them.

People in Nevada and across the Nation need to realize that many of the rights and protections they enjoy are one vote away from being ended by the Supreme Court.

There are at least 120 landmark Supreme Court cases from the past several decades that were 5-to-4 decisions, with Justice Ruth Bader Ginsburg the deciding vote in the majority and Justice Antonin Scalia, whose judicial philosophy inspires Judge Barrett, in the minority. There is every reason to think that Judge Barrett would take positions like Justice Scalia's in those areas and more.

With Amy Coney Barrett on the Court, Americans' civil rights, workers' rights, reproductive rights, healthcare, and, yes, their voting rights are at risk. For all of these reasons, Judge Barrett is not only the wrong nominee, but she comes at the wrong time.

Now is not the time to rush a nominee onto the Court. Now, as millions fill out their ballots, is not the time to deprive the American people of a voice in choosing the next President who will choose the Supreme Court Justice. Now is not the time for us to focus on the immediate crisis at hand.

We need to act to save lives and to protect families in Nevada and across the country. We need that focus now on what our families are dealing with because of this pandemic. That is why our focus should be on passing another comprehensive COVID–19 stimulus package.

We need pandemic unemployment insurance for those who have been laid off or furloughed, through no fault of their own, and subsidized health coverage for those workers. We need additional funds to address the health aspects of this pandemic—everything from PPE to COVID–19 testing and tracing, to funding to develop vaccines and treatment. We need rental and homeowner's insurance to keep people safe in their homes as winter approaches. Our small businesses need extended PPP so they can retain staff. And many of our large industries need support as well.

State, local, and Tribal governments must have assistance so they can afford to fund EMTs, police, firefighters, and healthcare providers, not to mention teachers who are reinventing education on the fly.

All of these essential services are keeping our communities safe and functioning during this crisis.

I can keep going on and on with this list, or I can just simply point my colleagues to the Heroes Act, which the House passed months ago.

If Senator MCCONNELL really wanted to get meaningful relief passed, he would do it. We know he can move quickly because we can see that with this Supreme Court nominee.

If he would just come to the table with Senators from both parties who are eager to find a compromise to help out their constituents, and he could make that deal happen, that is what should happen. Instead, he and the majority in this Chamber have decided to fast-track this nominee. They have decided the most important thing they can do for this Nation during a once-in-a-lifetime health crisis is to confirm a Justice to the U.S. Supreme Court.

The cruelty and blindness to the real needs of Americans is astounding to me. Instead of working for our constituents, Republican leadership has focused on a last-minute power grab that threatens Americans' health. I can't support that.

There is no reason to rush this nominee. There is every reason to act on a comprehensive COVID–19 relief package. It is what we should have been doing months ago.

My priority is and will continue to be getting Nevadans comprehensive and meaningful support that they need right now.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to speak about the nomination of Judge Amy Coney Barrett to be an Associate Justice on the U.S. Supreme Court. That has been the subject of, I know, a number of floor remarks tonight and this morning.

We know that in terms of the history of the nomination at this time before an election, no person has ever been confirmed this close—just days away from a Presidential election—and no election, of course, has had so many votes cast this early. Fifty-nine million is the last number I saw a couple of hours ago. And this is all happening—this rushed confirmation process—while people are voting, all while Republicans here in the Senate are ramming a nomination through and not voting on a COVID–19 relief bill, which should be the subject of our work at this time, in my judgment, because of the nature of the pandemic, the threat that it still poses, and the relief that is needed all across the country.

But as much as we focus, in this Supreme Court Justice nomination debate, on this judge from the Seventh Circuit Court of Appeals, ultimately, it is really, in the end, not about her nomination; in the end, it is about real people's lives, especially as to how the Supreme Court will impact those lives, those families, when it comes to the Patient Protection and Affordable Care Act. That will be the focus of my remarks this morning.

This is a debate about people, and I will talk about a few people from Pennsylvania in my time here on the floor, people like Erin Gabriel, who is from Beaver County, PA, right on the Ohio border, way out in the western part of our State. It is about Erin and her 11-year-old daughter Abby, as well as Shannon Striner. Shannon is from Pittsburgh, just a little south of where Erin is from.

I will be talking about Shannon and her 4-year-old daughter, but I will start with Erin Gabriel's daughter Abby. I will use this photograph to tell everyone who Abby is. Abby is this child in the middle. She is in this picture with her brother and sister.

Here is what Erin Gabriel said about her daughter. She said:

My youngest daughter Abby just celebrated her 11th birthday last Saturday.

This is just in the month of October, this month.

That was something that was never promised to us. Abby is growing up in her community with her family and friends. Normally, she enjoys shopping, going to the movies, Disney on Ice. She travels. She swims at a local lake, and she snuggles with her dog at home, and she rides all the rides at Idlewild—

Which is a local amusement park—

Abby is autistic, deaf, blind, nonverbal, and has a rare progressive neurological syndrome affecting multiple organ systems, with a long list of life-threatening symptoms that we are all still trying to learn more about.

Medically, Abby has to go through a lot. She sees multiple specialists in Pittsburgh, Cleveland, and Boston. She is undergoing blood work to monitor her anemia and to watch for signs of leukemia. She has regular EEGs and MRIs to monitor the progress of her seizures. She uses hearing aids and glasses and a wheelchair and a speech-generating device. She relies on protections for people with preexisting conditions, and she relies on the ban on lifetime caps to access this care. Without the Affordable Care Act, Abby would be uninsurable.

Then Erin goes on to talk about the benefit of living in Pennsylvania because of some extra protections that Abby has. Then she continues:

Because she receives this care, Abby is right now healthy, happy, and thriving. As you might expect, Abby is considered very high risk should she contract COVID–19. Abby has not been inside any building that is not our home or a hospital since March 10 of this year. Summer vacations, play dates, outings, travel plans to visit grandparents—they have all been canceled. This fall, we pulled Abby out of her school—a place that had become community to her over the last 8 years—to homeschool her.

She, like many children with disabilities, simply cannot access a virtual education, and it is not safe to send her back into a school building while this virus is spreading. But Abby misses her school and her friends.

Normally, ongoing speech, occupational, and physical therapy help Abby to keep the progress she has made learning to walk, to eat, swallow, and to communicate. But with COVID–19, they have all come to a halt.

It is just not safe, and it has also provided us a window into what her world looks like without access to these therapies.

So that is just part of Abby's story, as told to us by her mom. As I made reference to in the statement of her mom, Erin wrote that Abby would be ''uninsurable'' without the ACA.

I have to ask: Are we really going to say, again, that children like Abby are uninsurable? Are we going to allow that to happen in America? Is that the intent of this whole exercise, the exercise that has played out over years now—years—of repeal efforts?

All of them so far have failed, so the second strategy was to run cases up through the judicial system, to get to the Supreme Court, and then, ultimately, to stack the Court with right-wing justices who could then strike down the Affordable Care Act. That is what we are heading toward right now.

Is that America? Is that the America we want—where we advance healthcare to make sure families like Erin's and her daughter Abby have all the protection, all the coverage that she needs—after all the progress that has been made, instead of coming together and saying that we are going to make improvements to our healthcare system but we are going to grow the number of people who are covered and we are going to ensure that any child like Abby has the protections that she needs, that her family should have a right to expect in the United States of America, the most powerful, the wealthiest country in the history of the world?

Erin went on to say that, because she receives this care, the care she is getting now—largely because of the Affordable Care Act, not to mention Medicaid: ''Largely because she receives this care, Abby is healthy, happy, and thriving.''

So I have to ask: What does justice demand here? St. Augustine said hundreds of years ago: ''Without justice, what are kingdoms but great bands of robbers.''

So any government—certainly our government—that makes it possible for a child to have those protections, those programs, those services, the therapies—and I could go on—and then takes an action that could result—and if this law is struck down by the Supreme Court will result—in those benefits and protections either to have been taken away or to be threatened or undermined or compromised or limited—any government which does that is robbing that family of justice.

I mentioned earlier that Shannon's daughter Sienna is another example of what we are talking about here. Here is what Shannon says about Sienna, her 4-year-old daughter with Down syndrome. She says:

Sienna is a remarkable little girl that loves life. She is a smiley, energetic, empathetic ray of sunshine. Her favorite activity is spending time with her big sister, whom she adores. If we let her, she would watch Sesame Street all day. Elmo is a way of life in our house. She loves music, books, therapy, and playing outside. She is mischievous, funny, and beautiful. She has the ability to bring smiles to our family on the worst of days. We wouldn't change one thing about her.

Sienna happens to have an extra copy of her 21st chromosome, also known as trisomy 21 or Down syndrome. Sienna's diagnosis came as a surprise to us. After enduring four miscarriages, she was our miracle baby. Our miracle baby surprised us on the day of her birth with her diagnosis and a heart condition.

We were completely unprepared to raise a child with a disability. After I delivered her, a kind nurse explained to me how lucky we were to have Sienna here in Pennsylvania after passage of the Affordable Care Act.

Then she went on to talk about how Pennsylvania had some benefits in Medicaid. And then Shannon continues:

As I entered this new world of early intervention, therapies, and medical needs, I began to realize just how much of a financial toll this would take on all of us if it weren't for the protections of the ACA and Medicaid: custom orthotics, outpatient weekly therapies, overnight hospital stays, adaptive strollers, walkers, safety sleepers, echocardiograms, communication devices, blood work. The list goes on.

Sienna receives seven weekly therapies. The cost of those alone are $3,400 per week. Without the ACA, her therapies and medical care would have quickly exceeded the lifetime cap, and Sienna would be uninsurable for the rest of her life and left without access to lifesaving care.

Shannon goes on:

I am proud to be Sienna's mom. The journey is full of wonder, joy, and unimaginable love. It changes life's most ordinary moments into the extraordinary. But with constant attacks on our healthcare, it is also agonizing work, hard decisions, and constant advocacy. It gets exhausting fighting for your child, having to prove their value to the world.

Then she goes on at the very end:

Once again, we as parents are forced to suit up for battle and prove that our children are worthy of healthcare.

Her last line of this statement is:

Everyone loses if our children are unable to reach their fullest potential.

So that is Shannon talking about Sienna, her daughter. She used that same word that Erin used. Different stories, similar burdens, but she used that same word that Erin used—''uninsurable''—uninsurable if the Affordable Care Act is taken away.

She talks about life with the Affordable Care Act and without it. That is what a lot of parents do when they write to us. They tell us what their life was like before the Affordable Care Act and what their life is like now—and what their life would return to, those dark days when an insurance company could make a determination about a child's insurance, their coverage, their treatment—frankly, their life.

Then, toward the end, she talks about what she and other parents feel under these constant attacks, having to prove their value, the value of their child: We as parents are forced to suit up for battle—suit up for battle—and prove that our children are worthy of healthcare.

I am going to ask the same question again: In America? In America, that is what we want to do—have this constant battle? Parents have to come here, to the U.S. Senate and to the House?

The organization that this mom is a part of is called Little Lobbyists. This is a group for and because of the battles on healthcare. Why the hell is this going on in America?

Why should we be fighting about progress that has been made? Why aren't we talking about improvements, getting the cost of healthcare down, getting the cost of prescription drugs down? Let's make improvements.

Why do these parents have to continually battle to ensure that their children have this kind of protection? Should mothers really have to suit up for battle in the United States of

America, where the powerful get their way all the time in this place?

They are different kinds of lobbyists that come in. They are not Little Lobbyists. They are not mothers and their sons and daughters. They are a different kind of lobbyist. Corporations did really well in the tax bill of 2017, a bill that was rammed through between Thanksgiving and Christmas.

What did they get? Well, they got about a 14-point reduction in their corporate tax rate—permanent tax relief, jacked up the debt to do it—because they have power.

I thought that was—when you compare that action that the Senate took at the time to what some in the Senate want to do on healthcare, to roll back the protections, to rip away protections for these children—and I am not even talking tonight about the adults who are impacted. But when you compare those two actions, it is really perverse and disgusting that the powerful get to come in here and get permanent tax relief and get a bonanza the likes of which we haven't seen in modern American history.

And all these parents are asking us to do is preserve what we have. They are not asking for anything more. They are just saying: Please make sure my child doesn't lose their coverage. Please make sure that they have the therapies they need when they have these complex medical needs, multiple disabilities—not one, in many cases, but multiple. That is all they are asking us to do.

That is why it is such an important matter in the Supreme Court fight because you have to ask: Why the rush to get this nominee through by election day? That has never happened before this close to an election.

Well, I will tell you why. This nominee is being fast-tracked, first of all, because this nominee has been vetted by the two groups that matter—the Federalist Society and the Heritage Foundation—both groups totally committed to undoing, striking down the Affordable Care Act. So she has already passed that test, and she apparently passed with flying colors, as she moves very quickly to a likely confirmation.

But why the fast-track to get there in a matter of days? What is coming up? Is it election day? No. There is a date after the election; it is November 10. That is the argument date. They know that, if she is not on the Supreme Court, if she is not confirmed as a member of the Court by the argument, November 10, she can't participate in the decision.

What is the decision? The decision to strike down the Affordable Care Act. That is what it is—the decision that really is the proxy for what did not happen on the floor of the U.S. Senate in July of 2017. When the repeal effort failed and when it failed multiple times in the House over many years, this is the proxy for it. Litigate it, fund it, and run that case right up the chain to the Supreme Court.

So that is what this is about. They want to make sure that she is on the Court and at the argument so she can be the deciding vote on the Affordable Care Act. That is why we are rushing.

How about another healthcare issue? How about Medicare? I mentioned Medicaid. How about Medicare, the program that used to have bipartisan support all across the board?

Now, Judge Barrett was asked a direct question about Medicare, and she didn't want to give an opinion on Medicare. She was asked it in the context of the constitutionality of Medicare. And a member of the Judiciary Committee, Senator FEINSTEIN, asked her because she referenced a law review article questioning the constitutionality of Medicare.

I think that is a loopy theory. I think that is a theory that most Americans—probably 90 percent of Americans—don't agree with, questioning the constitutionality of Medicare, passed more than 50 years ago. It has benefited tens and tens and tens of millions of Americans and still today benefits numbers like that—45 million, roughly, I think it is.

I understand why the judge doesn't want to say: Well, in this case that is before the Court or this case that is unsettled, I might have a—I can't give you a determination. But on Medicare couldn't she have at least said—instead of mentioning, as she did in her answer, the law professor's name twice who has this loopy theory on Medicare constitutionality, couldn't she have said simply: Well, I can't tell you how I am going to rule on a Medicare case, but I can tell you that, just like Brown v. Board of Education is a superprecedent in a judicial sense, I think most people would agree that Medicare is a superprecedent in a legislative sense.

She wouldn't have violated any principle of not telling how you are going to come down in a case. She could just tell us or relate to us the reality that most Americans believe about Medicare.

Now, I know there has been some commentary about her law review article that—or I should say her writings about the 2012 Supreme Court case. We know that the case she was referring to was a 2012 case. So, in 2017, Judge Barrett wrote an article about what Chief Justice Roberts ruled in the case. She wrote: ''Chief Justice Roberts pushed the Affordable Care Act beyond its plausible meaning to save the statute.''

In light of her frequent criticism of the act, the Affordable Care Act, Senator LEAHY of Vermont asked her during her confirmation hearing whether she had ever written or spoken in favor of the law. She has not. So that is what she was writing in 2017.

I have to ask: If she felt so strongly about the 2012 decision by the Court and the position of Justice Roberts, she didn't seem to write much about it for a couple years—until 2017, when you had a new President. And what followed a few months later was she was nominated in the circuit court of appeals. So that is curious.

But what we know is that the President who nominated her, President Trump, certainly wants to strike down the Affordable Care Act. In fact, in May he said he wanted to ''terminate healthcare'' under the Affordable Care Act.

We know the impact of that. That destruction, the act of striking down the Affordable Care Act, would harm tens of millions of Americans. In Pennsylvania, 5½ million people with a preexisting condition would be affected. Over 840,000 Pennsylvanians who are enrolled in Medicaid expansion would be, of course, adversely impacted. So that is the reality of what we are talking about with regard to this nomination.

I will make reference to one more family before I conclude my remarks. It is the Kovacs family from—also from Western Pennsylvania, Plum Borough, PA, in Allegheny County, not too far from Pittsburgh. The Kovacs' 11-year-old son Thomas is blind and has multiple disabilities. He has epilepsy, microencephaly, and intellectual disabilities.

His mom, Jessica, says the Affordable Care Act has made all of their lives better: ''The ACA has made it possible for Thomas to receive therapy services at his school, Center Elementary School in Plum Borough.''

The ACA has given his parents the option to change jobs and advance in their careers without fear of not being able to obtain health coverage for him because of his preexisting conditions. And they don't need to worry about busting through lifetime expense caps and losing coverage for Thomas. The ACA has brought peace of mind and comfort to their family because they know that he is protected by the essential healthcare benefits the law provides.

Striking down the ACA isn't only about the essential health benefits. It is about a lot more than that.

There is so much more that I could talk about tonight, so many more examples, but I will conclude with that and just make one final comment. When I think about what could happen and what is likely to happen if Judge Barrett is confirmed and becomes a member of the Court, participates in the argument on November 10, and then because of that participation is allowed to, as a member of the Court, to rule on this ACA case, it is highly likely that the Affordable Care Act will be wiped out.

I have to ask about the fate of Abby and Sienna and so many other children like them all across our Commonwealth and all across the country. I think often in government we must ask, here in the U.S. Senate or in the House or in the other branch of government—the judicial branch or in any branch of government, the executive, legislative, or judicial branches—we should all ask ourselves, Is this action

I am taking or is this policy or program advancing the cause of justice or not?

I would submit that striking down the Patient Protection and Affordable Care Act by virtue of a Supreme Court decision is not only the wrong policy, it is a giant step backwards in the interests of justice. Justice demands that these children have these protections; that these protections are not undermined, they are not compromised, and they are not taken away by judicial fiat.

This nomination threatens the healthcare of children like Abby and Sienna right now—right now in the United States of America, where we advanced into the light of protection for those children. When you consider what is at stake right now, it is that case. I think it is potentially the most important case the Court will decide in the next quarter century. That is the impact of it.

Very few Americans are not directly affected by this case, either because they are affected by way of loss of coverage or they are affected because of the scope of the protections that were brought about by the passage of the Affordable Care Act, the enactment of it.

A lot is at stake, not to mention so many other issues and so many other matters that will come before the Court. For that reason and several others, I will be voting against the nomination of Judge Barrett to be on the Supreme Court.

If I have an opportunity between now and the vote, I will outline some other reasons why. But for purposes of tonight, this morning, I wanted to talk about children like Abby and Sienna and their moms. The moms, Erin and Shannon, should have the peace of mind that has come with the protections of the Affordable Care Act.

With that, I will yield the floor.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I want to start by thanking my friend and colleague, the Senator from Pennsylvania, for talking this evening about what is at stake for so many of his constituents with this Supreme Court nomination and the very real possibility that the Affordable Care Act will be struck down and what that means to so many of his constituents.

I do think this is a moment where we need to reflect and take stock of where we are as a country on many fronts. We are in the middle of a global pandemic. We just saw the highest single day of new reported cases on Friday. Millions of Americans are unemployed and worried about how they are going to pay their rent and how they are going to pay for their medications.

We are here at a time when a Republican-led lawsuit to strike down the Affordable Care Act, supported by President Trump and his Department of Justice, is scheduled for a fateful hearing in the Supreme Court on November 10—1 week after the upcoming election.

We are here in the wake of the killings of Black men, like George Floyd, and Black women, like Breonna Taylor, which sent throngs of protesters into the streets across the country to rightly demand greater police accountability and racial justice.

We gather here as wildfires in the West and hurricanes in the South demonstrate with deadly and destructive voracity the accelerating and dangerous consequences of climate change. We meet as voters are filling out mail-in ballots as early as they can to make sure that the Postal Service, which this administration has deliberately slowed down, can get their ballots delivered on time so that they can be counted and as voters stand in long lines, with their masks, 6 feet apart, to cast their ballots in the early vote.

At this moment, this country is facing all these pressing issues, but as I come here this evening or early this morning, we are not considering solutions to any of those critical and urgent issues, not a single one. Instead, we are blowing up the precedent that the Senate Republican leader and other Republican Senators themselves established 4 years ago and considering a Supreme Court nominee closer in time to the Presidential election than ever before in American history, as millions of Americans have already have already cast their ballots.

We are blowing up this Republican Senate established precedent and racing toward a nomination that will turn the clock back, take us backwards on all of those pressing issues that I just outlined. But sadly, I suppose none of us should be surprised that we are focused here on another judicial nomination at the expense of focusing on legislation to advance and address the interests of the American people on so many front-burner pressing issues.

Indeed, as I reflect on the last months and years, just about the only thing this Republican Senate has done is pass nominations. Week after week, we ignore our job as legislators in favor of an agenda of rubberstamping, blindly supporting whatever nominee this President puts forward. In many cases, it hasn't even mattered if a judicial nomination is qualified, if they have even tried a case. Our Republican Senate colleagues have abandoned any principles they claim to hold with respect to our Judiciary Committee.

When President Obama was in office, those Republican Senators who were here in this Chamber erected a wall of opposition to scores of his nominees, refused to even consider many of them. They outright rejected President Obama's efforts to fill seats on the DC Circuit, the court just below the Supreme Court.

Republican Senators at the time claimed that it wasn't necessary to fill those vacancies. They rejected qualified nominees up and down the bench, denying simple consideration and withholding blue slips. It was a deliberate effort to stonewall President Obama's judicial nominees. In fact, they rejected a highly-qualified nominee for the very seat Judge Amy Coney Barrett currently holds. President Obama nominated Myra Selby for the Seventh Circuit in January of 2016. She had served on the Indiana Supreme Court and would have been the first African-American and first woman from Indiana on that circuit.

Senate Republicans—what did they do? Didn't even give her a hearing. Then, 1 month later, February 2016, Justice Scalia passes away. President Obama nominates Merrick Garland to the Supreme Court, a good and very fair judge who had been confirmed to the DC Circuit by a Republican-controlled Senate by a vote of 76 to 23. What did Senate Republicans do? They refused to consider the nomination.

They said, February—February of 2016, February of that election—was simply too close to a Presidential election to fill the slot. The American people should have a voice, they said. Let the people choose a President this year and then that President, whomever that may be, make the nomination to the Supreme Court.

Not only did Senate Republicans oppose Merrick Garland, they refused to meet with him. They refused to hold a hearing. This is February 2016. The American people should have a voice. It is a Presidential election year, they said, 8 months—8 months—before that November 2016 election was just too close.

And yet, here we are today, 4 years later, 8 days—not 8 months, 8 days—from the beginning of the last day of this Presidential election, November 3. Over 50 million ballots are already cast, and suddenly, there is nothing more important than rushing to fill the Supreme Court vacancy—not responding to a global pandemic.

And we just learned from a very reputable Columbia University study that had this administration acted and followed the advice of healthcare experts, we could have saved at least 130,000 American lives—up to 220,000 American lives. But here we are, taking no more meaningful action, not giving a lifeline to people who are out of work, through no fault of their own; not closing the digital divide so children who can't go to school because of COVID can access their classes; not reforming our justice and policing system to make sure that everyone, no matter the color of their skin, is protected and treated equally; not securing our elections against foreign attacks and interference.

Just a few days ago, I was right here on the Senate floor, asking this Senate to take up what had been a bipartisan piece of legislation called the DETER Act. I introduced it years ago with Senator RUBIO, after we learned of the Russian interference in 2016. We wanted to make sure that we send a clear message in advance of the 2020 election that if we catch the Russians or any other adversaries interfering in our election, this time, there will be a swift and certain price to pay.

Just earlier this past week, we got not surprising news from the DNI that, yes, what we have known all along, the Russians are interfering, other adversaries are interfering, and yet we couldn't even take up the bipartisan bill to send a clear message to Putin and others because the Trump administration continues to oppose it and the Senate Republican leader continues to bury it here in U.S. Senate.

No response to global pandemic of meaningful note at this point, nothing to do on justice and policing, nothing to secure our elections. No, the top priority has been to jettison the precedent that our Republican colleagues themselves established under President Obama 4 years ago and rush to confirm a Supreme Court Justice.

Why? Why this 180-degree turnaround? After all, it is not as if our Senate Republican colleagues have always been so worried about an eight-person Supreme Court. They kept the Supreme Court to eight Justices for a year—for a full year—when they refused to consider Merrick Garland's nomination. Some of our Senate Republican colleagues praised the idea of only having eight Justices on the Supreme Court forever if Hillary Clinton had won the Presidency in 2016. So what is different this time around?

Well, as we have been hearing on the floor of the Senate and from the President himself, there are a number of irresistible opportunities—at least irresistible for our President and the Republican colleagues—things they have been trying to do for years and have not succeeded yet in doing.

First, they can pack the Court—pack the Court with increasingly ideological and rightwing Justices to align the very top Court—the Supreme Court—with the increasingly ideological rightwing judiciary they have been creating over years, first by stonewalling and blocking President Obama's nominees and then fast-tracking them for President Trump's nominees.

Second, they can achieve another goal that they have been striving for, for a decade: overturning the Affordable Care Act. Ten years ago—I was a Member of the House of Representatives at the time—Republicans did everything—I mean, everything they could—to block passage of the Affordable Care Act to stop ObamaCare. We heard outright lies about it. They said it was going to cause massive job loss. They said that the government would be picking your doctor. They said a government panel would decide whether your grandparents lived or died. They called them death panels. None of it was true. None of it has come true.

The first part of the Affordable Care Act was signed into law on March 23, 2010. On that very day, House Republicans filed a bill to repeal it outright. Also, on that same day, the first Republican lawsuits were filed against it. That two-pronged approach—trying to undo it legislatively and trying to undo it through the courts—continued for the next decade, dozens of votes in the House of Representatives and the Senate to attempt to repeal the law and dozens of Republican attorneys general and special interests filing lawsuits to challenge it in the courts. They failed. They failed in the Congress. And so far, they have failed in the courts.

In the courts, in 2012, the Roberts Court upheld the constitutionality of the Affordable Care Act in a 5-to-4 decision in one of the very first cases that had been filed against the law. It wasn't a complete victory for the Affordable Care Act. It did make Medicaid expansion optional. And a number of Republican-held States refused to implement that unless and until voters demanded it at the ballots. But that Supreme Court decision did uphold the central tenets of the Affordable Care Act.

The Supreme Court upheld the ACA again in a 6-to-3 decision in 2015. But that hasn't stopped the Republican Party's quest to eliminate it entirely. Just look at the 2016 Republican Party platform where they continued the attack with three strategies.

First, President Trump: ''With the unanimous support of Congressional Republicans, will sign its repeal.''

Second, while working to legislatively repeal it, the President would use his administrative authority to undermine, weaken, and sabotage it.

Third, the President would appoint Justices to reverse past decisions, including the Affordable Care Act decisions made by the Supreme Court.

That was the three-pronged plan. Well, they ran into problems with the first part of the plan because despite President Trump's campaign promise to convene a special session of Congress to ''immediately repeal and replace ObamaCare very, very quickly''—despite that pledge—our Republican colleagues soon realized they had no replacement plan. They promised that they could repeal the Affordable Care Act and replace it with something much, much better and less expensive, but there was no real plan. There was no ''there'' there, and the idea they offered to the American people was to trade healthcare for millions of Americans for tax breaks for the very rich. Tens of millions of Americans would have lost access to affordable healthcare. People with preexisting conditions would have lost protections, deductibles, and copays would have gotten more expensive. Insurance companies would have been able to get tax breaks on the bonuses they gave to their CEOs. That is what was in the Republican replacement plan—giving tax breaks to companies for the bonuses they pay to their CEOs.

Not surprisingly, they couldn't sell it to the American people, and I think we all recall here, in 2017, it dramatically failed by one vote in the U.S. Senate. Every Democratic Senator voting against destroying the Affordable Care Act, three Republicans joining us, including, of course, Senator McCain giving it a big thumbs down.

Republicans have been a little more successful trying to sabotage the law through the Trump administration's Executive authorities by scaling back outreach for enrollment plans.

What does that mean? That means don't tell the public about what opportunities they have to get healthcare coverage in the Affordable Care Act. We just won't provide as much public information so people won't know about it, and then they won't be able to sign up for it; also, by ending cost-sharing in an attempt to destabilize the healthcare exchanges and allowing more junk health plans that don't offer critical benefits or protections, the kind of plans we used to see when people thought that they had coverage, and then, when they really needed it, they suddenly discovered, no, in the fine print, it just wasn't there.

But despite these efforts by the administration, the law has survived. All their efforts to slash it with 100 cuts, it continues to provide affordable coverage to millions of Americans, and, in many States, including mine in Maryland, they have taken efforts to try to protect the Affordable Care Act from the Trump administration's attacks.

But on November 10, when the Supreme Court hears that Affordable Care Act case, all of that could change. They could decide, after upholding it on two separate occasions, that now they have got another Supreme Court Justice, we are going to strike it down.

And make no mistake, Donald Trump wants this law overturned. I mean, no one should be under any illusions about that. You can take it from the word of the brief—the legal brief filed by the Solicitor General of the United States on behalf of the Trump administration. It is the country's lawyer before the Supreme Court.

He filed a case and said that the entire law ''must fall.'' The entire law must fall. Not one piece of it or another piece, the entire law must fall. That is the position of the Trump administration. You can listen to President Trump back in May of this year. We are in the middle of a pandemic, when he said: ''We want to terminate healthcare under ObamaCare.''

You can listen to him just this week on ''60 Minutes.'' It aired tonight, and he tweeted out to make sure everyone could see it just in case they missed the show. President Trump said of the Supreme Court's ACA case: ''I hope that they end it—it'll be so good if they end it.'' That is President Trump. It will be so good if they—the Supreme Court—end the Affordable Care Act. That has been his plan from the Supreme Court from the start.

In 2015, when he was running, he said: ''If I win the presidency, my judicial appointments will do the right thing unlike Bush's appointee John Roberts on ObamaCare.'' Candidate Trump hasn't changed his tune. And he has found his nominee in Amy Coney Barrett, who has publicly criticized past Supreme Court decisions on the Affordable Care Act. She is President

Trump's torpedo aimed at fulfilling his pledge to destroy the Affordable Care Act.

She criticized the decision in NFIB v. Sebelius, saying that Chief Justice Roberts' argument ''pushed the Affordable Care Act beyond it plausible meaning to save the statute.'' She applauded the dissent in King v. Burwell, saying that they had ''the better of the legal argument.''

So it is no wonder that Republican Senators who tried unsuccessfully to defeat the Affordable Care Act legislatively in 2017 are now rushing to appoint her before that case is heard 1 week after the election.

The stakes could not be higher for the American people. I want everybody to think back to the days before we had the Affordable Care Act. Back then, if you had a preexisting health condition, companies could deny you coverage outright. If you didn't have the coverage, you might otherwise be offered it at a price that you couldn't possibly afford—outrageously expensive. Instead of denying it outright, we will offer you that coverage, but you have got a preexisting health condition, so we are going to charge you something that you can't possibly afford and so you can't buy it.

If you did have coverage and then developed a health issue, you would be locked into your current plan no matter how high the costs arose, unable to shop around because of what had become a preexisting condition. It is called job lock. You have to stay in a job even if you have a better opportunity or you want to pursue your dreams because you now have a preexisting health condition and you can't get coverage elsewhere.

One Marylander, Angela, wrote to me about her daughter Rachel, who was diagnosed with epilepsy when she was in 8th grade. She had to take expensive medications, which she can afford thanks to the Affordable Care Act. Here is what Rachel's mother wrote:

She now has a lifetime preexisting condition. If she were to be kicked off her healthcare, I imagine she would be bankrupted having to pay full costs of the medications that help her be a productive member of society.

Rachel is a teacher, and her mother Angela says: ''It is because of ObamaCare that she is able to be where she is today.''

Another constituent, Megan, wrote to me that she turned 26 on the Thursday that the Senate Republicans on the Judiciary Committee reported out the Barrett nomination. She turned 26 just last Thursday. She has asthma. She pays $60 a month for her medications. And here is what she wrote to me:

If I lost my job or my insurance. . . . I would have to make a choice between my medicine or paying the electric bill on time.

And she ended her note to me with the following:

For my 26th birthday, my only wish is that the Affordable Care Act not be overturned. There are so many people like me, Americans with preexisting conditions, that depend on this crucial legislation that provides necessary protection and guarantees that they will stay covered no matter what.

That is what Megan wrote.

And before the Affordable Care Act, women could be charged more just because they were women. Being a woman was a preexisting condition that allowed insurance companies to charge more. It is also true that before the Affordable Care Act, if you had a catastrophic accident or a long-term health issue, you would hit a coverage gap and be bankrupted by millions of dollars in hospital bills. There were no annual caps and no lifetime caps.

Sometimes that meant that people wouldn't go to the hospital or see a doctor because they didn't want to face unending, uncapped bills. That is what would have happened to another constituent of mine, Robin, if she did not have the Affordable Care Act.

She wrote:

I am 64.

So she is not yet 65, so she is not covered by Medicare.

I am 64, took a tumble at home. My older son urged me to go to the emergency room due to my family health history. I was kept in the hospital due to a low thyroid level and almost non-existent potassium level among other problems. I would not have recovered if I did not have [the] ACA. I would not have health insurance and I know I could not pay a hospital bill, so I would not go to the emergency room. I would have died. [The Affordable Care Act] saved my life.

Before the Affordable Care Act, if you were a recent college graduate but you hadn't found a job with health insurance yet, you couldn't stay automatically on your parents' health insurance policy. You were on your own, out of luck, young people thinking they are invincible until they are not. Insurance companies could deny coverage to them, and now they can't.

I heard from one Marylander who worries about his son's future if this particular provision is taken away. He wrote to me:

If the ACA is overturned and we lose the coverage for my son on my policy, this would be a disaster for my son and for my family. . . . I would hate to see him have to drop out of school just to find a job to cover health insurance—this would destroy his future. And we don't have—

He continued to write—

the extra $5,000 or so a year lying around that would be required for him to have a policy under our current provider that would cover his preexisting conditions. My son could be one of the millions to lose health insurance if the Republicans have their way.

This provision of the Affordable Care Act has been lifesaving for Pamela's family. She wrote:

This year, my 23-year-old daughter was diagnosed with stage 3 breast cancer.

Stage 3 breast cancer.

Thanks to the [Affordable Care Act] she is still on our insurance. Even with our insurance, she will be in debt for a very long time. Without it she would be dead. I have not heard a single Republican guarantee this will be in any bill they propose.

It is also a fact that before the Affordable Care Act, you had to pay for annual checkups and preventive coverage like breast cancer screenings. It is also a fact that if you want to quit your job to start a small business, you had to figure out how you would pay for an expensive health plan, which might not provide very good coverage on the individual market.

Another Marylander, who had a lump in her breast that was treated as a preexisting condition even after it disappeared, decided she had to limit her employment options to those with decent health insurance before the ACA was enacted. She wrote:

This experience steered me to work only for employers large enough to offer stable, subsidized healthcare insurance. . . . The downside has been the golden handcuffs. It is important to have universal decent healthcare coverage to encourage small businesses, nonprofits, and entrepreneurs.

Kathleen from Maryland decided to leave an office job to find something that suited her better, but the job she took in the restaurant industry didn't offer any medical coverage. She wrote:

I developed adult-onset asthma, more than once resorting to the ERs or Urgent Care. I searched everywhere I knew for medical insurance but was refused, either because I was just an individual and/or because I now had a ''pre-existing condition.'' Knowing nothing about asthma treatment, and unable to cover medical bills entirely on my own, I was chronically ill, and more than once almost died.

She had to rely on friends and family for help, and after 10 years without insurance, she finally found a job with coverage. Kathleen wrote:

We ALL need medical coverage, ALL the time, no matter your employment status.

The Affordable Care Act dramatically expanded Medicaid in many States—those that opted to participate—providing subsidies for low-income Americans to find affordable plans and gave small business tax credits for providing health insurance for their employees. It also closed the prescription drug doughnut hole for seniors on Medicare.

A lot of people forget, seniors on Medicare benefited from the Affordable Care Act and continue to benefit. That is part of the law that the Trump administration is trying to overturn in its entirety. These are seniors who have faced a big coverage gap from the initial spending threshold, and on the other side of the doughnut hole, catastrophic spending—a big doughnut hole.

In 2016, the most recent years where we have complete data, close to 5 million seniors on Medicare received an average of over $1,000 in Part D prescription discounts because the doughnut hole was closed. Another 46 million seniors are on Part D Medicare today. If any of them all of a sudden develop a condition that requires high drug costs, any of those 46 million Americans could fall into that doughnut hole, costing them as much as $3,000 more per year.

Now, the Affordable Care Act isn't a perfect law, but it did set a key standard for essential health benefits, cut

the rate of uninsured Americans, and started improving healthcare outcomes for Americans. And, right now, while we are in the middle of the COVID–19 pandemic, it is more important than ever.

The United States has had over 8.6 million COVID–19 cases, a number that we see grow by the day. For patients who require hospitalization, the Kaiser Family Foundation reports that the average stay can cost more than $20,000 a person and rise to closer to $90,000 if the patient requires a ventilator.

So what would happen to those Americans if they are once again subjected to a lifetime out-of-pocket limit on their insurance coverage where they are not protected against huge expenditures?

We are all glad that when President Trump got COVID, he got world-class care. It is a good thing. We are glad he got airlifted to Walter Reed in Maryland. It is a great national military medical facility. We are glad he had a team of doctors devoted to his case. We are glad he got access to cutting-edge drugs. He won't have to pay for that coverage.

But that is not the kind of treatment every other American gets, and it is offensive for the President to relish his first-class treatment while denying his fellow Americans simple protections, as he would, by calling for the destruction of the Affordable Care Act.

Speaking of COVID–19 and the impact of preexisting conditions, we are seeing many COVID–19 patients who have long-term health effects. They call them the ''long-haulers.'' The CDC noted last month that COVID–19 can have an impact on the heart, including heart damage that can lead to long-term symptoms like shortness of breath, chest pain, and heart palpitations.

An article this month in the Harvard Medical School Health Blog notes that COVID can damage the brain, causing cognitive effects comparable to those who have suffered traumatic brain injury.

So while Senate Republicans have refused to take meaningful action to confront the next step of COVID–19 relief, including refusing to pass a strong testing and tracing plan to halt the spread of the virus as proposed in the Heroes Act—both 1 and 2—from the House of Representatives, they are pushing for a nominee to take the Affordable Care Act away from the American people who have gotten sick, and now up to 8.6 million of them have a preexisting condition due to COVID–19. But they will no longer be protected from that preexisting condition if the Affordable Care Act goes away.

This isn't crying wolf. I want to remind everybody again, the Solicitor General of the United States, acting on behalf of the President of the United States, wrote in his brief supporting the case for the Affordable Care Act that the entire law—the entire law, coverage for preexisting conditions, closing the Medicare doughnut hole, and ending lifetime limits for care—''must fall.'' All of it ''must fall.''

We know President Trump has no plan to replace it. He has had plenty of time to present one. For years, he kept telling us: It is going to be a matter of weeks. Four years after his inauguration: It is going to be a matter of weeks. Two years ago: It is a matter of weeks. Three years ago: It is a matter of weeks.

He was asked about it in the last debate. He said don't worry. He is going to come up with ''a brand new, beautiful health [plan].''

Women's health, in particular, is in jeopardy with this nomination. Not only do women stand to lose the Affordable Care Act protections against discrimination—because before that, as I said, just being a woman was a preexisting condition that would and could cost you more—they will no longer have access to the guarantee of precancer screenings for breast cancer and other screenings. But it is also a fact that President Trump and Republicans have long sought to deny them reproductive health freedom.

That brings us to another longtime priority of President Trump and Senate Republicans—putting a Justice on the Supreme Court who will provide a majority to strike down a woman's right to reproductive choice in accordance with the Roe v. Wade decision.

The Roe v. Wade decision was 7 to 2 in the Supreme Court. It was founded on the right to privacy, that a woman's healthcare choice was her own, without interference from the State, in accordance with the Roe v. Wade framework.

Before Roe v. Wade, when abortion was illegal in most States, unsafe abortions caused one-sixth of all pregnancy-related deaths. Many low-income women jeopardized their lives with self-induced procedures.

Now, women have safe options, both to obtain abortions and also, thanks to the Affordable Care Act, no-cost contraception that is used both to plan families and manage a variety of health conditions. Women can make decisions about their own bodies, in consultation with their doctors, that are best for their health and the well-being of their families.

The vast majority of Americans support comprehensive healthcare, including a woman's right to reproductive choice under Roe v. Wade, but there has been a long fight chipping away at this protection, this care, with the ultimate goal of overturning Roe v. Wade altogether.

Overturning that case has been one of President Trump's litmus tests for this Supreme Court nominee and his other picks. Like the Affordable Care Act, it is not like he has been subtle about this.

In a Presidential debate in 2016, he was asked if he wanted the Supreme Court to overturn Roe v. Wade. He said:

> Well, if we put another two or perhaps three justices on, that's really what's going to be—that will happen. And that will happen automatically, in my opinion, because I am putting pro-life judges on the court.

There it is. This would be President Trump's third Supreme Court nominee—the magic number he talked about for overturning Roe v. Wade and a woman's protected right to choose under the Constitution of the United States. This comes on top of the more than 60 judges with anti-choice records whom he has already nominated and the Senate has confirmed to the lower courts.

More States are passing laws to drastically limit or effectively ban abortion in order to set up cases to challenge Roe v. Wade in the courts, to set up those cases to take to the Supreme Court.

Again, as with his intention to overturn the Affordable Care Act, President Trump has found the perfect nominee to overturn Roe v. Wade in Judge Barrett.

We don't have to rely on the President's words alone or on all the anti-choice groups who have vigorously lobbied for her appointment and who have said that she ''believes that Roe v. Wade is something that can be reversed.'' That is what all the advocacy groups supporting her nomination are saying. One of our Republican Senate colleagues said he absolutely will never vote for a Justice who has not shown that they believe Roe v. Wade was wrongly decided and has told us that Judge Barrett ''certainly would meet that standard.''

Just as we can see Judge Barrett's opposition to the Affordable Care Act in her own record, we can see her opposition to Roe v. Wade in her own record. She signed on to an advertisement calling Roe v. Wade ''an exercise of raw judicial power'' that advocated for ending ''the barbaric legacy of Roe v. Wade.'' That is what she said.

She signed another advertisement criticizing Roe v. Wade when she was a member of Notre Dame's University Faculty for Life, an anti-choice group. She has said that Roe v. Wade is not settled precedent.

Indeed, at her hearing in the Senate, she questioned the principle that the Constitution protects certain fundamental rights from government interference on privacy grounds, saying that there is a debate about how far that can go—a debate that is generally waged by those looking to overturn Roe v. Wade and Obergefell, the case that allows for gay marriage.

She would not even concede—and this is very telling—she would not even concede in her hearing that the decision in Griswold v. Connecticut was settled law. Griswold v. Connecticut is the case that protects access to contraceptives. There was a Connecticut law on the books that prohibited any person from using contraception, and the Court invalidated that law in a 7-to-2 decision on the grounds that it violated marital privacy.

I want our colleagues to think about this. This is a State law that said that

adults could not use contraception, and she would not say that is settled law under the Constitution of the United States. She would not even concede that in vitro fertilization, which has helped many women start their families, was constitutional and could not be made illegal.

It is clear from President Trump's stated intentions from the words of anti-choice groups, the promise of our own colleagues, and from Judge Barrett's own words that her nomination is the culmination of a decades-long effort to overturn a woman's right to choose.

We also see that with respect to the decision in Obergefell v. Hodges. On that day in 2015, the Supreme Court showed us what it could be—a body that would ensure, rather than restrict, the rights of Americans. In a 5-to-4 decision, it told LGBTQ Americans that the love they had for each other and their wish to declare that love in marriage was their right, as it has been for straight couples for the whole history of our Nation. Five years later, the American people support this decision at record-high levels. But that was a 5-to-4 decision, and we are now facing a fundamental shift in the balance of the Court, and we have seen time and again this President attack laws designed to protect people against discrimination based on sexual orientation.

We also see this not just from the administration but, again, through Judge Barrett's own words and actions. She received an honorarium to teach at a program run by the Alliance Defending Freedom, which the Southern Poverty Law Center has categorized as a hate group for its efforts to prohibit same-sex marriage and recriminalize homosexuality, and she called the experience ''a wonderful one.'' She has referred to sexual orientation as a ''sexual preference,'' which are the buzz words used by those who want to overturn LGBTQ rights on the grounds that this is not a question of ''immutable characteristic'' but simply someone's chosen preference.

There are a number of cases coming to the Supreme Court that deal with the issue of discrimination against foster families headed by same-sex couples. One will arrive at the Court on November 4, the day after the election—another reason you see this nomination being rushed.

If you look through the issues I outlined at the start—from racial justice and police accountability, to other questions on the ability to access healthcare—you will find time and again in Judge Barrett's record telltale signs and clear signs—flashing warning signs—that she wants to turn back the clock.

We see that with respect to criminal justice reform, where she dissented in a case on whether a defendant who had been convicted but not yet sentenced when the First Step Act was enacted by this Congress and signed by the President—as to whether the new sentencing requirements of that law would apply. Fortunately, the Seventh Circuit ruled 9 to 3 that the First Step Act applied to the defendant. Judge Barrett was one of the three dissenting votes who adopted a cramped interpretation of the law devoid of any mercy.

There are other cases relating to the rights of those who have been injured, including a pregnant teenager who was repeatedly sexually assaulted by a prison guard, where Judge Barrett found that the prison guard could not be held liable under his employment with the prison system. If you read through that case and the horrifying facts, I think you come away very troubled with the fact that she had such a cramped reading of the law.

On a question that is not a legal matter but a matter of fact—climate change—we would have thought that the question that was put to her was quite easy. Judge Barrett admitted that the coronavirus was infectious. Why? Because that is what the medical experts say. But when she was asked about climate change—again, not a tricky, legal question—she refused to say what the overwhelming scientific consensus is—that climate change is real. We see it, as I said, with the forest fires. We see it with the hurricanes. We see it in my State of Maryland, just in the city of Annapolis, the home of the Naval Academy. We see flooding at our docks that is wreaking havoc on local businesses.

Time and again, when Judge Barrett was given an opportunity to answer basic fact questions or pretty straightforward legal questions in the Judiciary Committee, she ducked them entirely, but we have her record to indicate where she stands.

On the issue of voter protection and voting rights, we also find another troubling pattern in Judge Barrett's record. This is especially important when you think about the fact that she is filling the seat of Justice Ruth Bader Ginsburg, who wrote that very powerful dissent in the 5-to-4 decision in Shelby v. Eric Holder that took a big bite out of the Voting Rights Act.

If you look at the statements by Judge Barrett, she distinguishes between what she calls individual rights, like the Second Amendment rights, versus what she calls a civic right, the right to vote—putting the right to vote in a lesser protected category than what she defines as individual rights. In fact, Judge Barrett wrote: ''As a right that was exercised for the benefit of the community (like voting and jury service), rather than for the benefit of the individual . . . it belonged only to virtuous citizens.''

''Only to virtuous citizens''—that is what Judge Barrett wrote about the right to vote. The right to vote, as we all know, is fundamental to our democracy.

Our dear colleague John Lewis, who recently passed away and was nearly beaten to death for fighting for that right to vote, said many times:

The vote is precious. It is almost sacred. It is the most powerful, non-violent tool we have in a democracy.

That right to vote should not be relegated to some kind of secondary status, as Judge Barrett's writings indicate she would do.

So if you look at all the challenges that we face as a country—dealing with the pandemic, dealing with issues of police accountability and racial justice, dealing with climate change, dealing with protecting voting rights—all these pressing issues that we should be focused on here in the U.S. Senate, we are not. Instead, we are rushing through this illegitimate process to put a Justice on the Supreme Court who in each of these areas—each of these areas where we should be focusing on attention—is actually going to take us backward.

So I urge the Senate—I can see the march that is going day after day toward the vote tomorrow, but I urge this Senate to reconsider the path that it is on.

This has been a very shameful episode—watching the complete flip-flop from 2016, rushing to put on a Justice whom the President wants and who Senate Republicans, I think, believe will act to overturn the Affordable Care Act, take away a woman's right to choose, and be part of an ideological majority that will strip away important rights from the American people.

I will end by just pointing out that public surveys right now show the American people are not fooled by this process. They don't like what they see. They want us to be focused on dealing with COVID–19. They want us to pass a robust, comprehensive emergency response package. That is what the American people are calling for. Instead, this Senate has embarked on this charade of a process.

There will be a verdict on all of this by the American people in a matter of 8 days, and I believe there will be a reckoning on the actions the Senate is taking and the actions the Senate has refused to take in addressing the urgent issues that are really facing the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I am going to give some remarks in 4 or 5 minutes. I just wanted to encourage the staffers, especially the stenographers, to feel comfortable to keep their distance from U.S. Senators who are delivering remarks. There is no reason, if we have microphones on, to be anywhere near us. So I would just encourage them to keep their distance, especially since most Members are delivering remarks without masks on.

So if there is something the staff could do to just encourage them to keep their distance, we do want them to be safe.

I will be giving remarks in a few minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

CORONAVIRUS

Mr. SCHATZ. Mr. President, before I talk about the Supreme Court, I want to express my condolences to the families and the loved ones who have experienced the human toll of the coronavirus pandemic.

Over 220,000 Americans have died, and millions of others have been forever changed. I am going to read some of the names of those we have lost. The families of these individuals have given permission for their names to be read on the Senate floor, adding them and their stories to the CONGRESSIONAL RECORD: Mike Hawk, Stephen R. Chatman, Milan Fryscak, Santos Gomez, Jack Larvin, Jeanne Lanson, Wendy Darling-Minore, Rose DePetrillo, Molly Stech, Larry ''Grouse'' Cummings, Sarah Ann Staffa Scholin, Elizabeth Woollett, Lorraine Mallek, Bob Matusevich, Javier ''Chino'' Ascencio, Joel Cruz, Michelle Horne, Juan Carlos Rangel, Laura Brown, Faye Ann Barr, Yoshikage Kira, Patricia Manning, Barbara Johnson Hopper, Harry Conover, Stanley Gray, Mary J. Wilson, Richard Gordon Thorp, Joe Hinton, Angela Chaddlesone McCarthy, Gurpaul Singh, Paul J. Foley Jr., Tim Mulcahy, Kelvin Lurry, Robert Wherry, Fred Westbrook.

NOMINATION OF AMY CONEY BARRETT

Mr. President, the Senate used to be a body that valued bipartisanship, deliberation, and compromise—a body that balanced the demands for debate with the demands for action. But that was in the past. The Senate no longer is the body that examines, considers, and protects our democracy.

The Senate I see now is ruled by partisanship and uncompromising ideology, and in their rush to jam through a divisive nomination days before the election and before the American people get a chance to have their say, the majority leader and the Republican Party are inflicting procedural violence on the Senate itself and the American people to achieve their ideological objectives.

In fact, many Republicans bragged that they had the votes to confirm the President's nominee before the nominee was chosen. The world's greatest deliberative body, with the constitutional responsibility for advice and consent and a special responsibility to advise and consent on the highest Court in the land, decided that they were A-OK with whatever Donald Trump decided, that their role in advice and consent was to basically agree in advance and to abdicate their role.

Now, we are not a parliamentary system. We are a separate, coequal branch of the government, and we are supposed to have our own views. The Federalist Society is not a branch of government. Donald Trump should not run the U.S. Senate. Nobody outside of this Chamber should be in charge of us, and to announce that you are for a nominee, sight unseen, is an abdication of your role.

Why would you even run for this job? Why would you even run for this job? Just go be the executive vice president of the Federalist Society. If you don't believe in the importance of the legislative branch, don't be a legislator.

We are less than 2 weeks away from the most consequential decision, election, of our lifetimes. Almost 60 million Americans have already voted. And there are legitimate concerns around an election dispute, and that is because of the President. The President has proposed postponing the election. He has threatened to challenge the results if he doesn't win. He has called it rigged in advance. He has refused repeatedly to commit to a peaceful transfer of power.

He has openly admitted that one of the reasons that he wanted to hurry in confirming this nominee—one of the reasons he wanted to hurry in confirming this nominee—is, in case there is an election dispute, to referee which votes get counted.

What is funny about this—not funny like hilarious funny but kind of weird funny—is that that is the kind of thing that, if I said that you are just putting this person in to referee an election dispute, I would have expected the people on the other side to say: How dare you make that accusation?

But, to the contrary, the junior Senator from Texas actually said that is the reason they have to hurry: We had better get her in so she can rule against counting votes—in wherever the Democrats are counting their votes. That is what he said. This isn't a partisan accusation. It is literally what TED CRUZ said.

The President of the United States expects his nominee, Judge Barrett, to be Justice Barrett tomorrow night, to assist him with ensuring reelection, if necessary. These statements by the President should alarm every Member of this body—Democrat and Republican. But, actually, it didn't alarm certain Members. They found that to be a justification for hurrying.

Disturbingly, in an exchange with the Senator from New Jersey, Judge Barrett would not say that President Trump should commit to a peaceful transfer of power. When the Senator from California asked her if the Constitution gives the President the power to delay an election, Judge Barrett said that she didn't want to give off-the-cuff answers, even though the Constitution does not, in fact, give the President that power.

This is part of a pattern. I will take you through some of this stuff. Anytime there is a live controversy—and by ''live controversy'' it is, basically, anytime Donald Trump says something—she is unwilling to cross him. She is unwilling to cross him.

Our judges are supposed to be independent and unbiased interpreters of the law. That means Judge Barrett should know what the law says and how to apply it, especially when the President threatens to break it in order to hold onto political power. But she dodged these important questions and refused to defend democracy. I have real doubts about her ability to serve our Nation impartially, especially in the case of an election dispute.

There was a 4–4 decision which allowed a lower court decision to be upheld regarding—it is an election dispute in Pennsylvania. I won't get into great detail. The litigants now, because it was 4–4, are going right back to the Supreme Court, figuring that Amy Coney Barrett will rule for them, in the middle of this election.

This isn't some theoretical, wild-eyed, internet-driven paranoia. This is happening. They went back to the Supreme Court to say: How about now? And I would be a little surprised if they don't rule 5–4 on behalf of Republicans who want to restrict the vote.

In moving forward with the confirmation, the Senate Republicans and the majority leader are going against the precedent they set 4 years ago.

Look, I understand. I am reasonably good at politics. I know that hypocrisy abounds. I understand that hypocrisy abounds. I understand that, if we take our case to the American voter and say, ''They are hypocrites,'' the American voters are going to shrug their shoulders and say, ''You're all hypocrites.'' I get that.

But I am a little bit old-school in the following way: I come from a legislature, and I believe your word should be your bond. Otherwise, this kind of place won't work.

When LINDSEY GRAHAM said, ''Use my words against me,'' I actually believed him. I have worked with LINDSEY before. I have had dinner with LINDSEY. I sort of personally like him. That probably gets me in tons of trouble politically.

But I just guess I thought that, if I am coming from the Hawaii Legislature, where your word is your bond, that is the most foundational rule of politics. I remember when I was first elected in 1998. The National Conference of State Legislatures, this training body for legislators, used to issue cassette tapes about how to be an effective legislator.

And I remember this. The first tape, I would stick it in my Nissan truck, and I listened to it every day—Roz Baker. Your word is your bond. That is the most important coin of the realm.

And I get that. Look, most of the people in this body are pretty smart. So they are going to use their ample brains to justify their new position. But let's be clear: This is the most rank hypocrisy I have ever seen in anything politically, and it is one of the most important things that I have ever seen.

It is not a trivial thing that you held up Merrick Garland. Now, do I go around saying that on the cable shows and whatever? No, because I know, outside of this body, nobody cares. Inside of this body, we are supposed to care

about stuff like that. Inside of this body, your word is supposed to count for something. It is not supposed to be about the maximal use of power in tricking each other and tricking the public.

Here is what MITCH MCCONNELL said about Merrick Garland: ''The American people should have a voice in the selection of their next Supreme Court Justice. Therefore, this vacancy should not be filled.''

The Senator from South Carolina said:

I want you to use my words against me. If there's a Republican President in 2016 and a vacancy occurs in the last year of the first term, you can say, ''LINDSEY GRAHAM said let's let the next President, whoever it might be, make that nomination,'' and you could use my words against me and you'd be absolutely right.

The Senator from Texas said: ''The American people deserve to have a voice in the selection of the next Supreme Court Justice.''

It is not just my Republican colleagues who have reversed their position. It is Judge Barrett herself who actually warned against making changes on the Court in an election year. She said:

We're talking about Justice Scalia, the staunchest conservative on the Court, and we're talking about him being replaced by someone who could dramatically flip the balance of power on the Court. It's not a lateral move.

You know what else isn't a lateral move? Ruth Bader Ginsburg for Amy Coney Barrett. Our Democratic institutions depend on the trust of the American people, and we cannot find that bond of trust if we don't have it amongst ourselves.

It is worth mentioning here that Senate Republicans are also choosing to confirm Judge Barrett instead of addressing the pandemic. You know, that is another thing that sort of sounds hypocritical because maybe I am exaggerating it. But, no, that is actually true.

MITCH MCCONNELL is very clear. He didn't want a COVID bill on the floor because he is worried that it would push this thing past the election. So it is really clear, right? He said—I think it was in May—he didn't feel a sense of urgency. He basically sat back and let Mnuchin and PELOSI negotiate, even though whatever they come to will be blown up here because he doesn't have the votes for hardly anything.

But let's be really clear. His priority is judges. His priority is always judges. It is like a joke here. We fly in. A lot of us fly out on the weekends. When we arrive, we say, What is on deck for this week? And everyone says: Nominations. You have a circuit judge. We have a district judge. We have another district judge. How many is it? Oh, it is five judges this week, no legislating going on.

That has become the way this place operates. We are not the world's greatest deliberative body. We are just like a little factory that approves Federal judges, and that is how MITCH MCCONNELL wants it.

It is especially egregious when so many people need so much help. This is a world historic event. You have 220,000 people dead. You have about 1,000 people dying a day. You have businesses closing forever. You have economic extinction all over the country—red States, blue States, rural areas, urban areas, suburban areas. The highest priority for MITCH MCCONNELL is stacking the courts. That is really the game for them.

It is important to know who Judge Barrett is. I want to be really clear—she seems super pleasant. She is obviously incredibly accomplished academically. None of this is personal for me. But she was groomed by this organization called the Federalist Society.

We need to understand who they are and what they do. They basically saw that they had an opportunity to start to identify and groom and place young ideologues. Those are the two key words. You have to be young, and you have to be pretty ideological, and then you are in the Federalist Society, and then you can get a district court job. Maybe you are going to be a prosecutor first, or maybe you are going to be a district court judge, or maybe you are going to run for office. But the whole deal is, this is their farm team.

The Federalist Society has very specific views—socially conservative, anti-LGBTQ, super anti-choice. Importantly, they want to absolutely gut the regulatory state because where their money comes from is not primarily people who care about those social issues. The money comes from polluters. That is what is going on here.

She comes from the Federalist Society. You know, before Trump, nobody would have ever thought to provide a list to the public of the potential Supreme Court Justices that you would nominate. That was unheard of. You are supposed to keep your powder dry and try to be down the middle, if you can.

Obviously, a Democratic President leans left, and a Republican President leans right, but that is why you got kind of a mix of ideologies, even though some of these people who, you know, after 20 years on the bench, you can't even remember whether they were appointed by a Democrat or Republican. But what has happened in the last 10 years or so is you can definitely tell who has been appointed by a Democrat and you can definitely tell who has been appointed by a Republican.

All of these votes are turning into partyline votes in the districts and the circuits and now on the Supreme Court. Nobody is really making up their own minds. She came from the Federalist Society. Look, the Federalist Society doesn't appear to be doing anything illegal. They are just working the system.

It is worth asking whether this is the way we want to have our Supreme Court Justices selected. You have a whole political party who preapproves anybody on a list without even knowing who is in it but also without even having a hearing. We do know how she is going to rule, unfortunately.

The reason the Federalist Society pushed so hard for Judge Barrett is that she is an originalist. This means that she pledges to interpret the Constitution as she determines the Framers and the public intended at the time that the Constitution was written nearly two and a half centuries ago. To do this, she looks at world as it existed in 1787 and the values from that time.

We are talking about a time when full citizenship was limited to White men, when most Black people were enslaved and considered property, when women had no rights protections, being gay was punishable by the death penalty. That is what she looks to in deciding how our country should be governed today.

The simple fact is, you cannot be an originalist and believe in full equality. You cannot look only at the Framers' intent and believe in protecting the rights of women, people of color, Native-Americans, and the LGBTQ community.

The two legal views are incompatible. Striving for our Nation's founding promise of true equality for all or equal justice under the law requires leaving our outdated prejudices behind. The beauty of our country is that we have the capacity to improve, to change each generation since our founding has made this place better. Originalism ignores all of that.

Precedent is the reason schools are integrated. It is why anybody can marry the person that they love. It is why 20 million more people have healthcare. It is why women have the right to access reproductive freedom. It is why we have cleaner air and cleaner water.

Those principles are not written into the Constitution, but the progress we have made in statutory law and in jurisprudence is protected over time. Originalists are willing to throw those things out. That is why originalism is so dangerous in a courtroom, especially the Supreme Court in 2020. We should be very wary of those who wish to take us back to a place where only some are free. As we struggle to perfect our Union, her nomination cements a conservative majority and puts a lot of our hard-fought progress in jeopardy.

The Court will hear cases that test our values and test our commitment to equality. Subscribing to originalism is just another way to say that Judge Barrett will prioritize a handful of elite and wealthy Americans. Just like other jurists handpicked by the Federalist Society, it is all but guaranteed that she will decide in favor of corporate power and the wealthy most of the time.

What we need is a Justice who is committed to protecting and upholding the rights of every American, regardless of race, religion, gender, national

origin, or sexual orientation. While Judge Barrett has been evasive in the hearings, her record is not unclear.

I would like to walk through her record on civil rights, LGBTQ rights, reproductive rights, and climate. Let's start with civil and voting rights. Being named a Supreme Court Justice is an honor. A Justice should be a defender of human rights and civil rights, and a Justice must have an unbreakable commitment to fight for what is right and to lead the pursuit in making America more free.

Judge Barrett has written that the entire 14th Amendment is ''possibly illegitimate.'' Yes, you heard that correctly. Judge Barrett questions the legitimacy of the very amendment that is the cornerstone of civil rights and equal protections in this country.

The 14th Amendment was proposed during Reconstruction following the Civil War when the Union was deciding how to readmit Confederate States and restore their representation to Congress. One of the conditions for allowing them to reenter was passing and ratifying the 14th Amendment. The theory that she uses to challenge its validity is that the South was strong-armed in the supporting it, so the amendment never truly earned the support of the American people.

That is crazy. There is nothing in the law to justify this position, and there never has been. The Southern Poverty Law Center calls this a White supremacist myth, perpetrated by Confederate sympathizers, the KKK, and other extreme rightwing groups.

It is unfathomable to think that anybody in the year 2020 would be opposed to the simple concept that every American should be treated equally under the law. It really should disqualify Judge Barrett from the Supreme Court seat.

At the same time, she has repeatedly overlooked discrimination in the workplace, concluding that separate can be equal. I mean, this is basic civics. I have two teenagers. This is the stuff we learned as bedrock foundational American history in civics. She is saying separate can be equal. I read this opinion. She said that using a racial slur in the workplace does not necessarily create a hostile work environment for the object of that slur.

Try to fathom a situation where someone is calling someone a racial epithet but that is not hostility in the workplace. Her brain is big; I don't doubt it. But it is a pretty extraordinary stretch of a pretty extraordinary brain to try to assert that saying something racist to someone in the workplace is not a hostile act. It is definitely a hostile act. Maybe I just lack the educational attainment to understand how you get so smart that you lose all of your common sense and all of your decency and all of your humanity and you forget what you learned in 6th grade and 9th grade and 12th grade.

During the hearing this week, Judge Barrett declined to agree that intimidating voters is illegal. I mean, this isn't a matter of interpreting constitutional law. This is Federal statute. She also refused to say whether she believes voter discrimination still exists.

She refused to say whether voter discrimination still exists. It is like worse than I thought. Right? I am a Democrat. I didn't want anybody who didn't share Ruth Bader Ginsburg's views to replace her. But I am alarmed. And because of her extraordinary skill and because she comported herself well in the hearings, I don't think people really know how dangerous this is about to be. I think people are in for a rude awakening in terms of what this Court is about to do to roll back the clock on some stuff that we pretty much think we already agree on: gay rights, 70 percent of the public, like we have moved on; reproductive choice, 70 percent of the public, we moved on; the Affordable Care Act, after 15 years or whatever it is, 12 years of fighting about it, we kind of moved on. Now, you have Republicans making ads saying, I am going to protect your preexisting conditions.

The American public has a consensus on a number of things. I think all of these people are prepared to undo that consensus. Here is what is so alarming—maybe it was this morning or maybe it was yesterday—the majority leader, Leader MCCONNELL, after giving, to me, what was a weird speech—not substantively. I knew the speech he was going to give, essentially blaming Harry Reid for everything. Fine. I mean, I disagree with it, but I don't begrudge him a partisan speech in this context.

But the way he did it, he turned his back—I mean, you are supposed to address the Chair, right? Some of us move around. But this was weird. He turned his back on the Democratic side of the aisle and just stared at his caucus and gave them a pep talk and said—I am going to paraphrase right now, but it was basically, The stuff we have done over the last 4 years is going to be undone in legislative terms as a result of coming elections, but what we are doing on the Court will last a lifetime.

I get the point that he is making because he is just measuring his power. But everybody should listen to what he is saying. He is promising that it doesn't matter what we do over here because they are going to undo it over there.

This man who presents himself as an institutionalist is deciding that the U.S. Senate's role is to just stack the judiciary and stop legislating, and that is alarming.

I want to make one sort of final point. I really worry about the Senate itself.

I was so thrilled to be here. The circumstances of my entering the Senate were tragic, actually, because of the death of my predecessor. But I am not going to lie—I was being sent to the world's greatest deliberative body. It is like a promising high school basketball player, like being the 12th man on the LA Lakers. That is how I felt. I walked in, and I thought: This is the big show. This is the place where we solve America's problems.

I have seen the inexorable destruction of this institution because of a lack of restraint on the Republican side. I actually would love it if the blame were equally shared. It would be easier for me because I don't want to sound like that. I don't get anything out of that.

I imagined these groups of people—and it wasn't always the moderates right in the middle. Nowadays, the only people who are kind of cutting deals in the middle are the moderates. But back in the day, it was Teddy Kennedy and Orrin Hatch. It was Danny Inouye and Ted Stevens. And now there is not even a desire to do big things here. There is a total lack of ambition to solve America's problems here, and there is a total lack of restraint when it comes to the exercise of power.

So the old Senate is gone. The old Senate is gone, and this body has reinvented itself over and over and over again, and it is going to have to do it again. But that old Senate where you could pour a scotch after yelling at each other on the floor, it is gone.

I can't tell you the number of times I have invited my Republican colleagues to come down to the floor and have a debate. We don't even argue anymore. They go on FOX News. We go on MSNBC. We line up. We smash helmets. They win 52 to 48.

So what is happening in this time period, which is to say in the next 24 hours, is sort of the culmination of Leader MCCONNELL's philosophy about what this place should do, which is, we do judges. We don't do big things, we don't even try to do big things, and we never fail to maximally use our power. That is a different model for our legislature. Frankly, it is how a lot of legislatures work; it is just not the way this place used to work. But if that is the model, then Democrats are going to have to wrap their minds around what has happened because we can't be the only ones showing any restraint, right, because that is just a recipe for getting rolled and rolled and rolled, and that is a recipe for entrenching minority rule.

I understand that the structure of the Senate is what it is. It is enshrined in the Constitution, and far be it from me to argue that small States shouldn't get two Senators. Small States should get two Senators. Whether you have 1.5 million people or 50 million people in your State, you should get two Senators. I am for that. But the way this is starting to work is that elected representatives who collectively have gathered 10 million, maybe 12 million, maybe by the year 2030, 30 million fewer votes than the minority party, are going to stack the judiciary and entrench minority rule.

So something has to give. Yes, I know there are elections that can resolve this, and sometimes when things

feel stuck, maybe they are not as stuck as they feel, but the shoe is going to be on the other foot.

As my good friend Claire McCaskill, the former Senator from Missouri, says, you know, the door swings both ways in Washington.

So I just think it is important for every Member of this body to understand that the door swings both ways in Washington. If we are going to rebuild this institution and rebuild the trust that the public has in their elected representatives and the judiciary and public leaders, then we are going to have to be trustworthy with each other.

I feel betrayed. One of the most pleasurable aspects of working in this place when I first got here, coming from an almost entirely Democratic State, was my ability to work with Republicans. It was a unique professional challenge for me. I am looking at the Presiding Officer, and we did some pretty good work together, and it was a pleasure. That was fun, and that was the way this place should work.

I worry about how frayed those relationships are, and I worry about the fact that there is this kind of principle that all is fair in love and war. These guys are about to do something even worse, so you might as well punch them in the mouth preemptively, and the kind of rah-rah speeches that I believe go on in the Republican conference characterizing us as promising to do unusually aggressive things, and therefore they might as well get it over with in advance. By the way, Harry Reid did X, Y, and Z, and what about Robert Byrd? And they get told a story about how awful we are, and then that justifies their breaking their bond with us.

I understand that a lot of what happens here is a result of polarization across the country—I would argue asymmetric polarization—but people matter, relationships matter, and trust matters. I have never felt so clear that we as Members have been betrayed; that the arguments that were made in favor of holding up Merrick Garland were BS, and we have a long way to go to rebuild this institution.

I yield the floor.

The PRESIDING OFFICER (Mrs. CAPITO). The Senator from Connecticut.

Mr. MURPHY. Madam President, first, let me thank the Presiding Officer, the staff on the floor, and the staff in both caucus rooms, for putting up with a very, very late night to take the floor just past 3:30 in the morning. I thank my friend Senator SCHATZ for picking up about an hour and a half, from 2 until 3:30, and I know that Senator KAINE will be joining the floor shortly.

This is an exceptional night because we are living in exceptional times. We are likely to see tomorrow a record number of COVID cases diagnosed in this country. I know that it now feels like the new normal 7, 8 months into this pandemic, but this is unthinkable that our country has been ravaged by a virus that less than a year ago no one had ever heard of.

Sometime in November or December of last year, COVID–19 started popping onto the international public health radar screen in China, and a few months later, it was here in the United States. Most countries were able to come up with a plan to control, contain, or essentially eliminate the threat of COVID–19 in a matter of months. The United States was not, because of an abysmal failure by this administration.

We are now living with a third wave of COVID. As we speak on the floor tonight, we are looking down the barrel of 300,000 Americans dead by the end of this year. No one is safe. There are millions of kids who can't go back to school, businesses that have gone under, and 10 percent of our workforce that is out of work.

This is an exceptional night because we are living in an exceptional moment, and I will talk over the course of my remarks about the President's failure to meet the moment and to be able to rescue this country from this pandemic—in fact, his daily actions now to actively spread the disease. There is no one who is doing more to spread COVID–19 across the country today than the President of the United States, who is holding daily superspreader events, who is shaming individuals who wear masks, and who is deliberately trying to reduce the number of tests that are done in this country.

I also want to acknowledge that the vote that we have pending, ready for action tomorrow, is directly connected to the question as to whether this country is going to be able to turn the corner on COVID, because the first case Amy Coney Barrett will likely hear after she is confirmed by this body, as it looks like will happen tomorrow, will be a case on the Affordable Care Act—a case that asks the Supreme Court to invalidate the entirety of the ACA.

It draws issue with one specific provision in the ACA, but the remedy it seeks—the remedy the President of the United States is asking for—is the complete invalidation of the Affordable Care Act. That is 23 million people losing healthcare. That is 130 million people all across this country who have preexisting conditions potentially losing protections that, under the ACA, prohibit insurance companies from charging them more.

I have heard my Republican colleagues come down to this floor and go on television and give press conferences in which they suggest that those of us who say the Affordable Care Act is about to be struck down due to the confirmation of Amy Coney Barrett are engaging in hyperbole, that we are exaggerating. Well, I have been in the Congress for the last 10 years, the House and the Senate. My eyes haven't been closed. I have watched an unrelenting campaign from the Republicans to try to repeal the Affordable Care Act.

When I was in the House of Representatives, the call from the Republicans was to repeal and replace. The Presiding Officer will remember this because I think we served together during that period of time. The idea was, of course, that the Republicans didn't like the Affordable Care Act, but they acknowledged that they couldn't get rid of it with nothing else to replace it. Now, that in and of itself was an acknowledgment of the merits of the Affordable Care Act. The Republicans may not have liked the details, but given the fact that they were not supporting repealing it but supporting repealing it and replacing it with something else, they knew the American public would not allow for the Affordable Care Act to disappear and have nothing else to stand in its place.

We waited month after month and year after year for a replacement plan to be offered by the Republicans. We waited month after month and year after year. That replacement plan never arrived. The closest we came to seeing a replacement plan was in the summer of 2017. As we were debating its repeal here in the Senate shortly after the election of Donald Trump, Speaker Ryan, then still in charge of the House of Representatives, presented a replacement.

The problem is the replacement was worse than simple repeal. The Affordable Care Act covers around 23 million individuals, and the Congressional Budget Office said that Speaker Ryan's replacement plan would have resulted in 24 million people losing healthcare, going backward from the status quo ante.

Seventy different times Republicans, either in the House or the Senate, tried to repeal all or part of the Affordable Care Act. You may say: Well, that sounds unfair. It is not fair to create an equivalency between efforts to repeal all of the Affordable Care Act and efforts to repeal just some of the Affordable Care Act.

OK, on 31 different occasions, Republicans tried to repeal the entirety of the Affordable Care Act—31 times, which is a lot—with no replacement that would have covered everyone that receives coverage under the Affordable Care Act, with no meaningful effort to protect those who have preexisting conditions.

My eyes were open to that. My constituents were watching all of that. We saw how Republicans, 31 times, tried to repeal the Affordable Care Act.

I have listened to Republicans out on the campaign trail. I have watched what Republicans have said to the press and to their constituents. We are not blind. We know that Republicans, for 10 years, have been trying to repeal the Affordable Care Act. We know that for 10 years Republicans have not had a replacement that would insure anywhere close to the number of people insured by the Affordable Care Act or

provide protections to people with preexisting conditions.

So don't tell us that we are overhyping this desire by Republicans to take steps in this body that would lead to the repeal of the Affordable Care Act because that is the lion's share of what Republicans have been doing for the last 10 years.

In the summer of 2017, Republicans mounted their last stand to get rid of the Affordable Care Act. They had control of the House, the Senate, and the Presidency. This was the moment to do it.

In fact, most of us expected that it was a foregone conclusion, having told the American public in the runup to 2016 that, If you elect us, we will repeal the Affordable Care Act, and having won the House and the Senate and the Presidency, despite, by the way, getting less votes than Democratic candidates for the Senate and the House and their President having gotten less votes than the Democratic candidate for President, by virtue of the way in which we select representatives through gerrymandered districts, through the way in which States with smaller populations have greater representation in the Senate and through the mechanism of the electoral college. Despite getting less votes than Democrats all across the country in 2016, Republicans did take control of the House, the Senate, and the Presidency. And those are the rules. Those are the rules. Republicans played by the rules in running for office in 2016. I am not begrudging the fact that they did in fact win control of all three lawmaking chambers of U.S. democracy—the Presidency, the House, and the Senate. It was to be expected that Republicans would repeal the Affordable Care Act in 2017.

But, curiously, they could not, and the reason they could not is pretty simple. Democracy took hold. The people of this country didn't allow this Congress to repeal the Affordable Care Act. They rose up in record numbers. Thousands of people turned out to townhalls all across the country. The phone lines here were lit up. There were protests that spring and summer outside this building on a near daily basis. It was 100 percent clear that if Republicans voted to repeal the Affordable Care Act and replaced it with nothing or made our healthcare system worse, as Speaker Ryan's plan would have done, there was going to be hell to pay from the American electorate.

Now, it turned out that there was, anyway, because Americans watched the attempts to repeal the Affordable Care Act and were just slightly less infuriated than they would have been if repeal had actually gone forward.

But repeal failed. On this floor, late one night in the summer of 2017, the bill went down, and Republicans at that point had figured it out. Having tried 31 times—70 times, whatever your number is—to repeal all or part of the Affordable Care Act, Republicans figured out that they weren't going to be able to get it done through Congress, that the American people weren't going to let them.

So they decided to try another way. Later that year, the Republican tax bill passed the U.S. Senate and the House of Representatives and was signed into law by the President of the United States, and inside that tax bill was a curious provision, a provision that eliminated the tax penalty for individuals who don't have insurance. That was a really important part of the Affordable Care Act, not a super popular part of the Affordable Care Act. Nobody likes putting a financial penalty on individuals who don't have insurance, but it was really critical to protecting people with preexisting conditions.

I won't go into the details of it, but I actually sat in the Presiding Officer's chair during Senator CRUZ's filibuster overnight, on a late night like this one. I was probably presiding as a freshman Member of the Senate at about this hour, and in that filibuster—I wouldn't recommend going back and looking at it on tape, but you could—you would listen to Senator CRUZ explain that, in fact, the individual mandate and the tax penalty are critical to protecting people with preexisting conditions. Because if you don't require people to get insurance but you also require insurance companies to rate folks who are really sick the same as they rate healthy patients, the whole insurance system falls apart. Because if you aren't required to get insurance but you are not penalized if you wait to get insurance until you are really sick, then that is exactly what you will do. You won't get insurance until you are really sick. You won't have to pay any more once you have that expensive cancer diagnosis, for instance. Then, without any healthy people buying into the system and with only sick people part of our insurance pools, the insurance system collapses.

So Republicans went into this 2017 tax bill, and they removed the provision that would provide a financial penalty. But it really wasn't actually that curious. It wasn't that difficult to figure out why they were doing that.

Republicans were doing that because, a few years before, the Supreme Court had ruled that the Affordable Care Act was constitutional because of the existence of that tax penalty. It was an interesting decision, one that I disagree with, but Justice Roberts ruled for five of nine members that the Affordable Care Act could stand as constitutional because of the existence of that tax provision.

So you didn't have to be a rocket scientist to figure out why Republicans had inserted this provision into the tax bill—because they believed that they had a new route, a new pathway, to invalidate the entirety of the Affordable Care Act.

Now, having failed to be able to get the elected branch of government to undo the Affordable Care Act, they could essentially plant a constitutional landmine in the Affordable Care Act and attempt to get it invalidated through the courts.

Now, again, let me tell you, I don't agree with the Supreme Court decision—I think it was in 2012—that suggested the Affordable Care Act would be invalid if you removed this tax penalty. But that decision stands, the NFIB decision, and Republicans figured out that they could sabotage the Affordable Care Act and run a case through the court system that would end up getting done what they had been trying to do for 10 years—take insurance from 23 million people and the preexisting conditions protection.

And that is exactly what they did. That is exactly what Republicans did. Twenty Republican attorneys general, joined by a whole host of conservative political organizations, launched a court case claiming that because of the change made in the 2017 tax bill, the Affordable Care Act was now, all of a sudden, unconstitutional. It had to be struck down.

The case went before the district court, and a Republican-appointed judge ruled in favor of the Republican attorneys general. The case then went to the circuit court, and in a 2-to-1 decision, with a Trump-appointed, Senate-confirmed judge making the difference, they ruled in favor of the plaintiffs, and now that case sits before the Supreme Court, and it is to be heard by the Supreme Court in 2 weeks—in 2 weeks.

So now you might be starting to figure out why we are here. Why are we rushing through Amy Coney Barrett's nomination in record time? You never had a Supreme Court Justice confirmed this close to the election. In my political lifetime, I have never seen a Supreme Court Justice rushed through in this amount of time.

We have been here all weekend. It is 3:30 in the morning. We took a vote on Saturday. It is now becoming apparent why we are rushing this through.

It is probably partially because Republicans are worried they are going to lose their Senate majority in this election and the President is going to lose, and it will be much harder to push through a nominee in a lameduck session. It is probably because there are potentially cases to come before the Supreme Court regarding this election, and this President wants to make sure he has as many of his nominees stocked on the bench as possible if there are any questions that arise before the Court regarding the validity of the election.

But I think mostly the reason that we are here, rushing through Amy Coney Barrett's nomination, in the dead of night, in record time, 1 week before an election, is because the Affordable Care Act case is up before the Supreme Court in 2 weeks, and it is likely—in fact, almost certain—that without Amy Coney Barrett on the

Court, that case brought by Donald Trump and Republicans across the country will not succeed, and that only by rushing through Amy Coney Barrett's nomination 2 weeks before this case is to be heard by the Supreme Court can Republicans finally get done what they have been trying to do for 10 years—repeal the Affordable Care Act and end insurance for 23 million Americans and strip away protections for everybody who has a preexisting condition.

Now, I know my Republican friends get really angry when they hear us suggest that their goal is to end insurance for 23 million Americans or to strip protections away from people with preexisting conditions, and they will stand up here and say: No, of course, that is not what we want to do. We are going to protect people with preexisting conditions. We will find a way to insure all those people.

And I truly do believe that my Republican colleagues do, in a perfect world, want people with preexisting conditions to be covered. The problem is they have worked themselves into a trap that they can't get out of and that they know they can't get out of.

They say they want to cover people with preexisting conditions, but they have never been able to put on the table a plan that would do that. They have made this promise that they will repeal the Affordable Care Act, and they have put themselves on this path that they can't get off of to repeal the Affordable Care Act through legislation or through the court system, such that, even though they say they want to protect people with preexisting conditions, they are acting in a way that does the opposite.

So you have to forgive us when we say that you want to strip protections for people with preexisting conditions. Because despite the fact that you say you don't want to do it, everything you are doing ends up in that result. So at some point, we have to watch what you do, not what you say.

Your President had the chance to go to court. Well, first of all, your President didn't have to go to court at all on behalf of the plaintiffs. In fact, 99 percent of the time, a President will defend the statute that is being attacked, even if that President doesn't agree with the statute. That is generally seen as the responsibility of the executive branch, to defend the statutes of the United States, whether or not you agree with them. That doesn't happen in every case, but that is generally how it works.

In this case, not surprisingly, the President went to court and said: I am going to join with the plaintiffs. I am going to ask for the court to invalidate the Affordable Care Act.

But President Trump could have asked for only part of the act to be invalidated. He could have asked for the part of the act that protects people with preexisting conditions to remain, but he didn't, and, frankly, Republicans in this Chamber didn't pressure him to do so.

Republicans here could have begged the President, privately or publicly, to go to the court and ask for the portions of the act that protect people with preexisting conditions to remain, but the President didn't do that. He sent his lawyers to court. His lawyers will be in Court in 2 weeks arguing that the entire Affordable Care Act be struck down—the whole thing.

So let me say it again. Don't blame us for watching what you do, rather than what you say. Republicans say they want to protect people with preexisting conditions, but then everything they do and everything this President does seeks to destroy those protections.

That is why we are here. We are here because Republicans have gotten themselves on this train that they cannot stop—this effort that has been underway for a decade to strip away the Affordable Care Act protections. Two weeks from now, the Republicans will get a little bit closer to what they have been asking for, for 10 years, when this case comes before the Supreme Court and Amy Coney Barrett sits on it as the deciding fifth vote to invalidate the Affordable Care Act.

And why this matters more now and why I led my remarks referencing the COVID epidemic is because it is unthinkable in ordinary times for 23 million people to lose health insurance or for folks that have a history of heart disease to all of a sudden not be able to buy insurance.

In my State, that is about 260,000 people who get their insurance through the Affordable Care Act who would lose it. We are a small State, about 3.5 million. A quarter million people losing healthcare insurance in our State—that is a humanitarian catastrophe at any time, but in the middle of a pandemic, that is a nightmarish, cataclysmic dystopian future to wish for. In the middle of a pandemic, to take health insurance away from 23 million people, to go back to the days in which insurance companies could discriminate against you because you had a preexisting condition?

COVID is going to be a preexisting condition. Let me just level with you. There are 8 million people in this country who know that they have had COVID. But, eventually, if people start taking antibody tests, there will be five times that many who have a medical history that includes COVID. All those people will have a preexisting condition, and insurance companies, if the Affordable Care Act disappears, can either decide to not insure those individuals or can jack up their rates. That is on top of the 130 million people who have other preexisting conditions.

So think about both of those things happening. Think about, in the middle of a pandemic, when there are over 1,000 people dying every day in this country, where we are seeing reports of hospitals literally being filled to total capacity in parts of our country, for over 20 million Americans to all of a sudden not have the ability to pay for healthcare.

We are in the middle of a pandemic, but we are also in the middle of a giant depression; right? I mean, 10 percent of America is out of work. Guess how those individuals get health insurance when they are out of work—through the Affordable Care Act. People that lose their job, many of them get insurance through the Affordable Care Act. They qualify for the Medicaid expansion in the Affordable Care Act, or they end up buying insurance through these exchanges.

I have story after story from my constituents in Connecticut of people who lost their jobs in the middle of a pandemic and were able to get health insurance because of the Affordable Care Act.

It is not just that you have all these sick people who are going to lose insurance when the Affordable Care Act is repealed but also all these folks who are out of work and have no other way to get insurance at an affordable rate other than the Affordable Care Act. Stripping it away in the middle of a pandemic is just inhumane. On top of that are all of the people who will have COVID as a preexisting condition.

Wayne lives in Rocky Hill, CT. Rocky Hill is a small town south of Hartford. I wish his story were exceptional, but you have all heard these stories, my Republican and Democratic friends:

> Thank you for your continued support of the Affordable Care Act. Our family has extensive medical needs, and we rely on the preexisting conditions and no lifetime cap coverage provisions that the ACA provides. Both of our sons have serious health issues. Harrison is developmentally impaired. Has a rare genetic disorder, cerebral palsy, hearing loss, and a rare form of intractable Epilepsy, characterized by multiple, uncontrolled daily seizures.

Imagine having a son like that.

> Jacob, who just turned 15, has Hemophilia A with an Inhibitor. If you are unfamiliar with this disease, it means his body not only lacks the protein needed to clot his blood in case of an injury, but it also rejects the typical medicine used to treat his bleeding disorder. This means his only alternative for treating his often spontaneous internal bleeds is a very expensive synthetic clotting factor, which costs around $9,000 a dose. When he has been injured in the past, he has to receive doses every 2 hours for the course of several days. This happened on over six occasions since he was first diagnosed in 2011.

Think about how lucky you are if you have healthy kids. I am lucky. I have two young boys who are healthy. Harrison has cerebral palsy, hearing loss, epilepsy, daily seizures. Jacob has hemophilia—medicine that costs $9,000 a dose.

Wayne writes:

> We have had to maintain double insurance coverage through both my wife's and my employers as well as Medicaid in Harrison's case. We would have easily been dropped by any number of insurance companies for exceeding both boys lifetime expense caps—

Well over 1 million each—

and might not have been able to obtain insurance in the first place due to their preexisting conditions. If these provisions were not made law by the ACA, there would be no way we would have obtained or ever afforded health insurance. We would not have been able to keep our home and would likely have had to file for bankruptcy by now. Both boys together have been hospitalized on over 36 separate occasions, with Harrison having spent almost his entire first 6 months of life in the NICU . . . at a cost of over $1,000 a day.

Remember, the ACA says insurance companies can't deny you coverage because you have a preexisting condition. They can't deny your family coverage because your child has a preexisting condition, but the Affordable Care Act also says insurance companies can't cap your insurance. They can't say: Hey, if you have an expensive disease, we are going to insure you for up to this amount of money, and then we are going to stop paying for healthcare.

They can't do that on an annual basis either. The Affordable Care Act says they can't, as an insurance company, give a dollar amount of coverage over the course of the year and then cut you off, because that is not really insurance, right? The whole idea of insurance is that you pay in whether you are healthy or you are unhealthy, but you are banking money and you are using other people's banked money in case you get really sick, in case your family member gets really sick.

If your insurance plan doesn't cover you in the case that you have kids like Harrison and Jacob, then it is not really insurance in the traditional form of insurance. That is why the Affordable Care Act said: No, listen, health insurance is going to have to cover you if you are really sick or your children are really sick, and they can't pull that coverage after a certain dollar amount on an annual basis or a lifetime basis.

That is why Wayne talks about the importance of the Affordable Care Act for his family. He says: We would have had to sell our home. We likely would be bankrupt if not for the Affordable Care Act.

He says:

If these key provisions are removed—

Which seems entirely likely—

millions of individuals and families with loved ones having serious illnesses will be adversely affected.

That is a kind way of explaining what would happen to Wayne's family. They would be adversely affected. Wayne would lose everything if insurance companies were able to go back to discriminating against people with preexisting conditions and placing back on insurance plans these annual caps and these lifetime caps.

Again, the President of the United States had the choice to go to court and ask for the entire act to be invalidated or for specific provisions to be invalidated. He asked for the entire act to be invalidated, which means these provisions which protect Wayne and his family will be gone if Amy Coney Barrett and four other Justices decide to rule for President Trump on his request to invalidate the entire Affordable Care Act.

Don't tell us that we are overhyping this threat, that we are making up this idea that Republicans want the Affordable Care Act to disappear. It is much of what Republicans have been doing for the last 10 years. There has been no viable replacement plan that protects Wayne in the way that he needs and Wayne's children in the way that he needs.

While no one can be guaranteed as to what the Supreme Court is going to do, Donald Trump himself told you that he is only going to put people on the Supreme Court who will invalidate the Affordable Care Act. He criticized John Roberts over and over again as a Republican appointee for upholding the Affordable Care Act. He signaled to you that he was not going to appoint someone to the Supreme Court like John Roberts—someone who would find a way to uphold the Affordable Care Act. He told you that was John Roberts' primary sin and that he wouldn't make that mistake again.

He, in fact, told you once again just a few days ago that he hoped the Supreme Court would strike down the Affordable Care Act. If that is his hope, then I don't know that we can rely on the idea that he would have then coincidentally been picking Justices to serve on the Supreme Court who would follow through on that request.

Julie is from Sandy Hook. Julie says:

On March 25, 1994, I received a lifesaving kidney transplant at Hartford Hospital. At the time I was working at a job that was not fulfilling, and I was trying to complete my Master's degree in Education to get my job in teaching. I finished my degree, got married, had two children, and got a dog. Later, I finally landed a full time teaching position at Newtown, CT. I know if the law were overturned today, I would not have been able to transfer to my husband's health insurance plan and ultimately would not have been able to achieve my dream of becoming a teacher.

Now, that is a different story than Wayne's, right? It is not equally important, but it is important. What Julie is telling you is that she had a dream to become a teacher, and she needed to take the time out of the workforce in order to pursue that dream, and she needed health insurance during that time.

What the Affordable Care Act has allowed for—and this was back in 1990s that Julie is telling the story. Why she is telling it is because the Affordable Care Act gives you the opportunity to maintain health insurance while you are out of work or while you are transitioning from one job to another. It provides a nimbleness, a flexibility in the workforce that didn't exist without the Affordable Care Act protections.

Julie goes on to write:

In August of this year, I was diagnosed with B-cell Non-Hodgkin's Lymphoma. I am currently receiving chemotherapy treatments. . . . I am scared to death [she writes] to imagine what would happen if I am not able to return to work and I lose my benefits. While my husband does have the opportunity to get health insurance benefits through his employer, if the ACA were overturned I might not be eligible for benefits because of my multiple pre-existing conditions. This could mean financial ruin for my family since I need continued follow up care even after I finish my chemotherapy treatments.

Julie is now in this sort of classic situation in which she has a preexisting condition. She is currently receiving treatment, and she is living in fear about what will happen to her and her family if all of a sudden the days of discrimination against people with preexisting conditions come back. She is also telling the story about what happened to her earlier in life when she went out and got herself reeducated to become a teacher but had fear about what was going to happen to her insurance benefits because of that. That fear doesn't exist for Americans any longer because they have access to these private healthcare exchanges when they lose their coverage, perhaps even voluntarily because they want to go get another job. Now she is in this classic situation in which she has a serious, serious illness. She talks about the fear that she has about what will happen if the Affordable Care Act is struck down.

I think that is important to recognize, as well, because there is a generation of young adults who, frankly, don't even remember the days in which you could be discriminated against by insurance companies because of a preexisting condition, who don't know what it is like to obsess and obsess and obsess over that question. There are folks who are 30 years old today who during their entire adult lives lived under the ACA, who are having kids now—kids who may have complicated medical conditions—and don't have to worry about that child living a life in which they are constantly chasing insurance. It just doesn't happen any longer.

Now that prospect has returned because of this case before the Supreme Court. Now those parents are starting to worry. What will happen if Amy Coney Barrett provides the fifth vote to invalidate the Affordable Care Act as President Trump is asking the Supreme Court to do? What will happen?

Well, what likely will happen is those protections for people with preexisting conditions will be struck down, and once again, parents of children with complicated illnesses will spend their lives worrying about how this illness will define their child's future. Now, if you have a serious illness, it is going to define your future no matter what, but on top of the daily search for treatment and the daily search for wellness, there is the worry of whether you are going to be able to pay for that. It is a nightmare that we don't have to choose to endure as a nation because right now we have a law that protects against it.

I always remember this very simple story from a few years after the Affordable Care Act was passed. I was at a community pool in Cheshire, CT, with my son, who was then 4 or 5 years old. This young guy—maybe a few years younger than I—sheepishly approached me in the pool as I was playing with my son. He said: Thank you.

I asked: For what?

He said: I want to say thank you for the Affordable Care Act. I am here with my son. My son has a rare heart condition. I used to stay up nights worrying about what his life was going to be like. I still have lots of worries, but now I have one less because of the Affordable Care Act. Now I know we are not going to go bankrupt paying for him. Now, more than anything else, I know his future is not going to be dependent on whether or not he can find a job that provides him healthcare benefits. He can pursue his dream without the constant worry of how he is going to pay for health insurance.

That sounds like a simple thing, but it is not. For any parent here, the idea that your child can be whomever they want to be or at least their life won't be dictated by whether they can afford healthcare for their expensive disease that they have through no fault of their own, through no choice of their own—that is a big deal as a parent. The Affordable Care Act relieves much of that worry. That is why people are so concerned about what Amy Coney Barrett's nomination to the Court will result in.

Malaine from Branford says:

In 2015, my husband co-founded a Biotechnology company, which is located at the UCONN Incubator in Farmington.

That is exciting. That was an incubator that I helped conceive as a State legislator and then as a Congressman.

She writes:

He did this because the ACA made it possible for our family and the company employees to have healthcare. The company now has 10 employees, all high-paying, Connecticut based jobs. This entrepreneurship would absolutely, positively not have been possible without the ACA. In 2018, the company transitioned to employer healthcare. Now through the Trump administration's incompetence in the handling of the coronavirus pandemic, sales of the company's product—

They sell to other companies that are still closed because of coronavirus—

have plummeted and so our company, like so many, is struggling. If we lose our livelihood, we also lose the company health insurance, which means we co-founders . . . would need to depend on the ACA's health insurance, if it still exists.

Once again, this is another story about how the ACA allows for financial innovation, allows for economic innovation. This is a company that was started in Connecticut, a biotechnology company. Because the ACA allowed in the early days for those entrepreneurs to insure themselves, their families, and their early employees through the Affordable Care Act before they had enough money in the company, they were able to provide employer-based insurance. All of that goes away. That cushion for entrepreneurs will disappear if this act is invalidated.

These stories go on and on and on, individuals who will have their lives ruined and changed if the Affordable Care Act disappears. Again, we might be months away from that occurring—months away from that occurring—in the middle of a pandemic, people losing their insurance right at the moment when they need it the most because of the costs of confronting COVID, because of the fact that they lost their insurance because of the recession or are at risk of losing insurance, like Malaine's family is. What a nightmare.

That is not my only worry, though, when I think about Amy Coney Barrett's confirmation. Frankly, I nor my constituents have had enough time to really understand the consequences of Amy Coney Barrett's nomination because of how rushed this process has been. In the middle of a pandemic, when it is abnormally difficult to be able to communicate with your constituents, we rushed this nomination through, which has made it almost impossible for people to figure out who she is, what she believes, and communicate that in time to their Members of Congress. I have a feeling there is a reason for that as well.

The rush job is because Republicans need to get her on the Court in time for the ACA case, because Republicans want to get her on the Court in time to hear election disputes, because Republicans want to get her on the Court before a lameduck session makes it harder if the election goes against Republicans. But I have a feeling it is because they also don't want people to figure out what she stands for.

One of the other areas of law in which Amy Coney Barrett is likely pretty radical—certainly is radical—is on the question of America's gun laws. Obviously I care about this deeply. I have borne witness to one of the country's worst gun homicides in Newtown, CT. Right now, on the streets of Hartford, CT, as in many other cities, gun violence is spiking.

It is not shocking. Gun violence tends to attract poverty when people are desperate economically. Whether we like it or not, they often resort to violence, and we are in a moment of economic desperation. You should see the food lines at food pantries and food banks in Connecticut. It is not coincidental to that economic desperation that we are seeing an increase in gun violence.

Yet gun violence is made a lot easier in the Nation because of the ease of access to weapons. Our Nation is just flooded with weapons and many of them illegal weapons, many of them in the hands of felons—dangerous people who shouldn't have them.

We are attempting to pass a universal background checks bill here in Congress that would make it harder for felons—dangerous individuals—and people with serious mental illness to get their hands on guns. It is probably the most popular policy intervention in the country. I don't know that there is any other major piece of legislation that we have proposed that is more popular than universal background checks. It gets about 90 to 95 percent of support in most polls. The majority of non-gun owners, gun owners, NRA members, non-NRA members—everybody—wants universal background checks.

It makes a difference. The States that have universal background checks have lower rates of gun homicides, suicides, and domestic violence crimes on average. It is maddening to me that we haven't been able to pass universal background checks here, but that is a political problem. That is a problem of political power. The gun lobby has had much more political power. Despite the fact that 90 percent of Americans want universal background checks, it is just a question of one side having more political power than the other. That is changing. Witness the House of Representatives' passage of universal background checks last year. I think that we will be able to pass that in the Senate if the elections go a certain way.

Yet Amy Coney Barrett has a different idea as to what the barrier should be to universal background checks. Amy Coney Barrett believes there is a constitutional prohibition against preventing all felons from owning guns. Amy Coney Barrett wants to take away the choice from Congress of who can own a gun and who can't own a gun. Now, that is not hyperbole. She will tell you that this is her belief. She wrote it down in an opinion. She didn't serve on the appellate court for very long, but while she was there, a case on a State gun law came before her, and she wrote a dissenting opinion which is a major outlier in Second Amendment jurisprudence, and it contains in it some pretty dangerous ideas that, frankly, people haven't had the time to consider because of how rushed this nomination has been.

In this case, the Kanter case, Amy Coney Barrett says that this felon—I think, in this case, it was a nonviolent felon—should be able to own a weapon. This is notwithstanding the State law that says all felons can't own weapons. Amy Coney Barrett comes to the personal opinion, in this case, that this individual is not dangerous. What she says is that it is not for the legislature to decide who is dangerous and who isn't. It is for the courts to decide who is dangerous and who isn't, and if the legislature can't prove to me, Amy Coney Barrett, that this person is dangerous, then I will declare that the Constitution doesn't allow for that person to own a weapon. The court now becomes the trier of fact.

This isn't unfamiliar because this has been a sort of interesting strain of jurisprudence among this new Federalist Society-vetted, conservative judicial crowd.

That is sort of the issue in Shelby County as well. This voting rights case comes before the Court, and the Supreme Court essentially says: We are going to be the trier of fact with respect to whether there is discrimination in this country. We are going to determine whether discrimination against people of color exists such that they need these voting protections. That traditionally would be a function of the legislature to decide whether discrimination exists so that it is necessary to require these protections, but in Shelby County, the Supreme Court says: No, we will make the decision as to whether discrimination is a problem, and if it is not, we will constitutionally invalidate these provisions of the Voting Rights Act.

Well, in Kanter, what Coney Barrett says is that courts now will decide who is dangerous and who isn't because I believe the Second Amendment to only allow for guns to be prohibited to individuals who are dangerous.

The second thing she says in that case is equally as dangerous. She says she also would require a State or the Federal Government to prove that the law is efficacious in promoting public safety. Now, that might not sound to you unreasonable, but that is not what the Second Amendment says. The Second Amendment doesn't say anything in there about gun laws only being constitutional if they can be proven to be efficacious, and there is always going to be a study funded by the NRA that will tell you that, if you take guns away from people, you make a community more dangerous. The NRA is really good at telling you that the only way to solve crime is with more guns.

So, conveniently, under Amy Coney Barrett's conception of the Second Amendment, so long as she or others on the Court can find a plausible argument that a gun law is not effective in promoting public safety, it can thus be ruled unconstitutional.

There are a hundred other courts out there with Republican judges who have not found the Second Amendment to say what Amy Coney Barrett says the Second Amendment says, and for courts to, all of a sudden, micromanage decisions about who is dangerous and who is not dangerous and what laws are effective and what laws are not effective sounds to me like the kind of judicial activism that many of my conservative friends have been warning against. I think the natural consequence of that would be to invalidate a whole host of background checks laws, perhaps to make it impossible—indeed, likely, to make it impossible for us to be able to expand background checks in a universal fashion as 90 percent of Americans want us to do.

So, while we are certainly spending most of our time talking about the threat to Americans' healthcare—because we are in the middle of a healthcare epidemic and because the consequences are so serious—it is important to note that it is not only on the question of healthcare that Amy Coney Barrett is going to, potentially, fundamentally change this country. Whether it be her likely vote to overturn Roe v. Wade or the same-sex marriage decision or her radical, out-of-the-box conception of American gun laws and the constitutionality of them, her views are not in the American mainstream.

Of course, that makes sense because, increasingly, the Republicans aren't using the legislature to try to mold this country into their world view, into their political view, because their conception of how this country should be is deeply unpopular. It is unpopular to repeal the Affordable Care Act. It is unpopular to make it harder for the legislature to put into place universal background checks. It is unpopular to allow States to criminalize abortion. It is unpopular to allow for more dark money to be spent in elections. It is unpopular to provide less regulation on the pollution—oil and gas—industry.

So, increasingly, the Republicans don't really try to push that agenda through Congress because they have this other way now—because the Supreme Court will get all of that done. The Supreme Court will eviscerate the civil jury to make it easier for corporations to prevail in their cases against consumers. The Supreme Court will declare that a woman's right to a safe and legal abortion is not protected by the Constitution. The Supreme Court will invalidate the Affordable Care Act. The Supreme Court will stop legislatures from passing universal background checks.

As the Republicans' political agenda has become less aligned with that of the broad American public's, it makes sense that the Senate has stopped legislating. It makes sense that the Senate has just become this confirmation simple machine.

I have been here for the last 2 years. We haven't debated any legislation of substance here. All we have done is just confirm judges. I checked, and we have done 20 pieces of legislation. That is half as many as a normal Senate would do. Most of the bills we have passed have been—or not most of them, but, as I checked, one-third of the bills that we have passed have been of post office renamings or commemorative coins, and we have passed half as many bills overall as we would in a normal legislative session. Legislation is just kind of grinding to a halt here.

Yes, some of that is because the House is of a different party, and it is difficult to pass a law when you have different parties in charge of the House and the Senate, but there aren't a lot of conference committees happening, and there aren't a lot of attempts to reconcile our differences. In part, this is because the Senate is just confirming judges—a record numbers of judges because, in part, there were record numbers of vacancies because MITCH MCCONNELL and the Senate Republicans refused to confirm almost anybody over the last 2 years of Obama's term in office.

They essentially nullified that portion of his Presidency—his right under the Constitution to nominate and have considered judges to the Federal bench. So, when Trump won and the Republicans maintained control of the Senate, all of a sudden, they had more vacancies than ever before. They have spent the last 2 years populating the bench, filling those vacancies. That is their right to do so, I guess, but it is also part of the strategy to push a conservative political agenda through the courts rather than through the legislature. Because that agenda is so unpopular, if it were pushed through the legislature, it would jeopardize the Republicans' chances of reelection. This has been an unusually activist Court, but it is likely to get more so with Amy Coney Barrett on the Court.

I want to do two more things before I yield the floor, and I know Senator KAINE will be here shortly. I want to spend a few more minutes on why this pandemic is so intimately intertwined into this conversation about this nomination and then finally say a word on process.

There are 220,000 Americans who have died, and millions of others have had their lives changed forever by this pandemic. The number of people who have been laid off is just sort of unfathomable to think about. The President tried a feckless travel ban in February and March. It didn't work. It was not going to work. He, effectively, gave up after that. He just put the States in charge and then refused to resource the States in a way that would allow them to adequately and effectively confront the virus. One example is the President's refusal to stand up a national supply chain so that we have been in constant crisis—first, with respect to masks and face shields and hand sanitizer and then, throughout the crisis, with respect to tests and testing equipment and cartridges.

I was visiting testing sites in Connecticut just last week. I mean, we are in—what?—month 8 of the pandemic, and still these testing sites in Connecticut have no idea, from day to day, how many tests they are going to have.

I was visiting a hospital that is right in the middle of a historic hot zone in Connecticut. I did a roundtable, and there were a bunch of people there. On my way out, one of the participants in the roundtable kind of followed me out. It happens often, as my colleagues know, and she wanted to have a private word with me. She was the purchasing agent for that hospital who wanted to tell me before I left exactly how nightmarish her life was for not knowing, from day to day, how many tests they were going to be able to do and how she had to scramble every single day to figure out how to get the components for the tests and how there was no way to plan, how there was no way to say, ''OK, this week, I am going to go to

this site and this site to do tests,'' because I don't know where I am getting them from.

That is just one of the ways in which this President has just fundamentally let us down, but now it is something different. Now, the President isn't trying to stop the virus. He is actively trying to spread the virus. The President is holding these political rallies at which nobody is wearing masks and where people are standing shoulder to shoulder. He knows what he is doing. He knows that the effect of those rallies is going to be to spread the virus. He is shaming people who wear masks and is chiding the Vice President for always wearing one.

He is now actively engaged in an effort to test people less because he thinks that makes the country look bad. He is at war with his own scientists and regularly undermines his own officials at the CDC and the NIH. There is nobody who is doing more today to help this virus spread than Donald Trump. Then, on top of that, to rush through a nominee who may end up invalidating the Affordable Care Act and leaving people with no insurance in the middle of a pandemic that you are responsible for as President, that is cruelty built on top of cruelty.

Some of my other colleagues have done this as well, and I want to do it just so that some of these people's names end up as part of history, as part of some record other than of lonely obituaries. I am just going to read into the RECORD the names of a handful of the people who have died due to COVID–19 during this epidemic. I know it sounds like a futile exercise, given the fact that I will read 20 names and that 220,000 have died, but I don't really know what else to do at this point to try to convince this President to stop spreading the virus—to act in a responsible way, like an adult—other than to at least put some names to the numbers: Avigdor and Rachel Farin, Adam Russo, Maurice Berger, Robert Herman, Mary Margaret Smith, Ingrid Kisliuk, Johnny G. Gonzales, Anne Martinez, Amelia Michels, Giomar Fuentes, Carmen Carlo. By the way, those last four were related—a mother, an aunt, another aunt, and a grandmother in law. Dr. John Marvin Brown, Sr.; Sylvia Livings; Howard Kramer; Robert Patrick Perry, Jr.; Hing S. Yee; Frank Small III; Steven D. Silverman, MD; Alexander Malcolm MacMillan, Jr.; Dean Pryor Perkins; Mary Castro; Alfonso Ye, Jr.; Michelle Lee Carter; Jerome Mark Spector; John Robert Hicken; Frederick Harris; Bill Huening; Jim Sheehan; Barry Downes; Mark Blum; Florence Warshawsky Harris; Kenneth Glover; Terrence Neil Thompson, Jr.; Gordon Pickering; Robert M. Flanders; Carlos Llamas; Juan Gilbert ''Tito'' Dominguez; Sarah Ann Staffa Scholin; Anne Morreale; Roberta M. Pepitone; Barbara Ross; Jacqueline Hoover; Kerman Hain; Mario Mendoza; John Pizzetti; and William Charles Edward Prince.

These are just two pages of names of individuals who have died due to the coronavirus.

The numbers are, obviously, absolutely overwhelming, and it is, of course, not just those who have died. It is those who have lost their jobs. It is all those people who have had the illness. Eight million people have been diagnosed with COVID. Who knows what the overall number is—individuals who had it who didn't know it, thought it was something else, or people who were asymptomatic. But is that number 100 million? Is that number 50 million? It is big, and all those individuals now have a preexisting condition. All those individuals now could be discriminated against by an insurance company if the Affordable Care Act was to be invalidated, and that is the ask of the Supreme Court—a Supreme Court on which Amy Coney Barrett will be sitting if this nomination is pushed through.

That is why these two questions—of the Supreme Court nomination which is before us today and the question of how we adequately confront the coronavirus pandemic—are connected and why we talk about them together.

Finally, let me say a word about process. This is not the most compelling argument to the American people. I don't think they really care too much about the processes by which we choose to conduct business here in the Senate, but we do. We should. We chose to serve in this body.

I have thought a lot over the course of the last few weeks about the idea of restraint—the idea of restraint, the idea of temperance. It has been a sort of seminal idea that humans have been considering for millennia—the idea of deciding not to do something that you have the ability to do, the decision to restrain one's self, to not use the minimum powers available to you because of the downstream consequences of your decision to operate at maximum power, your decision to use all of the facilities available to you. It is an idea that humans have considered, as I said, for thousands of years.

It is generally applied to this body. It is generally a very important facet of democracy because the Constitution says very little about how the Senate will conduct business. It doesn't micromanage our proceedings.

Certainly, if you read our constitutional history, there was a belief that the Senate was supposed to be different than the House of Representatives. Obviously, we are chosen very differently. At the outset, we were given different term lengths. The idea was that the Senate was supposed to be able to look out for the long-term health of the country in a way that was different from the House of Representatives, given their requirement to answer to the people every 2 years.

So, over time, there was this understanding that the Senate would have, at its foundation, some concept of fairness, some ability for the minority to participate. So, over time, there have been different rules about how many votes are required for cloture or different practices of how cloture was used, how often it was used. But always there was an idea that this place would be a shared experience; minority and majority would work together.

Senator MCCONNELL has his version of history. I think Democrats have a different version of it. But I don't think anybody can disagree that the changes to the way in which the Senate operates have come faster and more furious during the years in which MITCH MCCONNELL has been majority leader than at any time before.

I mean, just while I have been here, we have seen the eradication of the filibuster for Supreme Court Justices. We have seen the time that we have to debate Justices dramatically shrunken. I think it is now down to 2 hours. We have seen the elimination of the blue slip—the ability for Senators from a particular State to have a say in the judges that are selected to serve in their State's appellate courts.

But we also saw this exceptional thing happen in 2016, in which MITCH MCCONNELL, as majority leader, decided that he would not even consider Barack Obama's choice for a vacancy in the Supreme Court, despite the fact that the vacancy came about 11 months before the next President was to be sworn in.

In retrospect, Democrats didn't make a big enough deal out of it, I think, because we thought that Hillary Clinton was going to win, and, thus, ultimately, while it would be a dangerous precedent to live with, it might not have a practical effect on the country. We just couldn't imagine in the winter and spring of 2016 that Donald Trump was going to be the President of the United States.

In retrospect we should have made a bigger deal out of what was happening in 2016, because this idea that Republicans weren't going to even consider—even do a courtesy meeting, have a hearing on—Merrick Garland was and still is truly exceptional, and it fits into this pattern we have seen under Senator MCCONNELL during the past few years, this pattern of forsaking restraint and using every conceivable power. Or let me back that up: using more powers available to the majority than ever before in order to effectuate a political agenda.

What Republicans did in 2016 was unprecedented—to just say: Forget it, President Obama. We are not considering your choice for the Supreme Court because you are a Democrat and we are Republicans.

Now, at the time, as we remember, Republicans said that it wasn't political. It was because there was an important rule they were enforcing—this rule that you couldn't consider a Presidential nominee to the Supreme Court in the last year of his or her term.

Now, I didn't hear my colleagues say at the time that the rule was only applied when the President and the Senate were of different parties. In fact, I heard many of my Republican colleagues, including the chairman of the Judiciary Committee, say that the rule was simply that, in the last year of a President's term, you don't consider a Supreme Court Justice. Famously, Senator GRAHAM said: Write down my words. Hold them against me.

And, at the time, we all knew that Republicans probably weren't telling the truth. We knew that it was probably just because it was President Obama and they did not want Justice Scalia, a conservative Justice, to be replaced by someone who was more liberal in their views. We suspected that this idea that they were enforcing a rule was just a ruse to paper over what was simply a political decision not to give President Obama a seat on the Supreme Court.

Well, now we know it was a ruse because, all of a sudden, when presented with the exact same circumstance—well, in fact, a different circumstance in that this vacancy occurred weeks before the election rather than 9 months before the election—Republicans have now changed their tune because it is just about politics. Right? It is just about politics. It is just about getting your guys on the Supreme Court and stopping the other guy's folks from getting on the Supreme Court.

And what MITCH MCCONNELL has said is that we are going to use any power at our disposal in order to effectuate our agenda, especially when it concerns the Supreme Court.

Restraint, which is a predicate for the effective operation of democracy, is disappearing. And, again, I know that it sounds ridiculous to make this suggestion, but there is really no logical end to how you can maximize your powers as a majority body in the U.S. Senate. There is no constitutional prohibition on the Senate majority saying that Members of the majority are going to get twice as much staff as Members of the minority. There is nothing stopping the majority from eliminating our speaking rights in committees, on the floor of the Senate.

There are a lot of things that the majority can do to make it increasingly impossible for the minority to have any role here—to be able to protest, to be able to carry out our agenda. And I know that there is a lot of speculation—much of it driven by the Republican majority—about what Democrats will do if Democrats are given control of the Senate. Will Democrats go to new extraordinary lengths to maximize their power, given the extraordinary lengths Republicans have gone to maximize their power?

That is not a conversation that is sort of ripe enough yet, but what do Republicans expect? I mean, what you did in 2016 is really wild. You basically invalidated the last year of a President's term, at least with respect to that core function of appointing Justices. And what is wild was that you didn't have to go to the lengths that you did. Republicans could have voted Merrick Garland down and, at least, have recognized the legitimacy of the nomination—voted Merrick Garland down and perhaps forcing a conversation about another nominee that might be more amenable to the Republican majority. That wouldn't be the first time that that has occurred.

One of the statues here in the U.S. Congress is of Oliver Ellsworth from Connecticut, who was elevated to the Supreme Court because George Washington believed his first pick couldn't be confirmed by the Senate. So, instead, he chose one of Connecticut's two U.S. Senators, who was beloved in this body when it operated not far away. And Oliver Ellsworth went to the Court because of a quiet negotiation with the Senate.

Republicans, under MITCH MCCONNELL, didn't even engage in a process with Merrick Garland. They just declared that the President's choice was illegitimate. And I can't argue that they didn't—well, I can argue they didn't have the power, but certainly there was a colorable argument that Republicans in the Senate could just refuse to consider Merrick Garland's nomination.

But now having practiced that exercise of maximum power, using the majority to delegitimize a President in that way, you put Democrats, if they win control of the Senate, in a really unenviable position. Do we just unilaterally stand down and not choose to use the same tools that Republicans did in the majority? Would we expect, if we did that, that if Republicans regain the majority, they would follow our lead? Or would that be wildly naive?

No, in fact, I think there are now new rules in the Senate, and I think Republicans have set them. I get it that you can claim Harry Reid's rule change as the original sin that legitimizes everything that you have done since then, but the changes Republicans have made have come at a dizzying pace—far more changes made, far more precedents shattered than anything that happened when Democrats were in control.

And, of course, as to Senator Reid, many of us would argue that the reason that that change was made was because Senator MCCONNELL doubled the number of cloture motions that were required in order to move legislation to a final vote. The change in the use of the filibuster by Republicans during their time in the minority was what forced that change.

But setting that aside, there is no question that changes have come much faster and much more furious, and it just doesn't bode well for the future of our democracy when everyone uses the maximum power available to them, with no concern for the minority party, in order to get what they want.

And it is not just the Republican majority that has done this. So has the executive branch. I listened to the Presiding Officer give his maiden speech on this floor about the overuse of Executive power, and there were legitimate complaints about ways in which the Obama administration had used maximum Executive power when the legislature would not act.

But, again, it doesn't compare with the ways in which this President has used maximum Executive power in the absence of authorization from Congress. Both in the executive branch and in the legislative branch, under Republicans, restraint as a practice inside democracy is disappearing. Maximum power becomes the ethos, and that is a danger to democracy—maybe not today, but soon enough.

I don't know how this body gets back into a conversation about comity. I don't know how we get back into a conversation about how we govern together.

I have, frankly, voted for more of this President's nominees to the executive branch, to political offices, and to the bench than almost all of my colleagues, maybe, on this side of the aisle, maybe with the exception of a few, because I generally have believed that if the nominee is in the conservative mainstream and if the nominee is generally qualified, they should get their post, especially for executive appointments, for nominations to Secretary positions and Undersecretary positions. I do that, in part, because I think that it is important to not use maximum power and maximum leverage, for me not to vote against every single nominee that the President puts forward just because I disagree with that nominee.

That conversation about how we restore some comity and some restraint is an important one, but it is likely to be impossible in the next Congress because of how fundamentally broken this body will be after what happened to Merrick Garland and then, on top of it, what is happening right now.

We are 8 days before an election. We are 8 days before an election. We are jamming through Amy Coney Barrett's nomination in record time, not because it is good for the country, just because you can—just because Republicans can—and, likely, because it is really important to effectuate your deeply unpopular agenda through the Supreme Court.

We don't legislate here anymore because Republicans have found out a way to get their agenda done through the court system. Amy Coney Barrett will likely be the fifth vote to invalidate the Affordable Care Act, a political project for the Republicans for the last decade, unfulfilled through the legislative branch, now achievable in the next several months through the judicial branch, but only if Amy Coney Barrett's nomination is rammed through right now.

The rewriting of the Second Amendment is not available to Republicans

any longer in the legislative branch. The NRA's priority list couldn't even get a vote in the Senate with Republican control—now available through the judicial branch if Amy Coney Barrett is nominated. The consequences for the country are serious if the source of power in this town, the source of policymaking and rule setting, moves from this body across the street to the Supreme Court.

And not equally as dangerous to the Nation, but still perilous, is what will happen to this body, if all that matters political power, when restraint vanishes and whoever is in the majority uses every lever available to them to try to get what they want, to try to stop the other side from getting what they want.

It is 1 week before an election. We are here all night, ramming through a Supreme Court nominee in record time simply because you can. That is not a good enough reason.

I yield the floor.

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

Mr. KAINE. Mr. President, I rise in opposition to the nomination of Judge Barrett to the U.S. Supreme Court. This process shows how misplaced the priorities of the Senate are at a critical moment in time.

There is an epic national crisis that we should be addressing—a pandemic that is raging and causing unprecedented death and economic distress at a massive scale. Yet the Senate has been sitting on its hands since late April when we passed our fourth and final piece of COVID legislation then, reinfusing dollars into the small business protection program. The death toll in the United States was approaching 63,000. We have done nothing since, and the death toll is now approaching 230,000.

Here are a few of the many Americans we tragically lost to COVID–19: Benigno Hurtado-Andrade, Amalia Pasqua, James Shanley, Verna and Clarence Cuyler, Betty Damato, Keith Mitchell Jacobs, Ward H. Harlow, Jr., Kyong He Park, James Norton, Charlotte Marie Sims, Guus Smeets, Charles Krebbs, Dr. Gaye Griffin-Snyder, Hugh Freyer, Marcel Borg, Nancy Standage Borbon, Albert Garcia, Helen Flores, Dean Pryor Perkins, Darrell William Jones, Paul Abramson, Everett Pike, Grant D. Ross, Isabelle Papadimitriou, James Hughston, Jose Antoniao Reyes, William D. Shilling, Jr., Ronnie ''Bro'' Baldwin, Larry Singer, Leone (Kitty) Harriman, Sarah Roth, Sara Rose Varela, Kenneth E. Zwick, Sr., Pik Chi Chan, Melinda ''Nina'' Wernick, Roger Diethelm, Alan Zundl, Irvin Umberger, Dr. Kirk Barnett, Danielita Brown, Jose Sanchez.

The number of new coronavirus cases is now reaching record peaks. The Saturday headline from the Washington Post, which is the most-read daily newspaper in Virginia, says it all: ''U.S. hits highest daily number of cases since pandemic began.'' Papers all around the country carry similar headlines.

Ten months into this crisis, there is no national plan or strategy for dealing with it. The Chief of Staff to President Trump admitted defeat yesterday, claiming that we are not going to control the pandemic. It can be controlled with testing, contact tracing, isolation, and a commitment to mask-wearing, hand-washing, and social distancing. That is how other nations are controlling the pandemic. But the Trump administration is admitting surrender.

They now tell us that we will just have to wait for vaccines and treatments, but Americans cannot afford to wait. The economic devastation accompanying this healthcare crisis is catastrophic. The unemployment rate is 7.9 percent, which is 65 percent higher than when President Trump took office. And that number actually understates the magnitude of employment losses as millions have dropped out of the labor market to care for children or their parents or other loved ones affected by this tragedy. Women have been hit disproportionately hard in this forced exodus from the job market. President Trump's job losses are now the worst of any American President on record. Yet the Senate is doing nothing.

The largest public health crisis in 100 years, the most significant economic collapse since the Great Depression, and the Senate has done nothing to provide Americans relief for 6 months. This is inexcusable.

The House acted by passing the Heroes Act in May. I knew that the Senate majority would not simply embrace a Democratic bill from the House, but I believed they would do something. But the Senate majority would not even surface a proposal until the very end of July, just days before many CARES Act benefits expired and the Senate went into a month-long recess. It was not until mid-September that the Senate GOP finally brought up a vote on what we all called a skinny bill—one-seventh the size of the House proposal and dramatically less than what even the White House said was necessary to deal with the crisis. That bill contained no rent assistance as millions face eviction, no mortgage assistance as millions face default or foreclosure, no food assistance as millions face hunger, and no aid for State and local governments, whose falling revenues jeopardize their ability to employ so many of the health and public safety workers who we know to be essential right now.

Democrats opposed the skinny bill in the hopes that rejecting a partisan proposal would lead to a bipartisan breakthrough. That is just what happened in March with the CARES Act. We voted down a paltry partisan package and days later found a robust bipartisan bill to help all Americans. Our ''no'' vote on the skinny bill in September did jump-start serious negotiations between the White House and Democratic leaders, and the negotiations saw the two sides growing closer and closer.

But there was a problem. The Senate majority does not want a COVID relief bill. We could get there, but last week the New York Times and other publications made it plain that no deal was forthcoming. Why?

''McConnell moves to head off stimulus deal as Pelosi reports progress.''

''U.S. hits highest daily number of cases since pandemic began.''

''McConnell moves to head off stimulus deal.''

This is what we should be working on right now, but the Senate majority abandoned their commitment to helping Americans through this emergency on September 18—the day that Ruth Bader Ginsburg died. Since then, rushing Judge Barrett to confirmation has been all that matters to them—no matter that Americans deeply need COVID relief; no matter that the rush to complete a confirmation in 1 month from nomination to vote is unprecedented in modern times; no matter that the Senate majority broke its word to their colleagues and the American public that a Supreme Court vacancy occurring in a Presidential election year would not be filled until after the election to ''let the people decide''; no matter that the rushed nomination jeopardized the health of attendees at the President's superspreading White House announcement and even staff and Members of this Senate.

My question is, Why? Why rush this nomination, ignoring Senate precedent to do so, breaking your own word to do so, violating health protocols to do so, rather than spending our time providing comfort to families who are hurting and businesses that are struggling and closing? There could be no good answer to this question, but the actual answer is particularly heartless. The effort to rush the Barrett nomination is driven by the Republican desire to destroy the Affordable Care Act. That has been the goal for 10 years. I have seen it here on the floor virtually every day during the time I have been in the Senate since January of 2013.

The Republican majority—particularly during the Trump Presidency—has done everything they can in Congress, in administrative sabotage, and in the courts to destroy the ACA and take healthcare away from tens of millions of Americans. Congressional Republicans even engineered a complete shutdown of the American Government in October of 2013 to try to achieve their goal, but they failed.

More States, even Republican States, have embraced the ACA. It has grown more popular every day with the American public. But by rushing the Barrett nomination, President Trump and the Senate majority see one last chance. In 2 weeks, the Supreme Court will hear

the case of California v. Texas, a coordinated effort by Republican attorneys general, the Trump Justice Department, and many in Congress to destroy the Affordable Care Act.

The death of Justice Ginsburg on September 18—who had often voted to uphold provisions of the ACA as an appropriate exercise of congressional legislative power—offered a tantalizing chance to select as her successor someone who has written critically of the act and of the Supreme Court's 2012 opinion upholding the law. If she can be rushed to the Court by November 10, she can participate in the resolution of the case.

Getting her there quickly matters more to the Senate majority than helping the millions who are suffering during this crisis. If they are suffering now, imagine how the suffering would have been magnified without the ACA—millions without insurance to help them through the health crisis; millions of young people not able to be on family policies; millions turned away from coverage because of preexisting health conditions and now having COVID as an additional preexisting condition that will potentially disqualify millions more; millions facing termination of insurance as COVID-related health expenses run them up against lifetime coverage limits.

This rushed Supreme Court nomination not only ignores Americans' demand for help at a time of maximum need, it is done in a way that will likely increase their suffering, with full knowledge that is the case.

I will not play any part in an effort of such calculated cruelty. This vote will hurt the body, hurt the Supreme Court, and hurt millions of people in crisis who are struggling, and even dying, as the Senate ignores their needs.

Many of our Republican leaders won't even wear masks. They refuse to cover their noses and mouths to protect themselves and those around them. But this soulless process shows that they are glad to cover their eyes and their ears to block out the pleas of our suffering citizenry. I will oppose this nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mrs. GILLIBRAND. I rise today to speak about the future of the Supreme Court, the future of our country, and the responsibility this body has to the people of our Nation.

It seems that my Republican colleagues have lost sight of what the people of our States have sent us here to do. They sent us here to raise their voices, represent their interests, and provide them with the help they need.

The American people are truly struggling, and they are calling upon us to provide them with real relief during this public health and economic crisis. That should be our No. 1 priority.

Eight million Americans have fallen into poverty during this pandemic, including an outsized number of people of color and children. The proportion of American children who sometimes do not have enough to eat is now 14 times higher than it was last year. Parents are now joining food lines for food banks because they cannot feed their children. Cases of COVID are on the rise as we head toward our third peak. Small businesses and their employees don't see a rebound on the horizon. People are sick. They are struggling and scared about the future.

For months, my fellow Democrats and I have been calling for a vote on the relief package the House put forward to address these concerns, and we have been met with silence. Then, after dragging their feet, Republicans put forward a totally inadequate $500 billion package that puts the needs of big businesses ahead of working families. What is worse is that they know it has absolutely no chance of becoming law. Their only aim is to score political points, all the while the American people keep suffering.

The weeks we should have dedicated to negotiating a real relief package have instead been spent rushing through the confirmation of a Supreme Court Justice. The hypocrisy is truly stunning. The same people who denied Merrick Garland a hearing months before an election are now trying to ram this process through while an election is already happening. Millions of ballots have already been cast. Millions of Americans are already voting. Their futures are on the line. They should have a say in this outcome.

We know why Republicans are rushing. They are rushing because they know it is their last chance to impose a very extreme conservative view on this country. They are rushing because they see a clock ticking toward November, when the Supreme Court will hear arguments on whether 129 million Americans with preexisting conditions will continue to have access to affordable healthcare. They are rushing to seat Judge Barrett in time for her to rule on that case—a case that could strip millions of Americans of healthcare in the middle of a pandemic, at the very moment they need it the most. It is simply inhumane.

The Affordable Care Act is a matter of life or death. I recently spoke to a New Yorker named Allie Marotta, who has been living with type 1 diabetes since 2006. Last December, she turned 26 and aged off her parents' insurance. Because her work is contract-based, she couldn't enroll with an employer. She made too much to qualify for Medicaid but not enough to afford $400 monthly premiums. She was uninsured from December to March and had to ration her insulin, putting her life at risk. It was only when the pandemic started and she lost all of her income that she was able to qualify for the essential plan in New York's ACA marketplace and access her life-sustaining medication. If the ACA is repealed, Allie will have nowhere to turn.

She is not alone. My friend Kyle lives with Down syndrome. His father Bill has multiple preexisting conditions. Right now, Bill works part time in order to help Kyle, who needs to be with somebody 24/7. They are worried about cuts to Medicaid, which could affect the job-coaching Kyle receives at the pizza parlor where he works, and about the repeal of the ACA, which provides them the only care they can afford.

Rushing to seat this nominee means rushing to put Allie's life and Kyle's life and millions of Americans in danger. My colleagues are putting them all at risk only to further a very conservative agenda. It is extreme.

Their agenda is to seat a nominee who has called Roe v. Wade ''barbaric,'' when nearly 8 in 10 Americans believe that it is a fundamental, human, and civil right for women to make decisions about their bodies, including when or if or under what circumstances they will have children; a nominee who referred to sexual orientation as a preference—language that is not just outdated but truly harmful when two in three Americans believe love is love, believe in marriage equality, believe in the right to marry the person they love; a nominee who refused to admit climate change is settled science and not a controversial issue, when 99 percent of scientists and 81 percent of Americans believe that humans are drivers of global warming.

So whose views does she represent? Certainly not those of the people who sent us here. They believe in access to reproductive care. They believe in equal rights for the LGBTQ community. They believe in science. They believe that this seat should be filled by the next President and confirmed by the next Senate. They have made it clear and don't want the process of a lifetime appointment rushed.

This is the wrong judge for this seat, and this is the wrong process for a lifetime appointment. It is hypocritical. It is dangerous. It is not what the American people want.

I ask my colleagues to stop ignoring the people who sent us here and to remember that it is our job to look out for their best interests—no one else's. If we don't do that, we don't have the right to be here at all.

I also want to express my condolences to the families and loved ones who have experienced the human toll of the coronavirus pandemic. Over 220,000 Americans have died, and millions of others have been changed forever. I am going to read some of the names of the people we have lost. The

families of these individuals have given permission for their names to be read on the Senate floor, adding them and their stories to the CONGRESSIONAL RECORD:

Mark Anthony Urquiza, Paul Osterman, Frederick Harold Quinn, Richard Rosenberg, Charles Mahoney, Felix Chidinma Oruh, Margaret R. Hogan, Mahmooda Shaheen, Alan Kaplan, William W. Boyd, Breda C. Meadows, Jose Morales Ramirez, David Benfield, John A. Alexiades, Michael F. Hughes, Bob McDonald, Richard Proia, Rashonne Smith, Jose ''Joe'' Ramirez, Steve Petras, Sr., Fareeda Kadwani, Jean Yettito, Abby Spitzer, Robert ''Bobby'' McCoskey, Jose A. Matias, Erick B. Chavez, Anastasia Koiveroglou, Shafqat Rasul Khan, Lynette Scullen and Joan Scullen, Marue Santini, Buck McKinney, Christina Danielo, Cal Schoenfeld, Gregg Pappadake, Sarah ''Sally'' Bielen, Rolando Castillo, Nais Coque, David Tashman, Joseph LoBianco, Ramash Quasba, Edward Alonzo.

I would also like to share some concerns of the people of New York over what a future without the Affordable Care Act would look like.

While my colleagues try to rush this confirmation so Judge Barrett can be seated in time to rule on a case that could cause millions of Americans to lose access to their healthcare, I think it is important that we remember how that case will affect the people we are here to serve.

In New York, there are more than 8 million people with preexisting conditions who could face higher costs, fewer benefits, and more trouble finding the coverage they need if the ACA is repealed. There are more than 3 million people who could be denied coverage altogether over preexisting conditions that are deemed uninsurable. There are more than 470,000 people who have been diagnosed with COVID, each of whom could find themselves paying higher premiums for worse coverage.

My mailbox has been flooded with letters from New Yorkers who are cancer survivors and parents and people with disabilities who are all worried about their families not being able to access the care that they need. Working to take away their care, especially in the middle of a pandemic, is inhumane.

Jane from West Islip wrote:

As a cancer survivor, I am very concerned about healthcare and pre-existing conditions. We're facing a healthcare meltdown. This next Justice could be the deciding vote that determines whether health care for tens of millions of people, protections for pre-existing conditions, and other provisions of the ACA that benefit almost everyone, will stay or go. Judge Barrett's documented hostility towards the ACA disqualifies her from a lifetime appointment to the Supreme Court. A vote for Judge Barrett is a vote to end healthcare. Oppose her nomination.

Jane is not alone in her concerns.

Candice from Brooklyn wrote:

I am writing to urge you to oppose the nomination of Judge Amy Coney Barrett to the Supreme Court. I am worried that Judge Barrett's statements on the Affordable Care Act mean that, if confirmed, she would vote to overturn the ACA. Millions of Americans with disabilities rely on the ACA to protect our right to healthcare. If the ACA is overturned, especially during a pandemic, millions of lives could be at risk.

This is a concern I have heard over and over and over and over again.

Meredith from New York City wrote to me about Stacy Staggs, the mother of two young children who both have complex medical needs and disabilities, who shared powerful testimony during the Supreme Court confirmation hearings.

Meredith wrote:

When she spoke, she spoke for me. The ACA and disability rights are at stake. This confirmation should wait until after the American people have chosen who should pick the next justice.

Parents across the State are also worried about what the Court with Justice Barrett would mean for their children.

Susan from Amherst wrote to me about her daughter. She wrote:

My daughter is an amazing young woman—and a lesbian—and an individual with preexisting conditions. Her depression has worsened because she sees what a confirmation of Amy Coney Barrett's confirmation would mean to her and many of her friends. Even Pope Francis believes members of the LGBTQ+ community deserve to be part of a family and should be able to participate in civil unions. Please help! She needs to have hope! The rush to confirm Amy Coney Barrett to the Supreme Court is concerning. Not only have Senators not had enough time to duly vet her, but we are in the middle of a highly consequential election in which millions have already cast their ballots. Further, Judge Barrett's LGBTQ rights record suggests she cannot be an impartial jurist on these matters. I'm deeply concerned about the future of rights for the LGBTQ community.

These letters also send dire reminders of what life was like for too many New Yorkers before the Affordable Care Act—a history we should never repeat.

Jan from Ridgewood wrote:

I am 61 years old and have been self-employed for most of my working life. This circumstance has made me a healthcare voter! For decades I thought I was the only one complaining about impossibly high health care costs. The cheapest plan that I could find had a monthly premium of $692. For me as an individual, with my husband—[who was] also self-employed—and daughter it was about 1,250. After my divorce, I went job-hunting for health insurance. I was willing to work for free if I could be put on a health insurance plan. I didn't find any.

The ACA put an end to that demeaning search. My income fluctuates, so my premium goes up-and-down, but it has never been as expensive as it was before ObamaCare. There is ample evidence to suggest that Judge Barrett would overturn the Affordable Care Act. Confirming such a justice during what is perhaps the worst public health crisis in American history, and while the Senate refuses to act to address the coronavirus economic and health crisis, is unconscionable.

Let me say that again: Healthcare is so important that she was willing to work for free just to have it. That is what is on the line here.

Repealing the ACA would also mean an end to the rules preventing insurance companies from charging women higher premiums than men and requiring them to cover essential health benefits for women. That means women would not only have to pay more, but it would also be harder for the more than 4 million New York women who are covered by private insurance to find coverage for maternity care, contraception, and cost-free screenings for breast cancer, cervical cancer, and bone density. It would return us to the days when uninsured women could be denied coverage altogether if they are pregnant or have a health problem.

It would also put our older adults at risk. Striking down the ACA would reopen the prescription drug coverage cap—the so-called doughnut hole—and could leave nearly 350,000 seniors in our State paying thousands of dollars in out-of-pocket costs for the medications they need.

Thomas is one of those seniors. He writes:

The price for the family insurance is high and with our present administration will go higher and millions of Americans will not be able to have insurance. And this is the time it is needed with the lack of the virus control. Many Americans are out of work and will never be able to get a job that paid as much as the previous job. . . . Many Americans have died because the administration would not treat the virus when it was starting. Many homes now have less people bringing in money to pay bills because of this. The administration has no plan to replace ObamaCare. . . . And with the second and third round of virus and flu, many more may die. . . . Seniors are on a fixed income and seldom get any breaks when it comes to bills. Part D of Medicare prescriptions really went up this year. At the end of the year, we fall in the doughnut hole and have to pay two to three or more times for our medicine than we were paying. And then at the beginning of the year, we must pay the deductible which, on the average, is 400 plus dollars. But remember we are on a fixed income, so that means going without something else. Again, a zero-deductible plan does not cover much unless you pay above 70 dollars a month. Do not expect the average American to have much extra money. A lot of people live on Social Security alone, and the present administration wants to stop that income.

The American people do not want to lose their healthcare, not in the middle of a pandemic, not ever, and they certainly don't believe we should be prioritizing this nomination over providing them with real relief.

Christine from Beacon wrote:

I find it appalling and horrific that instead of a humane relief bill for the people who have lost family members, jobs, homes, the stability of their children's shelter, food security and education—not to mention the social cost of interrupting normal childhood social development and just the terrible grief and fear [people are dealing with] . . . that instead of working on a relief bill, we have another judge infuriatingly and unfairly jammed in to the court. The Supreme Court! My god . . . the lack of respect and audacity of beginning this process. There is wrong and right. And to quote a great patriot: ''This is America. And here, right matters.''

Christine is right. Doing the right thing for the American people matters. It is actually our job. New Yorkers and people across this country who have lost their jobs and their employer-based healthcare are calling on the Senate to provide them with the relief they need to survive this health and economic crisis.

Instead, the Republicans are pouring salt in their wounds by rushing this process in order to eliminate the Medicaid expansions and marketplaces these newly jobless Americans have turned to for coverage. Overturning the ACA would immediately end the Medicaid coverage nearly 1.9 million beneficiaries in New York are relying on.

These stories I have shared represent the fears and concerns of the people who sent us here to represent them. They are people with debilitating illnesses, parents who are worried about sick children, adults who are worried about elderly parents, and young men and women who live with conditions like diabetes and are already struggling to find insurance that will help them access the insulin they need.

They are struggling, and it is our job to get them the help they need. The American people oppose this nomination. They are watching, and one way or another, they will be heard.

I would like to read from an article in the New York Times by Reed Abelson and Abby Goodnough, entitled: ''If the Supreme Court Ends ObamaCare, Here's What It Would Mean.''

''The Affordable Care Act touches the lives of most Americans, and its abolition could have a significant effect on many millions more people than those who get their health coverage through it.

What would happen if the Supreme Court struck down the Affordable Care Act?

The fate of the sprawling, decade-old health law known as Obamacare was already in question, with the high court expected to hear arguments a week after the presidential election in the latest case seeking to overturn it. But now, the death of Justice Ruth Bader Ginsburg increases the possibility that the court could abolish it, even as millions of people are losing job-based health coverage during the coronavirus pandemic.

A federal judge in Texas invalidated the entire law in 2018. The Trump administration, which had initially supported eliminating only some parts of the law, then changed its position and agreed with the judge's ruling. Earlier this year the Supreme Court agreed to take the case.

Mr. Trump has vowed to replace Justice Ginsburg, a stalwart defender of the law, before the election. If he is successful in placing a sixth conservative on the court, its new composition could provide the necessary five votes to uphold the Texas decision.

Many millions more people would be affected by such a ruling than those who rely on the law for health insurance. Its many provisions touch the lives of most Americans, from nursing mothers to people who eat at chain restaurants.

Here are some potential consequences, based on estimates by various groups.

133 MILLION

AMERICANS WITH PROTECTED PRE-EXISTING CONDITIONS

As many as 133 million Americans—roughly half the population under the age of 65—have pre-existing medical conditions that could disqualify them from buying a health insurance policy or cause them to pay significantly higher premiums if the health law were overturned, according to a government analysis done in 2017. An existing medical condition includes such common ailments as high blood pressure or asthma, any of which could require those buying insurance on their own to pay much more for a policy, if they could get one at all.

The coronavirus, which has infected nearly seven million Americans to date and may have long-term health implications for many of those who become ill, could also become one of the many medical histories that would make it challenging for someone to find insurance.

Under the A.C.A., no one can be denied coverage under any circumstance, and insurance companies cannot retroactively cancel a policy unless they find evidence of fraud. The Kaiser Family Foundation estimated that 54 million people have conditions serious enough that insurers would outright deny them coverage if the A.C.A. were not in effect, according to an analysis it did in 2019. Its estimates are based on the guidelines insurers had in place about whom to cover before the law was enacted.

Most Americans would still be able to get coverage under a plan provided by an employer or under a federal program, as they did before the law was passed, but protections for pre-existing conditions are particularly important during an economic downturn or to those who want to start their own businesses or retire early. Before the A.C.A., employers would sometimes refuse to cover certain conditions. If the law went away, companies would have to decide if they would drop any of the conditions they are now required to cover.

The need to protect people with existing medical conditions from discrimination by insurers was a central theme in the 2018 midterm elections, and Democrats attributed much of their success in reclaiming control of the House of Representatives to voters' desire to safeguard those protections. Mr. Trump and many Republicans promise to keep this provision of the law, but have not said how they would do that. Before the law, some individuals were sent to high-risk pools operated by states, but even that coverage was often inadequate.

21 MILLION

PEOPLE WHO COULD LOSE THEIR HEALTH INSURANCE

Of the 23 million people who either buy health insurance through the marketplaces set up by the law (roughly 11 million) or receive coverage through the expansion of Medicaid (12 million), about 21 million are at serious risk of becoming uninsured if Obamacare is struck down. That includes more than nine million who receive federal subsidies.

On average, the subsidies cover $492 of a $576 monthly premium this year, according to a report from the Department of Health and Human Services. If the marketplaces and subsidies go away, a comprehensive health plan would become unaffordable for most of those people and many of them would become uninsured.

States could not possibly replace the full amount of federal subsidies with state funds.

12 MILLION

ADULTS WHO COULD LOSE MEDICAID COVERAGE

Medicaid, the government insurance program for the poor that is jointly funded by the federal government and the states, has been the workhorse of Obamacare. If the health law were struck down, more than 12 million low-income adults who have gained Medicaid coverage through the law's expansion of the program could lose it.

In all, according to the Urban Institute, enrollment in the program would drop by more than 15 million, including roughly three million children who got Medicaid or the Children's Health Insurance Program when their parents signed up for coverage.

The law ensures that states will never have to pay more than 10 percent of costs for their expanded Medicaid population; few if any states would be able to pick up the remaining 90 percent to keep their programs going. Over all, the federal government's tab was $66 billion last year, according to the Congressional Budget Office.

Losing free health insurance would, of course, also mean worse access to care and, quite possibly, worse health for the millions who would be affected. Among other things, studies have found that Medicaid expansion has led to better access to preventive screenings, medications and mental health services.

800,000

PEOPLE WITH OPIOID ADDICTION GETTING TREATMENT THROUGH MEDICAID

The health law took effect just as the opioid epidemic was spreading to all corners of the country, and health officials in many states say that one of its biggest benefits has been providing access to addiction treatment. It requires insurance companies to cover substance abuse treatment, and they could stop if the law were struck down.

The biggest group able to get access to addiction treatment under the law is adults who have gained Medicaid coverage. The Kaiser Family Foundation

estimated that 40 percent of people from 18 to 65 with opioid addiction—roughly 800,000—are on Medicaid, many or most of whom became eligible for it through the health law. Kaiser also found that in 2016, Americans with Medicaid coverage were twice as likely as those with no insurance to receive any treatment for addiction.

States with expanded Medicaid are spending much more on medications that treat opioid addiction than they used to. From 2013 through 2017, Medicaid spending on prescriptions for two medications that treat opioid addiction more than doubled: It reached $887 million, up from nearly $358 million in 2013, according to the Urban Institute.

The growing insured population in many states has also drawn more treatment providers, including methadone clinics, inpatient programs and primary care doctors who prescribe two other anti-craving medications, buprenorphine and naltrexone. These significant expansions of addiction care could shrink if the law were struck down, leaving a handful of federal grant programs as the main sources of funds.

165 MILLION

AMERICANS WHO NO LONGER FACE CAPS ON EXPENSIVE TREATMENTS

The law protects many Americans from caps that insurers and employers once used to limit how much they had to pay out in coverage each year or over a lifetime. Among them are those who get coverage through an employer—more than 150 million before the pandemic caused widespread job loss—as well as roughly 15 million enrolled in Obamacare and other plans in the individual insurance market.

Before the A.C.A., people with conditions like cancer or hemophilia that were very expensive to treat often faced enormous out-of-pocket costs once their medical bills reached these caps.

While not all health coverage was capped, most companies had some sort of limit in place in 2009. A 2017 Brookings analysis estimated that 109 million people would face lifetime limits on their coverage without the health law, with some companies saying they would cover no more than $1 million in medical bills per employee. The vast majority of people never hit those limits, but some who did were forced into bankruptcy or went without treatment.

60 MILLION

MEDICARE BENEFICIARIES WOULD FACE CHANGES TO MEDICAL CARE AND POSSIBLY HIGHER PREMIUMS

About 60 million people are covered under Medicare, the federal health insurance program for people 65 and older and people of all ages with disabilities. Even though the main aim of the A.C.A. was to overhaul the health insurance markets, the law ''touches virtually every part of Medicare,'' said Tricia Neuman, a senior vice president for the Kaiser Family Foundation, which did an analysis of the law's repeal. Overturning the law would be ''very disruptive,'' she said.

If the A.C.A. is struck down, Medicare beneficiaries would have to pay more for preventive care, like a wellness visit or diabetes check, which are now free. They would also have to pay more toward their prescription drugs. About five million people faced the so-called Medicare doughnut hole, or coverage gap, in 2016, which the A.C.A. sought to eliminate. If the law were overturned, that coverage gap would widen again.

The law also made other changes, like cutting the amount the federal government paid hospitals and other providers as well as private Medicare Advantage plans. Undoing the cuts could increase the program's overall costs by hundreds of billions of dollars, according to Ms. Neuman. Premiums under the program could go up as a result.

The A.C.A. was also responsible for promoting experiments into new ways of paying hospitals and doctors, creating vehicles like accountable care organizations to help hospitals, doctors and others to better coordinate patients' care.

If the groups save Medicare money on the care they provide, they get to keep some of those savings. About 11 million people are now enrolled in these Medicare groups, and it is unclear what would happen to these experiments if the law were deemed unconstitutional. Some of Mr. Trump's initiatives, like the efforts to lower drug prices, would also be hindered without the federal authority established under the A.C.A.

Repealing the law would also eliminate a 0.9 percent increase in the payroll tax for high earners, which would mean less money coming into the Medicare trust fund. The fund is already heading toward insolvency—partly because other taxes created by the law that had provided revenue for the fund have already been repealed—by 2024.

2 MILLION

YOUNG ADULTS WITH COVERAGE THROUGH THEIR PARENTS' PLANS

The A.C.A. required employers to cover their employees' children under the age of 26, and it is one of the law's most popular provisions. Roughly two million young adults are covered under a parent's insurance plan, according to a 2016 government estimate. If the law were struck down, employers would have to decide if they would continue to offer the coverage. Dorian Smith, a partner at Mercer, a benefits consulting firm, predicted that many companies would most likely continue.

$50 BILLION

MEDICAL CARE FOR THE UNINSURED COULD COST BILLIONS MORE

Doctors and hospitals could lose a crucial source of revenue, as more people lose insurance during an economic downturn. The Urban Institute estimated that nationwide, without the A.C.A., the cost of care for people who cannot pay for it could increase as much as $50.2 billion.

Hospitals and other medical providers, many of whom are already struggling financially because of the pandemic, would incur losses, as many now have higher revenues and reduced costs for uncompensated care in states that expanded Medicaid. A study in 2017 by the Commonwealth Fund found that for every dollar of uncompensated care costs those states had in 2013, the health law had erased 40 cents by 2015, or a total of $6.2 billion.

The health insurance industry would be upended by the elimination of A.C.A. requirements. Insurers in many markets could again deny coverage or charge higher premiums to people with pre-existing medical conditions, and they could charge women higher rates. States could still regulate insurance, but consumers would see more variation from state to state. Insurers would also probably see lower revenues and fewer members in the plans they operate in the individual market and for state Medicaid programs at a time when millions of people are losing their job-based coverage.

1,000 CALORIES

MENU LABELS ARE AMONG DOZENS OF THE LAW'S PROVISIONS THAT ARE LESS WELL KNOWN

The A.C.A. requires nutrition labeling and calorie counts on menu items at chain restaurants.

It requires many employers to provide ''reasonable break time'' and a private space for nursing mothers to pump breast milk.

It created a pathway for federal approval of biosimilars, which are near-copies of biologic drugs, made from living cells.

These and other measures would have no legal mandate to continue if the A.C.A. is eliminated.''

The ACA has made significant progress in the ability to expand women's access to health care. Pushing for its repeal means putting that progress and women's futures at risk.

I would like to read an article by Jamille Fields Allsbrook from the Center for American Progress entitled ''Repealing the ACA During the Coronavirus Pandemic Would Be Devastating for Women's Health and Economic Security.''

It reads:

The Affordable Care Act (ACA) has been one of the most significant advancements for women's health and economic security in a generation. The law expanded coverage to millions of uninsured people through financial assistance and public insurance and also improved the quality of existing coverage, including by expanding access to reproductive and maternal health services and by prohibiting discrimination against women and people with preexisting conditions. Yet its fate remains uncertain. On November 10, the U.S. Supreme Court will hear oral arguments in California v. Texas, a case that will determine the constitutionality of the ACA. Specifically, the high court will determine whether the individual mandate is unconstitutional and whether the remainder of the law is inseverable from that provision. Especially with Justice Ruth Bader Ginsburg's recent passing, the benefits and consumer protections that women have gained and

come to rely on could swiftly be eliminated. In short, if the ACA is repealed, coverage for more than 20 million people and the significant benefits and consumer protections that have been gained under that law are at stake.

Compounding this issue, the ACA repeal would come at a time when the coronavirus pandemic and resulting economic crisis have already burdened women. For instance, unprecedented job losses have resulted in the loss of insurance coverage; barriers to maternal and reproductive health care have been erected; the providers women rely on—who were already underfunded—have been stretched to capacity; and health disparities that have historically burdened Black and Latina women have been exacerbated and compounded. Repealing the ACA during the pandemic would no doubt cost women—especially women of color, women with disabilities, women with low incomes, and young women.

First, repealing the ACA would reduce access to treatments and vaccines during the pandemic and allow COVID–19 survivors to be discriminated against in the insurance market, thus lengthening the time that the crisis will likely affect women and their families. Second, the economic crisis has already harmed women the most, and eliminating coverage and allowing gender rating and coverage caps would shift additional costs on to women. Lastly, existing barriers to maternal and reproductive health services, both those created during and before the pandemic, would likely be exacerbated.

1. Repealing the ACA would prolong and worsen the effects of the pandemic for women and their families.

While a repeal of the ACA would be chaotic and devastating even in typical times, the current pandemic would only magnify its effects. Without coverage, women would experience barriers to a COVID–19 treatment and vaccine—which could prolong the effects of the pandemic. These barriers would be most devastating, however, for women of color given the health inequities associated with COVID–19. Compared with white, non-Hispanic people, Black people are 2.6 times more likely to contract the virus, 4.7 times more likely to be hospitalized, and 2.1 times more likely to die from the disease. Similarly, American Indian and Alaska Native people contract the virus at 2.8 times the rate, are hospitalized at 5.3 times the rate, and die at 1.4 times the rate of white, non-Hispanic people. And Latinx people are 2.8 times more likely to contract the virus, 4.6 times more likely to be hospitalized, and 1.1 times more likely to die of COVID–19 than white, non-Hispanic people.

Even worse, if the ACA is repealed, COVID–19 survivors could be discriminated against when seeking insurance coverage. Without ACA protections, insurers in the individual market could once again charge enrollees more or deny them coverage if they have a preexisting condition. This could affect the more than 7 million Americans who have been infected with COVID–19, as it could be deemed a preexisting condition.

Even before the pandemic, a Center for American Progress analysis found that nearly 68 million women—more than half of girls and nonelderly women in the country—had a preexisting condition. If insurers are able to make the determination as to whether a person has a preexisting condition, conditions ranging from HIV/AIDS to breast cancer to the nearly 6 million annual pregnancies could again be included in this category. And importantly, Black, Latinx and American Indian and Alaska Native people have higher rates of COVID–19 as well as certain chronic conditions such as cervical cancer and diabetes, so eliminating coverage and protections for people with preexisting conditions would harm these communities the most.

2. Women's financial security would be threatened by an ACA repeal.

Women have lost the majority of jobs since the start of the pandemic. In fact, multiple studies have pointed to the fact that the current recession is tougher on women than men. One U.S. Bureau of Labor Statistics explains that unlike past recessions, ''the [coronavirus] crisis has battered industry sectors in which women's employment is more concentrated—restaurants and other retail establishments, hospitality and health care.'' Additionally, school closures have forced women, who are more likely to be primary caregivers for young children or sick family members, to reduce hours or leave their jobs—which can also result in coverage loses. In particular, Black and Latina mothers are more likely than white mothers to be the sole or primary breadwinners of their households, so they will be hit hardest by the additional financial burdens. Before the pandemic, there was already a wage gap between women and men—a gap that is exacerbated by race and ethnicity, given that Black, Latinx, and American Indian and Alaskan Native populations experience poverty rates that are significantly higher than those of non-Hispanic, white populations. Perhaps as a result, women were already more likely than men to forgo or delay accessing recommended care due to costs.

Yet given the pandemic, losing the financial security afforded by having insurance coverage would be even more devastating for women. The ACA provided financial assistance for private insurance coverage and expanded enrollment in the Medicaid program, which resulted in the uninsurance rate reaching a historic low. As a result, the uninsurance rate among women declined by nearly half from 2010 to 2016. An ACA repeal would merely undermine safety net programs when people need them the most. Women comprise 58 percent of Medicaid enrollees according to 2018 data, and Medicaid expansion resulted in a 13-percent decrease in the uninsurance rate of young women of reproductive age—19 to 44 years old—with low incomes. In particular, Medicaid's no- and low-cost services afford necessary and preventive health care access to people with low incomes, a disproportionate number of whom are women of color due to systemic racism, sexism, and poverty. From 2013 to 2018, due to the ACA's coverage expansions, fewer Black women and Latinas reported delaying care as a result of costs, narrowing the disparity between white women and women of color.

Women who maintain access to insurance coverage could also face increased costs. If the ACA's prohibition on gender rating is repealed, insurers could once again charge women more for coverage in the individual and small-group markets simply for being women, reinstating a practice that collectively cost women $1 billion more than men each year. Additionally, the ACA created the Health Care Rights Law, which prohibits discrimination in health care on the basis of sex, race, color, national origin, age, and disability; notably, this marks the first time that a federal prohibition against sex discrimination was applied broadly to health care. Lastly, if the health care law is repealed, women with chronic conditions, such as HIV and cancer, could be subject to annual lifetime limits—a practice prohibited under the ACA that allowed insurers to require plan enrollees pay out of pocket for all services after they reach a certain dollar threshold. These increased costs could easily price many women out of insurance in the middle of a public health crisis.

The ACA has also been associated with improving job opportunities. The majority of people in the United States access health coverage through their employer, yet by improving access to coverage that is not job-based, the ACA has afforded people the ability to leave or switch jobs with assurance that they won't lose the coverage. Moreover, the ACA created at least 240,000 jobs in the health care industry from 2014 to 2016—and women comprise the majority of health care workers. The chaos that would result from repealing the ACA would be felt particularly acutely by those employed in these jobs.

3. Repealing the ACA would exacerbate existing barriers to reproductive and maternal health care services.

According to the Centers for Disease Control and Prevention, pregnant people with COVID–19 have higher rates of hospitalization, admission to the intensive care unit, and mechanical ventilation. And alarmingly, Black pregnant women are disproportionately contracting COVID–19. Subsequently, there are concerns that the pandemic will exacerbate existing health inequities that have led to Black, as well as American Indian and Alaska Native women, dying from pregnancy-related complications at around three times the rate of white, non-Hispanic women. A repeal of the ACA in its entirety would result in reduced access to pre- and post-natal care for as many as 13 million people in the individual market because the individual and small-group health plans would no longer be required to cover certain basic health care services—known as essential health benefits—including maternity and newborn care. Eliminating the expanded eligibility created under the ACA could also worsen the crisis given that Medicaid expansion is associated with lower rates of maternal and infant mortality and covers 50 percent of births in the United States.

Moreover, due to the many unknowns that remain regarding how COVID–19 affects pregnant people, some individuals may want to delay or forgo pregnancy, necessitating access to comprehensive reproductive health services. The ACA requires most plans to cover birth control with no out-of-pocket costs. As a result, women have saved more than $1.4 billion a year in out-of-pocket costs on birth control pills. According to data from the National Women's Law Center, 61.4 million women currently have access to birth control as well as other preventive services, such as well-woman visits, with no out-of-pocket costs—thanks to the ACA. Without requirements for those services to be covered, women would be forced to pay out of pocket or forgo care if they could not afford to. Illustratively, without insurance coverage, birth control pills would cost a woman up to $600 per year, and an intrauterine device would cost about $1,000 out of pocket.

Additionally, the pandemic has erected barriers that make it harder for women to access necessary preventive care—both as a result of job losses and barriers to accessing care during the pandemic. As a result, women have already delayed care in recent months. A repeal of the ACA would only lead to further delays given that plans would no longer be required to cover preventive screenings, mental and substance abuse services, rehabilitative services, and a host of other services.

President Donald Trump and his conservative allies in the Senate are not only forgoing their responsibility to address the dueling health and economic crises, they are also rushing to install a new, conservative justice on the Supreme Court who would tilt its balance in favor of striking down the ACA. With November oral arguments quickly approaching, this has increased the risk

that the health care law will be repealed. Given the health benefits, protections against discrimination, and financial security that the ACA affords women, destroying the law would be immeasurably harmful to women at any time. But repealing the law in the midst of a global pandemic that has infected millions of Americas and killed more than 200,000 people in the United States would result in even more chaos and devastation.

One of the newest groups of people with preexisting conditions who are worried about losing or being able to afford coverage are the COVID long-haulers. I would like to read this article from PEW Stateline, written by Michael Ollove, entitled ''COVID–19 'Long-Haulers' Worry About Coverage Costs.''

It reads:

Andrea Ceresa has been through three gastroenterologists already and now is moving on to her fourth.

She's seen an infectious disease specialist, a hematologist, cardiologist, an ear, nose and throat specialist, a physiatrist and an integrative doctor. She has an appointment coming up with a neuropsychologist and another one with a neurologist. She had an endoscopy, colonoscopy, CT scan, brain MRI, and so many blood tests, she said ''I feel like a human pin cushion.'' She was planning a trip soon to an acupuncturist and has a referral for occupational therapy.

Ceresa, a resident of Branchburg, NJ, relayed this medical litany on day 164 of her COVID–19 ordeal. So far, she said, nothing much has helped.

Before COVID–19, Ceresa was a healthy, active 46-year-old who managed a dental office by day and sang professionally by night, a woman who enjoyed yoga and jumped on a WaveRunner any chance she got. Now, beset by a multitude of unshakable symptoms, she said COVID–19 has transformed her into a ''shell'' of what she was. All parts of her body are in rebellion. She has severe, persistent diarrhea, constant nausea, dizziness, paralyzing fatigue, piercing headaches, numbness in her limbs, blurry vision, ringing in her ears, and a loss of hearing, an insurmountable deficit for a musician. She gets a rash on her face, finds light and Sun painful on her eyes—a condition known as photophobia—and suddenly finds herself feeling uncomfortably cold for no reason. On top of all that is an alarming brain fog.

''At some point in this conversation,'' she warned, ''I might lose my train of thought or forget words.''

When this will end—if it will end—none of those doctors and specialists can tell her, nor can anyone else, not at the Federal Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization or any other major health organization. As a result, Ceresa has no idea what life holds for her.

So-called long-haulers like Ceresa pose policy questions that have yet to command much public attention but daily become more pressing for those with lingering problems. Unable to work, will they have access to health insurance, especially if the Trump administration succeeds in overturning the Affordable Care Act. Will Medicaid be available to them? Will the Federal Government invest in research and treatment? Will they be eligible for disability benefits?

Advocates say it is essential to begin grappling with these questions now as it becomes increasingly clear that for many being ill with COVID–19 is not a transitory experience.

''As time goes on and infection rates go up, the fallout is an extraordinary number of people who were previously healthy, working, and engaged in the economy will now become shadows of their former selves,'' said Diana Berrent, founder of Survivor Corps, a grassroots organization connecting those who have been infected with COVID–19. Berrent said it has 107,000 members.

''People are aging decades in the course of months,'' said Berrent, who is still experiencing symptoms months after her positive test. ''People in their 20s are suffering heart attacks and strokes months after their moderate or even mild COVID experiences.''

More attention needs to be paid to those with persistent, serious COVID–19 symptoms, said Dr. Amesh Adalja, an infectious disease doctor and senior scholar at the Johns Hopkins University Center for Health Security.

In this pandemic so far we've thought mainly about the metrics of deaths and hospitalizations, but now we must think about people with long-haul symptoms. How will this affect society as a whole? What happens if people don't go back to their former level of activities?

For her part, Ceresa has no idea when or if she will be able to return to work. She lost her employer-sponsored healthcare and recently got on an ObamaCare policy. But, with uncertainty hanging over the ACA, she wonders how long she will have it.

''I have a plethora of preexisting conditions that I never had before,'' she said.

Meanwhile, hardly a day goes by that she doesn't have some kind of medical appointment, including some at Mount Sinai Hospital in New York, which opened what Berrent said is one of only two centers in the United States specifically focused on those with ''long COVID–19.''

''I'm doing everything you can imagine to try to get better,'' Ceresa said. ''If someone says, 'Try this,' I'll try. I'll walk on coals. The list of referrals I have is off the charts.''

Exactly how many people fall into the category of long-haulers is uncertain, which is part of the problem, Berrent said. There is very little research yet on the experiences of people who suffer from persistent COVID–19 symptoms.

''Even if it's a small percentage of people with long-haul symptoms,'' Adalja said, ''with more than seven million people infected overall that's still going to be a big number.''

The CDC in late July reported that 35 percent of symptomatic adults who had tested positive for COVID–19 said they had not returned to their usual state of health 2 to 3 weeks after their tests. Among those ages 18–34, 1 in 5 hadn't returned to their normal states of health. The survey did not include children.

There appears to be no data yet on numbers of people experiencing serious symptoms over longer periods of time or detailed information about their circumstances, such as age, gender, medical histories, or course of their illnesses. Complicating the data collection is that many of them, even those with debilitating symptoms, were never hospitalized.

Some researchers are delving into the subject, including Natalie Lambert, a medical researcher at Indiana University School of Medicine, who has partnered with Berrent's group to amass a far more extensive list of COVID–19-related symptoms reported by long-haulers than the 11 symptoms CDC identifies. Lambert's survey lists 98. Respondents characterize more than a quarter of those symptoms as painful.

Because so little is still known about COVID–19, Lambert said doctors often dismiss patient concerns that their symptoms are virus related.

''If a provider is updated, things move along and that patient has access to best care,'' said Lambert. ''But if the provider is not up to date or is skeptical that the symptoms are COVID-related, they might think that it's just a case of reflux or anxiety. In those cases, patients are stuck.''

Kelly Ausiello, a 42–year-old registered nurse in Hendersonville, NV, has had a constellation of symptoms since April, including severe migraines, fatigue, nausea, vomiting, and weakness. Ausiello has stopped going to doctors because none knew what to do for her.

''They keep saying they don't know how to help me,'' she said. ''They just say, 'I don't know,' 'I don't know,' 'I don't know.' ''

She had to suspend her studies to become a nurse practitioner, which she was on course to complete in December. She doesn't know if her health will allow her to ever resume.

''My life is changing maybe forever,'' she said.

Long-term COVID–19 raises several policy issues. For people affected, none is more urgent than the threat of losing their health insurance.

The ACA, which passed in 2010, barred health insurers from denying coverage to people with serious or chronic health conditions prior to enrollment, adding significant surcharges to their premiums, curtailing their benefits, or imposing extended waiting periods on them.

Such protections would vanish if the Supreme Court invalidates the ACA, as the Trump administration and Republican Governors or attorney generals in

20 States are urging it to do. The Court is scheduled to hear arguments in the case next month, possibly with a new, decisive, Trump-nominated Justice on the bench.

A 2017 Federal study found that up to 133 million Americans under age 65 had preexisting conditions. COVID–19 could add substantial numbers of people to that total.

Without the ACA's protections, people who had a positive test for COVID–19 could be denied coverage. More than 7.5 million cases have been reported in the United States. Because the virus has been linked to damage to the heart, lungs, and brain, a positive COVID–19 test could be used to argue that a patient had had a preexisting condition—COVID–19—to refuse claims to a patient who later developed a disease related to one of those organs.

But even those with negative tests could get caught in the same net, according to a paper published late last month by the Kaiser Family Foundation. The paper notes, for example, that rideshare drivers who get tested because they worry they have been exposed could be refused coverage if an insurer determines that those seeking tests have higher odds of infection.

''If ACA protections are invalidated, such people might be turned down, charged more, or offered a policy that temporarily or permanently excludes coverage for COVID–19,'' the paper said.

Karen Pollitz, one of the authors, described insurers as ruthless when it came to medical underwriting in the days before the ACA.

''The individual health insurance market pre-ACA was a competitive market,'' she said. ''It did not pay for one insurer to be more generous than another. It was a race to the bottom.''

Without explaining how they would do it without the ACA, President Donald Trump and some congressional Republicans have promised they would continue to protect those with preexisting conditions.

At least 17 States have adopted laws preserving preexisting condition protections should the ACA be overturned, but the effectiveness of those laws is questionable.

The ACA also helps stabilize health insurance premiums through Federal tax credits it provides to low-income policyholders. Those dollars would be eliminated without the ACA, probably putting health insurance out of reach for many Americans, particularly those facing high surcharges for preexisting conditions.

Even if some States tried to preserve the protections within their borders, insurers could simply refuse to offer coverage to residents of those states.

The elimination of the ACA also might scrap the Medicaid expansion that was part of the law. That alone could deprive more than 12 million low-income, adult Americans, some of them no doubt long-haulers, of health insurance coverage.

The dearth of testing, especially early in the pandemic, could become a problem for long-haulers if Congress eventually creates a fund to help pay for COVID–19 treatment, as it eventually did for first responders affected by their work at Ground Zero after 9/11.

''People are going to need to prove they had COVID, but how do you do that when tests weren't available or were faulty?'' said Berrent. ''That's going to put people in a pickle.''

Without firm, black-and-white results, patients with lingering symptoms could find it impossible to make their case that their illnesses were coronavirus-related.

''There may come a period in which people are going to have to prove that COVID is the reason for their heart issue or lung disease and not just that they're getting older,'' said Nathan Boucher, an assistant research professor at Duke University's Sanford School of Public Policy.

Berrent said many of those in her group complain of doctors not believing them. ''People are being gaslit by doctors,'' she said. ''And it's more women than men. I call it a modern-day version of what they used to call female hysteria.''

Joy Wu, a 37-year-old engineer in the San Francisco Bay area, has had first-hand experience with that medical skepticism. She contracted what she believes was COVID–19 after returning in March from a vacation on the Galapagos Islands.

She experienced dizziness, nausea, fatigue, back pain, confusion, excruciating headaches, and such weakness that she has repeatedly fallen. Sometimes her heart races so fast, she said, ''It feels like it's going to explode.'' She has episodes of tingling in her limbs and brain fog.

Because she didn't have the respiratory symptoms most often associated with COVID–19, she didn't have a diagnostic test until day 43, too late to know if she was infected, as she thinks she was, weeks earlier. She tested negative.

She said an ER doctor diagnosed her with COVID–19, although three medical doctors have attributed her symptoms to anxiety. But Wu said that both a psychiatrist and a psychologist who examined her told her that mental illness doesn't explain her symptoms. It was through a COVID–19 support Facebook group that she found others with similar symptoms.

Apart from ensuring that long-haulers can get health insurance, Berrent believes policymakers need to ensure that COVID–19 patients will not be barred from receiving disability benefits. Many, such as Ceresa and Wu, will not return to the workforce anytime soon.

''Disability wasn't meant for people when they're 30 or 40, but that's what we are going to be facing,'' she said.

Beyond finding a way to pay for COVID–19 treatment, Berrent said, the Federal Government should invest heavily in understanding the medical experience of long-haulers with an eye toward developing effective treatments. She wants to see more post-COVID–19 centers established for research and treatment.

''We need a warp speed race for a therapeutic for people suffering from post-COVID–19 that parallels what we're seeing for the development of a vaccine,'' she said.''

The Affordable Care Act has helped millions of Americans access the health coverage they need, and it has worked to address racial disparities in health coverage. Overturning it threatens to undo that progress.

I would like to read an article from the Kaiser Family Foundation by Samantha Artiga, entitled ''Loss of the Affordable Care Act Would Widen Racial Disparities in Health Coverage.''

It reads: ''In November, the Supreme Court is scheduled to hear arguments on a legal challenge, supported by the Trump administration, that seeks to overturn the Affordable Care Act (ACA). As noted in a previous KFF analysis, the outcome will have major effects throughout the health care system as the law's provisions have affected nearly all Americans in some way.

One of the most significant aspects of the ACA has been its expansion of health coverage options through the Medicaid expansion to low-income adults and the creation of the health insurance marketplaces with subsidies to help people purchase coverage.

This analysis shows that these new coverage options have contributed to large gains in coverage, particularly among people of color, helping to narrow longstanding racial disparities in health coverage. The loss of these coverage pathways, particularly the Medicaid expansion, would likely lead to disproportionate coverage losses among people of color, which would widen disparities in coverage, access to care, and health outcomes.

Prior to the ACA, people of color were significantly more likely to be uninsured than White people. The higher uninsured rates among groups of color reflected limited access to affordable health coverage options.

Although the majority of individuals have at least one full-time worker in the family across racial and ethnic groups, people of color are more likely to live in low-income families that do not have coverage offered by an employer or to have difficulty affording private coverage when it is available.

While Medicaid helped fill some of this gap in private coverage for groups of color, before the ACA, Medicaid eligibility for parents was limited to those with very low incomes (often below 50% of the poverty level), and adults without dependent children—regardless of how poor—were ineligible under federal rules.

People of color experienced large coverage gains under the ACA that helped to narrow but did not eliminate disparities in health coverage. Coverage

rates increased for all racial/ethnic groups between 2010 and 2016, with the largest increases occurring after implementation of the ACA Medicaid and Marketplace coverage expansions in 2014. Overall, nearly 20 million nonelderly people gained coverage over this period, including nearly 3 million Black people, over 5 million Hispanic people, and over 1 million Asian people.

Among the nonelderly population, Hispanic individuals had the largest percentage point decrease in their uninsured rate, which fell from 32.6% to 19.1% between 2010 and 2016.

Black, Asian, American Indian and Alaska Native (AIAN), and Native Hawaiian or Other Pacific Islander (NHOPI) people also had larger percentage point decreases in their uninsured rates compared to their White counterparts over that period. These coverage gains reduced percentage point differences in uninsured rates between some groups of color and White people, but disparities persisted.

Most groups of color remained more likely to be uninsured compared to White people. Moreover, the relative risk of being uninsured compared to White people did not improve for some groups. For example, Black people remained 1.5 times more likely to be uninsured than White people, and the uninsured rate among Hispanic people remained over 2.5 times higher than the rate for White people.

Between 2016 and 2017, and continuing in 2018, coverage gains stalled and began reversing for some groups. Over this period there were small but statistically significant increases in the uninsured rates for White and Black people among the nonelderly population, which rose from 7.1% to 7.5% and from 10.7% to 11.5% respectively. Among children, there was also a statistically significant increase in the uninsured rate for Hispanic children, which rose from 7.6% to 8.0% between 2016 and 2018.

Recent data further show that the number of uninsured continued to grow in 2019 despite improvements in household economic measures, and indicate the largest increases between 2018 and 2019 were among Hispanic people.

The growth in the uninsured likely reflects a combination of factors, including rollback of outreach and enrollment efforts for ACA coverage, changes to Medicaid renewal processes, public charge policies, and elimination of the individual mandate penalty for health coverage.

The ACA provides coverage options for people losing jobs amid the economic downturn associated with the pandemic. The economic fallout of the coronavirus pandemic has led to historic levels of job loss. As people lose jobs, many may face disruptions in their health coverage since most people in the U.S. get their insurance through their job.

Early KFF estimates of the implications of job loss found that nearly 27 million people were at risk of losing employer-sponsored health coverage due to job loss. Many of these people may have retained their coverage, at least in the short term, under furlough agreements or employers continuing benefits after layoffs. However, the health coverage options made available through the ACA have provided options for people losing employer-sponsored coverage who might otherwise become uninsured.

Following enrollment declines in 2018 and 2019, recent data indicate Medicaid enrollment increased by 2.3 million or 3.2% from February 2020 to May 2020. Additionally, as of May 2020, enrollment data reveal nearly 500,000 people had gained Marketplace coverage through a special enrollment period (SEP), in most cases due to the loss of job-based coverage.

The number of people gaining Marketplace coverage through a SEP in April 2020 was up 139% compared to April 2019 and up 43% in May 2020 compared to May 2019.

People of color would likely experience the largest coverage losses if the ACA coverage options were eliminated. In the absence of the ACA, states would lose a pathway to cover adults without dependent children through Medicaid under federal rules. They also would lose access to the enhanced federal funding provided to cover expansion adults.

As such, states would face challenges to maintain coverage for adults without dependent children and parents and many would likely roll back this coverage, eliminating a coverage option for millions of low-income parents and childless adults who do not have access to other affordable coverage.

Moreover, without the federal subsidies, many people would not be able to afford private coverage. Since people of color experienced larger gains in coverage under the ACA compared to their White counterparts, they would likely also experience larger coverage losses if these coverage options were eliminated.

Loss of the Medicaid expansion, in particular, would likely lead to disproportionate coverage losses among people of color, contributing to widening disparities in coverage, access to and use of care, and health outcomes. Overall, among the nonelderly population, roughly one in three Black, Hispanic, and AIAN people are covered by Medicaid compared to 15% of White people.

Further, research shows that the ACA Medicaid expansion to low-income adults has helped to narrow racial disparities in health coverage, contributed to improvements in access to and use of care across groups, and narrowed disparities in health outcomes for Black and Hispanic individuals, particularly for measures of maternal health.

In sum, the outcome of the pending legal challenge to overturn the ACA will have effects that extend broadly across the health care system and touch nearly all Americans. These effects could include widening racial disparities in health coverage and health care, at a time when there is a growing focus on prioritizing and advancing health equity and in the middle of a pandemic that has disproportionately affected people of color in the U.S.

Without the ACA coverage expansions, people of color would likely face widening gaps in health insurance coverage, which would contribute to greater barriers to health care and worse health outcomes and leave them at increased risk for medical debt and financial challenges due to health care costs.''

The PRESIDING OFFICER (Mr. BARRASSO). The Senator from Nebraska.

Mr. SASSE. Mr. President, Senators have worked through the weekend and the clock is obviously winding down later today. Tonight after final confirmation vote, Judge Amy Coney Barrett is going to become Justice Amy Coney Barrett. For those of us who have been advocating for her—in my case it has been since the summer of 2017—that is welcome news. She is an unparalleled nominee and will be a dazzling originalist on the Supreme Court.

None of the baseless allegations that have been leveled against Judge Barrett have swayed any votes. Democrats didn't lay a glove on Judge Barrett in her confirmation hearing, and I think she ran circles around career politicians who want to outsource more lawmaking to unelected judges. Some folks are upset about that, and even though many of my male colleagues on the Judiciary Committee also complimented the Judiciary Committee chairman on a very well-run hearing, tragically, the minority leader—it seems that he has decided to make DIANNE FEINSTEIN a scapegoat for the unforgiveable sin of being unwilling to turn more of Judge Barrett's hearing into another Michael Avenatti clown show. I think that is just a painful moment in this institution's history, and it speaks volumes about how low some people are willing to sink in response to outside activists who would like to see bare-knuckle politics be the only thing that happens in the Senate.

Judge Barrett's opponents know that they don't have the votes. They know they don't actually have public support. They have seen the polling rise steadily week after week after week over the last month as the American public has gotten to know Judge Barrett better and learn more about her. They are more and more comfortable with her and less and less open to some of this sort of hyperbolic rhetoric that we have seen leveled against her.

This is actually my fourth consecutive hour on the floor this morning. I have heard a series of speeches and one of the things that is obvious is that there are a whole bunch of phrases that were written up. I don't know who wrote them up. I don't know how this process happens, but speech after speech after speech uses really similar

phrasing to try to alarm and disturb and unsettle the American people, and I think the cynicism is just really tragic. I have heard now, I think, four speeches in a row implying that when Judge Barrett becomes Justice Barrett later tonight, that obviously means the end of healthcare in America. The last speech, actually, included this phrase: A vote for Amy Barrett is a vote to end healthcare. The speech said: ''A vote for Amy Coney Barrett is a vote to end healthcare.''

That isn't just preposterous, it is so destructive of the public good and of public trust, and I don't want this body to continue its decline, but I hope that next April, May or June, when the Supreme Court rules and when ObamaCare doesn't die—as no expert thinks this case is actually going to do. There are no Court watchers who really believe that the Supreme Court is going to end ObamaCare this year. Severability is a pretty important legal concept that those of us who serve as public servants for a time should be helping the American people understand. And yet nobody on the other side of the aisle is talking about severability, even though everybody watching the court case knows that even if the opponents of ObamaCare prevail in this case, that severability is what everyone expects will actually happen. And yet we hear again and again and again this rhetoric just motivated by the cynical desire to get people to vote out of fear and panic in the November elections. Nobody really believes this stuff. So I hope the Democrats that are making these speeches, staying here all night to say again and again things like ''a vote for Amy Coney Barrett is a vote to end healthcare,'' please have the courage to come back next April, May, and June and say you lied to the American people, you were just trying to scare them into voting, and say what you were saying was BS.

Whoever writes these outside talking points, it is really destructive, and the Senators know better than to parrot this pap.

So they are out of arguments, but they are not out of sound bites, and one of the things that is true in American life is that with freedom of speech, even if your sound bite is nonsense, you have the right to be wrong, and you have the right to say it. So given that we are going to be here all day—it is all over but the shouting—it seems like we don't have to play the same speeches on repeat over and over again. We can actually do two things, and I think we should spend a little bit of time reviewing how we got here and a little bit of time talking about where we go next.

First, we should explicitly name the Senate's most valuable player. As somebody who is a junior member of this body, I don't want to cross ''Cocaine MITCH,'' the gentleman from Kentucky, but the truth of the matter is, the Senator most responsible for the confirmation proceedings we have happening on the floor today is not from Kentucky. The Senator most responsible for the fact that Amy Coney Barrett is going to be confirmed tonight, the Senator most responsible for the confirmation of Neil Gorsuch and Brett Kavanaugh is the former Democratic leader from Nevada, Senator Harry Reid. It was Senator Harry Reid who blew up the filibuster for judicial appointments in November of 2013, and the rest of how we got here is just a footnote on that history.

Leader MCCONNELL walked through some of this history on Friday and Saturday, how at every turn, from Robert Bork to Brett Kavanaugh, many progressives have, in an effort to try to secure policy outcomes in the Supreme Court, been escalating the confirmation wars. I won't repeat all of that history from Friday and Saturday here, but when Harry Reid went nuclear, he set the Senate on a path to this day.

So here we are with more than 200 Federal judges confirmed in the last 4 years. Again, I have been on the floor for the last 4 hours, so I have heard multiple people lament the pace of judicial confirmations on the floor. Some people love it; some people hate it, but whether you got hate mail or you got love letters, your destination address should be Las Vegas, NV. There is simply no equivalent or comparable event in the confirmation escalation wars since they were created with the ''Borking'' of Robert Bork in 1987. There is simply no comparable event with November of 2013 when Harry Reid decided to make this body simply majoritarian on confirmations.

So where do we go next? It is no secret that some of my colleagues on the left are itching to blow up the legislative filibuster. It is a slightly better kept secret that a whole bunch of Democrats in the Senate think this is a really bad idea, but they are scared to death of the activist groups that have decided to go after DIANNE FEINSTEIN in the last 3 weeks as a sort of trial run to show what happens to people who would resist trying to turn the Senate into a simple majoritarian body. But I still want to at least compliment those folks in this body who started to talk openly about their desire to blow up the filibuster for the legislative process as well around here. I think it would be a very destructive thing to do, but I appreciate the people who are at least talking about it explicitly.

I have been fighting about some of this with my friend CHRIS COONS. He is now open to blowing up the legislative filibuster, even though he was the leader of the Senate letter in—I think it was January of 2017—in defense of the filibuster. The position he had then, when there was a new administration of a different party, is the position I had then, and it is still the position that I have now. And regardless of what party holds power around here in 2021 or 2025, I am still going to be defending the Senate as a supermajoritarian body that tries to actually have a deliberative process.

So I think that my friend CHRIS is wrong about being open to blowing up the legislative filibuster, but I don't think he is wrong because he is a Democrat. I think a whole bunch of Republicans were wrong about this issue in January of 2017, and so I fought with them as well. I got lots of angry calls and texts from Republican Members of the House of Representatives in early 2017 for defending the legislative filibuster because the House and Senate are supposed to be different kinds of bodies. We have different purposes. So my argument to Democrats now or in January is the same as the argument I made to Republicans in January of 2017, and that is that blowing up the filibuster would be to functionally kill the Senate. It would dramatically change not just this institution but the structure of governance in our Republic. Because without the filibuster, the Senate becomes just another majoritarian body, and we already have one of those. It is called the House of Representatives.

The House and the Senate are supposed to have different complementary functions, and if we kill the filibuster in the Senate, we will have simple 51-to-49 votes radically changing the direction of the country. We would see governance swings on a pendulum where big chunks of American life could be rewritten every 2 years with simple 51-to-49 or 49-to-51 majority changes and therefore new majority votes. We would become more like a parliamentary European system. It is a system that has some virtues, but we don't have that system, and our Founders didn't pick that system on purpose. In the age of declining trust and increasing cynicism, the answer is surely not more instability. This would deplete, not replenish, our declining reservoirs of public trust.

Killing the deliberative structure of the Senate would accelerate Congress's ongoing slow and bipartisan suicide where fewer and fewer decisions are made by the people's elected representatives and more and more decisions would be made by an unelected bureaucracy that the people back home whom we represent in Nebraska or New York or Rhode Island or Virginia—the speeches that I have been hearing this morning—where those folks don't have any power to hire or fire the people who work in the administrative state, and accountability of governance to the people means that we want the elected representatives to be making most of those decisions, not the unelectable bureaucracy. Even though lots of those people are well-meaning servants, they are simply not accountable to the public.

Senators like JOE MANCHIN, JON TESTER, and KYRSTEN SINEMA would see diminished influence as the people of West Virginia, Montana, and Arizona got increasingly sidelined for even

more representation of New York and California.

Some of my colleagues apparently want to finish the work that Senator Reid began. This would be to double-down on the division, the cynicism, and the partisanship, and they would pretend that that is a day that they would never regret. But I think it would be really useful for more of the folks who are thinking now of whether they are in favor of ending the legislative filibuster or whether they are too scared to stand up to the activist groups demanding they end the legislative filibuster, it would be useful for a lot more of them to go on the record with the things they say to me in private about the regrets about November of 2013.

I have only been here since January of 2015, and I have had either seven or eight different Democrats currently serving in this body tell me how much they regret the vote that they took at Harry Reid's urging in 2013 to end the filibuster for confirmations to the judiciary.

And I understand that a junior Republican Senator from Nebraska doesn't have a lot of sway in the Democratic conference, but maybe they would listen to the quote of a different, more influential Senator:

[I]f the right of free and open debate is taken away from the minority party and the millions of Americans who ask us to be their voice, [then] I fear [that] the partisan atmosphere in Washington will be poisoned to the point where no one will be able to agree on anything. That does not serve anybody's best interest, and it certainly is not what the patriots who founded this democracy had in mind. We owe the people who sent us here much [better] than that. We owe them much [much] more.

I will repeat the quote:

[I]f the right of free and open debate is taken away from the minority party and the millions of Americans who ask us to be their voice, [then] I fear the partisan atmosphere in Washington will be poisoned to the point where no one will be able to agree on anything. That does not serve anybody's . . . interest, and it certainly is not what the patriots who founded this democracy had in mind. We owe the people who sent us here more than that. We owe them much [much] more.

That quote was from the junior Senator from Illinois in 2005, Senator Barack Obama, speaking passionately to this body about why it was different, why it is different, and why we have a stewardship obligation to defend the deliberative structure of the Senate. Senator, then President Obama was right then; he is right now; and I fear that he will sadly be right in the future, if partisan tribalists decide to blow up the Senate and pack the Supreme Court.

The debate over Amy Coney Barrett is over. We will be voting soon, but in the coming months, the debate for a critical piece of American governance will start. I beg my colleagues to heed Senator Obama's advice. Protect America's structure of three branches of government. You lost this vote, but please don't burn down this institution. Again, you lost this vote under the rules that Harry Reid created in 2013. Please don't burn down this institution.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, good morning to you. You stand watches everywhere.

We are here, in part, because of a Supreme Court nomination, but we are here also because of a Supreme Court process that has turned foul in a considerable number of ways.

I would like to spend the time that I have with you this morning walking through some of the history that got us there.

With respect to the now-standard Republican talking points that the only reason that we are here today in this partisan wrangle is because of Harry Reid, I would submit that the spectacle of procedural wreckage that surrounds all three of the last Supreme Court nominees completely belies any suggestion that Senator MCCONNELL would have respected the filibuster of a Supreme Court Justice. They have broken essentially every rule that got in their way—it didn't matter what it was—over and over again. And the idea that they would break every rule but that one simply makes no sense.

So I can see that it is sort of a cute and clever argument to go back and point out that Harry Reid broke the effort to stonewall all of President Obama's appointees to the DC Circuit Court, which was what was going on at the time, but the rest of the wreckage belies that this would have been protected by Leader MCCONNELL in the mad, headlong rush to load up the Supreme Court with nominees who have been through this very, very peculiar Supreme Court process.

To those who wonder why it is that we talk a lot about healthcare in the context of this nominee, look no further than the Republican Party platform that my colleagues supported, which says that Republican Presidents will appoint judges to reverse the ObamaCare cases. That is the language from their own party platform. So expect some skepticism about the sincerity of Republican expressions that they are shocked—shocked—that we would try to tie the fate of the Affordable Care Act to this nominee when they have put that in their party platform.

One of the unpleasant aspects of the process that I am about to describe has been that the handoff to special interests of control over who gets appointed to the Supreme Court means that there is an audience for auditioning. Over and over again, we have seen judges audition to that audience in order to get onto that all-important Federalist Society list or, in the case of Judge Kavanaugh, to get escorted by Leonard Leo, the operative of that operation, right around the list and onto its very top. Nobody auditioned like Brett Kavanaugh.

But Judge Barrett made her own effort, and that was to make it very publicly clear that she disagreed with Justice Roberts, the swing vote who protected ObamaCare. That mattered because the outrage in the rightwing that their Supreme Court they thought they had claimed actually made one decision against their political interests—a sense of betrayal by Justice Roberts. That was very acute.

It was into that environment that Judge Barrett added her unsolicited opinion—just threw it out there—that Roberts was wrong; that the dissent had it right. Obviously that allows us—in fact, requires us—to draw the logical conclusion that when she is the swing vote, she is going to go with the minority. So she telegraphed how she would rule in this matter. She became the nominee. It was on the Republican Party platform that she should reverse the ObamaCare cases. How are we not supposed to notice this when you say this in all caps?

So, please, let's not pretend that we are making up a connection between this appointment and the persistent Republican attack on our present healthcare system.

The first thing you have to understand in looking at the Republican judicial selection process is that we are now looking at three—we are now looking at three nominees who have come through this process. It began when I was in Munich on a trip with Senator McCain and Judiciary Chairman GRAHAM. He wasn't the chairman then, I don't believe. But we had gone to the Munich Security Conference together, and word came—in fact, I believe Senator BARRASSO was there as well, who is now presiding. Word came that Justice Scalia had died on a hunting vacation and that there was a vacancy.

It became quickly evident that Merrick Garland, the chief judge of the DC Circuit Court of Appeals—a very widely respected judge, someone about whom Republican members of the Senate Judiciary Committee had said very good things in the past, presumably a consensus nominee—was likely to be the nominee of President Obama, a man who very often tried for consensus and very often was spurned.

In this case, it did not take long for someone to decide that was not going to happen and, indeed, that no Obama nominee was going to be brought forward. It happened quickly but not so quickly that a few Members of the Senate said that they would, of course, meet with the nominee. That would be standard practice; of course, they would.

In any event, my recollection is that no one did—no Republican Senator did. That was a very sudden pivot by an entire body of people to go from a normal process to something very new and abnormal. In my experience, when a whole lot of people all pivot together to go from what is normal to something that is new and abnormal, you look for a reason.

If you see all the branches blowing in one direction on a tree, you may be indoors. You may not actually be able to feel the wind blowing. But when you see all the branches lean, you can draw the reasonable conclusion—in fact, you can draw perhaps the only reasonable conclusion—that there is a wind blowing those branches, which begs the question: What was the wind blowing all those branches to so immediately step out of the norms of the Senate—not just 1 or 2 or 10 but as an entire caucus—and pivot to this new abnormal response to a Presidential nominee? To me, that is a sign. That is a sign that political force is being applied, that a strong wind is blowing, and that all the branches have to lean in the same direction.

On we went through that process with very, very strong statements being made by judges about this newly found principle that, during an election year, you don't confirm Supreme Court Justices. They invented that new principle—highly convenient to that moment, but they described it as a principle.

Here is Senator DAINES in 2016: ''I don't think it's right to bring a nominee forward in an election year.'' He put it in about the strongest moral terms that one could use. He used terms of principle. He used the distinction between right and wrong. ''I don't think it's right to bring a nominee forward in an election year.'' Why? So that the people's voice—the people who have already begun voting had their voice reflected.

So that was probably—I don't know—maybe 8 months before the election. Here we are closer to 8 days before the election, and we are going through this process, and there has been this extraordinarily abrupt reversal of that supposed principle from 2016. ''I don't think it's right.'' If it is not right, why are we doing it right now? Suddenly, it is right in 2020.

Senator DAINES wasn't alone. MITCH MCCONNELL was the Senate floor orchestrator of all of this. He said: ''Of course, of course, the American people should have a say in the court's direction.'' That is why we can't take up Judge Garland now—because the American people should have their say months before the election. Here we are days before the election—flips-o, change-o. What could that mean?

Senator GRASSLEY: ''The American people shouldn't be denied a voice.'' That was then; this is now.

LINDSEY GRAHAM: ''Hold the tape.'' ''Hold my words against me,'' the chairman said. If an opening—here was his rule: ''If an opening comes in the last year of President Trump's term, we'll wait till the next election.'' Could you get clearer than that? ''If an opening comes in the last year of President Trump's term, we'll wait till the next election.'' ''Hold the tape.''

TED CRUZ: ''You don't do this in an election year.''

So what does it signal when people take a stand assertively on principle that it wouldn't be right—STEVE DAINES; that ''you don't do this''—TED CRUZ; that ''of course, of course, the American people should have their say''—MITCH MCCONNELL and CHUCK GRASSLEY—what does it say when people take a stand on principle on one occasion and then on the very next occasion, in the very next election, at the first opportunity, they completely reverse themselves on their supposed principle?

Well, one possibility is that there has been a minipandemic in the Senate of hypocrisy; that somehow there is a little germ here, and somebody brought hypocrisy into the Republican caucus, and everybody caught it, and they feel an unhealthy desire to go out and violate principles that they espoused on the previous occasion. That doesn't seem very credible to me.

What seems more credible is that something is blowing in the branches; that there is a force—a political force—at work that causes Republican Senators to take a firm stand on principle, albeit a novel one, a peculiar one, an unprecedented one, but in their words, a firm stand on principle in the 2016 election, and exactly in the very next case, in the 2020 election, completely reverse that supposed principle. My experience in politics is that when you see people forced to engage in hypocrisy in broad daylight, look for power in the shadows.

So we began with the Garland-Gorsuch switcheroo based on this ''you don't do this in an election year'' principle. Then we went on to Judge Kavanaugh, and the narrative has developed on the Republican side that Judge Kavanaugh was treated very unfairly, as if no witness came forward to testify in the Senate Judiciary Committee that she had been assaulted by a young Brett Kavanaugh. I don't know what we were supposed to do with that information. Were we supposed to tell the good professor: Go away. We don't want to hear from you. Sorry, it is a little late. The chance that a person headed for the Supreme Court might have committed sexual assault is something we don't take at all seriously. We don't want to get to the bottom of it. We don't want to know.

This was a woman who was willing to come and testify in front of all of America, subject herself to the hostile questioning of a professional prosecutor hired by the Republicans just for that occasion. She stuck to her guns and, in my view, was credible. To this day, I still believe her. The nature of her testimony was very consistent with the testimony of sexual assault victims who have been through that kind of an ordeal.

Do I know what happened? No. But she was a credible witness. She was willing to come into the Senate Judiciary Committee and claim that Brett Kavanaugh assaulted her. Of course, we had to hear from her. Republicans want to blame Democrats for that, but seriously, would you not have let her testify? Really? That does not seem very credible.

So she came. She testified. She was credible. Despite the rightwing having launched their flying monkeys at her in such vehemence, she had to leave her house, hire private security, go into hiding, she nevertheless came; she nevertheless was credible.

All we asked for was an investigation to find out what had happened, to do our best to get to the bottom of it. It was going to be difficult because it happened years ago, but it would seem to me that we owed this institution and the Supreme Court our best effort. Did we get a best effort? No, we got a slipshod, truncated decision that, to this day, the FBI refuses to answer questions about. Why? Why not give Dr. Blasey Ford, why not give the American people, why not give the Supreme Court a best effort from the FBI to get to the bottom of whatever happened?

There is every indication that the tip line the FBI set up was never reviewed and followed up on. I have been a prosecutor. I have run the attorney general's office in Rhode Island, which is the lead prosecutorial office for the State. I have been the U.S. attorney for Rhode Island, running Federal prosecutions. The whole purpose of a tip line is to bring in evidence from the public and sort through it because every tip line has bonkers evidence in it. But you sort through the chaff to see if there is any wheat there, if there is anything that needs to be looked into.

It does not appear that the FBI looked into anything that came in through the tip line. It looks like the tip line—if you could imagine the comments box, it looks like they attached the comments box directly to the dumpster so that the tips went straight into the waste bin. I know of no ''tip'' that got followed up on.

Once again, why? Why would the FBI allow itself to be associated with a truncated, incomplete investigation? Well, they said why. They said it was because they are not operating like an FBI when they do this. They are operating as an agent of the White House. They are operating at the White House's bidding when they are doing these confirmation investigations. They don't behave like the FBI then and follow their procedures. They do as they are told. That is a pretty strong clue and, once again, a signal of powerful political forces at work to try to cram nominees, even very troubled ones, onto the Supreme Court.

Then we come to Judge Barrett, who had to be the subject of this massive flips-o, change-o of what was right for our traditional nominees in an election year and enumerable minor broken rules along the way.

As I said, in all three of these recent nominations, there is a trail of procedural wreckage through the Senate. I don't think my colleagues hate Senate procedure. I don't think they get a form of malicious glee out of smashing

Senate procedure. When you see a lot of procedural wreckage in the Senate, look for a motive. Look for a force. Look for a force.

Three for three, we have seen powerful signals of a motive force at work. Sure enough, when you look at the process itself, you see some real peculiarities.

First of all, when these judges got selected, they had something in common. They all went through a process hosted at the Federalist Society and run by a person named Leonard Leo. The Wall Street Journal editorial page editor described this relationship as a subcontractor. The judicial selection got subcontracted out to this private organization and its operative—subcontracted out. The White House counsel said this organization was insourced to the White House. Leonard Leo was put on temporary leave from the Federalist Society—like that is a big deal—to supervise the process.

Can we just stop for a minute and accept that it is weird that any private organization would be made the subcontractor for the selection of Supreme Court Justices? I don't care if it is the Girl Scouts of America. It is weird and it is wrong that a private organization should be the subcontractor for selecting judges.

And it gets weirder and wronger when you see the big anonymous money pouring into that organization. The Washington Post took a pretty good, thorough look into this scheme, and they said that the whole scheme was $250 million worth of dark money—$250 million. They described it as ''a conservative activist's behind-the-scenes campaign to remake the Nation's courts.'' On whose behalf, one wonders. But you don't know because of the $250 million, most of it is anonymous money, what we call around here ''dark money.''

You have the last three nominees selected by a private organization, secretively, which is also taking huge donations from anonymous donors. The whole scheme runs up to $250 million, according to the Washington Post. That is a pretty big deal. If you can't see that that is a recipe for corruption, you are wearing blinders, because the idea that a private organization becomes designated to pick who is on the Supreme Court and then takes big anonymous donations is a prescription for disaster.

But it does produce nominees. At the end, you get your selection—one, two, three. Then, those nominees get TV campaigns run for them. There is a big PR effort, a political effort, and that is run by something called the Judicial Crisis Network, which has as its operative Carrie Severino. Judicial Crisis Network gets boatloads of anonymous money also. You have the same problem—a private organization, a secret organization that takes boatloads of anonymous money having a central role in campaigning for these nominees. That is also abnormal. This is new, this is peculiar, and this is wrong, in my view.

By the way, when that Washington Post article came out, Leonard Leo got blown like an agent in a covert operation. And to protect the Federalist Society, he had to jump out, go do something else. So he went out to go do dark money-funded voter suppression. Guess who jumped into his role for Judge Barrett? Well, well, well, none other than Ms. Severino.

The Judicial Crisis Network offices are next to the Federal Society's offices—same building, same floor.

How big is the money? Well, here is a little filing from the Judicial Crisis Network. This is from IRS Form 990. Look at this, a contribution for $17.9 million—$17.9 million. Do we know who gave them $17.9 million to put on TV ads for a judicial nominee who had been selected by the dark money group behind the Federalist Society? We do not. We do not. But somebody wrote a $17 million check to support a PR campaign for a Supreme Court nominee. How do we know they didn't have business before the Supreme Court? How do we know that when they are anonymous?

By the way, they did it again. Somebody gave $17 million to push off Garland and help Gorsuch. And then another 17-plus million dollars came in for the troubled Kavanaugh nomination. Do we know that it is not the same donor? No, we don't. It could be the same donor, in which case somebody gave $35 million anonymously to influence the makeup of our U.S. Supreme Court.

And they may have business before the Court. There is a case called the Caperton case in which the Supreme Court said you had a due process right not to have Judges who had big money spent on their behalf to get the office rule in your case. This looks like a Caperton problem—$35 million spent by conceivably one donor who may very well have business before the Court.

Why would you do this? Why would you do this? Why would you ever allow judicial nominees to be selected this way, funded by dark money, anonymously, controlled by private, secretive organizations? Why would you do that? Why is that acceptable at all? I submit that were the shoe on the other foot, the other side would have its hair on fire about such a performance.

The fact that this seems OK is yet another indication of the branches blowing in the wind here because it is not OK by any objective or reasonable standard. The only thing that makes this OK is if that political force makes this OK in the same way they made it OK to reverse the 2016 principle on the very next occasion in 2020.

When you see hypocrisy in the daylight, look for power in the shadows.

It doesn't end once their judges are selected and once the judges have their campaigns paid for by $17-million check writers. When they are on the Court, guess who shows up in orchestrated choruses. Groups funded by dark money. In some cases, they are the litigating lawyer group. In some cases, they come on afterward as what are called friends of the court, amici curiae—friends of the court.

We had one case that I looked at about the Consumer Financial Protection Bureau, where it turned out that a whole bunch of amici curiae showed up—friends of the court, a whole bunch of them. So I did this graphic in the brief that I filed. It showed 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 briefs filed in that case by nominally separate groups, all funded by the same organization, Donors Trust, 8 out of 11 funded by the Bradley Foundation, and more overlapping donors throughout. This was just my work.

The Center for Media and Democracy went back and did an even more thorough drill down and came to even more astonishing conclusions about the overlap between the funding of these groups showing up in these orchestrated choruses.

By the way, they don't tell the Court that they are all funded by the same groups. They don't tell the other parties that they are all funded by the same groups. There is actually a disclosure in the briefing rule that says you are supposed to disclose who paid for your briefing. They use that to mean who paid for the printing of the brief.

So you can take a million-dollar contribution from somebody or, who knows, a $17-million contribution from somebody, and then pay a couple of thousand bucks yourself to have the brief published and disclose nothing to the Court, nothing to the parties about who is really behind these phony-baloney, trumped-up, front-group friends of the court. But they do provide an educating chorus for the judges and tell them how to rule.

By the way, the Center for Media and Democracy showed that not only is the funding going to these groups, but the same funding is going over there to the Federalist Society to support this judicial selection operation. And from Judicial Crisis Network, you have the interchangeable Leonard Leo and Carrie Severino. This looks like a single scheme—a single scheme through which a small group of very secretive, big money donors, donors capable of writing a $17-million check to help influence who is on the Supreme Court, get together and control the selection of Supreme Court Justices, fund the PR campaigns and the TV advertisements for those Supreme Court Justices, and then show up through front groups to pitch the Justices on what they want from them.

That is about as unhealthy a situation for a Court as one could have. Again, we are like the frog—the alleged frog in the pot. It has gotten worse and worse. It has stunk more and more, but it happened kind of gradually and we, for some reason, acted as if this is somehow normal. There is nothing normal about this.

As a lawyer, I spent a good deal of my life in appellate courts. I have argued in the U.S. Supreme Court. I have argued in several circuit courts of appeals. I argued over and over before our State supreme court. To the extent I had a specialty, it was appellate law. As the Governor's legal counsel in Rhode Island, I was involved in picking judges for the State courts on the Judiciary Committee. I have been involved in picking judges for the Federal courts.

Folks, this is weird. This is not right. Nobody behaves this way. Nobody farms out the selection of judges to private interest groups that don't disclose their donors and take up to $250 million into the scheme, which is according to the Washington Post. It is weird enough that people feel the need to run TV ads for judicial nominees, but when they are taking a check for $17 million or two checks for $17 million from an anonymous donor or, maybe, two anonymous donors, if you think that is weird, it is because it is. That shouldn't happen anywhere around a court.

There are a lot of high-minded speeches about the importance of the judiciary and its independence and all of that. The most important standard that a court must meet is that it is not a pantomime court, a pantomime court in which the rituals of adjudication get acted out. People come to the bench, wearing their robes. They hear the arguments, render decisions, read the briefs, but at the end of the day, the decision is cooked by big special interest influence that has insinuated its way into the Court by controlling the selection of judges, by funding the PR campaigns for those judges, and by being the orchestrating force behind the amicus curiae.

You might think that I am being a little aggressive in suggesting that they are orchestrated. Well, do you remember this group, the Bradley Foundation, that I showed you from my Supreme Court checklist that funded 8 out of the 11 groups in that case? Here is a memo of a grant it is giving to something called the Judicial Education Project, which is a sister organization to that same Judicial Crisis Network. This is a little bit of a pea in a shell game, so forgive me, but they are directly related groups. The staff recommendation says that, at this highest of legal levels, it is a request for funding for amicus curiae in a case—in several cases—at the Supreme Court. It is very important to orchestrate high-caliber amicus efforts—orchestrate.

For Pete's sake, the secret funders themselves use the word ''orchestrate.'' So something is up. Something is not right. Something is rotten in Denmark. If the American people are good enough to entrust us with the ability to answer their questions about this mess, we will answer their questions about this mess. I will tell you that I cannot get my questions answered, not without gavels, not in this Senate, not in these committees. Yet I think it matters if an individual wrote $35 million worth of checks to influence the makeup of our U.S. Supreme Court to know whether they have business before the Court, to know who they were, and to be able to even do the Caperton analysis of whether somebody's due process rights have been infringed by influence.

So, in some respects, this is the end of things. This is the third of three nominees who have all had the same characteristics. They have been selected through this scheme. They have been campaigned for through this scheme. They have generated bizarre procedural behavior in this Senate—all three, three for three. It is like the triple trifecta—three judges, three characteristics: selected, campaigned for, bizarre procedural anomalies.

When you see that kind of behavior, that means there are a lot of branches leaning the same way, and if that doesn't mean the wind is blowing, then give me a better explanation. I think there is a foul wind blowing, and we need to find out who is behind it, and we need to find out what it means for our treasured Supreme Court.

I will close by saying that the results are already coming in. Even before Judge Barrett gets to the Court, the results have already been coming in from this effort.

I did an article some time ago that we had pretty thoroughly fact-checked, red-teamed, and reviewed that at the time said there were 72 decisions by the U.S. Supreme Court, under Chief Justice Roberts, that had the following characteristics: One, they were 5-to-4 decisions—the narrowest, barest majority. Ordinarily, a Supreme Court likes to see bigger majorities than that because it is conducive to the integrity and strength and credibility of the Court. There were 72 5-to-4 decisions.

They had an additional characteristic in that they were not just 5 to 4 but a partisan 5 to 4. No Democratic appointee joined the 5. So, again, if you are an institutionalist, you look at that, and you think, hmm, maybe that is not the Court putting its best foot forward. That is an awful lot of partisan 5-to-4 decisions.

Then the third characteristic is that you can identify quite readily in those cases a big Republican donor's interest—something that one would want by way of an outcome. What we calculated at the time in that article is that the score in those 72 5-to-4 partisan decisions with a big Republican donor's interest implicated was 72 to 0—some pitching balls and calling balls and strikes. It was 72 to 0. That is a route, and we have been tracking it since then. I put the number now to 80 to 0 because the article was written some time ago. So now we are at 80 partisan 5-to-4 cases in which a big Republican donor's interest was implicated and in which, by 80 to 0, the Big Interests won.

Now, some of these are pretty flagrant. I think Citizens United is going to go down in history as a disgraceful decision of the U.S. Supreme Court, sort of the political equivalent of Lochner.

Shelby County, in which the Court made up facts in order to strip a section out of the Voting Rights Act, in turn, unleashed voter suppression laws across the States that had been held back by the preclearance provisions that the Court summarily decided 5 to 4 that it didn't like any longer.

Janus, which is the case that took down a 40-year-old precedent involving labor law in which legal groups had an astonishing role, actually went through four cases along the way. It is a long saga, and I won't burden this speech with that now. At the end of the day, the lawyers for the labor movement, while walking up to the Supreme Court for argument that day, knew perfectly well how the Court was going to rule. That is not how courts should operate.

Heller, the gun case, was 5 to 4. A former Supreme Court Justice had described the theory that Heller had adopted as a fraud on the public, but Heller turned a fraud on the public into the law of the land. Guess what—the NRA is very active as a donor in these fights. The NRA was all over the Kavanaugh nomination in particular.

So you had these flagrant decisions, and I just mentioned those 4, but there are 80. That leaves 76 others. They are usually—often, I should say—about power. They are often about moving power into corporations, expanding corporate power, allowing unlimited money into elections—allowing dark, anonymous, unlimited money to operate in elections.

Who benefits from that? Entities with unlimited money and a motive to spend it like, say, the fossil fuel industry.

As for intervening in elections and allowing bulk gerrymandering to proceed, multiple courts have figured out how to stop that nefarious practice. It is, actually, not complicated when you are dealing with bulk gerrymandering and how to stop it and, over and over again, the bulk gerrymandering efforts to take an entire delegation and try to cook it so that it doesn't represent the popular vote in that State.

Over and over again, courts have seen through that. They figured out how to respond to it until it got to the Supreme Court. Then, with 5 to 4, sorry, folks, we are not going to take an interest in that. Keep at it. Voter suppression will tear down the preclearance provisions of the Voting Rights Act. All of this election mischief that leans heavily to supporting the Republican side has been supported.

With deregulation, if you are a big polluter and if you are a big donor, you probably don't like regulatory agencies. You probably would like to have some more freedom from regulatory agencies. Over and over again, these decisions try to hurt the independence

and strength of regulatory agencies—over and over.

Then the last is the civil jury. My God, the civil jury is in the Constitution, for Pete's sake. We fought so hard over the civil jury that people didn't want to adopt the Constitution until there was a Seventh Amendment that protected it in the Bill of Rights. Protecting the civil jury was in the Declaration of Independence. Interference of the civil jury by the Crown was a cause of war in the Revolutionary Era.

The civil jury is an institution of governance in this country. It is a big deal. Yet these supposed originalists on the Court keep tearing down, whittling away, diminishing, and degrading the civil jury because—guess what—if you are a big, powerful, well-funded lobbyist, greased corporation, or interest group, you can march around this place like a King, throwing your money around, getting everybody to bow and scrape for you, with lobbyists smoothing the path for you. You can wander into the executive branch if you have the right control and get your stooges appointed to the regulatory agencies. You can be powerful. You can get your way.

Then you have to suffer the indignity of showing up in a courtroom where you have to be treated equally before the law, where what you say has to be put to the test of perjury, where you have to turn over your real documents and not phonied-up position papers, where, if you tamper with the jury, it is a crime.

No wonder big special interests don't like civil juries, and no wonder this Court, 5 to 4, over and over again, chops away at the institution of the civil jury, but don't tell me that you are being an institutionalist or an originalist when you are attacking an institution in the Constitution—in the Seventh Amendment, the Bill of Rights. That is the work that these 80 5-to-4 partisan decisions have been doing. It has been to turn this Court, more and more, into the servant of big corporations. Guess what. Americans are paying attention.

There was a poll a little while ago that asked whether the Supreme Court favors corporations more than people or people more than corporations. The poll showed, 49 to 7, that 7 times as many Americans think the Supreme Court views corporations more favorably than people than say the Court views people more favorably than corporations. So something is out. Something is up. A foul wind is blowing. There is way too much anonymous money in and around this Court process.

It is, by the way, at the same time, the only Court that does not have a code of ethics in the Federal system. When Judge Barrett is elevated from her circuit court to the Supreme Court, she will go from a court that has a judicial code of conduct to a Court that does not. She will go from a court that requires the transparent disclosure of gifts, travel, and hospitality to a Court that requires less disclosure not only than circuit courts but less disclosure than Cabinet officials and less disclosure than Members of Congress. The highest Court has the lowest standards for ethics and transparency.

So, to all of my colleagues who have given speeches about the integrity and value of the Supreme Court and our judicial branch, I hope you will help us as we try to look at what on Earth is exactly going on over there—why amici curiae show up in Court without disclosing who they are really there for; why $17-plus million checks are being written by anonymous individuals, what the relationship is between the $250 million that poured into Leonard Leo's effort and who got chosen, and what the expectations were of the people who spent $250 million to influence the makeup of the Supreme Court; and why the highest Court has the lowest standards for ethics and for transparency.

We are not in a good place right now with this Court. The things that are happening are truly bizarre, unprecedented. It is bad enough that there should be dark money in elections—but dark money in judicial selections? Please defend that if you think that is right. If you think that big special interests should be able to write big, anonymous checks and, thereby, gain a voice in the composition of the U.S. Supreme Court, please come and defend that proposition, because I don't think you can.

It has never been the case in the Supreme Court before. It has never been the case in the circuit courts of appeal before. It has never been the case in State supreme courts, in my experience.

The dark-money influence in and around the Court is unprecedented, and it is wrong, and the American people are entitled to the truth about it.

I see I have gone into my next speaker's time a bit. So I will yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAINES). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. BALDWIN. Mr. President, last Tuesday, in my home State of Wisconsin, in-person early voting started. Over the past week, people have showed up to vote in record numbers, as they have across our entire country, because they want to make sure their voices are heard. Why? Because they know how high the stakes are for them in this election, an election that will determine our next President and control of the U.S. Senate, an election that is just 1 week away.

My position on President Trump's Supreme Court nomination has been very clear since the tragic passing of Justice Ruth Bader Ginsburg. Voters across America should be allowed to cast their ballots first and have their votes counted before this Senate votes on a lifetime appointment to our Nation's highest Court. The people should be heard first, but it is clear that the majority leader and a majority of my colleagues on the other side of the aisle have no interest in listening to the people. That is why they are rushing and ramming President Trump's Supreme Court nomination forward just days before the election.

This rigged and illegitimate process is wrong, and it follows a pattern of the majority leader and Senate Republicans abusing their power to break their own standards on Supreme Court nominations.

Back in 2016, 8 months before the election, President Obama nominated Merrick Garland to a seat on the U.S. Supreme Court after the passing of Justice Antonin Scalia. Judge Garland is a highly experienced and qualified judge, and I have no doubt that had he been given the opportunity, he would have earned more than 60 votes in the U.S. Senate. But he was never given that opportunity because the majority leader decided to deny Judge Garland a hearing and a vote in the Senate.

With the standards broken on the Garland nomination, the majority leader established a new one: no Supreme Court nominations by the Senate during an election year. Here we are in an election year. However, Majority Leader MCCONNELL has broken his own rule and created yet another new one. Instead of applying the same standard that he imposed on President Obama with the Garland nomination in March of 2016, 8 months before an election, he created a new standard now for President Trump with his nomination of Judge Amy Coney Barrett made 39 days before an election. The majority leader is rushing President Trump's nominee forward, with a Senate vote as people are voting, as we stand 1 week—1 week—before election day.

What is the rush? My home State is a national red zone for COVID–19. We are experiencing our worst outbreak of infections since the pandemic began, breaking records for new cases, hospitalizations, and deaths. Right now, people want action, support, and relief from Washington.

The House passed the Heroes Act over 5 months ago. Was there a rush for the Senate majority to take action to confront the public health and economic crisis that has only gotten worse since then? No, this legislation has been sitting on the majority leader's desk since May, while businesses have closed, millions have lost their jobs, and hundreds of thousands of Americans have died.

At the beginning of this month, the House, once again, passed an updated version of the Heroes Act to provide local communities and frontline healthcare workers with the support they need to stop the spread of this

deadly virus. This legislation provides support to workers, families, schools, local governments, and small businesses.

Was there a rush from the Senate majority to take action? No, instead, the majority leader told the White House not to support this legislation because it would divide the other side of the aisle and they needed to focus on pushing this Supreme Court nomination forward before the election.

What is the hurry? My colleagues on the other side of the aisle have been trying to repeal the Affordable Care Act and take away people's healthcare since I came to the Senate back in 2013. I remember that vote to repeal the Affordable Care Act well. It was 2017, right here on the Senate floor. As President Trump and Senate Republicans sought to repeal the Affordable Care Act, Senator John McCain did something we are not seeing from the majority now with this illegitimate Supreme Court nomination process. Senator McCain stood by his principles and gave a thumbs-down to repealing our Nation's healthcare law.

President Trump's response has been to try to do what the American people will not let this Senate do. In 2015, President Trump made clear his intentions with Supreme Court nominations when he said: ''If I win the Presidency, my judicial appointments will do the right thing, unlike Bush's appointee John Roberts, on ObamaCare.''

In May of this year he said: ''We want to terminate healthcare under ObamaCare.''

The day after he announced his nomination of Judge Barrett, he tweeted that the Supreme Court invalidating the Affordable Care Act would be ''a big WIN for the USA!''

Just last week, he said he would like to ''terminate'' the Affordable Care Act and ''we have a very good chance of doing it.''

He is right, but that is the problem. President Trump, with his Department of Justice, has supported a Republican lawsuit to overturn the Affordable Care Act completely. On November 10, 1 week after the election, the Trump-backed lawsuit will come before the U.S. Supreme Court. Judge Barrett has a record of criticizing and opposing the previous Supreme Court decisions that have upheld the Affordable Care Act. It is clear as day that the majority leader and Senate Republicans are driving a vote on the President's Supreme Court nomination in order to do what Trump wants—overturn the Affordable Care Act completely, terminate people's healthcare, and take away protections for people with preexisting health conditions.

Here is what is at stake if Judge Barrett does what Trump and Senate Republicans have been trying to do for years. Over 186,000 Wisconsinites have been infected with COVID–19, which could now be considered a preexisting health condition. These people need the guaranteed protections that our Affordable Care Act provides, and they cannot afford to have the Supreme Court terminate their healthcare. If the Affordable Care Act is overturned, over 133 million Americans with preexisting health conditions could stand to lose their guaranteed protections or be charged more, including more than 2 million Wisconsinites who have preexisting health conditions.

This issue is personal to me, as it is for so many others. When I was 9 years old, I got sick—really sick. I was in the hospital for 3 months. I eventually recovered. But when it came to health insurance, it was like I had a scarlet letter. My grandparents, who had raised me, couldn't find a policy that would cover me, not from any insurer and not at any price, all because I was a child who had been labeled with those terrifying words—''preexisting health condition.''

This is also personal for Chelsey from Seymour, WI, whose daughter Zoe was born with a congenital heart defect. Right now, thanks to the Affordable Care Act, Zoe is guaranteed access to coverage without being denied or charged more. Chelsey wrote to me: ''I'm pleading with you as a mother to fight for the kids in Wisconsin with pre-existing [health] conditions that are counting on you to protect that right.''

Her fight is my fight today. No parent or grandparent should have to lay awake at night wondering if the healthcare they have today for themselves and their children and grandchildren will be there tomorrow. The fact is, more children have become uninsured in every year of the Trump administration, and striking down the Affordable Care Act would be the final, devastating blow to children's healthcare.

If President Trump succeeds with his lawsuit and gets a ruling from the person he is putting on the Supreme Court, Judge Barrett, an estimated 800,000 children would lose healthcare insurance.

When Congress passed the Affordable Care Act over a decade ago, I led the effort in the House to include a provision that now allows young people to remain on their parents' health insurance until they turn 26. In Wisconsin, that means over 40,000 young adults in their twenties who have been infected with COVID–19. Many of these young people are likely already on their parents' health insurance plan or are receiving premium tax credits provided by the Affordable Care Act to lower costs and make healthcare more affordable.

Recently, I heard the story of Amy from Neenah, WI. Her daughter is a nursing student at Marquette University in Milwaukee. She is on her mother's insurance plan, and they are worried that if the Senate shoves this nomination forward and Judge Barrett does what President Trump says she will do, this young nursing student and future frontline healthcare worker will be kicked off her mother's insurance and lose access to her healthcare.

Kirsten from Green Bay, WI, told me her story of being diagnosed with a very serious heart defect when she was just 11 days old. By the time she was 13 years old, she had undergone 17 angioplasties. Before the Affordable Care Act was passed, she struggled to keep insurance coverage, and she doesn't want to go back to the days when insurance companies wrote their own rules and could choose to deny people coverage, charge people more, or set annual or lifetime limits on people's healthcare.

Kirsten, who is now 24 years old, said:

> Amy Coney Barrett has made it clear that she opposes the [Affordable Care Act]. With this nomination, the Republican Party is actively saying that our lives do not matter. If a decision is made on the Supreme Court nominee before the election, the American people are taken out of the selection.

The message I have heard from Wisconsin has been clear. People want to be able to vote before the Senate votes. People want their voices to be heard. People want their healthcare protected, and they certainly don't want it taken away by President Trump or his nominee to the Supreme Court during a deadly pandemic that has taken over 1,700 lives in my home State of Wisconsin and over 221,000 American lives.

I would remind my friends on the other side of the aisle that for the women I have spoken about today, as well as all American women, if the Affordable Care Act is terminated, insurance companies could once again charge women more than men, and insurance companies could stop covering basic services, like maternity care, cancer screenings, and contraception. The threat this nominee poses to women's health cannot be overstated.

The threat isn't limited to the Affordable Care Act; it extends beyond that. President Trump took office with a promise to nominate Justices and judges who would overturn Roe v. Wade. He has nominated Judge Barrett, and her judicial record reveals a firm disagreement with the Supreme Court's five decades of established constitutional protections for women's reproductive rights.

Let's all be honest with the American people. Since day one of this administration, a woman's constitutional right and freedom to make her own healthcare choices, including access to birth control, has been under assault. We know what Amy Coney Barrett's personal views are, and I know that some of you support her for them. But let's be clear. I don't oppose her because of her personal views. What I do oppose is the phony game that is being played where the people pushing this nomination forward pretend that this nominee is simply a blank slate and will consider nothing more than words on a page in her Court decisions concerning women's reproductive health.

Right now, in States across the country, Roe v. Wade is under attack, and

millions of women are at risk of losing the freedom to make their own healthcare decisions without interference from politicians playing doctor. Dozens of abortion rights cases are headed toward the Supreme Court as we speak. The stakes could not be higher for women's health than they are right now with this nomination.

We all know what Judge Barrett's judicial record is, and her public advocacy is clear. This is a nominee who has been fundamentally hostile towards reproductive health and rights. That is what is relevant here because our Supreme Court plays an essential role in protecting and upholding civil rights and civil liberties, including the constitutional right for all women to make their own personal healthcare decisions and to have access to safe and legal reproductive care.

The least this nominee's Senate supporters could do is be honest with the American people. We all know that, if given the opportunity, a Justice Barrett would overturn Roe v. Wade. Don't pretend you don't know how she will come down on this issue. You should at least have the courage of your convictions and say to the people who are voting right now in this election that you support Amy Coney Barrett's nomination because you support overturning Roe v. Wade, too, and you know she will help do it.

Just as I don't trust this nominee to protect people's healthcare or women's reproductive rights, I have no faith in Judge Barrett to respect the progress that the LGBTQ community has worked so hard to achieve.

Unlike President Trump's nominee, Justice Ruth Bader Ginsburg had a strong belief in equality for all, which was reflected in her life's work and in her judicial record on LGBTQ rights issues. In June, we again saw real progress in the Supreme Court with a landmark victory for justice and equality when the Supreme Court ruled 6 to 3 that workplace discrimination against LGBTQ people is wrong and our Nation's civil rights laws forbid it.

But we have a lot more work to do. LGBTQ people in many States can still be evicted from their homes or denied services simply because of who they are or whom they love. The House passed the bipartisan Equality Act to end this kind of discrimination well over a year ago, but that, too, has been in the majority leader's legislative graveyard and has not even received a vote in the Senate because he is afraid it just might pass.

Here we are today moving forward on a Supreme Court nominee who I believe is a real threat to LGBTQ rights—again, not because of her personal preference to oppose marriage equality; rather, because she has openly and publicly defended the dissenters in the Supreme Court's landmark Obergefell case by questioning the Court's role in even deciding that case.

Earlier this month, two of the dissenters in that case whom Judge Barrett defended previously—Justices Thomas and Alito—came out and attacked the Court's 2015 decision, which declared that same-sex couples have a constitutional right to marry under the 14th Amendment guarantee to equal protection under the law.

We just celebrated the 5-year anniversary of marriage equality becoming the law of the land, and I have no faith in Judge Barrett to protect this constitutional right.

President Trump wants to overturn the Affordable Care Act completely and take away people's healthcare and protections for preexisting health conditions in the middle of a deadly pandemic. This President wants to overturn Roe v. Wade and have the government take away reproductive freedoms for women. He has done nothing to move equality and fairness forward for the LGBTQ community and has worked to turn back the clock on hard-won progress. Judge Barrett has been nominated and will likely be confirmed by this Senate to do what President Trump wants. This nominee's complete and total unwillingness to show any independence from the President makes that clear to me.

I believe it is wrong for Senate Republicans to rush this confirmation vote before the American people have voted and our next President and the next Senate have taken office. I oppose this illegitimate process, and I oppose Judge Barrett's confirmation for a lifetime appointment to our highest Court because I do not have faith in her being a fair and independent Supreme Court Justice for the American people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, I thank the Presiding Officer for the recognition today and thank you very much for being here.

Today, the Senate is gathered in the middle of an unprecedented pandemic. More than 220,000 Americans have died, millions more have been infected, and millions more are out of work because of the resulting economic crisis. These are some of the hardest times to fall upon this Nation in decades. People are hurting. They are scared, they are exhausted, and they are looking for help.

Millions of Americans are also looking around asking how they can help in their communities. They are stepping up, whether it is as members of the essential workforce, as healthcare workers, or by donating their time or resources to a charity or local food bank. We are seeing the best of this country.

Here in the Senate, we, too, have the power to do something to help. On a much larger scale, we have the power and the duty. We could do something big to help beat this virus, to help people and businesses get back on their feet, get the kids back in school, to help make life easier for the millions who are struggling.

Yes, the Senate is gathered in the middle of a pandemic, but we aren't gathered here by the majority leader to do anything to help the American people. We aren't gathered here to do the hard work, to negotiate, to compromise, and to pass an urgently needed COVID–19 relief package that Americans are clamoring for—no. Instead, we are gathered here today to fast-track the confirmation of a far-right judge onto the U.S. Supreme Court, in the middle of a pandemic, 8 days before the conclusion of a Presidential election, with tens of millions of ballots already having been cast. It is shameful. This body has truly lost its way.

The American people are looking on in anger and disbelief as the Senate majority focuses on this nomination just 4 years after the majority in no uncertain terms said that the Senate should not consider a Supreme Court nominee 8 full months before the election. Yes, that is what Senate Majority Leader MITCH MCCONNELL said—the Senate should not consider President Obama's Supreme Court nominee a full 8 months before the election. But now he says we should install President Trump's nominee 8 days before the election. How did we get here? Why would Republicans so flagrantly violate their own rules and violate the legitimacy of the Court and Senate for this nominee? To solve that mystery, we have actually got a clue. It is on the Supreme Court schedule.

On November 10, the Supreme Court will hear oral arguments in a suit, brought by Republican attorneys general and supported by the Trump administration, to destroy the Affordable Care Act. Three years after the Senate Republicans tried and failed to repeal the Affordable Care Act in Congress, they are now trying to terminate the law in the courts. Their relentless pursuit to destroy the Nation's healthcare law knows no end, and they need to get their Supreme Court nominee onto the Bench in time to hear their case.

You have heard it many times over the last few weeks, but it bears repeating, what is happening right now, because it is stunning. Senate Republicans are rushing another far-right judge onto the bench days before the election and all in the effort to cement a conservative majority on the Supreme Court to destroy the Affordable Care Act in the middle of a pandemic.

This is all taking place under the direction of a President who has stated that the coronavirus pandemic ''affects virtually nobody.'' That is the President's direct quote—''affects virtually nobody.'' That is what he is saying about the pandemic.

Republicans want to rip away healthcare from millions of people in the middle of a public health crisis that has killed more than 220,000 Americans. They want to take away protections from millions of people living with preexisting conditions in the middle of a pandemic—a pandemic that has caused millions more Americans who have contracted COVID–19 to now have a new preexisting condition.

The President openly admits he wants the Supreme Court to do what Republicans in Congress couldn't do, and that is to demolish the ACA. ''It will be so good if they end it.'' That is the President's quote. He said that on 60 Minutes. ''It will be so good if they end it,'' speaking about what he wants the Supreme Court to do and what his Justice Department is arguing.

And the President and Republicans in Congress won't have any plan to replace what they want to destroy. After all these years of trying to end the Affordable Care Act, including a 2-year period when the Republican Party held control in the House, Senate, and White House, they still don't have a replacement for the Affordable Care Act.

If Republicans succeed and this Supreme Court nominee joins an increasingly conservative Court in striking down the ACA, the results would be catastrophic for my home State of New Mexico. The estimated 834,700 New Mexicans with preexisting benefits would face higher costs, fewer benefits, and could have trouble finding coverage.

Overturning the ACA would immediately end coverage for millions of Americans who became eligible for Medicaid through the Medicaid expansion. In fact, in my State of New Mexico, 250,000 people have coverage under that expansion. Seniors getting prescription drugs could no longer afford their medications.

It is people like Jeanne, an Albuquerque-based senior who told me recently:

> Now, like many seniors, I take a medication that is so expensive that I would reach the donut hole every year. I can't afford to pay for that medication out of pocket.

> Rural hospitals, which are absolutely critical during this pandemic, could close their doors. As Dr. Val Wangler, the chief medical officer of Rehoboth McKinley Christian Health Care Services told me:

> The Affordable Care Act is critical to the health of patients in New Mexico's rural communities. Threatening the healthcare coverage of our communities in the midst of the greatest public health crisis of our times is unconscionable.

For Indian Country and Native communities, ACA repeal would be absolutely devastating. I have heard firsthand accounts from Tribal leaders, Native families, and healthcare providers about how the ACA has improved the healthcare landscape across Indian Country—literally saving lives. The ACA has opened the doors for so many Native Americans to access the care they need, whether it is an unplanned medical emergency or routine wellness checkups and screenings.

Access to quality healthcare is critical for Native communities, which face disproportionate impacts from the COVID–19 pandemic. The Federal Government has a trust and treaty obligation to consult with Tribes and to provide Native Americans healthcare. With this rushed, hypocritical process, Senate Republicans are violating our most sacred duties to Indian Country.

We know that the Supreme Court will rule on the fate of the Affordable Care Act. That much is certain. But what other cases might this Court rule on in the near future, or in what other cases might Judge Barrett cast the deciding vote?

Well, as you have heard me mention a few times now, we are in the middle of a Presidential election—the most important election of our lifetimes. Facing an uncertain outcome at the polls, President Donald Trump has repeatedly sought to undermine the legitimacy of this election. He has lied about the safety of mail-in voting, despite the fact that he is a mail-in voter himself. He deliberately tried to weaken the Postal Service, and President Trump, along with Members of this very body are telegraphing that they want the Supreme Court, not voters, to decide this election. They want to sow enough doubt about the legitimacy of the democratic process that it has to go to the courts, and they want their hand-picked conservative judge to tip the scales for them.

You don't get to choose the judge who decides your own case. That is not how we achieve true justice in a democracy. The core of our system is having an impartial judge.

It has been shocking to watch as this President, aided and abetted by Members of this very Senate, has been so overt about his desire to put a judge on the Supreme Court who will rule in his favor in any disputed election. That is a tactic of authoritarians, not a democracy.

But in her confirmation hearing, Judge Barrett wouldn't even comment on whether a President should commit to the peaceful transfer of power, as this President has refused to do. She called that a political controversy. The peaceful transfer of power is not a political controversy. It is one of the most sacred tenets of our democracy.

What else might Judge Barrett rule on in the coming years? No doubt cases concerning the most urgent, existential crisis we are facing as a Nation—climate change. Cases to decide whether we will let big polluters do whatever they want to our air, water, and planet.

There is no denying the science of climate change. It is a real and present danger to the lives and livelihoods of people all across this Nation and the world. My home State of New Mexico is in the bull's eye, with increasingly severe wildfires and droughts.

This President is one of the few public figures left in this country who says he doesn't believe the scientists. You would hope a nominee to the Supreme Court—the highest Court in our land—wouldn't follow his lead. But Judge Barrett, again, wouldn't even comment on whether she believes climate change is real. She again said that was a political controversy.

The only place climate change is a political controversy is within the White House and within the Republican Party, and the rest of us are paying the price while they decide whether or not to believe the overwhelming consensus of the scientific community—whether or not to believe their very eyes.

There are so many other issues on which a Justice Barrett would likely rule, including a woman's right to make her own healthcare decisions. A leading advocate for women's rights to reproductive health, Justice Ruth Bader Ginsburg would be replaced with a public advocate against Roe v. Wade. The nominee signed her name to statements against Roe that ran in full-page newspaper ads, undisclosed to the Senate. She signed joint public letters against Roe. This was also undisclosed to the Senate. She gave multiple speeches to organizations dedicated to overturning Roe, undisclosed to the Senate. In a law review article, she wrote that abortion was ''always immoral.''

And after promising for years only to nominate judges who will overturn Roe, Senate Republicans suddenly are shy about it. They suddenly don't have the courage of their convictions, and they won't let the public in on their true, long-stated agenda—overturning Roe once and for all.

There is so much else at stake in this fight—on voting rights, on worker rights, and so much more, all with real human consequences for the lives of people all across this country.

Let's not lose sight of the real people who will be affected by this Republican march to overload the Court with loyalists.

With so much at stake, the American people deserve to have a say. It is that simple.

So I urge my Republican colleagues to take a step back and think about what you are doing. Think about the long-term damage you are doing to the legitimacy of the courts and to the faith of the American people that their voices are being heard.

What is at stake is more than Justice Ginsburg's seat. It is the American people's seat.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I want to thank my colleague from New Mexico for his remarks just now.

I rise today to join him and my other Democratic colleagues in opposing Amy Coney Barrett's nomination to the Supreme Court.

I want to begin by acknowledging the nature of the moment that we are in right now. We are mere days from an election day, during an election period in which tens of millions of Americans have already voted. We are grappling with a global pandemic that has taken the lives of more than 220,000 Americans, and millions are out of work.

Yet, rather than focusing on providing the comprehensive relief that lives and livelihoods are depending upon, Republicans have instead made pushing this nomination through their top priority.

The American people deserve better.

One of the most solemn responsibilities of a U.S. Senator is providing advice and consent with regard to a Presidential Supreme Court nomination. This is a lifetime appointment to the highest Court in our land, which will impact the lives of every single person in this country. The consequences of this nomination are far-reaching, and right now there is perhaps no more consequential issue than healthcare.

The Trump administration and Republicans in Congress have been relentless in their attempts to sabotage our healthcare system, repeal the Affordable Care Act, and eliminate the healthcare protections that millions of people depend on.

But for years, Republicans have failed legislatively to repeal this law. So now, instead, they have turned to the courts. President Trump said he wants to ''terminate'' the Affordable Care Act, and has said that he would nominate judges who would do just that.

One week after this election, just 9 days away, the Supreme Court will hear the lawsuit supported by the Trump administration to repeal the entire Affordable Care Act and its protections for people with preexisting benefits.

It is no secret that this is why Senate Republicans have rushed Judge Barrett's nomination through.

For some of my colleagues, this nomination is a means to an end, a way to finally repeal the Affordable Care Act, a law that has helped so many. For the American people, however, this isn't a game.

Over the course of the last several weeks, people in my home State of New Hampshire and across the country have spoken out about what the repeal of this law would mean for them, just as they have spoken out each time that Republicans have tried to take coverage away.

I recently heard from Michelle and Joe O'Leary of Atkinson, NH. Michelle and Joe's son Matty was diagnosed with a rare brain condition at the age of 4. Right now, Matty is doing well, but he requires a lifesaving brain infusion treatment at the hospital, from 4 to 6 hours every 2 weeks.

His father said that the minute that they miss an infusion, Matty's health would begin to decline rapidly.

Joe and Michelle said that on top of all of the challenges that their family experiences on a day-to-day basis, they still have to wake up each morning fearing the implications if the Supreme Court overturns the healthcare law—fearing what will happen if coverage is taken away and they can't access the treatment that their beloved Matty needs.

Joe and Michelle shared the details of this deeply personal healthcare story in order to preserve healthcare for their son and millions of others. They shouldn't have to. No one in America should have to plead with their legislators to not take their healthcare away. No one should. But they do, in the wealthiest country on Earth.

Joe and Michele are not alone. If Judge Barrett is confirmed and becomes the Court's deciding vote to overturn the Affordable Care Act, an estimated 20 million Americans could lose their healthcare coverage.

Making matters worse, in pushing this nomination through, my colleagues could undermine healthcare in the midst of a devastating pandemic.

And just as we are learning that the long-term effects of this virus will likely mean that treatment for some will be ongoing for a lifetime, the Senate Republicans are moving to overturn the Affordable Care Act—just when it is needed most. It is unconscionable.

Potentially ripping away healthcare from millions of Americans is just one of the many things at stake. Women's reproductive freedom is at risk. President Trump has said that he will only nominate judges who would overturn Roe v. Wade, and Judge Barrett has repeatedly criticized this landmark ruling that provides women with the freedom to make their own healthcare decisions, control their own destinies, and be full citizens of the United States of America.

Equality for LGBTQ Americans is also at risk. Just this month, two Justices on the Supreme Court indicated their desire to overturn the decision Obergefell v. Hodges, which delivered marriage equality to so many. Judge Barrett has previously defended the dissenting opinion in that case.

And voting rights are at risk. Judge Barrett refused to acknowledge the fact that communities of color face disproportionate obstacles in voting. Nor would she acknowledge what every lawyer and, really, most high school students know—that voter intimidation is illegal and antithetical to our basic principles.

Judge Barrett would not even give a straight answer when asked if Presidents should commit to a peaceful transition of power, an essential element of our democracy and one that we have held up as an example to the rest of the world throughout our history.

And despite asserting that she is independent and not swayed by politics, Judge Barrett's refusal to acknowledge that climate change is real—after acknowledging other scientific facts, such as the infectious nature of COVID–19 and that cigarettes can cause cancer—reveals her alignment with and responsibility to a far-right, climate-change-denying agenda.

Our founding documents gave us the flexibility and the tools to grow in our understanding of what individual freedom means and who is entitled to it. These tools have given us the power to create change and move forward, to unleash the talent and energy of previously marginalized citizens.

Our country has prospered, thrived, and led as a result. But Judge Barrett's views and her judicial philosophy are not rooted in that belief. She, instead, would constrain individual liberty and empower corporations and put the progress that so many have fought for at risk.

Republicans have moved this nomination forward in contradiction of the rules that they themselves invented in 2016. Our society and our democracy rely on the idea that all sides of political debate will play by the same rules. That means, when any faction loses, it does so knowing that it will have a fair chance in the next round. When that understanding is disrupted, it destabilizes our democracy, and it sows confusion and chaos. My Senate Republican colleagues' actions make it clear they believe that the rules do not apply to them and that they do not care about destabilizing our democracy in this way.

We should not vote on a Supreme Court nomination while an election is actually underway. For the first time in American history, we are voting on a Supreme Court nominee just days before election day. My Republican colleagues have shown they will stop at nothing to get this nominee through no matter how many rules they break and no matter how many Americans' rights are threatened. They are doing so all while people across the country are pleading with us to come together to provide more support amid a public health and economic crisis. My Senate Republican colleagues' priorities are clear, and they are an outrage.

I cannot support a lifetime nomination of an individual who puts the healthcare and basic civil rights of millions of Americans at risk. I will oppose Amy Coney Barrett's nomination to the Supreme Court, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, 1 month ago, Judge Amy Coney Barrett was selected by President Trump to serve on the U.S. Supreme Court, filling the vacancy created by the passing of Justice Ruth Bader Ginsburg.

Since then, Judge Barrett has more than proven her qualifications for this job. A respected Federal judge, educator, and public servant, Judge Barrett has conducted herself throughout this process with poise and integrity. She has certainly demonstrated her intellect, her legal acumen, and her commitment to the Constitution of the United States. She is, clearly, a brilliant jurist who interprets the Constitution as written and carefully weighs the facts of a given case.

Despite the Senate Democrats' repeated attempts to drag her into the political fray, Judge Barrett has proven that she will make her decisions based on the law rather than politics.

When I met with Judge Barrett earlier this month, I was assured that she would be guided by the law and precedents and be faithful to the Constitution. As Judge Barrett herself has said

more than once, ''A judge is obligated to apply the law as it is and not as she wishes it would be.'' She is obliged to follow the law even when her personal preferences cut the other way or when she will experience great public criticism for doing so—the law, not politics.

As a fellow Hoosier, I have had the privilege of getting to know Judge Barrett and her family over the last several years, since she was nominated to fill a vacancy on the U.S. Court of Appeals for the Seventh Circuit. When I met the then-Notre Dame Law School professor, it was abundantly clear that she was a star. My colleague at the time, former Democratic Indiana Senator Joe Donnelly, agreed with that assessment. A brilliant legal scholar, Judge Barrett was and is held in the highest regard by her peers in the legal world.

Judge Barrett's qualifications outshined personal attacks and religious bigotry, and she was confirmed by a bipartisan majority to that circuit court, and as a judge, she has more than proven her legal credentials. She has heard more than 600 cases and authored nearly 100 opinions. I should note she is the first woman from Indiana ever to serve on that esteemed court.

As I said, when I introduced Judge Barrett before the Senate Judiciary Committee earlier this month, I was proud to cast my vote for Judge Barrett in 2017, and I look forward to doing so again for Associate Justice of the Supreme Court. Three years ago, I did not hear a single credible criticism—not a single one—of Judge Barrett based on her legal qualifications, and I haven't heard one at any time throughout this confirmation process.

The Democrats have tried to make this process about anything other than Judge Barrett's qualifications. Alarmingly, they have made threats about what the consequences will be if we move forward.

First, they threatened to pack the Supreme Court if we confirmed this nominee, but we all know they were talking about this long before—long before—Justice Ginsburg's passing. By way of example, my colleague from California Senator HARRIS said: ''We are on the verge of a crisis of confidence in the Supreme Court . . . and everything is on the table.'' That is a quote from March of this year.

Senator HARRIS isn't alone. She just happens to be the most prominent at this point. In fact, according to the Washington Post, 11 Democratic Presidential candidates—5 of whom were sitting U.S. Senators—said they were in favor of or open to packing the Court.

Second, they have threatened to eliminate the legislative filibuster if we confirm this nominee. Now, folks, they wanted to get rid of the 60-vote threshold long before this vacancy on the Supreme Court ever occurred. Again, I will use Senator HARRIS by way of example: ''I am prepared to get rid of the filibuster to pass a Green New Deal.'' That was in September of 2019.

There are 18 Democrats who ran for President of the United States who supported that move, including 6 sitting U.S. Senators and 2 Governors who are now running for the Senate.

Third, they have threatened to add States to the Union if we confirm this nominee. We know that has been on the far-left's wish list for years.

These idle threats aren't going to stop us from carrying out the will of the American people, though, and confirming Judge Barrett. When we confirm Judge Barrett this week, she will be the fifth woman and the first mother of school-age children to serve as a Supreme Court Justice. She will also be the only current Justice to have received a law degree from an esteemed law school other than Harvard or Yale.

I will tell you, Hoosiers are extremely proud of Judge Amy Coney Barrett and the trail she has blazed for others. She is a role model for young women everywhere, including, I might say, my own three young daughters. I am incredibly proud that our next Supreme Court Justice will be one who hails from America's heartland—from the great State of Indiana.

I urge my colleagues to come together and carry out the will of the American people by swiftly voting to confirm Judge Amy Coney Barrett to the Supreme Court of the United States.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOZMAN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROMNEY. Mr. President, I rise today to express my support for the confirmation of Judge Amy Coney Barrett as an Associate Justice of the Supreme Court. She is exceptionally intelligent, academically astute, and impeccably credentialed. She has a record of sound opinions and temperament as a judge on the Seventh Circuit Court of Appeals. Her life experiences provide her with valuable perspective and evident wisdom. Perhaps most important, she is a woman of unquestionable character and integrity, the presence of which is essential to our Nation, as the confidence of the Court itself is in the balance. I will be honored to vote to confirm her nomination.

Mr. President, I also rise to address my concern regarding the division and contempt for others that is growing among many of our citizens. The causes of this malady are many and varied, but one to which I draw attention is the declining trust held by the citizenry in our many institutions. A democratic republic is highly dependent upon the confidence of its people in the institutions that lie at its foundation. These includes churches, schools, governments at all levels, the press, corporations, markets, and most relevant today, the justice system and the courts. Absent public confidence in these institutions, a democratic republic will not thrive or perhaps endure.

Fortunately, the Supreme Court enjoys a great deal of respect from the American people. Unfortunately, the third branch may be one of the few institutions of our democratic republic that is not experiencing a collapse in public trust.

Our churches have been diminished by scandal and by politicization.

Trust in local law enforcement has fallen as we have witnessed some officers, who have sworn to protect our communities, endanger the lives of citizens. While this is particularly true for citizens of color, the demonstrations by millions of Americans are evidence that the distrust is broadly shared.

Trust in the FBI and the intelligence community, long admired for their integrity and professionalism, has withered with the attacks by politicians from both parties, though admittedly my party has been the more vocal. What a message it sends when the President accepts the word of the Russian President rather than the conclusions of our intelligence agencies.

Even the CDC and the FDA have fallen in credibility, due both to inevitable human error and to blistering political attacks.

The free press is not only protected by the Constitution; it is critical to the preservation of democracy. Here, too, charges of ''fake news'' and claims that the press is the enemy of the people—worsened by the media's constant amplification of divisiveness—have so diminished the trust many Americans have in the media that they instead believe bizarre, anonymous conspiracy theories on the internet.

Now, more than at any other time during my lifetime, it is essential the Supreme Court retain the trust of the Nation. It may be one of the very few, if not the only, of the institutions in which the great majority of Americans have confidence. That is why Judge Barrett's integrity, wisdom, and commitment to the rule of law is so important: She will be critical to the preservation of the public's perception of the legitimacy of the Court.

Judge Barrett wrote in a Texas Law Review:

> If the Court's opinions change with its membership, public confidence in the Court as an institution might decline. Its members might be seen as partisan rather than impartial and case law as fueled by power rather than reason.

Consideration of institutional legitimacy has long been a factor in the Court's deliberations. But I would argue that this factor should be given even greater weight today, as so many of our other institutions are diminished and under attack. This would be particularly true were the Court called upon to decide a matter that would determine the outcome of a Presidential

election. In my view, it is of paramount importance that such a decision follow the law and the Constitution where it leads, regardless of the outcome, and thereby be beyond reproach, clearly nonpolitical, and preferably unanimous.

The Senate will soon send Judge Barrett to the highest Court in the land. I am confident that she is up to the measure of the times in which we now live. May God bless her and her family as they begin this chapter of service to our Nation.

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

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

Mr. THUNE. Mr. President, later today we will confirm Amy Coney Barrett to the Supreme Court. By now, I don't need to tell anybody that she is one of the most highly qualified Supreme Court candidates in living memory. Her appearance before the Senate Judiciary Committee was a master class in what a Supreme Court Justice should look like, which is probably why a majority of voters want the Senate to confirm this outstanding nominee to the Nation's highest Court.

A CNN anchor recently pointed out that, ''in another age . . . Judge Amy Coney Barrett would be getting 70 votes or more in the United States Senate . . . because of her qualifications.''

That is unquestionably true, but, unfortunately, it is extremely unlikely that Judge Barrett will be collecting 70 or more votes later today because, for my Democratic colleagues, this has never been about Judge Barrett's qualifications. Democrats were never going to support this nomination, no matter how supremely qualified the individual in question. The President could have nominated the wisest, most outstanding jurist in the history of the world, and Democrats would still be opposing this nomination—in large part simply because it was made by this President.

Democrats had their talking points ready from the beginning—the same talking points that they trot out for every Republican Supreme Court nominee. The sky will fall if this nominee makes it on to the Court, they cry. Minorities will suffer. Women will suffer. Americans will lose their healthcare. They have used that one a lot this time.

Democrats would like to convince Americans that Republicans are trying to confirm Judge Barrett to the Supreme Court for the sole purpose of eliminating the Affordable Care Act and protections for preexisting conditions. It is a ludicrous charge. Every Republican—every Republican—in the Senate supports protections for preexisting conditions, but apparently that doesn't matter to Democrats.

The truth is, Republicans have no idea how Judge Barrett would rule on any particular ObamaCare case. The facts of each case are unique, with unique legal and constitutional issues.

What we do know is that Judge Barrett will approach each case without prejudices or preconceived notions. We know that she will examine the facts of the case, the law, and the Constitution, and make her decision based solely on those criteria—not on her political beliefs, not on her personal opinions, just the law and the Constitution, no matter which party drafted any legislation in question. That should reassure Democrats, but it doesn't because, for many Democrats, their primary concern in confirming judges is not whether they will uphold the law but whether they will deliver the policy outcomes that Democrats want.

That is why some Democrats are threatening to resurrect the long-discredited idea of court-packing, should they return to the majority. They are not sure that they can rely on a Supreme Court with Judge Barrett to deliver the policy outcomes that they want. So they want to add Justices to the Supreme Court until they can be sure that they will get the results that they desire. One has to wonder where this will end.

Let's say Democrats add three more Justices to the Court. Then, when Republicans take the majority back, we add three more Justices to counteract the Democrats' power grab. Then Democrats get back in power and add still more Justices. It won't be long before the members of the Supreme Court are more numerous than the Members of the U.S. Senate.

In addition to trying to scare Americans by suggesting that Republicans are trying to take away Americans' healthcare, Democrats have also tried to delegitimize the process. They have tried to suggest that it is wrong for Republicans to take up this nomination in an election year because Republicans didn't confirm Merrick Garland when President Obama nominated him in an election year. I am not going to spend a lot of time on this because the Republican leader, myself, and others have spent ample time demonstrating that confirming Judge Barrett is well within historical precedent.

But I will say this: The Constitution of the United States gives the Senate the power to advise and consent to nominations made by the President. The Senate has full authority to accept or reject the President's nominations at any point in time during a Congress or President's term. There is no constitutional carve-out for election years. The minority party may not always like it when the majority confirms a nominee, which I completely understand, having been in the minority myself. But that doesn't mean that the majority party is doing anything wrong by proceeding with a nomination.

I also have to ask: Are Democrats seriously suggesting that if they were in the same position—if they were in the majority in the Senate and the President were a Democrat—they would decline to approve a qualified jurist to the Supreme Court simply because the vacancy had occurred in an election year? I think everyone knows that if Democrats were in the same position, they would absolutely confirm a Democratic nominee to the Court—as they repeatedly urged us to do in 2016—and they would be well within their constitutional rights to do so, just as Republicans are well within our constitutional rights to confirm Judge Barrett.

Before I close I would like to touch on another claim the Democratic leader keeps making—that Judge Barrett's nomination is somehow distracting Republicans from the COVID crisis or that her nomination is preventing us from taking up COVID legislation.

That is flatout false. The Senate is capable of focusing on more than one important issue at a time. In fact, it is pretty much a requirement of our job that we be able to do so. Has the Democratic leader forgotten that Republicans tried to bring up additional COVID relief legislation literally just days ago and that Democrats, led by the leader, filibustered and that they did the same thing when we brought up COVID relief legislation in September?

Republicans have been ready to pass additional COVID legislation for months. The only reason we haven't passed it already is that Democrats have refused to agree to any compromise legislation that could actually make it to through the Senate and to the President's desk.

I am hoping that sooner rather than later, my friends on the other side will see the value of working together to provide real relief to our fellow Americans. This disease doesn't recognize party differences, and I am hopeful that my colleagues will realize that passing COVID relief shouldn't be a time for insisting on partisan priorities.

It is unfortunate that Judge Barrett's nomination has been overshadowed by so much partisanship from Democrats, but ultimately what matters is that we are confirming this outstanding nominee.

As I said yesterday, I came to the Senate with the hope of putting judges like Amy Coney Barrett on the bench: thoughtful, intelligent men and women with a consummate command of the law, and most of all—most of all—with a clear understanding that the job of a judge is to interpret the law, not to make the law, to call balls and strikes, not rewrite the rules of the game.

I am very proud to cast my vote to confirm Judge Barrett, and I look forward to calling her Justice Barrett in the very near future.

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

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

Mr. BLUMENTHAL. Mr. President, as august and impressive as this setting is, what is happening today is not normal. We have said it numerous times, but we should say it again because we need to prevent it from becoming normal.

In fact, what is happening today is sad, surreal, even shocking. We are 8 days away from an election. In an unprecedented rush to confirm a Supreme Court nominee, we are taking the place of the next President and the next Senate in confirming the next Justice, even as the American people are denied a voice and a say in that decision.

What is happening here is not normal because our Republican colleagues have explicitly broken their word. We have submitted to the Judiciary Committee quotes from 17 of them promising that there would be no confirmation of a next Justice during an election year.

It is not normal because, in fact, historically, no Justice has been confirmed after July in an election year.

It is not normal because we are here, in the midst of a pandemic, confirming a Justice who would potentially decimate our healthcare system now in the middle of a healthcare crisis.

It is not normal because the administration has said, as recently as Sunday, through its Chief of Staff, there is no control over this pandemic. This abject surrender is shameful and disgraceful.

And it is not normal because the American people have a right to expect from us in this body that we would address that pandemic and that we would pass another pandemic relief bill. It has passed the House. All we need to do is vote.

In fact, on Saturday afternoon, I came to the floor with a number of my colleagues and offered, by unanimous consent, measures that have passed the House by a bipartisan majority, but there was objection to moving forward. My Republican colleagues, in objecting, said it is procedural harassment. I beg to differ. It is democracy. It is democracy to address the needs of the American people. That is what is normal in the Congress of the United States, or at least it should be.

The fact is that our Republican colleagues are shattering the norms and breaking the rules and breaking their word, and there will be consequences. There inevitably are consequences when one person breaks her or his word to another.

But there is a larger significance here, which is that Amy Coney Barrett, as a member of the U.S. Supreme Court, will shift radically and dramatically the balance politically on that Court. It is an unelected body with lifetime terms, which is the antithesis of the elected bodies that serve in the U.S. Congress or the elected President, and this radical shift will shatter the legal fabric of that Court.

Now, I know that my Republican colleagues will refuse to acknowledge it, but, in fact, it is part of an agenda—a rightwing agenda—that has existed for some time to move the Court to that radical extreme fringe. In fact, they have turned the U.S. Senate into a kind of conveyor belt of judicial appointments not just to the Supreme Court but to Federal courts at every level.

Dark money is the vehicle for turning the U.S. Senate into that conveyor belt. As we have documented as recently as Friday, through a report that we produced, showing how the NRA has been at the tip of the spear of a movement involving shell entities making contributions, receiving money, and channeling it to Members of this body who have confirmed those nominees so that that dark money produces appointees to the Federal bench.

Amy Coney Barrett is part of that conveyor belt. She is only the latest of the appointees who threatens to shift not just the Supreme Court but the Federal judiciary radically to the right. The purpose is to achieve in the courts what our Republican friends and the radical right and the fringe elements of the Republican Party couldn't accomplish in the legislatures. They couldn't achieve in the State legislatures or in the Congress what they now seek to do by legislating from the bench through activist judges who will tilt our entire political system against the majority will.

The agenda is essentially to constrain and constrict and even cripple the healing and helping power of our Federal Government under the guise and the smoke screen of originalism. They want to restrict and constrain the vision of an expanding individual's right to essential liberties. They want to constrict, instead of expand, an increasingly inclusive America. And that judicial philosophy is what underlies disappointment of Amy Coney Barrett. They want to legislate from the bench and achieve in the courts what they couldn't achieve in our elective bodies because they are losing in those elective bodies.

As Shannon Watts, a leader of Everytown, said to me the other day: They are going to the courts, not because we are weak in achieving measures against gun violence but because we are growing stronger and stronger.

In fact, there is a grassroots movement composed of Everytown, Moms Demand Action, Students Demand Action, Gifford, Brady, Connecticut Against Gun Violence, Newtown Action Alliance, and Sandy Hook Promise—all part of a grassroots movement that is moving America toward protecting against gun violence.

But Amy Coney Barrett has a view of the Second Amendment that she has acknowledged in a speech ''sounds kind of radical.'' That is a quote—''sounds kind of radical.'' It sounds kind of radical because it is kind of radical, and that radical view is losing in elective bodies, in State legislatures, and in local governments that are moving to protect people against gun violence.

We see the same phenomenon on healthcare, on reproductive freedom, and on voting rights. The majority of Americans want to expand the inclusiveness of America and the vision of individual rights and liberty, not roll them back, not turn back the clock to this originalistic textualism that underlies Amy Coney Barrett's philosophy. She will bring that philosophy to the Bench, as she has done on the Seventh Circuit as a member of the court of appeals there. That is the danger, and that is the alarm we are sounding here.

The Affordable Care Act is about protecting people who have preexisting conditions, but it is also about protecting children who are on their parents' healthcare policies until the age of 26. It is about lowering the cost of prescription drugs. It is about making more widely available healthcare by providing subsidies to folks who need the help. It is about banning insurers from charging women more just because they are women.

Preexisting conditions affect 130 million Americans; in Connecticut, 1.5 million residents of our State—52 percent of our population. Preexisting conditions are diabetes, asthma, heart disease, high blood pressure, and now COVID–19. Yes, COVID–19 is a preexisting condition because of the damage that may be done to lungs, hearts, livers, and other organs.

In the midst of a pandemic of COVID–19, this administration is putting on the highest Court in the land a Justice who would strike down that protection. Of course, they have a ruse. It is called severability. Our Republican colleagues say: Don't worry; the Court can strike down one provision and keep the whole law—or the rest of it in place.

Severability—you sever the part that is unconstitutional. It is a doctrine of law. But that is not what the U.S. District Court held in striking down the Affordable Care Act in the case that is now before the U.S. Supreme Court—the same case that will be argued on November 10, where Judge Barrett will sit, assuming she is confirmed today. The U.S. District Court didn't hold that it was severable. On the contrary, it struck down the whole law. The Court of Appeals for the Fifth Circuit didn't hold that it was severable.

The administration is not looking for severability. It says: Strike down the law. The President of the United States says: It couldn't come soon enough. Eliminate the Affordable Care Act in total, including the protection for people with preexisting conditions. They promise to replace it.

The President's Press Secretary handed to Leslie Stahl, after his ''60 Minutes'' interview, the supposed plan, a replacement, which was absurdly a

collection, apparently, of past Executive orders, other documents—completely irrelevant and inadequate as a supposed replacement. So this idea of severability is another ruse.

Our Republican colleagues also say our fears are ''apocalyptic.'' The majority leader used that word yesterday—''apocalyptic.'' It is not apocalyptic if you have a preexisting condition. It is not apocalyptic if you care about the people who have preexisting conditions. It is not apocalyptic if you have lived through the excruciating pain and anguish and anxiety, as the Curran family has, of having a child with a preexisting condition.

Let me introduce you to Connor Curran, a 10-year-old—in fact, he just celebrated his 10th birthday in Ridgefield; I was with him that day—who has Duchenne muscular dystrophy. I have told his story on the floor in this place numerous times over the course of these past years since I first met him about 5 years ago. Connor is a hero. There are few in this body who could claim to have had his courage and perseverance at that age—maybe at any age. His smile lights the world. His courage is matched by his parents.

I introduced Connor to Amy Coney Barrett at the hearing because I wanted her to know the impact on real people and real lives, the real harm that would be done if the Affordable Care Act is struck down.

Connor has survived this debilitating disease because of treatment his parents couldn't have afforded without the Affordable Care Act. It is that simple. They wrote to me asking me to make a plea to Amy Coney Barrett: Please don't take away Connor's healthcare. They asked me to ask her to make a pledge—doctors make this pledge—first, do no harm. First, do no harm.

I don't know whether Amy Coney Barrett heard or saw Connor. Of course, his poster was there when I told his story. I don't know whether the impact of that story will move her, but my hope is that it will, and my hope is—or was—that it would move my colleagues, because the real harm to real people is not only about Connor Curran, this brave boy who will lose his ability to walk and his ability to hug and then to hold hands, to play with his brothers. And in spite of all of it, he has demonstrated that perseverance and courage that I hope will move this body, even in this closing hour, to respect the importance of the Affordable Care Act. Others, like Julia Lanzano, who has treatment for a brain tumor because of the Affordable Care Act, and countless others who have that kind of treatment, are enabled by the Affordable Care Act to do so.

It may seem to my Republican colleagues apocalyptic but not to Connor Curran and his family.

Tens of times, Republicans in this Senate have sought to repeal the Affordable Care Act. They failed. Now they are trying to do it from the courts—legislate from the bench through an activist judge like Amy Coney Barrett.

They are rushing this nomination not only to strip away healthcare from people like Connor, but they also want to end a woman's right to decide and choose when and whether and how to have a family.

I want to emphasize something to my Republican colleagues that I hope they hear. When you take away a woman's right to make that decision, when you turn women who seek an abortion into criminals, when you make doctors performing abortions guilty of crimes, you don't end abortion. You make getting an abortion more costly. You make getting an abortion more excruciatingly difficult. Most importantly, you make it more dangerous—literally dangerous. Hundreds of women died every year seeking unsafe abortions before Roe v. Wade protected their right to choose.

I remember that era because I was a law clerk to Justice Harry Blackmun on the U.S. Supreme Court shortly after he wrote the majority opinion in Roe v. Wade, and we thought the issue was resolved: Women have the right to make that choice, legally.

But far from resolution, what we see is a continued assault on that right. Now Republicans have stacked the bench with activist judges ready to chip away at reproductive rights and even reverse Roe, chipping away at it through State legislatures—restrictions on clinics, the width of their hallways, the requirement for admitting privileges.

We can be sure that victims of rape or incest will be forced to carry an abuser's child if those restrictions are upheld or Roe is reversed. If you doubt it, let me introduce you to Samantha.

One night in January 2017, Samantha went out with a few friends and coworkers. She woke up the next morning in a coworker's home, confused, scared, and covered in her own blood. She had been raped.

After she was raped, Samantha was, in her own words, a zombie. She just wanted the event to be erased from her memory. That March, Samantha took a pregnancy test, and then another, and then another. They kept coming back with the same result—pregnant.

After the horrible violence she faced, she simply couldn't process that she was now pregnant. She chose to have an abortion.

When Samantha shared her story with me, she wrote: ''I knew that, if I couldn't end this pregnancy, it would end me.''

Reversing Roe v. Wade will matter for Tracy, also from Connecticut, a woman I met, also courageous and honest. Tracy was diagnosed with stage IV endometriosis, which caused an ongoing inability to have a healthy pregnancy.

But she was, as she describes it, ''one of the lucky ones.'' She had access to care and was able to receive in vitro fertilization treatment to assist in getting and staying pregnant. But Tracy was scared when she saw that a group that sponsored an open letter, signed by Judge Barrett, had recently stated that they wanted to criminalize having a child through IVF.

In a world without Roe, there will be nothing to protect against a law making it a crime for a woman to do what Tracy did and for a doctor to perform that medical procedure which enables her to achieve her lifetime dream of having a child.

Sadly, we don't have to wonder what Judge Barrett's position on a woman's right to choose will be. She signed a letter calling Roe v. Wade ''infamous'' and called for ''the unborn to be protected in law.'' That is her legal view, her position on the law.

I didn't ask her in the hearing about her personal views or her religious faith—those issues are private—but her position on the law, just as she left no doubt about her view of the Affordable Care Act when she wrote that Chief Justice Roberts stretched that measure beyond its true meaning in order to uphold it—I am paraphrasing—or said about King v. Burwell, upholding the Affordable Care Act, that the dissent had the better of the legal argument.

In another letter signed by Judge Barrett, she called Roe v. Wade's legacy ''barbaric.'' We know what Judge Barrett will do about the Affordable Care Act and about reproductive freedoms because she has been screened and vetted. There is no mystery. Donald Trump has said he would impose a strong test—his words—and that strong test was to strike down the Affordable Care Act and overturn Roe v. Wade.

We cannot go back. We cannot roll back these rights. We cannot turn back the clock to an America that banned abortion in many States, drove it underground, and made vital healthcare services dangerous and even deadly. We can't go back to an America where the rich and privileged can find a way out of unintended pregnancy but the rest of America is denied that access to healthcare.

There is a racial justice element here because the ones who will suffer, predominantly and disproportionately, are women of color, women of lesser means financially, who live in those States and cannot travel to others like Connecticut, where Roe v. Wade was codified in statute when I was in the State legislature as a State senator. I helped to lead that effort to codify it in statute. But Connecticut's law won't help the woman in Texas or Louisiana who is denied that right.

Make no mistake, this threat is not some abstract, hypothetical notion in the future, some apocalyptic vision of what might happen in the United States of America. We are one step away. In fact, there are 17 abortion-related cases that are literally one step away from the U.S. Supreme Court. There are cases like SisterSong Women of Color Reproductive Justice Collective v. Kemp, a case currently before

the 11th Circuit involving a challenge to a ban on abortion as early as 6 weeks into pregnancy, before many women even know they are pregnant.

There are cases like Memphis Center for Reproductive Health v. Slatery, a case challenging an escalating ban on abortions at 6, 8, 10, 12, and so on weeks into pregnancy, depending on where the Sixth Circuit deems it appropriate for a woman to lose the right to choose for herself when and whether to have a child.

There are additional cases involving bans on abortion later in pregnancy, when women can face the most severe health risks and rely on their doctors for accurate information and compassionate care.

There are ''reason-based bans'' that merely exist as a pretext for interrogating and intimidating women who seek an abortion.

There are cases like Planned Parenthood Gulf Coast v. Rebekah Gee, which challenged years of inaction by the State of Louisiana on a Planned Parenthood affiliate's application for a license to provide needed abortion care.

There are other challenges to redtape laws that require abortion providers to jump over obstacles—needless, senseless hurdles that serve no medical purpose but exist just to burden them and make necessary abortion services harder to obtain—and numerous other abortion laws designed to limit access, strictly to limit access in the supposed name of healthcare.

Access to reproductive healthcare is already hanging by a thread in many States across the country. Judge Barrett's nomination imperils the access that remains, and these cases are just one step away from the highest Court—at least 17 of them, one step away from the Court that Amy Coney Barrett will join.

Reproductive rights are not the only rights at stake in this nomination. Voting rights hang in the balance as well. For years, Republicans have decided that they are willing to suppress the vote if it helps them to win election. This fundamental assault on our democracy has taken many forms, and we have seen them across the country as recently as this election, ongoing, in realtime.

Republican-appointed judges have worked with Republican elected officials to allow suppression action to take effect and be sustained. These judges proclaim themselves to be originalists, but they betray provisions of the Constitution, the 14th and 15th Amendments, that our ancestors fought a civil war to secure: equality and the right to vote.

A civil rights movement, a century later, secured the passage of the Voting Rights Act and made those rights real for many Americans. People marched, some died to pass that law. But this conservative Supreme Court betrayed the legacy of Lincoln, Martin Luther King, and JOHN LEWIS when it gutted the Voting Rights Act in the Shelby County case, and this Court continues to attack voting rights and it will continue under Amy Coney Barrett.

Howard Porter, Jr., a Black man in his seventies with asthma and Parkinson's disease, was a plaintiff in one of those cases decided just this month. Howard simply wanted to be able to cast his vote safely, without contracting COVID–19.

He wrote to the court:

> So many of my ancestors even died to vote. And while I don't mind dying to vote, I think we're past that—we're past that time.

On a partisan vote, the conservatives on the Supreme Court disagreed.

Amy Coney Barrett will join them, and rushing this nomination on the eve of the election means that she will join them possibly to vote on the election itself while on the Court.

Is that view apocalyptic? Not if you believe Donald Trump, who said the reason why he wants a ninth Justice is to decide the election, not the voters—the Supreme Court. He said the quiet part out loud—and so did a number of my colleagues in our Judiciary Committee meeting. He said: This election will end up in the Supreme Court, and ''I think it's very important we have nine Justices.''

And when I asked Amy Coney Barrett if she would recuse herself from a case about this election as a result of these comments, she refused to answer or commit.

I call on her to postpone her taking the oath of office until after the next President of the United States is inaugurated. Why not remove any doubt about conflict of interest, any question about the legitimacy of whatever decision may be necessary by the Supreme Court by postponing her investiture. I ask her to make that commitment and for my colleagues to join in that call and for the President to respect it.

This nomination is not just about healthcare; it is also about the assault on a woman's right to choose, on voting rights, and it is about whether governments can enact reasonable, sensible gun violence protection laws to keep America safe.

I want to tell you, finally, about Natalie Barden. Natalie is 18 years old. She was 10 when her little brother Daniel was killed at Sandy Hook Elementary School in Newtown, CT, on December 14, 2012. Daniel was 7 at the time. He was one of 20 innocent, beautiful children and a sixth grade educator who were killed that tragic morning.

I was at the firehouse not long after. I witnessed the unspeakable grief on the faces of parents and families whose children were gunned down, families who realized that some of those children were not coming home.

Eight years later, Natalie says that her grief is still real. Her crusade for gun violence prevention measures inspires me. So does the work of her parents and other families there in Newtown and across the country—survivors I have met, families I have come to know and respect and admire.

What happened at Sandy Hook, sadly, was not an isolated abhorrent incident; it is part of an epidemic, a scourge, a public health menace of gun violence. In the last 10 years, gun violence has taken more than 350,000 lives in rural communities and urban communities and every community in between. No community is immune. None of my colleagues' communities can claim they are immune.

Judge Barrett's view of the Second Amendment—that it would give felons, for example, the right to buy or possess firearms; that it would put the burden on the government to prove they are dangerous; a view that she acknowledges sounds kind of radical—would potentially result in striking down the laws that Natalie has crusaded to achieve; that Janet Rice of downtown Hartford, who lost her son Shane, believes can help save lives because, in fact, those gun violence prevention measures can save lives.

Universal background checks; closing the Charleston loophole; Ethan's Law, named after Ethan's Song, who perished because of an unsafely stored weapon—these measures can help save lives. A ban on ghost guns, untraceable because they have no serial numbers; a ban on high-capacity magazines—these laws can help save lives. But with Amy Coney Barrett's nomination, every single gun violence prevention measure at every level of government is in grave peril because she will join others on that Court who believe with her in this radical agenda of striking down those measures.

Tabitha Escalante of March for Our Lives said to me the other day: ''Nothing less than everything is at stake.'' And that is because, again, there are cases literally one step away from the highest Court, including Duncan v. Becerra, where Judge Kenneth Lee on the Ninth Circuit became the first Trump-nominated judge to rule that a ban on high-capacity magazines violated the Second Amendment. That outlier opinion flouted the unanimous consensus of other Federal appeals judges who have upheld large-capacity magazine bans in their State. There are numerous other cases that involve measures that help save lives—one step away from being struck down.

My Republican colleagues have the majority. They may have the votes to push this nomination through today, but they don't have the American people, and they don't have history on their side. They are doing it because they can, because they have the votes, but Americans can do something too. They can vote. They can show they want gun violence protection measures and reproductive freedoms and the Affordable Care Act and voting rights and workplace safety. They don't want an America that rolls back to an originalistic view, a smokescreen that constricts rights and liberties.

There is something larger than just one Justice and one vote at stake here. Nothing less than everything is at

stake—a shift in the balance of the Court that will last for decades if we do not act to correct, and believe me, there are appropriate measures that should be considered. The American people have the power in this election to speak out and stand up to protect their own health, the public health, and the health of our democracy.

I fear for the Supreme Court's legitimacy. I revere the Supreme Court, having argued before it, having clerked on it. Its legitimacy depends on faith and trust. We must act to restore the credibility and legitimacy of the Court, which has been so gravely imperiled.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS.) The Senator from Washington.

Mrs. MURRAY. Mr. President, Justice Ginsburg was the first Supreme Court Justice I ever voted for and a North Star for me and so many others whose futures were irrefutably made possible in part by her life and her work.

I pledged I would do everything in my power to honor her last wish—that the next President fill her vacancy—not just because Justice Ginsburg was a legal giant who can never be replaced but because I understand, like she did, that making such a momentous decision so close to an election could exacerbate our Republic's challenges and spin our democracy into chaos.

That is why I have been fighting so hard to push my colleagues to stop this charade and to just wait a few weeks. We should not be voting on this lifetime appointment while the American people themselves are in the middle of voting, of telling us how they want this country's future to look.

This is all made even worse by the fact that we are in the middle of a pandemic, and instead of working with Democrats to pass serious relief our communities are calling out for, Republicans are refusing to do anything but jam this anti-healthcare judge on to the Supreme Court.

Over the last 3 years, I have seen Republicans rubberstamp hard-right judicial nominees like it is all they came here to do, but watching them ignore the clear wishes of the American people, explicitly reject attempts to help families and communities get through this pandemic, and press on with this grotesque power grab—it is a new low for this body. It is a new low for our country and for the people we serve.

As I have made clear, I will be voting against Judge Barrett's confirmation, just like I voted against her confirmation to the Seventh Circuit Court of Appeals, against Justice Kavanaugh and Gorsuch and against so many other Trump-nominated judges who, whether they admit it or not, are part of a Republican strategy to roll back our hard-won progress.

Judge Barrett clearly fits the same mold as the more than 200 partisan judges Senate Republicans have fast-tracked onto the Federal bench who are anti-healthcare and anti-abortion but pro-big business and pro-wealthy special interests.

This was all reinforced during the sham nomination process as Senate Republicans and Judge Barrett tried to downplay their own litmus test.

Judge Barrett was asked to affirm the constitutionality of the law that protects healthcare for hundreds of millions of Americans. She refused.

She was asked to affirm the long-standing ruling of Roe v. Wade as a superprecedent. Not surprisingly, given her record includes a statement calling Roe ''barbaric,'' she refused.

She was asked to affirm the constitutionality of the ruling that allowed same-sex marriages and opened up a new chapter of equality for LGBTQIA+ couples. She refused.

She was asked to affirm that climate change is causing air and water pollution. Yet, even on this matter of scientific fact, Judge Barrett refused to answer, and that was apparently exactly what Senate Republicans hoped she would do.

The lack of transparency from Judge Barrett and Senate Republicans is concerning, not because we don't know where they stand—we do—but because they are so comfortable obfuscating cold facts about Judge Barrett's record and judicial philosophy as well as their own previous statements, as if they are not real.

For example, in 2016, they were adamant that when the Supreme Court loses a Justice in an election year, the people's voices should be heard before the vacancy is filled. For 8 months, they refused to hold a hearing on President Obama's nominee, Merrick Garland, but now, even as the American people are in the process of voting, Republicans are trying to ignore their voices. Not on my watch.

I recently asked people in Washington State to share their personal stories about what is at stake for their families. The response has been overwhelming, and the stories have been alarming.

I have heard from people whose stories show how different life was before and after Roe v. Wade and how much would be lost if reproductive rights were rolled back.

I have heard from people who fear their right to marry or adopt a child or start a family could be lost.

I have heard from people who are worried they will die if Republicans get their way at the Supreme Court and take away the healthcare and protections they rely on.

Republicans may want to pretend the stakes are not this high, but they don't have to take my word for it; they can listen to their own constituents and look at their own records.

For Republican Senators to stand here and tell families ''not to worry'' is kind of like the captain of the Titanic passing out umbrellas and telling passengers that is all they need—with one key difference. Republicans have made clear from the start that hitting the iceberg is not an accident; it is the plan.

Despite the fact that climate change is an existential threat—something the vast majority of the public understands—Republicans continue to cower to a President and special interests who insist it is a hoax.

Despite the hard-fought progress for LGBTQIA+ rights, they have stood by this President who undermines them at every turn.

Despite the fundamental importance of the right to vote, they have blocked our efforts to restore and secure those rights and protect our democracy.

Despite what they would have you believe, Republicans have tried time and again to end protections for people with preexisting conditions and upend healthcare in our country.

If the failed TrumpCare vote from a very few years ago is too painful or distant a memory for Republicans to revisit, they are at this very moment championing a lawsuit that would do all the harm of that bill and then some. Who is going to hear that lawsuit? The deciding vote could be a Justice picked by a President who vowed—vowed—he would only choose nominees who will rule against protections for preexisting conditions, who thinks that would be a ''big win,'' and who said just last week that he hopes that happens.

It is no mystery why President Trump nominated and Republicans are rushing to confirm a judge with a record of hostility to the Affordable Care Act.

It is no secret that a victory for them would be a disaster for families across our country. If you don't believe me, ask Mays from SeaTac, WA, who lives with sleep apnea, asthma, prediabetes, complex post-traumatic disorder, and hypothyroidism. If Republicans succeed in this lawsuit, she would lose her Medicaid expansion coverage and access to care, meaning her conditions could deteriorate, increasing her risk of diabetes, coma, or dying in her sleep.

If you don't believe Mays, then ask Rhiannon from Arlington, WA, who has type 1 diabetes and could get kicked off her parents' insurance plan if Republicans win this case at the Supreme Court. As she wrote to me, ''Right now the ACA is the only hope I have of living past 26.''

If you don't believe Rhiannon, ask Madeline, who has a medical condition which makes pregnancy fatal. For Madeline, affordable healthcare coverage—coverage that includes access to birth control—is absolutely essential, as is the right to an abortion. If Republicans get their way, insurance companies would no longer have to cover birth control, even though a pregnancy for Madeline would be life-threatening.

Things get even worse for her if Republicans overturn Roe v. Wade. Last year, when Madeline learned that, despite being diligent about her birth control, she was pregnant, she knew what she had to do. She had to get an abortion. It was safe; it was legal; it

was totally her decision; and it was lifesaving.

But if Judge Barrett were Justice Barrett, if the right to abortion were a thing of the past, Madeline's pregnancy would have been a death sentence. As she put it, ''This isn't a right vs. left issue for a lot of us, it's life or death—and knowing [that] is at stake . . . is terrifying.''

Madeline isn't the only person who is terrified. If Republicans win their lawsuit, over 130 million people with preexisting conditions like Madeline could be charged more for their health insurance, have benefits excluded, or be denied coverage entirely.

Over 20 million people like Mays and Rhiannon could lose coverage for Medicaid expansion, the exchanges, or their parents' plans. Insurance companies could exclude essential health benefits countless other patients rely on, like prescription drugs or maternity care or therapy or wheelchairs or much more.

Half the country could be charged more for health insurance just because they are a woman. Seniors could face thousands more in healthcare costs with the return of the age tax and the Medicare doughnut hole. Lives of people with disabilities could be upended if they lose access to home- and community-based services that help them live independent lives or if insurance providers can discriminate on the basis of disability by denying coverage or charging more.

And people with expensive healthcare needs—cancer diagnosis, a medically complicated pregnancy, a fight with COVID–19—could be left with an enormous bill since insurance companies won't have to cap patients' out-of-pocket costs but will be able to place annual and lifetime limits on their benefits.

And we cannot forget the communities of color who already face worse outcomes due to systemic racism in our healthcare system who would be hit hardest by so much of the damage of the Republicans' healthcare lawsuit.

Healthcare isn't all that is at stake for families—far from it. Fundamental rights and protections and opportunities for workers are on the line. The fate of immigrants and refugees and asylum seekers—families and Dreamers who came to our Nation in search of a better life and brighter future are on the line. And hard-fought victories for the LGBTQIA+ community are on the line.

Matthew, in my home State of Washington, and his husband were able to marry, to adopt, and fortunate to be able to form a loving family. But that might not be possible for LGBTQIA+ couples like them in the future if the highest Court in the land turns back the clock and refuses to see them as equal under the law.

The bottom line is that this Supreme Court fight is not about politics. It is about the lives of hundreds of millions of people. If Republicans don't believe my constituents, I invite them to ask their own. I encourage them to listen because I guarantee people across the country know what Republicans have been saying, know exactly what Republicans are voting for, and they are speaking up about it.

I am here sharing their stories on the Senate floor, and Democrats brought their stories to the committee room so that Republicans have no choice but to hear them.

When we vote, Republicans will have no excuse to pretend they do not know exactly what is at stake. Instead, every one of them will have a simple choice. Will you listen to the families who are speaking up, the people who are saying to you, in no uncertain terms, that if you put this judge on the Court, if you win this partisan lawsuit, it could kill me or will you ignore them?

If Republicans truly want to reassure their constituents and want to show they are listening, the choice is simple: Vote no on this nomination. For those who choose to put this President and the profoundly lost Republican Party above anything else, to those Republicans who are capping these brutal last 4 years off with such a staggering show of fealty and partisanship and callousness, know the consequences of this vote will be felt long after this President is gone from office, regardless of the outcome of this election. People of this country will not forget and neither will your Democratic colleagues.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, and the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer from the Senate Chaplain.

PRAYER

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

Let us pray.

Holy God, as our lawmakers strive on this decisive day in history to accomplish Your purposes, show them how to discern Your will. May they renew their minds through the nourishment of Your Holy Word. Lord, prepare them to be sober-minded and filled with Your Spirit, accomplishing the tasks that receive Your approval. Keep them from conforming to worldly impulses as they strive to ensure that their behavior will rightly represent You. May they conduct themselves with holiness, godliness, and civility, waiting for the day when You will return to establish Your Kingdom on Earth. Lord, prepare us all to stand before You in peace without spot or blemish.

We pray in Your powerful Name. Amen.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF AMY CONEY BARRETT

Mr. LEE. Mr. President, it is an honor and a privilege to speak on behalf of the confirmation of Judge Amy Coney Barrett to the Supreme Court of the United States today.

One of Judge Barrett's familiar themes, one that she has invoked in speeches when speaking about the Constitution and about the role of the Federal judiciary, involves a line from Odysseus. It involves a reference to the ''Odyssey.''

She says:

> The Constitution is like when Odysseus ties himself to the mast to resist the song of the Sirens. And he tells his crew, 'Don't untie me no matter how much I plead.' That's what we've done as the American people with the Constitution. We've said . . . it's the people sober appealing to the people drunk, [that when you are tempted to get untied], that when you are tempted to get carried away by your passions and trample upon the First Amendment rights or minority rights, this document will hold you back.

Judge Barrett points out a very critical matter here, an absolutely essential matter, which is, first of all, that the whole point of having a Constitution involves restraining and restricting government. As it relates to the judiciary, it involves acknowledging the necessarily limited, finite, and confined role of the judiciary.

Sometimes when people refer to the three branches of the Federal Government, they will get it backward. Sometimes people will refer to the judicial branch as if it were the most powerful. This gets it exactly backward. It was designed to be—and, in fact, is—the least dangerous branch of the three branches. That is not to say it is not the most dangerous of all. Government, generally, is something that while necessary is also dangerous just like water or fire or wind or oxygen or any of the things that we depend upon for our day-to-day existence.

Government, including the power of the judiciary itself, has to be managed carefully, and it has to be channeled. If it is not, we become dangerous. So that is why we have a Constitution. It is to restrain government because government is force. Government is nothing more or nothing less than the collective, coercive use of force. We use it to protect life, liberty, and property. We use it to make sure that people don't harm each other and to make sure that we are protected from our adversaries within and without our borders, our boundaries. Yet, if we lose sight of what government does and what it doesn't do, what it can and cannot do, what it may or may not do, or what any branch of the government may do, we find ourselves in troubled, troubled waters.

The reason I say that the judicial branch is the least dangerous of the three is that it doesn't possess the power to say what should be, only what is. The power of the legislative branch, where we serve, is the most dangerous of the three because we have the power to prohibit conduct. We have the power to prescribe policy. We make the law.

The second most dangerous power is probably that which is held in the executive branch. It has been made more dangerous over the last 80 years as Democrats and Republicans alike have ceded more power to the executive branch, voluntarily relinquishing the role, which is uniquely, distinctively, and by constitutional mandate ours, over mostly to unelected, unaccountable bureaucrats who are, in some cases, the President of the United States or those who serve under his employ.

The judicial branch possesses neither the power of the purse nor the power of the sword. We have the power of the purse. We spend the money. We prescribe the policy. The executive branch has the power to implement and force and execute the laws, hence the power of the sword. The judicial branch possesses only the power to decide what the law says. In that respect, it is operating as if through a rearview mirror. It is not saying what will come or what should be but what already is, what the law means as it already exists.

In order to do that, the judicial branch has to come to a conclusion that our laws consist of words; that those words have meaning; and that, in order to tie themselves to the constitutional mast in order to make sure that they themselves are able to resist the siren call of power and to keep each of the three branches of government in check insofar as it is their prerogative to do so, they have to check back continually and check themselves constantly with the words of the U.S. Constitution and the words of the law itself.

Yes, it matters. Yes, these things are easily ignored. These powers are easily abused. In fact, they often have been abused. There are a number of reasons for this. They have to do mostly with human nature itself. Human beings, while redeemable, are flawed. They crave power. They tend to act toward those things that make them more powerful if they are already in positions of government authority. That is why it is easy to understand why, from time to time, the courts stray.

Now, I want to be very clear at the outset. The Federal court system, notwithstanding its flaws, is the best of its kind in the world. There is no judicial system anywhere in the world that I am aware of that is as respected or as consistently dedicated to the rule of law, to interpreting the law consistently and faithfully as is our Federal court system.

The Supreme Court of the United States, while it has made some very bad decisions along the way, for the most part, gets things right. In fact, it is something that may come as a surprise to many Americans that of all of the decisions that the Supreme Court decides in a typical year, in modern times, it is most common that the Supreme Court decides those questions either unanimously or with near unanimity. Most cases at the Supreme Court are decided with a vote of 9 to 0 or 8 to 1 or 7 to 2—the overwhelming majority, in fact.

Keep in mind, these are cases that with very few exceptions have proven difficult for the lower courts. They have caused some of the greatest legal minds in our country to address the same finite legal questions and to come up with different results. Yet those on the Supreme Court of the United States, for the most part, decide these cases with unanimity or nearly unanimity. Why?

Well, most of the time, they tie themselves to the mast. They remember what is their charge. They remember that they are there not to decide matters of policy but to decide questions of law. They can't just reach out and say, I don't like this type of law. Let's go after this type of law and attack it or undermine it or let's pursue this line of law that should be in place and isn't.

They don't have that authority. They have to have a case or a controversy, meaning one or more parties that can properly invoke the jurisdiction of the Court, and they have to have an actual, live, ripe dispute between people who are actively affected by the law. Then and only then may the Court act.

From time to time, however, the Court has been tempted to give in to the siren call—to make law. It isn't always with the same political objectives in mind, and those objectives can change over time. To cite one of many examples that we could point to today, I am going to refer to a decision made by the Supreme Court of the United States in 1905 in a case called Lochner v. New York.

In that case, the State of New York had enacted some laws governing minimum wage and maximum hour issues for bakery employees in the State of New York. The Supreme Court of the United States decided that those laws were bad and that they didn't like them, and on that basis, it said in essence: These laws are bad, and they are so bad that they must be unconstitutional. They are so bad, and they lack any legitimate purpose that we can see. We are, therefore, going to deem this part of the due process protections, the due process protections that are covered by the 14th Amendment to the Constitution and allow us to impose our judicial authority on State law and invalidate that State law.

Their reasoning essentially amounted to that: We don't see any good reason for this law. We, therefore, deem it incompatible, inconsistent, irreconcilable with due process, and we hereby strike it down as unconstitutional.

This, in my view, was wrong. It was a problem. It was a political dispute that was becoming increasingly common as the Progressive Era was gaining momentum.

Conservatives in the country were losing many of these battles in many lawmaking bodies, including, apparently, the New York State legislature. They didn't like it. So these particular jurists on this particular day chose to exercise their authority as jurists to strike down that law even though it was really a political argument they were making, even though it wasn't within their jurisdiction.

So they stretched the meaning of the law. They stretched out the concept of due process so that they could declare this to be a constitutional violation.

They took debatable matters beyond debate—not only beyond debate, but they took them outside the proper realm of State law jurisdiction and outside the context of legislation and debate surrounding such legislation within political branches of governments generally, whether State or Federal. They said: This is now Federal. We are going to make it Federal, such that you can't legislate in this area because we don't like it, and because we don't like it, we are going to say that it is part of the Constitution; it is part of your due process protection, notwithstanding the fact that due process, as the name implies, is about process. It is about making sure that you have your day in court, making sure that you have access to tools connected to fundamental fairness on procedural questions, not an outcome.

So in Lochner v. New York, the Supreme Court Justices untied themselves, as it were, from the mast of the Constitution. They did so in a way that was harmful and unsustainable. They did so notwithstanding the fact that there was no logical end point to this. It was very difficult to conceive of any question of public policy that could not and, ultimately, would not come before the Supreme Court of the United States if you used their standard of analysis: This law doesn't really do anything good. It is not something that has a legitimate purpose, so we are going to strike it down.

Fortunately, the Supreme Court of the United States—it took many years to do it—eventually saw the error of its ways and eventually overturned Lochner v. New York. In many instances we ought to look back at that moment and say that we don't really want the Supreme Court taking debatable matters beyond debate. That is how political accountability works in this country. If you have something that you don't like as a matter of policy, you ought to try to change it before the legislative body in which it is properly considered. Now, if it is unconstitutional, yes, it should be unconstitutional. I am not one who focuses obsessively on judicial activism for fear that by focusing obsessively on judicial activism, we will perpetuate the

idea that really what we want is judicial passivity. We don't want either. It is just as bad to invalidate as unconstitutional a law that is, in fact, not unconstitutional as it is to leave intact an unconstitutional law that is constitutionally defective. Both are equally repugnant to the Constitution. Both represent an effort by jurists to untether themselves from the mast of the Constitution and from the finite judicial role.

Justice Scalia was someone who was nominated to the Supreme Court of the United States in 1986. He was confirmed overwhelmingly, by a vote of 98 to 0, if I recall.

Justice Scalia was someone who, while a law professor, and later, while serving as a judge on the U.S. Court of Appeals for the DC Circuit, had acknowledged the need for judges to keep themselves tethered to the mast, had acknowledged the need for them to focus on deciding cases based on the law rather than on the basis of favorable policy outcomes.

This was at once a somewhat revolutionary idea at the time, and yet it wasn't overwhelmingly controversial at the time, given the fact that he was confirmed by a vote of 98 to 0 to the Supreme Court of the United States.

But over the next three decades or so, while he served on the Supreme Court of the United States, Justice Scalia revived—he restored—this concept, this constitutional understanding of the proper role of government and of the proper role of each branch of the Federal Government, including and especially the judicial branch of the Federal Government.

During his service on the Supreme Court of the United States, he was able to mentor a number of law clerks, including Judge Amy Coney Barrett.

Judge Barrett has explained that she believes in the same line of reason. She believes that judges and Justices need to tether themselves to the mast of the Constitution. They need to confine their role to that that involves judging, and they need to not covet and, ultimately, try to overtake the role of the elected lawmaker or the role of the executive. One has the power of policy and the purse; the other, the power of the sword.

But as Alexander Hamilton explained in Federalist 78, there is a profound difference between these powers. The legislative branch, he explained, has the power of will. It exercises will when it decides what should and should not be within the law.

The power of the judiciary, by contrast, involves only the power of judgment, to decide what the law says. That is the kind of jurist we need today.

Now, make no mistake—this is not a conflict that involves a desire to put on the Supreme Court of the United States people who will wage political warfare within the judicial branch from the conservative side. It is not that. It is not anything close to that. In fact, it is the opposite of that.

We don't want Judge Barrett on the Supreme Court to be our advocate. We want Judge Barrett on the Supreme Court to decide law, to decide cases based on what the law says, to keep herself tethered to that mast because it is through that mast that our rights are protected, that we are able to elect people who will exercise sound judgment in deciding what the law should be. And, yes, we want them to strike down laws when they are unconstitutional. But, no, we don't want them striking them down simply because of a policy disagreement.

In fact, all of our political, our economic, and our civil rights end up being tied to this very feature within our government. They are all protected by the willingness of our jurists to keep themselves tethered to the constitutional mast, just as Odysseus insisted on being tied to his. Notwithstanding how hard he might plead upon hearing the call of the sirens, he knew that it was important for him to stay on task, to stay focused on his job.

Judge Amy Coney Barrett is an exceptionally well qualified and talented legal mind and jurist. She is bright. She is articulate. She is, as we have seen, unflappable, and she is willing to set her mind on that course—to uphold and protect and defend that document that I believe was written by wise men raised up by Almighty God for that very purpose.

That document, insofar as we have followed it, has fostered the greatest development of the greatest civilization the world has ever known. I hope that it ever will be that way because it is a strong and sure foundation upon which we have built, but we need people who believe in that foundation and are willing to tie themselves to it.

Thank you.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, during my time in the U.S. Senate, I have had, right here, the privilege of being part of the confirmation process for each Justice currently sitting on the Supreme Court—yes, each one. As such, over the years I have had the opportunity to meet with many of the Nation's most talented jurists. At this time, I consider Judge Amy Coney Barrett to be the most qualified Supreme Court nominee I have encountered in my 34 years in the U.S. Senate.

Let me explain.

Education—that is important. Judge Barrett, born and raised in the New Orleans area, is the eldest of seven children, as has been spoken of here. And if you take a look at her scholastic credentials, you know she was an exceptional student. Judge Barrett graduated magnum cum laude from Rhodes College in Memphis, TN, and was inducted into Phi Beta Kappa. She also graduated summa cum laude from Notre Dame Law School, where she was the executive editor of the Notre Dame Law Review and finished first in her class.

Look at some of her professional experience. This is important.

Judge Barrett is no stranger to the courtroom. She has decades of exemplary professional legal experience that I believe deem her well qualified to sit as a Supreme Court Justice.

Following law school, Judge Barrett clerked for Justice Laurence Silberman of the U.S. Court of Appeals for the District of Columbia Circuit. He is a great jurist in his own right, Judge Silberman.

One year later, she had clerked at the U.S. Supreme Court for Justice Scalia, one of the renowned judges, gaining fundamental legal experience that would help shape her future legal career.

From there, she practiced law and taught as a visiting professor at George Washington University Law School here in Washington.

Judge Barrett went on to serve as a law professor for 15 years at her alma mater, Notre Dame University Law School. In that period of time, she was awarded Notre Dame Law School's Distinguished Professor of the Year Award three separate times.

Most recently, in 2017, Judge Barrett was confirmed right here in the Senate as a judge for the U.S. Court of Appeals for the Seventh Circuit. And during this time on the Seventh Circuit Court of Appeals, she authored 79—79—majority opinions as a circuit court judge.

Let's review for a minute the judicial philosophy and temperament of Judge Barrett. I think that is highly important. While her education and professional experience are certainly noteworthy, it is her judicial philosophy and temperament that really set her nomination apart, I believe, from a lot of others.

I am a firm believer that any nominee to the Supreme Court must and should demonstrate that he or she consistently and honorably applies the law as it is written, impartially and equally to all individuals.

Judge Barrett has, time and again, shown through her opinions and her statements that she will base her decisions on the law and the Constitution, not on personal policy preferences, as it should be.

She has also demonstrated a deep commitment to the Constitution and its protections established by our Founding Fathers.

When considering potential nominees to the Supreme Court, I find one's judicial temperament to be vitally important.

The American Bar Association Standing Committee on the Federal Judiciary, which consists of 19 lawyers who conduct nonpartisan peer reviews of Federal judicial nominees, relies on confident assessments of judges, lawyers, law professors and deans, community leaders, and others with knowledge of the nominee.

I want to share what some of them have said about her. For Judge Barrett, the committee invited 944 people to

provide input into whether she is qualified for the Supreme Court. I would like to share here in the Senate this afternoon just a few of the comments that the American Bar Association committee provided.

They said about her, ''whip smart, highly productive, punctual and well-prepared.''

''A brilliant writer and thinker.''

''An intellectual giant with people skills and engaging warmth.''

''The myth is real. She is a staggering academic mind.''

Judge Barrett ''has demonstrated stellar judicial temperament in all settings: She is often described as a 'good listener' who makes time for people, whether they are law students, law clerks, colleagues or friends.''

Of other note here, I have comments from Randall Noel, the chair of the American Bar Association Standing Committee, and he said Judge Barrett ''is incredibly honest and forthright.'' Judge Barrett is an ''exemplar of living an integrated life in which her intellect, integrity and compassion weave the different threads of her life together seamlessly.'' Think about all this. He also says: ''All of the experienced, dedicated, and knowledgeable sitting judges, legal scholars, and lawyers who have worked with or against Judge Barrett had high praise for her intellect and [her] ability to communicate clearly and effectively.''

It is no surprise that the American Bar Association found Barrett's professional competence to have exceeded their high standards for Supreme Court nominees.

As a country, we should seek, I believe, to have judges who are thoughtful, fair-minded, and respectful. Judge Barrett exemplifies all of these traits.

In conclusion, I believe that the role of the Constitution of advice and consent that we talk about here to the Supreme Court nominees to be one of my most important responsibilities here in the Senate. Judge Amy Coney Barrett is as qualified for the U.S. Supreme Court as any nominee I have encountered in 34 years here, and I have the utmost confidence that she will serve the Court and this country with honesty and integrity. I look forward later today to voting to confirm her nomination and encourage my colleagues to do the same.

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

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

BREAST CANCER AWARENESS MONTH

Mr. CASSIDY. Mr. President, I had the privilege to speak on the nomination of Amy Coney Barrett a couple of days ago, for her qualifications and the uniqueness she will bring to the Court, which will serve our country well. Today, I would like to speak on a different topic.

October is Breast Cancer Awareness Month, and I rise to pay respect to those who have lost their lives, to those who currently have disease, and to those who work so hard to save these patients.

A little personal—my wife, Dr. Laura Cassidy, is a retired breast cancer surgeon, so it is an issue which has always been very near to our house.

This year, it is estimated there will be almost 280,000 new cases of invasive breast cancer among women and about 2,600 among men—often not realized that men are affected as well. About 49,000 women are estimated to contract ductal carcinoma in situ, or so-called DCIS. About 43,000 Americans every year will die from breast cancer.

Breast cancer, of course, is hardest on the patient, but the diagnosis has a ripple effect through the family. I mentioned that my wife Laura is a retired breast cancer surgeon, and she would tell me that when she would deliver the diagnosis to a patient, she would look at the woman and say: ''You have breast cancer.'' The patient would be stoic, and her husband would cry. It points to the fact that while cancer is a terrible diagnosis for anyone, when that ''anyone'' happens to be the center of a family, it radiates out from her diagnosis to touch everybody in her immediate family, in the generation above, and perhaps the generation below.

We have been inspired to make gains against cancer in general but against breast cancer in particular for the centrality that women play in our society and, of course, the deadliness of breast cancer.

So it takes courage to address the disease if you have a diagnosis, and resiliency and determination just seem to develop in those who are so diagnosed.

The support of family and friends means a lot more to the patient than the family will ever know, so I encourage those who know somebody with breast cancer in particular that I am speaking of but any form of cancer to reach out. Simply being there could make a tremendous difference in the fight to survive.

Let me say, there is always hope. In addition to early detection, there are steps that people can take to reduce their risk of contracting breast cancer. Age is the primary risk—no, the primary risk factor, my wife used to say when speaking to a crowd, the primary risk factor for breast cancer is being a woman, to emphasize that all women have a risk for breast cancer. So don't just say that because I am not this or that, I am not at risk. Recognize that all women have a risk.

Age would be the next risk factor, being that the older you are the more likely that you can develop it. Women who have children after age 35 may be at higher risk. The more children a woman gives birth to may lower risk. But, again, the primary risk of breast cancer is being a woman. So every woman should take the disease seriously and take steps to reduce her risk for developing breast cancer, increasing the chances that it is detected if she does develop it, and increasing the chance for a successful treatment if it does develop.

There are steps you can take to reduce the risk. Regular exercise can reduce the risk by as much as 20 percent. Breast feeding lowers the risk of breast cancer. Eating fruits and vegetables, especially carotenoids, which are in carrots, as you might guess from ''carotenoids,'' avoiding obesity, moderation in drinking alcohol—all can reduce risk, and all should be practiced.

Although a cancer diagnosis can be shocking, again, you can do things to detect it at an earlier stage and improve the chance of a successful outcome. The American Cancer Society advises women 40 to 44 to consult with their doctor for regular clinical exams and on guidance as to when it is best to have a mammogram. Women who are 45 to 54 should have an annual mammogram, and those older than 54 and in good health should have a mammogram every 2 years. But, again, check with your doctor. All of these need to be customized for the patient.

Patients should also do self-exams for warning signs. This could be a change in the look or feel of the breast or possible discharge from the nipple. The presence of a lump, swelling, discoloration, and changes in size and shape are common signs. If these are present, she should consult with her healthcare provider.

If someone doesn't know how to do a breast self-exam, look on the internet. There are all kinds of resources that can help somebody know if they are just not sure how to do it.

Lastly, the treatments for breast cancer continue to improve. The surgical radiation therapy and medical therapies are improving every year. A diagnosis of breast cancer is not a death sentence; it is the beginning of a treatment regimen which can cure.

Now, by the way, let me diverge just a second from October being Breast Cancer Awareness Month to the contemporary thing we are speaking of.

My Democratic colleagues on the floor have been imagining how a Justice Amy Coney Barrett would rule on various topics—frankly, saying things that are designed to cause fear, and they are doing it for political gain. But I think everybody on this side of the aisle—all Republicans have a commitment to make sure that all Americans have healthcare and that they have coverage for preexisting conditions.

I am a doctor who worked in the public hospital system for many years, but some stories particularly stand out. This is a patient of my wife's, and she was probably about 45 and had three children. Her husband had died or they divorced—I forget which. They lived in

a very nice neighborhood in my hometown of Baton Rouge. She drove a nice car. But when her husband left, however he left, she had decisions to make, and she made the decision to go without health insurance so she could afford other things for her family.

At some point along the way, she felt a lump in her breast, but without health insurance, she didn't know what to do. My wife was a breast cancer surgeon in private practice, but eventually someone connected this patient with my wife. When she came to see my wife, she had waited so long for evaluation that the cancer was growing out of her skin. It is called fungating, like a mushroom grows out, except it wasn't a mushroom; it was cancer eating through the skin. She had everything otherwise—great house, good car, wonderful kids in parochial school.

It is that sort of example that touches us all, that lets us all realize that there is a personal reason why we all care about everyone having access to healthcare, why we all care about folks having coverage for preexisting conditions.

I give congratulations to my colleague sitting in the chair, the Senator from North Carolina, who brought a bill up that would address preexisting conditions. But on several occasions, my Democratic colleagues have objected to your bill being passed that would protect those with preexisting conditions.

So I will end this paragraph where I began it. As I digress a little bit from Breast Cancer Awareness Month in October, I will point out that my Democratic fellow Senators raising the issue of preexisting conditions in the setting of Amy Coney Barrett seem to be doing it more for political gain because the bill that my colleague from North Carolina offered would have addressed the issue, but they opposed it uniformly, as if they want an issue to campaign on but not a solution to the problem.

So let me conclude. As October comes to a close, let us reflect on breast cancer victims not only in the final days of Breast Cancer Awareness Month but throughout the year. Know the risk factors, know the warning signs, and screen regularly to catch early. Doing so saves lives. It is important for the person who may have breast cancer. It is important for us all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

COLORADO WILDFIRES

Mr. GARDNER. Mr. President, yesterday I came to the floor and spoke about the forest fires in Colorado, and luckily we have had a great deal of snow on some of the most problematic conflagrations, and it has slowed the fires down tremendously and has given us a chance to fight back and make some containment progress. So the news on the fire front is generally a good-news story today, with more challenges to come down the road.

NOMINATION OF AMY CONEY BARRETT

Mr. President, this morning I come to the floor to talk about the nomination of Judge Amy Coney Barrett to be placed on the U.S. Supreme Court. That will be the third Supreme Court Justice I have had the honor and privilege of voting on this Congress and the previous Congress, including Neil Gorsuch, Colorado's own Neil Gorsuch.

We have heard a lot of discussion about the Federalist Papers and our Founding Fathers and the intent and the role of the Senate. The language of the Constitution points out that the President shall nominate and, with the advice and consent of the Senate, place Justices throughout our judiciary.

We have heard in Federalist 69 by Alexander Hamilton, the President is to nominate and, with the advice and consent of the Senate, to appoint Ambassadors and other public ministers, Justices of the Supreme Court.

In Federalist 69, Hamilton goes on to compare the power of appointment that the President has or the Chief Executive has to that of the King of Great Britain, even comparing the power of appointment to the Governor of New York—Alexander Hamilton in Federalist 69 did—and he stated that both the King and the Governor of New York at that time had a greater power of appointment than the President due to the requirement of advice and consent and the ability of the Governor of New York to actually cast a vote on the matter himself. To quote Alexander Hamilton, ''In the national government, if the Senate should be divided, no appointment could be made.'' He pointed out that the President has a concurrent authority in appointing offices and the President is not the sole author of these appointments.

It is clear in Alexander Hamilton's writings that this power was intended to be diluted; that it was to be balanced amongst the Chambers; that the judicial branch was viewed as the weakest of the three branches of government, not because it wasn't equal in power but because it didn't have some of the mechanisms that the other two branches do to protect it.

While the President makes that appointment, it is this Chamber—the sole duty of this Chamber, in the Constitution, to agree or disagree with that nomination.

We saw that disagreement occur in 2016 when this Chamber did not give its consent to a nomination. Later, Neil Gorsuch—Colorado's Neil Gorsuch—was confirmed to the Supreme Court. And just a matter of a little more than a month ago, we lost a trailblazing leader in Justice Ruth Bader Ginsburg, leaving open another seat on the Supreme Court that we are now asked to fill.

Federalist 78, also written by Alexander Hamilton, has been referenced many times on the floor this past year, and particularly during this debate. He wrote about the Constitution being fundamental law, that it is the will of the people and that the courts are the only true guardians—the only true guardians—of the Constitution; that the Constitution is the highest man-made law, that any legislative act to the contrary must be held void by the court, since ''the interpretation of the laws is the proper and peculiar province of the courts''—that it was the guardian of the Constitution.

When Madison was talking about this in the First Congress, he introduced, of course, the amendments that became what we call the Bill of Rights today. He said that the courts would ''consider themselves in a peculiar manner the guardians of those rights; they would be an impenetrable bulwark against every assumption of power in the legislative or executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution by the declaration of rights.''

That idea of this ''guardian of the Constitution'' that the courts play is a hallmark of our democracy today. And whether or not a Justice has the support of a Member of this Chamber, I don't believe that anyone would deny that role that our courts must play, and that is that role as guardian of the Constitution.

It is clear in the confirmation hearing for Judge Barrett that some people believe the guardian of the Constitution takes on a different hue, that there is more to that role than simply looking at the law and making a decision based on the law. As some called it—I believe it was Justice Scalia and perhaps paraphrased by Justice Gorsuch—a judge's role is to call balls and strikes. I would add to that it is not their role to call the pitch.

But what we saw during the Judiciary Committee hearings, of course, was a viewpoint of some that a judge should be more than calling balls and strikes. A judge should be, in effect, a super legislator; that a judge should accomplish things that this Chamber, this Congress, has failed to do; that if there is a shortcoming in a policy, a judge or Justice would look the other way and fill in that policy or write that policy or proactively create that policy.

That is, again, going back to what we have known throughout this country as the guardians of the Constitution. The guardians of the Constitution don't make up policy. They don't fill voids of new policies that the legislators didn't do or couldn't do because they couldn't get it through their Chamber. So they decided they would count on a judge to do it somewhere else. That is not the role of the courts. It is certainly not the role of a guardian of the Constitution.

A guardian of the Constitution is somebody who looks at the law and makes decisions on the law and upholds and protects that will of the people, the fundamental law of the people. And, of course, an activist judge—an activist Justice—would be reaching

into the law to fit their own personal opinion or beliefs to craft something that they believe is perhaps more in line with what they thought somebody wanted and more in line with their own opinions, instead of looking at that letter of the law.

I think it is important that we keep in mind that that is not the role of the courts. If this Chamber can't pass a policy or a law, if it can't have its own victory in carrying the day in an argument, it is not up to a judge or a Justice to fill in the blank. They have to rule and carry out the law.

So that is a real key distinction that we saw during the Judiciary Committee debates—that role of policymaker that some wish Judge Barrett to be versus that role of protector, that guardian of the Constitution, calling balls and strikes.

I look at any nominee for the courts, whether it is for district court or appellate court or the Supreme Court, through this lens: Are they going to protect that Constitution? Are they going to uphold the Constitution? Are they going to fight and defend and be the guardian of the Constitution? Are they going to protect and do the same with the law, outside of the Constitution—the laws, the statutes that this body enacts and passes and are signed into law by the President? Will that judge or Justice uphold and defend that law—not make that law, not change that law but uphold the law? And, of course, there is that guardian of the Constitution role that they will play.

There is no doubt that Judge Barrett's qualifications are immense. Her qualifications as a member of our great American community and somebody with a beautiful family is mind-boggling. Jaime and I have a challenge with our three kids, making sure they get to school on time and making sure they are getting their homework done. I can't imagine seven children, while also carrying the schedule that their family does. But it is a testament to the incredible power and the leadership of their family and their dedication to being upstanding citizens of this Nation and giving back to this Nation with this new pursuit.

We know about that key intellect that has been shared with this country over the last several years in the Seventh Circuit Court of Appeals. We know of her time as a law professor, and we have had the opportunity to look over a decade-plus worth of work.

We know that she is a person of faith in our community and has come under incredible attacks because of that faith. We know in this Chamber that our Constitution actually forbids the kinds of attacks that we have seen on her faith. Our Constitution makes it clear that there is no religious test. Our Constitution actually makes it very clear that you cannot vote or deny public service appointment to someone because of their religious beliefs.

We have seen it done. We have seen it tried, especially over the last Congress. We saw it done at the Budget Committee with the nomination of Russ Vought to be the deputy director of the Office of Management and Budget, when a colleague of ours basically said that because of his deeply held Christian beliefs that he was not qualified to be a public servant in this country.

I hope the American people are hearing what is happening in some of these debates, that Amy Coney Barrett is attacked because of her faith. But it is not just limited or isolated to her. There are others who are more and more accustomed, or who feel more and more empowered, emboldened to use a person's faith to deny them their vote to a position in our government. That is an unconstitutional test that some in this Chamber are starting to rely on, and I hope the American people will use this opportunity to see through it, to reject it, and to get back to the values of our Constitution and the intent of that language.

I had a conversation with Judge Barrett. I had a chance to visit with her, and I talked about those three qualifications to uphold the Constitution. Will you fight to protect the Constitution? Will you protect the law? And will you avoid being that activist legislator? Will you avoid legislating from the bench? And I received her commitment. That is exactly the kind of judge that she will be, somebody to be that guardian of the Constitution, the protector of law, and to call balls and strikes.

I talked to her about the importance that I know that the vote that I cast for her is something that matters not just next year or the next year but 10 or 20 years from now, as she is on that Court and that that same view will remain, and she assured me that it will because of the same reason that I want it to. That is the future of our kids and their kids, and she knows it means everything to her children as well—to protect our Nation's laws and Constitution and to avoid that attempt, that desire, that pull at the heart to legislate. Even if you want to come out with an opinion that is different than your own interpretation of the law, you have to follow the law, and that is what she has assured me she has done. She has assured me that there are moments in rulings that she has issued that she would have preferred a different outcome personally, but that is not what the law required, and that is why she ruled the way that she did.

In talking to my colleagues on the Judiciary Committee, they talked about her understanding of the law, and in watching the hearings, you could sense the deep commitment and devotion to the law. There was a time several decades ago, when President Ronald Reagan went to introduce Justice Sandra Day O'Connor to a group of Federal judges at the White House, and Ronald Reagan in his speech talked about what it means to be a judge. He talked about the exacting standards of integrity and fairness and intellect that are required for a Federal judgeship—that it provides reassurance to all of us that our ideals of liberty and justice are alive and well.

He went on to talk about the most important quality that we could have in a judge, and that was wisdom. That wisdom is the quality that we look for most, and I think you could sense a great deal of wisdom in Amy Coney Barrett.

He went on to say that we demand of our judges a wisdom that knows no time, has no prejudice, and wants no other reward. We entrust judges with our ideals and freedom, and our futures depend on the way that judge defines them. It requires the lonely courage of a patriot. And he went on to say: A judge is a guardian of freedom for generations yet unborn.

So, I hope that my colleagues will support the nomination of Amy Coney Barrett. If you could take the politics out of the place, she would probably have a unanimous vote. Unfortunately, the politicization of this nomination is going to prevent that. But I just urge my colleagues to look past the politics, to look past the partisanship, and to vote for a truly qualified justice who is committed to the law and to the Constitution, who is committed against activism on the bench, and who will make sure that our country, for generations to come, has a protector of that guardian of the Constitution with the wisdom to get the job done.

I urge my colleagues to support Justice Amy Coney Barrett, and I am honored, in just a few hours, to know that I will be able to cast a vote in support of soon-to-be Justice Amy Coney Barrett.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from North Carolina.

Mr. TILLIS. Mr. President, I thank my staff, Elliott—who is on the floor—Brad, Cirilo, Seth, and Brad for all the work that they have done as we have gone through the nomination process.

I was reviewing my prepared remarks this morning, and then I reflected back on a very important moment during the Judiciary Committee hearing where Senator CORNYN asked—he said: You can see, among all of us, we have three-ring binders; we have staff behind us; we have taken weeks to prepare; and you are about to go through some 20 hours of questions, would you mind sharing with us your notes? She looked at a blank notepad that was given to her by the chairman. It had nothing on it.

She came to that committee fully prepared to answer any question from the 22 members of the Judiciary Committee purely from what is up there, and she did an extraordinary job.

The reason she did an extraordinary job is because she has had an extraordinary career, beginning as a student, then going to Rhodes College, where she was magna cum laude, then going to Notre Dame School of Law, where she graduated first in her class.

She went on to be a professor at Notre Dame, and she was, multiple times, voted the Distinguished Professor by a broad spectrum of liberal and conservative students.

She has also proven as a judge, with some 600 cases going through the Seventh Circuit, that she has an encyclopedic knowledge of that law. There were so many times when members on the other side of the aisle would try to trip her up or ask her a question. She had no notes to refer to. She got the specifics of the case right.

What she demonstrated throughout the entire hearing process, which I attended, was that she interprets—she does her job by doing two things: looking at the plain letter of the Constitution, understanding the limits that the laws can have within the bounds of the Constitution, and rule accordingly.

Now, our colleagues on the other side of the aisle of the Judiciary Committee were constantly—it was clear to me, after weeks of attacking Amy Coney Barrett, not directly but through surrogates, that they were trying to demonize this person before she ever came before the committee, like they did with Justice Kavanaugh. But each and every time they asked her a question, she brought them back to the boundaries of the Constitution and the question of law before, in her case, the circuit court, and there was just no way to trip her up.

So then what happened? Then they started talking about how you are going to go to the Supreme Court, and you are going to overturn the Affordable Care Act. They asked her questions that they knew she couldn't answer. Justice Ginsburg, pursuant to the Ginsburg rule—they had no intention—no responsible judge would go before the Judiciary Committee and tell you how they are going to rule on a future case. It is actually a violation of their code of conduct.

So she told them in so many instances—and what was interesting with some of the members on the other side of the aisle was, on the one hand, they would say: You cannot overturn this precedent or that precedent, and in the same breath, they would say: But we want to make sure you overturn this precedent or that precedent. And every time, Amy Coney Barrett was calm and composed and demonstrated to everybody in that committee that she is going to be objective; she is going to be fair; and she is going to stay within the lines of the Constitution and the matter of law that is before her.

Now, I think that it is very important to have a judge like that on the Supreme Court. Our religious freedoms are at stake. Our Second Amendment rights are at stake. We do have people who want activist judges. I don't want an activist judge, period—not for a conservative cause or a liberal cause. I want a judge whom I know that if I someday go before the Supreme Court—or any American—that I have a judge there who is going to be fair, who is going to be thoughtful, who is going to be impartial, and who will always have a concern for both sides of the argument, but at the end of the day, know that they have a responsibility to judge objectively.

I have had a couple of opportunities to meet with Amy Coney Barrett. In the last meeting that I had with her in the Capitol, just a few steps away from where we are right now, I brought two pocket Constitutions with me. I said: I have two granddaughters—one will be 3 next week; the other one is a little over 2 months old. I said: Would you mind signing these Constitutions for Sawyer and Willow, my granddaughters? She said: Certainly. She opened it up, she signed her name and just said: ''Dream big.''

When they get a little bit older—they are not old enough yet—I am going to get them to understand the significance of that quick note from an incredible jurist, somebody who dreamed big and realized her American dream—a mother of seven school-aged children, two adopted from Haiti, one with special needs.

She is going to be the first Supreme Court Justice female on the Supreme Court with school-age children. She has seven of them. She is able to manage the stresses and the challenges of being a working mom while she served with distinction on the Seventh Circuit and while her husband worked as well. She has realized her American dream. I believe that she is going to make sure that everybody else has the freedoms to do the same thing.

I think Judge Amy Coney Barrett is going to go down in history as one of the great Justices on the U.S. Supreme Court.

It is a shame, as the Presiding Officer just said in his comments a moment ago, that this is even a divided decision. In a less political time than we find ourselves today, I suspect that she would have the unanimous support of this body, much the same way that Justice Ginsburg did when she came before the Senate.

But, today, I am looking forward to voting for Judge Amy Coney Barrett. I am looking forward to watching her build on what is already a very strong legacy. I am looking forward to making sure that we continue to have a Court that is independent, impartial, focuses on protecting all of our constitutional rights and freedoms. And I know, without a doubt, Amy Coney Barrett is going to be one of those stewards in the U.S. Supreme Court.

I rise today to express my strong support for the confirmation of our next Supreme Court Justice, Judge Amy Coney Barrett. Over the last few weeks, I have heard from thousands of North Carolinians asking me to vote to confirm Judge Barrett to the Supreme Court.

Judge Barrett is an incredibly qualified nominee.

She is a top-notch legal scholar and jurist. She is widely respected within the legal community, and after three days of intense questioning by the Senate Judiciary Committee, I can see why she is so widely respected and why all of her former law school colleagues at Notre Dame Law School support her nomination.

I was especially impressed with her composure and impressive knowledge of the law as she answered unfounded allegations about her judicial record from Democratic members of the committee, and shameful smears radical liberals. The way she handled this process I am more convinced than ever that she clearly has the judicial temperament required to serve as a Justice on the U.S. Supreme Court.

Her answers made clear that she will be unbiased and fair to every party that comes before her. She made clear that she will interpret the law as written, without regard for her personal views or feeling, and will not be a legislator from the bench. Legislating is our job, not hers.

She is truly a textualist in the mold of Justice Scalia.

Her commitment to applying the law as written, and not legislating from the Bench, should be the standard for every nominee. I am confident that with Judge Barrett on the Court, Americans can rest easy knowing their religious liberty and second amendment rights are secure.

Soon, I will cast my vote to confirm Judge Barrett, as Justice Barrett. But first, I must also address the dangerous rhetoric from my Democratic colleagues.

First, they claim this nomination is somehow illegitimate. That is false. If the media wasn't so biased this claim would be dismissed outright. As Justice Ginsburg said, a President is elected for 4 years, not 3. President Trump fulfilled the duty he owes to the millions of Americans who elected him in 2016.

Similarly, voters elected a Republican majority to the U.S. Senate.

Voters expanded that majority in 2018, and now we are fulfilling the duty we owe to those voters by voting on Judge Barrett's nomination.

My Democratic colleagues are also threatening to pack the Court if they take control of the Senate and White House. Just as Democrats misrepresented Judge Barrett's record, they are misrepresenting what it means to pack the Court.

Packing the Court means adding more seats to the Supreme Court and then immediately nominating and filling these new seats with radical liberal activists. They would add seats until there is an activist liberal majority on the court. And the reason is simple: they want the Court to legislate from the Bench and impose their socialist agenda on the country through fiat, instead of working through the Democratic process.

This would wholly undermine and delegitimize the Court. Justice Ginsburg agreed. She said that ''nine is a

good number'' and that packing the Court is a bad idea.

Democrats need to be honest with the American people. The American people deserve to know where they stand on Court packing, and they deserve to know what liberal activist judges Joe Biden would nominate if he were President.

Personally, I am thankful Judge Barrett was willing to answer the call to serve our country. Just like Justice Ginsburg was an inspiration to so many, Justice Barrett will be a role model for young women, like my two granddaughters, who may one day aspire to go to law school or serve their country.

I look forward to voting soon to confirm her, and I would ask all my colleagues to join me and do the same.

Thank you. I yield back.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise in opposition to the pending confirmation vote of Amy Coney Barrett to be an Associate Justice of the Supreme Court to fill the vacancy created by the death of Justice Ruth Bader Ginsburg, whom we lost in September of this year. Justice Ginsburg was a champion of women's rights and civil rights, and she is going to be sorely missed on that Court.

Article II, section 2 of the Constitution provides that the ''President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court.'' One of a Senator's most solemn responsibility is to evaluate the nominee's qualifications as well as the process the Senate uses to provide their advice and consent for a lifetime appointment to our highest Court. I believe, on both substance and process, this nomination should be rejected.

First, on process. Let's talk about fairness. Let's talk about the integrity of the Senate. Let's talk about living up to your own words. Let's talk about using the same rules for Republicans that you use for Democrats.

Let me remind my colleagues what happened in 2016 in the Senate during President Obama's final year of a term in office in a Presidential election year. Justice Scalia died in February of 2016. Within just a few hours after the death of Justice Scalia, Leader MCCONNELL unilaterally announced that the Senate would not consider a replacement for Justice Scalia until after the November 2016 Presidential election, which established a yearlong vacant Supreme Court seat.

The Republican leader's action, backed by his caucus, set a very clear precedent: Under no circumstances do Senate Republicans consider a Supreme Court nominee in a Presidential election year.

It did not matter that in March 2016, President Obama appointed Merrick Garland, a respected DC Circuit judge, with bipartisan support. They would not meet with Judge Garland, hold a hearing, or allow a vote on him for 293 days.

In 2016, the Presidential election was nearly 9 months away. Four years ago, our Republican colleagues said: 9 months was not time enough. Leave it up to the voters. We will do this whether it is a Democrat or Republican in the White House.

The Republican leader, MITCH MCCONNELL, said:

> Mr. President, the next Justice could fundamentally alter the direction of the Supreme Court and have a profound impact on our country, so of course—of course the American people should have a say in the Court's direction. . . . The American people may well elect a President who decides to nominate Judge Garland for Senate consideration. The next President may also nominate somebody very different. Either way, our view is this: Give the people a voice in filling this vacancy. . . . The American people are perfectly capable of having their say on this issue, so [let's give] them a voice. Let's let the American people decide. . . . The American people should have a voice in selection of the next Supreme Court Justice. Therefore, this vacancy should not be filled until we have a new President.

That was the Republican leader.

Several Judiciary Committee members made similar statements after the death of Justice Scalia. Senators GRASSLEY, GRAHAM, CORNYN, LEE, and CRUZ signed a letter to Leader MCCONNELL, which read, in part as follows:

> [W]e are in the midst of a great national debate over the course our country will take in the coming years. The Presidential election is well underway. Americans have already begun to cast their votes. As we mourn the tragic loss of Justice . . . Scalia and celebrate his life's work, the American people are presented with an exceedingly rare opportunity to decide, in a very real and concrete way, the direction the Court will take over the next generation.

The letter from my Republican colleagues concluded:

> We believe The People should have the opportunity. . . . Because our decision is based on constitutional principle and born of a necessity to protect the will of the American people, this Committee will not hold hearings on any Supreme Court nominee until after our next President is sworn in on January 20, 2017.

Current Judiciary Committee Chairman GRAHAM explicitly addressed this point in 2016. In March 2016, Senator GRAHAM, then a member of the Judiciary Committee, said:

> I want you to use my words against me. If there is a Republican President in 2016 and a vacancy occurs in the last year of the first term, you can say, LINDSEY GRAHAM said let the next president, whoever it might be, make that nomination. You can use my words against me, and you'd be absolutely right.

We are setting precedent here today—Republicans are—that in the last year of a Presidential term, you are not going to fill a vacancy on the Supreme Court based on what we are doing here today. That is going to be the new rule.

I have repeatedly stated that the election cycle is well underway, and the precedent of the Senate is not to confirm a nominee at this stage of the process. By the way, Senator GRAHAM reaffirmed that in 2018.

In the case of Justice Ginsburg's death and vacancy in 2020, we are about 40 days away from a general election—not 9 months. Mail-in voting in record numbers has already begun in several States. And, of course, early voting has started in many States also. We are proceeding to a final vote on this nominee for a lifetime appointment just days before election day. Americans, millions of Americans, have already cast their ballots.

Once again, within hours of Justice Ginsburg's death, Leader MCCONNELL unilaterally decreed that the Senate would fill the vacancy before the election. Leader MCCONNELL said that ''President Trump's nominee will receive a vote on the floor of the Senate.''

So I implore my Republican colleagues to stop this blatant hypocrisy now. Let's follow the McConnell rule and let the American people pick the next President and Senate so they can weigh in on this decision, just as Senator MCCONNELL argued in 2016, when President Obama nominated Merrick Garland for Justice Scalia's seat.

Let the Senate honor Justice Ginsburg's legacy by continuing to fight for the rights she fought for her entire career, both as a litigator, a circuit judge, and, finally, as a Supreme Court Justice. Let us honor Justice Ginsburg's dying wish: ''My most fervent wish is that I will not be replaced until a new President is installed.''

President Trump's agenda is quite clear when it comes to a tragedy for the Supreme Court. President Trump has repeatedly said he would appoint Justices in the mold of Justice Scalia. As President Trump said on the campaign trail, when asked what kind of Justice he would nominate, ''We're going to have a very strong test. We want . . . strong conservative people that are extremely smart. Scalia is a terrific judge. Clarence Thomas, you look at him, he's been a stalwart, he's been terrific, and we have others.''

President Trump also talked about the type of Justices he did not like when on the campaign trail. He said:

> I'm disappointed in Roberts because he gave us Obamacare. He had two chances to end Obamacare, he should have ended it by every single measurement and he didn't do it, so that was a disappointing one. Everybody thought he was good, he was a Bush appointee, he was somebody that should have, frankly, ended Obamacare, and he didn't.

When President Trump announced Judge Amy Coney Barrett's nomination to the Supreme Court, Barrett herself highlighted the ideological parallels between her and her mentor, Justice Scalia. She said about Justice Scalia: ''His judicial philosophy is mine, too.''

Judge Barrett was a Supreme Court clerk for Justice Scalia. Justice Scalia was one of the most staunchly conservative members of the Supreme Court.

Justice Scalia voted to strike down key parts of the Affordable Care Act. He frequently called for overturning Roe v. Wade. He opposed marriage equality. He voted to gut the protections for voting rights in the Shelby case. He voted to gut our campaign finance laws in the Citizens United case.

He made it harder for workers discriminated against by their employers to seek justice in court and further stacked the deck in favor of wealthy business owners and corporations over working-class individuals.

By nominating Judge Barrett, President Trump is attempting to bring Justice Scalia's judicial philosophy back to the mainstream in our Nation's highest Court. Placing Judge Barrett on the Supreme Court puts at risk so many of the rights and protections Americans have fought for and gained.

So let's look at how the law could change if Judge Barrett is confirmed. That is the second reason to oppose this nomination—her judicial philosophy—in addition to the flawed process.

You cannot always predict how a Supreme Court Justice will act after her confirmation, but Judge Barrett has given us clear views on her philosophy. So many American rights are on the line, but let me start by talking about the Affordable Care Act.

Judge Barrett has made her views quite clear about the Affordable Care Act. In a 2017 law review article, she concluded that the ACA is unconstitutional. She wrote: ''Chief Justice Roberts pushed the Affordable Care Act beyond its plausible meaning to save the statute.''

Judge Barrett argued that Chief Justice Roberts' approach to NFIB v. Sebelius, which was joined by Justice Ginsburg, ''express[ed] a commitment to judicial restraint by creatively interpreting ostensibly clear statutory language'' and that ''its approach is at odds with the statutory textualism to which most originalists subscribe.''

In another Supreme Court case, King v. Burwell, the Supreme Court, in the 6–3 decision joined by Justice Ginsburg, affirmed health insurance tax credits for millions of families. Nearly 9 million Americans depend on these tax credits for coverage.

Barrett criticized the decision, stating:

I think the dissent has the better of the legal arguments.

Elsewhere, she wrote:

Justice Scalia, criticizing the majority's construction of the Affordable Care Act in NFIB v. Sebelius and King v. Burwell, protested that the statute known as ObamaCare should be renamed ''SCOTUScare'' in honor of the Court's willingness to ''rewrite'' the statute in order to keep it afloat. . . . By this measure, it is illegitimate for the Court to distort either the Constitution or a statute to achieve what it deems a preferable result.

It is clear to me—and it should be clear to all of us—that Judge Barrett has a clear bias against the Affordable Care Act. President Trump has repeatedly stated that he would appoint judges who would overturn the ACA and has consistently done so in terms of his appellate and trial court nominations. Judge Barrett appears to meet President Trump's litmus test.

I mention these cases to underscore the importance of the Supreme Court Justice in the lives of all Americans. So much is at stake in the filling of Justice Ginsburg's vacancy. Your healthcare is literally on the line.

The Affordable Care Act that President Trump has tried to repeal and that Republicans tried to repeal in this body but have failed, they are now going to take it to the Supreme Court. A hearing is scheduled this November 10 in the case of California v. Texas, just 1 week after the general election.

This is a real risk for tens of millions of Americans who depend on the law for their healthcare coverage and other benefits. Twenty million Americans could lose their healthcare, and people with preexisting conditions could lose those protections. That is 133 million Americans, during the coronavirus pandemic. That is what is at stake.

We are talking about pregnancy, cancer, diabetes, high blood pressure, behavioral health disorders, high cholesterol, asthma, chronic lung disease, heart disease, and numerous others that have been held to be preexisting conditions before the protection in the Affordable Care Act. And you can now add COVID to those preexisting conditions for 8 million Americans and counting. That protection is in the Affordable Care Act. This is on the line before the Supreme Court this November.

If the Affordable Care Act is struck down, insurers could bring back annual lifetime limits on coverage. Adults covered by Medicare expansion would lose vital health services. Young people would be kicked off of their parents' insurance. And insurers could sell skimpy plans that don't even cover essential health benefits like prescription drugs, emergency room visits, mental health, substance use, and maternity care.

The Affordable Care Act increased access to care for millions who were previously uninsured or underinsured. Through Medicaid expansion, 13 million low-income Americans now have dependable, comprehensive health coverage. In Maryland alone, over 1.3 million low-income individuals depend on Medicaid, including 512,000 low-income children, 107,000 seniors, and 152,000 individuals with disabilities. That is just in Maryland.

We must protect the Medicaid expansion population and other uninsured and underinsured populations from the Trump administration's effort to eliminate their access to affordable care. It is at risk.

I have similar concerns about women's healthcare issues. Judge Barrett has already gone on record in opposition to reproductive rights and freedoms. So it is clear to me that she would try to roll back the clock on those rights as a Supreme Court Justice.

In a 2013 speech she entitled ''Roe at 40,'' Judge Barrett explained that ''Republicans are heavily invested in getting judges who will overturn Roe.'' She wrote that the ''framework of Roe has essentially permitted abortion on demand, and Roe recognizes no state interest in the life of a fetus.'' In a 2003 article, Judge Barrett suggested that Roe v. Wade was ''an erroneous decision.''

Recall that President Trump has already said he would only nominate justices who would ''automatically'' overturn Roe v. Wade. Judge Barrett appears to have met this litmus test as well.

Indeed, Judge Barrett may hold an even more extreme record when it comes to reproductive rights than I have already stated. She refused to say at her confirmation hearing whether Griswold v. Connecticut was rightly decided, in which the Court held that the Constitution guarantees a right to marital privacy and that a law criminalizing the use of contraception violated that right.

Now, note that Justices Roberts, Alito, Kagan, and Kavanaugh all discussed the Griswold case at their confirmation hearing. Yet Judge Barrett said that Griswold's correctness ''is something I cannot opine on.''

Judge Barrett's views on immigration also raise concerns. Our most vulnerable individuals are at risk as well with the naming of a new Justice to the Supreme Court. Let me talk about one specific group.

On June 18 of this year, in a 5–4 decision written by Chief Justice Roberts and joined by Justice Ginsburg, the Supreme Court held that the Department of Homeland Security violated law when it rescinded the Deferred Action for Childhood Arrival, or DACA, Program.

There are approximately 643,000 DACA recipients—these are our Dreamers—in the United States, and approximately 29,000 are healthcare workers and essential workers who are serving us during the COVID–19 pandemic, who have saved lives and eased suffering.

But for the 5–4 decision, those individuals' lives could have been totally disrupted, and they could have been ordered to leave our country. These are individuals who know no other home but the United States of America. They are our neighbors and friends. The next Justice could very well determine the fate of the Dreamers.

Unfortunately, Judge Barrett already has demonstrated a judicial track record which is hostile to immigration. In Cook County v. Wolf, Judge Barrett authored the dissenting opinion from a ruling that struck down the Trump administration's cruel ''public charge'' rule. The rule basically penalized immigrants for exercising their legal rights to use benefits that Congress has made available.

And in the case of Yafai v. Pompeo, Judge Barrett wrote the majority opinion and held that U.S. consular officials have virtually unchecked authority to deny visa applications to those seeking entrance to the United States. It was pointed out in the minority opinion that the majority has created a constant ''dangerous abdication of judicial responsibility'' that would lead immigration officials to deny visas on the basis of ''impermissible bias.''

So let me turn to the rights of the LGBTQ community. In the Obergefell v. Hodges case joined by Justice Ginsburg, the Supreme Court held that the Constitution guarantees same-sex couples the right to marry, in a 5–4 decision. Unfortunately, Judge Barrett has demonstrated hostility to marriage equality and to LGBTQ rights more generally. In speeches, Judge Barrett seemed to be critical of the Supreme Court's decisions in Obergefell, indicating that she was worried about the ''who decides'' question when it comes to the courts or legislatures deciding who can marry and start a new family.

But fundamental rights under the Constitution should not be up for debate. Every American should have the same rights, benefits, and obligations of marriage regardless of their gender or who they love. Notably, Judge Barrett referred to sexual orientation as ''sexual preference'' in her testimony, implying that sexual orientation is a choice instead of an immutable characteristic.

As Justice Kennedy concluded in Obergefell:

> No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were. As some of the petitioners in these cases demonstrate, marriage embodies a love that may endure even past death. It would misunderstand these men and women to say they disrespect the idea of marriage. Their plea is that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves. Their hope is not to be condemned to live in loneliness, excluded from one of civilization's oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right.

I would hope that we agree with Justice Ginsburg, but I am afraid that is a view that is not shared by Judge Barrett. Judge Barrett was critical, as well, of the extension of civil rights laws to protect transgender people, saying at an event that ''it does seem to strain the text of the statute to say that Title IX demands it.'' However, the Supreme Court held otherwise in Bostock v. Clayton County, where Justice Gorsuch, joined by Justice Ginsburg, held for the Court in a 6–3 decision that the prohibition of employment discrimination on the basis of ''sex'' should be read to include gender identity and sexual orientation.

Judge Barrett has issued several disturbing findings that indicate a cramped and narrowed view of civil rights laws designated to protect American workers from discrimination based on race or age.

In EEOC v. AutoZone, Judge Barrett voted against rehearing a panel decision that ruled against an African-American employee whose company involuntarily transferred him to another store based on race. The EEOC had charged that AutoZone had an unlawful practice of segregating employees by race when it assigned African-American employees to stores in African-American neighborhoods and Latino employees to Latino neighborhoods.

The dissent argued that the court upheld a ''separate but equal'' arrangement that is contrary to the Supreme Court's decision in Brown v. Board of Education when the court interpreted the equal protection clause of the 14th Amendment to find that separate facilities can't really be equal.

The dissent wrote:

> This case presents a straightforward question under Title VII of the Civil Rights Act of 1964: Does a business's policy of segregating employees and intentionally assigning members of different races to different stores ''tend to deprive any individual of employment opportunities'' on the basis of race? The panel answered this question ''not necessarily.'' I cannot agree with that conclusion.

Once again, Judge Barrett was on the side of denying protection against racial discrimination.

In Kleber v. Care Fusion Corporation, Judge Barrett sided with the majority that the Age Discrimination in Employment Act only protects current employees from discrimination due to disparate impact and not outside job applicants—a very narrow view.

Then there are Judge Barrett's views on gun safety, which I find deeply concerning. Judge Barrett's record strongly suggests that she would strike down commonsense gun safety laws, even as Congress and the States continue to try to combat gun violence, which kills nearly 40,000 Americans every year.

According to the Center for American Progress, from 2008 to 2017, over 6,200 people were killed with guns in Maryland, and from 2014 through 2018, there were 42 mass shootings in Maryland, killing a total of 45 people and injuring 156. That is just in one State.

That is just in one State. The next Supreme Court Justice could hold the decisive vote should Congress or the States adopt commonsense gun safety laws to curb gun violence, such as requiring universal background checks, banning assault weapons, or banning high-capacity magazine clips.

In Kanter v. Barr, the Seventh Circuit held that a law barring felons from possessing a firearm did not violate the Second Amendment. The Supreme Court previously held in the District of Columbia v. Heller that the Second Amendment conveyed an individual right to bear arms, separate from the right of the militia to do so.

But even Justice Scalia—Judge Barrett's mentor and President Trump's role model for an ideal Justice—wrote in his majority opinion for the Court in Heller that ''nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons.'' Yet Judge Barrett dissented in Kanter and concluded that the bar on gun possession should apply only to violent felons. She argued that the majority was treating the Second Amendment like a second-class right. She went on to note that the government could deny nonviolent felons the right to vote but not the right to bear arms because ''history does show that felons can be disqualified from exercising certain rights—like the rights to vote and serve on juries—because these rights belonged only to virtuous citizens.'' So ultimately Judge Barrett bizarrely seems to treat voting rights as a second-class right compared to gun ownership. That is pretty extreme.

I have always expected that in America, we could move forward in protecting individual rights under our Constitution; that in each Congress, in each session, the Supreme Court would advance those rights for individual protection under the Constitution of the United States. The filling of this Supreme Court vacancy could very well reverse a trend of protecting rights and deny many in our community their rights.

The Leadership Conference on Civil and Human Rights has sent a letter to the Senate, signed by a diverse group of 150 organizations, in opposition to the confirmation of Judge Barrett. The letter urges the Senate to ''oppose the confirmation of Judge Barrett and allow the president duly chosen in the 2020 general election to fill the existing Supreme Court vacancy.''

Groups opposing the nomination include the Alliance for Justice, Human Rights Campaign, NAACP, NARAL Pro-Choice Maryland, National Council of Jewish Women, National Employment Law Project, National Organization for Women, People for the American Way, SEIU, United We Dream, and the Violence Policy Center. The list goes on and on.

On October 15, 2020, the Leadership Conference reiterated its opposition to the Barrett nomination with a letter from over 400 State and local officials asking the Senate not to confirm a new Justice until after Inauguration Day. The Leadership Conference ends their letter by saying: ''It is shameful that, instead, the U.S. Senate is rushing through a nominee who is likely to eviscerate the Affordable Care Act and deprive millions of people of access to health care, destroy reproductive freedom by gutting Roe v. Wade, and suppress our right to vote, making it harder for Americans to have their voices heard in our democracy.''

I am gravely concerned that the rushed and sham process the Senate is using here will undermine the public's faith in the independence and legitimacy of the Supreme Court as a fair and impartial body.

A group of former Federal judges recently wrote to the Senate:

Our citizenry is sharply polarized—a foreboding sign for the health of any democracy. The judicial confirmation process has increasingly become dangerously politicized. Injecting a Supreme Court confirmation fight into this noxious mix will ultimately change and diminish the public's faith in this vital institution.

Public opinion polling does indeed show that a supermajority of Americans want the winner of the upcoming election to fill the current Supreme Court vacancy.

I again reference the Leadership Conference letter opposing Judge Barrett, which states ''Judge Barrett's extreme record on the U.S. Court of Appeals for the Seventh Circuit, along with her ideologically driven writings and speeches, demonstrate that she is incapable of rendering equal justice under the law.''

After reviewing Judge Barrett's full record, statements, and committee testimony, I am not convinced that Judge Barrett would administer impartial justice and guarantee equal protection of the law and equal justice of the law; so therefore I must vote against her nomination. She is certainly not a mainstream jurist.

Let's follow the McConnell rule and let the American people pick the next President and Senate so that they can weigh in on the decision, just as Senator MCCONNELL argued in 2016 with President Obama's nominee of Merrick Garland for Justice Scalia's seat. Let the Senate honor Justice Ginsburg's legacy by continuing to fight for the rights she fought for her entire career, both as litigator, circuit judge, and finally as a Supreme Court Justice. Let's honor Justice Ginsburg's dying words: ''My most fervent wish is that I will not be replaced until a new president is installed.''

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, everything that has happened since the untimely passing of the legendary Justice Ginsburg is a clear reminder that much of what goes on in Washington, DC, is simply not on the level.

Right now, our country is hurting—mass death, mass unemployment, mass hunger, and suffering among children. The two sides in Congress ought to be addressing those challenges together.

Now more than ever, while so many are so fearful about tomorrow, the rules the Senate goes by and the agreements the Senate makes need to stand for something. That is how I felt when I negotiated for the $600-per-week unemployment insurance boost in March.

The Treasury Secretary for the Republicans agreed to it, but then, at the last minute, Republican Senators pretended otherwise and tried to vote it out of the bill. Think about that. There was an agreement between both sides, and the one thing that Senate Republicans wanted to do was to break the agreement and keep workers from getting that extra money to pay the rent and the food bill at a time when they had been laid off through no fault of their own.

Another example is unfolding right before our eyes. Until a few weeks ago, Leader MCCONNELL and Chairman GRAHAM would have told you it was essentially the 11th commandment, carved in stone: No election-year Supreme Court appointments. Again, Republicans went back on their word.

If the cure to COVID–19 was partisanship and rule-breaking, then Senate Republicans might be onto something with their low stunt on the high Court, but it is not.

The American people have a much more sensitive radar for unfairness than Senate Republicans. When I was home during the 2-week period here recently, I went to counties that Donald Trump won decisively and counties that Hillary Clinton won in 2016. Folks I talked to in both communities, in both areas, said the person who wins the 2020 election should be the one who chooses the Court nominee. In this case, the American people know what is at stake for them because they see the consequences of rule-breaking.

If Judge Barrett is confirmed and does what Donald Trump has repeatedly said he requires of a nominee—help him throw out the Affordable Care Act—here is what will happen: Tens of millions of Americans will suddenly lose their healthcare during a pandemic. COVID–19 will become a preexisting condition used by insurance companies to once again discriminate against consumers. It will take America back to the days when healthcare was for the healthy and wealthy.

Even the nominee herself shows this process on judicial nominees is so dysfunctional and so broken, it doesn't come close to being on the level. Amy Coney Barrett may have established herself as the Babe Ruth of saying pretty much nothing.

Now, everybody understands that nominees typically clam up during these hearings. I don't expect Judge Barrett to disavow Trump healthcare policy. I wouldn't expect to agree with all of a Trump nominee's positions. But unfortunately for our country, this hearing was a new low.

For example, one of my colleagues asked whether Judge Barrett was aware that the President had committed to nominating judges who would throw out the Affordable Care Act—a statement that was part of news accounts all across the country again and again and again and again.

Back in 2015, Donald Trump said: ''If I win the presidency, my judicial appointments will do the right thing, unlike Bush's appointee John Roberts on ObamaCare.''

The day after Judge Barrett's nomination, Donald Trump tweeted: ''ObamaCare will be replaced with a much better and far cheaper alternative, if it is terminated in the Supreme Court.''

But Judge Barrett answered, when my colleague asked about whether she had heard about anything resembling Donald Trump's views on this, she said: ''I don't recall hearing about or seeing such statements . . . that wasn't something that I heard or saw directly by reading it myself.'' She also said she couldn't recall whether Senators brought it up during their conversations with her.

I say to the Senate today, does anybody think that was an authentic answer? Everybody who occasionally looks at the news knows that Donald Trump wants to tear down the Affordable Care Act. He famously promised the far right that his judges would take all the far-right positions. He routinely attacks Republican-appointed Justices for opinions he dislikes.

The ''never heard it, never saw it'' argument advanced by Judge Barrett, that she doesn't follow the news, apparently, at all; didn't talk with anybody about the healthcare debate that has been front and center in American politics for a long, long time, is hard to mesh. I understate this with reality. You don't reach the heights of the academic and legal profession by ignoring the news of the day for years and years and years on end.

If you watch Judge Barrett's hearing, it is clear what this ''never heard it, never saw it'' argument is all about. It is about denying that there is any real threat to the Affordable Care Act to protections for preexisting conditions, to cheaper medicines for seniors.

Judge Barrett certainly put on a hall of fame performance in ducking and dodging and weaving her way out of even the simple routine questions about existing law, stuff that is guaranteed to come up in every nomination hearing.

For example—this one just stunned me when I heard it. She wouldn't say whether Griswold v. Connecticut was decided correctly. That was the landmark 1960s case that affirmed the right of married women to have access to contraception. It is one of the key Supreme Court decisions that gets directly to the right of privacy and to the rights of women to make decisions about their own bodies and their own lives. The decision in Roe v. Wade follows directly from the decision in Griswold.

Even Justices Thomas, Roberts, Alito, and Kavanaugh—not exactly the leftwing of the American judicial systems—said Griswold was decided correctly. Judge Barrett refused. That matters because there is a far-right campaign working to undo both of those decisions, which would be devastating to a woman's fundamental freedoms in our country.

She dodged serious questions on the legality of in vitro fertilization, which has helped millions of parents achieve their one dream: having a family.

She refused to say whether she believes the landmark decision on marriage equality was decided correctly. The one case she was asked about enshrined marriage equality.

She dodged a question on whether U.S. Presidents should even commit to a peaceful transfer of power. She went on to say on the issue of voter intimidation that she wouldn't answer whether it was illegal. That is not an open question. It is a case of black-letter law.

She was given what I thought was a slam-dunk opportunity to confirm that a President cannot unilaterally change the date of the election. That one is not open to interpretation. The law is clear that he cannot. Judge Barrett wouldn't say so.

It is not like this nominee has been shy about sharing her views. For example, she bashed the opinion by Chief Justice Roberts that upheld the Affordable Care Act. She said it ''pushed the Affordable Care Act beyond its plausible meaning to save the statute.'' That decision is the reason that 130 million Americans with preexisting conditions are protected today, why insurance companies can't impose caps on people who need costly healthcare, why seniors no longer get stuck in the prescription drug doughnut hole bankrupting their savings.

Judge Barrett put her name on a letter that talked about overturning Roe v. Wade because of what it called its ''barbaric legacy.'' She also lectured on the subject. She failed to disclose the letter and some of her lectures in her disclosure to the Judiciary Committee.

Again, I understand that nominees are always careful in these hearings, but nomination hearings are providing less and less substance. That has been the case for a long time. Over the last few weeks, Judge Barrett set a new low. Years ago, Chief Justice Roberts talked about the job of the Supreme Court Justice and said it was about ''calling balls and strikes.'' My question is, How can you be trusted to call ''balls and strikes'' if you spend your nomination hearing playing ''hide the ball?''

This rush job doesn't qualify as advice and consent. In my view, you look at Donald Trump and Republicans rushing this confirmation, you look at all the ducking and dodging of basic questions, and it is not hard to see the politics behind it. At a moment when there are millions of Americans across the country wondering how they are going to pay their rent, how they are going to afford medicine, whether they are going to be able to safely hug their elderly parents again, Senate Republicans are laser-focused on locking in political power over the courts. That is what this is all about.

Senate Republicans somehow think this is a Houdini act, suddenly making the threat of the Affordable Care Act disappear. It is not working. My view is the American people understand that the rush to fill the Ginsburg seat is about a lot more than healthcare.

Republican nominees for the Court always come before the Senate and talk about how it is the text of the laws as written, respecting precedent, respecting the original meaning of the Constitution. What happens when they join the Bench? They throw out longstanding precedents, restrict individual rights, push forward with an agenda that favors special interests and the powerful.

For example, Judge Barrett gutted a consumer protection law from the bench by essentially ignoring the text of the law itself, making it easier for debt collectors to prey on the vulnerable.

Judge Barrett threw out precedent to deny $332 in damages to a woman who was injured in a medical procedure. The woman was actually unable to afford a lawyer, and she mistakenly used the wrong word to describe the money she was owed. Judge Barrett used that mistake against her.

She ignored another existing precedent, taking away a jury award from a teenager who was repeatedly raped by a prison guard.

She sided with a company that segregated employees by race.

In another case, she came up with a twisted interpretation of the Age Discrimination in Employment Act to allow discrimination against older job applicants. None of that had anything to do with ''calling balls and strikes'' or respecting the laws as written. Those rulings favor the powerful and corporations over people who don't have clout and don't have vast sums of money to protect themselves.

The President and Senate Republicans have packed the courts from the top on down with far-right judges who excuse these kinds of ideological rulings. They blocked Democratic judicial nominees for years. They had a plan to remove seats from the DC court rather than considering the sitting Democratic President's nominees.

Now, this President has pushed through an immense number of nominees, given how many seats Republicans left open through obstruction. Some of these judges have been deemed not competent for the job by nonpartisan legal groups. It has done incredible damage to the legitimacy and the independence of the judiciary. Virtually all of them tell the same story about originalism and sticking to the text in the tradition of Justice Scalia.

Justice Scalia is considered to be the ultimate example of what is considered originalism. Judge Barrett recently said ''his judicial philosophy is mine, too.'' Judge Scalia, in fact, packed his opinions with ideology. He wrote that the decision granting same-sex couples the right to marry was a ''threat to American democracy,'' that ''robs the People of . . . the freedom to govern themselves.'' He wanted to throw out the Affordable Care Act. He helped gut the Voting Rights Act in a ruling that led to massive voter disenfranchisement.

What is behind all this talk about originalism and sticking to the text of the laws as written is a political agenda, plain and simple, taking away people's healthcare, disenfranchising voters and entrenching minority rule, giving corporations more power over their employees, legalizing discrimination against the LGBTQ community and against Black, Hispanic, Asian, and other groups of Americans. It is about cementing government control over women's bodies. Republicans could never enact these deeply unpopular policies through legislation, so they want the Supreme Court to enact their agenda for them.

I want to close by way of saying that all of this is contrary to what Justice Ginsburg spent her career fighting for. It is exactly what the big rush to fill the Ginsburg seat is all about and how this process torpedoes any opportunity for the Senate to come together on other big issues.

My Democratic colleagues and I have been pleading with the majority, essentially going and saying, Look, let's work together on a major COVID package—virtually pleading that we work in a bipartisan way to help people on what I have heard again and again at home is their No. 1 concern. MITCH MCCONNELL said, however, that it was too complicated to get done.

Last week, I brought forward a bill on enhanced unemployment insurance, a lifeline for jobless workers. It was blocked. Two days ago, Democrats brought forth a series of bills, including proposals addressing domestic violence, election security, and childcare—all blocked. This nomination to Senate Republicans comes first, and absolutely everything else is on hold, has to wait. We see, really, no genuine interest to do the hard work of putting it together.

This nomination and this process are not on the level. Republicans are, again, breaking their word to hand the Supreme Court to the far right. I know that because I have heard from so many Oregonians about it, Oregonians who are worried about losing their healthcare, their vote, and so many of their fundamental freedoms. They are worried about what this means for the future of the country.

This debate is about the Ginsburg seat. Justice Ginsburg was not just an iconic fighter for the rights of the powerless and the vulnerable. She always said what she meant, and she meant what she said. We did not get that from Judge Barrett.

I oppose this nomination.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor today in opposition to the nomination of Judge Amy Coney Barrett to the Supreme Court. I am truly disappointed that my Republican colleagues have chosen to ram through this partisan nominee in the middle of a pandemic when an election is underway and tens of millions of Americans have already cast their ballots.

The Senate should be focused on a bipartisan COVID–19 relief package to help Granite Staters and Americans

across this country who are struggling to pay the bills and put food on the table during this pandemic. Instead, Leader MCCONNELL's only priority has been to push through a nominee who will fundamentally alter the balance of the Court and affect the lives of generations of Americans, all just days before ballots will be counted to decide the next President of the United States and the makeup of this very body. The stakes in this nomination could not be higher.

I want to read an excerpt from an email I received from a constituent. This is from Dave in Portsmouth, NH. Dave writes:

What is at stake with the Supreme Court nomination . . . among the topics that have stricken the deepest sadness, pain, and fear in eyes, minds and hearts are the goals of this administration to dismantle . . . the Affordable Care Act . . . A woman's right (and only her right) to make decisions about her body and her life . . . and the rights of the LGBTQ community.

Mr. President, I ask unanimous consent for the full text of this email to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HELLO SENATOR SHAHEEN,

These past months I have looked into the eyes of many of my friends and family and have seen extreme sadness, pain and fear. To enumerate the many causes would be redundant . . . but with express concern is what is at stake with this Supreme Court nomination. Among the topics that have stricken the deepest sadness, pain and fear in eyes, minds and hearts are the goals of this administration to dismantle . . . The Affordable Care Act . . . A woman's right (and only her right) to make decisions about her body and her life . . . and the rights of the LGBTQ community.

Before you cast your vote for this nominee, try to distinguish between her legal pedigree and her crystal clear biases for which she has often been on record. Her evasiveness during questioning before the Judiciary Committee played perfectly into her chosen role of political pawn of the Trump administration. This Supreme Court . . . my Supreme Court . . . your Supreme Court . . . The Supreme Court of the United States of America must remain untainted from the rampant political posturing of this 2020 election cycle.

What will be your legacy? In recent days some of the GOP members of the Senate have . . . through short public statements . . . been trying to distance themselves from Donald Trump. With this vote . . . you have the power to actually do it. To turn away from hypocrisy and years of blatant lack of integrity. You owe it to America, to yourself, to your family, to my family . . . to take a moment to look at the sadness, pain and fear in the eyes of America today.

And yes . . . I am speaking to you all . . . including some who have tried to push through this quagmire with an eye toward how the world and history will judge us all . . . including you Sen. Romney . . . and yes . . . you Sen. Sasse . . . and Senators . . . Collins, Murkowski, Gardner, McSally, Fisher and so on. I am pleading with you . . . imploring you to do the right and just thing and vote NO on this confirmation.

You know what is right. You will know it when . . . as I have . . . you look in the eyes of good and decent Americans . . . who are desperate for real leadership . . . and you see the sadness, pain and fear that has been sowed by this administration and which continues to be sown with this confirmation process. It has been a rushed, politically motivated and politically charged Supreme Court nomination being transacted while the American people are voting RIGHT NOW to steer the course of this country . . . this Senate chamber . . . and this country's highest court.

Step up and do what is right.

Thank you,

DAVID J CUMMINS,
Portsmouth, NH.

Mrs. SHAHEEN. The President and his allies here on Capitol Hill are trying to tear down the healthcare law that has helped provide millions of Americans with coverage in the middle of the greatest public health crisis in a century. They pressed forward with this reckless attempt, even though they don't have a plan for what to do when as many as 23 million Americans—and in New Hampshire, more than 100,000 Granite Staters—would lose their healthcare coverage.

I want to repeat that.

This administration and congressional Republicans have no plan for what to do if millions of Americans lose their healthcare coverage if the Affordable Care Act is overturned.

For the last 6 years, we have seen congressional Republicans try to repeal the ACA numerous times, and they have failed every time because the American people have raised their voices and made it clear that they want to keep the Affordable Care Act and strengthen it, not repeal it. Now we are seeing the administration and congressional Republicans try to do in the courts what they were not able to get done in Congress—to overturn the Affordable Care Act.

We have also seen with Judge Barrett that she has made her feelings very clear about the ACA. She disagreed with decisions to uphold the ACA the last two times it went before the Supreme Court, and she wouldn't answer questions about the healthcare law during her confirmation hearing.

Striking down the ACA would deal a crushing blow to our most vulnerable populations during this pandemic. If the Court strikes down the Affordable Care Act in its entirety, Granite Staters and Americans across the country will lose access to Medicaid expansion. Medicaid expansion is a critical source of coverage for millions of Americans and, in New Hampshire, for thousands of Granite Staters who have lost their jobs during this pandemic. In fact, since the start of this pandemic, what we have seen is that enrollment in Medicaid expansion in New Hampshire has increased by more than 11,000 enrollees as we have seen job losses mount.

For these individuals and all of the more than 60,000 Granite Staters who are covered through Medicaid expansion, the loss of the ACA in the Supreme Court—the Supreme Court's overturning the ACA—would eliminate a critical lifeline for coverage during this public health crisis. In New Hampshire, if we lose Medicaid expansion, we will also lose our most important tool for combating the opioid epidemic.

Without the ACA, we will go back to a time when insurance companies had sweeping power to undercut coverage. They will be allowed to charge women higher premiums than men for the same coverage. The health insurers will be able to remove essential health benefits like prescription drugs or maternity care. They will also be allowed to jack up premiums or deny coverage altogether for individuals with preexisting conditions.

More than 8 million Americans, including nearly 10,000 Granite Staters, could be denied coverage because they have previously contracted COVID–19, which could now count as a preexisting condition, and without the ACA, seniors could, once again, find themselves stuck in Medicare's doughnut hole for prescription drug coverage at a time when we are seeing drug prices soar.

In her confirmation hearing, Judge Barrett even refused to say whether the Medicare Program was constitutional. With Judge Barrett on the Supreme Court, the health coverage that the ACA, Medicare, and other Federal programs provide will be under a constant threat.

Sadly, women's reproductive rights are also on the line with Judge Barrett's nomination. When he ran for President in 2016, Donald Trump said that he would appoint judges who would overturn Roe v. Wade. Well, we are seeing that very clearly with Judge Barrett's record. It shows that President Trump is trying to do just that—overturn Roe v. Wade.

Amy Coney Barrett's dissenting opinions, while serving on the Seventh Circuit, show that she is comfortable with laws that make it difficult or nearly impossible for a woman to exercise her right to make her own reproductive health decisions. Judge Barrett has even publicly supported an organization that is opposed to in vitro fertilization, which is a procedure that has helped millions of American couples start families.

Almost 50 years of precedent of upholding a woman's right to control her own body are in jeopardy because the Republicans are playing politics with the Supreme Court and packing the Court with extreme Justices.

There are nearly 20 abortion-related cases that are currently one step away from reaching the Supreme Court. A partisan Court would likely disregard longstanding precedent in these cases and put a woman's health and well-being at risk. Let's be very clear: Repealing Roe v. Wade is not going to reduce the number of abortions. If history is any indication, what it will do is increase the number of abortions in the country.

Unfortunately, the Affordable Care Act and women's reproductive rights are just two of the many areas of American life that a partisan Supreme Court could dramatically alter.

Equality for LGBTQ Americans is another major concern. Millions of gay and lesbian Americans have been married since the Supreme Court legalized same-sex marriage, but in a recent dissent penned by Justices Thomas and Alito, these Justices challenged the constitutionality of that decision and called for it to be revisited. When asked in her confirmation hearing about the precedent of the Supreme Court decision to legalize same-sex marriage, Judge Barrett was evasive. So you can understand the anxiety and fear that same-sex families are experiencing as they watch the Republican-led Senate rush this nomination.

The stakes are also incredibly high for voting rights, for worker protections, for commonsense gun laws, and for so many other issues that are in jeopardy with the appointment of Judge Barrett.

Now, I know the die has been cast. We saw that yesterday with the 51-to-48 cloture vote, but I believe this effort to politicize the Supreme Court is a decision that those who care about our democratic institutions will come to regret for many decades to come. If today's vote is the same as yesterday's—51 to 48—this will be the closest vote for a Supreme Court Justice in our Nation's entire history. We should not be doing this today. We should be focusing on what the American public is most concerned about—help with the coronavirus.

I yield the floor.

The PRESIDING OFFICER (Mr. HAWLEY). The Senator from Nevada.

Ms. ROSEN. Mr. President, I rise because the healthcare of millions of Nevadans and tens of millions of Americans is in danger. Their healthcare is in danger because, in just a few weeks, the Supreme Court will consider a case that could overturn the Affordable Care Act completely. This means that the next Supreme Court Justice will decide whether individuals with preexisting conditions could, once again, be denied healthcare coverage.

The fact is, this administration has tried for years to overturn the Affordable Care Act. First, it attempted to repeal the ACA through legislation. It failed repeatedly because Congress and the American people do not support its schemes to take away our healthcare. Then it changed its strategy and is trying to use the Court to dismantle our Nation's healthcare system.

Now, with an election just 1 week away, the Senate Republicans are scrambling to confirm a new Supreme Court Justice in order to tip the balance of the Court in favor of their lawsuit that aims to destroy the Affordable Care Act. Rather than waiting for the outcome of the election, which is already underway, and follow the precedent that they themselves established in 2016, the McConnell rule, my Republican colleagues are rushing to put Judge Amy Coney Barrett on the Bench.

Not only does Judge Barrett support the President's position on dismantling our Nation's healthcare law, but, if confirmed, she could very well be the deciding vote to undo the Affordable Care Act and take healthcare away from millions of Americans. Judge Barrett's hostility toward the Affordable Care Act is on the record, and we have seen a long and extensive paper trail outlining her opposition to the ACA. Her past comments, well, they paint a bleak picture of what the Affordable Care Act's future would look like with a Justice Barrett on the Bench.

To put it simply, this administration's attempt to use the Court to take away Americans' health insurance and raise the cost of care, especially at this moment—during a global pandemic—is not only cruel and reckless, it is deadly.

I have met many Nevada families, and I have heard stories from men, women, and children whose lives would be just devastated without the Affordable Care Act: cancer survivors, people with diabetes, asthma, cystic fibrosis, and countless other preexisting conditions that affect families. These are real Nevadans whose healthcare would be jeopardized if the ACA were no longer the law of the land.

I always tell my constituents that I carry their stories with me to Washington. They inform the actions that I take and the decisions that I make. I want to take some time to share some of the stories that I have heard—stories from Nevadans whose lives have been saved and who enjoy the quality of life because of the Affordable Care Act; stories from Nevadans who are outraged about what is happening and have reached out to my office to make their voices heard; and countless stories of how allowing the ACA to be dismantled would impact their lives.

First, I want to share a letter from Jen, who lives in Henderson, NV. Jen's husband is one of the 1.2 million Nevadans who is estimated to be living with a preexisting condition. Like many people, Jen is worried about the health of her husband and the future of her family if the Affordable Care Act is eliminated.

Here is what Jen wrote:

> Dear Senator Rosen, I am watching the confirmation hearing for Amy Coney Barrett, and listening to the conversation around the ACA. I'm scared to death that it will be overturned, and what that means for me and my husband. In February 2019, at only 38, he had a devastating stroke, and had to stay in the hospital for four months. If he hadn't had insurance, we would never have been able to afford his care. I'm scared of losing that protection from pre-existing conditions. He will need specialists for the rest of his life, as well as physical, occupational, and speech therapy. We cannot afford his care otherwise. I am so scared. Please help.

Unfortunately, Jen's situation and concerns are far too common. Many Nevadans and Americans across our country are worried about a future where they could lose their lifesaving coverage.

Here is another letter from a Nevadan who lives in Spring Creek who is worried about his own continued healthcare without the protections the ACA provides:

> I have had asthma my whole life and it's severe. I finally have good insurance and need it desperately. This will affect millions of us. I have lived through not having insurance and it almost killed me. The insurance companies at that time were asking for premiums higher than what I made.

Nevadans across the State are absolutely terrified about the possibility of losing care because of this nomination.

I received a letter from a brave Nevadan who lives in Minden, which is a small town in the western part of our State. She wanted to share with me her health struggles and her fears for the future. She said this:

> I have been fighting a rare, aggressive form of breast cancer for the past 4 years and still have numerous surgeries to undergo as part of my ongoing battle against this devastating disease. I worry about how the loss of the preexisting conditions protection would adversely affect my treatment plan, my everyday financial security, and my ability to get health insurance in the future should I lose what I currently have.

The Affordable Care Act has opened the door to healthcare for Nevadans all over my State, in communities big and small. These are real people with real struggles and real families who desperately want the best possible care for their loved ones. That is all. They want the best care for their loved ones. Don't we all want that?

What is at stake here is life or death for far too many Nevadans and too many Americans across this country. Assuring the health of our loved ones should be an essential, basic, human right.

It is thanks to the Affordable Care Act that more than 200,000 Nevadans get coverage through the ACA's expanded Medicaid Program. It is thanks to the Affordable Care Act that over 77,000 Nevadans have coverage through the Nevada Health Link insurance exchange, and it is thanks to the Affordable Care Act that over 19,000 Nevadans under the age of 26 get to remain covered through their parents' health insurance plans.

All of these people—that is 1 in 10 Nevadans—could lose their health insurance if the Supreme Court overturns the ACA.

All of them could face overwhelming costs and denials of the care they both need and deserve.

Not to mention, it is thanks to the ACA that there are an untold number of people who can still get coverage because insurance companies can no longer put lifetime caps on their healthcare coverage. Before the ACA, an insurance company could limit how much they would pay for your medical bills over your lifetime.

One constituent from Las Vegas voiced her concerns that without ACA protections, we would see a return of lifetime caps on coverage.

She said this:

> I am concerned about the potential elimination of the Affordable Care Act. In addition to the potential elimination of preexisting conditions, no one seems to address

the issue of lifetime limits, which were eliminated under the ACA.

For those with long-term illnesses, they stand to risk loss of medical insurance while battling catastrophic illnesses.

My husband has been battling colon cancer for several years. If the lifetime limit were to be reinstated, we would no longer be covered for any of his chemo or other cancer-related treatments.

I am sure that the insurance companies would jump at the chance to stop coverage for those with extraordinarily high medical expenses.

The American people? Well, they want us to protect their care. The American people want us to protect them. They do not want to see the Affordable Care Act eliminated.

The fact is, our healthcare coverage is better now than it was before the ACA was enacted. Insurance plans now have to cover those 10 essential health benefits, and we have fought hard against junk plans that claim to provide coverage but aren't there when you need them the most.

In addition to that, many middle-income Nevadans can access affordable care because of the much needed tax credits that the ACA provides.

I have spoken with and heard from countless Nevadans, and I can say with certainty that no issue matters more to people of my State than their health and safety and the health of their loved ones.

The Affordable Care Act has not only given families the peace of mind that comes with quality health coverage, but it has literally saved lives.

Without the critical protections the ACA provides, we risk going back to the days when big insurance companies could deny insurance coverage based on preexisting conditions. Repealing the Affordable Care Act would have dire consequences for hard-working Nevada families and families across our country.

Healthcare shouldn't be a partisan issue. We have an obligation to protect the health of our constituents. We need access to healthcare more now than ever, and taking critical protections away from Nevadans would be a disaster for our State, and it would be a disaster for our country.

I heard from another constituent, Carol, who lives in Pahrump, who highlighted the risk of this nomination during the current challenges our Nation faces due to the pandemic.

Carol wrote to me, saying this:

Our country is in a public health crisis right now, one that gets worse by the day.

In this moment, we need our legislators to protect our families, to provide relief and support, to do the job we elected them to do.

We do not need to rush through the nomination of a Supreme Court Justice who is on the record as hostile to the law that provides our healthcare protections.

Well, Carol is right to point out that we are in the middle of a catastrophic pandemic that has left more than 225,000 Americans dead. Not only that, but this pandemic could put millions of Americans at risk of being denied coverage because of a new preexisting condition—COVID–19. Just imagine being someone who suffered through even a mild case of COVID–19, only to have their coverage taken away because of this new preexisting condition.

Just this week, we are seeing the highest positivity rates across the country we have seen thus far. Instead of developing a clear, national strategy for combating the coronavirus or crafting comprehensive legislation to assist Americans in need of a lifeline during this difficult time, this administration and Senator MCCONNELL seem to be preoccupied with rushing through a Supreme Court nominee who is outwardly hostile to the Affordable Care Act.

Since coming to Congress, I have made it my mission not only to preserve the Affordable Care Act but to expand care for all Americans. I have worked to increase access, lower costs, and improve quality of care. In fact, one of my first actions as a Senator was to join my colleague Senator JOE MANCHIN in introducing legislation to demand that the Senate intervene to defend the Affordable Care Act in court.

Instead of joining me and my colleagues and working to protect Americans' health, this administration is too busy playing politics with people's lives and is singularly focused on taking away your care, my care, our care.

Our healthcare is at stake. Our lives are at stake.

Before the Senate confirms a lifetime appointment to our Nation's highest court, the American people's vote should be counted and their voices should be heard. This is how the American people feel.

A constituent who lives in Reno wrote to me saying that ''President Trump has promised to appoint justices who will overturn Roe v. Wade and undermine access to healthcare—certainly not what I want. And not what the majority of your constituents want.''

He continues:

The election is already underway and we should be given the power to decide which President nominates someone for this seat. The Senate should be focused on addressing the COVID–19 crisis, not fast-tracking a Supreme Court nominee.

We are only 9 days away from an election, but let's be clear. The election has already started, and millions of Americans all across our country have already cast their ballot. They have mailed in their ballots, and early voting is happening in many places as we speak, including my home State of Nevada.

We should allow the American people to have their say at the ballot box before the Senate considers a lifetime appointment to the Supreme Court—one that will determine the future of access to quality, affordable healthcare in the United States for everyone.

I am sure that other Senators—well, they are hearing the same stories from their constituents like the ones I have shared today, and I truly hope that my colleagues really listen to them; that they really hear the pain, the anguish, and the anxiety that so many Americans are feeling right here in this moment. Their lives, their healthcare—they are going to be directly impacted by our decisions.

I will not support the nomination of a Supreme Court Justice who does not support the Affordable Care Act. I will vote against Judge Barrett's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, for the past several years, I have heard some pretty remarkable stories from the other side of the aisle and from the national media.

We heard from an Atlantic article that the President called servicemembers killed in action ''losers.'' It was spread all over the place until it was refuted flatly by 14 different officials who were on the trip.

We heard claims that the Trump administration has deployed Federal troops to Portland, and they were taking over the streets of Portland, until leadership of ICE and of DHS came to Congress and reported what actually happened, starting with, there were no Federal troops that went. There was Federal law enforcement there, but it is because it is a Federal building that was under attack. And they weren't just aimlessly roaming the streets arresting people, although they did arrest the people who threw Molotov cocktails at the building.

I have heard that the post office cannot handle the increased volume of mail, and the Trump administration is intentionally trying to slow down the post office so mail can't come in, saying with frantic, breathless voices: It could be 100 million ballots coming in the mail. Can the post office handle it? Until you find out that 2 weeks before Christmas last year, the post office handled 2.5 billion pieces of first class mail just that 1 week—certainly they can handle 100 million ballots coming in over a month.

I heard last summer that the President had taken away toothbrushes from children at the border—until a group of us were actually at the border the very next week and went into that exact facility saying there are no toothbrushes there available for the children and saw a storeroom full of toiletries—yes, including toothbrushes.

I read the story and followed up with the ICE leadership about Muslims in our ICE detention facilities being forced to eat pork—tormenting them by feeding them pork, against their faith—until we actually followed up on the facts of it and found that story was completely false.

It seems every day—sometimes multiple times a day—there is a new accusation that comes out to attack the Trump administration and to challenge them on every angle of every direction you can possibly do it.

And then for the Presiding Officer—you know this full well because I sat in that same chair for 2 hours last night during our 30 hours of continuous debate, following Senate rules to conclude a confirmation of a Supreme Court Justice, and I was quite amazed at some of the things I heard while I sat in the chair.

I heard things like, well, Amy Coney Barrett should have never even come out of the Judiciary because Democrats boycotted coming, actually, to the hearing. If they don't come to the hearing, the nominee cannot come out; the Republicans have broken the rules.

In fact, some of my colleagues went dangerously close to say: Because they broke that rule, we are going to break the next rule and pack the Court. Except they leave out one little thing: That has happened multiple times before. They did follow the rules. There wasn't a breaking of the rule in the committee. In fact, one of the Members speaking last night even said so far as, they broke the rules, except the Parliamentarian ruled them in order. And so the Parliamentarian was wrong as well.

At least seven times since 2006—most recently in 2014 when Democratic Chairman LEAHY sent a circuit court judge and two district judges to the floor, out of committee, when only one member of the minority was present—not fulfilling ''the rule.''

Republicans did not break the rule as they came out of committee with Amy Coney Barrett.

I heard over and over again that there has never been a time like this that anyone has brought a Supreme Court nominee during an election year like this—except when you actually go back and look at the history, which I have recounted on this floor before, and multiple of my colleagues have recounted the actual history. But then last night I heard once again: Even Abraham Lincoln, the month before the election, could have put in a nominee for the Supreme Court, and he chose not to, to wait for the election. All I could do was sit with my mask-covered face in the presiding chair and smile and think about the Washington Post article that came out just a few weeks ago when Senator HARRIS gave the same lesson about Abraham Lincoln and the Supreme Court. The Washington Post, the day after, wrote an article titled ''KAMALA HARRIS's 'little history lesson' about Lincoln's Supreme Court vacancy wasn't exactly true.''

No, Abraham Lincoln didn't hold back and say: I will wait until after the election. That is not how that occurred. The Senate was not even in session during that time period. And Abraham Lincoln, in the middle of the Civil War, was waiting it out, trying to keep his fractured Republican coalition together and not fracture it by naming someone. In fact, he shrewdly ended up naming one of his opponents in the Republican Party as the nominee who would come after he was reelected.

It is interesting to me how things seem to get twisted around in some of this debate. I heard last night during the debate time that Amy Coney Barrett refused to answer the questions—the most basic questions about what she believes about things. The shocking thing is, Amy Coney Barrett did the exact same thing that Ruth Bader Ginsburg did during her nomination and that every nominee has said. They said: I am a judge. I can't tell you how I am going to rule on it because it has to be based on the facts of the case. It not something I can just make up on the spot.

In fact, this is what was quoted from Justice Ginsburg when she was Judge Ginsburg at the time and going through the nomination process. This is from Judge Ginsburg:

> I come to this proceeding to be judged as a judge, not as an advocate. Because I am and hope to continue to be a judge, it would be wrong for me to say or to preview in this legislative chamber how I would cast my vote on questions the Supreme Court may be called upon to decide. Were I to rehearse here what I would say and how I would reason on such questions, I would act injudiciously.
>
> Judges in our system are bound to decide concrete cases, not abstract issues. Each case comes to the court based on particular facts and its decision should turn on those facts and the governing law, stated and explained in light of the particular arguments the parties or their representatives present. A judge sworn to decide impartially can offer no forecasts, no hints, for that would show not only disregard for the specifics of the particular case, it would display disdain for the entire judicial process.

For some reason Justice Ginsburg was celebrated by the left for not saying how she would rule, but Amy Coney Barrett has been shown disdain for saying she is not telling exactly how she will rule on every single issue.

The most painful thing I heard last night when I was in the Chair and that I have heard over and over again in the dialogue has been a sad, personal destruction and deception, pushing Amy Coney Barrett over and over again as a closet racist and segregationist. I am disappointed that even this candidate is being challenged as a racist, quiet segregationist. It is the firebomb thrown into the middle of a dialogue.

Over and over again, she was challenged by saying what would she do with Brown v. Board of Education, as if quietly she is a segregationist.

Over and over again, her concept on originalism was pushed, and here is how it was framed on the debate on this floor: She is an originalist. That means she is backward-looking. That means she is supportive of those White men who supported slavery and would not allow women to be able to vote because, in their perspective, that is what an originalist is. They want to go back to slavery and segregation and removing the rights of women to vote—even saying last night that originalists go back to the time of child labor.

It is a smear. It is a personal attack, and it is an act of desperation. It is an attempt to terrify the American people that this mother of seven is to be feared because she will take away your healthcare; she will take away your rights; she will remove every option that protects the rights of individuals in a free society; and, as was stated last night, she is afraid of ''we the people.''

We have a responsibility in this body to set the tone for the debate. We disagree on things strongly, and so do the American people. But this should not be a place of smears and personal attacks and disdain for each other and for labeling people—something that if we were to sit down face-to-face and I were to ask the Members on the other side of this Chamber ''Do you really think that Judge Barrett is a segregationist?'' I have every confidence that Members on the other side would say ''No, but it plays well to the base.''

What have we become?

Future Justice Barrett, now Judge Barrett, was labeled over and over again as a person who doesn't have her own mind, who is running big-dollar donors from the Federalist Society and is just a puppet of the right, someone who actually was labeled to be groomed by the right for this position, as if that judge has not studied, worked, and prepared her entire life to serve.

She has her own mind. She is well prepared. She is eminently qualified, and she is not a secret racist segregationist coming to take away healthcare from Americans. She is a judge who has heard 600 cases, graduated first in her law school class, taught law for 15 years at Notre Dame University, is well prepared, and, yes, does have this originalist view of the Constitution, meaning you can't just look at it and make it say what you want to. People on this floor can try to put words in her mouth which she has not said, as I heard over and over again, like her desire is to suppress voters. You cannot change how well prepared she is for this task and this moment.

I am grateful that America continues to produce great leaders and great individuals who work hard in their personal lives, who study and prepare themselves to be ready to do whatever God calls them to do, and who are intently focused on serving their fellow Americans in the best way they possibly can.

We ask of Justices one thing—at least I do: Follow the law. It seems my colleagues on the other side of the aisle are terrified that someone may just come follow the law and that policy arguments may have to be debated back in Congress again. Well, I hope that is true because there are policy arguments we need to resolve as a country, but let's resolve them in this Chamber, not in the one across the street. The one across the street, let's keep it nonpolitical, focus on just helping Americans follow the law.

I look forward to voting for Amy Coney Barrett later on tonight, and I

look forward to the day when false accusations are seen for what they really are. Let's do the right thing, and let's do it the right way.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise today out of grave concern with the direction of the Senate as an institution and with the choices being made on behalf of the American people.

By almost every account, our economy remains severely wounded by the effects of the COVID–19 pandemic. Cases are still rising. In fact, a record was set just in the last couple of days. Small businesses are, unfortunately, closing at an accelerating rate. Foreclosures and evictions are on the rise. Jobless benefits for many have run out. And our State and local governments are running dangerously low on resources to assist teachers, first responders, firefighters, and so many others.

But rather than focusing on the immediate needs of the American people and acting to remove the uncertainty being felt by families across this country and in the Commonwealth of Virginia, the Senate is preparing to pursue a partisan exercise to fundamentally alter the composition of our Supreme Court.

This comes as we are just a week away from November 3, when Americans will go to the polls to cast their ballots in a Presidential election. In my State, the Commonwealth of Virginia, literally almost 2 million Virginians have already voted.

President Trump and the majority leader are jamming through, at this moment, a divisive nominee to fill Justice Ginsburg's seat on the Supreme Court—Judge Amy Coney Barrett.

The Senate has never confirmed a Supreme Court nominee this close to election day. The election is in a week. Nearly 60 million people have already voted. And while they eviscerate Senate precedent and rush toward a Supreme Court nomination, they delay passing the kind of critical legislation in terms of additional COVID relief that would help millions of Americans make it through the economic crisis.

Think about that. Every day we wait to pass a comprehensive COVID stimulus bill, more people than necessary will get sick, some will die, businesses will be lost. Families will lose their homes, and millions of unemployed workers will continue to wonder how they are going to make ends meet.

So why has the President rushed Judge Barrett's nomination through the Senate? The President is jamming through this nomination because there is so much on the line with this Supreme Court vacancy.

On November 10, just 1 week after the election, the Supreme Court will hear a case that could invalidate the Affordable Care Act and rip healthcare coverage away from more than 20 million Americans—20 million Americans—in the middle of a pandemic.

The President and my Republican colleagues here in Congress have already tried—and tried again and tried again—and failed to repeal the Affordable Care Act through Congress. Now they have turned to our Nation's Supreme Court in a purely political effort that could devastate our Nation's healthcare system.

They have offered no replacement plan that would adequately protect individuals with preexisting conditions, and millions of Americans will then be set to lose their healthcare coverage should the ACA be overturned.

I have come to this floor many times and acknowledged that the ACA is not perfect. There are places where it could be improved. But in the years since its passage, I have heard from countless Virginians who have benefited from the law—individuals who have gained access to healthcare coverage for the first time, cancer patients who can no longer be kicked off their plans and denied coverage, 8 million Americans who now have COVID and who now have a preexisting condition. I have talked to small business owners and entrepreneurs who are now able to get coverage on the individual exchange and consequently start that business that otherwise they couldn't take the risk of starting and so many of Virginia's seniors who have seen their drug costs go down thanks to important reforms in the ACA.

That, in and of itself, being considered by the Supreme Court a week after election, would be more than enough reason to wait and delay and let the American people first have their say. But that is not all that is at stake in future cases before the Supreme Court.

This Court—the Court that would disproportionately be moved out of the mainstream—will be looking at everything from reproductive rights to voting rights, to rights for LGBTQ people. All of these hang in the balance. Given those stakes, the American people have a right to have their voices heard before the confirmation of a new Justice.

In 2016, Majority Leader MITCH MCCONNELL set a standard when he refused to consider President Obama's Supreme Court nominee 10 months prior to the election. I strongly objected to the majority leader's actions in 2016, but he is the majority leader. He had the votes. And now that is the precedent by which we should govern this Supreme Court nomination, because the truth is, we can't have one set of rules for Democratic Presidents and a different set of rules for Republican Presidents.

Our system of checks and balances has held strong and lasting for more than 200 years, and it was simply not meant to bear the brunt of such cynicism and hypocrisy.

The Senate should get to the real needs of the American people—a deal that I know Secretary Mnuchin and Speaker PELOSI are quite close to. Let's split the difference and get it done. We should not be considering a Supreme Court nomination before Inauguration Day. Yet the majority leader is continuing forward with votes on Judge Barrett's nomination.

Judge Barrett's record is clear, and so is my vote. I am voting no. There is too much at stake.

Thank you.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MARKEY. Mr. President, I rise to speak in opposition to the nomination of Amy Coney Barrett to serve as an Associate Justice on the U.S. Supreme Court.

This is no ordinary nomination, and it comes at no ordinary time in the life of our Nation. We are in the midst of a global pandemic that has already claimed more than 225,000 American lives. We are a mere 8 days away from a Presidential election.

Donald Trump announced his nomination of Judge Barrett even before we could fully mourn the death of the great Justice Ruth Bader Ginsburg, and Senate Republicans then rushed this nomination to the Supreme Court. In doing so, they violated the rule that their leader, MITCH MCCONNELL, imposed in 2016, which kept Merrick Garland off the Supreme Court after President Obama nominated him in February of that year to fill the vacancy that arose with the death of Justice Antonin Scalia.

That rule was clear. That rule was concise. That rule was definitive: The Senate would not consider a nomination to fill a vacancy on the Supreme Court during a Presidential election year.

Many of my Republican colleagues echoed Leader MCCONNELL's pledge. In fact, my colleague, Senator LINDSEY GRAHAM, who chairs the Judiciary Committee, admonished us to use his own words against him if he went back on his promise: ''If there is a Republican President in 2016 and a vacancy occurs in the last year of that term, you can say that LINDSEY GRAHAM said, let's let the next president, whoever it might be, make that nomination.''

But the majority has ignored the McConnell rule and broken their promises to follow it as they engage in the outright theft of yet another seat on the U.S. Supreme Court.

You can't spell ''shameful'' without ''sham,'' and that is what Senate Republicans have turned this Supreme Court nomination process into—a sham.

What else is unprecedented about the circumstances surrounding the Barrett nomination? Well, in Donald Trump, who made the Barrett nomination, we

have a President who has repeatedly refused to commit to a peaceful transition of power, should he lose the upcoming election.

In Donald Trump, we have a President who has openly stated that he needs Judge Barrett on the Supreme Court to cast a crucial vote if cases arising out of a disputed election reach the Court, like Bush v. Gore did after the 2000 Presidential election.

In Donald Trump, we have a President who has vowed to appoint to the Supreme Court a Justice who would vote to overturn Roe v. Wade and take away a woman's reproductive rights and freedom. Even before he was elected in 2016, he pledged: ''I will appoint judges that will be pro-life, yes.''

In Donald Trump, we have a President who has expressly promised that he would only nominate a Justice who would vote to get rid of the Affordable Care Act—ObamaCare—and coverage for preexisting conditions, and President Trump made that another bright-line litmus test for this nomination.

In Donald Trump, we have a President who has told us that he needs Judge Barrett on the Bench to rule in the Affordable Care Act case the Supreme Court is scheduled to hear on November 10, 1 week after the election—a case that will decide the fate of that law and the availability of health insurance for millions of Americans suffering during a pandemic and well afterward.

If Amy Coney Barrett is confirmed to the Supreme Court and votes the way Republicans expect, nearly 3 million people in Massachusetts with preexisting conditions could face higher costs, fewer benefits, and could have trouble finding insurance coverage.

Massachusetts was the model for the Affordable Care Act, but if Donald Trump and his Supreme Court nominee have their way, more than 335,000 Bay Staters enrolled through the Medicaid expansion could lose their coverage.

As we experience the highest number of 1-day coronavirus deaths since the spring, we have a Republican-led Senate that has been unwilling and unable to work with their party's own President to craft desperately needed legislation that would provide relief to the hundreds of millions of Americans who are suffering during this pandemic—Americans who are out of work through no fault of their own; Americans whose small businesses, the engine of our economy, are struggling or going under; Americans who can't get the medicines, the testing, the protective equipment, or the medical care they need; Americans who right now are lacking access to online learning and the promise of an education.

For weeks and weeks, Senate Republicans would not lift a finger to help our workers and our families during this crisis. They would rather our States and our cities go bankrupt; that our students go without Wi-Fi—Black, Brown, and poor children in our country go without the internet at home and without the funding to provide it to those kids. Right now, at the height of the pandemic, there are going to be millions of children who do not have access to the tools they need to be in the third grade, to be in the fifth grade. And even today our nurses go without the masks they need. Yet, when it comes to filling a vacancy on the Supreme Court and confirming a far-right Justice, these same Republicans made the Senate move with speed that would make Usain Bolt jealous.

Jamming through this nomination in this fashion is unprecedented. It renders this process and this nomination illegitimate, period. If Judge Barrett is confirmed, it will only serve to further erode the stature and the legitimacy of the Supreme Court in the eyes of the American people.

Now, everything to which I have just pointed—the pandemic, the election, the corruption—is just the place settings. It is the table onto which Donald Trump has served up the nomination of Amy Coney Barrett.

Judge Barrett is a proud originalist and textualist in the mold of her mentor, the late Justice Antonin Scalia, one of the staunchest and most arch-conservatives ever to serve on the U.S. Supreme Court. As Judge Barrett put it at her own confirmation hearing, ''Justice Scalia's judicial philosophy is mine, too.''

As Judge Barrett describes so-called originalism, it means she is supposed to interpret the Constitution's text and understand it to have the meaning it had when the Constitution was ratified, but interpreting the Constitution in that manner has been used over and over to deny rights to women, to communities of color, and to LGBTQ individuals—members of our society who had no rights when the Constitution was ratified.

Originalism is racist. Originalism is sexist. Originalism is homophobic. For originalists like Judge Barrett, ''LGBT'' stands for ''let's go back in time''—a time when you couldn't marry whom you love; a time when you couldn't serve in the military if you were trans; a time when rights were not extended to gay, lesbian, bisexual, transgender, queer, questioning, or intersex individuals.

''Originalism'' is just a fancy word for ''discrimination.'' It has become a hazy smokescreen for judicial activism by so-called conservatives to achieve from the bench what they cannot accomplish through the ballot box and an elected Congress. As a result, they roll back individual rights through judicial decisions.

The activist originalist Justices on the Supreme Court and lawyers in its legal community are poised to repeal the Affordable Care Act, deny reproductive freedom, and repeal same-sex marriage. They will welcome a Justice Barrett and a 6-to-3 conservative majority with open arms.

We know a lot about Judge Barrett's judicial philosophy of originalism. What about her application of it and her views? Well, in early 2017, 4 months before Donald Trump nominated her to serve on the U.S. Court of Appeals for the Seventh Circuit, she wrote a law review article in which she criticized Chief Justice John Roberts' majority opinion in NFIB v. Sebelius, which upheld the Affordable Care Act. She made clear she didn't think much of Justice Roberts' opinion, arguing that he ''pushed the Affordable Care Act beyond its plausible meaning to save the statute.''

We know from another law review article that Judge Barrett, like many originalists, does not give precedent the respect that it deserves. In 2013, she wrote that because a Justice's duty is to the Constitution, there is ''more legitimacy in enforcing her best understanding of the Constitution rather than a precedent she thinks clearly is in conflict with it.'' In other words, she believes that her own interpretation of the Constitution is more important and more legitimate than precedent such as Roe v. Wade.

We know from her dissenting opinion in Kanter v. Barr that she believes a felony conviction shouldn't necessarily result in losing the right to own a gun, but she is OK with felony convictions taking away the right to vote. She would make it easier for a felon to own a gun than to vote. That is the kind of result that Judge Barrett's originalism gets us into.

So, on many of these issues, Amy Coney Barrett has shown us that she couldn't be further in spirit from Ruth Bader Ginsburg, the late, great Justice whose seat on the Nation's highest Court she will fill. While Justice Ginsburg always had us looking forward, Amy Coney Barrett and her originalism will always have us looking backwards—and backwards is precisely the direction in which this Nation should not be going.

What we know from Amy Coney Barrett's own words is very troubling. Yet then, at her confirmation hearing, we learned that there are many basic, fundamental legal issues on which she would not say a word and she would keep her views hidden.

At her confirmation hearing, Judge Barrett declined to answer questions about such important propositions as whether it is unlawful to engage in voter intimidation—spoiler alert: it is; questions about whether the President can delay a Presidential election—news flash: he can't; questions about whether Presidents should commit to a peaceful transition of power—listen up: they should; questions about whether Obergefell v. Hodges, the landmark Supreme Court decision recognizing the right to gay marriage and making marriage equality the law of the land was correctly decided—no doubt about it, it was; questions about whether the nondiscrimination provisions of the Affordable Care Act protect LGBTQ people from discriminatory treatment in healthcare—of course they do; questions about whether Roe v. Wade was

correctly decided and is a superprecedent—it was and it is; questions about whether Medicare is constitutional—of course it is; questions about whether climate change is real and whether human beings cause it—it is and we do.

On these and so many important issues and questions, Judge Barrett refused to give the obvious and indisputably correct answers, but based on her judicial philosophy, her writings, and her record, I have little doubt where she really stands, and that is in the same corner with rightwing, reactionary jurists who are far outside the mainstream of American jurisprudence.

Finally, there is another question that Judge Barrett would not answer: whether, if confirmed, she will recuse herself from the Affordable Care Act case and any election cases that reach the Supreme Court.

There is a Federal statute that governs the recusal decision. It requires recusal in situations where a judge's impartiality might reasonably be questioned. President Trump himself put Judge Barrett's impartiality at issue when he confessed that he needed Judge Barrett on the Supreme Court to decide any election disputes. He did it when he said he would only appoint a Justice who would help to overturn the healthcare law.

After reviewing Judge Barrett's record and listening to her testimony before the Judiciary Committee, it is becoming clear that we have a binary choice: We can have the Affordable Care Act, or we can have Amy Coney Barrett on the Supreme Court. We can have the ACA, or we can have ACB, but we can't have both.

Judge Barrett needs to do the right thing and recuse herself.

I will conclude by noting the irony that Ruth Bader Ginsburg and MITCH MCCONNELL were both on the same page as to this nomination. In 2016, Senator MCCONNELL gave us his promise that the Senate would not fill a vacancy on the Supreme Court in a Presidential election year. After she passed, we learned that it was Justice Ginsburg's dying wish that she not be replaced until a new President is installed. So let's hold MITCH MCCONNELL and LINDSEY GRAHAM to their words and honor Justice Ginsburg's fervent wish: no confirmation before inauguration.

But if Republicans succeed here today in their effort to confirm yet another conservative Supreme Court Justice just days before the Presidential election, as soon as the Democrats take back control of the Senate in January, we must abolish the filibuster and expand the Supreme Court. We cannot allow such corrupt partisanship to take precedence over justice and liberty in our country.

I will vote against the confirmation of Judge Amy Coney Barrett to the U.S. Supreme Court and urge my colleagues—all of my colleagues—to do the same.

I yield back.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I would like to start by giving a quick history lesson, and I will begin with just two numbers. These two numbers speak to how extraordinary it is that we are here today debating and voting on a nominee for the U.S. Supreme Court.

The first number is four. Four. That is how many Supreme Court vacancies have arisen after July 1 and before election day in a Presidential election year. Only four times in the history of this country has a Supreme Court vacancy arisen within 4 months of a Presidential election.

The next number I think is very important to remember, and that number is zero. Zero. That is how many times these vacancies were filled. In fact, similar to this vacancy, President Lincoln had a Senate majority when a vacancy arose just weeks before election day in 1864. What did he do? He chose to wait. President Lincoln thought nominating a Justice so close to an election would delegitimize our institutions and harm the Republic that he was fighting so hard to preserve.

That is the precedent that President Trump and Senate Republicans have disregarded as they quickly plotted to fill the seat just hours, if not minutes, after Justice Ginsburg's passing.

In addition to breaking with this historical precedent, Republicans are also jamming through their nomination in the middle of a pandemic that is gripping our country.

Instead of prioritizing Michigan first responders, small businesses, workers, teachers, families, and healthcare professionals who are still suffering through the effects of the coronavirus pandemic, Senate Republicans and the President are instead laser-focused on jamming through a Supreme Court nominee for a lifetime appointment.

This is more than just political gamesmanship. This nominee will significantly impact the lives of Michiganians and folks all across our country.

We know that the Supreme Court is set to shortly consider a case that has far-reaching ramifications for people's healthcare. The Trump administration is arguing in Court that the Affordable Care Act should be overturned in a case that will come before the Supreme Court in November, just 7 days after election day.

If the Trump administration gets its way in this lawsuit, we could go back to the days when insurance companies once again call the shots on people's healthcare. Over 4 million Michiganders with preexisting healthcare conditions could be denied coverage. Seniors could be charged more for prescription drugs. Lifetime and annual limits on coverage could make costs unaffordable and, as a result, force families into bankruptcy. Before the passage of the Affordable Care Act, medical debt was the No. 1 reason for personal bankruptcy. People faced financial devastation simply because they got sick. Women could again be charged more for being a woman because a potential pregnancy is a preexisting condition.

We have come way too far to be turning the clock backward. For the Trump administration to be pushing this lawsuit is reckless and dangerous, especially during the worst public health and economic crisis in generations.

But that is not all that is at stake. A woman's right to make her own healthcare decisions and reproductive freedom is at stake. Workers' rights against corporate special interests are at stake. Environmental justice is at stake. Access to the ballot box is at stake. Attempts to end the corrosive effect of money in campaigns and elections is at stake. And LGBTQ rights are at stake. Those are just some of the many issues that a Supreme Court Justice with a lifetime appointment will be ruling on for decades to come.

Judge Amy Coney Barrett's nomination has extremely far-reaching consequences.

We are just a few days from election day. Already over 2 million Michiganders have voted, and many more are voting as I speak here today. With all that is at stake, Michiganders deserve a say in who nominates and confirms the next Justice to our Nation's highest Court. And the fact that Michiganders are being denied this opportunity is simply unacceptable.

Therefore, I cannot support this nomination process. It should wait until a new President and Senate take office following an election to take place in only a few days. For this reason and many others, I will not be voting for Judge Barrett's confirmation. I will cast a ''no'' vote.

Here we are. Instead of bringing folks together to find common ground on coronavirus relief, our country is being forced to go through a divisive Supreme Court nomination process. It simply did not have to be this way.

I continue to stand ready to roll up my sleeves and put together a comprehensive, bipartisan, and meaningful COVID relief package. Ask any Michigander what they are worried about today, and you are going to get the same answers from them. They are worried about being able to put food on the table or a roof over their head. They are worried about getting or keeping a job to support their families. They are worried about catching a virus that has killed over 7,000 of their fellow Michiganders and over 220,000 people all across our Nation. They are worried that, if they survive a COVID infection, it will compromise their health for the rest of their lives. They will have a preexisting condition.

So I ask: Why isn't this pandemic the Senate's top priority right now? When we passed the CARES Act, we came together. We put politics aside and passed a real comprehensive package that helped keep millions of people

stay afloat. We need to summon that spirit again. Michiganders are counting on us. Americans across this country are counting on us.

I implore my colleagues to drop what we are doing, and let's come together and pass a meaningful, bipartisan COVID relief package, and let's get that done now.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I rise today as more than 220,000 Americans are dead from the coronavirus. There are more than 4 million fewer jobs than when Donald Trump took office. We are still squarely in the middle of this pandemic and an economic crisis, the likes of which we have not seen since the Great Depression.

In recent weeks, cases of the coronavirus have risen dramatically. In my home State of New Mexico—and, frankly, across the entire country—everyone is rightly worried about whether our schools, our childcare centers, and our small businesses can acquire the resources and the equipment they need to reopen safely.

We still don't have enough resources or even a national plan for testing and contact tracing, much less for treatments and the eventual nationwide distribution of an FDA-approved vaccine that would allow us to finally get a handle on this virus.

If we don't pass real economic relief in the coming weeks, many families in New Mexico will face desperate choices—between paying their bills, keeping a roof over their heads, and putting food on the table. Yet here we are, using valuable time on a Supreme Court confirmation process that should never have been taken up before the election.

Senate Republicans say they aren't going to negotiate another coronavirus relief package. They say it is more important to ram a Supreme Court nominee through a broken and nakedly political process than it is to help the people that we were all elected to serve.

Clearly, nothing—not even the lives or livelihoods of the American people—will get in the way of their power-grab design to reward their biggest donors and the most extreme interests.

Let me say this clearly: I disagree. There is still so much that we need to do to stop the spread of the coronavirus and to support families, workers, and businesses that are struggling and to rebuild our communities. Let's move to that urgent action.

But with Senate Republicans refusing to do that, let's discuss in real terms what they are doing instead.

Considering and confirming Supreme Court nominees is one of a Senator's most solemn duties under the Constitution. We are supposed to take it seriously and deliberately, but Senate Republicans have thrown out the rule book. It started when, with nearly a full year remaining in President Obama's final term, Senate Republicans refused to even hold hearings on Merrick Garland, the nominee to replace the late justice Antonin Scalia.

Then, they dismantled the rules that had ensured that both parties would have a seat at the table on Supreme Court nominations. Then, they bullrushed the vetting process for Justice Kavanaugh's lifetime appointment to the Court, despite multiple, credible allegations of sexual misconduct.

After all of that, I suppose it should have come as no real surprise that Majority Leader MCCONNELL waited less than an hour after the announcement of Justice Ruth Bader Ginsburg's death to say that he was going to push the envelope even further.

So here we are. Leader MCCONNELL and Republicans are now forcing the Senate to rush through another partisan Supreme Court confirmation battle in mere weeks—and now mere days before election day.

They are shamelessly discarding their own precedents, breaking their own rules, abandoning their own words, and they are trampling on the legacy of Justice Ruth Bader Ginsburg. Before her death, Justice Ginsburg told her granddaughter that her ''most fervent wish'' was that her seat wouldn't be filled until after the next President is inaugurated.

Justice Ginsburg served on our Nation's highest Court for nearly three decades and worked for decades before that to move our country's laws toward greater equality. She understood that the American people must trust that the Supreme Court Justices are acting above the partisan politics of the moment.

The next Presidential election is now less than two weeks away. Millions of Americans have already voted for their next President and their next Senators. I believe that these Americans deserve a voice in this process.

In the words of Majority Leader MCCONNELL himself, as was reported in the Washington Post on February 18, 2016, ''Given that we are in the midst of a presidential election process . . . the American people should seize the opportunity to weigh in on whom they trust to nominate the next person for a lifetime appointment to the Supreme Court.''

The Senate should follow that precedent and should allow voters to decide who should fill this Supreme Court seat. What has changed for Majority Leader MCCONNELL? Well, over the last decade, the Court has made razor-thin 5-to-4 rulings on women's rights, LGBTQ rights, workers' rights, immigration, voting rights, civil rights, climate change, and so much else. My Republican colleagues will say that these decisions were made by activist judges and that all they want are judges who will call balls and strikes. But what they really want are judges who will make those calls consistently biased toward wealth and power, rather than toward people.

For all the talk of activist judges, it is my Republican colleagues who are right now attempting to add one whopper of an activist to the Supreme Court.

Next month, the Supreme Court will take up President Trump's case to eliminate the Affordable Care Act in its entirety. That is right. In the middle of this pandemic that has now killed more than 220,000 Americans and infected millions more, the Supreme Court is taking up a case that could eliminate healthcare coverage for millions of Americans.

Judge Barrett refused to answer questions about the Affordable Care Act during her confirmation hearing last week. But her views on the healthcare law are clear and they are exposed in the public record. Judge Barrett has repeatedly and publicly criticized the Affordable Care Act. She has said that the Supreme Court should have already invalidated it. If Senate Republicans have their way, she will have the opportunity to do just that.

What would it mean if the Supreme Court overturns the Affordable Care Act? It means bringing back discrimination, higher costs, and even outright denial of coverage for more than 800,000 New Mexicans living with preexisting conditions like heart disease, diabetes, cancer, and now COVID–19.

I am particularly worried about what this would mean for the people in Indian Country, who have been disproportionately impacted by this pandemic. In New Mexico, Tribal nations have experienced heartbreaking losses, and healthcare resources in Tribal communities have been incredibly strained.

I have lost friends and mentors in Indian Country, and I know others who are still struggling to recover from this virus. I can't even imagine how much worse this situation could become if the health coverage provided by the Affordable Care Act were ripped away.

When we passed the Affordable Care Act, I fought hard to include a permanent reauthorization of the entire Indian Health Care Improvement Act, which supports the care provided to Native Americans through the Indian Health Service.

An estimated 290,000 American Indians and Alaskan Natives also gained health coverage through the Affordable Care Act's Medicaid expansion. All of that is at risk if the Supreme Court overturns the Affordable Care Act.

If Judge Barrett is confirmed, she will also attack other important Supreme Court precedents, from Roe v. Wade to the recent marriage equality decisions. She dodged questions on these issues during her hearing.

But her academic and judicial record made clear Judge Barrett's extreme beliefs and philosophy. In her hearing last week, Judge Barrett also refused to take a firm view on climate change. We have major wildfires burning right now in Northern New Mexico—in October—Colorado and California are seeing

much of the same. We don't have time to debate the undisputed facts and realities of climate change, especially with a judge who would strip us of the tools needed to address it.

Tellingly, Judge Barrett also refused to agree to recuse herself from any decisions related to the upcoming Presidential election. Given that President Trump considers Judge Barrett ''his'' Justice, this creates a dangerous conflict of interest. It is also a very real threat to the foundation of the Supreme Court as an equal and independent branch of government.

Meanwhile, instead of attempting to tear down our democracy, the House of Representatives has passed multiple coronavirus relief bills over the last 6 months that would help workers and families. And they are already willing and able to negotiate with the President, to negotiate with Leader MCCONNELL to come to some sort of bipartisan agreement. Majority Leader MCCONNELL and Senate Republicans have walked away from the negotiating table, leaving us with nothing but false promises and sham bills to provide themselves a little political cover before an election.

We all know the real story here. Behind closed doors, Majority Leader MCCONNELL is actively discouraging negotiations on a bipartisan relief bill. Let me say this to Majority Leader MCCONNELL and all of my Republican colleagues: If voters reelect your Republican majority and President Trump, there will be plenty of time to move forward with a real and legitimate Supreme Court confirmation process.

Right now, we should be focusing all of our energy on delivering the aid that Americans so desperately need, protecting the health and the economic well-being of Americans. That is what our country expects of us. That is our duty. Let's get to it.

I yield the floor.

The PRESIDING OFFICER (Ms. ERNST). The Senator from Missouri.

Mr. HAWLEY. Madam President, some months ago, in July of this year, I came to this floor shortly after the conclusion of the Supreme Court's most recent term to lament the ongoing judicial activism—the judicial imperialism—that we have seen from this Court over this past term and from the Supreme Court for years on end.

I quote the late Justice Scalia who said: ''The imperial judiciary lives.''

I said on the floor of this Senate—and it was a shame to say but was undeniable—that the imperial judiciary continued to live in this country—a judiciary intent and a Supreme Court intent on legislating from the Bench, on making up laws that went along with no regard for what the people actually wrote in their statutes or in their laws.

I particularly lamented the position of religious conservatives, of people of faith, who had seen in this past term from the U.S. Supreme Court decision after decision that tossed aside the concerns of religious conservatives and faithful Americans and who had watched the Supreme Court legislate and depart from the text of written laws with barely any concern for the effects on religious liberties. In fact, it tossed aside concerns about religious liberty, religious freedom, and in one or two lines of opinions, the effect on religious institutions. This is what we have been seeing from the U.S. Supreme Court.

Religious conservatives have come to a place of asking: What is it that we are fighting for? What is it that we have been working for and voting for all of these years? Is anybody actually listening to us? Do our votes really matter?

Those are the questions that religious conservatives were asking in July of this year, and that is why the nomination of Amy Coney Barrett to the Supreme Court of the United States comes as such historic and welcomed news to people of faith in this country, to religious conservatives, and to all who believe in the rule of law in America.

The nomination of Amy Coney Barrett is truly historic. This is the most openly pro-life judicial nominee to the Supreme Court in my lifetime. This is an individual who has been open in her criticism of that illegitimate decision Roe v. Wade.

She is a nominee who has been open about her faith and her faith commitments and the way she and her husband live their lives—immersed in their Catholic faith—and raise their children in their Catholic faith and want others to have the freedom to be able to do the same. Her nomination and, I anticipate, her confirmation tonight, in just a few hours on this floor, will show that there is nothing wrong with any of that.

In fact, people of faith should be welcomed on the Supreme Court of the United States, and people of Judge Barrett's convictions should be welcomed on the Supreme Court of the United States. In just a few hours, with the vote of this body, we will confirm that this is, indeed, the case.

I have to say that Judge Barrett's own positions and her convictions give me great confidence that she understands the difference between judging and legislating—that she will not be a judicial imperialist as I have talked about on this floor in months past.

Now, I said earlier this year that I would not vote for a Supreme Court nominee who did not understand the difference between judging, on the one hand, and legislating on the other and that I would not vote for a judicial imperialist. I specifically singled out Roe v. Wade and said that I would not vote for a Supreme Court nominee who did not understand that Roe was an act of judicial imperialism and that, indeed, I wanted to see record evidence that the nominee understood that Roe was an act of judicial imperialism and understood the difference between legislating from the Bench and actually adhering to the Constitution and the laws.

I am proud to support the nomination and confirmation of Judge Amy Barrett because her record makes abundantly clear that she understands the role of a judge and that she understands the role that the Constitution assigns to the judiciary. It is not the role of legislating. It is not the role of imposing policy preferences or personal views. It is the role of following the law. Her record indicates that she understands that and is committed to following that role and committed to reviving that approach, that constitutional approach to judgment—that she will fight for it and revive it on the Supreme Court of the United States.

So I am delighted to support her nomination. I am delighted to have someone of her convictions. I am delighted to have someone who has taken the stances that she has taken as a legal practitioner, as an academic, and as a judge. Yes, that includes her position on life, and, yes, that includes her position on Roe.

We will set a precedent tonight that people of faith and people of the convictions that Judge Barrett has and shares are welcomed in this country in every office. They are welcomed on the highest Court in the land, and we need not ask people of convictions to give up those convictions in order to serve on the Supreme Court of the United States. We need not say: Oh, you have to scrub your personal views. Oh, you have to pretend that you don't have religious faith or you have to pretend that it doesn't matter to you. You have to renounce your past record. We do not have to do any of that.

What we have to ask them to do is to understand the difference between judging and lawmaking. What we have to ask them to do is to understand their role that the Constitution assigns them. We have to ask them to be committed to following the law. I am convinced, based on her record, that Judge Barrett will do exactly that.

For those reasons, I am delighted to support her confirmation, and I look forward to this historic vote in just a few hours' time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

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

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

Mr. BOOKER. Thank you, Madam President, my colleague from Iowa. I am grateful.

Madam President, I rise today to speak on the nomination of Amy Coney Barrett. I rise in the midst of a pandemic, in the midst of an election process in which over 50 million Americans

have already voted, to speak with a simple call that we should wait. We should not be doing this as a body.

Now, that is not a radical statement. It is a statement that has been said by pretty much every Member of the Democratic side, but it is also a statement that was made by many people in the Republican Party before we got to this juncture.

It was said around the time that Merrick Garland was up for nomination by President Barack Obama 269 days before an election, and people said that we were in an election season; that we should wait.

But this is not a typical election season. This is an election that is going on where the people are coming out to speak on an array of issues. There is a profound urgency in the air—not a partisan urgency. America has seen record turnout because they know what is at stake in this election.

There are issues that are driving people to the polls, and in this context, our President is doing what has never been done before. The only time this had a chance to be done before was when Abraham Lincoln had a vacancy on the Supreme Court in the midst of an election—this close to an election. Abraham Lincoln—one of our greatest Presidents of all time—made a powerful choice. He had the power to move, and he had the power to nominate, but he showed a restraint on power. He showed, in a sense, what we would call an act of grace. He knew that in the midst of an election, when people were coming out to speak, that it was better to wait.

This grace is also what was called for by Ruth Bader Ginsburg on her deathbed. She didn't know who would win this election, but she thought it was best to call to the better angels of our nature; that sometimes the greatest demonstration of power is when we do not use it; that this precious democracy, this great experiment that has endured for this period of time, has sustained itself on acts of decency and grace and most importantly on trust—trusting people, trusting Americans, and trusting voters.

We haven't always gotten it right, but this fundamental ideal that when people are exercising their voice, the people in this body should listen. Over 50 million Americans. We are days—in fact, hours—away from the actual election day, but the process has started already. People are speaking, but we are refusing to listen.

I fear that what is driving many people to the polls are some of the very issues that this Supreme Court Justice will be in a position to hear. We know that Donald Trump spent the last 4 years trying to overturn the Affordable Care Act. He made a promise to only appoint Justices who would overturn it. He promised that he would nominate a judge who would ''do the right thing unlike Bush's appointee John Roberts on ObamaCare.'' This is clear.

We know that the majority leader, MITCH MCCONNELL, controlling this floor, has spent years trying to overturn the Affordable Care Act. In fact, between the House and the Senate, there have been over 70 votes to overturn the Affordable Care Act.

We know there is a case that will come before the Supreme Court on November 10 that could very well determine whether over 600,000 people in my State and 20 million people across the country can keep their health coverage.

So this is not a secret. The American people know what is going on. They see what is happening here. Many of them, I believe, are going to the polls to speak about the issue of healthcare, and instead of waiting and trusting to hear and listen to the will of the people, we are here right now.

Folk are scared. We are, in a sense, walking through the valley of the shadow of death—the fourth largest mass casualty event in the history of our country, and the death rate is rising every single day. That is why so many Americans have been speaking out and calling out, because they know what this nomination could very well mean for their lives and for the lives of their family members. They know what a world without the ACA would be like.

For a President to nominate someone—a President hostile to the ACA—a Supreme Court Justice who has spoken to this, they know what this might mean. We know that for 3.8 million New Jerseyans and 130 million Americans who have preexisting conditions—people with diabetes; cancer survivors; people with diseases like my dad had, Parkinson's—it could mean being charged more or being denied coverage completely. This is a terrifying reality.

Folk who are going to the polls, waiting hours in a line, know what it could mean—that once again more people are going to be bankrupted by outrageous medical bills.

They know what it could mean for lifetime caps on care for children with complex medical conditions.

They know what it could mean for a family with a child who survived a medical procedure and another medical procedure and another medical procedure, surgery after surgery, being told: If you want your child to live, pay for it yourself.

So many Americans know what it would mean for seniors not being able to afford lifesaving prescriptions, making the dangerous decision to cut pills in half or ration their insulin.

So many Americans know that losing the ACA could mean real tragedy.

In New Jersey, over 600,000 people are losing their healthcare in the middle of a pandemic that in my State has already killed 16,000 of our first responders, our neighbors, and in many cases our friends and our family members. These are numbers, these are data, and these are statistics, but each one is a human life. Each one has dignity, and each one has family.

I know, for example, Michelle Lewris from Palisades Park, NJ. When Michelle lost her husband John suddenly last year, she also lost the health coverage she had through his job. But she was able to get coverage through the Affordable Care Act's marketplace and qualify for a subsidy that made it more affordable for her. Today, she is insured, and she can manage her diabetes and her heart disease and her autoimmune disease because of her coverage. She said that if she lost her affordable healthcare, she would have to sell her home and would be in financial crisis.

Losing the ACA for Merritt Bowman, who is a 49-year-old dad with twin boys and a football coach from New Jersey—he said that before the ACA was passed, he didn't even go to the doctor because he was afraid he couldn't afford it, putting his own health in danger. After the ACA, he was able to get affordable coverage. When he felt sick a few years back, he made a doctor's appointment and was diagnosed with diabetes. Today, thank God, his condition has improved, but, he said: Now I have a preexisting condition. My insurance covers my medication and my equipment to monitor my diabetes. If that is taken away from me, what is going to happen? I can't afford those things on my own.

I know this reality. We must know this reality. We must listen to Americans right now who are saying openly: I am going to the polls because of my fears on healthcare.

Yet we are going through—instead of waiting to listen to our fellow Americans, showing that grace that they should decide, we are rushing forward.

What about protections that are granted people like those under Roe v. Wade? What about that? Those are decisions that we should let voters decide. We should listen to the American people. What about protections for workers? What about protections for organizers? What about voting rights? All of these issues in the midst of an election deserve to be decided by the people.

The American people know what is at stake right now because we know that Donald Trump nominated Judge Barrett with a very specific agenda in mind. He told us very clearly. We know that Donald Trump wants the Affordable Care Act to be overturned, and he would appoint judges he believes would do that. We know that Donald Trump wants Roe v. Wade overturned. He has explicitly told us that. We know that Donald Trump wants us to question the validity of an election because he has questioned the validity of an election that is ongoing right now.

I never imagined I would have a day in my life as an American citizen—I have watched other countries, but I never thought in my own we would have a leader who would question the validity of an election, going as far as to say: If I lose, this election was rigged, and it was illegitimate.

That does real damage to not just this moment in time; it does damage to

our very institutions and our processes that are essential for this democracy. It is dangerous language.

The behavior of this President is so dangerous that his own Cabinet members—former Cabinet members—have called it out.

I know the strength of our Nation, but our institutions must be protected, and they must be preserved. The processes that ensure this democracy continues to go on so that our truth goes marching on—all have to be protected.

When you have a President who calls into question our very election processes and literally says ''If I lose, it is illegitimate'' and then says ''I won't even commit to a peaceful transfer of power,'' that should raise alarms. That is why people within his own party, people who served in his own Cabinet, people respected in this entire body, like General Mattis, former Secretary of Defense, have said that Donald Trump is a threat to our democracy.

It is in that context, in the middle of a national crisis, that we are in the midst of an election, and we can't even get a Supreme Court nominee to commit themselves to the idea of the peaceful transfer of power, who the President himself has said he is rushing to the highest Court in the land because he believes that this election may be decided by that judge. That judge won't even commit to being recused under these circumstances. Is that strengthening our democracy? Is that girding trust in our country's processes, or is it weakening them? Because it clearly is doing damage to what is necessary for the endurance of our country and our ideas.

These aren't just my words; these are the words of people on both sides of America's political divide. Yet we are not showing restraint in this moment. We are not showing that grace. We are rushing for short-term gain for one political party and long-term damage to our Nation.

I don't understand why this is not something that raises worry and concern—a President who so easily trashes some of our most valued and sacrosanct ideas.

I remember the hurt I felt when peaceful protesters in Lafayette Park were turned upon. I remember a note I was forwarded from a college classmate—if I have it correct—about her son being hit with a rubber bullet. I remember journalists whom I had gotten to know in these very hallways telling me about the horror of seeing the panic and the screams and the running as the gas and the rubber bullets hit. I saw how a President seemed to utilize the military to menace what is one of our most important constitutional protections—the right to protest peacefully.

I have seen 4 years now of too many people who have remained silent in the face of erosions to our constitutional norms as the President has so willingly trashed that which people on both sides of our political divide have worked so hard to build up. I stood right there down near the Presiding Officer and raised my hand, like so many of us have—like all of us have—to protect and defend the Constitution of the United States.

To not see us right now, in the midst of a potential constitutional convulsion; in the midst of a potential constitutional crisis where a President himself is not committing to the peaceful transfer of power; where there are people organizing to do harm to elected leaders, kidnap them; when you could go online right now and look at groups calling out to people with Special Forces training to go to polls and perhaps cause mayhem—I don't understand why we don't share a bipartisan, deep concern for what is happening right now in our country and how this moment in American history fits into the concern that moving forward right now causes danger and causes harm.

I would be remiss to not mention that in the midst of it all, we are also in the midst of a racial awakening in our country. We saw what are perhaps the largest demonstrations in our Nation around issues of racial justice—all 50 States, towns and communities from all backgrounds, people marching and protesting around race issues. It has led millions of Americans to learn more about our own history, discovering things like the Tulsa massacre, discovering things like the Colfax massacre, going to the incredible museum in Alabama for lynching, where thousands of Americans were lynched in our country, discovering our history and how it ties directly to the President.

In the midst of all of this, we know that issues of race and the law will continuously come up before the Court until we have justice rolling down like water and righteousness like a mighty stream.

In the midst of all of this, even in my conversations with this nominee, I was surprised that they could not speak to one article, one Law Review article, one column, or one book they have read about issues of race in the law, when we are still in a nation that has such bias in its outcome, where just by the color of their skin they are directly correlated with longer sentences, more likely to get the mandatory minimum, more likely to get the death penalty, where we see no difference between Blacks and Whites in America for using marijuana or selling marijuana, but Blacks are almost four times more likely to be arrested for possession of marijuana, getting criminal convictions for doing things that two of the last three Presidents admitted to doing.

And in the midst of all of this that has activated so many Americans and many even in the polls today, I couldn't get even a dialogue going about issues of race.

When I specifically asked about a case, Judge Barrett's case in Smith v. Illinois Department of Transportation—this case involved a Black traffic patrol driver who had been fired by the Illinois Department of Transportation. This employee claimed that he had been the subject of a hostile work environment and that his supervisor had called him the N-word. Judge Barrett ruled against him saying that despite documenting being called the N-word by his supervisor, the employee had failed to make the case that he had been fired in retaliation for complaints about race discrimination.

When I asked Judge Barrett why she ruled that a supervisor using a vial and derogatory term, one that carries with it a history of racial subjugation and violence like the ''N-word,'' did not constitute a hostile work environment—I mentioned that Judge Kavanaugh, in a similar case, ruled that it did—I was surprised after her answers to go back and read the case. She had muddied the facts in the case. In fact, she blatantly mischaracterized a key fact in the case.

Judge Barrett said: ''He didn't tie the use of the N-word into the evidence that he introduced for his hostile work environment claim.'' When, in fact, the employee's reply brief states: ''Appellant's position is that the combination of the N-word and the acts identified immediately above did create a hostile work environment.''

She mischaracterized her own ruling claiming, ''So the panel very carefully wrote the opinion to make clear that it was possible for one use of the N-word to be enough to establish a hostile work environment claim if overplayed that way,'' when, in fact, her opinion stated something different:

> The N-word is an egregious epitaph. That said, Smith can't win simply by providing that the N-word was uttered.

Again, even Justice Kavanaugh stated that being called the N-word by a supervisor suffices in itself to establish a racially hostile work environment.

Again, in this context, at a moment that our country is moving in numbers we have not seen before, we have a Justice that mischaracterizes a case, doesn't speak directly to the facts, as plain as they were, and can't engage in a substantive conversation about any scholarship whatsoever around race in America.

I would like to read an excerpt of the letter from Derrick Johnson, President and CEO of the NAACP. He writes: ''It is disturbing enough that Judge Barrett declined to rule that use of this vial epitaph constituted a racially hostile work environment, but her misrepresentation to the Judiciary Committee about the basis for her ruling raises serious questions about her truthfulness and candor under oath that extended far beyond this particular case.''

I ask unanimous consent that a letter from the Black Lives Matter Global Network Foundation signed by 18,000 Americans in opposition to the nomination of Amy Coney Barrett to serve as Associate Justice on the Supreme Court of the United States be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BLACK LIVES MATTER,
October 21, 2020.

Hon. LINDSEY GRAHAM,
Chairman, Senate Judiciary Committee, Washington, DC.

Hon. DIANNE FEINSTEIN,
Ranking Member, Senate Judiciary Committee, Washington, DC.

Re Opposition to the Nomination of Amy Coney Barrett to the Supreme Court of the United States.

DEAR CHAIRMAN GRAHAM AND RANKING MEMBER FEINSTEIN: On behalf of Black Lives Matter Global Network Foundation, Inc. the umbrella organization for our global movement, I strongly urge you to oppose the nomination of Amy Coney Barrett to serve as Associate Justice on the Supreme Court of the United States.

The New York Times recently recognized Black Lives Matter as the largest, most diverse civil and human rights movement in the history of both our country and the world. We cannot stand back nor stand by as partisan political games threaten irreparable harm to the last branch of government where Black Americans can turn for protection and justice.

As imperfect as our American judicial system has been, it has traditionally had at least the veneer of an avenue for recourse for marginalized groups. This political hijacking of the nominating process to the highest court in the land goes against the purpose and intent of the Constitution you are sworn to uphold.

The U.S. Supreme Court has always been crucial to the progress of African Americans. Our rights to fully participate in democracy and in every facet of social and economic life, on an equal basis, lie in the balance. From Brown v. Board of Education to Shelby County v. Holder, we have seen the power of the Supreme Court to both advance and undermine civil rights and equal justice under law. Each year, the Court decides critical cases involving voting rights, equal educational opportunity, fair employment, fair housing, women's rights, access to healthcare, immigration, consumer rights, environmental justice, and criminal justice. These decisions directly impact our lives, our families, and our communities for generations.

Placing someone like Barrett who has a record of flagrant disregard for established precedent, especially on issues related to race, on the Court is dangerous for marginalized people. Smith v. Illinois Department of Transportation, is only one example of her dangerous jurisprudence. In the aforementioned case, Barrett ruled that being called the n-word by a supervisor does not constitute a hostile work environment. So extreme is this ruling, that it places Barrett to the right of Justice Kavanaugh, who in 2013 wrote that a single use of this epithet ''suffices by itself to establish a racially hostile work environment.'' The means by which Judge Barrett reached this extraordinary conclusion, by relying on grounds that neither the trial court nor either party had raised, reveals the jurisprudential gymnastics to which she was willing to undergo in order to reach this disturbing conclusion.

The nomination of Amy Coney Barrett in the middle of a presidential election poses a grave threat to the integrity and legitimacy of the bastion of the Judicial Branch of government. Justice Ginsburg passed away on September 17. Thirteen days after, voting began. At least 31.4 million people have already voted for President and for their Senators in this election, both through early voting and voting by mail. Their voices must be heard and honored.

Black Lives Matter wants a Supreme Court that works for all of us. We will fight for that Court. Corporate interests like insurance companies, drug companies, and the gun industry have worked for years to pack the courts to ensure that they work for them, not for the rest of us. To have courts that protect equal justice for everyone, we need a nominee who will fight against these corporations and protect the rights of everyday working people. We need a Justice who won't pick and choose whose rights to defend, but one who will work to protect equal justice for all. Amy Coney Barrett is not that nominee. She will not be that Justice.

Our rights and the future of our democracy is at stake. Because Amy Coney Barrett puts the wealthy and powerful first, the Court will continue making decisions that deny Americans' voting rights, put corporations ahead of people, refuse to recognize and remediate discrimination, and limit access to health care.

Black Lives Matter must also note that Amy Coney Barrett currently occupies a judicial seat meant for a Black woman. She ascended over Black women with greater qualifications and more professional experience. In 2017, Donald Trump appointed Barrett to an Indiana seat in the U.S. Court of Appeals for the Seventh Circuit, which covers Indiana, Illinois, and Wisconsin. This is the same seat to which President Obama nominated Myra Selby, a Black woman, in 2016. But Republican Senators blocked Myra Selby's confirmation and saved the seat for Donald Trump. After Trump was elected, the Seventh Circuit lost its only judge of color to retirement. In total, Trump had four vacancies to fill on this circuit. Instead of nominating a person of color to restore diversity to the court, Trump appointed four white judges, including Amy Barrett, making the Seventh Circuit the only all white federal appellate court in the country.

The judicial oath for the Supreme Court states ''I solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me''. Judge Barrett has failed to show she is capable of holding true to those principles. We take her at her opined word and believe she is who she has shown us to be.

For these reasons, Black Lives Matter strongly opposes the nomination of Judge Barrett to the Supreme Court. Thank you for your consideration of our position.

Respectfully,

PATRISSE CULLERS,
Co-Founder and Executive Director, Black Lives Matter Global Network Foundation, Inc.

Mr. BOOKER. So I appeal, again, one last time to the conscience of the Senate. This is not a time to proceed. This is a time for grace. It is not a time to proceed. It is a time to firm up the foundations of our Republic. It is not a time to proceed. It is a time to listen to the American people. It is a time to listen to the voters lined up now. It is a time to listen and wait.

I know there are a lot of Americans who are concerned right now, not with the one nominee but with how this process has gone. It is a process that is eroding people's trust and their faith in the institution. They don't see fairness in this. They look at the own words of Republican Senators and don't understand how hypocrisy like that can stand—one standard for one President, another standard for another.

But I want to tell everyone who is hurting right now, everyone who is worried about our Republic, everyone who is concerned in this moment about their healthcare and their voting rights and their Nation that this is not a time to give up. There will be difficult days ahead, but it is not a time to give up.

We know that healthcare is at risk, but it is not a time to give up. We know that women controlling their own bodies, sacrosanct as that idea is and as under threat as it now is—it is not a time to give up. LGBTQ rights are under threat, but it is not a time to give up. We cannot give up in the cause of our country. It is not a right cause or a left cause. It is a right and wrong cause.

We can be a nation that builds for posterity a functioning republic that can elevate the best of human ideals like grace. We cannot give up in this moment. We cannot meet darkness with darkness. We cannot surrender to cynicism about our systems. We have to keep pressing forward.

I still believe that our Nation's history, as speckled as it is with wretchedness and pain, is still a story that is a testimony to the overcoming of injustice and the better securing of it. I still believe that we do live in a nation where the truth does prevail in the end. I still believe that even when wrongs are done, they can be righted. I still believe that though this may become, today, a moment of shame, we can reclaim in this Nation the ideals of our Founders—those testimonies to grace, the commitment to each other of their sacred honor—that we still can take a body politic, wounded and injured, and in our country find healing, find redemption, and find grace.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The minority leader.

COMPOUND MOTION

Mr. SCHUMER. Mr. President, as we speak, over 60 million Americans have voted. The Republican majority is ignoring—even laughing—at their wishes.

Despite what the American people want and whom they will vote for, this Republican majority is ramming this nomination through only because they can. Might makes right, in their view. That is so wrong. That is so against the American principle of democracy and rule of law.

So I will move to adjourn so that we consider this nomination after the election that is now ongoing—not before it, not 8 days before it.

Therefore, 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 30; Tuesday, November 3; Friday, November 6; further, that if there is an agreement on legislation in relation to the COVID pandemic, the Senate may 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 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 unanimous consent and is not in order.

Mr. SCHUMER. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

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

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 223 Ex.]

YEAS—53

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)
Collins	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	

NAYS—46

Baldwin	Heinrich	Sanders
Bennet	Hirono	Schatz
Blumenthal	Jones	Schumer
Booker	Kaine	Shaheen
Brown	King	Sinema
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—1

Harris

The PRESIDING OFFICER. The Senate sustains the decision of the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

NOMINATION OF AMY CONEY BARRETT

Mr. COONS. Mr. President, I ask the question, as I have for several weeks now: Why are we here? What I hear from my constituents in Delaware, as I heard earlier today at an event at Westside Health: Why is this Senate in session now in the midst of a nationwide pandemic, focusing on rushing through a nominee for the U.S. Supreme Court rather than doing everything we can to work across the aisle to craft a solution to the problems, the crises facing our Nation—tens of millions of Americans unemployed, hundreds of thousands of businesses permanently closed? There are schools all over the country that are either not yet open or are just barely open, and thousands upon thousands of Americans have died alone, in pain, uncomforted by family and uncertain of how they came to be in this place, uncared-for by their country. There have been 8½ million infected and 220,000 or more who are dead.

We are in the middle of a tragic pandemic and a recession made worse by our President's bungled mishandling of that pandemic, and instead of coming together and providing the relief that all of our States and all of our people are calling for, we are doing this. We are doing this. Instead, my Republican colleagues are walking over a dangerous precipice. They are doing something that was, according to Chairman GRAHAM of the Senate Judiciary Committee, unthinkable just 2 years ago.

In the last 10 days before a Presidential election—in the last month before a Presidential election—they are ramming through for a lifetime appointment to the Supreme Court President Trump's nominee. This is a rushed and partisan process in the midst of an ongoing Presidential election. Why? Why are we here, and why are they doing this?

I have heard a lot of talk from my colleagues on the Judiciary Committee and here on the floor about Justices and how they are not policymakers; about how they are distinct from politics; about abstract methodological terms and ideas like originalism and textualism; about judges and Justices as neutral arbiters whose decisions couldn't possibly be predictable.

But you don't work this hard to confirm a Supreme Court Justice in the middle of a pandemic while the majority of American States is voting—tens of millions have voted—and while election day is just 8 days away and a third of us are up for reelection because you care most about abstract ideas or neutral principles. You don't go against your own promise—your own promise—after you have claimed, as a matter of high principles, that Justices shouldn't be confirmed during Presidential elections and after you blocked a highly qualified nominee for exactly that reason—because you care most about neutral arbiters and judicial methodology.

No. This race to fill this seat is about power. It is about political power. It is about knowing the American people have turned against the President, especially because of his failed, flawed, and ultimately disastrous response to this pandemic. We are not turning the corner as he declared just this week. We have a record-high number of cases in dozens of States, an outbreak uncontrolled, unmanaged, and leadership that is uncaring.

My colleagues know the election is upon us. Many are up for reelection. So, when Justice Ginsburg tragically passed away just a few weeks ago, President Trump and my colleagues saw one last opportunity—one last chance—to decide the balance of the Supreme Court not just for a year or a term but for decades and to come and entrench a hard-right majority, whose views are far outside the American mainstream.

As my Democratic colleagues and I have been laying out in the Judiciary Committee and in speeches here on this floor, that hard-right turn will have lasting, serious, significant, even devastating consequences for the American people.

After digging into and studying Judge Barrett's record as a law professor and as a judge—her writings, her speeches, her opinions—I am convinced that she will come to the Supreme Court with both a deeply conservative, originalist philosophy in the style of Justice Scalia and a judicial activism even further to the right that will put at risk longstanding rights the American people hold dear in nearly every aspect of our modern lives. Simply put, Judge Barrett as Justice Barrett, I am convinced, will open a new chapter of conservative judicial activism unlike anything we have seen.

Why would I think this?

First, Judge Barrett was handpicked by President Trump after he made clear he wanted a new Justice to overturn the Affordable Care Act, with there being potentially catastrophic consequences for a majority of Americans protected by the ACA.

Everyone watching at home has heard my colleagues say for the last decade that their top priority was to repeal the Affordable Care Act. All of the Republican Senators on the committee talked publicly, repeatedly, about their desires to get rid of the law, and they voted that way. So did our President. Yet, despite their best efforts, he and my Republican colleagues failed to get the vote here on the floor of the U.S. Senate. So now they are taking their last and best shot at overturning the ACA, and they are trying to do it through the Supreme Court.

This is where Judge Barrett comes in. As she admitted during my questioning, Judge Barrett has written in no uncertain terms that she thinks Chief Justice Roberts got it wrong in his ruling 8 years ago that upheld the ACA against a constitutional challenge. She wrote this article just 3 years ago, in 2017. Soon thereafter, she

found herself on President Trump's short list for the Supreme Court.

Meanwhile, the Justice Department, under President Trump's leadership, has joined the challenge to the ACA, which is now back in front of the Supreme Court. That will be heard by the Court just 1 week from the election and 2 weeks from tomorrow. President Trump and his administration are arguing in no uncertain terms that the Court must get rid of the entire ACA.

My Republican colleagues have said this is fearmongering in that this is a different case and a different issue, but to anyone who thinks the characterization of this challenge is farfetched, just read the brief. Read the brief that has been filed by the Solicitor General of the United States or the brief that has been signed and cosigned by 18 Republican State attorneys general.

President Trump himself lashed out at Chief Justice Roberts over and over again for upholding the Affordable Care Act and its protections for a majority of Americans, and he pledged as Candidate Trump that his nominees would do the right thing and overturn the law. So here, in the last minute of the last act of the Trump show, he may at long last have his chance.

Yet it isn't just the Affordable Care Act that is on President Trump's Supreme Court agenda. He made clear he wants a nominee to do three things: overturn the ACA, overturn Roe v. Wade, and perhaps most chillingly for the future of our democracy, hand him the election if there is a dispute in the courts that makes its way to the Supreme Court.

On that second point about overturning Roe, Judge Barrett steadfastly refused to say whether she thought Roe had been correctly decided, because it is the subject of legislation and litigation that is currently being contested. She refused to say, as well, whether the foundational case of Griswold v. Connecticut was right, which was decided 55 years ago and protects the right to privacy and the right to use contraceptives by a married family in the privacy of their own home.

In the recent past, even indisputably conservative nominees—nominees chosen by Republican Presidents, such as Chief Justice Roberts and Justices Alito and Kavanaugh—have said that of course Griswold was rightly decided and is settled precedent. So I found Judge Barrett's hesitation—even refusal—to say so to be chilling.

More broadly—and this is important—Judge Barrett's approach to precedent itself suggests she will lead the way in reversing longstanding cases upon which our rights rely. Precedent has been called the foundation stone of law. Precedent protects the rights and freedoms that many Americans rely on today—the right to be safe in your home from government intrusion, the right to marry whomever you love, the right to control your own body.

Yet I have come away convinced that Judge Barrett, if confirmed to the Court, would be even more willing than Justice Scalia to overturn those precedents with which she disagrees. This is rooted in things that she has written and said as a law professor and as a judge. She has made clear that judges and Justices should feel free to overturn cases they believe have been wrongly decided regardless of how many people have ordered their lives around those decisions and have come to rely on them. She even said that those with her conservative, originalist philosophy have abandoned a commitment to judicial restraint.

As I made clear in my questioning, the cases that could be in jeopardy with a Justice Barrett on the Supreme Court cover a vast range of issues, issues which together affect hundreds of millions Americans' lives from healthcare to education, to consumer protection, to marriage equality, to criminal Justice. Over the past several decades, the Supreme Court has decided more than 120 cases by a 5-to-4 margin, with Justice Ginsburg in the majority and Justice Scalia in the dissent.

Just as a matter of analysis to help folks see the scope and the reach and the consequences of the decision being made here tonight, we look at what would happen if Justice Ginsburg in the majority were replaced by somebody with Justice Scalia's philosophy or with one further right.

These cases include not only the key ruling on the Affordable Care Act—NFIB v. Sebelius—but also on Obergefell v. Hodges, which, based on that privacy jurisprudence that started all the way back in Griswold, upheld the idea that marriage equality was the rule of the land; on Grutter v. Bollinger, which upheld race conscious admission policies at universities; on Tennessee v. Lane, which held that State governments must comply with the Americans with Disabilities Act; on Arizona State Legislature v. Arizona Independent Redistricting Commission, which upheld the constitutionality of nonpartisan redistricting; on Massachusetts v. EPA, which allows the EPA to regulate greenhouse gases; and on Roper v. Simmons, which prohibits executing people for crimes they committed while they were children.

Think about the scope and reach of the cases that touch labor rights to Native American rights and consumer rights to environmental protection. Yes, our comments on the floor and in committee focused on the Affordable Care Act, and they focused on reproductive rights and privacy, but the scope and reach of the consequences are breathtaking. Even to this day, I fear that we as a nation have not fully reckoned with the impact that a 6-to-3 conservative Court will have on so many aspects of our lives.

As to President Trump's third demand that a Justice chosen by him will help to decide the election, I was deeply dismayed to hear Judge Barrett refuse to commit to recusing herself from any case involving an election dispute. President Trump is the reason I ask that question.

President Trump himself is actively undermining the integrity of our election. He is spreading baseless rumors about voter fraud, encouraging voter suppression, and engaging in a disinformation campaign so egregious it is hard to believe it could be coming from an American, let alone an American President.

His statements have been so indefensible that, when my colleagues asked Judge Barrett whether the President should commit to conducting a peaceful transition of power if he loses the election—a question that is an obvious no-brainer and a matter of basic civics—Judge Barrett said she couldn't respond because President Trump's statements have turned this fundamental tenet of our democracy into a partisan, political question.

Before now, to my knowledge, no President has ever demanded that his nominee to a Supreme Court seat be rushed through so that this Justice, that ninth Justice, could look at the ballots, as he has said, and hand him an election. Never in our history has the U.S. Senate confirmed a Supreme Court Justice in circumstances like these—just 8 days before the final election day in an ongoing Presidential election.

At the very, very least, given President Trump's unprecedented overreaching, inappropriate comments about the election and her nomination, I asked Judge Barrett if she would recuse herself in the event of an election dispute. To be clear, nothing is stopping her from making that commitment, and she would not do so.

Recent events have made it clear that this issue is anything but hypothetical. Just last week, the U.S. Supreme Court was divided 4 to 4 on a question arising from Pennsylvania, and it came to the brink of adopting a novel—even radical—theory advanced by the Republicans in Pennsylvania that would empower the Supreme Court to override a State supreme court's interpretation of its own State laws and constitution in a way that would disenfranchise thousands of voters.

A new Justice Barrett joining that Court could well provide the fifth vote in support of this outrageous theory, which her mentor, Justice Scalia, accepted in Bush v. Gore. And to no one's surprise, the Pennsylvania Republican Party is again preparing to file in the Supreme Court a renewed claim.

In light of this conflict of interest, in light of the appearance of bias, her involvement in this case could have lasting, negative, devastating consequences for the independence of the Court and for our democracy. So I urge my Republican colleagues to consider, before voting to confirm tonight, the very real impacts their actions will have, not only on millions of our constituents but on our democracy and this institution itself.

As for me, I will be voting no on the confirmation of Judge Barrett to the U.S. Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, that was quite a speech from our friend from Delaware. If I had to categorize it, I would say this is really the Chicken Little argument: The sky is falling. Amy Coney Barrett—this is the end of civilization. This is the end of the world as we know it.

The irony to me and, frankly, the hypocrisy of the argument is that if the shoe were on the other foot, Senator SCHUMER, who has said everything is on the table ''if we win the majority''—Court packing, making DC, making Puerto Rico States—they would somehow show this superhuman self-restraint and not fill this seat.

This is entirely consistent with the practice, given the fact that President Trump's first term doesn't run out until January 20 of next year. All of the Senators elected are serving through the end of this year, at least. So it is somewhat entertaining but beside the point to suggest that this good judge, this really extraordinarily decent human being is part of some vast conspiracy to subvert the Constitution and overrule all these precedents that the Senator from Delaware considers sacrosanct.

Well, I am happy with the fact that tonight the Senate is set to confirm an exceptionally well-qualified nominee to the Supreme Court. Judge Amy Coney Barrett is as impressive as they come. America saw it. Initially they didn't know her, but when they came to know her through her testimony on the Judiciary Committee, she became very popular. In my State, 59 percent of the people in a recent poll said they wanted us to confirm Judge Barrett now before the election—59 percent.

It is no wonder why. She graduated first in her class from Notre Dame Law School. She clerked for the District of Columbia Court of Appeals and on the Supreme Court and practiced law before transitioning to academia, where she has written and taught constitutional law, Federal courts, and statutory interpretation for nearly two decades. And, of course, for the last 3 years, she has served with distinction on the Seventh Circuit Court of Appeals.

Her time in both the classroom and the courtroom have given her understanding of the law that few can rival. Over her confirmation hearing, she skillfully answered questions about legal doctrine, constitutional issues, and a myriad of precedents without so much as having a page of notes in front of her.

As impressive as Judge Barrett's deep knowledge of the law is, it is only part of what I believe makes her an ideal candidate for the Supreme Court. Now, more than ever, the judiciary, along with our other elected officials, tends to function not by what the law says but through a lens of personal and political bias. It is polarizing. We know that people are highly agitated, including my friend from Delaware, and trying to stoke the turnout of their partisans in the runup to the election. It should go without saying—but I will say it anyway—that judges don't do that. They can't do that and still be judges.

In order for the High Court to serve the proper role under our Constitution, it has to be made up of men and women of great integrity, restraint, and self-discipline, who will discharge their duties on the Bench free from bias, which means you don't announce the decision in a case before you have even heard it. You don't offer predictions or promises of how you will decide these contentious matters, which I know frustrates our friend from Delaware and others, but Judge Barrett has not only committed to doing this, not clouding her decisions by personal or political motivation or favor for any party; she has a record to back it up.

During her time on the Seventh Circuit, she has joined with her colleagues in 95 percent of the 600 cases she has decided—95 percent consensus on a three-judge panel. That is no record of an outlaw or a radical or somebody who is going to disregard their judicial oath. She has consistently shown in each of these decisions a fidelity to the law and an impartiality, which are essential qualities for a Supreme Court Justice.

But despite the judge's unassailable qualifications, our Democratic colleagues have repeatedly tried and failed to make this nominee out to be a radical, suggesting that she would violate her oath—the same oath to uphold and defend the Constitution that we take as Senators. But there is nothing in her background or her character which would suggest she would do something so brazen and so wrong.

Some folks on the left have attacked her because of her Catholic faith. They have also tried to convince the American people she is on some sort of crusade to take healthcare away from American families—How ridiculous is that?—or that she would slowly chip away at our freedoms and our liberties.

The reason we have seen such hysterical attacks that are completely out of touch with reality is that this is all they have. They have nothing else.

There is no legitimate reason to oppose the nomination of Judge Barrett. Her stellar credentials and deliberate body of work prove that she understands the role of a judge—as important as it is but as limited as it is under our constitutional system—and I think that is part of what terrifies our colleagues on the other side of the aisle.

You see, they have become accustomed to a Supreme Court that is more political than judicial, that feels free to make policy judgments to bail out the Congress or those who have either lost the vote or lost an election. That is why our Democratic colleagues have repeatedly pressed her to commit to an outcome in cases before the Court. She won't do it, and she shouldn't do it, and she didn't do it.

They asked her everything from healthcare to abortion to climate change. They want to know right now—before she is even on the Court, before she has even heard the case—how she would rule.

Well, Judge Barrett rightly declined. She invoked what is known as the Ginsburg rule from the 1993 confirmation hearing—presided over by Joe Biden when he was chairman of the Judiciary Committee—of Ruth Bader Ginsburg. Ruth Bader Ginsburg had been a lawyer with the American Civil Liberties Union and had been known for her pioneering work on behalf of women's rights, but she held some personally pretty radical views. So the Senators, out of curiosity if nothing else, wanted to ask her about those, and she declined, as she should have, because she said: It is inappropriate to make predictions or provide hints of how I might decide cases in the future.

This is the most basic principle of our judicial system. Judges are not legislators. They shouldn't advocate for policy outcomes or promote a specific agenda. They certainly shouldn't commit to an outcome on a hypothetical case during the confirmation process.

How would you feel if the judge you came before had previously said: Well, if I hear a case like that, I am going to decide against this litigant, this party for the lawsuit. That would be outrageous, and she shouldn't and didn't do that. Neither did Justice Ginsburg.

Chief Justice Roberts reminded us last year: ''We do not have Obama judges or Trump judges, Bush judges or Clinton judges.'' And I agree that is the ideal.

Men and women in black robes can't stick their thumbs on the scales of justice and supply wins to any cause, any individual, or any party. It is antithetical to our constitutional system.

So I hope this process will help begin a way to guide our courts back to their proper function in our Constitution and to remind all of us of what has rightly been called the crown jewels of our Constitution, and that is an independent judiciary—judges whose pay can't be cut during their tenure in office, and they serve for life if they want to. That is the ultimate in political independence. Those are the crown jewels because judges apply the law that Congress writes, interpret the precedents of other courts, and interpret the Constitution. To give an unelected individual the power to make policy and to have an agenda to accomplish their personal or political goals would be the opposite of what our Constitution comprehends.

There is no question that Judge Barrett has a brilliant legal mind, a deep respect for the Constitution, and an unwavering commitment to the rule of

law. Her resume and her record are spotless.

How do I know that? Well, if it wasn't, you would have heard about it. It is spotless. Her character is beyond reproach, and virtually everyone who has worked with or learned from Judge Barrett has offered their full-throated endorsement of her nomination. All the evidence—all the evidence—points to one simple fact: Amy Coney Barrett is exceptionally qualified to serve on the Supreme Court. I have faith in Judge Barrett's ability to fairly interpret the law and apply it to cases before her—nothing more and nothing less.

I believe Amy Coney Barrett will be an outstanding Supreme Court Justice, and I am proud to support her nomination.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, we are faced with three basic questions, and the first question couldn't be more basic: Why are we here?

If you told the American people that the U.S. Senate was in session 5 days in a row and meeting through the weekend and asked them what they think the order of business was before the Senate, they would say: Silly question. It is obvious. It has to be the pandemic facing America. It has to be the fact that 225,150 Americans have died from the coronavirus, 8.7 million infected, and most certainly because the United States has recorded more than 85,000 COVID–19 cases just this last Friday, the highest number of cases recorded within a 24-hour period since the beginning of the pandemic and Saturday was the same.

So they would guess that the Senate was in session to do something about this deadly epidemic that is affecting the United States of America in a more serious way than any country in the world. They would wonder what we are doing to try to provide more testing, more protection for people. They certainly would question the statement by the Chief of Staff of the President of the United States, Mark Meadows, who said just yesterday that the Trump administration ''is not going to control the pandemic.'' It would trouble them, I am sure.

They would expect this Congress representing them—up for reelection, many of us—to be responsive to their needs to protect their families or they might ask us: Are you doing anything to help the people, the 23 million unemployed in America? Certainly, you must be working on that, too, because these families were cut off from their Federal unemployment supplemental on July 31. So for the months of August and September and now into October, the amount of money coming in to keep their homes together, their families together has been dramatically diminished.

If they assumed that, they are wrong, because for the last 5 days here in the U.S. Senate we have not been consumed with those life-and-death issues of this pandemic at all. Instead we are consumed with a political mission.

How did we reach this point where we are taking up this Supreme Court nomination in the midst of a Presidential election for the first time in the history of the United States, in the midst of an election we are taking this up? Well, because of the determination of the Republican majority leader of the Senate, Senator MCCONNELL of Kentucky.

Four years ago, you will remember the Antonin Scalia vacancy. President Obama decided that he was still President of the United States in the 8th year of his Presidency, but Senator MCCONNELL said: No, you are not. You do not have the Presidential authority to fill a Supreme Court vacancy because it is the last year of your Presidency. You are a lameduck. There is an election coming. Let the American people decide who will fill this vacancy. That was the McConnell rule 4 years ago, and the Republican Senators marched in lockstep behind him with his logic.

Fast forward 4 years, the vacancy with the death of Ruth Bader Ginsburg and Senator MCCONNELL has changed his story completely and his troops are still marching obediently behind him. Now, under President Trump, he can fill a vacancy even in the midst of a Presidential election, and that is why we are here today. This determination by Senator MCCONNELL that this political errand that he is running for President Trump is more important than the COVID–19 pandemic, more important than the runaway infection rates in 20 States across the United States, more important than trying to deal with the unemployment and the dysfunctions of this economy under this President.

Yes, we asked basic questions to be answered by the Judiciary Committee—questions that were posed to Amy Coney Barrett, once a law school professor at Notre Dame Law School, now on the Seventh Circuit Court of Appeals.

People say: Is she qualified? Well, if you are asking whether she is studied in the law and has a head full of law, there is no question about it. It has been many years since I faced a law school professor, and I will give it to you that she certainly knows a lot about the law. There is no doubt about it. But the questions that I asked of her really went beyond that basic question. I really wanted to know what was not just in her head when it came to the law but I want to know what she has in her heart when it comes to the law.

One of the Senators who spoke to us a few minutes ago chided us because we kept bringing color photographs to the floor and to the committee hearings of people whose lives depended on the Affordable Care Act. He characterized it as ''theater'' and likened these images, these photographs, to cutouts at sporting events.

Well, let me tell you the ones that I presented from Illinois represent real-life stories of real-life families who depend on the Affordable Care Act. Why do we raise the Affordable Care Act in the midst of this hearing for filling this Supreme Court vacancy? For one simple reason—that is what the President did. It was the President who told us far in advance: I am going to fill Supreme Court vacancies to eliminate the Affordable Care Act. So is this a leap of faith on our part to take the President at his word? Would the President even consider lying to the American people?

If you take him at his word, then Amy Coney Barrett is part of an agenda—a political agenda to eliminate the Affordable Care Act. And in the past the President has said Roe v. Wade while you are at it and also to move forward when it comes to protecting him if there is an election contest after the November 3 election. He said as much. As I mentioned earlier, he doesn't have an unuttered thought. He tweets it 25 times a day, whatever crosses his fertile mind, and that is his agenda when it comes to filling the Supreme Court vacancy. When we asked Judge Barrett, she denies any promises have been made. But there is some evidence, obviously, along the way that convinced the President and the people in the White House that she would fulfill his mission if she came to the Supreme Court.

When you look at the issues involved, it is not just her compassion when it comes to the Affordable Care Act and 23 million Americans covered by insurance under that law, 600,000 of them in Illinois. It is not just a question of her courage to stand up to this President if there is an election-year contest that comes before the Supreme Court. It is really whether she is committed to preserving the pillars of modern law—the rights of women. Ruth Bader Ginsburg's death created this vacancy. There is hardly a person in our modern history who spent more of her life dedicated to the rights of women. Is Amy Coney Barrett going to follow in that tradition? I think it is a legitimate question.

When it came to racism, are we going to deal with racism in an honest way? And I will get to that in a moment when I speak to her originalism motivation.

Marriage equality, privacy, voting—all these issues are on the table. And I do have to disagree with my colleague from Texas who preceded me. I just don't believe the law is robotic, nor do I believe that there is a simple formula to use that can guarantee an outcome of a case. As I said to Judge Barrett in our private conversation before the hearing, there wouldn't be 5-to-4 cases if we could count on people to always look at the facts and the law and come to the same conclusion. People reach different conclusions.

That takes me to the third point here. We asked Amy Coney Barrett during the course of this hearing so

many questions about basic, basic law that went right to the heart of this Constitution. These weren't trick questions. They weren't the subject of pending litigation or litigation. Questions like, Can this President or any President unilaterally decide to change the date of a Presidential election? That is pretty basic. I think it is covered by three different sections in this Constitution. She refused to answer because of the possibility that there would be litigation before the Court on that subject.

Well, what about intimidation against voters, trying to cast their votes in an election? Couldn't answer that one either—same reason.

This was asked by Senator KENNEDY, a Republican from Louisiana: What about climate change? Well, it turns out Judge Barrett told us she really hadn't developed any thoughts on climate change. Really? Forty-eight years old, lawyer, law school professor, mother of seven—no thoughts on climate change?

When it was all over, you had to ask yourself, what was the purpose of that hearing if those were the kinds of answers we faced? Certainly, we wouldn't ask her about pending litigation.

But the one thing that she was very proud of and stated over and over again is that she was an originalist when it came to her thinking on the law and the Constitution. As I said, originalism is not some foreign language you pick up on Babbel. It is a mindset. It is a mission statement. It is the belief that the original text in our Constitution reveals all the answers. I doubt that very much. That is kind of MAGA jurisprudence—''take us back to the good old days'' jurisprudence because, you see, what really launched originalism occurred in the 1950s in a case called Brown v. Board of Education. The Southern States were not ready for integration, and many of the Northern States weren't either, for that matter. The critics of that Supreme Court decision said it was judicial activism to integrate the public schools of America. They were critical of a Court that they thought went too far under Earl Warren. They called for his impeachment and more and started saying: You should have stuck with the original Constitution. Well, the original Constitution didn't give African Americans the right to vote; in fact, considered them under the law to be three-fifths of an American citizen. So those so-called originalists criticized that activist Court, and it didn't end with Brown v. Board of Education.

The same criticism was launched when it came to Griswold v. Connecticut, a case that really argued that we have a right of privacy in our married lives that can't be overcome by the State; Loving v. Virginia, that interracial marriage was permissible; and then, of course, the case of Roe v. Wade, the ultimate case when it came to privacy and liberty.

So those who come before us and tell us that what is really at stake here is restraint on the Court, self-discipline on the Court—we have heard all those words—and making sure that Justices don't pursue policy, think about all of those things in terms of what happened in Brown v. Board of Education and when they overruled Plessy v. Ferguson decades before, and said: Moving forward, we believe this Constitution guarantees to every child the right to an education, regardless of their race.

Dr. Chemerinsky is with the University of California School of Law in Berkeley. He wrote a recent article in the New York Times on this originalism theory. And he noted the fact that it was Antonin Scalia who gave it great popularity, and a lot of people followed Scalia because he was cerebral, jocular, and fun to be with. He spoke to a luncheon of Democratic Senators that I was able to attend. But when it came down to it, his views on the law were pretty strict and pretty rigid pursuing this idea that, for example, under this view, the First Amendment means the same thing as when it was adopted in 1791; the Fourteenth Amendment means the same thing as it was ratified in 1868. It turns out that the circumstances in all those cases have changed so dramatically in America.

Judge Amy Coney Barrett argued she is an originalist. She would be joining that other originalist on the Court, Clarence Thomas, with her legal thinking, and that gives me pause and concern when it comes to what she is bringing to the Court—a head full of law, for sure, but an approach to it that I think is a pose. It is a way to argue against change and evolution in America that is inevitable and, in fact, necessary.

The professor says under the original public meaning of the Constitution, it would be unconstitutional to elect a woman as President or Vice President until the Constitution is amended because article II refers to the pronoun ''he.'' When you get stuck with the language in the original Constitution in the extreme, you find yourself reaching conclusions that are not in the best interest or consistent with American mores or values today.

So this is more than just another nomination to fill a vacancy on the Supreme Court. It comes at a moment in time when we should be focusing on the deadly pandemic facing America. We should have spent 5 straight days coming up with a COVID relief bill for the millions of Americans desperate for help today and desperate for peace of mind when it comes to this public health tragedy which we are facing.

It is a nomination which comes before us when the rules of Senate and the rules of the Senate Judiciary Committee are being twisted and turned to create a political opportunity for Senator MCCONNELL and his side of the aisle. Sadly, it is a moment in time when a nominee for the Supreme Court wants to bring to us a legal way of thinking which I believe is inconsistent with progress in this country when it comes to human rights and civil rights.

Under originalist theory, we may never have had Brown v. Board of Education and the other cases I mentioned. What a loss for this great Nation. That is not what we need on the Court. We need people on the Court who are realists and who will look at the law and the Constitution in real terms and not ideological terms.

The notion that this Justice is being hurried before us in the hopes that she will eliminate the Affordable Care Act in the midst of a pandemic certainly is worth noting. It is one of the reasons—one of many of reasons—that I will be voting no on Amy Coney Barrett with her nomination to the Supreme Court.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, as chairman of the Judiciary Committee, it is my honor to speak on the floor about this nomination, which I think is historic in many facets and all positive from my point of view.

We have before the committee the nomination of Judge Barrett, who currently sits on the Seventh Judicial Circuit. She is one of the most impressive people I have ever met. Two days of hearings; answering every question thrown to her with grace and judicial demeanor. I think it should be the gold standard for every other nominee.

I want to thank my staff, beginning with Lee Holmes, the director. Lee has done such a great job on the Judiciary Committee and has done a lot of things—some contentious and some not. I want to thank Lee for shepherding this nomination and the fine work he has done.

Mike Fragoso—Mike, I got your first name right anyway. He is just outstanding. He has done a terrific job.

The permanent nominations unit for the Judiciary Committee includes Lauren Mehler, Raija Churchill, Tim Rodriguez, Watson Horner, and Akhil R-A-J-A-S-E-K-A-R—I don't want to butcher your name. They all worked incredibly hard for 135 article III judges, not just this one.

In addition, Lucas Croslow joined my staff to lead the team of special counsels assisting with the Barrett nomination. That included Sidd Dadhich, D-A-D-H-I-C-H, Joe Falvey, Abby Hollenstein, Eric Palmer, and Robert Smith. They went through the entire record presented by Judge Barrett to make sure we would be prepared for the confirmation process.

The law clerks were Matt Simpson, Emily Hall, Megan Cairn, and Peter Singhal. I would like to thank the Judiciary Committee's press secretary, Taylor Reidy. They did a great job, along with George Hartmann, as well as our deputy staff director, Joe Keeley.

The bottom line is, all of them worked really hard. They made history. They should be proud and tell

their grandkids about all this. Well done.

To my Democratic colleagues, I know you didn't like what we did, but I do appreciate the way you conducted yourselves in the hearing. It wasn't a circus. I think you challenged the judge appropriately during your time. We had 4 days of hearings. We heard from a variety of people about Judge Barrett.

In terms of the process, it was well within what we have done in the past. In every Judiciary Committee markup regarding a Supreme Court Justice, we have done the same thing. The first day is opening statements, then 2 days of questions, and the final day is input from outside groups. That is what we were able to do here. So she went through the process like every other nominee since I have been here.

But let me just say this to my Democratic colleagues. It is not about the process. You will find ways to make sure that most of you can't vote for anybody we nominate. It really does break my heart.

With Roberts, 78 to 22, that was sort of the norm. I think Alito got 96 and Ginsburg got 97. Maybe I got the numbers right. I can't remember who got what, but one got 96 and one got 97. It used to not be this way. It used to be different.

We looked at the qualifications and said: OK, you are good to go. You are a person of integrity. You are smart. You are well rounded. You are knowledgeable in the law. You may have a different philosophy than I have, but we understand elections matter. And everybody accepted the election outcome. Those days are over, absolutely completely over and destroyed. There is nobody any Republican President can ever nominate, I think, who is not going to face a hard time. That is too bad. That is the way it is.

Alito, 58 to 42—Judge Alito was well known on our side of the aisle. He was the kind of person you would be looking at to promote to the Supreme Court. President Bush nominated him. Well within the mainstream. Roberts and Alito were well known in the conservative world, being very bright court of appeals judges whom any Republican President would be looking at to put on the Court if they ever had an opportunity. There is no difference between Alito and Roberts, but Alito went through hell. But he made it, and he got 58 votes.

So then along comes President Obama. He gets two picks—Sotomayor, 68 votes to 31. I think she deserved more, but 68 is pretty darn good. I was glad to vote for her. I saw that she was qualified. Then we had Elena Kagan, 63 votes. You can see the trend here. Both of them were Obama nominees, 68 and 63, and I thought Elena Kagan was highly qualified. She had a different judicial philosophy. She was a dean of the law school at Harvard but worked for the Solicitor General's Office. Both of them had been with the liberal side of the Court most every case but not all. I am not surprised the way they decided cases. I think they are tremendously well-qualified women and should be sitting on the Court. That is exactly who you would expect a Democratic President to pick—Sotomayor and Kagan.

So now we come back. Trump wins. Nobody thought he would win, including me. I voted for somebody in 2016 I wouldn't know if he walked through the door—Evan McMullin. I think I met him once. I had my challenge for President Trump during the 2016 primary. He beat me like a drum. I accepted my defeat. I have been trying to help him ever since, and I think he has done a really good job of sending to the Senate highly qualified judges. He has gotten input from a lot of different people—the Federalist Society, you name it—a lot of different people.

Gorsuch and Kavanaugh had one thing in common: They were in my top three recommendations. Any Republican President looking to nominate somebody to the Supreme Court would be looking at Gorsuch and Kavanaugh. These are not exotic picks. They are in the mold of Sotomayor and Kagan in terms of qualifications.

So what happened? Gorsuch was the first attempt at a partisan filibuster. We had three votes to get 60, and we couldn't, so we changed the rules for the Supreme Court like they changed the rules in 2013 for the district court and court of appeals. If we had not, Gorsuch wouldn't be on the Court. And to say he is not qualified is a joke. It is an insult to him and says more about you than it does Judge Gorsuch. If you can't see he is qualified, you are blinded by your hatred of Trump. So he made it, but we had to change the rules. We hated to do it but had to do it because in any other time, Gorsuch would have gotten the same type votes as Roberts because he is just highly qualified.

Then comes along Kavanaugh. Nothing about process there. There was no process argument. Right at the very end, the last day of the hearing when we thought it was all over, you give us a letter that you had for weeks, an allegation against the judge. It would have been nice to share it with him so he could tell his side of the story, but you chose not to do that. You had it precooked with the press outlets, and everything blew up.

So all of us on the committee had to decide what to do. I sat down with Senator Flake and Senator COLLINS, and we felt like the allegations had to be heard. They are made. I know a lot of people on our side thought it was unfair, dirty pool, but we had the opportunity to have the hearing, and the rest is history. It was high drama.

All I can say is that something happened to the person who accused Judge Kavanaugh, but I don't believe Judge Kavanaugh had anything to do with it. This was a party in high school. Ms. Ford couldn't remember where it was and who was there. The people who were said to have been there said they don't remember anything like it happened.

Judge Kavanaugh hasn't lived a life like what was being described. He was accused by four or five people. Three of them actually made it up. I hope some of them go to jail for lying to the committee and the country. They were trying to make him a rapist and drugging women in high school, and what was his annual all about? It was the most sickening episode in my time in the Senate. They were hell-bent on destroying this guy's life based on a bunch of manufactured lies and evidence that wouldn't get you out of the batter's box in any court of law in the land.

And here we are, 50 to 48. What I saw there was a turning point for me. We cannot continue to do this. You are going to drive good people away. And I am hoping that the Barrett hearings, which were far more civil and far more traditional, will be a turning point because I don't know who the next President will be, but there will be an opening, I am sure, on the Court. I am hoping that the next hearing is more like Barrett's and less like Kavanaugh's, no matter who wins.

Now, Barrett. I understand the concern about the process. This is the latest we have ever confirmed somebody. You heard all the arguments about when the President is of one party and the Senate of a different party; you have had one confirmation in 100-some years; that most of the time, when the President is of the same party as the Senate, they go through. I understand.

The bottom line is, we gave her the same type hearing that Alito, Sotomayor, Kagan, Gorsuch, and Kavanaugh had. My Democratic colleagues showed up at the hearing, they participated, they pushed her hard, but I don't think they went across the line. They decided not to show up for markup. I hate that, but that is the way it is.

I would like to spend a few minutes talking about the person who is going onto the Court in about an hour.

If you are looking for somebody a Republican would be picking, regardless of the process, it would be Judge Barrett. She would be on anybody's list.

I listened to Senator DURBIN, who is a good friend, and we will work on whatever comes our way after the election. I find that he is somebody you can work on hard things like immigration with. But his description of Judge Barrett simply doesn't pass scrutiny.

He is trying to make a character of this person that doesn't exist. There is nothing exotic about Judge Barrett. She is very mainstream in our world. All I can say is that after 2 days of hearings, the American people, by 51 percent—it is pretty hard to figure that in this country, you get 51 percent agreement on anything—felt like she should be going onto the Court.

Here is what Dean O'Hara said, the dean of Notre Dame Law School, who

hired Amy Barrett to be a professor at Notre Dame:

I have only communicated with this august committee on two occasions. The first was ten years ago when I wrote a strong letter in support of now-Justice Elena Kagan, whose term as dean of Harvard Law School overlapped with my own. The second is today introducing and endorsing Amy Coney Barrett in equally strong terms. Some might find these recommendations to be in juxtaposition, but I find them entirely consistent.

To anybody wondering about Judge Barrett, I would highly recommend that you look at the ABA's recommendations and the process they used to find her ''well qualified.'' Not one person uttered a negative word about her character, according to the ABA. Someone said to the ABA: The myth is real. She is a staggering academic mind. She is incredibly honest and forthright. She is exactly who you think she is. Nothing about her is fake. She is good, she is decent, she is selfless, and she is sincere. She is an exemplar of living an integrated life.

The Standing Committee would have been hard-pressed to come up with any conclusion other than that Judge Barrett has demonstrated professional competence that is exceptional. Then they had a committee to look at her writings—all of her writings. They accepted input from 944 people she has interacted with in her professional life. Not one negative comment.

So forget about what politicians say about Judge Barrett. Forget about what people who don't recognize President Trump as being a legitimate President say about Judge Barrett. Forget about what I say if you want to. Look at what people who worked with her said, who are in the law business, who know her individually and have worked with her as a judge, as a professor, and they conclude without any doubt that she is one of the most gifted people to ever be nominated to the Supreme Court.

There is nothing exotic about Judge Barrett. She is going onto the Court in about an hour. That is exactly where she needs to be. She is the type of person who has lived a life worthy of being nominated. She is the type of person who is worthy of receiving a large vote in the Senate, but she won't get it.

She is not going to get one Democratic vote. Write her out of the process if you want to. That is fine. But what about the others? All I can say is that we are going to have an election here in about a week, and whatever happens, I am going to acknowledge the winner when it is all said and done.

It may go to the Supreme Court. I don't know. But there will be a day that we know who won, and I am going to accept those results, and I am going to do with the next President what I have tried to do with this one and every other one—try to find a way forward on things that are hard to keep the country moving forward.

To the majority leader and the minority leader, it is a tough place around here now. This, too, shall pass. But this is about Judge Barrett. This is about her time, her moment. She has done everything you would expect of her. She has exceeded every challenge put in her way. She has impressed everybody she has worked with. She has impressed the country. She is going onto the Court because that is where she deserves to be.

As to us in the Senate, maybe down the road we can get back to the way we used to be. I don't know. But I do know this. There is nothing exotic about Judge Barrett. She is as mainstream as it gets from our side of the aisle.

When it comes to people outside of politics looking at her, it was universal: ''highly qualified,'' ''highly competent,'' ''ready to serve this country as Associate Justice of the Supreme Court.''

My last thought: It is hard to be a conservative person of color. That is a very difficult road to hoe in modern American politics. My good friend TIM SCOTT is a great voice for conservatism. And TIM—a lot of things were said about TIM that were said about nobody else on our side of the aisle. He is tough. He can handle it. The same for conservative women.

Judge Barrett did not abandon her faith. She embraces it. But she said: I embrace my faith. But as a judge, it will not be the rule of Amy. It will be the rule of law. It will be the facts. It will be the law and the outcome dictated by the law, not by anything I personally believe.

I will say this. For the young, conservative women out there who are pro-life and embrace your faith, there is a seat at the table for you. This is historic. This nomination is different. This is a breakthrough for conservative young women.

I was honored to be the chair of the committee that reported out Judge Barrett to the floor of the Senate, and I am going to be honored to cast my vote to put her on the Supreme Court, exactly where she deserves to be.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. SCHUMER. Mr. President, today, Monday, October 26, 2020, will go down as one of the darkest days in the 231-year history of the U.S. Senate.

Let the record show that tonight the Republican Senate majority decided to thwart the will of the people and confirm a lifetime appointment to the Supreme Court in the middle of a Presidential election, after more than 60 million Americans have voted.

Let the record show that tonight the Republican majority will break 231 years of precedent and become the first majority to confirm a Supreme Court Justice this close to election day.

Let the record show that tonight the Republican majority will make a mockery of its own stated principle that the American people deserve a voice in the selection of Supreme Court Justices, completing the partisan theft of two seats on the Supreme Court using completely contradictory rationales.

And let the record show that the American people—their lives and rights and freedoms—will suffer the consequences of this nomination for a generation.

This entire debate can be summed up in three lies propagated by the Republican majority and one great terrible truth. The first lie is that the Republican majority is being consistent in following its own standard—what rubbish. After refusing a Democratic nominee to the Supreme Court because an election was 8 months away, they will confirm a Republican nominee before an election that is 8 days away.

What is Leader MCCONNELL's excuse? He claims that the principle of not confirming Justices in Presidential years only applies when there is divided government. But this is what Leader MCCONNELL said after Justice Scalia died: ''The American people should have a voice in the selection of their next Supreme Court Justice.''

That is all he said. He didn't say that the American people should have a voice but only when there is divided government. No, the last bit is ex post facto.

If this were really about divided government all along, Republican Senators would not have promised on the record to follow their own standard if the situation was reversed. ''I want you to use my words against me,'' said the chairman of the Judiciary Committee. ''If there is a Republican President in 2016 and a vacancy occurs in the last year of the first term, you can say LINDSEY GRAHAM said, let the next president, whoever it might be, make that nomination.''

So the claim by the leader that this is consistent with their own principle—please. Rather than accept the consequences of its own words and deeds, the Republican majority is lighting its credibility on fire.

This hypocritical, 180-degree turn, is spectacularly obvious to the American people.

The second lie is that the Republican majority is justified because of Democratic actions on judicial nominations in the past. The Republican leader claims that his majority's actions are justified by all the bad things Democrats did years ago. He claims that every escalation of significance in judicial debates was made by Democrats. But in his tortured, convoluted history lesson, Leader MCCONNELL left out a whole bunch of chapters. He omitted that Republicans bottled up more than 60 judicial nominees by President Clinton, refusing them even a hearing.

He made no reference to the decision by Republican Senators to hold open 14 appellate court seats in the 1990s so that a Republican President could fill them. Instead, a tactic Republicans would revisit under President Obama, when Republicans used partisan filibusters to block his nominees to the DC

Circuit, at the time, Republican Senators, including my colleague from Kentucky, amazingly accused President Obama of trying to pack the court by the mere act of nominating judges to vacancies of the Second Circuit. What a hypocritical double standard, which appears to be endemic in Leader MCCONNELL's recounting of history.

And on top of it all, the leader has asked the Senate to play a blame game that dates all the way back to 1987, pointing to a 3-minute speech by Senator Kennedy about Robert Bork as the original sin in the judicial wars. Seriously, that is what he said. Because one Democrat give one 3-minute speech that Republicans didn't like, Leader MCCONNELL can steamroll the minority to confirm a Justice in the middle of an election.

Imagine trying to explain to someone: Sorry, I have to burn down your house because of something one of your friends said about one of my friends 33 years ago. That is how absurd and obnoxious this game has gotten. That is how unjustifiable the majority's actions are, how flimsy their excuses have become.

The leader's final argument boils down to: But you started it—a declaration you would sooner hear in the schoolyard than on the floor of the U.S. Senate.

The third and perhaps the greatest lie is that the Republican majority is confirming Judge Barrett solely on the basis of her qualifications, not based on her views on the issues. My colleagues insist that Judge Barrett should be confirmed on her credentials alone. That is all they talk about. They don't talk about her views on the issues, only qualifications. Well, this canard is about as apparent as a glass door. Everyone can see right through it.

What is the real reason Republicans are so desperate to rush Judge Barrett onto the Supreme Court? Of course, it is not because of her qualifications. If my Republican friends truly believed that the only thing that mattered about a judicial candidate is their qualifications, then Merrick Garland would be sitting on the Supreme Court right now.

If the Republican leader truly believed that judicial appointments were about qualifications, and qualifications alone, Judge Garland would be Justice Garland right now.

Judge Garland was among the most qualified candidates ever—ever—to be nominated to the Supreme Court. No Republican Senator has disputed that. But they didn't want Judge Garland on the Bench. They do want Judge Barrett. They subjected Judge Garland to an unprecedented partisan blockade, but they are erecting a monument to hypocrisy to rush Judge Barrett on the bench.

Why? It is not because she is more qualified than Judge Garland was. What is the difference between Barrett and Garland? The difference is not qualifications but views. We know that. We all know that. Healthcare, a woman's rights, a woman's right to choose, gun safety—you name it. It is not because the far right wants Judge Barrett's views on the Court, but it is because the far right wants Judge Barrett's views on the Court but not Judge Garland's.

The truth is, this nomination is part of a decades-long effort to tilt the judiciary to the far right, to accomplish through the courts what the radical right and their allies—Senate Republicans—could never accomplish through Congress.

Senate Republicans failed to repeal the Affordable Care Act, so President Trump and Republican attorneys general are suing to eliminate the law in court.

Republicans would never dare to attempt to repeal Roe v. Wade in Congress. So they pass onerous laws in State legislatures that they control to drive that right to the point of near extinction and then provoke the Supreme Court to review Roe v. Wade.

The far right has never held the majority on the court to limit Roe v. Wade or Griswold, but if Judge Barrett becomes Justice Barrett, it very well might.

And if you are looking for some hard numbers to prove that the political right considers ideology and not just qualifications, consider this. Under Justice Roberts, there have been 80 cases—80—decided by a 5-to-4 majority, in which the five Justices nominated by Republican Presidents came down one side and the four Justices nominated by Democratic Presidents came down on the other. Eighty cases—exactly the same majority—calling balls and strikes. And in an amazing coincidence, all the Republican-nominated Justices think it is a strike and all the Democratic ones think it is a ball, or vice versa. It would be the most remarkable coincidence in the history of mathematics if nine Justices, simply calling balls and strikes, exhibited the same split in the exact same configuration 80 times.

We all know what the game is here. So stop pretending. Stop pretending there aren't entire organizations dedicated to advancing far-right judges. Stop pretending that the political right doesn't spend millions of dollars to prop up the far-right Federalist Society and support certain judicial candidates because they only want ''qualified'' judges. No, they want to systematically and permanently tilt the courts to the far right.

So does Judge Barrett have views on legal issues? You bet she does. That brings me to the one great and terrible truth about this nomination. The American people will suffer the consequences of Judge Barrett's far-right, out-of-the-mainstream views for generations.

Judge Barrett came before the Judiciary Committee and refused to answer nearly any question of substance. That is the new game at the hearings. She would not answer questions about healthcare. She would not say whether voter intimidation is illegal. She would not say if she thought Medicare and Social Security were unconstitutional. She could not even offer platitudes in responses to questions about the peaceful transfer of power, and refused to say if climate change was real.

It is not because Judge Barrett isn't allowed to answer these questions. It is because she knows how unfavorable her views on the issues might sound to the American people.

But the thing is, we do know how Judge Barrett thinks. She views certain rights, like the right to privacy, through a pinhole. She was closely affiliated with organizations who advocated the outright repeal of Roe v. Wade.

But she views other rights, like the right to keep and bear arms, as almost infinitely expansive. She once authored a dissent arguing the Federal Government does not have the authority to ban all felons—felons—from owning guns.

Only a few hours ago, the Republican Senator from Missouri proudly declared from the Senate floor that Judge Barrett is the most openly pro-life judicial nominee to the Supreme Court in his lifetime: ''This is an individual,'' he said of Judge Barrett, ''who has been open in her criticism of that illegitimate decision, Roe v. Wade.'' He was being more honest than most of the talk around here, which says it is only about qualifications.

Judge Barrett has proudly fashioned herself in the mold of her mentor, Justice Scalia, who, before his death, appeared set to declare union fees to be unconstitutional, driving a stake into the heart of the American labor movement. While American workers break their backs to make ends meet and earn ever less of ever growing corporate profits, what might Justice Scalia's former clerk portend for the future of labor rights?

What about voting rights? Judge Barrett has suggested that certain rights are civic rights, including voting rights, and can be restrained by the government, but other rights, like the right to keep and bear arms, are individual rights that cannot be subject to even the most commonsense restrictions.

And, of course, what about healthcare? Judge Barrett has argued that Justice Roberts got it wrong when he upheld the Affordable Care Act. She said that, if Justice Roberts read the statute properly, the Supreme Court would have had to invalidate—her words—the law.

That is the same thing, by the way, that Donald Trump said about Justice Roberts and the ACA. That is the great and terrible truth about this nomination.

Judge Barrett holds far-right views, well outside the American mainstream, and those views matter to the vast majority of Americans. They matter to

women facing the hardest decision of their lives. They matter to LGBTQ Americans like my daughter, who only 5 years ago won the legal right to marry who she loves and could lose it just as fast. They matter to little girls like 7-year-old Penny Fyman from West Hempstead, Long Island, born with a neurological disorder, bound to a wheelchair, attached to a feeding tube, who is alive today—alive today—because of the Affordable Care Act.

We are talking about the rights and freedoms of the American people: their right to affordable healthcare, to make private medical decisions with their doctors, to join a union, to vote without impediment, to marry whom they love and not be fired because of who they are.

Judge Amy Coney Barrett will decide whether all of those rights will be sustained or be curtailed for generations. And, based on her views on the issues—not on her qualifications but her views on the issues—Judge Barrett puts every single one of those fundamental rights—American rights—at risk.

So I want to be clear with the American people. The Senate majority, this Republican Senate majority, is breaking faith with you, doing the exact opposite of what it promised 4 years ago, because they wish to cement a majority on the Supreme Court that threatens your fundamental rights.

And I want to be very clear with my Republican colleagues. You may win this vote, and Amy Coney Barrett may become the next Associate Justice of the Supreme Court, but you will never, never get your credibility back. And the next time the American people give Democrats a majority in this Chamber, you will have forfeited the right to tell us how to run that majority.

You may win this vote, but in the process you will speed the precipitous decline of faith in our institution, our politics, the Senate, and the Supreme Court. You will give an already divided and angry Nation a fresh outrage, an open wound in this Chamber that will take a very long time to heal. You walk a perilous road.

I know you think that this will eventually blow over, but you are wrong. The American people will never forget this blatant act of bad faith. They will never forget your complete disregard for their voices, for the people standing in line right now and voting their choice, not your choice. They will never forget the lack of consistency, honor, decency, fairness, and principle.

They will never forget the rights that are limited, constrained, or taken away by a far-right majority on the Supreme Court, and history will record that, by brute political force, in contradiction to its stated principles, this Republican majority confirmed a lifetime appointment on the eve of an election, a Justice who will alter the lives and freedoms of the American people, while they stood in line to vote.

Leader MCCONNELL has lectured the Senate before on the consequences of a majority's action. ''You'll regret this,'' he told Democrats once, ''and you may regret it a lot sooner than you think.'' Listen to those words: ''You'll regret this, and you may regret it a lot sooner than you think.''

I would change just one word. My colleagues may regret this for a lot longer than they think.

Here, at this late hour, at the end of this sordid chapter in the history of the Senate, the history of the Supreme Court, my deepest and greatest sadness is for the American people. Generations yet unborn will suffer the consequences of this nomination. As the globe gets warmer, as workers continue to fall behind, as unlimited dark money floods our politics, as reactionary State legislatures curtail a woman's right to choose, gerrymander districts, and limit the rights of minorities to vote, my deepest, greatest, and most abiding sadness tonight is for the American people and what this nomination will mean for their lives, their freedoms, their fundamental rights.

Monday, October 26, 2020—it will go down as one of the darkest days in the 231-year history of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I think my remarks may encroach somewhat on the time previously set for beginning the vote. I ask consent that I be allowed to finish.

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

Mr. MCCONNELL. Mr. President, this evening the Senate will render one of the most consequential judgments it can ever deliver. We will approve a lifetime appointment to our Nation's highest Court.

Since the ink dried on the Constitution, only 114 men and women have been entrusted to uphold the separation of powers, protect people's rights, and dispense impartial justice on the Supreme Court. In a few minutes, Judge Amy Coney Barrett of Indiana will join their ranks.

This body has spent weeks studying the nominee's record. We have examined 15 years of scholarly writings, about 100 opinions from the Seventh Circuit, and testimonials from legal experts running the gamut from close colleagues to total strangers.

There have been one-on-one meetings for every Senator who wanted one and a week of intensive hearings. All of it—all of it—has pointed to one conclusion: This is one of the most brilliant, admired, and well-qualified nominees in our lifetime.

Intellectually, Judge Barrett is an absolute all-star. She graduated No. 1 in her class at Notre Dame Law School. She clerked on the second highest Federal court and the Supreme Court. Then she returned to her alma mater and became an award-winning academic.

Judge Barrett's mastery of the Constitution gives her a firm grasp on the judicial role. She has pledged to ''apply the law as written, not as she wishes it were.'' Her testimony, her writings, and her reputation confirm a total and complete commitment to impartiality, and the nominee's personal integrity and strength of character are literally beyond reproach.

She earned the highest rating from the left-leaning American Bar Association. They marveled at the ''breadth, diversity, and strength of the positive feedback [they] received from judges and lawyers of all political persuasions.''

If confirmed, this daughter of Louisiana and Indiana will become the only current Justice with a law degree from any school not named Harvard or Yale—any school not named Harvard or Yale. She will be the first mother of school-aged children to ever sit on the Court.

By every account, the Supreme Court is getting not just a talented lawyer but a fantastic person. We have heard moving testimony from former students whom Judge Barrett went out of her way to help and to mentor. Her past clerks describe an exemplary boss. Her fellow scholars describe a winsome, respectful colleague who is tailor-made for the collaborative atmosphere of the Court.

By any objective standard, colleagues, Judge Barrett deserves to be confirmed to the Supreme Court. The American people agree. In just a few minutes, she will be on the Supreme Court.

Two weeks ago, a CNN journalist made this observation that I found particularly interesting. This is what he said: ''Let's be honest . . . in another [political] age . . . Judge Amy Coney Barrett would be getting 70 votes or more in the United States Senate . . . because of her qualifications''—in a different era.

Now, we know that is not going to happen. These are not the days when Justice Scalia was confirmed 98 to 0 and Justice Ginsburg was confirmed 96 to 3. By the way, I voted for both Ginsburg and Breyer. It seems like a long time ago now.

We spent a lot of energy in recent weeks debating this matter. I think we can all acknowledge that both sides in the Senate have sort of parallel oral histories about the last 30 or so years. Each side feels the other side struck first and struck worst and has done more to electrify the atmosphere around here about confirmations.

Now, predictably enough, I think our account is based on what actually happened, what actually occurred—factually accurate. I was there. I know what happened.

I had laid it out earlier, and I will talk about some of it again so the people may understand how we got to where we are. It was the Senate Democrats—our colleagues over here, who amazingly enough don't seem to be on the floor at the moment—who spent the early 2000s boasting about their

brand-new strategy of filibustering qualified nominees from a Republican President. They were proud of it. They found a new way to halt the process, stop those crazy rightwing judges that Bush 43 was going to send up.

They pioneered it because they knew what the precedent was at that point. At that point, as we discussed before, it just wasn't done. You could do it—you could—but you didn't. The best evidence that you shouldn't do it was the Clarence Thomas nomination, confirmed 52 to 48. All of us know that any one of us in this body has a lot of power to object. If any one of the 100 Senators at that time, including people who were vehemently opposed to Justice Thomas—like Joe Biden and Ted Kennedy—could have made us get to 60 votes and Thomas Clarence would not have been on the Supreme Court. That is how strong the tradition was, until the Democratic leader led the effort in the early 2000s to establish the new standard.

Well, after establishing the new standard, they got kind of weary of it. In 2013, the so-called nuclear option was implemented because Republicans were holding President Obama's nominees to the same standard that they, themselves, had created. When the shoe got on the other foot, they didn't like it too much. It was too tight.

Senate Democrats, both in 1992 and 2007, helpfully volunteered how they would have dealt with a nominee like we did in 2016. The then-chairman of the Judiciary Committee, Joe Biden, helpfully volunteered in 1992 when Bush 41 was running for reelection that, had a vacancy occurred, they wouldn't fill it. There wasn't a vacancy, but he helpfully volunteered how they would deal with it if they had one. ''If there is a vacancy, we won't fill it.''

Well, to one-up him, Leader Harry Reid and his friend—now the Democratic leader—CHUCK SCHUMER said: 18 months—18 months—before the end of the Bush 43 period, if a vacancy on the Supreme Court occurred, they wouldn't fill it. That is a fact. What we are talking about here are the facts about how we got to where we are.

I understand my Democratic friends seem to be terribly persuaded by their version of all of this. All I can tell you is, I was there, I know what happened, and my version is totally accurate. The truth is, on all of this, we owe the country a broader discussion. Competing claims about Senate customs cannot fully explain where we are. Procedural finger-pointing does not explain the torrent of outrage and threats which this nomination and many previous ones had provoked from the political left.

There are deeper reasons why these loud voices insist it is a national crisis. You just heard it: It is a national crisis when a Republican President makes a nominee for the Supreme Court. Catastrophe looms right around the corner. The country will be fundamentally changed forever when a Republican President makes a Supreme Court nomination.

They have hauled out the very same tactics for 50 years. Some of the opposition is more intense, but the doomsday predictions about the outcome of nominating these extremists like John Paul Stephens, David Souter—I mean, the country was hanging in the balance. Really?

Well, somehow, everyone knows in advance that nominations like Bork, Thomas, Alito, Gorsuch, Kavanaugh, and Barrett are certain to whip up national frenzies, while nominations like Ginsburg, Breyer, Sotomayor, and Kagan are just calm events by comparison.

This glaring asymmetry predates our recent disputes. It comes, my colleagues, from a fundamental disagreement on the role of a judge in our Republic. We just have a fundamental difference of opinion. We just heard the Democratic leader name all of these things that are threatened by this nominee. It sounds very similar to the tunes we have heard before. We, like many Americans, want judges to fulfill the limited role the Constitution assigns to them: stick to text, resolve cases impartially, and leave policymaking to the people and their representatives, which is what we do here.

We just spent 4 years confirming brilliant, qualified constitutionalists to the Supreme Court and lower courts who understand their roles—53 circuit judges, over 200 judges in total—and we are about to confirm the third Supreme Court Justice—what they all have in common: brilliant, smart, and know what a judge is supposed to be.

The left thinks the Framers of our country got this all wrong. They botched the job—the people who wrote the Constitution, they didn't understand what a judge ought to be.

Several Senate Democrats have reaffirmed in recent days during this discussion that they actually find it quaint or naive to think the judge would simply follow the law. Quaint or naive?

Scalia used to say: If you want to make policy, why don't you run for office? That is not what we do here.

Gorsuch said: We don't wear red robes or blue robes, we wear black robes.

What they want is activist judges. They have made it quite clear. The Democratic leader just a few minutes ago made it quite clear: What they are looking for here is a small panel of lawyers with elite educations to reason backward from outcomes and enlighten all of the rest of us with their moral and political judgment, whether the Constitution speaks to the issue or not.

They know what is best for us, no matter what the Constitution or the law may say. For the last several decades in many cases, that is what they have done—one activist decision after another, giving the subjective preferences of one side the force of law. Across a wide variety of social, moral, and policy matters like a healthy society would lead to democratic debate, the personal opinion of judges have superseded the will of the people.

They call that a success, and they want more of it. President Obama actually was refreshingly honest about this. He said he wanted to appoint judges who had empathy. Well, think about that for a minute, colleagues. What if you are the litigant before the judge for whom the judge does not have empathy? You are in tough shape. You are in tough shape. So you give him credit for being pretty honest about this.

That is what they are looking for—the smartest, leftish people they can put to make all the decisions for the rest of us, rather than leaving it to the messy democratic process to sort these things out, the way the Framers intended.

It is clearly why we have taken on such an outsized, combative atmosphere with regard to these confirmations. That is why they have become so contentious, because they want to control not only the legislative body but the judicial decisions as well.

Let me just say this. There is nothing innate about legal training that equips people to be moral philosophers. There is just nothing inherent in legal training that equips people to be moral philosophers.

Incidentally, as I just said, that is why these confirmations have taken on such an outsized, unhealthy significance. The remarks we just heard from across the aisle show exactly why the Framers wanted to stop the courts from becoming clumsy, indirect battlefields for subjective debates that belong in this Chamber and over in the House and in State legislatures around the country.

The left does not rage and panic at every constitutional judge because they will simply enact our party's policy preferences. Any number of recent rulings make that very clear. The problem that every judicial seat occupied by a constitutionalist is one fewer opportunity for the left to go on offense.

At the end of the day, this is a valid debate. The difference of opinion on the judicial role is something the Senate and our system are built to handle. But there is something else, colleagues, our system cannot bear. As you heard tonight, we now have one political faction essentially claiming they now see legitimate defeat as an oxymoron. They now see legitimate defeat as an oxymoron.

Our colleagues cannot point to a single Senate rule that has been broken—not one. They made one false claim about committee procedure, which the Parliamentarian dismissed. The process comports entirely with the Constitution. We don't have any doubt, do we, that if the shoe was on the other foot, they would be confirming this nominee? Have no doubt, if the shoe was on the other foot in 2016, they

would have done the same thing. Why? Because they had the elections that made those decisions possible.

The reason we were able to make the decision we did in 2016 is because we had become the majority in 2014. The reason we were able to do what we did in 2016, 2018, and 2020 is because we had the majority. No rules were broken whatsoever.

All of these outlandish claims are utterly absurd. The louder they scream, the more inaccurate they are. You can always tell—just check the decibel level on the other side. The higher it goes up, the less accurate they are.

Our Democratic colleagues keep repeating the word ''illegitimate'' as if repetition would make it true. If you just say it often enough, does it make it true? I don't think so. We are a constitutional Republic. Legitimacy does not flow from their feelings. Legitimacy is not the result of how they feel about it. You can't win them all. Elections have consequences.

What this administration and this Republican Senate has done is exercise the power that was given to us by the American people in a manner that is entirely within the rules of the Senate and the Constitution of the United States.

Irony, indeed. Think about how many times our Democratic friends have said—berating President Trump for allegedly refusing to accept legitimate outcomes he does not like. How many times have we heard that: President Trump won't accept outcomes he does not like. They are flunking that very test right before our eyes.

That is their problem. They don't like the outcome.

Well, the reason this outcome came about is because we had a series of successful elections. One of our two major political parties increasingly claims that any—any political system that deals them a setback is somehow illegitimate. And this started actually long before this vacancy, as we all know.

One year ago, Senate Democrats sent the Court—the Court, directly, an amicus brief that read like a note from a gangster film. They wrote: ''The Supreme Court is not well'' in their amicus brief. ''The Supreme Court is not well. . . . Perhaps the Court can heal itself [heal itself] before the public demands it be 'restructured.' ''

In March of this year, the Democratic leader stood outside the Court. He went over in front of the Court and threatened multiple Justices by name. Here is what he said: ''You won't know what hit you if you go forward with these awful decisions.''

''You will pay the price!''

That is the Democratic leader of the Senate in front of the Supreme Court mentioning Justices by name and, in effect, saying: If you rule the wrong way, bad things are going to happen.

For multiple years now, Democrats in this body and on the Presidential campaign stump have sought to revive the discredited concept of Court packing. Every high school student in America learns about Franklin Roosevelt's unprincipled assault on judicial independence, so now they are thinking about repeating it. Former Vice President Biden, who spent decades condemning the idea here in the Senate, obediently says he will look into it.

Most importantly, the late Ruth Bader Ginsburg said last year, when asked about this, she said nine is the right number. That is the vacancy we are filling right now. I don't think any of them quoted her on this issue, have they? Ruth Bader Ginsburg said nine is the right number.

These latest threats follow decades of subtler attempts to take independent judges and essentially put them on political probation: You don't rule the way I want, something dire might happen.

How many consecutive nominees have Democrats and the media insisted would ''tip the balance'' of the Court? How often do we hear that—''tip the balance'' of the Court? Has anyone tallied up how many ''hard right turns'' the courts have supposedly taken in our lifetimes? All this ominous talk is a transparent attempt to apply improper pressure to impartial judges.

Rule how we want or we are coming after the Court. Rule how we want or we are coming after the Court. Vote how we want or we will destroy the Senate by adding new States. These have been the Democratic demands. This is not about separation of powers. It is a hostage situation—a hostage situation.

Elections come and go. Political power is never permanent. But the consequences could be cataclysmic if our colleagues across the aisle let partisan passion boil over and scorch—scorch the ground rules of our government.

The Framers built the Senate to be the Nation's firewall. Over and over, this institution—our institution—has stood up to stop recklessness that could have damaged our country forever.

So tonight, colleagues, we are called on to do that again. Tonight, we can place a woman of unparalleled ability and temperament on the Supreme Court. We can take another historic step toward a Judiciary that fulfills its role with excellence but does not grasp after power that our constitutional system intentionally assigns somewhere else.

And we can state loud and clear that the U.S. Senate does not bow to intemperate threats.

Voting to confirm this nominee should make every single Senator proud.

So I urge my colleagues to do just that.

Mr. SCHUMER. Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The PRESIDENT pro tempore. A quorum is present.

All postcloture time has expired.

The question is, Will the Senate advise and consent to the nomination of Amy Coney Barrett, of Indiana, to be Associate Justice of the Supreme Court of the United States?

Mr. MCCONNELL. I ask for the yeas and nays.

The 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.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 224 Ex.]

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—48

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

The PRESIDENT pro tempore. The nomination of Amy Coney Barrett, of Indiana, to be an Associate Justice of the Supreme Court of the United States is confirmed.

(Applause.)

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader.

LEGISLATIVE SESSION

Mr. MCCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 865.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of James Ray

Knepp II, of Ohio, to be United States District Judge for the Northern District of Ohio.

CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 James Ray Knepp II, of Ohio, to be United States District Judge for the Northern District of Ohio.

Mitch McConnell, James E. Risch, Joni Ernst, Marsha Blackburn, Mike Crapo, James Lankford, Thom Tillis, Roy Blunt, Roger F. Wicker, Pat Roberts, Mike Rounds, John Cornyn, John Hoeven, Jerry Moran, Lamar Alexander, Mike Braun, David Perdue.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

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

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

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 744 and 896 through 902 and all nominations on the Secretary's desk in the Air Force, Army, and Navy and that the nominations be confirmed. I further ask unanimous consent that for all nominations confirmed during today's session of the Senate, that the motions to reconsider be considered made and laid upon the table with no intervening action or debate and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert F. Hedelund

IN THE AIR FORCE

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Jon S. Safstrom

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Robert B. Davis

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert J. Skinner

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Mark C. Schwartz

The following named officers for appointment in the Reserve of the Army to the grades as indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Matthew V. Baker
Brig. Gen. Vincent B. Barker
Brig. Gen. Bowlman T. Bowles, III
Brig. Gen. Miguel A. Castellanos
Brig. Gen. Miles A. Davis
Brig. Gen. Matthew P. Easley
Brig. Gen. John B. Hashem
Brig. Gen. Joseph J. Heck
Brig. Gen. Susan E. Henderson
Brig. Gen. Jamelle C. Shawley
Brig. Gen. Tracy L. Smith
Brig. Gen. Lawrence F. Thoms

To be brigadier general

Col. Harvey A. Cutchin
Col. John M. Dreska
Col. Charles A. Gambaro, Jr.
Col. Michael M. Greer
Col. Andrew R. Harewood
Col. Daniel H. Hershkowitz
Col. Stephanie Q. Howard
Col. Maria A. Juarez
Col. Robert T. Krumm
Col. Jocelyn A. Leventhal
Col. Kevin F. Meisler
Col. Andree G. Navarro
Col. Robert S. Powell, Jr.
Col. Jeffrey D. Pugh
Col. David M. Samuelsen
Col. Katherine A. Simonson
Col. Justin M. Swanson
Col. Dean P. Thompson
Col. Jason J. Wallace
Col. Matthew S. Warne
Col. Michael L. Yost

IN THE SPACE FORCE

The following named officer for appointment in the United States Space Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Maj. Gen. John E. Shaw

The following named officer for appointment in the permanent grade indicated in the United States Space Force under title 10, U.S.C., section 716:

To be major general

Maj. Gen. John E. Shaw

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN2258 AIR FORCE nominations (3) beginning JESSICA R. COLMAN, and ending BRIAN A. THALHOFER, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2020.

PN2259 AIR FORCE nominations (2) beginning SCOTT R. MOORE, and ending SANDRA V. SLATER, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2020.

IN THE ARMY

PN2260 ARMY nomination of Anne B. Warwick, was received by the Senate and appeared in the Congressional Record of September 30, 2020.

PN2261 ARMY nominations (125) beginning JAKUB H. ANDREWS, and ending D002999, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2020.

PN2262 ARMY nominations (160) beginning MATTHEW T. ADAMCZYK, and ending D015515, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2020.

PN2263 ARMY nominations (18) beginning JOHN J. AGNELLO, and ending JOHN J. ZOLLINGER, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2020.

PN2264 ARMY nominations (92) beginning CORNELIUS L. ALLEN, JR., and ending MICHEAL A. ZWEIFEL, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2020.

PN2265 ARMY nomination of Corey M. James, which was received by the Senate and appeared in the Congressional Record of September 30, 2020.

PN2266 ARMY nomination of John H. Mitchell, which was received by the Senate and appeared in the Congressional Record of September 30, 2020.

IN THE NAVY

PN2001 NAVY nomination of Robert K. Debuse, which was received by the Senate and appeared in the Congressional Record of June 17, 2020.

PN2017 NAVY nomination of Paul S. Ruben, which was received by the Senate and appeared in the Congressional Record of June 17, 2020.

PN2267 NAVY nomination of Robert M. Knapp, which was received by the Senate and appeared in the Congressional Record of September 30, 2020.

PN2269 NAVY nomination of Brian E. Lamarche, which was received by the Senate and appeared in the Congressional Record of September 30, 2020.

PN2270 NAVY nomination of Terence M. Murphy, which was received by the Senate and appeared in the Congressional Record of September 30, 2020.

PN2271 NAVY nomination of Roldan J. Crespopabon, which was received by the Senate and appeared in the Congressional Record of September 30, 2020.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

75TH ANNIVERSARY OF THE KENTUCKY LOCK AND DAM

Mr. MCCONNELL. Madam President, the Commonwealth of Kentucky is home to several marvels of engineering. These feats of concrete and metal have brought prosperity and opportunity to tens of thousands of Kentucky families. Earlier this month, we recognized the 75th anniversary of one of these landmarks, the Kentucky Lock and Dam. For three-quarters of a century, this massive structure has delivered electricity, commerce, and jobs to West Kentucky. I would like to take a moment to congratulate this community for brilliantly taking advantage of its geography to improve the quality of life for generations.

In October 1945, a crowd of roughly 20,000 gathered for a glimpse of the first U.S. President to ever visit Marshall County and the mammoth construction project he came to dedicate. Although President Truman's visit was only temporary, the Kentucky Lock and Dam's rural electrification marked a turning point that has lasted for decades. It began as plans drawn in a humble patch of dirt by local businessman Luther Draffen and engineers from the Tennessee Valley Authority. Luther envisioned a lock and dam system that, for the first time, would bring electricity to much of Marshall County and the Jackson Purchase region. He relentlessly pushed for the investment and construction of the project to improve flood control, enhance the flow of commercial traffic, and power the region's future.

Luther made some influential allies along the way, including Senator Alben Barkley, who began his political career a few miles down the road in Paducah. Barkley was elected Senate majority leader in 1937 and, with his new clout, secured the first appropriation for the Kentucky Lock and Dam's construction the next year. Today, the dam creates the largest water reservoir in the eastern United States.

In my career, I have had my own opportunities to deliver for the families who depend on the Kentucky Lock and Dam. As its waterway traffic increased, I led the authorization for the construction of a new and larger lock. Since then, I have directed over $600 million to the project through the Appropriations Committee, investing in Kentucky's 20,000 maritime workers and their future. As work continues on the lock, I will always continue to support this project and the Kentuckians it serves.

Just up the river, we celebrated the ribbon cutting of a similar project at the Olmsted Locks and Dam in 2018. Over the course of three decades, the Olmsted became one of the largest civil works projects in U.S. Army Corps of Engineers' history. Today, it sees more commercial traffic than any other inland waterway location within the United States. From its authorization through completion, I was working in the Senate to ensure the project received necessary funding for the families who depend on it.

So I am proud to join this community in marking the 75th anniversary of the Kentucky Lock and Dam and its transformative impact on this region. I look forward to the completion of the new lock project to continue its great benefits for years to come.

Bobbie Foust, a columnist for the Marshall County Tribune-Courier, attended the dedication of Kentucky Lock and Dam in 1945. She recently wrote an incredible article about its historic impact, and I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Marshall County Tribune-Courier, Oct. 6, 2020]

KENTUCKY DAM BROUGHT PROSPERITY 75 YEARS AGO; PROMOTERS DREW PLAN IN DIRT AT A PLUM THICKET

(By Bobbie Foust)

It was October 10, 1945. The weather was sunny and warm. President Harry S. Truman was dedicating Kentucky Dam from a platform below that powerful engineering achievement.

The dam had been producing electricity for 13 months. The crowd was estimated at 20,000, and it was the only time a sitting president has visited Marshall County.

I was 11 years old, and I was there.

Saturday will mark the 75th anniversary of that dedication. It will pass with little fanfare. Yet it is impossible to understand the impact Kentucky Dam has had on western Kentucky unless you have experienced it.

Kentucky Dam literally pushed Marshall County and environs out of poverty. It was the brainchild of Calvert City businessman Luther Draffen and U.S. Sen. Alben Barkley of Paducah. Barkley later became vice president of the United States. Their unwavering work to have the dam built and located here is unmatched.

For those born after 1945, Kentucky Dam, Kentucky Lake and Kentucky Dam State Resort Park have just been here for their enjoyment. However, there's a powerful—at times poignant—backstory of how they became reality.

At a 1975 dinner, the late Murray State University Professor L.J. Hortin painted a vivid picture of Luther Draffen as the driving force behind Kentucky Dam: ''In 1936, we met in an old plumb thicket overlooking the Tennessee River and there was poverty all around us,'' Hortin said. ''If anybody had predicted we'd be in this beautiful Calvert City Country Club now, I wouldn't have believed it.''

During the plumb thicket meeting, Tennessee Valley Authority engineers and Draffen drew plans of the dam in the dirt with a pointed stick for Senator Barkley and a bevy of congressmen.

Before the dam, Marshall County was a poor farming community. Thousands were leaving to work in factories in Detroit and Flint, Michigan and chemical industries or steel mills in Akron and Cleveland, Ohio. Electric power didn't exist here. There were no electric lights, electric refrigerators or kitchen ranges, running water or indoor plumbing. Farm families lit their homes with kerosene lamps. In winter, families heated their homes with wood-burning fireplaces or potbellied coal stoves. Neither television nor the internet existed though some families had battery-powered radios.

In 1933 Congress passed the Tennessee Valley Authority Act, the New Deal federal agency that built a series of 16 dams including Kentucky Dam. Kentucky Dam had three objectives—enhanced navigation, flood control, and hydroelectric power production. After operations at the dam began, it took another five years before rural electric cooperatives, created under the Rural Electrification Act of 1936, extended electric power to farm communities.

The history of economic development in the lower Tennessee River Valley and construction of Kentucky between July 1, 1938 and Aug. 30, 1944 is a long series of events going back to the Civil War. Without Draffen's vision, financial investment, time and political prowess the dam might never have been built at the Gilbertsville townsite. Though he didn't do it alone, he was the driving force.

Draffen solicited and received help from a litany of heavy hitters of his era. Besides Barkley, there was Hortin, Paducah broadcaster Hecht Lackey, Congressmen Voris Gregory and Noble Gregory of Mayfield, Senators Kenneth McKellar of Tennessee and George Norris of Nebraska. Draffen also led the powerful Lower Tennessee Valley Association, made up of about 40 business leaders from western Kentucky, northwest Tennessee, southeast Missouri and southern Illinois. LTVA's single goal was to ''bring prosperity to this region,'' known as ''the Valley.'' Electrification was crucial if the Valley's people were to prosper.

Draffen wasn't the first person to envision damming the lower Tennessee River. Efforts to tame the river, especially for navigation and flood control, began as early as 1864. What Draffen understood was that electrifying ''the Valley'' was the only way to alleviate poverty. Building a hydroelectric power dam would achieve that goal. In 1928, Draffen made 48 trips to Louisville at his own expense to lobby Kentucky Utilities to provide electricity here. KU provided electricity to Paducah, but refused to extend its lines into rural communities saying, ''there wasn't sufficient need.''

Groundwork that eventually prompted Kentucky Dam's construction started June 5, 1920 when Congress authorized the U.S. Army Corps of Engineers to conduct a 10-year survey of the Tennessee River Valley. It was the most comprehensive study ever made of any river basin in the United States. In 1928, the Corps recommended a flood control, navigation and power dam at Aurora Landing in Marshall County. The recommendation prompted formation of Aurora Dam Clubs in Marshall, Calloway and Graves counties.

The project went to Congress on March 24, 1930, and on May 28, 1931, Southern Utilities Inc. was granted a temporary permit to build the dam. But on May 18, 1933, President Franklin Roosevelt created TVA. That changed the picture. TVA opposed Southern's plan, and the company's permit was allowed to expire.

Aurora Dam Clubs morphed into the LTVA with Warren Swann of Murray as president, Draffen, vice president and Hortin as secretary. In 1935, Congress authorized TVA to build dams for a nine-foot channel from Paducah to Knoxville, Tennessee. ''It was key legislation,'' Draffen said in a 1973 interview. ''Without that, there was doubt TVA would ever build a dam on the lower Tennessee River.''

In March 1936, TVA rejected Aurora Landing and recommended Gilbertsville as the preferred site. Then began what Hortin

called ''the most frustrating, most difficult problem of the entire effort.'' TVA kept stalling and opposition from private interests arose. ''TVA had moved in but wasn't ready to build the dam,'' Hortin said. ''All the while the nation's economic condition pressed hard on the people. There was hunger, people couldn't get work, and the outlook was grim. TVA would say, 'Someday we'll build it.' We wanted them to get it started. TVA was being called socialism, and a lot of unprintable things. But LTVA stayed out of that type rhetoric and petty politics. Our argument was pretty mercenary. We contended that TVA was building dams for other states, it was federal tax money being spent, and here we were at the heart of all this water, and our dam wasn't being built!''

In January 1937, fate took a hand as nature demonstrated the need for a dam. Rain fell for 19 days. The Tennessee and Ohio rivers and their tributaries overflowed their banks. Multimillions of dollars were lost.

A crucial piece of legislation passed Congress on Feb. 16, 1938. Hortin received a telegram from Sen. Barkley reading: ''Just retained, Gilbertsville, whole TVA appropriation.'' That bill meant TVA's appropriation wouldn't be cut. Still TVA wouldn't use the word, construction. Draffen was on a train bound for Washington to lobby for the bill when he received the news. He continued his journey and thanked each legislator who voted for it.

LTVA's lobbying bore fruit on July 1, 1938 when Congress appropriated $2.613 million for construction of the dam. Its total cost was $116.2 million. ''On that day the word construction was used for the first time,'' Hortin said. ''It was key; we had our dam!''

At the height of construction, 5,000 men from several states came to work on the dam. The economy boomed, and housing was needed for the influx of workers. TVA floated homes down the river to Gilbertsville from its worker village at Pickwick Dam and built a self-contained community with schools, administration offices, medical clinic and recreational facilities. That community, just south of old Gilbertsville, became known as ''The Village.''

After the dam was completed, Draffen recruited Charles Hall to assist him in efforts to entice industry to locate in Calvert City. Hall wrote more than 1,000 letters touting the amenities Calvert City offered—cheap electricity, river, rail and highway transportation. Draffen and Hall reaped success in 1948 when the Pennsylvania Salt Manufacturing Company (now Arkema) announced it would build a plant near Altona. It opened in July 1949. Pittsburgh Metallurgical Company (now Calvert City Metals & Alloys) opened in November 1949. Industrialization had begun.

Predictions that Calvert City's population would balloon from less than 300 to 10,000 by 1960 didn't happen. However, industrialization continued with National Carbide of Air Reduction (now Carbide Industries) opening in January 1953, followed by BFGoodrich Chemical Company (now Lubrizol) and West Lake Chemicals. American Aniline and Extract Company (now Estron) opened in 1954; Airco Chemical Company (which later became Air Products and Chemicals and is now Evonik), and General Aniline and Film Corporation (now Ashland) opened in 1956. Other spin off companies include Wacker, Cymetech and many support businesses.

A few industries Draffen and Hall courted didn't locate at Calvert City. Hall said General Tire, now closed, opted for Mayfield. Then there was Great Lakes Carbon Corporation owned by George Skakel, father of Ethel Kennedy. In a 1980 interview, the late Grand Rivers Mayor John Henry O'Bryan, said Luther Draffen brought Skakel to Grand Rivers to buy land for a plant. Great Lakes Carbon bought more than 1,200 acres a little northeast of Grand Rivers from TVA and three private landowners. But in a letter to Hall dated April 3, 1952, Skakel said he regretted ''the company had reluctantly decided to abandon its development plans.'' Skakel held out hope that Great Lakes Carbon might build the plant later. But on Oct. 3, 1955, Skakel and his wife, Ann, were killed when their plane crashed.

Probably the most significant impact electricity from Kentucky Dam made on Marshall County was a higher standard of living for its people. In 2015, earnings in all industries averaged nearly $55,000 annually. Last year, travel and recreation—much of it related to Kentucky Lake created by the dam—added $74 million to the county's economy and Calvert City added 2.994 million in payroll taxes to county coffers.

CORONAVIRUS

Mr. LEAHY. Madam President, the COVID–19 pandemic has hit all news organizations and hit them hard at a time when they have rarely been so essential to the American people and our communities.

News organizations have had to severely trim their staffs, while coping, as we all have had to do, with the pandemic's health threats and uncertainties. It is a great credit to our Fourth Estate that so many news organizations nonetheless have managed to produce such heroic work in meeting this vital challenge.

Most news outlets have had to transition to an online distribution model in distributing their reporting during this pandemic. These valiant efforts have included those by online-only news organizations such as ''Vermont Digger,'' in Vermont. The New York Times recently recognized the vital work of such Vermont news outlets as ''Vermont Digger'' and ''Seven Days'' in the face of these unprecedented challenges.

Vermont stands almost alone in the Nation in our State's successful efforts to slow the spread of COVID–19. Much of that can be attributed to the bold steps taken by State and local communities and leaders at all levels, including Governor Phil Scott, to follow the science in promoting mask wearing and social distancing. Sensible and responsible leadership, and strong and steady reporting by Vermont's news organizations, have produced ''a high degree of social trust,'' as the Washington Post has reported.

Recently ''Vermont Digger'' was recognized by the Local Independent Online News Association for its local coverage of COVID–19, and that recognition is richly deserved.

Vermonters know that in troubling times like these, we fare best when we make the difficult but important decisions to protect our families, our neighbors, and our communities. This pandemic continues to rage, but I am proud that my fellow Vermonters are once again leading the Nation in our efforts to conquer out this virus.

TRIBUTE TO NANCY EVERHART

Mr. LEAHY. Madam President, I would like to recognize Nancy Everhart on the occasion of her retirement from the Vermont Housing and Conservation Board. Nancy Everhart has been a true Vermont leader in agriculture and conservation, dedicating her decades-long career to the protection of farmland and the viability of the farmers who rely on it. She retires with an extensive list of accomplishments. The passion she applies to her work has had a tremendous impact on the Vermont landscape, as well as our Nation's agricultural future.

Nancy was a farmer first. As a strong pioneer of Vermont's organic movement during the 1980s, she was among the first Vermonters to sell organic milk to her community. Her work and that of other like-minded farmers in Vermont were catalysts in the early organic movement that ultimately led me to introduce the Organic Food Production Act as chairman of the Senate Agriculture Committee. Enacted as part of the 1990 farm bill, that bill created the first-ever standards and label for what is now a $50 billion industry. Even as she became a national leader in conservation, Nancy has still maintained a small, diversified, organic farm at her home in Marshfield, VT. Her personal experiences as a farmer have afforded her a unique perspective and credibility to bring to each phase of her career.

As the conservation director for the Vermont Housing and Conservation Board, Nancy has led or contributed directly to the conservation of more than 77,000 acres across nearly 500 parcels of Vermont farmland. These projects have helped to keep Vermont farms viable by allowing farm owners to access substantial capital and benefit from their most valuable asset, their land. Those benefits, however, do not stop at the fence line. Nancy knows that investments in preserving working landscapes benefit the rural communities that surround them and contribute greatly to the tourist and outdoor economies of rural States like Vermont. They can be a bridge to the next generation, often providing young and beginning farmers the opportunity to overcome their biggest hurdle: accessing affordable farmland to start and grow their enterprise. When that succession of stewardship is broken and working lands fall out of production, it can exact an immeasurable price from the community.

Nancy's decades of work have exemplified and brought home to Vermont exactly the outcomes that I envisioned when I worked to establish the Federal role for farmland protection in the 1990 and 1996 farm bills. Since that time, Nancy has drawn on her vast experience to provide counsel on how to expand that role and continually improve farmland conservation provisions, including most recently in the Agricultural Conservation Easement Program—ACEP—provisions of the 2018 farm

bill. Those provisions greatly enhance the delivery and flexibility of farmland conservation programs, not just for Vermont but across the entire United States.

As a farmer herself, Nancy Everhart understands the challenges that farmers face, and she has dedicated a portion of her work to improving farm viability, increasing diversification, and providing opportunities for young Vermonters to realize their own farm dreams. As she retires, Nancy's enthusiasm and commitment to Vermont agriculture will continue to be reflected in our State's working landscape and resilient farmers.

150TH ANNIVERSARY OF GEORGETOWN LAW

Mr. LEAHY. Madam President, 150 years ago, Georgetown Law convened its first class in Washington, DC, where 25 students from 12 States began what has now become a century and a half long legacy of learning. While Georgetown Law's entering classes look quite different now—over 500 students from nearly all 50 States and from countries around the world—the institution's dedication to justice and service remains the same. Since opening its doors in 1870, Georgetown Law has educated generations of bright, driven, and passionate future lawyers who embody the school's motto: ''Law is but the means, justice is the end.''

I had the great fortune of attending Georgetown Law and received my juris doctorate in 1964. While laptops may have replaced legal pads since my law school days, Georgetown Law's commitment to producing competent, fiercely principled attorneys has never changed. The education I received at Georgetown Law had a profound, indelible impact on me and the way I view the world.

Georgetown Law furthered my inspiration to become a U.S. Senator. Attending classes just blocks away from Capitol Hill and the Supreme Court, I and many others were constantly reminded that the law is not just an academic endeavor, but a very real one, impacting the lives and rights of millions. It filled me with awe to be learning the law in the city where laws are being made. It is no wonder that so many alumni of Georgetown Law dedicate their lives to public service and government.

Georgetown Law stands out among our Nation's law schools for ensuring that students are not just learning the law, but putting it into practice. The law center offers top-ranked clinical programs and practicums, in which law students learn the art and science of lawyering. From asylum seekers to victims of domestic violence, from appellate arguments to criminal defense proceedings, Georgetown Law students learn what it truly means to zealously advocate for real clients in need.

Georgetown Law also boasts world-renowned centers and institutes that push the legal profession to be both introspective and innovative. A special place of pride for me is the school's Center on Privacy and Technology, which trains the next generation of lawyers who will carry on a cause that has been one of my top priorities as a U.S. Senator: fighting for Americans' privacy rights.

During these difficult times, it is steadying to know that Georgetown Law still embraces one of its oldest but most timeless traditions: imbibing the spirit of service in its graduates. That, without a doubt, is the lasting legacy of Georgetown Law, educating generations of lawyers who believe that the law is an instrument for good.

My congratulations to Georgetown Law on this milestone. Here is to 150 more.

RECOGNIZING THE CHILDREN'S LITERACY FOUNDATION

Mr. LEAHY. Madam President, I would like to call attention to the important work done by the Children's Literacy Foundation—CLiF—a Waterbury Center, VT, based organization that was established in 1998 to address children's literacy in Vermont and New Hampshire. CLiF's founder, Duncan McDougall, set out to improve access to books and other learning resources for children in low-income, at-risk, and rural communities through a diverse set of programs, from story-telling events with authors to partnerships with elementary schools to distribute books to students. Over the last 22 years, the foundation has touched the lives of thousands of children in Vermont and New Hampshire.

As schools in Vermont have opened their doors in a more limited capacity this fall, learning has become more difficult for many students, and access to books at home has become even more critical. Luckily, CLiF quickly moved to address this new challenge. Since March, the foundation has partnered with schools and libraries to fill some of the gap left by remote learning, distributing 40,000 books across our two States, and facilitating remote and in-person literacy workshops and story-telling events. Not only has this been beneficial for children, but it has helped parents as well, many of whom are simultaneously juggling teaching, and working full-time. As a father and a grandfather, I truly understand the importance of access to books in the home, and I am truly grateful for the efforts made by Mr. McDougall and the rest of the team at the Children's Literacy Foundation to make books more available for students in Vermont and New Hampshire.

Reading is, as they say, fundamental, and I often think of my days visiting Kellogg Hubbard in Montpelier when I was growing up. Providing children the resources and tools to grow in their reading journeys is providing them a lifelong tool for success.

The Children Literacy Foundation was recently featured in an article in Vermont's ''Seven Days.'' I ask unanimous consent that the article, ''Waterbury Literacy Nonprofit Distributes 40,000 Kids' Books During Pandemic,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Seven Days, Sept. 30, 2020]

WATERBURY LITERACY NONPROFIT DISTRIBUTES 40,000 KIDS' BOOKS DURING PANDEMIC

(By Sasha Goldstein)

Anyone with kids knows how difficult WFH life can be during a pandemic. But a local nonprofit has tried to make things a bit easier for families.

Since March, the Waterbury Center-based Children's Literacy Foundation has given away nearly 40,000 books to kids across Vermont and New Hampshire. The gesture is all the more important at a time when kids have been isolated and soaking up screen time, said Erika Nichols-Frazer, the foundation's communications manager.

''Our program partners have gotten really creative with it,'' Nichols-Frazer said. ''Some of them send books home in meal packages or with other learning materials; others have done curbside pickup . . . So we're making sure we're still getting them books at this time, which is obviously more important than ever.''

The foundation's mission, according to its website, ''is to inspire a love of reading and writing among low-income, at-risk, and rural children up to age 12.'' Nichols-Frazer said the pandemic has made that a more urgent undertaking. Such groups of kids are the most likely to fall behind when they aren't in school or are learning remotely.

Earlier this month, the foundation launched its Year of the Book program and donated $25,000 to schools in Chelsea, Windsor, Danby and Clarendon, as well as J.J. Flynn Elementary School in Burlington. Each student at those schools will receive 10 new books they may keep and will participate in virtual and in-person readings and workshops with local authors and illustrators. The school libraries, classrooms and even the local community libraries will each receive cash to buy new books, Nichols-Frazer said.

Despite the pandemic, she said, a group of volunteers in the Waterbury area has continued to help put nameplate stickers in each book so the kids can personalize their reading materials. ''It might sound small, but it's an important thing for these kids to own books,'' Nichols-Frazer said. ''A lot of the kids we work with don't have their own books, and so having that little sticker in there that says 'This is my book' is kind of a special thing for them.''

ARMS SALES NOTIFICATION

Mr. RISCH. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed

in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY, ARLINGTON, VA.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20–68 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $2.37 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

HEIDI H. GRANT, *Director*.

TRANSMITTAL NO. 20–68

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Taipei Economic and Cultural Representative Office in the United States (TECRO).

(ii) Total Estimated Value:

Major Defense Equipment A* $1.16 billion.

Other $1.21 billion.

TOTAL $2.37 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: TECRO has requested to buy up to one hundred (100) Harpoon Coastal Defense Systems (HCDS) consisting of:

Major Defense Equipment (MDE):

Up to four hundred (400) RGM–84L–4 Harpoon Block II Surface Launched Missiles.

Four (4) RTM–84L–4 Harpoon Block II Exercise Missiles.

Non-MDE: Also included are four hundred eleven (411) containers, one hundred (100) Harpoon Coastal Defense System Launcher Transporter Units, twenty-five (25) radar trucks, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor representatives' technical assistance, engineering and logistics support services, and other related elements of logistics support.

(iv) Military Department: Navy (TW–P–LHX).

(v) Prior Related Cases, if any: TW–P–LGV, TW–P–LGN, TW–P–LGL.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: October 26, 2020.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States (TECRO)—RGM–84L–4 Harpoon Surface Launched Block II Missiles

TECRO has requested to buy up to one hundred (100) Harpoon Coastal Defense Systems (HCDS) consisting of up to four hundred (400) RGM–84L–4 Harpoon Block II Surface Launched Missiles; and four (4) RTM–84L–4 Harpoon Block II Exercise Missiles. Also included are four hundred and eleven (411) containers, one hundred (100) Harpoon Coastal Defense System Launcher Transporter Units, twenty-five (25) radar trucks, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor representatives' technical assistance, engineering and logistics support services, and other related elements of logistics support. The total estimated program cost is $2.37 billion.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, economic and progress in the region.

This proposed sale will improve the recipient's capability to meet current and future threats by providing a flexible solution to augment existing surface and air defenses. The recipient will be able to employ a highly reliable and effective system to counter or deter maritime aggressions, coastal blockades, and amphibious assaults. This capability will easily integrate into existing force infrastructure. The recipient will have no difficulty absorbing these systems into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be The Boeing Company, St. Louis, MO. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of two (2) U.S. contractor representatives to the recipient for a duration of 8 years to support technical reviews, support, and oversight.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 20–68

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The RGM–84L Harpoon Surface Launched Block II missile system is a nonnuclear tactical weapon system. It provides a day, night, and adverse weather, standoff air-to-surface capability and is an effective Anti-Surface Warfare missile. The RGM–84L incorporates components, software, and technical design information that are considered sensitive. These elements are essential to the ability of the Harpoon missile to selectively engage hostile targets under a wide range of operations, tactical and environmental conditions:

- The Radar Seeker,
- The Radar Altimeter,
- The GPS/INS System,
- Operational Flight Program Software, and
- Missile operational characteristics and performance data.

2. The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

3. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems, which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the recipient can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

NATIVE AMERICAN LANGUAGES ACT

Mr. UDALL. Madam President, 30 years ago this week, the Native American Languages Act, NALA, was signed into law. As we celebrate this momentous occasion, I would like to take some time to reflect.

Native languages hold within them the culture, history, and resiliency of their communities, but they are not only crucial to the communities that speak them. Native languages have influenced our shared American history, contributed to our understanding of environmental stewardship, and made the very fabric of our Nation's identity richer. As just one notable example of the impact Native languages have had, in World War I and World War II, Native American soldiers known as Code Talkers used their Native languages to transmit coded tactical messages. Code Talkers were able to improve the speed of communications encryption during both wars, leading directly to American forces out-maneuvering enemy troops in numerous military operations.

Yet prior to enactment of the Native American Languages Act in 1990, the United States' Federal policies and practices often resulted in suppression and extermination of Native languages. Recognizing that these past practices were in conflict with the principles of Tribal sovereignty and self-determination, the Senate Committee on Indian Affairs sought to reshape Federal policy to better align with these principles. Under the leadership of Chairman Inouye and Vice Chairman McCain, the paradigm-shifting Native American Languages Act became law, and the United States formally acknowledged the rights and freedoms of Native Americans to use, practice, and develop Native languages.

Under the Native American Languages Act, Congress set out our current Federal Native language policy, declaring:

''It is the policy of the United States to—

''(1) preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

''(2) allow exceptions to teacher certification requirements for Federal programs, and programs funded in whole or in part by the Federal Government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in

Native American languages, and to encourage State and territorial governments to make similar exceptions;

''(3) encourage and support the use of Native American languages as a medium of instruction in order to encourage and support—

''(A) Native American language survival,

''(B) educational opportunity,

''(C) increased student success and performance,

''(D) increased student awareness and knowledge of their culture and history, and

''(E) increased student and community pride;

''(4) encourage State and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect;

''(5) recognize the right of Indian tribes and other Native American governing bodies to use the Native American languages as a medium of instruction in all schools funded by the Secretary of the Interior;

''(6) fully recognize the inherent right of Indian tribes and other Native American governing bodies, States, territories, and possessions of the United States to take action on, and give official status to, their Native American languages for the purpose of conducting their own business;

''(7) support the granting of comparable proficiency achieved through course work in a Native American language the same academic credit as comparable proficiency achieved through course work in a foreign language, with recognition of such Native American language proficiency by institutions of higher education as fulfilling foreign language entrance or degree requirements; and

''(8) encourage all institutions of elementary, secondary and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages.''

Over the last 30 years, catalyzed by the Native American Languages Act, Congress has promoted the maintenance and revitalization of Native languages. In 1992, Congress amended the act to establish a grant program at the Administration for Native Americans, ANA, to support Native language projects.

During my time in Congress, I have worked to support Native American languages revitalization efforts. In 2006, as a U.S. Congressman for New Mexico, I helped lead a bipartisan bill to expand the ANA's grant program to bolster Native language immersion education programs. I also participated in an Education and Workforce Committee field hearing in my home State to hear from Native language advocates, which solidified support for the bill's passage in the House. Enacted as the Esther Martinez Native American Languages Preservation Act, this legislation was named after an Ohkay Owingeh Pueblo traditional storyteller and Tewa language advocate who tragically passed away in 2006.

As the current vice chairman of the Senate Committee on Indian Affairs, I had the honor of leading the most recent Esther Martinez Native American Languages Programs Reauthorization Act, which was signed into law this past December, to further enhance ANA's Native languages grant programs.

I also convened a Native American Languages Listening Session last year and worked with Committee Chairman JOHN HOEVEN to hold an oversight hearing in 2018 to hear directly from Native language revitalization stakeholders across the country. At those events, we learned that, over the last three decades, great strides have been made to rectify past injustices and move toward support of Native languages. Sadly, despite our efforts, a number of Native languages are still endangered today. The loss of even one Native language would deal a significant blow to our shared American and global heritage. There is still more work to do.

This anniversary is an important opportunity for Congress to reflect. I hope my colleagues will join me and recommit to fully upholding the policies set out in the Native American Languages Act.

ADDITIONAL STATEMENTS

TRIBUTE TO SUSANNA POST

● Mr. BOOZMAN. Madam President, I rise today to pay tribute to an outstanding Arkansas educator, Susanna Post, who was named the 2021 Arkansas Teacher of the Year.

Susanna has demonstrated her excellence in educating during her tenure as a math and business technology teacher at Belle Point Alternative Center in Fort Smith, AR.

Susanna launched her teaching career in North Carolina after graduating from the University of Arkansas at Fayetteville in 2002, where she earned a degree in mathematics and computer science. She left the classroom temporarily after a family relocation when she entered the business world and worked as petroleum analyst and senior engineering technician at multiple oil and gas companies.

We are fortunate that she wanted to return to teaching as she has been a trailblazer during her time at Belle Point, quickly accruing a long list of achievements. Susanna developed the school's first coding club and also facilitated a Lindamood-Bell literary intervention group. She is also the primary leader for the school's Culture Project Week, a program that uses project-based activities to strengthen relationships among students, faculty, and community. Her devotion to educating future generations has benefitted not only Belle Point, but the entire school district. In addition to serving on the district's secondary math curriculum development team, she also created an ACT prep program in collaboration with other district leaders. Susanna's leadership is equally evident in the classroom, where she implemented a unique project-based learning approach using her experience from the business world.

Her passion for and commitment to education is demonstrated by her own education. She completed two master's programs while teaching at Belle Point. In 2017, she earned a master's degree in secondary education and teaching from the University of Central Arkansas. In 2020, she received a master's in rural and urban school leadership from the University of Arkansas at Little Rock.

I would like to offer my congratulations to Susanna Post for her determination, devotion, and commitment to her students and to education. I am encouraged by her efforts to inspire our next generation of leaders and her drive to help them succeed.●

REMEMBERING SEAN HIGGINS

● Ms. CORTEZ MASTO. Madam President, I rise to recognize a lifelong Nevadan and a friend to all he knew, Sean Higgins.

Sean was a dedicated member of our community, an unmistakable presence, and a tireless champion and advocate for our gaming industry and small businesses in Nevada. He was born in Chicago in 1964, but raised in Las Vegas, 1 of 10 siblings—5 brothers and 5 sisters. His father, Dr. Gerald Higgins, was an orthopedic surgeon and doctor for the Rebels, the University of Nevada, Las Vegas football team. Sean graduated from Bishop Gorman High School. He left Nevada only briefly for his education, obtaining a degree in business administration from Southern Methodist University and a law degree from Santa Clara University School of Law.

Sean and I grew up in Las Vegas when it was a much smaller town of 330,000 people, so perhaps our paths were always destined to cross. We met in the 6th grade when we attended Matt Kelly Elementary School together. Even then, Sean had a presence, with his distinctive voice and outgoing personality. He was friendly, charming—yes, even at 11 years old—and made you want to hang out with him. And so we did, spending time at pool parties and dancing to the band ''Hot Chocolate.'' Over the years our paths diverged, but his focus, like mine, was on returning to Las Vegas and the State we loved to practice law.

Sean represented clients both large and small to State gaming regulators and government bodies across the Silver State. Everyone knew Sean for his gregarious nature and his booming voice, which made him a fierce advocate for championing the causes of his clients. He spent 17 years as general counsel of Herbst Gaming, a multijurisdictional casino operator in Nevada that became Affinity Gaming in 2011, and where his sister, Mary Beth Higgins, now serves as CEO. He served as executive-vice president of government affairs for Golden Entertainment,

a casino company and slot machine route operator, and became a partner at the Gordon Silver Law firm. He became a small business owner himself, operating a popular gaming pub with two of his brothers and founding his own law firm, STH Strategies, in 2015.

We reunited in our professional careers in Carson City when I was working for Governor Miller and he was advocating for taverns and gaming. The best part, he was still the same Sean Higgins I met in the 6th grade—friendly, charming, and yes, he made you want to hang out with him. So I did. For the last 20 years as our professional careers converged, I had the opportunity to watch Sean as he advocated for the town he loved and the businesses that made us a success, all the while smoking cigars and enjoying a good meal with the friends he cultivated along the way.

I will miss my friend, and I am grateful I got to talk with him to say goodbye, to tell him that I loved him. During our conversation, his main concern was for his family. Sean loved Lynn and cherished his children Samantha and Connor. He was so proud of them. I experienced this firsthand when he came to Washington to visit Connor, who was working as an intern on the Senate Committee for Environment and Public Works. In every conversation, Sean would talk about his amazing children.

I ask my colleagues to join me in remembering my friend and fellow Nevadan, Sean Higgins, for his advocacy and legal acumen. Sean will not soon be replaced in the Las Vegas community or in the gaming industry in Nevada. I offer my deepest condolences to his wife Lynn, his children Connor and Samantha, and the many friends who knew him well.●

REMEMBERING COLONEL DUANE A. KUHLMANN

● Mr. JONES. Madam President, I rise today to remember Col. Duane A. Kuhlmann, a longtime resident of Spanish Fort, AL, who died on September 23, 2020. It is with humility and sadness that we pause to mark the passing of yet another member of the ''greatest generation,'' a brave and dedicated patriot, a leader, and a beloved husband and father.

Born to first-generation Americans in Iowa and raised in Byron, MN, Duane volunteered for the Army Air Corps at age 19, soon after the Pearl Harbor bombing. After a medical issue delayed his training, Duane joined the fight in the Pacific in 1944 flying the P–40, before closing out the war in the P–51. After the Japanese surrender, he spent the next year as part of the U.S. occupation of Japan. Soon after returning stateside, Duane married Dorothy Guenther, and together they had seven children, two of whom served their country as officers in the U.S. Navy. After the war, Duane continued to fly the P–51 and was a demonstration pilot for his squadron. Later he and his squadron transitioned to jets, flying the F–84. His squadron was ordered to join the Korean conflict, but after prepositioning in Japan they were ordered back to Turner Air Force Base in Georgia. Duane's Air Force career took the family to Albany, GA; Ephrata, WA; Wiesbaden, Germany; Montgomery, AL; Sumter, SC; San Antonio, TX; and finally Dayton, OH.

During the Vietnam conflict, Duane led his squadron of RB–66 aircraft across the Pacific to provide electronic and reconnaissance support for our troops. Two years later, he led the same squadron to Vietnam for a second tour of duty, this time providing 'recce' support flying the RF–4 phantom over Hanoi and Haiphong harbor.

Colonel Kuhlmann retired from the Air Force in 1974 in Dayton, OH, as vice commander of Defense Electronics Systems Command. He was awarded the Legion of Merit in 1974 and accumulated numerous air medals throughout his distinguished career.

My wife Louise and I extend our gratitude for Colonel Kulhmann's service, as well as our condolences for his loss to his children John Kuhlmann and his wife Rosie, Jenny Kuhlmann Zinn and her husband Bob, Tom Kuhlmann, Karen Sher and her husband Andy, Fritzie Kuhlmann Bassel and her husband Steve, Greg Kuhlmann and his wife Stephanie, Chris Kuhlmann and his wife Dani, and to his 19 grandchildren an 24 great grandchildren.

Though not a native son, Duane chose to spend the last years of his life in Alabama, joining the roughly 400,000 other veterans living there whose service and sacrifices have brought honor to our great State.

Colonel Kuhlmann, after a life well-lived, may you rest in peace.●

REMEMBERING SID HARTMAN

● Ms. KLOBUCHAR. Madam President, today I rise to honor and pay tribute to Sid Hartman, a sports journalist and a Minnesota legend who passed away on October 18, 2020, at age 100.

Born in 1920 on the north side of Minneapolis, Sid Hartman was born to be a newspaperman. He began selling newspapers when he was 9 years old and even pioneered the use of newspaper boxes where customers would pay by leaving coins in a change box. Sid would ride his bicycle to Newspaper Alley, where he would buy 100 copies of the Minneapolis Star, the Journal, and the Morning Tribune for $1.10 and then sell them for two cents apiece.

That is how Sid got his start in business, but his big break came when Dick Cullum, the sports editor at the Minneapolis Times, hired him to work on the sports desk in 1944. And during his tenure, Sid's columns were a big reason why people bought the newspaper. Sid went on to become the unofficial general manager for the Minneapolis Lakers and helped secure a Major League Baseball team for Minneapolis. Since 2010, a statue of Sid holding a newspaper and microphone has stood near the corner of Sixth Street and First Avenue North in Minneapolis, a fitting tribute to his legacy outside of the Target Center and the Minnesota Twins' Target Field.

Sid was also a popular radio personality on WCCO Radio. I know I will never forget the day at the Minnesota State Fair WCCO Radio booth when we both appeared on the Dave Lee show for the annual ''Minnesota Hospital'' soap opera spoof skit, where I was given the role of Nurse Helen and Sid played the infamous ''Dr. Kidney Hartman.''

Sid knew everyone. His 1996 autobiography, titled: ''Sid! The Sports Legends, the Inside Scoops and the Close Personal Friends,'' was endorsed by some of the biggest names in sports, from legendary Vikings coach Bud Grant to Arnold Palmer, Wayne Gretzky, Ted Williams, Bob Costas, and George Steinbrenner. Nobody had better relationships in the sports world than Sid.

Ten years after the book's release, the Star Tribune published ''Sid Hartman's Great Minnesota Sports Moments'' featuring this quote from Tom Brokaw: ''I grew up on Sid Hartman columns about my Midwestern sports heroes and I still think of him as a Hall of Fame newspaperman.''

My dad, a future newspaperman himself, first met Sid in 1945 while Sid was covering the Minnesota high school basketball championship game. My dad was playing for his hometown high school team Ely, a small town on Minnesota's Iron Range, and they were up against Patrick Henry High School, a powerhouse that had only lost one game that season. As soon as my dad got off the bus, Sid stuck a microphone in his face and said, ''You don't have a chance. How are you going to win?'' Sid was right, and Ely lost 66–35.

Years later, my dad started writing for the Associated Press and then for the Star Tribune. He and Sid got to know each other well. They were fierce competitors, but had respect for each other's drive and work.

Throughout Sid's career, he never had any plans to quit. He was always driven to get the scoop. He was relentless. At the time of his death, he was still writing three or four columns a week. In fact, Sid produced 21,235 bylined stories from 1944 to 2020. In his final column, he wrote: ''Writing a column as I turn 100 years old is hard to believe.'' But for all who knew Sid, it wasn't hard for any of us to believe.

My prayers and condolences go out to Sid's son Chad, his daughter Chris, and his entire family. It is hard to be surprised when someone dies at age 100, but Sid was someone who just never stopped loving his work and our State.

We miss you, Sid.

Thank you.●

TRIBUTE TO OFFICER ROBINSON DESROCHES

● Mr. PAUL. Madam President, I rise today to honor one of Louisville's finest, Louisville Metro Police Officer Robinson Desroches, who was shot on September 23, 2020, during the protest in Louisville. Fortunately, he is expected to make a full recovery. I join my fellow Kentuckians in wishing Officer Desroches a speedy recovery.

Police work is an unquestionably difficult and dangerous job, but it is among the noblest callings. Each and every day, officers risk their lives to keep our communities safe. Officers such as Louisville Metro Police Officer Robinson Desroches meet the challenges they encounter every day with professionalism, class, and courage. Officer Desroches joined the LMPD in 2019.

Serving to keep the peace in Louisville during a time of uncertainty, Officer Desroches has served his community with class and courage during this difficult time. Dedicated service from officers like Officer Desroches during times of protest is important to keep protests peaceful instead of a riot. Officer Desroches and his fellow officers deserve and have our respect and admiration.●

TRIBUTE TO MAJOR AUBREY GREGORY

● Mr. PAUL. Madam President, I rise today to honor one of Louisville's finest, Louisville Metro Police Major Aubrey Gregory, who was shot on September 23, 2020, during the protest in Louisville. Fortunately, Major Gregory is expected to make a full recovery. I join my fellow Kentuckians in wishing Major Gregory a speedy recovery.

Police work is an unquestionably difficult and dangerous job, but it is among the noblest callings. Each and every day, officers risk their lives to keep our communities safe. Officers such as Louisville Metro Police Major Aubrey Gregory meet the challenges they encounter every day with professionalism, class, and courage. Major Gregory joined the LMPD in 1999 and leads the Louisville Metro Police Special Operations Unit.

Serving to keep the peace in Louisville during a time of uncertainty, Major Gregory has led his fellow officers with class and courage during this difficult time. Dedicated service from officers like Major Gregory during times of protest is important to keep protests peaceful instead of a riot. Major Gregory and his fellow officers deserve and have our respect and admiration.●

200TH ANNIVERSARY OF LYNNVILLE, KENTUCKY

● Mr. PAUL. Madam President, Lynnville is a tiny community in far western Kentucky. Its 200-year history—which will be celebrated this year by the placement of a Kentucky Historical Society marker—has much to teach us as we face the struggles of the year 2020. Lynnville became a settlement even before Graves County was founded and endured the Civil War, the Black Patch Tobacco War of the early 20th century, two town fires that completely destroyed local commerce, and even the fiery destruction of its post office, about which The Courier-Journal wrote that ''nothing remains but the postmaster himself.'' After each bout of catastrophic loss, Lynnville's businesses, farmers, preachers, and neighbors rebuilt structurally and recaptured their beloved community. Their history of resilience and recovery is a refreshing and poignant reminder to us all—from within the tiniest towns to our Nation's finest cities—of the resilience that formed, nurtured, and sustains our country. Thank you, Lynnville, KY, for being a symbol of this important value, and congratulations on the celebration of your 200th anniversary.●

REMEMBERING DAVE SPANGLER

● Mr. PORTMAN. Madam President, I want to recognize and celebrate the life of a friend and a true champion of our Great Lakes, whom we sadly lost recently at age 74.

Captain Dave Spangler was a true leader in the Great Lakes community. He was a captain for Dr. Bugs Charters and vice president of the Lake Erie Charter Boat Captain Association. Dave grew up fishing with his father on the Maumee River and started fishing in Lake Erie in the late 1970s, so it is no surprise that he became known as the expert on finding the ''hot spots,'' or knowing the best techniques to catch big walleye and perch. He won many awards for his expertise. He was named Charter Boat Captain of the Year in 2014.

I first met Captain Dave during one of my annual fishing trips on Lake Erie more than a decade ago. Dave would also come to Washington, DC, for meetings, but he and I both knew we would both rather be out on his boat.

What impressed me most about Dave is that he was not only an expert among the fishing community but that he was also unafraid to get his hands dirty—literally—in other issues impacting the Great Lakes, especially his beloved Lake Erie. He devoted the last several decades of his life to protecting and improving the entire health of the Great Lakes. Where most boaters would try to avoid the green, foul odor of toxic algal blooms that sometimes plague the lakes, Dave drove straight into them—to take samples, track the movement of the bloom, and work to develop solutions. Whether it was harmful algal blooms, Asian carp, or pollution impacting the lakes, Dave eagerly became an expert on all of them. Not only did I turn to him for his knowledge and advice on these issues, but I also admired Dave's ability to bring people together to find solutions, especially in such a divided world that we live in today.

Dave had a strong conviction and devoted purpose to protecting the lakes, but he also had a warm and lighthearted demeanor, with a contagious laugh and smile. I will miss my friend, and he will be deeply missed by so many in the Great Lakes community, including those who may have never met him but are able to enjoy the beautiful lakes thanks to his efforts.

While Dave is no longer with us in person, his passion for protecting the Great Lakes will continue to inspire us all.

Rest in Peace, Captain Dave.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASSIDY (for himself, Ms. HASSAN, Mr. YOUNG, and Mr. CARPER):

S. 4859. A bill to require the Centers for Medicare & Medicaid Services to make recommendations for improving maternal and child health outcomes using remote physiologic monitoring devices and expanding coverage of such devices under Medicaid; to the Committee on Finance.

By Mr. PORTMAN (for himself and Ms. KLOBUCHAR):

S. 4860. A bill to exempt payments made from the Railroad Unemployment Insurance Account from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

By Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. CRAPO, and Mrs. FEINSTEIN):

S. 4861. A bill to amend title 18, United States Code, to reform certain forfeiture procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. LEE (for himself, Mr. CRAMER, and Mr. CRUZ):

S. 4862. A bill to amend the National Environmental Policy Act of 1969 to impose time limits on the completion of certain required actions under the Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PORTMAN (for himself and Ms. STABENOW):

S. 4863. A bill to amend title XIX of the Social Security Act to provide States with the option to provide coordinated care through a

pregnancy medical home for high-risk pregnant women, and for other purposes; to the Committee on Finance.

By Mr. BROWN:

S. 4864. A bill to amend title XIX of the Social Security Act to improve access to adult vaccines under Medicaid; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. VAN HOLLEN, and Mrs. GILLIBRAND):

S. 4865. A bill to improve the full-service community school program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. 4866. A bill to amend titles XVIII and XIX of the Social Security Act to modernize Federal nursing home protections and to enhance care quality and transparency for nursing home residents and their families; to the Committee on Finance.

By Mr. COONS (for himself and Ms. MURKOWSKI):

S. 4867. A bill to direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Ms. SMITH):

S. 4868. A bill to allow eligible entities under part B of title IV of the Elementary and Secondary Education Act of 1965 to use subgrant funds for activities authorized under such part, regardless of whether such activities are conducted during nonschool hours or periods when school is not in session, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO:

S. 4869. A bill to require software marketplace operators and owners of covered foreign software to provide consumers with a warning prior to the download of such software, to establish consumer data protections, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Mr. PORTMAN, and Ms. STABENOW):

S. 4870. A bill to rename the Saint Lawrence Seaway Development Corporation the Great Lakes St. Lawrence Seaway Development Corporation; to the Committee on Environment and Public Works.

By Ms. HASSAN (for herself and Mr. GRASSLEY):

S. 4871. A bill to authorize the establishment and maintenance of a website and provide adequate financial resources for a more transparent Inspector General community; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO:

S. 4872. A bill to prohibit the trading of the securities of certain Communist Chinese military companies on a national securities exchange, and for other purposes; to the Committee on Finance.

By Mr. WICKER (for himself, Mr. KAINE, Mr. SCOTT of South Carolina, Mr. TILLIS, and Mr. COONS):

S. 4873. A bill to authorize the Minority Business Development Agency of the Department of Commerce to establish business centers at historically Black colleges and universities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. HASSAN (for herself and Mr. JOHNSON):

S. 4874. A bill to improve the U.S. Immigration and Customs Enforcement Homeland Security Investigations' Visa Security Program, and for other purposes; to the Committee on the Judiciary.

By Mr. LEE:

S. 4875. A bill to provide protections for good faith borrowers and lenders under the paycheck protection program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEE (for himself, Mr. GRASSLEY, and Mr. TILLIS):

S. 4876. A bill to provide that the Federal Trade Commission shall exercise authority with respect to mergers only under the Clayton Act and only in the same procedural manner as the Attorney General exercises such authority, and to require the Federal Communications Commission to approve or deny a license transfer application within 180 days of submission; to the Committee on the Judiciary.

By Ms. CORTEZ MASTO:

S. 4877. A bill to amend the Internal Revenue Code of 1986 to establish a refundable tax credit to help middle class taxpayers; to the Committee on Finance.

By Mr. PAUL:

S. 4878. A bill to recover economic impact payments made to holders of nonimmigrant visas, and for other purposes; to the Committee on Finance.

By Mr. TOOMEY (for himself, Mr. CRAPO, Mr. LANKFORD, Mr. RISCH, Mr. RUBIO, Mr. COTTON, and Mr. SCOTT of South Carolina):

S. 4879. A bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending; to the Committee on the Budget.

By Ms. KLOBUCHAR (for herself, Mr. BLUMENTHAL, Mr. COONS, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. SANDERS, Ms. WARREN, and Mr. WYDEN):

S. 4880. A bill to protect our democracy by preventing abuses of presidential power, restoring checks and balances and accountability and transparency in government, and defending elections against foreign interference, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN (for himself, Mr. MENENDEZ, Mr. RUBIO, Mr. RISCH, Mr. MERKLEY, and Mr. CARDIN):

S. Res. 760. A resolution expressing the sense of the Senate that the atrocities perpetrated by the Government of the People's Republic of China against Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in the Xinjiang Uyghur Autonomous Region constitutes genocide; to the Committee on Foreign Relations.

By Ms. HIRONO (for herself, Mr. BOOKER, Ms. CANTWELL, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HARRIS, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MENENDEZ, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Ms. SMITH, Ms. WARREN, and Mrs. MURRAY):

S. Res. 761. A resolution recognizing the month of October 2020 as Filipino American History Month and celebrating the history and culture of Filipino Americans and their immense contributions to the United States; to the Committee on the Judiciary.

By Mr. BOOKER (for himself and Mrs. MURRAY):

S. Res. 762. A resolution recognizing the disproportionate impact of COVID–19 on women and girls globally; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. Res. 763. A resolution supporting the designation of October 2020 as ''National Substance Abuse Prevention Month''; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOEVEN (for himself, Ms. WARREN, Mr. DAINES, Mr. BOOZMAN, and Mr. TESTER):

S. Res. 764. A resolution designating October 26, 2020, as the ''Day of the Deployed''; to the Committee on the Judiciary.

By Mr. CASSIDY (for himself, Ms. WARREN, Mr. MURPHY, Mr. KING, Mr. BOOZMAN, and Mrs. CAPITO):

S. Res. 765. A resolution calling on Congress, schools, and State and local educational agencies to recognize the significant educational implications of dyslexia that must be addressed, and designating October 2020 as ''National Dyslexia Awareness Month''; to the Committee on the Judiciary.

By Mr. DAINES (for himself, Mr. WYDEN, Mr. CRAMER, Ms. MCSALLY, Mr. RISCH, Mr. CRAPO, Mrs. FEINSTEIN, Mr. HOEVEN, Mr. BARRASSO, Mr. ENZI, and Ms. MURKOWSKI):

S. Res. 766. A resolution honoring the individuals fighting and the individuals who have fallen responding to wildland fires during the ongoing 2020 wildfire season; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCOTT of Florida (for himself and Mr. RUBIO):

S. Res. 767. A resolution congratulating the Tampa Bay Lightning for winning the 2020 Stanley Cup Final; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 947

At the request of Mr. CRAPO, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 947, a bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes.

S. 1015

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1015, a bill to require the Director of the Office of Management and Budget to review and make certain revisions to the Standard Occupational Classification System, and for other purposes.

S. 1311

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1311, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1418

At the request of Mr. MURPHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1418, a bill to establish the Strength in Diversity Program, and for other purposes.

S. 1969

At the request of Mrs. SHAHEEN, her name was added as a cosponsor of S.

1969, a bill to authorize the Fallen Journalists Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 2112

At the request of Ms. HIRONO, her name was added as a cosponsor of S. 2112, a bill to enhance the rights of domestic workers, and for other purposes.

S. 2633

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2633, a bill to amend title XVIII of the Social Security Act to provide coverage for wigs as durable medical equipment under the Medicare program, and for other purposes.

S. 2671

At the request of Mr. BOOKER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2671, a bill to build safer, thriving communities, and save lives by investing in effective violence reduction initiatives.

S. 2673

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2673, a bill to amend title 10, United States Code, to provide for eating disorders treatment for members and certain former members of the uniformed services, and dependents of such members, and for other purposes.

S. 2842

At the request of Mrs. CAPITO, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 2842, a bill to amend title XVIII of the Social Security Act and the Bipartisan Budget Act of 2018 to expand and expedite access to cardiac rehabilitation programs and pulmonary rehabilitation programs under the Medicare program, and for other purposes.

S. 3613

At the request of Mr. BRAUN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3613, a bill to amend title 38, United States Code, to strengthen existing benefits for certain descendants of veterans exposed to herbicide agents, and for other purposes.

S. 4190

At the request of Mr. MERKLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 4190, a bill to authorize the Director of the United States Geological Survey to establish a regional program to assess, monitor, and benefit the hydrology of saline lakes in the Great Basin and the migratory birds and other wildlife dependent on those habitats, and for other purposes.

S. 4613

At the request of Mr. BOOZMAN, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of S. 4613, a bill to amend the Fairness to Contact Lens Consumers Act to prevent certain automated calls and to require notice of the availability of contact lens prescriptions to patients, and for other purposes.

S. 4715

At the request of Mr. ROUNDS, the names of the Senator from Georgia (Mrs. LOEFFLER) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 4715, a bill to grant Federal charter to the National American Indian Veterans, Incorporated.

S. 4717

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 4717, a bill to amend title XIX of the Social Security Act to streamline enrollment of certain Medicaid providers across State lines, and for other purposes.

S. 4720

At the request of Mrs. FISCHER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 4720, a bill to amend the Motor Carrier Safety Improvement Act of 1999 to modify certain agricultural exemptions for hours of service requirements, and for other purposes.

S. 4730

At the request of Ms. CORTEZ MASTO, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from New York (Mrs. GILLIBRAND), the Senator from Colorado (Mr. BENNET), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 4730, a bill to amend title 31, United States Code, to require the Secretary of the Treasury to mint and issue quarter dollars in commemoration of the Nineteenth Amendment, and for other purposes.

S. 4757

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 4757, a bill to amend the Animal Welfare Act to establish additional requirements for dealers, and for other purposes.

S. 4777

At the request of Ms. HIRONO, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 4777, a bill to restore leave lost by Federal employees during certain public health emergencies, and for other purposes.

S. 4791

At the request of Mr. VAN HOLLEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 4791, a bill to provide for a Community-Based Emergency and Non-Emergency Response Grant Program.

S. 4805

At the request of Mr. CRUZ, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 4805, a bill to create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States.

S.J. RES. 76

At the request of Mr. CRUZ, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S.J. Res. 76, a joint resolution proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices.

S. RES. 684

At the request of Mr. RISCH, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 684, a resolution calling on the Government of Cameroon and separatist armed groups from the English-speaking Northwest and Southwest regions to end all violence, respect the human rights of all Cameroonians, and pursue a genuinely inclusive dialogue toward resolving the ongoing civil conflict in Anglophone Cameroon.

S. RES. 689

At the request of Mr. RISCH, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. Res. 689, a resolution condemning the crackdown on peaceful protestors in Belarus and calling for the imposition of sanctions on responsible officials.

S. RES. 754

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 754, a resolution requesting information on the Government of Azerbaijan's human rights practices pursuant to section 502B(c) of the Foreign Assistance Act of 1961.

S. RES. 755

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 755, a resolution requesting information on the Government of Turkey's human rights practices pursuant to section 502B(c) of the Foreign Assistance Act of 1961.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 760—EXPRESSING THE SENSE OF THE SENATE THAT THE ATROCITIES PERPETRATED BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AGAINST UYGHURS, ETHNIC KAZAKHS, KYRGYZ, AND MEMBERS OF OTHER MUSLIM MINORITY GROUPS IN THE XINJIANG UYGHUR AUTONOMOUS REGION CONSTITUTES GENOCIDE

Mr. CORNYN (for himself, Mr. MENENDEZ, Mr. RUBIO, Mr. RISCH, Mr. MERKLEY, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 760

Whereas Article 2 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, which both the United States and the People's Republic of China have ratified, defines genocide as ''any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; [or] forcibly transferring children of the group to another group.'';

Whereas the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115–441) states that it is the policy of the United States to ''regard the prevention of atrocities as in its national interest'';

Whereas, since 2017, the Government of the People's Republic of China has detained an estimated 1,800,000 Turkic Muslims, mostly Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups, in internment camps without due process;

Whereas detained Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups are tortured, coerced to disavow their religious beliefs and cultural practices, compelled to work in forced labor programs, and, in some cases, raped, subjected to involuntary forced abortion, sterilization, and forced organ harvesting;

Whereas, as a direct result of the Government of the People's Republic of China's targeted and coercive population control campaign against Uyghurs, the birthrate of the Uyghur population in Xinjiang Uyghur Autonomous Region plummeted by 24 percent from 2017 to 2018, with birthrates in the Uyghur majority regions of Hotan and Kashgar decreasing by more than 60 percent from 2015 to 2018;

Whereas sterilization rates in Xinjiang grew seven-fold from 2016 to 2018 to more than 60,000 procedures;

Whereas, in 2018, 80 percent of all net added IUD placements in China (calculated as placements minus removals) were performed in Xinjiang, despite the fact that the region only makes up 1.8 percent of the nation's population;

Whereas nearly 500,000 Muslim children in Xinjiang have been forcibly separated from their families and subjected to indoctrination and inhumane and degrading treatment in state-run boarding schools;

Whereas, since 2017, the Government of the People's Republic of China has destroyed or damaged approximately 16,000 mosques and over 30 percent of Islamic shrines, cemeteries, and pilgrimage routes across the Xinjiang Uyghur Autonomous Region;

Whereas Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in the Xinjiang Uyghur Autonomous Region are subjected to constant, unwarranted, and intrusive mass surveillance through the use of new and emerging technologies, including facial recognition software, artificial intelligence, and genetic testing;

Whereas, between 2017 and 2019, an estimated 80,000 Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups were forcibly transferred out of Xinjiang Uyghur Autonomous Region to work in factories across China, which raises serious concerns of forced labor being used in global supply chains; and

Whereas the policies of the Government of the People's Republic of China are in contravention of international human rights instruments signed by that government, including—

(1) the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which the People's Republic of China has signed but not yet ratified;

(2) the International Covenant on Economic, Social, and Cultural Rights, ratified by the People's Republic of China in 2001; and

(3) the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), to which the People's Republic of China has been a state party since February 2010: Now, therefore, be it

Resolved, That the Senate—

(1) declares that the atrocities perpetrated by the Government of the People's Republic of China against Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in the Xinjiang Uyghur Autonomous Region constitute genocide;

(2) demands that the Government of the People's Republic of China immediately—

(A) adhere to its commitments under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide;

(B) halt the genocide it is perpetrating against Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in the Xinjiang Uyghur Autonomous Region;

(C) release individuals from internment camps, forced labor programs, and state-run boarding schools;

(D) reunite families and rebuild or repair mosques; and

(E) guarantee freedom of religion, including Islam;

(3) urges the Administration to take all appropriate measures, including working with like-minded states and multilateral coalitions, to compel, induce, or otherwise oblige the Government of the People's Republic of China to immediately take the actions described in subparagraphs (A) through (E) of paragraph (2);

(4) urges all national governments and international organizations, including the United Nations and its Office of the Secretary-General, to call the Government of the People's Republic of China's atrocity crimes by their rightful name: ''genocide'';

(5) urges the Permanent Representative of the United States to the United Nations to take steps to coordinate with other members of the United Nations to enact measures to prevent atrocity crimes by the Government of the People's Republic of China, and to punish those responsible for these ongoing crimes, including by the collection and preservation of evidence, imposing sanctions against perpetrators, and if necessary, the establishment and operation of appropriate tribunals;

(6) urges member states of the United Nations to use their votes to bar the Government of the People's Republic of China from membership of any United Nations councils or other component overseeing human rights until an independent commission established by the United Nations verifies that the People's Republic of China has returned to adhering to its commitments under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide; and

(7) encourages the United States Government and United States companies to lead global coalitions ensuring businesses are not enabling, supporting, or profiting off the mass surveillance and forced labor, which is a form of human trafficking, of Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in China.

SENATE RESOLUTION 761—RECOGNIZING THE MONTH OF OCTOBER 2020 AS FILIPINO AMERICAN HISTORY MONTH AND CELEBRATING THE HISTORY AND CULTURE OF FILIPINO AMERICANS AND THEIR IMMENSE CONTRIBUTIONS TO THE UNITED STATES

Ms. HIRONO (for herself, Mr. BOOKER, Ms. CANTWELL, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HARRIS, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MENENDEZ, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Ms. SMITH, Ms. WARREN, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 761

Whereas the earliest documented Filipino presence in the continental United States was October 18, 1587, when the first ''Luzones Indios'' arrived in Morro Bay, California, on board the Nuestra Señora de Esperanza, a Manila-built galleon ship;

Whereas the Filipino American National Historical Society recognizes 1763 as the year in which the first permanent Filipino settlement in the United States was established in St. Malo, Louisiana;

Whereas the recognition of the first permanent Filipino settlement in the United States adds a new perspective to the history of the United States by bringing attention to the economic, cultural, social, and other notable contributions made by Filipino Americans to the development of the United States;

Whereas the Filipino American community is the third largest Asian American and Pacific Islander group in the United States, with a population of approximately 4,100,000;

Whereas, from the Civil War to the Iraq and Afghanistan conflicts, Filipinos and Filipino Americans have a longstanding history of serving in the Armed Forces of the United States;

Whereas more than 250,000 Filipinos fought under the United States flag during World War II to protect and defend the United States in the Pacific theater;

Whereas a guarantee to pay back the service of Filipinos through veterans benefits was reversed by the First Supplemental Surplus Appropriation Rescission Act, 1946 (Public Law 79–301; 60 Stat. 6) and the Second Supplemental Surplus Appropriation Rescission Act, 1946 (Public Law 79–391; 60 Stat. 221), which provided that the wartime service of members of the Commonwealth Army of the Philippines and the new Philippine Scouts shall not be deemed to have been active service, and, therefore, those members did not qualify for certain benefits;

Whereas 26,000 Filipino World War II veterans were granted United States citizenship as a result of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 4978), which was signed into law by President George H.W. Bush on November 29, 1990;

Whereas, on February 17, 2009, President Barack Obama signed into law the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115), which established the Filipino Veterans Equity Compensation Fund to compensate Filipino World War II veterans for their service to the United States;

Whereas, since June 8, 2016, the Filipino World War II Veterans Parole Program has allowed Filipino World War II veterans and certain family members to be reunited more expeditiously than the immigrant visa process allowed at that time, but, on August 2,

2019, U.S. Citizenship and Immigration Services announced its intention to terminate the program;

Whereas, on December 14, 2016, President Barack Obama signed into law the Filipino Veterans of World War II Congressional Gold Medal Act of 2015 (Public Law 114–265; 130 Stat. 1376) to award Filipino veterans who fought alongside troops of the United States in World War II the highest civilian honor bestowed by Congress;

Whereas, on October 25, 2017, the Congressional Gold Medal was presented to Filipino World War II veterans in Emancipation Hall in the Capitol Building, a recognition for which the veterans had waited for more than 70 years;

Whereas Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that may be bestowed on an individual serving in the Armed Forces, and continue to demonstrate a commendable sense of patriotism and honor in the Armed Forces;

Whereas the late Thelma Garcia Buchholdt, born in Claveria, Cagayan, on the island of Luzon in the Philippines—

(1) moved with her family to Alaska in 1965;

(2) was elected to the House of Representatives of Alaska in 1974;

(3) was the first Filipino woman elected to a State legislature; and

(4) authored a comprehensive history book entitled ''Filipinos in Alaska: 1788–1958'';

Whereas Filipino American farmworkers and labor leaders, such as Philip Vera Cruz and Larry Itliong, played an integral role in the multiethnic United Farm Workers movement, alongside Cesar Chávez, Dolores Huerta, and other Latino workers;

Whereas, on April 25, 2012, President Barack Obama nominated Lorna G. Schofield to be a United States District Judge for the United States District Court for the Southern District of New York, and she was confirmed by the Senate on December 13, 2012, to be the first Filipino American in United States history to serve as an Article III Federal judge;

Whereas Filipino Americans play an integral role on the frontlines of the COVID–19 pandemic in the healthcare system of the United States as nurses, doctors, first responders, and other medical professionals;

Whereas Filipino Americans contribute greatly to music, dance, literature, education, business, journalism, sports, fashion, politics, government, science, technology, the fine arts, and other fields that enrich the United States;

Whereas, as mandated in the mission statement of the Filipino American National Historical Society, efforts should continue to promote the study of Filipino American history and culture because the roles of Filipino Americans and other people of color have largely been overlooked in the writing, teaching, and learning of the history of the United States;

Whereas it is imperative for Filipino American youth to have positive role models to instill—

(1) the significance of education, complemented by the richness of Filipino American ethnicity; and

(2) the value of the Filipino American legacy; and

Whereas it is essential to promote the understanding, education, and appreciation of the history and culture of Filipino Americans in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Filipino American History Month in October 2020 as—

(A) a testament to the advancement of Filipino Americans;

(B) a time to reflect on and remember the many notable contributions that Filipino Americans have made to the United States; and

(C) a time to renew efforts toward the research and examination of history and culture so as to provide an opportunity for all people of the United States to learn more about Filipino Americans and to appreciate the historic contributions of Filipino Americans to the United States; and

(2) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

SENATE RESOLUTION 762—RECOGNIZING THE DISPROPORTIONATE IMPACT OF COVID–19 ON WOMEN AND GIRLS GLOBALLY

Mr. BOOKER (for himself and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 762

Whereas the COVID–19 crisis exacerbates existing vulnerabilities for women and girls and has an outsized effect on health, safety, and livelihoods for marginalized communities;

Whereas it is estimated that the disruption of sexual and reproductive health care services and supply chains caused by the COVID–19 crisis caused an estimated 49,000,000 women to stop using contraceptives between April and October 2020, likely resulting in approximately 7,000,000 unintended pregnancies, 1,700,000 major obstetric complications, 28,000 maternal deaths, 168,000 newborn deaths, and 3,300,000 unsafe abortions;

Whereas lockdowns, quarantines, and other movement restrictions related to COVID–19 have disrupted access to legal and social services, as well as access to counseling, safe shelters, and medical treatment, exacerbating vulnerabilities for women and girls;

Whereas gender-based violence such as domestic violence, child marriage, and female genital mutilation has increased, and is expected to continue to increase, as a result of the COVID–19 crisis, including—

(1) an estimated 31,000,000 more gender-based violence cases between April and October 2020;

(2) an additional 13,000,000 child marriages by 2030; and

(3) an increase of approximately 2,000,000 cases of female genital mutilation between 2020 and 2030;

Whereas women play significant roles in the health care workforce, comprising 70 percent of health care workers globally, yet often are not prioritized for the receipt of personal protective equipment, disproportionately exposing them to contracting COVID–19;

Whereas women and girls perform 3 times the amount of unpaid care work in homes and in their communities as men, a burden that has increased during the COVID–19 crisis as women and girls are disproportionately responsible for caring for sick and elderly family and community members and children who are out of school, limiting the ability of women and girls to perform income-generating work, pursue education or skills building, or avoid exposure to COVID–19;

Whereas, globally, women living in poverty will endure specific economic effects as a result of the COVID–19 crisis, largely due to the overrepresentation of those women in the informal economy, the increase in their unpaid care burdens, and the particular hardships facing female entrepreneurs, such as—

(1) loss of jobs or pressure to turn to exploitative work, as women workers dominate in industries most affected by layoffs caused by the COVID–19 crisis, including hospitality, childcare, and tourism, and comprise 92 percent of individuals in the informal sector, which lacks social and legal protections in most countries;

(2) loss of business, as market closures, disruptions in global trading, and the collapse of supply chains have disproportionate effects on female-led businesses and female farmers, and enduring gaps in financial inclusion will have significant ramifications as women entrepreneurs continue to be considered high risk for bank services, formal loans, and credit;

(3) financial insecurity, as women have much lower, if any, pensions, retirement savings, or other assets to mitigate shocks as compared to men; and

(4) loss of necessary income that female-headed households depend on, such as remittances, which the World Bank expects will decrease by nearly 20 percent in 2020;

Whereas the COVID–19 crisis will uniquely affect women in agriculture, who provide more than 43 percent of the agricultural labor around the world and more than 60 percent of such labor in Africa yet whose ability to harvest, sell, and buy food and other products necessary for their food security and nutrition will worsen due to travel restrictions related to the crisis, ongoing discrimination in access to agricultural inputs and markets, and wage gaps and disproportionate unpaid care burdens for female farmers;

Whereas food insecurity will have unique effects on the nutrition and health of women and girls, who already comprise 60 percent of individuals experiencing hunger in the world, often rely on getting at least 1 nutritious meal each day from feeding programs at schools that may be shut down due to the COVID–19 crisis, and face shortages in nutritious food and nutrients given social norms that dictate that women and girls eat last and least when food is scarce;

Whereas girls, particularly adolescent girls, will be especially affected by the closures of schools resulting from the COVID–19 crisis, and it estimated that, as of March 2020, nearly 743,000,000 girls, not including the approximately 132,000,000 girls who were already out of school before the onset of the crisis, are out of school due to such closures;

Whereas closures of schools due to the COVID–19 crisis will decrease the ability of girls to access education and skills building, increase the exposure of girls to gender-based violence, such as child marriage, exacerbate the vulnerability of girls to early pregnancy and childbirth-related complications, and impede access of girls to information about the prevention of COVID–19, protection services, and pathways to report abuse;

Whereas the COVID–19 crisis will place particular burdens on women and girls in humanitarian emergencies given challenges including overcrowded conditions, restrictions on travel and movement, already strained health, hygiene, and sanitation infrastructure, food shortages and malnutrition, already heightened exposure to gender-based violence, systematic and targeted attacks on health infrastructure and aid workers by parties to conflicts, politicization of aid and service delivery, and restricted humanitarian access, all of which exacerbates the spread and effect of infectious diseases;

Whereas the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM), and the Department of State have expressed concern about an increase in human trafficking and smuggling as traffickers take advantage of

increased vulnerabilities and chaos during the COVID–19 crisis;

Whereas the diversion of resources and services away from existing primary health care needs to address the COVID–19 crisis and contain the spread of COVID–19 will have particular effects on women and girls, including disruptions in the provision of lifesaving health services unrelated to COVID–19, such as maternal health care and sexual and reproductive health services, and the loss of critical services and support to respond to gender-based violence;

Whereas the COVID–19 Global Humanitarian Response Plan coordinated by the United Nations is only 17 percent funded, leaving significant gaps in the response to immediate health and non-health needs of women and girls and other vulnerable populations, and ongoing humanitarian response plans, identified as a top priority by the United Nations given that people targeted in those plans will be the most affected by the direct and indirect effects of the COVID–19 crisis, remain only 17.3 percent funded;

Whereas estimates show that, globally, women are included in only 24 percent of national response plans for the COVID–19 crisis, and women and girls have been largely excluded from leadership and decision making related to responses to the crisis, resulting in response measures that may not fully account for how COVID–19 affects women and girls; and

Whereas humanitarian exemptions to sanctions and counterterrorism measures are vital for ensuring states and principled humanitarian actors are able to reach vulnerable women and girls with efficient, needs-based assistance, including COVID–19 response activities consistent with obligations under international humanitarian law, regardless of the location of those women and girls: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the critical importance of gender balance and inclusivity in bodies responsible for coordination and decision making related to the COVID–19 crisis, including in structures and task forces of the United States Government charged with developing policies and responses to the crisis;

(2) promotes integrating a gender lens throughout the response to the COVID–19 crisis by analyzing and tracking the effect of and response to the crisis on gender, including gathering evidence from data that is disaggregated by gender, age, and other specific variables;

(3) supports measures to ensure that lifesaving health services including sexual and reproductive health and gender-based violence prevention and response are well resourced and supported, including within the COVID–19 Global Humanitarian Response Plan coordinated by the United Nations, and that funding earmarked for those services is not reduced, canceled, or diverted to other COVID–19 response activities;

(4) supports measures to ensure the continuation of adequate food and nutrition security for women and girls around the world affected by COVID–19, including women smallholder farmers and other women working in agriculture, in light of the unique challenges described in the preamble of this resolution;

(5) reinforces the need to ensure that short-term relief programming and longer-term economic strategies address the specific effects of COVID–19 on women globally, especially lower income, migrant, displaced, and other marginalized women;

(6) urges the executive branch to uphold the rights of crisis-affected and forcibly displaced populations, including women and girls, further affected by COVID–19, by promoting compliance with international humanitarian and human rights legal obligations and engaging parties to conflicts to ensure unhindered access to health care, medical supplies, and other vital aid and protection;

(7) supports robust funding contributions by the United States for the international response to the COVID–19 crisis in addition to further funding for ongoing humanitarian appeals in support of vulnerable women and girls affected by COVID–19 and underlying emergencies; and

(8) commits to continuously assess and eliminate any impediment to the delivery of and access to humanitarian assistance.

SENATE RESOLUTION 763—SUPPORTING THE DESIGNATION OF OCTOBER 2020 AS ''NATIONAL SUBSTANCE ABUSE PREVENTION MONTH''

Mrs. FEINSTEIN (for herself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 763

Whereas initiation of substance use during adolescence is associated with substance use and misuse in adulthood;

Whereas, in 2019, more than 8,000,000 people in the United States aged 12 and older used a controlled substance for the first time;

Whereas, in 2019, an estimated 35,000,000 people in the United States aged 12 and older used an illicit drug, including cocaine and methamphetamine;

Whereas more than 20,000,000 people in the United States aged 12 and older had a substance use disorder in 2019, including more than 8,000,000 individuals who had an illicit drug use disorder;

Whereas, in 2019, an estimated 4,200,000 people in the United States aged 12 and older received some form of substance use disorder treatment;

Whereas, in 2019, an estimated 72,000 lives in the United States were lost to largely preventable drug overdoses;

Whereas illicit drug use and the misuse of prescription opioids costs the United States $271,500,000,000 annually;

Whereas Federal funding to prevent substance use and misuse was cut by nearly 34 percent between fiscal years 2009 and 2020;

Whereas every dollar invested in substance use and misuse prevention programs can provide a savings of up to $20 in substance use and misuse treatment, health care, and criminal justice costs;

Whereas Congress has sought to expand access to prevention, treatment, and recovery services through passage of, among other measures, the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198; 130 Stat. 695);

Whereas substance use and misuse prevention and treatment organizations in the United States recognize October as ''National Substance Abuse Prevention Month'';

Whereas October 24, 2020, is the second anniversary of the enactment of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (Public Law 115-271; 132 Stat. 3894); and

Whereas the ongoing COVID-19 pandemic has increased social isolation for many people in the United States, which can lead to a greater use and misuse of legal and illegal substances: Now, therefore, be it

Resolved, That the Senate—

(1) supports effective programs to prevent substance use and misuse, including community-based prevention programs such as the Drug-Free Communities Support Program;

(2) recognizes that certain substances are being misused at higher rates among adults during the COVID-19 pandemic, potentially due to the stress and social isolation associated with the public health emergency;

(3) supports additional research and expanded access to effective programs to prevent substance use and misuse during the COVID-19 pandemic;

(4) supports programs to help stem the drug addiction and overdose epidemic in the United States; and

(5) supports the designation of October 2020 as ''National Substance Abuse Prevention Month''.

SENATE RESOLUTION 764—DESIGNATING OCTOBER 26, 2020, AS THE ''DAY OF THE DEPLOYED''

Mr. HOEVEN (for himself, Ms. WARREN, Mr. DAINES, Mr. BOOZMAN, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 764

Whereas more than 2,100,000 individuals serve as members of the Armed Forces of the United States;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to more than 150 countries in every region of the world;

Whereas more than 2,000,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel from the total force, which is comprised of the regular components, the National Guard, and the Reserves, who protect the precious heritage of the United States through their declarations and actions;

Whereas the United States remains committed to providing the fullest possible accounting for personnel missing from past conflicts ranging from World War II through current day conflicts;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces continue to serve and protect the people of the United States by making deployments in the midst of the Coronavirus Disease 2019 (COVID–19) pandemic;

Whereas the United States remains committed to easing the transition from deployment abroad to service at home for members of the Armed Forces and the families of the members;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States; and

Whereas the Senate has designated October 26 as the ''Day of the Deployed'' since 2011: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 26, 2020, as the ''Day of the Deployed'';

(2) honors the deployed members of the Armed Forces of the United States and the families of the members;

(3) calls on the people of the United States to reflect on the service of those members of the Armed Forces, wherever the members serve, past, present, and future; and

(4) encourages the people of the United States to observe the Day of the Deployed with appropriate ceremonies and activities.

SENATE RESOLUTION 765—CALLING ON CONGRESS, SCHOOLS, AND STATE AND LOCAL EDUCATIONAL AGENCIES TO RECOGNIZE THE SIGNIFICANT EDUCATIONAL IMPLICATIONS OF DYSLEXIA THAT MUST BE ADDRESSED, AND DESIGNATING OCTOBER 2020 AS ''NATIONAL DYSLEXIA AWARENESS MONTH''

Mr. CASSIDY (for himself, Ms. WARREN, Mr. MURPHY, Mr. KING, Mr. BOOZMAN, and Mrs. CAPITO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 765

Whereas dyslexia is—

(1) defined as an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader; and

(2) most commonly caused by a difficulty in phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, spell, and, often, the ability to learn a second language;

Whereas the First Step Act of 2018 (Public Law 115–391) included a definition of dyslexia as part of the requirement of the Act to screen inmates for dyslexia upon intake in Federal prisons;

Whereas the definition of dyslexia in section 3635 of title 18, United States Code, as added by section 101(a) of the First Step Act of 2018, is the first and only definition of dyslexia in a Federal statute;

Whereas dyslexia is the most common learning disability and affects 80 to 90 percent of all individuals with a learning disability;

Whereas dyslexia is persistent and highly prevalent, affecting as many as 1 out of every 5 individuals;

Whereas dyslexia is a paradox, in that an individual with dyslexia may have both—

(1) weaknesses in decoding that result in difficulties with accurate or fluent word recognition; and

(2) strengths in higher-level cognitive functions, such as reasoning, critical thinking, concept formation, and problem solving;

Whereas great progress has been made in understanding dyslexia on a scientific level, including the epidemiology and cognitive and neurobiological bases of dyslexia;

Whereas the achievement gap between typical readers and dyslexic readers occurs as early as first grade; and

Whereas early screening for, and early diagnosis of, dyslexia are critical for ensuring that individuals with dyslexia receive focused, evidence-based intervention that leads to fluent reading, the promotion of self-awareness and self-empowerment, and the provision of necessary accommodations that ensure success in school and in life: Now, therefore, be it

Resolved, That the Senate—

(1) calls on Congress, schools, and State and local educational agencies to recognize that dyslexia has significant educational implications that must be addressed; and

(2) designates October 2020 as ''National Dyslexia Awareness Month''.

SENATE RESOLUTION 766—HONORING THE INDIVIDUALS FIGHTING AND THE INDIVIDUALS WHO HAVE FALLEN RESPONDING TO WILDLAND FIRES DURING THE ONGOING 2020 WILDFIRE SEASON

Mr. DAINES (for himself, Mr. WYDEN, Mr. CRAMER, Ms. MCSALLY, Mr. RISCH, Mr. CRAPO, Mrs. FEINSTEIN, Mr. HOEVEN, Mr. BARRASSO, Mr. ENZI, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 766

Whereas, since 8:00 p.m. on August 18, 2020, the National Preparedness Level has been at 5, the highest level, indicative of above-normal wildfire activity and a maximum commitment of wildfire suppression resources and personnel;

Whereas, as of September 23, 2020, 43,917 large wildfires had burned 7,027,861 acres across the Western United States;

Whereas warmer and drier weather and mismanagement of the forests of the United States are exacerbating the threat of wildfires and contributing to the above-normal fire activity in California, Oregon, Washington, Idaho, and other western States in 2020;

Whereas Federal, State, local, and Tribal agencies have mobilized wildland handcrews, interagency hotshot crews, engine crews, smokejumpers, helitack crews, pilots, rapellers, incident management teams, first responders, and other wildland firefighters to help combat wildfires in the West;

Whereas, as of September 23, 2020—

(1) 534 crews and more than 30,000 wildland firefighters are mobilized to assist with efforts to contain wildfires that threaten communities throughout the West;

(2) the Department of Defense had approved and mobilized more than 400 United States Marines, Sailors, and Soldiers to assist with wildfire suppression efforts;

(3) multiple State Governors had mobilized members and units of the National Guard to assist with wildfire suppression efforts; and

(4) wildland firefighters from several countries, including Mexico and Canada, had been mobilized to respond to wildfires in the United States;

Whereas the private sector has made significant contributions to wildfire response, providing crews, equipment, technology, expertise, and aircraft to assist wildfire suppression efforts;

Whereas, as of September 23, 2020, many wildland firefighters, including 2 Montanans, had paid the ultimate price while preparing and training to combat, protecting communities from, and combating wildfires in 2020;

Whereas the Coronavirus Disease 2019 (COVID–19) pandemic has exacerbated the public health and public safety risks inherent in combatting wildfires;

Whereas, as of September 23, 2020, dozens of people in the United States had lost their lives, and thousands of homes, approximately 30 of which were in Montana, had been destroyed, in wildland fires;

Whereas, were it not for the efforts and bravery of wildland firefighters, those numbers would have been much higher;

Whereas, during 2020, wildland firefighters in the United States have not only risked their lives to fight wildfires in the United States, but have also provided their services to combat the bushfires in Australia; and

Whereas wildland firefighters, first responders, sheriffs, and community leaders have acted bravely and risked their lives to contain dangerous wildfires across the Western United States to protect families and critical infrastructure: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) the efforts and sacrifices of the wildland firefighters who have risked their lives to fight intense wildfires in 2020; and

(B) the support, resources, and personnel mobilized by the international partners of the United States;

(2) honors the bravery and heroism of the men and women assisting in responding to and combatting wildfires;

(3) expresses appreciation and gratitude to firefighters for protecting lives and property in the United States during the ongoing 2020 wildfire season;

(4)(A) honors the ultimate sacrifice of the wildland firefighters who lost their lives assisting in fighting wildfires in 2020; and

(B) extends deepest condolences to the families, friends, and colleagues of those wildland firefighters;

(5) expresses full support for communities throughout the West as those communities focus on recovery and rebuilding affected areas and communities;

(6) values the longstanding partnerships and collaboration between Federal, State, local, and Tribal agencies coordinating wildfire response efforts; and

(7) supports continued cooperation and collaboration between Federal, State, local, and Tribal entities to mitigate the underlying factors driving more intense wildfire activity.

SENATE RESOLUTION 767—CONGRATULATING THE TAMPA BAY LIGHTNING FOR WINNING THE 2020 STANLEY CUP FINAL

Mr. SCOTT of Florida (for himself and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 767

Whereas on September 28, 2020, the Tampa Bay Lightning (referred to in this preamble as the ''Lightning'') won the 2020 National Hockey League Stanley Cup Final;

Whereas the 2020 Stanley Cup Final is the second Stanley Cup Final won by the Lightning in the 29 years that the franchise has competed in the National Hockey League;

Whereas the Lightning won the 2020 Eastern Conference title, and the Prince of Wales Trophy, won for the third time by the franchise, by defeating the Columbus Blue Jackets, the Boston Bruins, and the New York Islanders to advance to the Stanley Cup Final;

Whereas the Lightning defeated the 2020 Western Conference champion, the Dallas Stars, in the Stanley Cup Final, clinching the series with 4 wins and only 2 losses;

Whereas the Lightning showed resilience and sacrifice during the COVID–19 pandemic by competing in the delayed playoff tournament in secure zones, sequestered from outsiders for 2 months and away from family;

Whereas millions of fans watched the Lightning during the 2020 Stanley Cup playoffs as the franchise won the Stanley Cup Final for the second time;

Whereas Lightning defenseman Victor Hedman—

(1) led all defensemen in the 2020 Stanley Cup playoffs with 10 goals and 12 assists; and

(2) won the Conn Smythe Trophy, awarded to the most valuable player in the playoffs;

Whereas Lightning right winger Nikita Kucherov—

(1) was the leader in points and assists in the 2020 Stanley Cup playoffs; and

(2) set a new Lightning franchise record for most points in a single postseason; and

Whereas the following entire Lightning roster contributed to the Stanley Cup victory: Nikita Kucherov, Steven Stamkos, Brayden Point, Victor Hedman, Alexander Killorn, Anthony Cirelli, Ondrej Palat, Mikhail Sergachev, Kevin Shattenkirk, Tyler Johnson, Yanni Gourde, Patrick Maroon, Cedric Paquette, Carter Verhaeghe, Erik Cernak, Ryan McDonagh, Mathieu Joseph, Jan Rutta, Mitchell Stephens, Braydon Coburn, Andrei Vasilevskiy, Luke Schenn, Barclay Goodrow, Zach Bogosian, Blake Coleman, Alexander Volkov, Curtis McElhinney, and Scott Wedgewood: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Tampa Bay Lightning, and the loyal fans of the Tampa Bay Lightning, for becoming the 2020 National Hockey League Stanley Cup champions; and

(2) respectfully directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the chairman and governor of the Tampa Bay Lightning, Jeff Vinik;

(B) the vice president and general manager of the Tampa Bay Lightning, Julien BriseBois; and

(C) the head coach of the Tampa Bay Lightning, Jon Cooper.

APPOINTMENTS AUTHORITY

Mr. MCCONNELL. Madam President, I ask unanimous consent that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

ORDERS FOR TUESDAY, OCTOBER 27, 2020, THROUGH MONDAY, NOVEMBER 9, 2020

Mr. MCCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted on the following dates and times and that following each pro forma session, the Senate adjourn until the next pro forma session: Tuesday, October 27, at 11:30 a.m.; Friday, October 30, at 12 p.m.; Tuesday, November 3, at 10:15 a.m.; Friday, November 6, at 10 a.m. I further ask that when the Senate adjourns on Friday, November 6, it next convene at 3 p.m., Monday, November 9, and that following the prayer and 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; further, that following leader remarks, the Senate proceed to executive session to resume the Knepp nomination; finally, that notwithstanding rule XXII, the cloture motion filed during today's session ripen at 5:30 p.m.

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

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. MCCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:45 p.m., adjourned until Tuesday, October 27, 2020, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEFFREY B. ADAY
MARIA E. AGUILAR
YOUSEF M. AHMED
TRENT P. AINSWORTH
RACHAEL A. ALLEN
MARY E. ANDERSON
ANTHONY J. ANGELONE
AARON M. ARZAMENDI
TIMOTHY M. ATTRIDE
AYEETIN M. AZAH
ABIOLA A. BABAWALE
SAMMY M. BAHO
AARON P. BALINSKI
MARTIN J. BAYER
MICHAEL B. BEELER
KENNETH A. BENSON
KATHERINE L. BIGGS
SHANNON L. BINCKLEY
ALISSA D. BISHEL
MATTHEW M. G. BOLES
KIMBERLY A. BOYD
SHANNON E. BROCKMAN
BRENT W. BUCCINE
COLTON T. BUSH
GABRIEL A. CALDERON
DAWN P. CALLAHAN
CHARLES P. CALLIHAN, JR.
AARON S. CANTOR
MARY F. CARRINGTON
TARYN E. CAZZOLLI
HANNAH W. CEEN
REBECCA E. CHOI
COURTNEY A. CLARK
RACHEL M. CONCEPCION
ALANA M. CONNELL
RYAN J. CONNOLLY
NICOLE S. COOK
SARAH S. COOPER
KATHERINE L. CORTEZ
GABRIEL I. CROCKER
ERICA K. CRUMP
ARTHUR D. DANIEL
BETHANY A. DARLING
REHAN S. DAWOOD
HEATHER A. DEHAAN
JOHN J. DELANEY
KARA M. DEMARCO
HENRY R. DEYOUNG
CARRIE M. DILLON
HALEY S. DODSON
MIA I. EDGAR
PETRA S. ELIAS
KRISTEN L. ELMEZZI
PATRICK R. ENGELBERT
DANIEL J. ENRIQUEZ
ALEXANDER L. EYE
IKEMEFUNA I. EZEDI
ALEX W. FARNAND
BRIAN W. FERGUSON
JUSTIN W. FINCHER
DANIEL J. FINNIN
JASON E. FLEENOR
JENNIFER T. FOTI
CATHERINE E. C. GARCIA
JOANNE T. C. GBENJO
JOSEPH A. GEHRZ
CHANDLER W. GETZ
JENNER S. GIBSON
BENJAMIN D. GOLDENBERG
KYLE J. GRAY
JEFFERY T. GRAY
ANDREW V. HAMILTON
ANDREW R. HAMM
BRANDON J. HEEGER
MATTHEW E. HENRIQUES
SAMUEL R. HERMAN
JESSICA M. HEROLD
CHRISTOPHER J. HILL
ANNA L. HOSIG
PEYTON R. JOHNSON
SHAWN E. JOHNSON
JODY W. JOYNT
ALEXANDER J. KASTL
WILLIAM S. KEAN
CAMERON R. KENDALL
JONATHAN Y. KIM
YOUNGMI F. KIM
JOHN J. KOCH
ANASTASIA N. KOSTRUBALA
ANTHONY M. KULETO
ERIK A. KUMETZ
STUART D. KYLLO
ONTARIO D. LACEY
SEAN A. LACEY
MICHAEL LAGUARDA
NICHOLAS H. LAKE
SETH H. LARSEN
JOB P. LARSON
MATTHEW J. LASH
AMANDA M. LAU
CHIHUA LEE
ELLEN J. LESH
ERIC A. LESLIE
TODD C. LILJE
TANYA R. LINDENMUTH
JOHN P. LOVELL
AMY K. LOWRY
WILLIS H. LYFORD
JORDAN W. LYONS
DANIEL B. MACHUE
CHRISTOPHER J. MANGANELLO
ANTHONY J. MARCHAND
CHRISTOPHER D. MARTIN
ALICIA N. MCCLINTOCK
KEVIN S. MCDERMOTT
KYLE T. MCDONALD
LESLIE M. MCDONOUGH
RYAN O. MCMONIGLE
BRADLEY S. MCNEAL
RAYMOND J. MELDER, JR.
LYNN E. MERCER
HABAKUK MICHEL
ANDREW L. MILLER
GRANT A. MILLER
STEVEN C. MILLER
TANNER M. MILLER
SEAN M. MOCK
KYLE W. MOMBELL
KATHLEEN R. MONTANEZ
BRYCE W. MORE
AUSTIN C. MORGAN
BLAKE A. MORGAN
STEPHEN F. MOWERY
DANIEL K. MURPHY, JR.
LAUREN M. MURRAY
LESLIE H. MYERS
RUSSELL E. NEWKIRK
CLARK B. NOBLE
COLIN F. NOLAN
ROBERT D. NOTTINGHAM
ANDREA L. OCHAB
KEELAN K. OCONNELL
SEAN A. OMARA
NEMESIO R. A. ORDONEZ
KATRINA M. OSTERMANN
SHAUN P. OSTROFE
DANIELLE L. PANNEBAKER
TIMOTHY G. PARKER, JR.
WILLIAM J. PARKER
ROSS M. PATRICK
SHIRA R. PAUL
JESSIE O. PAULL
CATHERINE P. PERRAULT
AARON R. PERREAULT
SHIAN L. PETERSON
JACOB E. PETERSON
KHANH H. PHUNG
CATHERINE H. PILSON
BENJAMIN P. PITTMAN
ERIC S. PITTMAN
MELANIE J. PRIBICH
JAMES M. PRIETO
SHIREEN D. RABIEI
KRISTINA K. RACHED
DANIEL J. RAUSA
GLENN A. RAUSCHER
CHRISTOPHER J. RENDINA
ALISA G. RENSCHLER
JOHN T. RICHARDS
TARA R. RING
ANTONIA K. ROBERTS
BRYAN L. ROBERTS
ELIEZER D. RODRIGUEZ
ERIC A. ROSSON
KERRY P. SADLER
COURTNEY M. SAINT
CRAIG S. SCHALLHORN
SAMUEL C. SCHIAVONE
HOLLY S. SCHMIDT
MIGUEL A. SERRANO
CHRISTOPHER G. SHANK
NATHANIEL C. SHERWOOD
SABLE P. SHEW
JOSEPH G. SIMONEAU
GORDON E. SIMS III
MICHAEL M. SKARET
TANNER A. SLAYDEN
DANIEL J. STANDISH
SARAH B. STAROSTA
MICHAEL D. SULLIVAN
ARIANA K. TABING
DENISE N. E. TEH
CHAD A. THOMPSON
NADIA C. THYBERG
TIMOTHY S. TONEY, JR.
MICHAEL W. D. TSAI
MARIELA C. VENTOCILLA

KRISTIN A. WAHLBERGPAINTER
LAUREN A. WALLACE
LYNDSEY E. WESSELS
JANE A. WHITNEY
BENJAMIN F. WILSON
LUKE C. WOMBLE
SARAH E. WOODSONSMITH
BRITTANY M. WOOTTEN
JESSICA L. ZIMMERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN A. O. ABORDO
ELISE K. ANDREWS
RACHEL G. ARNOLD
ANNALEE ASBURY
LEE J. ATKINSON
OMAR I. BAJWA
JAMES R. BENSON
NEIL R. BRESNAHAN
MARY C. CARROLL
KRISTOFERKARLOJOSE CEREDON
SHINGMEI CHANG
DAVID Y. CHO
PATRICK J. CLARK
IAN P. COLLING
MELANIE P. CORNELIUS
JOSH E. CRIBBS
PHILIP R. DAMICO
CHHAMA DAYAMA
KATHERINE A. DECKER
ALEXANDRA L. DOAK
JESSE I. EDWARDS III
JOSHUA D. EVANS
SEAN P. FARRELL
WEBSTER K. FELIX
FRANK W. FU
SAMANTHA D. HAUPAGE
ANDREW D. HENNING
JOHN H. M. HOFER
DANIEL P. HOWARD
CAITLYN B. HOYSOCK
HEE Y. HWANG
SAMANTHA N. JETTE
MATTHEW A. JURCAK
RYAN A. KAYE
RAGHAV KHANDELWAL
ANDREW J. KORCEK
BRUNO W. KULOBA
EUNICE S. LEE
CHRISTOPHER H. LEWIS
WEI LIU
ABIGAIL P. LUPENA
PATRICK E. MCCURDY
AUSTIN B. MCINTYRE
PAULA R. MCKEON
AIDAN A. W. MCKINLAY
JASON B. NISHIKUBO
NICHOLAS C. OSTER
MEREDITH E. OWEN
STEFANO A. PALAZZOLO
SVETLIN I. PENCHEV
JOHN A. PIZAREK
DOUGLAS A. PORR
DOMINICA G. PORTMAN
CHARLES T. QUASNEY
TYLER J. QUINN
JUSTIN S. RAY
CHRISTOPHER E. ROSSON
NATALIE R. SALDIVAR
TRAVIS J. SCHOLER
ALEXANDRA C. SCHOTT
JUSTIN R. SMITH
RALEE E. SPOONER
RAJ K. THAKER
KENNY H. TRAN
BHAVIN M. TRIVEDI
SARAH E. TROISI
THUYVI A. TRUONG
JEREMY P. WADE
YUNING WEBER
WHITNEY B. WEIMERSKIRCH
TRUE XIONG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOSHUA M. ADAMS
HANAYO ARIMOTO
THEODORE C. AWA
MELISSA M. BALINT
RAZA P. BEG
ADAM T. BIGGS
GEAN M. BOCA
SARAH C. BROWN
JAIMER G. CADANG
TAWANDA M. CADE
MERILYNN C. CARIAGA
JEFFREY S. CAUDILL
MEGAN S. CHALLACOMBE
RAYMA N. COSLETT
DANIEL J. CROUCH
PHILLIP DANG
BRODIE J. DARLOW
EMILY J. DEBOTROSCLAIR
RICARDO W. DYER
JASON J. EHRHART
EMMANUEL E. EKORTARH
NOAH M. EPSTEIN
SHERLEEN P. ESPINOSA
MARSHALL C. FAULDS
MICHAEL A. FEROLI
ERIC K. FOSS
SEBASTIAN F. GARCIA
MICHAEL D. GIBBONEY
GABRIEL S. GLEASON
VERONICA A. GOMEZ
MALIA L. GONZALEZ
BRENDAN H. GOOD
ASHLEY R. GRIGGS
KYLE A. HASENSTEIN
MEGAN M. HINTON
JEFFREY H. HOLCOMB
CURTIS O. HOLLIE, JR.
BRITTANY A. HOUT
KATELYN S. HOWENSTINE
KEVIN J. KEELEY
JOSEPH M. KIDD
KATHERINE D. KLINE
EVAN L. KNOCK
TIMOTHY J. KRAYNACK
KEVIN D. LANGE
SERENA M. LEUNG
ERIC A. LEWIS
MATTHEW T. LUKE
BENJAMIN K. MATTOX
MICHAEL A. MOSER
CHRISTOPHER Q. MURR
ROBERT L. MURRAY
JENNIFER L. NESTOR
ERIC R. NEUMAIER
JESSICA M. NEWMAN
JAMES M. NICHOLSON
DANIEL J. NORTHINGTON
JEREMIAH T. OH
AMELIA R. OLSON
CHRISTOPHER B. OLSON
DERRICK R. ONEAL
RYAN P. ONEIL
LORELI L. OWENS
JASON R. PALMER
THUY B. PHUNG
DANIEL J. PLITNIK
WESLEY J. POIRIER
NATHANIEL L. P. PRESTON
FAE L. RAMIREZ
KRYSTAL L. RAPP
GREGORY J. REGTS
FABIA A. REID
KEVIN D. REID
TONY L. RICHARDS
LUKE C. RICHMOND
GABRIEL J. ROCHA
CHRISTOPHER D. RODEHEFFER
DANIEL R. ROTH
ROBERT J. SCHERL
MICHAEL B. SHRADER
RACHEL M. SMITH
DANIEL A. SOWERS
RHONDIE N. TAIT
MATTHEW Z. THOMAS
DAWN L. WEIR
AARON S. WEISBROD
CONNOR R. WHITESEL
SKYLAR D. WILLIAMS
CHRISTI M. H. WILSON
KENT J. D. WONG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CASSANDRA E. ABBOTT
KAITLYN E. AMUNDSEN
RICHARD A. ANDREWS II
MATHEW H. BAGIOLI
CHARITY S. BARR
FRANCESLA S. BRIDGES
WARNER M. BUTKUS
CRYSTAL J. CURTIS
REGINA A. DAVISNILES
ANDREW S. DECKER
BRITTANY E. DOEHREL
TIMOTHY J. DONAHUE
JOSEPH P. DOWDALLS
KEVIN G. EDWARDS
GREGORY J. GIANONI
AUTUMN K. GIBO
JULIE A. GILLASPY
COLIN A. HOOD
JAMES R. HOWLAND
ANDREA LIOU
ALISON R. MALLOY
CLAYTON S. I. MCCARL
KEVIN O. MCCONNELL
GUILLAUME MOK
DANIEL O. MOORE
JAMES G. MOXNESS II
TANYA S. NIKAM
CYNTHIA J. PARMLEY
KEVIN A. PECK
ALARIC A. D. PIETTE
DAVID C. ROWLEY
AMANDA A. RUIZ
ADAM J. SITTE
LESLIE S. STEPHENSON
KATHARINE E. TANNER
JORDI I. TORRES
RYAN T. TURNER
MICHAEL W. WESTER
JESSICA K. M. WOO
JAMES J. YOON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

EZINDU U. ANANTI
KARA L. BALLAS
DERRICK L. BATTLE
JEANFREDERICK BLAIS
JEREMIAH D. BOND
BRIAN B. BONZO
MATTHEW E. BRITT
RACHEL M. BUTRON
BRANDI M. CASON
LATOYA A. COLLIER
BRIAN D. CURTIS
DEVON N. DAN
CYNTHIA C. DEHART
KRISTI L. DIXON
BRENT A. EDWARDS
JASETTE M. FONG
CORY J. FRAPPIER
SCOTT R. FUSELIER
SHARROD R. GREENE
JARED L. HARTMAN
MEAGAN A. HEADRICK
KAYLA D. HENNEN
ERICA M. JOHNSON
KATHERINE W. JONES
MICHAEL G. KAISER, JR.
LACHEAN R. KIMBROUGH
MIEN T. LE
LAWRENCE D. LEDUFF III
RUBEN F. MOJICA
JOSHUA R. MONDLOCH
JAMIE L. MOORE
JENNIFER L. MOTZKUS
GREGORY B. NEVONEN
CHAD M. OBERMEYER
MARY M. PELTON
NICOLE M. PENDRY
BRENT L. PHILLIPS
ANTHONY P. RITCHIE
LAUREN M. SOLO
SAMUEL J. SOURS
MARY C. TAYLOR
SARAH M. TUPARAN
MELVIN W. TURNER
VINCENT I. VASQUEZ
EMANUEL M. WADDELL
LESLEY M. WASHINGTON
CHRISTINA L. WESTBROOK
JENNIFER M. WHITE
ERIC C. WRIGHT

THE JUDICIARY

STEPHEN ANDREW KUBIATOWSKI, OF KENTUCKY, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE MARGARET MARY SWEENEY, TERM EXPIRED.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

*ERIC J. SOSKIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF TRANSPORTATION.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 26, 2020:

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT F. HEDELUND

SUPREME COURT OF THE UNITED STATES

AMY CONEY BARRETT, OF INDIANA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. JON S. SAFSTROM

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. ROBERT B. DAVIS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT J. SKINNER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MARK C. SCHWARTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES AS INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MATTHEW V. BAKER
BRIG. GEN. VINCENT B. BARKER
BRIG. GEN. BOWLMAN T. BOWLES III
BRIG. GEN. MIGUEL A. CASTELLANOS
BRIG. GEN. MILES A. DAVIS
BRIG. GEN. MATTHEW P. EASLEY
BRIG. GEN. JOHN B. HASHEM
BRIG. GEN. JOSEPH J. HECK
BRIG. GEN. SUSAN E. HENDERSON
BRIG. GEN. JAMELLE C. SHAWLEY
BRIG. GEN. TRACY L. SMITH
BRIG. GEN. LAWRENCE F. THOMS

To be brigadier general

COL. HARVEY A. CUTCHIN
COL. JOHN M. DRESKA
COL. CHARLES A. GAMBARO, JR.
COL. MICHAEL M. GREER
COL. ANDREW R. HAREWOOD
COL. DANIEL H. HERSHKOWITZ
COL. STEPHANIE Q. HOWARD
COL. MARIA A. JUAREZ
COL. ROBERT T. KRUMM
COL. JOCELYN A. LEVENTHAL
COL. KEVIN F. MEISLER
COL. ANDREE G. NAVARRO
COL. ROBERT S. POWELL, JR.
COL. JEFFREY D. PUGH
COL. DAVID M. SAMUELSEN
COL. KATHERINE A. SIMONSON
COL. JUSTIN M. SWANSON
COL. DEAN P. THOMPSON
COL. JASON J. WALLACE
COL. MATTHEW S. WARNE
COL. MICHAEL L. YOST

SPACE FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES SPACE FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. SHAW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE PERMANENT GRADE INDICATED IN THE UNITED STATES SPACE FORCE UNDER TITLE 10, U.S.C., SECTION 716:

To be major general

MAJ. GEN. JOHN E. SHAW

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH JESSICA R. COLMAN AND ENDING WITH BRIAN A. THALHOFER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 2020.

AIR FORCE NOMINATIONS BEGINNING WITH SCOTT R. MOORE AND ENDING WITH SANDRA V. SLATER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 2020.

IN THE ARMY

ARMY NOMINATION OF ANNE B. WARWICK, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JAKUB H. ANDREWS AND ENDING WITH D002999, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 2020.

ARMY NOMINATIONS BEGINNING WITH MATTHEW T. ADAMCZYK AND ENDING WITH D015515, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 2020.

ARMY NOMINATIONS BEGINNING WITH JOHN J. AGNELLO AND ENDING WITH JOHN J. ZOLLINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 2020.

ARMY NOMINATIONS BEGINNING WITH CORNELIUS L. ALLEN, JR. AND ENDING WITH MICHEAL A. ZWEIFEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 2020.

ARMY NOMINATION OF COREY M. JAMES, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF JOHN H. MITCHELL, TO BE COLONEL.

IN THE NAVY

NAVY NOMINATION OF ROBERT K. DEBUSE, TO BE CAPTAIN.

NAVY NOMINATION OF PAUL S. RUBEN, TO BE CAPTAIN.

NAVY NOMINATION OF ROBERT M. KNAPP, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF BRIAN E. LAMARCHE, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF TERENCE M. MURPHY, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF ROLDAN J. CRESPOPABON, TO BE LIEUTENANT COMMANDER.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 26, 2020 withdrawing from further Senate consideration the following nomination:

STEPHEN ANDREW KUBIATOWSKI, OF KENTUCKY, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE THOMAS CRAIG WHEELER, TERM EXPIRING, WHICH WAS SENT TO THE SENATE ON OCTOBER 23, 2020.