



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 166

WASHINGTON, MONDAY, OCTOBER 5, 2020

No. 173

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, October 6, 2020, at 9 a.m.

## Senate

MONDAY, OCTOBER 5, 2020

The Senate met at 4:30 p.m. and was called to order by the Honorable ROGER F. WICKER, a Senator from the State of Mississippi.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer.

Let us pray.

Mighty God, You are our dwelling place and underneath are Your everlasting arms. May our President and First Lady feel Your healing touch. May our Senators who are dealing with the personal health challenge of COVID-19 also experience Your divine healing and comfort.

Lord, we trust in Your support, for You continue to be the source of our hope and peace. Give us great faith as we feel You near even in the darkness.

Lord, provide our lawmakers with such fortitude that they can walk calmly through life's storms. We pray in Your wonderful Name.

Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. GRASSLEY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 5, 2020.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROGER F. WICKER, a Senator from the State of Mississippi, to perform the duties of the Chair.

CHUCK GRASSLEY,  
President pro tempore.

Mr. WICKER thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### CORONAVIRUS

Mr. McCONNELL. Mr. President, the Senate has spent the last few days like all Americans have, praying for quick healing and smooth recovery for President Trump and the First Lady following their positive COVID-19 tests.

I spoke to the President by phone twice this past weekend. Both times, his spirits were high. Both times, we talked about the people's business: our Nation's fight against this pandemic; his exceptional nominee to the Supreme Court, Judge Barrett; as well as our efforts to continue rebuilding the economy for working families.

We are also thinking of our friends and colleagues, the senior Senator for

Utah, the senior Senator for Wisconsin, and the junior Senator for North Carolina, who are currently working from home. The standard cliché would say that these past few days have provided a stark reminder of the dangers of this terrible virus, but the truth is that our Nation did not need any such reminder.

More than 209,000 of our fellow citizens have lost their lives. Millions have battled illness or had their lives disrupted by positive tests. This past weekend, my home State of Kentucky just recorded its highest ever—highest ever—one-day total for new cases. We all need to remain vigilant. We all need to remain careful.

If the Speaker of the House and the Democratic leader had not spent months blocking another bipartisan relief package over unrelated, far-left poison pills, we could have put hundreds of billions more dollars for kids, jobs, and healthcare in the pipeline many weeks ago.

For the sake of our Nation, let's hope they finally lay down their partisan demands and let our country get back on offense against this disease.

### BUSINESS BEFORE THE SENATE

Mr. McCONNELL. Mr. President, in just a moment, I will move to withdraw the pending cloture petitions and recess the Senate with pro forma meetings until 2 weeks from today. Members will receive at least 24 hours' notice if any votes on urgent matters are scheduled before October 19. That would take bipartisan consent. Otherwise, the full Senate will next meet on October 19.

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



Printed on recycled paper.

S6033

Obviously, the people's business does not come to a halt in the absence of votes on the floor. The important work of our committees will go forward as each committee sees fit. Chairman GRAHAM has already announced the Judiciary Committee will meet as planned on October 12 to begin considering Judge Barrett's nomination to the Supreme Court. We are full steam ahead with the fair, thorough, and timely confirmation process that Judge Barrett, the Court, and the Nation deserve.

The chairman has indicated the committee will use the same hybrid format—with some participants appearing in person and others appearing over video—that it has successfully used for more than 20 prior hearings this year.

Let me say that again. The Judiciary Committee alone—just that committee—has held more than 20 hybrid hearings since the start of the pandemic. Many of these saw multiple Senators participating via video conference. Some of them saw nominees participating by video conference. At times, the Democratic members of the committee have gone literally out of their way to praise this technology and the chairman's flexibility with this format.

Across all of our committees, we have had 150 hybrid hearings since the pandemic began. The Senate has used this format no fewer than 150 times. We have continued performing our constitutional duties while protecting health and safety during the pandemic.

Our Democratic colleagues have largely welcomed this approach, and they have frequently taken advantage of it. So whatever mix proves to be the right decision at this time next week, it will be completely consistent with the committee's own precedent and with the ways committees all across the Senate have adapted and done their work throughout the pandemic.

Our whole society is using these tools. Earlier today, the Supreme Court itself resumed conducting oral arguments via teleconference, as it has done since last spring. The Senate has been using these processes for months. Just yesterday, the ranking member of the Rules Committee reminded the country that she actually helped set them up.

It is nonsense for Senate Democrats to turn on a dime and now pretend these procedures are somehow no longer workable. It is nonsense to suggest that the tools that Senate Democrats have been happily using across all of our committees for months have suddenly gone bad overnight.

Nobody is taking these disingenuous tactics at face value because the Democrats have told everyone, out loud, about their real intentions. For weeks now, numerous Senate Democrats have publicly promised they would try every trick in the book—every trick in the book—every maneuver available, to obstruct and delay a fair confirmation process.

Weeks ago, the junior Senator from Hawaii pledged: "I will look for every procedural tool that I can [find] to make sure that this does not happen."

Weeks ago, the senior Senator from Massachusetts: "We need to use every tool. . . . We need to think seriously about everything we can do to try to slow this down."

The No. 2 Democratic Senator, our friend from Illinois, has said: "we [will] use whatever tools we have available" to "slow things down."

Just yesterday, in the very same press conference where the Democratic leader claimed that his latest call to delay the hearings were rooted in health and safety concerns, he gave the game away just moments later. In that same press conference, he admitted, "We will use every tool in the toolbox to delay"—so much about health and safety concerns.

Our Democratic colleagues have admitted out loud what all these stalling tactics are about. Senate Democrats have openly admitted they are grasping at straws to block the exceedingly well-qualified nominee from receiving a fair and prompt process.

Look, we have months of experience governing this way while protecting health and safety here in the Senate. This body will not cease to function just because Democrats are afraid they may lose a vote. Chairman GRAHAM has all the options and procedures he needs to supervise a fair, thorough, and hopefully dignified confirmation hearing next week. That is just what is going to happen.

I look forward to seeing Judge Barrett's brilliance and qualifications on full display starting 1 week from today.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

#### CORONAVIRUS

Mr. KAINE. Mr. President, I would like to add, on behalf of my Democratic colleagues, the concerns expressed for the President and First Lady, that they recover quickly and fully.

Having had coronavirus—likely contracted here when we were working on the CARES Act in March—I understand how tricky this can be and, knowing four people who died of coronavirus, how serious it can be. Our prayer is that this is a mild case, and it passes quickly.

I also extend the same concern on behalf of my Democratic colleagues for the Members of the Senate who have recently tested positive and hope that they either have no symptoms or the symptoms pass quickly.

I couldn't help but notice, as I came into the Senate today on the subway from the Russell building, that there is an advisory that has been posted for months down at the entrance to the Senate that says that we are trying to follow CDC guidelines, but the advisory placard says nothing about masks—nothing.

I have wondered about that as I passed before it in the past, but in light of the experience over the last few days, I think in order to fairly follow science-based guidelines and give people warnings about what they should do to protect their health, we might consider a different placard.

Briefly, with respect to the majority leader's comments—I would love to be working on a COVID bill. The House passed a Democratic preferred COVID bill—the Heroes Act—in May. I understand the majority leader and his colleagues find things about it they don't like.

There is no expectation that they would just take up the House Democratic bill and pass it, but we waited through May and then June and then July and then August, until finally, in mid to late September, the majority put a bill on the floor that we viewed, frankly, as insufficient.

It contained no funds for State and local government aid, no funds for rental or mortgage assistance, no funds for SNAP benefits or food aid. It would have stricken State laws, such as those that had been passed in Virginia to try to provide a workplace safety standard for people returning to work in the days of COVID.

We voted the bill down, as the majority leader knows, but we did so with the expectation that that no vote would function much like the no vote in March functioned when we came in on a Sunday and we voted down a partisan proposal, and a few days later, we had a bipartisan proposal—the CARES Act—that has helped millions and millions of Americans, small businesses, hospitals, families.

We hope that no vote would lead to the same negotiation that could potentially find a solution for Americans who are still looking for relief, but the majority wants to now move to a different topic. They want to now speed through a Supreme Court nomination with an unprecedented speed and, indeed, an unprecedented process.

I understand that the majority leader might categorize the Democrats' concerns about proceeding at a time of great sickness as a procedural trick, but I don't think there is any unreasonableness to a Judiciary Committee member's request that a hearing on the single most important appointment that the Senate might make should be done in person. If it is done in person, it should be done in person in a way that is safe. That is the request the Democrats would have and that we continue to believe would be in accord with the institution's norms but also the best thing for the safety of all Members.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.