

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

Of course, there is another way you can tell that Judge Barrett is so impressive and so qualified. It is the fact that the people who precommitted to oppose her nomination have completely retreated from arguing the merits. Virtually none of the politicians, pundits, or special interests that opposed Judge Barrett from the beginning have even tried to lay a finger on her qualifications or credentials.

We have seen inaccurate claims that it would be abnormal for the Senate to fill this seat. We have seen bizarre, barely disguised insinuations about the nominee's religious faith, and now, this morning, there was improper press scrutiny of her children. We have heard Democrats try to take hostage our very institutions of government to stop this precedent-backed process from moving forward, but none of the distortions can even begin to cloud the incredible qualifications of the nominee.

I look forward to the Judiciary Committee's vote on Thursday. The full Senate will turn to Judge Barrett's nomination as soon as it comes out of committee. I will be proud to vote to confirm this exceptional jurist.

#### CORONAVIRUS

Mr. MCCONNELL. Madam President, this week the Senate will vote on more coronavirus relief that Congress could deliver to American families right now.

Month after month, Speaker PELOSI has held up urgent assistance for workers, families, schools, and our healthcare system. Month after month, she has refused to set aside non-COVID-related demands and far-left policy riders that she knows are sabotaging any shot at a deal. Why? Well, because—and these are her own words—she thinks agreeing to a bipartisan compromise might make the Democrats seem like "a cheap date"—her words. The Speaker said over and over again that she does not believe it is better for workers to get something rather than nothing.

Thus far, Senate Democrats have gone along with it. We could have passed hundreds of billions of dollars in relief more than a month ago, but our Democratic colleagues voted in lockstep to filibuster relief and kill the bill. Unless Democrats got every single non-COVID-related wish-list item they were after, American families would get nothing. Every single Senate Democrat voted to filibuster hundreds of billions of dollars of noncontroversial assistance, except our colleague who is running for Vice President. So she wasn't here at all.

This has been the position for months: all-or-nothing obstruction. It

has to stop. The Speaker's Marie Antoinette act needs to end. Zero dollars for working families but a whole lot of television time for the Speaker of the House is not a good trade for the American people.

Speaker PELOSI's supposed leverage is not putting food on the table in households where one or both parents have lost their jobs. Speaker PELOSI's so-called leverage is not helping schools reopen safely or struggling small business to avoid layoffs. The Democrats' talking points are not doing a single thing to fund more testing, more tracing, or double down on Project Warp Speed so we can produce and distribute a vaccine.

Tomorrow and Wednesday, the Senate is going to vote. We will see whether our Democratic colleagues in this Chamber agree that families deserve nothing rather than something, or whether they are ready to let the Senate make law across the huge areas where we do not even disagree.

Tomorrow, we will have a standalone vote on creating a second round of the historic Paycheck Protection Program for the hardest hit small businesses. The PPP has saved tens of millions of American jobs and kept main streets across America from turning into permanent COVID-19 ghost towns.

The program is as bipartisan as it gets. Not only did it pass unanimously in the first place, but we also added funding and made tweaks several times without a single objection in either Chamber.

So tomorrow, Tuesday, every Senator will cast an up-or-down vote on establishing a whole second draw of these emergency loans for the small businesses that need it the most—no more all or nothing, no more endless posturing, just one clear vote on one clear good thing that nobody even says they oppose. It would make a huge difference for workers who may otherwise be laid off.

Then, on Wednesday, the Senate will vote again on a larger bill. It will pour hundreds of billions of dollars into the PPP expansion, plus more Federal unemployment insurance, more money for safe schools, more money for testing, more money for vaccines, and many other important priorities.

Nobody thinks this proposal would resolve every problem forever. What it does contain is half a trillion dollars of good that Congress can do right now through programs that Democrats do not even say they oppose. American families deserve for us to agree where we can, make law, and push huge amounts of money out the door while Washington continues arguing over the rest. It is common sense. It is what the country needs. I hope our Democratic colleagues will finally let it happen.

Madam President, what is the pending business?

#### LEGISLATIVE SESSION

#### UIGHUR INTERVENTION AND GLOBAL HUMANITARIAN UNIFIED RESPONSE ACT OF 2019

The PRESIDING OFFICER. The clerk will report the pending business.

The senior assistant legislative clerk read as follows:

House message to the company S. 178, a bill to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.

Pending:

McConnell motion to concur in the amendment of the House of Representatives to the bill, with McConnell amendment No. 2652, in the nature of a substitute.

McConnell (for Tillis) amendment No. 2673 (to amendment No. 2652), to amend the Health Insurance Portability and Accountability Act to prohibit pre-existing condition exclusions. (By 47 yeas to 47 nays (Vote No. 199), Senate failed to table the amendment.)

AMENDMENT NO. 2673 WITHDRAWN

Mr. MCCONNELL. I withdraw amendment No. 2673.

The PRESIDING OFFICER. The Senator has that right.

The amendment is withdrawn.

The amendment (No. 2673) was withdrawn.

#### CLOTURE MOTION

Mr. MCCONNELL. Madam President, I send a cloture motion to the desk for the motion to concur with amendment No. 2652.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 motion to concur in the House amendment to S. 178, a bill to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China, with a further amendment No. 2652.

Mitch McConnell, John Barrasso, Susan M. Collins, Lamar Alexander, Thom Tillis, Todd Young, Pat Roberts, Chuck Grassley, Deb Fischer, Rob Portman, Richard C. Shelby, Michael B. Enzi, James E. Risch, Kevin Cramer, Lindsey Graham, Roy Blunt, John Boozman.

AMENDMENT NO. 2680 TO AMENDMENT NO. 2652

(Purpose: To improve the small business programs.)

Mr. MCCONNELL. I have a second-degree amendment to the motion to concur with amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendment numbered 2680 to Amendment No. 2652.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

#### PROTECT ACT—Motion to Proceed

Mr. MCCONNELL. I move to proceed to Calendar No. 554, S. 4675.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 554, S. 4675, a bill to amend the Health Insurance Portability and Accountability Act.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### NOMINATION OF AMY CONEY BARRETT

Mr. SCHUMER. Madam President, last week, the Republican majority on the Senate Judiciary Committee concluded what can only be described as a farcical set of hearings for a Supreme Court nominee. In the midst of a pandemic, when several members of the committee majority were exposed to or tested positive for the coronavirus or themselves were sick with COVID-19 in the days immediately beforehand, hearings and an in-person markup were conducted with virtually no regard for the risks.

No uniform testing protocol was put in place to protect all of the people who had to be in that room. Why? Because the Republican majority wanted to jam this nomination through before the election.

The chairman of the committee ignored the committee's quorum rules so that he could conduct business without the participation of the minority. Why? Because the Republican majority has decided to ignore the rules, norms, and standards—even its own rules, even its own standards—to get this nominee onto the bench.

Four short years ago, every member of the Committee on the Judiciary said that we shouldn't approve a Supreme Court nominee in a Presidential election year. Many refused even to meet with Obama's nominee.

"Use my words against me," Chairman GRAHAM said, in case a Supreme Court vacancy opened up in the final year of his term. LINDSEY GRAHAM, in talking about himself, said: "LINDSEY GRAHAM says let's let the next president [decide]."

But now the Republican majority's supposed principle that we shouldn't approve Supreme Court nominees in election years has been exposed as a

farce. It is trying to confirm a Supreme Court nominee in the middle of a national election. The Republican majority is running the most hypocritical, most partisan, and least legitimate process in the history of Supreme Court confirmations. Again, the Republican majority is running the most hypocritical, most partisan, and least legitimate process in the history—the long history—of Supreme Court nominations.

And what of the nominee? She performed as nearly every Trump-nominated judge has performed when nominated to the Supreme Court. Essentially, she answered nothing—nothing of substance. Throughout the week, the Committee on the Judiciary and the American people were treated to the same practiced evasions that have become a hallmark of these hearings.

According to Judge Barrett, the judicial standard of ethics that a nominee "shouldn't comment on cases that might come before the Court" is an excuse so large that it applies to any question she might not want to answer—even questions of basic legal fact. It produced an absurd and stunning set of exchanges.

Judge Barrett would not say whether voter intimidation is illegal. It very much is. Judge Barrett would not say whether Congress is empowered to protect the right to vote. We certainly have that power. Judge Barrett would not say if the President of the United States can unilaterally change the date of an election. He cannot. She wouldn't say a President should commit to the peaceful transfer of power, if absentee ballots were a proper way to vote, or if Medicare and Social Security were constitutional. She wouldn't even say that.

On the final day of her confirmation hearings, Judge Barrett refused to say if climate change were real, because her answer might be "politically controversial." Seriously? This nominee was unable to confirm the existence of climate change? What is next—gravity? Is the Earth round? To be fair, the Flat Earth Society might find that opinion politically controversial.

These aren't matters of opinion. These are matters of law and matters of fact. She is a sitting judge, and if the Republican majority gets its way, she will be a Justice on the highest Court in the country, but, apparently, the American people do not deserve to hear anything about her views.

The principal thing we learned about Judge Barrett in her hearings was she believes she doesn't have to answer any question that might upset President Trump, but, of course, we do know that Judge Barrett has a certain interpretation of our laws and the Constitution—one that she wants to hide from the American people because it is so adverse to what they believe.

President Trump swore that he would only nominate Justices to the Supreme Court who would "terminate" the Affordable Care Act. Judge Barrett her-

self harshly criticized Justice Roberts' decision to uphold the law. Senator HAWLEY said, after his meeting with Judge Barrett, he was satisfied she believes *Roe v. Wade* was not correctly decided. At one moment in the hearings last week, Judge Barrett admitted she considered *Brown v. Board* a super-precedent—outside the realm of legal challenge—but that *Roe v. Wade* was not.

So, despite what the American people heard in the hearings last week, Judge Barrett does have opinions; she does hold views. She has a track record of criticizing the decisions that have upheld our healthcare law. She has belonged to organizations and signed her name to advertisements that have called for an end—an end—to a woman's right to choose. Her judicial opinions express an extreme and rather bizarre view of the Second Amendment. She believes that the government lacks the power to forbid felons from owning guns—a view far to the right of even Justice Scalia.

If Judge Barrett is confirmed, those views will matter a great deal to Americans whose fundamental rights are on the line at the Supreme Court—their right to affordable healthcare, to marry whom they love, to join a union, to make private medical decisions with their doctors and without government interference, to vote without first having to jump through 15 hoops and do 20 somersaults.

The American people should make no mistake: If Judge Barrett becomes Justice Barrett, every single one of their fundamental rights would be at risk. Her views are so far away from what the average American believes and would do so much damage to the fundamental structure and comity of this country that I just hope and pray two Republicans will see the light and realize that we should not nominate any nominee before the election, which is 2 weeks and 1 day away.

#### CORONAVIRUS

Madam President, now, of course, instead of ramming through a Supreme Court nominee in the most hypocritical of circumstances, the Republican majority should be working with the Democrats on a real comprehensive COVID relief bill.

Over the past few weeks, COVID-19 cases, unfortunately, have swelled across the country. The United States reported 69,000 new cases last Friday, with 10 States reporting their highest single-day totals ever. Poverty is beginning to increase. Unemployment remains alarmingly high. More than 6 million Americans missed their rent or mortgage payments in September.

What we need right now is an emergency relief package with enough resources to beat back this enormous crisis. Yet, Leader MCCONNELL, this week, will, once again, force a vote on a partisan, emaciated COVID bill—so deficient and laden with poison pills that it is obvious he designed it to fail. In the immortal words of Yogi Berra: "It's déjà vu all over again."