

the Republican majority thinks passes for a serious attempt at a COVID relief bill in this Republican Senate when people are suffering so badly—games, games when people are suffering.

The truth is the Republican leader needed that vote to fail because, if the Senate actually proceeded to a real bill, it might mess up the timing of the Republican plan to confirm Judge Barrett to the Supreme Court. Now, think of that for a moment. The Republican majority sets up a fake vote on COVID relief because if, God forbid, the Senate actually considered a real bill to do something real about this overwhelming COVID crisis, it might delay their Supreme Court nominee they are rushing through in a process that can only be declared as abusive to the Senate.

That is all the American people need to know about priorities on the other side of the aisle—rush through a nominee whose views are way to the right of the American people's and ignore, avoid, and play games with getting COVID relief, which is the No. 1 thing the American people want, not a Supreme Court nominee who is so far away from their views.

While the country is hurting, while millions of Americans are sick and dying, while workers lose their jobs, and while businesses close their doors, Republican Senators are playing political stunts with vitally needed economic relief, and the games continue today. Once again, the Republican majority will bring up a bill that is designed to fail—its partisan, emaciated so-called COVID relief bill. The bill we are voting on today has already failed in the Senate. It didn't get a Democratic vote.

We already know it lacks the votes, and why? Because it leaves so many Americans behind. Renters and homeowners are left behind. There is no relief for them. Americans who have lost jobs through no fault of their own are left behind. Americans who rely on critical public services by their State and local governments are left behind. Small businesses, communities of color, and some of the hardest hit industries—our restaurants, our concert venues, theaters, nonprofits, and local news—receive no dedicated assistance. The Republican proposal on COVID doesn't even devote enough resources to testing and tracing despite a spike in cases and the harrowing prospect of a second wave of the virus sweeping across America. It is laden with poison pills that our Republican colleagues know Democrats would never support. That is not an attempt to legislate and get something done.

What is in there? There is a giant corporate immunity provision to shield corporations from liability if they put their workers in dangerous COVID-related situations, and there is a tax provision to benefit wealthy families who send their kids to private schools while shortchanging middle-class families and public schools.

There is no reason for our Republican colleagues to insist on a corporate liability shield and a provision to injure public schools in a COVID relief bill—no reason. They know it is objectionable. They know it is partisan. They know it is an anchor around the minimal bill they have—enough to sink it. There is no reason to include these poison pills in legislation that they know needs bipartisan support to pass. Twenty Republicans have said they don't want to vote for any money, so they know they need the Democrats, but they have put things in the bill that they know the Democrats will oppose and will lead to the bill's demise, this minimal bill.

So what is the logic here?

Well, there is a perverse logic if the Republican leader wants to make sure that the bill fails, and that is sure what it looks like. It is clear why Leader MCCONNELL is forced to do these stunts—a good portion of his caucus opposes more relief for the American people.

Yesterday, the Republican whip, the member in charge of counting Republican votes, said: "I think we're going to have a hard time finding 13 [Republican] votes for anything"—13 out of 52, 53.

One Republican Member proudly vowed not to vote for "another dime." People are being kicked out of their homes. Children are starving. There is no testing and tracing that meets the needs. Schools can't open—and not another dime. Let America suffer so our rightwing ideology—saying that we shouldn't make well-to-do people pay taxes, which is what their last tax cut bill did—can prevail over the needs of America and the American people.

So it is not the Democrats who are blocking a real relief bill. We know that. Everyone knows that. Speaker PELOSI is still trying her best with the White House to get a deal. We have already offered to meet the Republicans halfway. The biggest obstacles to another relief bill from the very beginning have been Senate Republicans and Leader MCCONNELL.

Then, as if we needed any more proof—it was pretty obvious before—it was reported in multiple news outlets and confirmed by four Senators who were at the meeting that Leader MCCONNELL warned the White House against making another deal on another stimulus bill before the election. Let me repeat that. Leader MCCONNELL, while he was coming to the floor and railing against Democratic obstruction, was behind the scenes, warning the White House against striking a bipartisan deal on COVID relief.

Who does he think he can fool? Not the American people. Ask them. They know who is to blame. They know Democrats, up and down the line, are for relief and Republicans oppose it. I will tell you one thing: The American people are sick and tired of these political stunts. They are sick and tired of politicians who would rather have it

appear they are working than doing actual work.

This shouldn't be so hard. We all know how to pass bills in the Senate—with bipartisan buy-in and bipartisan support. We did it in the CARES bill back in March. Yet, ever since that bill passed this Senate, the Republican majority has gone totally partisan every step of the way, even on an issue as important to the country as relief from this evil pandemic.

NOMINATION OF AMY CONEY BARRETT

Mr. President, on the Supreme Court, the Republican leader has announced the Senate will vote next Monday on Judge Amy Coney Barrett to be a Supreme Court Justice, capping what will be the most rushed, most partisan, and least legitimate process in the entire history of Supreme Court nominations.

Leader MCCONNELL continues to defile the Senate more than any other Senator has done in a very long time. Let us hope that Leader MCCONNELL hasn't ruined the Senate for good with this nasty 180-degree turn, holding up Merrick Garland, and rushing this judge through while people are in line at the polling places.

The idea "let's wait for the next election" was total hypocrisy—total hypocrisy.

The U.S. Senate has never—never—considered a Supreme Court Justice this close to a national Presidential election. I doubt it ever will again. I don't think we will ever have the combination of Donald Trump and Leader MCCONNELL, who so don't care about what they said in the past—MCCONNELL anyway—who so don't care about trying to pick a Justice who will look at the law as opposed to ideological views. I hope it doesn't happen again. I pray it doesn't happen again.

Just 4 years ago, we all know the Republican leader, the former chairman of the Judiciary Committee, the current chairman of the Judiciary Committee, and nearly every single Republican Member argued that President Obama's nominee didn't deserve a hearing or a vote on the floor of the Senate because there was a national election 8 months away.

Mere hours after the passing of Justice Scalia, Leader MCCONNELL said the American people deserve a voice in the selection of their next Supreme Court Justice, not if one party or another party controlled the Presidency or the Senate. Absolute: The American people deserve a voice. That was 8 months from an election.

Leader MCCONNELL confirmed yesterday that the vote to confirm President Trump's nominee to the Supreme Court will take place 8 days before an election. Senate Republicans could wait 8 months to give the American people a voice in selecting a Supreme Court Justice; now they can't wait 8 days?

I am sure that if they had to, the Republican majority would confirm a Supreme Court Justice 8 minutes before election day. Is it no wonder that

Democrats are so angry? Is it no wonder that the American people are tearing their hair out, when they have said they want to wait until the next election, when that is only fair, that is only democratic? The hypocrisy is towering and enormous. And as I said, Leader MCCONNELL could destroy this Chamber for a very long time.

Why is this happening? Well, this is part of a decade-long effort to shift the courts to the far right so that the far right, which has so many Republicans in their grasp, can accomplish through the judiciary what they could never accomplish through the Congress.

Senate Republicans failed to repeal the Affordable Care Act. We know. That happened right here. So President Trump and Republican attorneys general are suing to eliminate the law in court.

Senate Republicans don't dare put repeal of *Roe v. Wade* on the floor of the Senate. They know it would fail. But they try to appoint Justices who are dedicated to repealing that vital right of a woman to choose and to control her own body.

This is just an amazing moment. One of Coney Barrett's very first cases would be to hear arguments against the Affordable Care Act, the very act that this Chamber rejected repeal of.

Republicans, as I said, could never repeal a woman's right to choose in Congress. They don't even dare bring it to the floor.

The far right has never had a majority on the Court to limit *Roe* or *Griswold*, but if Judge Barrett becomes Justice Barrett, it very well might. Women of America, watch out. Watch out.

I will remind my colleagues and the American people, when President Trump was asked about *Roe v. Wade* during his final debate against Hillary Clinton, he said: "If we put another two or three Justices on the court, the repeal of *Roe v. Wade* will happen automatically." Is that what this Republican majority stands for? If they do, announce it to the American people. Don't hide behind this idea that Justices are calling balls and strikes; that they will obey precedent. Don't hide behind that because we know what is happening here.

The American people should make no mistake. Their fundamental rights are on the line: the right to affordable healthcare, to make their own medical decisions, to join a union, vote without impediment, the right to marry whom they love—that is what this is all about.

Now Leader MCCONNELL has strained credulity to argue that ramming a Supreme Court Justice through the Senate while American voters wait in line to cast their ballots is completely normal. Nothing to see here, he says. Who believes him? I don't think a single Republican on that side believes him. They know what is going on.

This is not the Senate, as he says, performing its historic function. It is a

fiction. There is no precedent in history of the Senate for what the Republicans are doing.

Abraham Lincoln, our great hero, great Republican, rejected nominating somebody to the Supreme Court so close to an election.

So Republicans, at the very least, ought to go on record and admit this is an extraordinary breach of precedent, of comity, of fairness, of decency, of honor, of truth, of consistency.

So in a short time, I will make a point of order that the Senate should not consider a nomination to the Supreme Court this close to a Presidential election. Every Senator will vote on whether a nomination this close to an election shall be in order. It will confirm to the American people what we all know to be true—that the Republican majority has absolutely no intention of honoring the supposed principle it so vehemently argued in 2016.

That they won't follow history; that they won't follow precedent; that they won't follow norms and traditions of the Senate; that they won't even follow their own standards—that is the indelible mark on this Senate majority; that here in Leader MCCONNELL's Senate, it is the rule of "because we can," "might makes right," "because we can," as Senator WHITEHOUSE put it, all to confirm a far-right Justice on the Court who would rip away healthcare from tens of millions of Americans in the middle of a pandemic.

We will see how my Republican colleagues vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

CORONAVIRUS

Mr. THUNE. Mr. President, for months now, Democratic leaders have held additional COVID relief hostage. Instead of working with Republicans to arrive at a compromise bill that both parties can support and that can make it through both Houses of Congress, Democrats have insisted that it is their way or the highway. Either Republicans agree to a bloated, multitrillion-dollar piece of legislation filled with noncoronavirus-related measures and far-left, liberal wish list items, a bill that would never make it through both Houses of Congress, or Americans get no relief. That is basically the choice the Democrats have left the American people.

It goes without saying that this is not the attitude of a party that really wants to give help to Americans. This is the attitude of a party that wants to use this crisis for political purposes.

Democrats figure that they win either way. Either they use this crisis to force through a bunch of liberal priorities not related to COVID or they blame Republicans for the lack of a bill.

Completely absent from their calculations is any sense of what their intransigence is costing the American people.

If Democrats had actually been willing to compromise with Republicans to reach consensus legislation, we could have had a new COVID relief bill months ago. Americans could be enjoying additional relief right now.

Republicans have made it clear since the summer that we were willing to compromise with Democrats on a new bill. All we asked was that Democrats come to the table with a reasonable proposal that could actually make it through both Houses of Congress.

But Democrats haven't been interested. Oh, sure, Speaker PELOSI has supposedly been working on an agreement with the White House for months. We constantly hear from the Speaker that a deal is getting closer, only to discover the next day that a deal isn't really close at all.

Let me tell you something. If you are the Speaker of the House and you really want to arrive at a compromise, it doesn't take you 3 months. It probably even doesn't take you 3 weeks.

Democrats have to know very well that there is no way for them to get a bill containing everything they want through both Houses of Congress, but Democrats could get some of what they want, and isn't something better than nothing?

Even if Democrats were right about the need for every penny of spending that they are calling for, wouldn't it be better to get some of that spending passed than to have nothing? To Democrats, apparently the answer is no.

In just a few minutes, the Senate will be voting on Republican coronavirus legislation. Our bill would provide more money for the hardest hit small businesses, more healthcare resources to fight the virus, and money to help schools reopen and operate safely—priorities that all of us, Democrats and Republicans, should be able to agree on. In theory, I am pretty sure we do agree on them. And yet all signs suggest that Democrats will filibuster this coronavirus relief legislation for the second time—even though passing this bill would get more money into the hands of small businesses and schools, even though this bill would provide additional funding for COVID testing and treatment.

Nevertheless, once again, Democrats will choose nothing—nothing—over something. Once again, Democrats will decide that if they can't get everything they want, it is better for Americans not to have anything.

I hope whatever perceived political gains Democrats are getting from their refusal to negotiate are worth denying help to the American people.

In a few minutes, Republicans will cast their votes in favor of COVID relief, and I invite rank-and-file Democrats to reject their leader's obstruction and join us on that vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, late last night the news flash was: Senator