

colleagues to support and pass the Protect and Serve Act, a bill that I sponsored and a bill that I hope we can get passed.

The Protect and Serve Act would punish dangerous criminals who murder a law enforcement officer in the line of duty. If they murder a law enforcement officer in the line of duty, they will be sentenced to life. If they injure a law enforcement officer in the line of duty, they will be sentenced to 10 years in prison. The premise of the legislation is simple: There is no escape from justice for dangerous criminals who intentionally assault or kill a law enforcement officer.

The Senate passes legislation almost every day in this Chamber by unanimous consent, but I am sad to report that if I try to get unanimous consent for this bill, we would have objection on the floor.

The heated rhetoric and the violent attacks on officers are having real-world impacts, and the safety of law enforcement has never been at the low that it is today. Across the country, recruitments are down. Fewer people are applying to go into service or into law enforcement academies, and retirements are up. We are seeing our law enforcement ranks dwindle. It is sad, but it is not surprising.

Law enforcement officers put their lives on the line every single day. Every morning, they wake up, they kiss their spouse goodbye, and they don't know if they are going to come back safely. But when they spend all day being disrespected while doing this very difficult and very dangerous job and politicians harass them or allow them to be harassed, I should say, by violent mobs and protesters, there is no wonder morale is at an alltime low. Fewer police means more criminal activity. It means hard-working American citizens who go to work every day just to make their lives better are living in communities that are less safe. We cannot sit idly by and allow the streets to be filled with dangerous, violent criminals who face no consequences. Instead, we must speak up and show our men and women in blue that we respect them and we back them.

They put their lives on the line to protect us, and we should do the work in Congress to protect them. In fact, in the last Congress, Speaker PELOSI allowed this bill to be voted on. She supported making it a law. But now her conference is run by radical leftists who want to abolish the police or defund the police, and she is not even allowing this bill to be brought to the floor. She won't speak in support of law enforcement officers despite the rising tide of violence against them. That is why the responsibility lies here in the Senate for us to show our support and let law enforcement communities across the country know that we have their back.

Let's protect police and deputies, and let's pass the Protect and Serve Act. I

urge the American people to call your Senators and tell them that you want this bill passed. You want law enforcement to be safer, and you want our communities to be safer. Don't be silent. Help me fight for the men and women in blue. They are counting on all of us.

LEGISLATIVE SESSION

UIGHUR INTERVENTION AND GLOBAL HUMANITARIAN UNIFIED RESPONSE ACT OF 2019

The Senate proceeded to consider the House message to accompany 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 Amendment No. 2680 (to Amendment No. 2652), to improve the small business programs.

CLOTURE MOTION

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

The legislative bill 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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 178, an act 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Kentucky (Mr. PAUL).

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

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 207 Ex.]

YEAS—51

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

NAYS—44

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

NOT VOTING—5

Harris	Murkowski	Sinema
Manchin	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Democratic leader.

SUPREME COURT NOMINATIONS

Mr. SCHUMER. Mr. President, Leader MCCONNELL has argued that what the Republican majority is doing by ramming a Supreme Court Justice through the Senate mere days before a national Presidential election is completely normal, that it is perfectly consistent with precedent. This is not true. There is no precedent in the history of the Senate for confirming a Supreme Court Justice this close to an election. There has never been—never been—a Supreme Court Justice confirmed after July of an election year.

President Lincoln, a great Republican President—one of our foremost national heroes—rejected the opportunity to nominate someone for the Supreme Court close to an election. I dare say every single Republican Senator already knows this because they all argued that exact position 4 years ago.

Republicans all argued that the Senate shouldn't confirm Justices in Presidential election years because of the supposed principle that "the American people deserve a voice." Senate Republicans made that argument 8 months

before the election. Now they are rushing to confirm a Supreme Court Justice 8 days before the election, while Americans wait in line to cast their ballots. They are waiting in line. They are voting. Millions of Americans—tens of millions—have already voted. I have no doubt Republicans would confirm a Justice 8 minutes before election day if it meant they got their Justice. You could not design a set of circumstances more hypocritical than this.

The truth is that the Republican majority is perpetrating the most rushed, most partisan, least legitimate process in the long history of Supreme Court nominations. Republicans, at the very least, ought to go on the record and admit that this is an extraordinary breach of fairness, of comity, of honor, of truth, of consistency, and, of course, precedent—a black and indelible mark on this Senate majority which will last forever.

Mr. President, parliamentary inquiry: Has the Senate ever considered a nominee to the Supreme Court of the United States this close to a Presidential election?

The PRESIDING OFFICER. According to the Parliamentarian, the Secretary of the Senate's Office confirms that it has not.

## POINT OF ORDER

Mr. SCHUMER. Mr. President, I make a point of order that it should not be in order to consider a nomination to the Supreme Court of the United States this close to a Presidential election.

The PRESIDING OFFICER. The point of order is not ripe for decision and is not sustained.

## MOTION TO TABLE

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

The question is on the motion to table the appeal of the ruling of the Chair.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Kentucky (Mr. PAUL).

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

(Mrs. LOEFFLER assumed the Chair.)

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote or change their vote?

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 208 Ex.]

## YEAS—51

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

## NAYS—44

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

## NOT VOTING—5

Harris	Murkowski	Sinema
Manchin	Paul	

The PRESIDING OFFICER. The motion to table is agreed to. The ruling of the Chair stands.

The Senator from Iowa.

## BIDEN TAX PLAN

Mr. GRASSLEY. Mr. President, in about 2 weeks, the American people will go to the polls to determine the direction of our Nation. There are many important issues voters will consider as they decide which way they will cast their votes. Their decisions will ultimately determine who will be President and the makeup of Congress.

One issue that is always front and center in any election is the economy and the economic policies of the respective candidates. This election is no different. There are many differences in the economic policies that would be pursued by a Republican-led administration versus the path my Democratic colleagues would take if they were to be in charge. One particular, stark difference is that of tax policy that both sides can be expected to pursue.

Over the past 4 years, President Trump and the Republicans in Congress have enacted historic tax cuts, particularly for middle-class Americans. That has been part of a long, overdue revamp of our Tax Code. This has included reducing tax rates across the board, significantly increasing the standard deduction, and doubling the child tax credit from \$1,000 to \$2,000. As a result of these changes, a typical family of four earning \$70,000 has seen its tax bill reduced by \$2,000.

While my Democratic colleagues have done their best to distort this reality about middle-income tax cuts, IRS tax return data of 2018 confirmed that middle-income Americans saw significant tax reductions. In fact, tax-

payers in the middle of the income distribution saw their tax bills reduced by an average of more than 13 percent. My Democratic colleagues and former Vice President Biden have made no bones about their plans for tax reform. Their tax reform would be in tax increases. If they prevail in the upcoming elections, they will seek to reduce and undo the 2017 tax law and impose trillions of dollars in tax hikes on individuals and businesses.

The former Vice President has sought to deflect accusations that he would raise taxes on low- and middle-income taxpayers by promising plans to increase taxes only on businesses and individuals who have annual incomes of over \$400,000. There are many reasons to be skeptical of this promise of the Vice President's, and I want to discuss this skepticism.

First, a similar assurance was made by the Obama-Biden administration in its first term. Many will recall the Obama-Biden administration promised not to raise taxes on married couples earning less than \$250,000 or \$200,000 for single filers. That promise was tossed out the window when a host of new taxes that fell directly or indirectly on middle-income Americans was enacted to pay for ObamaCare. That included the individual mandate penalty tax, 80 percent of which was paid by taxpayers earning less than \$50,000 a year. This is exactly why the Republicans repealed that individual mandate as part of the 2017 tax law—because it was very regressive.

A second reason low- and middle-income Americans should take little comfort in the former Vice President's promise to tax only the rich and businesses is that such taxes too often get passed along. There is a well-documented principle in any tax policy that simply because the law imposes a tax directly on an individual or business doesn't mean the ultimate burden of that tax won't fall on others indirectly.

Every analysis of Mr. Biden's tax plan by independent third parties, from the very liberal Tax Policy Center to Penn Wharton, to the American Enterprise Institute—so liberal, moderate, and conservative—shows taxpayers earning less than \$400,000 will shoulder at least a portion of Mr. Biden's proposed tax increase. This comes from the fact that the tax increases largely reflect the economic consensus that a significant portion of the corporate income tax falls on workers in the form of reduced wages and benefits. In other words, workers pay even if you increase the corporate tax rate. Our non-partisan Joint Committee on Taxation has estimated that 25 percent of the corporate tax increases are, in fact, borne by workers. Mr. Biden, of course, has promised to increase the corporate income tax from 21 percent to 28 percent.

According to the Penn Wharton Budget Model, this business tax hike will mean that over 90 percent of households with incomes between

\$45,600 and \$121,000 will see increases in their total tax burdens. With the bulk of Mr. Biden's tax agenda being targeted at hiking taxes on capital, the consequences will then be felt throughout the economy in the form of lower wages, fewer jobs, and slower economic growth.

According to a study out of the Hoover Institution this week, the Biden plan holds the promise of reducing the per capita gross domestic product by more than 8 percent when compared to the current law with the 2017 Trump tax law being made permanent. This raises an additional important issue. Taxpayers should take with a whole grain of salt Mr. Biden's promise of not raising their taxes because the vast majority of Americans will see a tax increase beginning in 2026 unless the 2017 tax cuts are made permanent.

A top priority for President Trump and congressional Republicans has been to make permanent the middle-class tax cuts that were enacted in 2017 but which will otherwise sunset in 2025. President Trump has called for making the tax cuts permanent as part of each of his budget submissions to Congress. Now we have the Democrats refusing to work with the Republicans to make the middle-income tax cuts of 2017 permanent law so that taxes won't go up automatically in 2026.

Keep in mind that the middle-class tax cuts enacted in tax reform are not just about lower tax rates for middle-income workers and families; they are also about small business owners and family farmers. For the millions of small family-owned businesses and family farmers, the tax reform of 2017 has provided a 20-percent deduction for qualified business income under section No. 199A. The whole purpose was for it to be for individual filers in order to reduce the inequity between a lower corporate tax rate and what individuals would pay if they were in business so as to compensate for the capital that they would have to have invested for their small businesses.

According to the recently released 2018 IRS data, in Iowa alone, in my State alone, nearly 215,000 small businesses and farms across our State benefited from this 20 percent deduction in section No. 199A. The Republicans are committed to making this provision permanent, for it is a very important tool for those small businesses and farms to be able to grow, invest, and provide critically needed jobs in our communities.

However, Mr. Biden's tax plan doesn't include any proposal to make permanent or to even extend the middle-class tax cuts that have been enacted under President Trump. Indeed, every independent third-party review of his tax proposal assumes his intent is to allow the tax increases to go into effect.

And with good reason—because on the campaign trail, Mr. Biden has stated: "On day one, I will move to eliminate the Trump tax cuts." It can't be

both that he will only raise taxes on those with incomes over \$400,000 and repeal the Trump tax cuts in their entirety.

So who can blame taxpayers for being skeptical when Mr. Biden says that he won't raise their taxes? Every indication is that he will raise taxes on people below a \$400,000-a-year income.

Under a Biden administration, middle-income individuals can expect a Biden plan that rolls back the Trump tax cuts. This means he will increase their tax rates, increase the amount of their income subject to tax, and reduce tax benefits for families.

Similarly, small business owners and family farmers can also expect him to tax a larger share of their business income.

While Mr. Biden has tried to position himself as a centrist on this tax issue, his tax and economic agenda is not all that different from his far-left opponents in the Democratic primaries.

His sales pitch may be different, but his agenda will have the same detrimental effect. As the Wall Street Journal's editorial board summed it up, the problem with the Biden policies is "they will have a long-term corrosive impact by raising the cost of capital, [by] reducing the incentive to work and invest, and [lastly] reducing productivity across the economy. Americans will pay the price in a lower standard of living than they otherwise would [have]—and that they deserve."

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

#### CORONAVIRUS

Mr. KAINÉ. Mr. President, thank you. I rise to talk about Americans' health and the health of Virginians.

We are living through a crisis—the coronavirus crisis—that is unprecedented in American life since 100 years ago with the influenza of the late 19-teens, and a lot of words have been used on the floor to describe the magnitude of the crisis. I needn't dwell on that. Now nearly 220,000 Americans have died. A recent study that was put out suggested that the actual toll may be closer to 300,000.

Many States in the country are experiencing dramatic spikes, with predictions that we could see the worst levels of coronavirus in coming months, at least until a vaccine is developed and widely distributed, and that probably won't happen before the spring of next year.

In Virginia, we have been hit—3,515 Virginians have died of coronavirus. My wife and I know three of them—two in Richmond and one in Fairfax County. And 168,722 Virginians have had coronavirus. My wife and I are two in that number.

This challenge in Virginia hit first in a tiny part of the State that I really love, the Eastern Shore of Virginia. That is one of the least accessible parts of Virginia. The Eastern Shore has two sizable poultry processing plants, with thousands of workers—a mixture of

White workers, African-American workers, Latino immigrants, Haitian-Creole immigrants.

In March, at these two plants—one run by Tyson and the second run by Purdue Food Company—they started to see cases multiply. Many were asymptomatic. People didn't know they had it, but that meant they could spread the virus to others. The healthcare network in the Eastern Shore of Virginia was dramatically taxed by this fast-moving and little-understood crisis at the time.

That was our first hot spot in Virginia. Other States had their hot spots; that was ours.

Thank goodness, as Virginians have grappled with this crisis and as we have grappled with it across the country, there have been some protections, and I want to stand and talk about the protections that have been provided to Virginians during this time by the Affordable Care Act.

About 400,000 Virginians have Medicaid because of the Affordable Care Act. Virginia embraced the expansion of Medicaid 2 years ago, so people have been able to get insurance, many for the first time in their lives, and that 400-plus thousand have been able to access care.

Virginians have been protected if they had preexisting conditions, and now having had coronavirus is a preexisting condition, and the many people who suffer from long-haul coronavirus symptoms have preexisting conditions. They have been protected.

Young people have been able to stay on family policies, which has been particularly helpful in a time of economic challenge, where a lot of young people have lost jobs or not been able to find them. And other people who have lost jobs in the private sector have been able to go on the exchanges and buy insurance, and if their income isn't high, have a subsidy that would make the premiums more affordable.

So as bad as this has been, it would have been a lot worse were it not for an Affordable Care Act providing protections for families and individuals.

I don't pretend to understand everything. I have been around for a while, but there are a lot of things I still don't understand, and I will just be candid. One thing I don't understand is why the repeal of the Affordable Care Act is like the Moby Dick that the GOP and the Trump administration has been searching to kill this worthy healthcare bill that is protecting people at a critical time.

During the time I have been in the Senate, since 2013, I have seen, during the Trump administration, numerous efforts to, via administrative sabotage, weaken the law.

I have been here as we have cast vote after vote after vote to repeal the Affordable Care Act.

I saw a shutdown driven by a Senate colleague from Texas a few years ago all around repealing the Affordable

Care Act. It was important enough to shut the entire government of the United States down for more than 2 weeks.

I stood here on the floor at the most dramatic moment ever in my political life. You might think it might have been, like, election night 2016. No, the most dramatic moment ever in my political life was the night we stood here on the floor at about 2 in the morning and John McCain, having been diagnosed with a glioblastoma, came out of the hospital and cast the deciding vote to make sure that millions of Americans wouldn't lose their health insurance.

And in addition to administrative sabotage and repeated votes in the Chamber, we have seen one court case after the next, sponsored by Republicans, to try to repeal the Affordable Care Act.

And now we see sort of Moby Dick coming into sight with the California v. Texas case to be argued at the Supreme Court on November 10.

My constituents in Virginia who rely on the Affordable Care Act and are afraid to death for themselves and their family members are petrified.

Let me read you some stories from four constituents of the many that I have received.

Michelle from New Castle. New Castle is in Appalachian Southwest Virginia. She wrote in about her 9-year-old son Evan. Michelle moved to Virginia from Texas because Texas didn't have expanded Medicaid and Virginia did.

I am new to Virginia. I recently moved from Texas, and [I] am incredibly concerned with the Supreme Court nominee and the protections given in the Affordable Care Act. My son Evan, who is 9 years old, was born with a rare abdominal wall defect called an omphalocele. After many surgeries, and staying in the hospital for the first 8 months fighting for his life, he came home. At the time, he was covered by his father's employer-sponsored health insurance. He was protected under the ACA. His health care, which included ventilator support, tube feeding, and a number of surgeries, easily came to millions of dollars.

As he has grown, he has received other diagnoses—autism, ADHD, nystagmus and other visual impairments. I know very well from my experience with health coverage in Texas, the constant battle a person faces while trying to get treatment for autism-related therapy, and to even be covered by Medicaid. I was denied coverage for my son, because I "made too much." My income as a single mother was \$35,000. I was working sometimes 60 hours a week, paying \$650 every month for childcare. The cost of my employer sponsored health insurance for myself and my son and daughter was \$800 a month. I could not afford that, and [I] had to choose between having coverage for my children and being able to pay our water and light bills. It took months to receive a decision that we were denied for Medicaid.

Upon my move to Virginia, I was able to obtain Medicaid not just for my son, who had been denied in Texas, but for every household member. It took two weeks.

The ACA is protecting my son and his ability to be covered by other insurance is so necessary. . . . I'm contacting my Senators

on subjects that affect my family frequently. . . . My family means everything to me. My son's life isn't something I take for granted. I fought for him, every day, while he struggled through pulmonary hypertension, and it was four long months before I [even] heard the words "WHEN he goes home" rather than "IF he goes home."

Dawn from Virginia writes about her 20-year-old daughter—she is from Vienna in Northern Virginia—who works a part-time job with no benefits.

My daughter is 20 with multiple health conditions and has a part time job with no benefits, but she is able to be on my insurance. I am concerned about the upcoming Supreme Court vote on the ACA.

What will happen to young people like my daughter if the ACA is gone?

A veteran, Lieutenant Alvia from Hampton in Hampton Roads.

I am a 100% permanently disabled veteran. Although most of my medical care is provided by the VA, my care is supplemented by Medicare and the services of a Medicaid Alert Service Dog. The latter two care services are threatened by the abolishment of the Affordable Care Act and challenges to the American Disability Act. . . . With the Supreme Court scheduled to hear arguments to repeal the [ACA] soon, this puts lives and rights at unacceptable risk.

Donna from Henrico in the Richmond area where I live writes about her husband, diagnosed with glioblastoma brain cancer:

My husband was diagnosed with glioblastoma . . . back in June of 2020. The insurance claims have now exceeded one MILLION dollars and will continue to rise with doctors and treatments. Thankfully, we have health insurance through the Marketplace. My husband isn't able to work and my job has no benefits.

I fear what it would be like for us if ObamaCare is overturned by the Republicans. No private insurance will ever accept us, so we must continue to rely on getting our insurance through the Marketplace.

And now we are rushing a Supreme Court nominee. In 2016, I was in this Chamber and saw many of my Republican colleagues make the argument that they would not entertain a nomination by President Obama, not that they would vote against the nominee—that would be consistent with advise and consent—but that they would not let the individual in their office, not have a Judiciary Committee hearing, not have a Judiciary Committee vote, not have a floor debate, not have a floor vote.

And the principle that was newly announced in 2016 was "let the people decide." Let the voters vote for President and the Senate, and then we will see about filling a Supreme Court vacancy.

And my colleagues looked me in the face and the voters in the face, too, and they said: This precedent is a precedent we will apply equally to a Republican President as a Democratic President.

But now that promise is being broken. Those words to colleagues and those words to the public are being reversed.

There are some outside this body who think that is just what politicians do. They say things and then do the opposite. They are not surprised by that. I

don't think that is true. My experience here since 2013 is when my colleagues tell me something, they do it.

I have got great relations with colleagues on the Republican side of the aisle. When they tell me something, they do it. And if they can't do it, they will tell me that.

This is very, very different. Changing the tune—we will not fill a vacancy in a Presidential year. We will let the people decide—what is the reason for the change?

And I have concluded that since people normally don't go back on what they said—and this is a rare instance in my time here in the Senate—the reason is a real important one, and the reason is finally we see Moby Dick in our sight, and we have a chance to gut the Affordable Care Act. We have one last chance it do it in a case that is going to be argued in the Supreme Court on November 10.

And that is so important to us in a pandemic, with people dying and sick and suffering, that we are willing to break our word to rush a Justice to repeal the Affordable Care Act. For God's sake, why?

For God's sake, why?

I am struck by the fact I have unfairly used a broad brush to cast aspersions at the GOP in the Senate. I am struck by the fact that two GOP Senators said: You are right. This is wrong. We shouldn't rush the Justice. We should let the people decide.

Who were the two Republicans who said that? Senators COLLINS of Maine and MURKOWSKI of Alaska, who, together with John McCain in August of 2017, stood on the floor in the middle of the night and cast deciding votes to make sure that people would have healthcare instead of millions losing their healthcare. They are sticking by their word because they know what is at stake and they know what this rush means.

We shouldn't be rushing a Supreme Court nominee and people breaking their word to do so. On the Court, we should hold folks to their promises. Let the people decide. They are voting; 37 million people have voted already in the United States. Let's let the people decide who the next President is and who the next Senate is, and, obviously, if it is a Republican President and Republican Senate, everyone will understand moving quickly to voting on the nomination of Judge Barrett, but let's at least let the people decide. That is what we should be doing on the Court. And here's what we should be doing instead of forcing an unprecedented rush to a Justice who can be part of destroying the Affordable Care Act: Let's work on COVID. Let's work on the healthcare crisis.

But I am disappointed. After good work together on four bills in March and April to inject trillions of dollars to help people, businesses, and hospitals, we knew we needed to do more. The House put a bill on the table at the end of May, and then there were months of delay here in the Senate.

I knew that the Senate Republican majority would not embrace the House proposal, but I thought they would do something. But after the House acted in May, June went by—nothing. July went by—nothing. August went by—nothing. Most of September went by—nothing.

Eventually, a Republican proposal was put on the table that couldn't even generate strong support within the Republican caucus. It was dramatically insufficient, from my view, because it provided no assistance for housing, rent, mortgage, food, SNAP benefits, State and local government. It provided none of those things.

So Democrats and some Republicans voted against it with the hopes that that vote would do exactly what it did when we cast a similar vote in March: We vote down a partisan proposal. It opens the door for negotiations. The White House gets engaged. We do something that is good for the entire American public. Our vote did have that effect—sort of.

The “no” vote on the Republican proposal in September did start a more robust discussion with the White House about what should be done to provide COVID relief—but not here in the Senate. Repeatedly, as Democratic leadership has been talking to Secretary Mnuchin over at the White House, we read in the paper that Senator McCONNELL, the leader, has been telling members of the GOP: We are not doing a deal. Don't do a deal—cold water on the deal.

Now we are having some sort of show votes on insufficient proposals this week, but to come to the floor to cast a vote on a motion to table a proposal when everybody knows it is not going anywhere because it is not sufficient at the same time as we are reading headlines in the paper that the majority leader is telling the GOP: Do not do a deal. Do not do a COVID deal.

The PPP package that we voted on yesterday was insufficient. We refilled the bucket for small businesses in April, as we should have, and we have to refill it again. But the package yesterday didn't do anything for restaurants, didn't do anything for many in the small business sector, and it included nothing for individuals who are hit hard by unemployment or families who need relief or people who need testing.

The bill that we just voted on today, the “skinny” COVID bill, was insufficient for the same reasons that led it to be voted down by Democrats and Republicans in September.

As I conclude, I want to go back to the Eastern Shore. I have another colleague on the floor who wants to talk, but I started off talking about the Eastern Shore, where Virginia's COVID experience began with a hot spot in two poultry processing plants.

I have a good-news story for the Presiding Officer because I was on the Eastern Shore a couple of days ago, but I have a challenging punch line to my good-news story.

This is where it started in Virginia—hot spots in these poultry plants. These low-income workers—many immigrants—saw President Trump declare that this was an essential industry, so they stood up and said: If the industry is essential, we are not sawdust. We are not inessential. We are not expendable. We are not throwaway. If the industry is essential and has to sail, then we are essential too.

They stood up and asked the Governor to adopt a basic safety rule about how to return safely to work in these plants during a time of COVID. The Governor heard their request and said: Well, maybe, but let me see if OSHA will do something. Won't the Federal labor agencies come and put a safety rule in place? And OSHA did nothing.

So, in July, at the request of these poultry workers who are now in an essential industry but are risking their health, the Governor of Virginia enacted a temporary safety rule, not just for poultry plants but for places of work to make sure that, as people are coming back to work, they can be safe.

Good news, Mr. President: After that law was enacted, the cases on the Eastern Shore declined and declined and declined, and of the 134 cities and counties in Virginia, right now, even with two of these big poultry plants, the caseload on the Eastern Shore per capita is just about the best in Virginia.

But the bill we just voted down, this “skinny” bill we just voted down that had a liability protection component to it—it wasn't just liability protection. I would be for liability protection. If you want to protect someone from liability—normally we don't at the Federal level, but you can. What you do is set a standard of care, and then you say that everybody who exceeds the standard of care is protected from liability.

The “skinny” proposal that we just voted on had liability protection, but it didn't set a standard of care. It just excused people from liability, and it did something even worse. It did something even worse, and that was one of the reasons I voted against it.

The bill that we just voted down would have wiped out the Virginia safety rule. It would have wiped out the ability of any State to pass a temporary safety rule to protect workers so that they could come back to work safely in a time of COVID.

It is one thing to try to kill the Affordable Care Act in the middle of a pandemic and take health insurance away from millions. It is another thing to rush a Supreme Court Justice in violation of what you said you would do to try to achieve your goal of killing the Affordable Care Act. But trying to wipe out State safety laws that are working in my Commonwealth to effectively protect workers whom the President has declared essential—I have seen everything. I have seen everything.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### NOMINATION OF AMY CONEY BARRETT

Ms. ERNST. Mr. President, Judge Amy Coney Barrett is a wise, experienced, compassionate, and strong woman. This past week, Iowans and all Americans had the chance to see that.

No matter the question or the topic, she was calm, cool, and collected. She invoked the rule set by the late Justice Ginsburg in providing no hints, previews, or forecasts as to how she would decide any given case. That is how judges should act, because, as Judge Barrett points out, judges aren't legal pundits; their role is to rule on the law.

Certainly, that seemed to frustrate some folks. It is like they wanted that big TV moment to score just one more point on the political scoreboard this election cycle. They weren't focused on understanding Judge Barrett's judicial philosophy and temperament.

What has become crystal clear to me throughout this process is that Judge Barrett's academic and professional qualifications are above reproach. As a law professor at Notre Dame, her alma mater, she offered numerous academic articles on the topic of constitutional law.

As a Seventh Circuit Court judge, she has authored 79 majority opinions. Of those majority opinions, they have been unanimous 95 percent of the time.

Judge Barrett has shown a commitment to the law and Constitution and has an even hand in applying the sacred tenets of our democracy. Like most Iowans, I firmly believe in the role of our Supreme Court. It is the defender of our Constitution.

At the end of the day, that is my test for a Supreme Court Justice: Will she defend the Constitution?

Why is this so important? Because far too often, politicians in Washington want the Supreme Court to be a super-legislature to push policy that can't make it through Congress. But that is not the job of the Supreme Court. We must resist with all effort the push to make this happen now and in the future.

Last week, Judge Barrett demonstrated that she would be a defender of the Constitution—a soon-to-be Justice who will rule based on the Constitution, who will leave the policy decisions to Congress and decide the cases at hand, not the political winds of the moment.

This week, the Senate will consider adding another woman to the highest Court in the land. This is something all women of every political party or persuasion should be applauding. But it seems like the left can't bring themselves to see this nomination as a great story for women.

I am struck by the irony of how demeaning to women some of the left's accusations really are—that Judge Barrett, a working mother of seven with a strong record of professional and academic accomplishment, couldn't possibly respect the goals and desires of today's women.

The great freedom of being an American woman is that we can decide how

to live our lives, whom to marry, what kind of person we are, and where we want to go. I served in the military—something not exactly popular at various points in America's history. We don't have to fit into the narrow definition of womanhood. We create our own path.

So, folks, I implore you to recognize this nominee for who she is. Judge Barrett has shown that she has the utmost qualifications and the character to serve on our Nation's highest Court. She is a role model for young women in Iowa and all around this Nation—a wife, a mom of seven, a woman of faith, a midwesterner.

She did not receive her law degree from an Ivy League school. Some folks may not like that, but I appreciate someone, like myself, who has lived and learned beyond America's upper crust and coastlines and has seen America through the eyes of a farmer and the soul of a railman—an accomplished jurist and truly a wonderful and decent person.

Amy Coney Barrett has demonstrated to the world that this—becoming a Supreme Court Justice—is what a mom can do.

I look forward to supporting her nomination, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, let me just follow right on with that important topic of the vote we will have in a few days to send another Justice to the U.S. Supreme Court.

I had the opportunity this morning to meet with Judge Barrett. The conversation reminded me exactly why she is the right choice to fill the vacancy on the Supreme Court now. I was asked the first weekend of this discussion, before the President had made the decision, if I could vote for her, and I quickly said yes, having watched her circuit judge bipartisan confirmation, having seen how that discussion went. I have had her on a short list that I have kept myself for a long time as someone who would be an important addition to the Court.

She was first in her class at Notre Dame; clerked on the district court in Washington, DC; clerked for Justice Scalia at the Supreme Court; and was a law professor at Notre Dame for 15 years. At least three times in that 15 years, she was chosen by students as the top faculty member. She was bipartisanly confirmed on the Seventh Circuit and has a history over the last 3 years of the kind of Justice she would be.

The dean at the law school at Notre Dame had this to say about Judge Amy Coney Barrett. He said:

Judge Amy Coney Barrett is an absolutely brilliant legal scholar and jurist. . . . She lives a life of humility and grace, devoted to her family and community.

Somebody else at the Notre Dame Law School said that when Professor

Barrett was in the room, the smartest person in the room was also the most humble person in the room. I think we saw some of that when she was before the Judiciary Committee as she answered those questions understanding what her job was, understanding the job of a judge is not to decide what the law should say but what the law does say; not to decide what the Constitution should say but what it does say and even more importantly, in her view of what a judge should look at, what people thought it said when they wrote it, that textualist, that originalist concept. She I think rightly perceived that if we want to change the Constitution, there is a way to do that. If we want to update it to what it might mean now, we have the chance to do that. Certainly, if we want to change the law, we have the chance to do that.

If you really listened to the questions, particularly from our friends on the other side, the Democrats on that committee, they were all very much premised on: Well, what do you believe? What do you think about this? What do you think about that?

That is not the point. She, I thought, very consistently, for 24 hours, made the point that the point is, it is not about what I believe; it is about what the law says.

By the way, members of the committee—she didn't say this, but it was obvious—it is your job to decide what the law says. It is the job of the Court to decide how the law is applied and whether it meets the test of the Constitution.

A widely respected scholar, a person of faith—by the way, I think in the previous hearing, we all heard that comment “The dogma lives loudly in you.” There may be a good way to use the word “dogma,” but I don't think I have ever heard it used in a positive way. But if you just substituted “dogma” for “faith,” what a great thing that would be to say about somebody. The faith lives—your faith—the faith lives loudly in you. No matter what your faith is, that is a great thing to hear about yourself or to be able to say about somebody else. Lots of people say that about Amy Coney Barrett.

She has written 79 opinions at the circuit court level, the court level right below the Supreme Court. Everything she said as a circuit judge, as a witness before the committee, and as a nominee before the committee has been exactly what I think a judge should do.

The day she was nominated by the President, she said:

A judge must apply the law as written. Judges are not policymakers, and they must be resolute in setting aside any policy views they might hold.

Judge Scalia famously said that a really good judge will often issue an opinion that they wish was a different opinion; an opinion that doesn't meet their view of what they would like to see happen but meets their view of what the law requires to happen.

The American Bar Association—sometimes not that friendly to Republican nominees to the court—concluded that she was well qualified. They asked for input from more than 900 people familiar with Judge Barrett, and in the end, not one person uttered a negative word about her. Certainly, there is nobody who has been elected to this body who didn't have lots of negative words said about them. But just to find 900 people and none of them have a negative thing to say I think is a great indication of who she is.

One lawyer told the ABA that she is “an intellectual giant with people skills, and engaging warmth.” Not every intellectual giant is praised for their warmth or their people skills.

It is clear that she is well qualified. It is clear that she is a brilliant lawyer. It is clear that she cares about her faith, about her family, and about her community.

As Senator ERNST mentioned, she is the first nominee since Sandra Day O'Connor who didn't graduate from Yale or Harvard. There is nothing wrong with Yale or Harvard, but there is nothing wrong with having a different background as you come to the Court, particularly if all of your associations as a lawyer have been that “she's mind-blowingly intelligent”—that was one of her colleagues at Notre Dame—“and she's also one of the most humble people you're going to meet.” Brilliant and humble is a pretty good combination. America needs judges that bring both humility and brilliance to the court. The Supreme Court will benefit from her being there.

I certainly look forward to voting for Judge Amy Coney Barrett as she moves from that job to Associate Justice Amy Coney Barrett, and I believe we will be able to do that within the next few days.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Tennessee.

Mrs. BLACKBURN. Mr. President, I tell you, it is quite an honor to join my colleagues and talk for a few minutes about our Supreme Court nominee, Judge Barrett.

In the Judiciary Committee, where I hold a seat, we were doing one of our most important duties—our constitutional duty to provide advice and consent regarding the President's nominee for the Supreme Court. Indeed, we do this with all of our Federal judges who come before us.

Last week, we fulfilled that highest level of duty as we examined Judge Barrett's record, her character, and to see if she is qualified to sit on the Supreme Court. As you were hearing from my colleagues today, yes, indeed, she is qualified.

Now, I will tell you that unfortunately some of my colleagues on the other side of the aisle spent their time fishing for sound bites and feigning confusion over the fact that Judge Barrett takes her cues from the Constitution and not from the latest polling and not from the 24-hour news cycle.

Honestly, I think that said more about them than it did about her.

That is what happens when leaders who really ought to know better allow politics to take control of their vetting process and their thought process. That is what most Americans took away from those hearings last week, that in the eyes of those on the Democratic side of the dais, there was no way Judge Amy Coney Barrett was ever going to make them happy because, to them, only answers that tracked with their views—views on the left—on abortion, on religion, and on socialized medicine would pass muster. This is an absurd standard, I will tell you, and it is no standard at all because those views shift and change depending on what the loudest megaphone on the National Mall has to say on any given day.

So, in the interest of refocusing on our duty to offer advice and consent, I think we could all stand a quick recap of last week's hearing.

Here is what we know: Judge Barrett is exceptionally smart, she is focused, and she is a mindful jurist. Her colleagues, students, former clerks, and professional associates from all backgrounds and all world views wholeheartedly believe she is competent and prepared to hold a seat on the Supreme Court. Her record is consistent with the originalist lens she puts over the cases and controversies that come across her desk. Over the course of 2 days of intense questioning, she did not contradict that record or violate the rules of judicial ethics by offering a preview of future rulings.

The American Bar Association rated her as "well qualified" to serve on the Court. Based on the testimony and evidence offered to the committee, I will tell you, I definitely agree with them.

I will vote to confirm Judge Barrett to the Supreme Court, and I would encourage all my colleagues who plan on voting no to think long and hard about why that is. If they have not taken the time to get to know Judge Barrett—her background and her record—I encourage them to get to know a little bit about her and also to ask themselves how smart was it to have spent the past month signaling their willingness to dismantle our constitutional framework to score a few cheap points against the White House during a political season.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I was in Alaska when Judge Amy Coney Barrett was before the Senate Judiciary Committee, but since then I have been able to catch up on those hearings. I want to commend my colleagues, particularly Senator GRAHAM for conducting those hearings in a way that befitted such an occasion—with respect and good questioning. I think the American people—certainly my constituents—learned a lot and were very, very impressed with Judge Barrett.

As you know, the advice and consent responsibility of the Senate is one of the most important responsibilities we have in the Constitution. The process that I will have gone through and go through with every single judge is to evaluate Judge Barrett's qualifications on her record, the hearings, and, of course, in discussions I have had with her. This has been an extensive evaluation. I have read hundreds of pages of the decisions she has authored. I have listened to and read the views of Alaskans both for and against her nomination. In my meeting with Judge Barrett, we discussed in great depth her viewpoint on a variety of national and Alaska-focused legal issues.

She clearly understands the separation of powers and federalism, holds a healthy skepticism regarding the expansive power of Federal Agencies, and is a strong protector and proponent of the Second Amendment—all issues that my constituents care deeply about.

Why are these issues so important to Alaska and central to our realizing our potential? Let me give a brief but recent example of an issue that recently made its way to the Ninth Circuit, which often is the bane of our existence in Alaska, to the Supreme Court not once but twice, and was unanimously agreed to by the Supreme Court. It is a case that some of the media here would be familiar with, *Sturgeon v. Frost*—a moose hunter, a hovercraft, the wild interior of Alaska. It made for some great headlines. But the issue being litigated in that case was one of control, one of freedom—control of our lands, our waters, our fish, and game. The Federal Government, in essence, told John Sturgeon he couldn't use his hovercraft on Federal waters to go hunting. "Yes, I can," said Sturgeon. He knew the law.

Then there was litigation. It is one that comes up time and again in Alaska—the issue of Federal overreach, agency creep. In Alaska, we have a front row to this problem.

We have seen it happen to us consistently by the courts—particularly, as I mentioned, the judges on the U.S. Court of Appeals for the Ninth Circuit. When they interpret statutes involving my State—and they are many—Federal statutes can only relate to Alaska in a way that fits with their ideas and policy notions about the way the Federal lands in Alaska should be managed. In essence, they typically think that less control by the people and more control by the government is what is needed.

But that often is not what Congress wrote and what Congress intended. It is the absolute opposite of judicial humility, failing to read the statutes as we, in this body, wrote them. It is failing to exhibit the kind of textualism that Judge Barrett ascribes to and was so on display during our hearings.

So why is this important? When the Supreme Court overturned the Ninth Circuit twice in 3 years, Justice Elena Kagan wrote in her opinion for the ma-

majority in *Sturgeon v. Frost* that the Federal laws that govern land management in Alaska are often "different" from the laws governing land management in any other part of the country.

These laws are often carefully crafted by this body and the House, and they are essential for Alaskans, both culturally and economically. And when judges misinterpret these laws—as they often do, and this is what I talked to Judge Barrett about—they often directly impact the lives of my constituents, usually in a negative way.

Just ask John Sturgeon and countless other Alaskans who, over the decades, have seen their rights to legally enjoy our lands—and it is our lands—that they call home whittled away, decision by decision, by Federal agencies.

Over the years, various Federal agencies have acted as if Federal laws governing Alaska didn't exist. Commercial use permits weren't being issued. People couldn't partake in their traditional activities. They couldn't harvest their traditional foods. Alaskans couldn't make a living on the land.

I don't know how Judge Barrett would vote on these specific issues, but I trust her temperament, on great display during the hearings, her stated skepticism about Federal overreach, her strong belief that the Second Amendment "confers an individual right, intimately connected with the natural right of self-defense."

I trust what others have said about her on both sides of the aisle: "brilliant," "humble," "a woman of unsurpassable integrity," and "a role model for generations to come."

All of this was on display during her hearing and in my meeting with her, and I trust that all of this will come to play when these kinds of cases—the Alaska-specific cases—make their way up to the High Court, which they inevitably do. I don't believe that it is an overstatement to say that the future of my constituents depends on these kinds of issues.

It is for these reasons, and others, that I will vote to confirm Judge Barrett to the U.S. Supreme Court, and I encourage all of my colleagues on both sides of the aisle to do the same for this exceptional jurist who is very qualified for this position.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mrs. HYDE-SMITH. Mr. President, it is an honor to speak in strong support of Judge Amy Coney Barrett to serve as an Associate Justice on the Supreme Court of the United States. After careful review of her record and her outstanding testimony during her confirmation hearing, it is clear that Judge Barrett is well suited for a lifetime appointment on the Court.

Last week, Judge Barrett firmly held her own during hours and hours of questioning from my colleagues on the Judiciary Committee. She did not once falter during her hearing. In fact, she excelled. Judge Barrett proved to the

American people that she is prepared, talented, compassionate, and, not to mention, brilliant. Judge Barrett demonstrated that she is an independent individual who can think for herself. She made it clear that she is an originalist who will follow the law.

Without a single note or binder in front of her, Judge Barrett repeatedly affirmed that she would interpret the Constitution and laws passed by Congress as they were written—no more, no less.

During her hearing, Judge Barrett testified:

I apply the law. I follow the law. You make the policy.

The judge kept pointing out that we, the Senate, are the legislators. She stressed that she has no mission or agenda to change the law as she would want it. Judge Barrett made it abundantly clear that in her role as a jurist, she has no issues with setting aside her personal beliefs when applying the letter of the law. This mindset and legal philosophy is exactly the type of jurist we need on our Nation's highest Court.

Not only did we hear from Judge Barrett, but we heard from her former professors, colleagues, and students. These are the people who know her best. These individuals were witnesses not only to her intellect but her character as well. The testimonies on her behalf only proved her absolute readiness for this position.

Americans should be celebrating the nomination of Judge Barrett. She is brilliant, hard working, ambitious, and a proud mother and wife. In a time when we need role models for our youth, Judge Barrett fills that role.

The judge is a family-oriented woman who reveres the Constitution. She is a representative for working women across the country and a testament that women can have a career and family and be stunningly successful at both.

I also appreciate that she has displayed great strength in withstanding affronts to her faith and her family during the confirmation process.

If confirmed—and I am confident that she will be—Amy Coney Barrett will have the honor to be the fifth woman in history to serve on the Supreme Court. The first judge as a mother of school-aged children, she will be the only sitting judge on the Court to not have attended an Ivy League law school.

We must continue to ensure that women like Judge Barrett are represented in the highest levels of our judicial system. Judge Barrett's life experiences as a judge, lawyer, teacher, wife, and mother will bring a valuable and much needed perspective to the Supreme Court.

I am proud to support Judge Barrett. Now the Senate must do its constitutional duty and confirm Judge Amy Coney Barrett as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I am so proud to be here today to join my colleagues to discuss the current Supreme Court vacancy and, specifically, the excellent choice President Trump made in selecting Amy Coney Barrett to fill that vacancy.

I, like my colleagues and many Americans, watched the Senate Judiciary Committee hearings on Judge Barrett's nomination last week. I also have had a chance to meet personally with the judge myself. During all of these occasions, I have been extremely impressed with Judge Amy Coney Barrett.

I was especially impressed with her depth of legal knowledge, coupled with her demeanor. She very clearly and eloquently expresses herself. She reiterated many times in the hearing that judges don't make the law. She was levelheaded, open-minded, and firm in all of her responses.

Judge Barrett is a model of professional and personal success. We have all heard that she is a mother of seven, which, in and of itself, is quite an achievement. And, if confirmed, she will be the first mother of school-aged children to serve on the Supreme Court.

She is absolutely dedicated to her faith and to her community, and she is held in very high regard by the many students she has taught and mentored over the years.

You could certainly tell from the questioning of the Judiciary Committee members during that hearing that she has been in the arena many times with very inquisitive people and students.

In short, Judge Barrett is a stellar nominee who will show a new generation—our daughters and our granddaughters—that anything is possible in America.

I plan to vote to confirm Judge Barrett, and here is why. Evaluating nominees for high government offices is an important responsibility for this body of Senators. That is even true when the nominee is being considered for a lifetime appointment to the Nation's highest Court. So I consider, really, three main questions when I am considering a Supreme Court nominee.

First and foremost, is the nominee qualified?

Second, does the nominee have a track record of independence and fairness that befits a judge who will apply our Constitution and laws as written, rather than make policy from the bench?

And, third, do the West Virginians whom I represent believe the nominee is well suited to decide cases that impact their constitutional rights?

Based on her impressive resume, Judge Barrett is clearly qualified for the Supreme Court. The nonpartisan American Bar Association rated her "well qualified." That is the ABA's highest ranking for judicial nominees.

Judge Barrett's judicial philosophy and record on the Seventh Circuit are

those of a mainstream jurist who considers herself bound by the law, not free to decide cases based on her own personal opinions. She reiterated that time and again in the Judiciary Committee.

That is so important because some of my Democratic Senate colleagues were seeking promises from her about how she will rule on certain cases in the future, and they sought to examine her belief on policy matters, such as protections for those with preexisting conditions.

I, for one, strongly support—as most of us do—legal protections to make sure that individuals with preexisting conditions can purchase and retain health insurance. Passing laws like those are what we should be doing here in this body, not in the Supreme Court.

After some of my colleagues were not given the hints that they were looking for on how Judge Barrett would rule on particular cases, they resorted to assuming that they knew what she would do. Specifically, they tried to tie Judge Barrett to those who had mentored her in the past and insinuated that she would judge exactly how they would judge. Well, when that happened, she responded:

I assure you, I have my own mind. . . . Everything that he—

Meaning Scalia—

said is not necessarily what I would agree with or what I would do if I were Justice Barrett.

It is clear that Judge Barrett has her own mind and will seek to be a fair and impartial judge. The role of judges is to apply our Constitution and laws as written to the cases before them and not implement their own policy agendas. As Judge Barrett put it in her own words, "Judges can't just wake up one day and say: 'I have an agenda . . . [I] am going to walk in like a royal queen and impose my will on the world.'"

Instead, she explained that it is "never appropriate for a judge to impose the judge's personal convictions in determining the outcome of a case."

She also went on to say:

A judge must apply the law as written. Judges are not policymakers, and they must be resolute in setting aside any policy views they might hold.

Judge Barrett's success in applying the law is reflected in the fact that over 90 percent of the majority opinions she has written were unanimously agreed to by her colleagues on the Seventh Circuit. No decision she has written has ever been overturned or reversed by the Supreme Court. This record is only possible when a judge is deciding cases fairly and in accord with the mainstream views of colleagues appointed by both Republican and Democratic Presidents.

West Virginians want a Supreme Court Justice with experience and integrity who will protect the Constitution and decide cases fairly. West Virginians want a Supreme Court Justice who will serve as a role model for our children and our grandchildren. That is



why I will be proud to vote to confirm Judge Amy Coney Barrett to the U.S. Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise this afternoon in full, complete, and all-inspired support for the nomination of Judge Amy Coney Barrett to be an Associate Justice of the Supreme Court.

Her qualifications are not in dispute and have been mentioned repeatedly on the floor and in other public forums.

I have had a chance as a Member of the Senate to vote on four Associate Justices of the Supreme Court: Kagan, Sotomayor, Gorsuch, and Kavanaugh. I was a Member of the House of Representatives down the hall here during the confirmations of Justices Alito and Roberts, and I was old enough to pay close attention to the confirmations of Justices Breyer and Thomas. I can say to my colleagues today, I have never witnessed a more impressive display of poise, knowledge, and temperament in a candidate for the Supreme Court than I have witnessed during the confirmation process of this particular candidate. I think that is why, perhaps, there was objection to the process.

No doubt there was objection to the process in the timing of this nomination and this confirmation among a lot of people around the United States, but as the confirmation wore on and as more and more people came to know Judge Amy Coney Barrett—the student, the parent, the member of her community—and as more and more people have seen her and listened to her, public opinion has moved in her favor to now where a majority of Americans support the elevation and confirmation of Amy Coney Barrett to the Supreme Court. I certainly am delighted to see that and am not surprised based upon the absolutely phenomenal way she has conducted herself.

I think it is worth noting that she is from Middle America. While all of our 50 States are great and all of our law schools undoubtedly have things to recommend them, I kind of like that she grew up in my neighboring State of Louisiana. I kind of like that she graduated with stellar marks from a very impressive college in my neighboring State of Tennessee, at Rhodes College in Memphis, TN, just an hour and a half up the road from where I make my home.

I think Harvard is a great law school. I think Yale is a great law school. I think it is OK that we have now a prospective Justice of the Supreme Court who went someplace else: Notre Dame.

So, to me, she represents Middle American values, and there is something to be said for that on the highest Court of the land—Louisiana values, Tennessee values, Indiana values.

I think she is an inspiration to young women across this country. I have two daughters. They have become profes-

sional successes in their own right. I have five granddaughters. The oldest one is 10. I think Justice Amy Coney Barrett will prove to be an inspiration to these five granddaughters and to my grown daughters also.

There is much talk about predicting how this Justice or how any candidate for the circuit court or the district court will rule. I have seen enough examples during my lifetime of surprises that I would not venture to guess how Justice Amy Coney Barrett is going to rule on a particular issue. I do think she is committed to interpreting the law and to applying the law as it is written in the Constitution, as we write it as legislators, and not adjusting the law, manipulating it to suit her rule, but I have no idea how she will rule.

I do know this, and this is what makes me so comfortable with elevating her to one of these nine special positions as an Associate Justice of the Supreme Court. I know that she is devoted to the philosophy of Justice Antonin Scalia.

If Justice Scalia ever made a profound point about our law and our system of the rule of law and our Constitution, it was this: We are a special republic and a special democracy because we have enshrined in our Constitution the separation of powers. The President has his powers to enforce the law. The Congress has the power of the purse, and we write the statutes, and the Supreme Court rules on the constitutionality and the validity of our actions.

Scalia made this point over and over, and it was always such a wonderful experience to hear him lecture. But if he ever made a point, it was this: Any dictator around the world can write down on a piece of paper a bill of rights, and around the country, in dictatorships and totalitarian systems, there are many bills of rights.

The way we ensure that Bill of Rights is enforced is that we don't give any one part of our government too much power. We don't give any one man or any one institution or any one Agency in this Federal Government too much power. Those are the checks and balances that Antonin Scalia said made the United States special. I think Amy Coney Barrett understands that, and I think she will enforce that concept and be true to those tenets as the next Associate Justice of the Supreme Court.

So I couldn't be more delighted, I couldn't be more enthusiastic, I could not be any more awe-inspired with a candidate for the Supreme Court, and I will, with great honor and privilege, vote in favor of her confirmation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise today in support of the nomination of Judge Amy Coney Barrett to be an Associate Justice of the U.S. Supreme Court.

Before I begin, I would be remiss if I didn't acknowledge the reason for this

vacancy. Justice Ruth Bader Ginsburg dedicated almost three decades of her life to serving on the highest Court, and she will always be remembered as a talented attorney and jurist. We appreciate Justice Ginsburg and her service to our Nation.

Soon the Senate will consider the nomination of Judge Amy Coney Barrett to serve as Associate Justice on the Supreme Court. Judge Barrett has an outstanding record of accomplishment, as well as a strong record of upholding the law rather than legislating from the bench.

Judge Barrett graduated summa cum laude, first in her class, from Notre Dame Law School. She then clerked for Judge Silberman on the DC Circuit and Justice Scalia on the U.S. Supreme Court.

She currently serves as a circuit court judge for the Seventh Circuit. During her time on the Seventh Circuit, she has written 79 majority opinions. She has also published 18 law review articles. I wanted to take a moment to mention this list of accomplishments to highlight how remarkable she is as an attorney and as a jurist.

I had the opportunity to sit down with Judge Barrett to discuss her judicial philosophy. She is an originalist and a textualist. Her traditional philosophy ensures her own personal beliefs and her views will not impact her role as a jurist.

As a Senator, I strive to ensure we confirm judges who will be impartial in their rulings and will take the facts presented and apply the law to those facts.

During our conversation, we discussed the principle of precedent and how precedent is important for judicial structure. Judge Barrett believes that, as a judge, her main duty is to the U.S. Constitution and to ensuring that all judicial opinions uphold the rights, freedoms, and principles established in this essential document.

Judge Barrett's judicial approach ensures she will be fair and impartial toward every plaintiff who comes before her and, at the same time, that our most vital document—our Constitution—is upheld and echoed in every judicial opinion she makes.

Judges should never have preconceived notions, and they should not be able to provide a prediction or any sort of hint as to how they will decide a future or hypothetical case. A judge's judicial philosophy ensures they have the proper tools at their disposal for reaching decisions. Judges' decisions impact lives, and it is important for our jurists to be fair, level-minded, and impartial at all times. That is why having someone like Judge Barrett on the Supreme Court is best for our Nation.

Another topic I discussed with Judge Barrett was the importance of upholding our Federal trust and treaty obligations to our Tribes. As chairman of the Senate Committee on Indian Affairs, I understand the importance of

upholding these responsibilities. Judge Barrett said that she will objectively look at every case that comes before her, will apply the law to the facts at hand, and will do her part to uphold the Federal trust and treaty responsibility.

Judge Barrett has not only established an outstanding record of accomplishment on the bench, but she has also demonstrated her deep understanding of the law as a professor at Notre Dame Law School. Throughout her career, Judge Barrett has shown a deep respect for the Constitution, as well as a strong commitment to upholding the law.

Judge Barrett is a great choice to join the bench of the Supreme Court. Her qualifications, judicial approach, and commitment to upholding the Constitution will benefit my home State of North Dakota, as well as our entire Nation. Judge Barrett will be a strong, fair, and impartial Justice, and I look forward to supporting her nomination.

The Supreme Court is foundational to the checks and balances structure of our government—something that the good Senator from Mississippi just talked about very eloquently. Having an independent judicial body is crucial to the protection of our democracy.

Justices of the Supreme Court hold the essential role of being the final decisionmaker of disputes in the United States. Such power comes with much responsibility, which is why selecting the best person for this job is critical for our country. We must have Justices on our Supreme Court who uphold the law and interpret the Constitution in the way it was written.

Again, I appreciate President Trump's nomination of Judge Barrett, and I look forward to supporting her confirmation to serve as an Associate Justice on the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I am one of the few Senators who have appointed people to the bench, and I take this very seriously. I believe in selecting judges who respect the separation of powers and the proper role of the judiciary in our democratic system.

Their job isn't to make policy; it is to uphold the rule of law. We can't have judicial activism—something my colleagues on the other side of the aisle refuse to accept. The Democrats have made it clear they care more about the election than performing their constitutional duty to confirm judges. Because the Democrats only want judicial activists, they can't understand a judge who has no plan to change the law and the Constitution to align with their personal beliefs about how Americans should be governed. The Democrats won't engage in this process even though they know Judge Barrett is highly qualified.

When I was appointing judges as Governor, I would ask each candidate one

question: Do you understand your role and the distinct branches of government? Do you want to make policy, or do you want to uphold the law as written?

That is exactly what I asked Judge Amy Coney Barrett when we met. She could not have been more clear in our meeting and throughout the Judiciary Committee hearings last week. Judge Barrett is a nominee of indisputable credentials and qualifications and will fulfill the proper role of a judge envisioned by the Framers when they designed the three-branch system of government in our Constitution.

The Democratic attempts to attack Judge Barrett for her faith fell flat. Quite the opposite, her faith and her commitment to family have earned her the utmost respect. The Democrats were left grasping at straws during last week's hearing because they clearly can't question her qualifications.

Her record is irrefutable. Judge Barrett's academic, professional, and judicial records clearly demonstrate her devotion to following the rule of law. She strictly adheres to the original meaning of the Constitution's provisions, setting forth the fundamental rights, liberties, and protections on which this great country was founded.

As Professor Prakash eloquently stated in Judge Barrett's nomination hearing, the ABA's rating of Judge Barrett as "well qualified" is an understatement. I am proud to support Judge Barrett's nomination, and I look forward to voting to confirm her to serve as an Associate Justice of the U.S. Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### UNANIMOUS CONSENT REQUEST

Mr. WYDEN. Mr. President, shortly, I will offer a unanimous consent request on legislation to extend enhanced unemployment insurance for folks in America who are out of work.

I am going to begin with a quick check-in on the economic reality in our country. Here is where we are in a sentence: Only half of the jobs lost earlier this year have actually come back; the other half may never come back. There is substantial evidence that many of these jobs will be lost forever.

The permanent layoffs are stacking up. Right now, 25 million Americans are receiving unemployment insurance. Their insurance payments were slashed when Republicans let enhanced unemployment insurance expire at the end of July.

Here is a particularly important fact. The number of Americans filing new claims for unemployment insurance is still higher than any single week during the great recession. Upward of 8 million Americans have fallen into poverty over just the last few months. In the month of September alone—just September—nearly 1 million women dropped out of the workforce. To make matters worse, the pandemic that is causing all of this economic carnage is

just getting worse as the fall coronavirus wave begins to rise across the country.

The restaurant and bar industry has been hurt, and the travel industry, the live entertainment industry. We are talking about millions and millions of workers who are out of a job right now, plus millions more who are worried that they are going to get laid off this winter as COVID-19 infections rise.

The fact is, despite what Donald Trump says, our economy isn't anywhere near fully recovered—not even close. This jobs crisis won't be over until the public health crisis is over. That is why, in the meantime, the only reasonable and logical thing to do is to bring back enhanced unemployment insurance and keep those benefits for the duration of the emergency. That is what I am calling for this afternoon. That is what I believe Members of Congress should be for.

The proposal that I offer extends the crucial programs from the CARES Act—the extra \$600 per week, what we developed in the Senate Finance Committee. I see the distinguished Republican leader, Senator THUNE, who serves on our committee. We work together often. We developed it there—the extra \$600 per week, Pandemic Unemployment Assistance for the self-employed, and additional benefits for them.

My God, the unemployment system was actually brought into this century. The old system was close to 100 years old. Nobody ever heard back then of a gig worker, but we got them covered.

So we want to extend those programs until January 31, 2021. In addition to the enhanced unemployment benefits, what this does is it avoids throwing millions and millions of Americans over a financial cliff, essentially, at the end of the year.

It is my judgment that this is just basic economic fairness. This is about making sure that tens of millions of Americans who walk an economic tightrope during this pandemic will be able to pay the rent, put food on the table, and buy medicine. Tens of millions of Americans, from sea to shining sea—from Portland, OR, to Portland, ME—desperately need this lifeline.

Continuing to block an extension of enhanced unemployment insurance, in my view, is the economic equivalent of going for herd immunity with COVID-19—telling the most vulnerable people out there that they are, in effect, on their own; that their government has no interest in standing up for them.

From the beginning of this pandemic, my colleagues on the other side have opposed the enhanced unemployment insurance concept that I am talking about. Back in March, Senate Democrats said replacing people's lost wages was going to be right up at the top of our priorities list for the CARES Act. I consider it one of the most important efforts I have been part of during my time in public service, and we were all able to get it in the bill. It turned out

it was the only provision that the Republican majority attempted to remove.

Just process that for a moment. We had a debate on the floor of the Senate. There was only one thing Senate Republicans wanted to remove. They wanted to remove the provision I am describing that would give millions of Americans who are hurting the opportunity to make rent and buy groceries and get their kids sneakers and pay for medicine. I am still incredulous about this, but, actually, one Member of the minority came up to me before we voted and said: RON, what you are talking about is going to cause nurses to leave their jobs now during the pandemic and go into retirement and get unemployment. And I said: You have to be kidding. I handed the Senator the article from the local paper that described how nurses were actually coming out of retirement to work during the pandemic because they cared so deeply about their community.

Fortunately, that Republican effort that night to gut the expanded unemployment benefits failed, and now I think we have people from across the political spectrum saying that that program has turned out to be one of the most successful safety net programs in decades—in decades.

For months, Republicans have been repeating the same story about why they oppose the expanded unemployment insurance. They say it is because what we did is holding back the economy—that it is a disincentive to work and lazy workers are choosing to sit at home collecting insurance. Wrong, wrong, wrong. It was wrong from the beginning, and it now should be obvious.

Enhanced unemployment insurance expired at the end of July—July 31. If those insurance payments were really shackling our economy and being a disincentive to work, then, why wasn't there a megabomb in hiring in August? The fact is that job growth shot down immediately after enhanced unemployment insurance expired, and it plummeted in September.

The reasons to bring back enhanced unemployment insurance ought to be clear: It is the right thing to do in terms of economic fairness for workers. And the main argument against enhanced unemployment insurance has been proven wrong.

Finally, renewing enhanced unemployment insurance is absolutely key to protecting our public health. The pandemic is raging now. Cases are going up. There are hotspots all over the map. We are in what so many of the experts say is the tip of the third wave of the virus: cold weather coming up, folks being indoors. And in some parts of the country, mayors or Governors may soon face the possibility that certain areas could go back into lockdown. Business owners might begin to wonder if staying open is too dangerous a prospect—particularly, if you are talking about places like res-

taurants and cafes. Taking the steps needed to crush the virus is going to be a lot easier if workers have the backstop of enhanced unemployment insurance so they have the money—in South Dakota, in Oregon, and every part of the country—to make rent and pay for groceries.

Blocking enhanced unemployment insurance creates a disincentive to crush the virus with strong action and will lead to more people spending more time in more hotspots, perpetuating both the tragedy of the pandemic as well as the tragedy of our anemic economic recovery.

I will close with this. It does not have to be this way. There is a lot more work to be done. State and local governments need more funding for hospitals and testing. We need support for our schools. We need support for basic municipal services. There ought to be more opportunities to talk about those issues in the days ahead.

Right now, passage of enhanced unemployment insurance is long overdue. I see my friend from South Dakota, with whom I have worked often in the Finance Committee. We have been on this floor again and again over the last few months talking about this.

I offered a proposal with the distinguished Democratic leader, Senator SCHUMER. We thought that was something that would be appealing to both sides. But the bottom line is for this Chamber, as we are looking at the coronavirus spike again, to say that we are not going to stand up for people who are just trying to make rent and pay for groceries.

Somebody asked me at home. I was just at home. I got into virtually every nook and cranny in my State over the last couple of weeks in a socially distant way. People said: What do I see people spend the unemployment money on? They said: They all seem to be in the grocery store. I said: They are paying for rent and groceries and essentials. They sure aren't using unemployment money to buy scarves or fancy things from overseas. They are using it for essentials. My view is, the Senate has no choice but to extend the enhanced unemployment insurance.

Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of my bill to provide continued assistance to unemployed workers, which is at the desk; I further ask unanimous consent that the bill be considered read three times and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mrs. BLACKBURN). Is there objection?

The Senator from South Dakota.

Mr. THUNE. Reserving the right to object, I just want to say, because my colleague from Oregon—as he pointed out, he and I work closely together on a number of issues—trade issues, tax issues, particularly in the digital space. I know he is a person who tries

to find common ground, tries to find bipartisan solutions. I appreciate that, and I hope there are a lot more issues in the future that we can work on together as members of the Finance Committee. He is the ranking Democrat on the committee. I hope we can work together and find some things we can do that are good for our economy.

What he is proposing right now is to extend unemployment insurance benefits at \$600 a week. Democrats have said they don't want to do a piecemeal approach. Yet that is exactly what is being offered right now. I guess the question is, What has changed? Less than 2 hours ago, my Democratic colleagues blocked not just extending additional Federal unemployment benefits but also providing more paycheck help for small businesses through the PPP program, funding for schools and universities to reopen, more money for testing and vaccine development, help for the U.S. Postal Service, and relief for farmers. I would argue they are all bipartisan priorities. This should be a no-brainer.

What is ironic about it is that our position on this all along has been that just because we can't do everything doesn't mean we shouldn't do something. The Democratic position seems to be that just because we can't do everything, we would rather do nothing. We think the American people are paying the price for that.

So instead of supporting our comprehensive package, which deals with all the issues that I mentioned—all of which, I might add, are bipartisan priorities—we have a proposal here that I think, frankly, is stuck in the past. For example, this bill would restart extra unemployment payments that gave most people more money not to work than to work.

Just to correct the record about one point my colleague from Oregon made, the amendment offered by Republicans when the CARES package was being considered wasn't to gut the unemployment program. The Senator from Oregon fought very hard to get that provision in the CARES package. There was an amendment offered on the floor that would have calibrated that Federal unemployment benefit to what an individual is making—in other words, 100 percent wage replacement. That is what was in that proposal, and it was voted down on a party-line vote.

If you look at what the CBO estimates, 80 percent of people would be paid more for not working if the \$600-per-week benefit were continued. It is not just a few dollars more. There was a recent study under the \$600 plus-up that median unemployed workers would receive a benefit of 145 percent of their prior wage. In South Dakota, I will tell you that the median wage replacement rate was 155 percent. Think about that. If you are making \$30,000, making minimum wage—\$15 an hour, \$30,000 a year—in my State of South Dakota, under the Senator from Oregon's proposal, that individual would

make \$45,000 a year. That is 150 percent of wages or north of that. One hundred and fifty-five percent is the median wage replacement in my State of South Dakota. Consider what the incentives are for that person making \$30,000 working or \$45,000 not working.

My dad just passed away in August. He was 100 years old. He used to say: Some things, JOHN, are just kind of old-fashioned horse sense. I think in this case, this is someplace where you can apply old-fashioned horse sense. If you offer somebody a benefit that dramatically exceeds—not by just a little but by a lot—what they would be making if they were working, obviously you can see what would happen there.

I would point out that when I went back for my father's funeral in August, in the middle of the travel season in South Dakota—normally an incredibly busy time—there were little eating places in my hometown that weren't open. Why? They couldn't find workers. I have talked to them about that and talked to a lot of small businesses in my State. I think the \$600 payment has acted as a tremendous disincentive for people to come back into the workforce when there might be jobs available.

The \$600 ended about 3 months ago. Yet the same idea is being offered up even though the unemployment rate has fallen. In April, it was 14.7 percent. In September, it was 7.9 percent. In my State of South Dakota, it is 4.1 percent. The idea that with the economy recovering we would now come back to pay people more for not working than working seems to be counterintuitive.

Again, our plan, which was opposed by the Democrats 2 hours ago, would have provided an additional \$300-per-week payment through the end of the year. That is real help that could be made available right now.

Even without this additional \$300 payment, some expanded unemployment benefits are still available through December. If you look at—the Senator from Oregon mentioned self-employed, independent contractors, gig workers who are not normally eligible for unemployment. They are going to get that help through December.

Given the problems with this bill and because it doesn't address the broader issues that I enumerated earlier, I object.

The PRESIDING OFFICER. Object is heard.

The Senator from Oregon.

Mr. WYDEN. Madam President, just to respond to the Senator from South Dakota, it has always been a bedrock argument from Senate Republicans that somehow unemployment insurance is a disincentive for people to work. If that were the case—unemployment benefits expired in July, July 31. If somehow those unemployment benefits were shackling the economy, creating disincentives to work, why wasn't there a mega boom in the workforce in August? The reason is pretty obvious: Those unemployment benefits were not a disincentive. That has been

the case as well into September and October.

The one thing I do want to take exception to with respect to my colleague's remarks is—he said Republicans never sought to gut the \$600. That is just not accurate. On the floor, the Republicans wanted to take out that amount, which everybody was going to get, and replace it with something that was completely unworkable and wouldn't have gotten benefits to unemployed workers quickly.

You don't have to take my word for it. Eugene Scalia, the Secretary of Labor, during days and days of negotiations, as we talked about the concept the Senator from South Dakota has raised, the whole notion of wage replacement, the Secretary of Labor said, can't be done. The States don't have the technology to do it.

Those discussions went on for days because Republicans were insistent on going with this wage-replacement idea, which has now been characterized by a Republican labor official in Georgia as one of the dumbest ideas he had heard of because it was so unworkable.

Finally, I said that we are not going to stiff these workers, so we will take an average. Some people will get more than they normally would; some people would get less than they normally would from their wage and benefits. We will take an average, but, by God, the checks will get out quickly to people who had been sent home through no fault of their own. They were quarantined, as we all know, because we were desperate to beat the virus. People would have that money for groceries and rent.

That is why we went with \$600, because the idea that my colleague from South Dakota has spoken about today and that Republicans always talk about was declared by the Republican Secretary of Labor, Eugene Scalia, as being unworkable, and if we were going to get a check to people in a timely way, we had to go with the \$600.

My staff and I put it together. We used this smartphone to make the calculations. We showed it to Secretary Mnuchin because it stayed within the budget limits. And that was how we got to \$600. It was the only way to get an unemployment check out to people quickly.

Thank goodness the Republican motion to strip it was defeated because had the Republicans won, there would have been a lot of people during those 4 months—essentially ending July 31—who couldn't have made rent, couldn't have paid for groceries. That is just plain old wrong.

We are going to continue to work in a bipartisan way. My colleague and I agree on the point that we want to do big things in the Finance Committee. We have to work in a bipartisan way.

I just say to the Presiding Officer and my colleagues, to go back to what my friend from South Dakota says is the way to go even though the Secretary of Labor said it couldn't be done is a mis-

take. That is why we have advocated going with something that we know worked and provided an awful lot of relief to people and does not create a disincentive to work. If it did, when it expired, we would have had a hiring boom in August. That wasn't the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. I would simply point out that the bill that we voted on and the Democrats all voted against earlier today did include a formula not unlike what the Senator from Oregon is suggesting, and that is a flat payment on top of the standard unemployment benefit. It was a \$300 payment as opposed to a \$600 payment. That would not be complicated to implement.

The amendment that was offered when the CARES Act passed was a full wage replacement. There were concerns about whether that could be implemented by the Department of Labor, to be fair. But honestly, if you think about it, I am not sure what would be terribly complicated about having somebody come in and asking "What do you make? Show me what you make" and then saying "OK. That is what you are going to get for a benefit—100 percent wage replacement." To me, that makes sense.

Again, I would come back to the idea that if you pay somebody more not to work than to work—people naturally—I think we all do—respond to incentives. It seems pretty crazy to suggest that you could offer people 150 percent—or more in my State of South Dakota—of what they were making while working, in the form of a benefit, and not have them say "Gee, I can make 150-some percent more not working than working" and decide to take that benefit. I think that is what we run into. That is the economic disruption created by what the Senator from Oregon is suggesting.

To his point about jobs coming back, that is exactly the point I made earlier. The unemployment rate in April was 14.7 percent. In September, it was 7.9 percent. Jobs are coming back. In my State of South Dakota, it is 4.1 percent. The economy is trending in the right direction as it starts to open up again. There is demand out there for labor. When the demand for labor goes up, the price for labor goes up. That is what I think you will continue to see.

I believe, along with the Senator from Oregon, that we need to help people who are unemployed. The bill that was just voted down by the Democrats would have done that at a \$300 benefit above and beyond what the State unemployment insurance program pays. In most States, that is about 90 percent of wage replacement. To suggest that the Republicans are being heartless just isn't true.

Obviously, the amendment that we offered back in March when the CARES Act was being considered had 100 percent wage replacement. It seems like a very intuitive, practical thing to do to

say we are going to replace what you were making when you were working.

Obviously, the proposal voted down by the Democrats today had the State unemployment insurance benefits plus a \$300 plus-up, which, again, is about 90 percent wage replacement.

So I think what the Senator from Oregon is suggesting here is, No. 1, we do this piecemeal after his side has been saying we have to have a comprehensive approach. Secondly, he is calling up an amendment that, frankly, we have kind of moved beyond now. We are in a different place in the economy.

We still need to help people who are unemployed, but we don't need to encourage people not to work because it would pay them more—the government would pay them more than they would make if they were working. To me, that sounds counterintuitive. I think the American people get that.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, just very briefly, my friend from South Dakota said I had called Republicans "heartless." That was not my word, but when Americans who have a great work ethic and believe, as my friend from Ohio has always talked about, in the dignity of work but can't get jobs and can't make rent and can't pay for groceries, I don't think we should say, when they need a loaf of bread: Well, we will just settle for a slice.

The people I met in Oregon all through last week desperately want to work. They know that it is the path of upward mobility in the private economy. Yet, as we have seen, lots of jobs are gone. You can go down Main Streets, and there is barely a car moving. That is why we have said, as my friend from Ohio always talks about, when those workers believe deeply in the importance of work, and they know, by the way, that it is the only way they can secure upward mobility in the private economy. When they can't do it as a result of this pandemic, which is spiking again, we don't think it is wrong to make sure people get a sufficient benefit to pay rent and buy groceries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I notice of the Presiding Officer and the junior Senator from Arkansas, who was the Presiding Officer right before, and far too often of the Presiding Officers that they are taking their masks off when they preside. I notice that right below the Presiding Officer are always three or four staff people who are fully masked. I also know that a number of our colleagues have been diagnosed with the coronavirus.

I would hope that the Presiding Officers, starting today, would wear masks when they preside. As they speak and project, it puts people at risk who sit right below the Presiding Officer. I know it might offend the President of the United States that the Presiding

Officer wears a mask when presiding because I know the President doesn't believe in it, but public health officials in Tennessee and Arkansas and Ohio and Oregon and Hawaii do. So I ask this of the Presiding Officer and would hope the Presiding Officer and others will consider public health when they preside over this body.

Before I address my issue—and I will note when Senator CRAPO has shown up on the floor to address—I want to point out a couple of things that I just heard from Senator THUNE and Senator WYDEN.

Senator WYDEN is exactly right. The only amendment to the \$2.5 trillion package that the Republicans offered was to strip away the \$600.

I have always been puzzled by how much the Republicans as a party—almost since Roosevelt—have hated unemployment insurance.

I know you don't like social insurance. You don't like Medicare, but you pay into Medicare, and then you get a benefit when you need it. You pay into Social Security and get a benefit when you need it. You pay into unemployment insurance and get a benefit when you need it.

I know the Republicans say they don't like Medicare, but every time they have a chance, they try to privatize Medicare.

Right, Senator WYDEN?

Then they try to privatize Social Security, right?

I can't believe the number of Republicans I have heard, when they have come to the floor, either publicly say or privately grumble to themselves or each other: I can't believe this \$600 a week for these people. We shouldn't be giving that much money to these people.

I mean, that was the tone of voice. There was, perhaps, derision in their voices.

I was talking to an unemployed worker today who has lost her job, and she is hurting. I mean, fortunately she has a spouse, and her spouse has insurance, but she was talking about the \$600 she got. It has also helped local businesses. A whole bunch of people in my communities are getting the \$600 a week, and it keeps these businesses going too.

I guess I don't understand the Republican hatred of unemployment insurance. I would think it would be trumped—pardon my verb—by how much it helps small businesses, but I guess it is not. So that debate, I guess, is over.

I will also note that, when we were giving the \$600 a week, one study showed it kept 12 million people out of poverty. But I guess everything is OK. The stock market is back up, so Trump and MCCONNELL seem to think everything is fine.

#### UNANIMOUS CONSENT REQUEST

Madam President, I thank my colleagues for joining me on the floor today to be voices for the millions of people who are frustrated and angry

because President Trump and Senator MCCONNELL continue to fail to get this pandemic under control.

The stock market is back up, so Trump and MCCONNELL seem to think everything is fine. They are oblivious to the families who are staring at stacks of bills, who can't pay their rent, who have to run up credit cards, who go to payday lenders—who don't know what to do. There are 600,000 people in my State who lost their unemployment insurance in August. What are they supposed to do?

Senator MCCONNELL and President Trump are oblivious to the parents who are under an overwhelming amount of stress. They try to do their jobs, juggle remote learning, and worry about whether their schools are safe. They are oblivious to the layoffs that keep coming, especially in local governments and school systems.

It just didn't have to be this bad. We are the greatest, wealthiest country on Earth. What good is it if we can't rise to meet a moment like this?

Trump and MCCONNELL want you to believe that we can't solve big problems, that we can't use our resources to help ordinary families, that we can't use our talent to produce tests and PPE, and that we can't use our ingenuity to figure out how to open businesses and schools safely.

A half a million Ohioans are out of work, and 220,000 Americans are dead. Yet MCCONNELL and Trump have simply said: Not our problem. You are on your own. I mean, that is the story of this Senate unless you have a family member who is going to be confirmed as a Federal judge. Other than that, you are on your own. They want you to believe it is the best America can do.

I think we can do big things. I think we can actually solve problems for the people we serve. We did it in the spring when we put \$600 a week in the pockets of people who lost their jobs and kept millions out of poverty. We put in place an eviction moratorium, and we gave people stimulus checks to spend in this economy, but then MCCONNELL and Trump let it all expire. Families are now forced to choose between rent and utility bills and between food and prescriptions.

Yet nobody around here does. I understand that. Nobody here has to choose between food and prescriptions or between rent and utility bills. Nobody here does, but a whole lot of people in our States do. So they are turning to payday lenders and getting trapped in cycles of debt. They are going to lose their homes. One-sixth of renters are behind on rent right now. That is 11 million people. Most of them are behind on rent because they have lost their unemployment checks and don't have any place to turn.

Even with that, extending UI would not be enough. It doesn't help you if you still have a job but have had your hours cut back. It doesn't help recent college grads or recent high school grads. It doesn't help if you are self-employed or are working odd jobs.

As Senator WYDEN said, we simply haven't modernized our unemployment system well enough. The CDC's eviction moratorium is also not enough. Without the dollars to back it up, it is only going to lead to a wave of evictions come the new year. We need to get money directly to the people so they may pay these bills or there will be a wave of evictions in the middle of a pandemic.

Hundreds of thousands of people a week are dropping into poverty, and we know that the \$600 kept a lot of people out. Now people are dropping into poverty, so there is going to be a wave of evictions, and that wave of evictions is going to come. No. 1, it is terrible to be evicted anyway. No. 2, it is more terrible to be evicted in the middle of the winter. No. 3, it is even more terrible to be evicted in the middle of the winter in the middle of a pandemic. How can we sit here and allow that to happen?

Even now, with the Trump administration's flawed eviction moratorium, evictions are happening. We see stories every day across the country, and more evictions are coming in January. The work we do in this body to get help to people can't make up for the lack of leadership from the White House, but we could mitigate some of the damage. The House did its job and passed the Heroes Act a few months ago. Over and over, I don't see a sense of urgency in McCONNELL and Trump. They have ignored the families. They have told the families: You are on your own.

This month, the House again passed a bill to help families make ends meet. It provides the help for renters that I come to the floor to offer today. The bill contains \$50 billion in emergency rental assistance. It extends the CARES Act and the eviction moratorium to virtually all renters through March. It will protect families, and it will protect public health so that it will not just be those families who are protected from eviction; it will be all of us around those families who could suffer from a compromise in public health. It will also give renters and property owners the help they need to pay their bills.

Senate Republicans have refused to consider it and the bill that I offer here today. The multimillionaire majority leader and his caucus have the audacity to tell people who have lost their jobs and the audacity to tell essential workers making \$10 or \$12 an hour that it is too expensive to give them help to pay their bills in the middle of a national crisis. It is never too expensive to help Wall Street. It is never too expensive for a corporate tax cut. It is never too expensive to help the people who are in charge, but it is too expensive to help the people who are making \$10 or \$12 an hour.

People are exhausted. They are tired of feeling like no one is on their side. The American people shouldn't have to fend for themselves in the middle of a once-in-a-generation crisis. That is es-

entially what the President and the majority leader are telling people: You are on your own. You are on your own. You are on your own.

It means we should be helping families pay the bills and stay in their homes. It means bringing back the \$600 UI. It means getting support to our schools and communities so they can open. It means helping small businesses. It means putting money in people's pockets.

Madam President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of my bill to provide emergency rental assistance and rental market stabilization and to provide a temporary moratorium on eviction filings, which is at the desk. I further ask unanimous consent that the bill be considered read three times and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Idaho.

Mr. CRAPO. Madam President, in reserving the right to object, it is remarkable that we see here a series of unanimous consent requests to pass legislation without debate and without the opportunity for amendment and improvement. It is just a few hours after a refusal to proceed to legislation by which we could have done just that—legislation that had \$500 billion of additional assistance going out to the American people. Legislation that did address these unemployment issues—and that has been discussed over the last 45 minutes on the floor—was objected to so that we couldn't even get on the bill.

Following NANCY PELOSI's "take it or leave it," "my way or the highway" approach, we are now here, seeing our colleagues on the other side pick up pieces of the legislation that NANCY PELOSI wants to pass without negotiating and without working through the legislative process to see if they can drive those through the Senate and object to not doing them in regular legislative order.

We are ready to engage in major legislation. Yet a couple of hours after we tried for the second or third time to put it on the floor—and had that opportunity refused by my colleagues on the other side—we are accused of not working on these issues, and the "take it or leave it" proposals from the House-passed legislation are being thrown on the floor of the Senate.

Let's talk about the current one—the proposal for rental assistance and eviction protection for those who need help in housing markets. I will say now that they need help. As I said the last time this effort was tried, they need help, and we need to work together instead of just trying to lob NANCY PELOSI's bill into the Senate when we can't get agreement to even put a major \$500 billion relief package on the floor for debate and consideration.

Six months ago, this body came together and unanimously passed a package that provided historic, unprecedented support to the housing market both for homeowners and renters alike. We gave the majority of homeowners in this country the option of hitting the pause button on their mortgage payments. We prohibited foreclosures and evictions across a wide swath of the marketplace, which was recently expanded by the CDC to cover an even broader portion of the market, and we have extended it through the end of 2020. President Trump, through his Executive orders, has extended this further.

We have appropriated in excess of \$12 billion in supplemental funding to specifically enhance Federal housing programs. We have provided \$150 billion in funding to States and local governments through the coronavirus relief fund, or CRF, a significant portion of which has been used for rental assistance.

We worked together in a bipartisan way on the CARES Act. I wish we could work on this next act the way we worked then, but, no, it is take it or leave it. And we are capable of doing the same in coming days if we can simply get on the legislation in the Senate.

As I have said before on this floor, I agree that we can and should do more to help in rental markets, to help those who are most vulnerable and who are most at risk of eviction, but passing this bill—take it or leave it—that received no Republican support in the House, was just jammed through the House on a partisan vote, is not the way this body ought to do its work.

The same thing goes for any blanket moratorium—that is what is being proposed right now—that would tie the hands of housing providers across this country and cause many of them to collapse, damaging the very industry and the very sector of our economy that we need to strengthen to deal with these critical issues.

We still have time to reach a bipartisan solution. I believe a bipartisan solution is possible to help out the renters across our country, and I have been working to develop one. This is likely something, if we can get agreement to move on it, that provides targeted support to renters who have suffered COVID-19-related reduction in their income or job loss and who were current on their rent before the outbreak, avoids creating perverse incentives in our housing market by ensuring that those who are able to pay their rent continue to do so, and is limited to the length of the crisis and is delivered through a mechanism—contrary to what is being proposed here—delivered through a mechanism that is quick, responsible, and minimizes opportunities for fraud, waste, and abuse.

We can do this if we will stop the "my way or the highway" approach to the House legislation and work together in the Senate to do what we did with the CARES Act in the first place.

The argument has been made that we won't even re-up the unemployment insurance, when the Senator from South Dakota made it very clear the bill that our colleagues rejected just hours ago on the floor of the Senate had a 100-percent wage replacement formula—100 percent wage replacement.

But the notion of trying to quickly advance the provision that we are talking about by unanimous consent, without the opportunity to properly debate it, is a concerning precedent and will only cause more long-term damage in the future.

Accordingly, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Ohio.

Mr. BROWN. Madam President, I thank the Senator from Idaho, and I regret that he will not be my committee partner next year because he is moving on to—I guess he considers it a better committee. I don't know for sure.

But anyway, the Senator from Idaho is right. We passed it unanimously back in March, and it worked. The \$600 and the help for hospitals and schools and governments, local and State governments, actually kept—1 study said 12 million; say it is half of that—5, 6 million people out of poverty. It worked.

So we said to Senator MCCONNELL in about May or June—because these programs and dollars were running out—we see what has worked. We will jettison what doesn't work, and we will continue those programs. But then, lo and behold, Senator MCCONNELL kept saying: No sense of urgency, no sense of urgency, no sense of urgency, and we got zero in the end, when we asked Senator MCCONNELL in August to—don't let the \$600 expire. We know more people will drop into poverty. We know more people will be evicted. We know, as Senator JACK REED has worked on, we will see more people foreclosed on.

Senator MCCONNELL has used the crutch of half the Republicans, half my friends on this side of the aisle, don't want to vote another dollar. He said they won't vote for anything. So maybe Senator CRAPO is an exception to that.

But this proposal of MCCONNELL, we know how cynical it is; we know how inadequate it is; we know how pitiful it is; and we know that Speaker PELOSI has made several offers. She started with a pretty big package that a lot of us thought was pretty close to ideal. We knew that there would be compromise. She came back with a significantly smaller package, and still they just say she rammed it through, and they rejected it.

So I understand the handwriting on the wall that as long as Republicans control this body, that we won't take care of people at home, that we won't do adequate—adequate rental assistance, and we won't do adequate unemployment.

We will see a cynical, inadequate sort of pitiful attempt by the majority lead-

er to put something on the floor that really doesn't meet people's needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, I know we have yet another UC request coming, and I want to give time for that to my colleague here in the Senate.

I, too, appreciate working with the Senator from Ohio, and we worked in a bipartisan fashion when we put the first CARES Act on the floor, which, as you said, got a unanimous vote. I am hopeful we can do that again.

I just want to respond to one thing, and that is it is constantly being said that Senator MCCONNELL said there is not a sense of urgency. This was months and months and months ago before our first act had even had an opportunity to play out.

But the urgency that you have seen from Senator MCCONNELL and others today is reflective of the refusal or the inability—let me say the inability of both sides to come together on a deal. And his reaching out multiple times—most recently a few hours ago today—and I am hopeful that we will reach out again and give all of our Senate colleagues the opportunity to simply proceed to get a bill on the floor that we can work on.

I totally disagree with the argument that what we have been trying to get—a \$500 billion bill—I can't even remember the negative comments that were made at the time, the type of descriptive comments that were made about it. It is a very real, significant piece of legislation that itself can be enhanced. It could be enhanced with this rental assistance that we are talking about right now.

I believe we need to get some legislation on the floor, stop the back-and-forth bantering between parties and between Houses in the Congress, and get serious discussion of serious legislation and move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS CONSENT REQUEST—S. 3983

Mr. HAWLEY. Madam President, I am here to talk about who runs America—the big tech giants or the American people? I am here to talk about the big tech oligarchs' attempts to install themselves as the de facto ruling class of this country, to usurp the power of the people, and I am here to talk about what we can do about it.

For years, the tech giants—Google, Facebook, Twitter—they have spied on us without our knowledge; they have taken our private information without our consent; and they have used all of it to manipulate us and turn massive profits in which the American people have had no share. That is their business model. It is like the strip mining of America.

But now, not content with exploiting and extracting, the tech monopolies want to control our news and opinions,

and they want to intervene in a Presidential election.

For the better part of a week, the tech giants have been actively suppressing the reporting of Alexander Hamilton's newspaper, the New York Post. And why? Well, because they don't like the story and they don't want people to read it and they are willing to use their power to stop the distribution of a story written by the free press in this country.

Now this isn't about Hunter Biden's emails, though those are important, and we deserve to know whether Hunter Biden was giving his father kickbacks on payments from foreign oligarchs in exchange for changes to American foreign policy.

But this is about something even more than that. This is about whether a small handful of corporate executives—Mark Zuckerberg, Jack Dorsey, Sergey Brin, and Larry Page—whether they get to decide who is allowed to see what; which newspapers are allowed to break the big stories and which ones are censored; which political party will get bad news suppressed at the height of the election season and which one will get it amplified. And most important, it is about you. It is about what normal, everyday Americans get to see. It is about what you get to say. It is about the news you read in your news feeds and the content that comes to you in your notifications and your video playlist because, yes, the tech companies control all of those things, and they use them to try to shape what you are thinking—even how you are feeling. Oh, yes, they have run experiments on all of that. They have run experiments on how to manipulate the content that they control and deliver to you in order to manipulate your emotions and influence your views and influence how you feel and what mood you are in, and, yes, what Presidential candidate you favor.

It is their roller coaster, and we are all just riding on it. That is their world. That is the world that they want. That is the America that they want.

The struggle against the tech giants is a struggle for control. Do the tech platforms control America or do we control them? And it is time the U.S. Senate did something about it. This body is supposed to represent the people of this Nation. This body is supposed to defend the people's interests, but for too long this body has done the bidding of Big Tech. It has given tech lavish government handouts and then looked the other way while tech captured one government agency after another.

Do you know a recent news report found that the FTC, the body in charge of enforcing—supposedly—much of our antitrust law and our competition law, that two-thirds of the FTC's employees have conflicts of interest related to tech? That is good old-fashioned government capture by Big Business, by

the megacorporations, and that is exactly what has been going on in Washington for years right under the nose of the U.S. Senate.

And if we are being honest, it is really no surprise. Tech has spent outrageous sums of money—outrageous sums of money—to purchase influence in the Capitol of the United States. It is time for those days to end. This body must act in defense of the American people, and we can.

We can tear down the main pillars of Big Tech's power. We don't have to tolerate their monopolies. We don't have to accept their stranglehold over speech and our data and our news and our personal information and our social communications. We can force them to change the way they do business rather than allowing them to force us to change how we think.

We can ban manipulative ads, and we should. We can repeal the immunity shield. We can crack down on addictive platform design. And I have introduced plenty of legislation over the last 22 months to do all of that, and I am still waiting for a vote on almost all of it. Heck, I am still waiting for hearings on any of it.

If this body is not ready or willing to say that these platforms need to change the essence of what they do, well, then let's at least tell them that they cannot censor us with impunity. Let's at least make them live up to their word when they tell us that they want open conversation. Let's at least tell them that if they violate their promises to us and if they censor us arbitrarily, that we can have our day in court to fight back.

Let's at least put some power back in the hands of the American people to fight the tech giants, and let's allow Americans to have their day in court.

And that is why I am moving this legislation here, now, today on this floor, to provide every American that right. We should get this done now. There should be no further delays.

And let's haul those tech executives in to testify under oath about what they did last week and at whose behest. Let's get binding commitments from them, under penalty of perjury, about how they will do their work in the short remaining days of this election season and about the future of their censorship policies. Let's get the truth out of them.

I would just say to my fellow Republicans, we are supposed to be the opponents of concentrated power. That is what the fight against Big Government has been about all along. So what have we been doing with our Senate majority to fight the greatest concentration of power Americans face today? What have we been doing to confront this great threat to American democracy?

Let's just tell the truth. The truth is many Members of the Republican establishment love Big Tech. They love Big Tech. The think tanks love the money that Big Tech contributes to them. The lobbyists love the work that

they provide. It is a gravy train. The politicians love the cheap ads that they get to run on Facebook.

Now, Washington, DC, does really well under the current arrangement—really well. Big Tech works really well for Washington. Heck, Big Tech owns half the town. But if you are an everyday American, if you are an independent journalist, if you are a pro-life advocate, if you are somebody who doesn't have the approval of Big Tech, if you are somebody who doesn't have an inside track to the good graces of the tech giants, well, the message to you is really simple: Do what tech tells you to do or they will silence you.

No corporation should run America, and definitely not Big Tech. We have squandered precious time already. The tech giants have been allowed to grow too powerful, too big. Now we must act while we still have time remaining and stand up and be counted before it is too late.

Madam President, as if in legislative session, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 3983 and the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Hawaii.

Mr. SCHATZ. Madam President, reserving the right to object, I want to be clear about what is going on. I have worked very hard on tech issues and introduced bipartisan legislation actually to reform section 230. We have had hearings in this area. Senator THUNE and I have been working in good faith in this space.

So I want to separate out the kind of legitimate questions regarding the tech industry's influence on American society, as it relates to privacy, which I have legislation for, as it relates to its impact on journalism, and as it relates to whether or not there can be an appropriate balance struck in terms of preventing the platforms from being hijacked for the purpose of carrying foreign misinformation for the purpose of influencing an election and their legitimate rights under statutory law and their free speech rights.

These are complicated issues. Senator HAWLEY and I briefly had a conversation about these issues. I listened to him talk on these issues, and I basically said: Look, I divide what you are talking about into two categories. I think some of your critique around Big Tech is smart and I agree with, and some of it I consider to be not in good faith and an effort to influence the platforms in order to carry the water for people like Rudy Giuliani.

So if there is a sincere effort to work on a bipartisan basis on something so foundational as section 230 or whether or not to establish a privacy right in statutory law, which has never hap-

pened at the Federal level, then, I am all in for that. But it is quite unusual for us to take on something so fundamental.

The Senator is a Member of the majority. If the Senator could not get a hearing, that is absolutely his problem. I could get a hearing for my bill because I have bipartisan cosponsors. So, on all of the legislation that he is talking about, he has failed to reach across the aisle and to work with a Democrat or two or three and to try to reform some of these institutions through the levers of power that we are in possession of.

And fast forward to next Wednesday, I think it is, and the Senate Commerce Committee, through its Twitter feed, is running a campaign ad—literally, a campaign ad—that says: Hunter Biden's emails. This is the Commerce Committee of the U.S. Senate, and they are tweeting out things concerning Hunter Biden's emails. What a sad moment for the institution of the U.S. Senate and the cumulative bipartisan history of the U.S. Senate Committee on Commerce.

It is terribly sad. If there is an effort to work on these issues in good faith, I will be the first in line. I have been the first in line. But if we are going to try to do a unanimous consent—which means, for the public watching, that we are going to pass this bill unanimously without any debate; we are going to pass this bill without it going to a hearing; we are going to pass this bill without any Democratic input—that is nonsense.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. HAWLEY. Madam President, I would agree that it is a problem that we can't get hearings or votes on serious tech legislation. That is a problem.

The Senator makes my point. That is exactly the problem, and that is exactly what one gets from Big Tech's significant investment in the U.S. Capitol. They are getting exactly what they paid for.

I would also say to my Democratic friends that you can't separate Big Tech's control of information and of the news and love it when they agree with you and condemn it when they don't.

I don't want to influence the platforms. I want to break them up. I don't want to influence how they use their power. I don't want them to have the power. I don't want them to agree with me. I don't want to influence or shape their views. I want them to stop trying to manipulate the American people. That should be the goal.

The goal is not to compromise their power. The goal is not to say: Hey, how about Big Government and Big Tech get together? We have had too much of that already. The goal should be to put a stop to their power and control, because the American people are supposed to be the sovereigns of this democracy, not Big Tech.



I say again to my liberal friends and to those on the conservative side of the ledger, as well: If you are not willing to challenge tech's control over news and over information and over communication and over messaging and over journalism, then, I don't think you have yet reckoned with the truly dangerous threat that these companies pose to the functioning of American democracy, and I don't think you have yet reckoned with the threat we are facing to the basic control of "We the people."

For my part, I will not stop. I will continue to come to this floor as often as necessary. I will continue to raise my voice and make a nuisance of myself as often and as firmly as necessary until this body acts and until the American people are given back control of their democracy, their information, and their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

NOMINATION OF AMY CONEY BARRETT

Ms. SMITH. Madam President, I rise today to tell the people of Minnesota why I will oppose the confirmation of Judge Amy Coney Barrett to be an Associate Justice of the U.S. Supreme Court.

Our Constitution's most fundamental charge is to render equal justice under the law. This promise is so central to our justice system that those words are inscribed above the entrance to the U.S. Supreme Court. The late Justice Ruth Bader Ginsburg devoted her life to advancing the principle of equality under the law, and I believe all nominees to our Nation's highest Court must share that dedication.

Unfortunately, Judge Barrett does not meet that standard. Judge Barrett was nominated to fulfill President Trump's promise to appoint Supreme Court Justices who would do two things which I believe are antithetical to equal justice under the law: dismantling the Affordable Care Act and overturning *Roe v. Wade*.

So let's be clear about what is happening. We know Judge Barrett was nominated because President Trump and Republicans believe that she will help them overturn the Affordable Care Act and take us back to the days when millions more Americans do not have health insurance and insurance companies can deny coverage or charge exorbitant rates to people with preexisting conditions, like cancer or heart disease. They could charge women more and seniors more, and they would be able to charge more to people with COVID as a preexisting condition.

As we know, Judge Barrett was nominated because Donald Trump believes she will uphold laws that treat women as less capable of making independent decisions about their health, their personal beliefs, and birth control than State legislatures.

A person who can pass these two Republican litmus tests does not sound like someone to me who is committed to equal justice under the law.

Now, many of my Democratic colleagues have talked about the terrible impact of striking down the Affordable Care Act on American families. I share this commitment that they have—that we all have—to protect healthcare as a human right. But as the only Senator who has worked at Planned Parenthood, I want to take my time today to talk about what is at stake if the Supreme Court overturns or weakens *Roe*.

When I worked at Planned Parenthood, I saw firsthand how comprehensive reproductive healthcare is essential for women to have the freedom and the opportunity to live the lives that they choose. I also saw how efforts to strip away these protections are an affront to the equal rights and dignity of women and their families.

For all people, healthcare decisions are the most personal. It is your body and it is your life, and decisions about reproductive health and sexual health are even more personal and intensely private. There is still stigma and discrimination around reproductive health, especially abortion, and that makes it even more important that people have privacy and space and excellent care without judgment, which is what Planned Parenthood provides.

I became aware during my time at Planned Parenthood how personal these decisions are for women and how the political debate around abortion is disconnected from the facts and the realities of women's lives.

Here is an example. The battle over restricting access to abortion has nothing to do with the public health work to prevent unintended pregnancies and reduce the abortion rate. Indeed, the Guttmacher Institute has repeatedly found that restrictive State abortion laws are not causally associated with the decline in abortion rates. In fact, fewer unintended pregnancies and lower teen pregnancy rates are correlated not with restrictive abortion laws but with access to sexuality education and birth control and also to a healthy economy.

Here is another example. Most restrictive abortion laws seem to be aimed at a stereotype of an irresponsible woman who hasn't been careful and somehow got herself into a mess. First of all, this is a sexist and disrespectful trope. Research shows that women from all walks of life seek abortion care. Over half are already mothers. Over 80 percent report using contraception. And over half report a religious affiliation. These women all have their own unique circumstances and needs and beliefs. What they have in common is that they deserve the dignity and respect to make their own judgments about what is best for them and their families in the course of their own lives.

What I saw at Planned Parenthood were women, our patients, who were working really hard to make good decisions about their own health, and they wanted to take charge of their health and their lives. But this is really dif-

ficult when you can't afford basic healthcare, like birth control, if you don't have good insurance or any insurance.

It is very hard if you have been shamed or threatened or harassed for seeking the care that you need. It is even harder when the government is looking over your shoulder, telling you what you can and cannot do with your body and your life, because the truth is, most laws restricting abortion are not about good healthcare. They are about substituting the judgment of government for the intensely personal, medical, and moral decisions that women, their doctors, and their families want and need to make for themselves.

The truth is, these laws treat women as fundamentally unequal in their decision-making capacity, and they are an insult to women's individual dignity and freedom and body autonomy.

I think this is why most Americans disagree with the Republicans' rush to roll back *Roe*. This anti-choice agenda is radically out of step with the American people. In 2019, Pew Research, which is a respected nonpartisan polling organization, found that 61 percent of Americans say that abortion should be legal in all or most instances. Now, some of my Republican colleagues must know that they are out of step with the American people, which must be why some have suggested that it is "fearmongering" to say that *Roe* might be overturned if Judge Barrett joins the Supreme Court.

So, after promising over and over to confirm only anti-choice judges, judges who would overturn *Roe*, they now try to claim that we can't possibly predict how Justice Barrett would vote on this issue. Well, this is completely illogical and completely unbelievable, and I think the American people know better.

Make no mistake, many conservative State legislatures have already passed laws specifically intended to create the opportunity for the Supreme Court to revisit and overturn *Roe*, and if Justice Barrett goes on the Court and becomes the definitive vote to overturn or weaken *Roe*, 22 States are poised to immediately ban all or nearly all abortions. There are 16 others that will immediately enact severe restrictions to dramatically reduce access, and more States are sure to follow.

If the Supreme Court overturns *Roe*, who is hurt most? Poor women, women living in rural communities, and women without the means to travel to places where women's rights are respected, and this is the definition of unequal justice.

This Supreme Court nominee will have a momentous effect on the lives and personal decisions of Minnesotans and Americans. There is so much at stake.

So I urge all Americans to make your voices heard and to hold your elected representatives accountable in Congress, in the State house, and in local

governments. Your voices are powerful, but only if you use them.

I will always stand up for all Americans to have equal justice and opportunity to live the lives that you choose, and that is why I oppose this nomination. I urge my colleagues to join me in opposing the confirmation of Justice Barrett.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAMER). The senior Senator from North Dakota.

REMEMBERING MARK ANDREWS

Mr. HOEVEN. Mr. President, I rise today to honor former U.S. Senator from North Dakota, Mark Andrews, who passed away earlier this month at the age of 94.

Mark was a good friend, a strong leader, and a dedicated public servant. It is appropriate that we take this time to remember his life and his accomplishments.

He was a lifelong North Dakotan, only moving away for 2 years while attending the U.S. Military Academy at West Point. After completing his education at North Dakota State University—home of the Bison—Mark went to work and operated the family farm in the Red River Valley, as both his father and his grandfather had before him. So it shows you how long his family has been on that land, and it is truly—I know the Presiding Officer has been there—a beautiful farm. It is some of the best farmland, really, in the country, in the world, and in the Red River Valley.

As a farmer, he raised a variety of crops. He operated a cattle feeding lot, and he contributed to various agricultural organizations. He was very involved with those organizations.

In addition, he served as the director of the Garrison Conservancy District from 1955 to 1964. I remember that. My father and Mark Andrews were very good friends. My dad liked Mark very much and respected him very much. They shared that vision for the Garrison Conservancy project, the Garrison Diversion. They really had this vision of irrigating hundreds of thousands of acres, if not millions of acres of land in North Dakota.

You know, my dad shared that dream Mark had that that would just benefit agriculture so much across North Dakota in a big, big way. It really was an amazing vision and would have been remarkable had they been able to complete it. Mark Andrews, for the rest of his life, was truly just committed to that project. He always shared that vision of Garrison Diversion. I agreed. From the time I was a young boy, I can remember my father describing it and describing Mark's leadership and just what a wonderful thing it would be and would have been for the State of North Dakota. So I will always remember that very vividly, as I know the Presiding Officer does as well. Mark Andrews was also president of the North Dakota Crop Improvement and Seed Association as well.

These life and work experiences served as the foundation, really, for his time in Congress, where he would represent North Dakota for nearly 24 years—24 years of service in Congress—in the House and, of course, in this body. In 1963, he was elected to the U.S. House of Representatives during a special election, and he served in the House until 1981.

On January 3, 1981, he was sworn in as a U.S. Senator from North Dakota, serving until January 3, 1987. During his time in the Senate, Mark was a tireless advocate for men and women in uniform and understood the importance of a strong national defense. Again, the Presiding Officer and I follow in that legacy, with the Presiding Officer on Armed Services and my service on Defense Appropriations. Mark was always very, very committed to our military and did a great job supporting not only the military in North Dakota but for our Nation as well.

As a farmer himself, he will be remembered for his hard work on behalf of agriculture. You couldn't talk to Mark without agriculture coming up in some way, shape, or form. Even if you weren't talking about agriculture, the analogies that he used and his words and verbiage always had that agrarian aspect to them. It was imbued, really, in his personality. He always worked very hard on behalf of ag. His efforts to help producers through the tough times, the downturns, and the challenges that he had in farm country were very, very important. Of course, he understood it very well. He was a lifelong farmer. I mean, he knew it and he lived it, so he understood what he needed to do to help our great farmers and ranchers across this country.

Senator Andrews' legacy also included strong support of Tribal communities, and he served as the chairman of the Senate Committee on Indian Affairs. I am now very honored to hold that same position.

Throughout his years of service, Senator Andrews demonstrated dedication to the people of North Dakota and an absolute commitment to do all he could for our State and, of course, for our Nation as well. We are deeply grateful for his work, and we remain deeply grateful for all the contributions that he made through his service for our State.

At the same time, he was joined by his best friend and wife Mary in building this legacy. She, too, passed away earlier this year. So on behalf of myself and my wife Mikey, we extend our deepest condolences to the Andrews family, to all their loved ones, and to their friends.

Along with the Presiding Officer, I am introducing a resolution recognizing and honoring Senator Andrews' public service, which we expect will soon pass the Senate. I know colleagues here remember Mark very, very fondly. As a matter of fact, when I was first sworn in, Mark came down and joined me and was there with me

when I was originally sworn in as a Senator.

I note that Senator CRAMER is presiding, as I mentioned in my remarks, and I know how he knew and liked Mark and how much they worked together. The Presiding Officer had a lot of wonderful shared history with him.

So, at this time, I will yield the floor and exchange positions with the Presiding Officer so that he can speak on behalf of our friend and colleague Senator Mark Andrews.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from North Dakota.

Mr. CRAMER. Thank you, Mr. President, for the recognition, and thank you also for your excellent tribute to Senator Mark Andrews and his amazing life of service to North Dakota and to our country. Also, thank you for switching places with me for a few minutes so I can spend some time remembering my friend and mentor and our predecessor.

This COVID thing really kind of stinks, all in all. There are lots of things about COVID-19 that are awful, but one of the biggest things is so often, many people have been robbed of the opportunity to provide an appropriate sendoff to a hero, to the heroes whose lives are worthy of a more noble celebration than what social distancing and small crowds offer.

As former Grand Forks Herald editor, publisher, and sometimes political commentator and observer, Mike Jacobs wrote in the Grand Forks Herald: "Mark Andrews deserves better."

I ask unanimous consent to have the Jacobs story printed in the RECORD, along with the official obituaries of both Mark and Mary Andrews.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBITUARY FOR MARY ANDREWS

Mary Andrews was born February 10, 1927 in Marshall, Missouri. She died peacefully on July 16, 2020 surrounded by family and friends, including her best friend and husband of seventy-one years, Mark Andrews.

Mary was the only child and the light of the lives of George and Lucille Willming. They moved to Fargo in 1940 when Mary was in seventh grade. The Willmings attended Gethsemane Cathedral on Ninth Street South and so did Mark Andrews' family. Their friendship began there when the two (neither of great voice) were asked to fill chairs in the choir.

Mary joined a wonderful potluck in high school and gained lifelong friendships there. She went on to graduate with a degree from Smith College in political science. Mark often commented that his political success was all due to Mary. They were a great team—both loved serving the people of North Dakota.

Mary was active in PEO, Homemakers, her church, The International Club, and she was president of Junior League and President of the Congressional Club. She was blessed with many wonderful friends.

Mary married her best friend, Mark, on June 28, 1949. Mark and Mary were able to be together to celebrate their 71st wedding anniversary a little less than three weeks before Mary's death.

Mary was a wonderful mother to Mark III (Sue), Sarah (Doug Herman), and Karen. Mary was a loving grandmother and great-grandmother to: Mark Andrews IV; Katie and Aaron Locke and their children: Lucy and Staton; Matt and Poli Herman and their children: Henry and Caroline; Sam and Mia Herman and son: Gage; and Joe and Kristin Herman.

Mary and her family were blessed by many excellent caregivers, including: Bethany at 42nd and Gracepoint, Ethos Hospice, and especially Missy and Elaina.

#### OBITUARY FOR MARK ANDREWS II

Mark Andrews II was born May 19, 1926, in Fargo, North Dakota. He died on October 3, 2020. He was 94.

Mark II was the son of his namesake, Mark Andrews I, also known as the singing sheriff because he sang with the Metropolitan Opera in New York before returning to the family farm near Mapleton, North Dakota and meeting and marrying Mark II's mother, Lillian Hoyer, a Kindergarten teacher from Escanaba, Michigan. As a young boy, Mark II lived in the Sheriff's house, a large brownstone behind the Cass County Courthouse in Fargo.

Mark's life abruptly changed when his father was seriously injured during a high speed chase of boot leggers and then died. Young Mark was twelve when he and his mother and sister moved to the Siegel Apartments in Fargo. Fortunately although they had very little, his mother always made her children feel secure.

In 1939 Mark was in 8th grade at Agassiz Junior High when he met his best friend, Mary Willming. They married on June 29, 1949, and celebrated their 71st wedding anniversary (81 years of friendship) less than three weeks before Mary's death on July 16, 2020.

Mark served in the United States Army 1944-1946 as a cadet at the United States Military Academy, West Point, New York, until receiving a disability discharge in 1946. He then returned to North Dakota and attended NDSU where he was proud to be a Sigma Chi and graduated in 1949. He married his best friend and took over management of the family farm, eventually purchasing the land and operating a cattle feed lot.

Mark served as a director of the Garrison Conservancy District 1955-1964 and was a member and past president of the North Dakota Crop Improvement Association.

Mark's degree from NDSU was in agricultural science. Mary's degree from Smith College was in political science. Soon politics became an interest. Mark was a Republican National Committeeman 1958-1962. He was elected to the Eighty-Eighth United States Congress by special election October 22, 1963 to fill the vacancy caused by the death of Representative Hjalmar Nygaard; he was re-elected to eight succeeding congresses serving North Dakota in the United States House of Representatives from October 22, 1963 until January 3, 1981. He was elected to the United States Senate in November 1980 with 70% of the vote and served North Dakota there from January 3, 1981 to January 3, 1987.

Mark worked hard to serve his state in Congress and was remarkably adept at finding and forming alliances to accomplish good and get problems solved. He frequently said, "You know in those days people from both parties worked together and we got things done—Quentin Burdick was a good Democrat and I was a good Republican but we were good friends and we worked together for North Dakota. This not working together is foolishness!"

Following his political career Mark and Jacqueline Balk-Tusa established a success-

ful consulting firm based in Washington, DC; he served as a director of Tenneco, Inc. and as a director of Nodak Mutual Insurance.

Mark was blessed with a long and wonderful life. He was so large at 6'4" and full of stories and love for his family, his farm and his state that it is hard to believe he can be gone. Our sadness is tempered by our knowledge that he is once again with his best friend of eighty-one years and at peace.

Those blessed to mourn Mark are his sister, Barbara Bertel; his children, Mark III (Sue), Sarah (Doug Herman) and Karen; grand and great-grandchildren: Mark Andrews IV, Katie and Aaron Locke and their children, Lucy and Staton; Matt and Poli Herman and their children, Henry and Caroline; Sam and Mia Herman and son, Gage and Joe and Kristin Herman.

Mark and his family were blessed by his excellent caregivers, especially Missy Williams, Elaina McDonald and Allison Brocht.

[From the Grand Forks Herald, Oct. 14, 2020]

MIKE JACOBS: SIC TRANSIT GLORIA MUNDI

(Written by Mike Jacobs)

Mark Andrews deserved better. He was a prominent and sometimes commanding figure in North Dakota politics for a quarter of a century, the victor in a titanic struggle for control of the Republican Party in the state—the dominant party then as now. In the end, he was an independent voice, as critical of Republicans when they deserved it as he was of Democrats when he campaigned against them. All told, he served for 17 years in the U.S. House of Representatives and six in the U.S. Senate. He lost the Senate seat in a close election in 1986.

Andrews died Saturday, Oct. 3. He was 94 years old. His death wasn't reported until the following Tuesday, Oct. 6, and then apparently because a funeral home routinely submitted an obituary.

Andrews deserved a bigger sendoff. Thirty-four years away from the limelight don't diminish his impact or his importance.

At just 36 years old, Andrews was a prodigy with a pedigree when he first came to prominence as the Republican candidate for governor in 1962. Like many of the state's governors, he had deep roots in the Red River Valley. His family had farmed near Mapleton, just west of Fargo, for two generations, and his father had been sheriff of Cass County, then as now the state's most populous and most powerful.

Andrews lost that first election to William Guy, who was a bit older, though still youthful, and who ran as the candidate of the emergent Democratic-NPL Party. For newcomers and neophytes, those last three letters stand for Nonpartisan League, an insurgent movement that brought North Dakota a state-owned bank and mill and elevator. The NPL historically filed its candidates mostly in the Republican column; the switch to the Democrats occurred in 1956. This was a tremor in the seismic change that swept over the state. Having dominated the state's politics for half a century, William Langer, known as "Wild Bill," died in 1959. He'd been successively—though not without interruption—attorney general, governor and U.S. senator. The special election for a successor sent a Democrat to the U.S. Senate, Quentin Burdick.

The great opportunity for young Andrews came in 1963, when U.S. Rep. Hjalmar Nygaard died of a heart attack in the capitol building. North Dakota was divided into East and West congressional districts then, and the contest for the Republican endorsement for the East District seat was spirited, pitting the youthful Andrews against a coalition of conservatives led by John W. Scott of Gilby, a founder of the John Birch Society. Andrews, the liberal, won.

Of course, the more conservative Republicans haven't given up. The state's politics today are animated by the same sort of conflict within the Republican Party, though without the hysterical anti-communism of the Sixties.

Andrews won the election and immediately built a reputation as an independent thinker. A Republican to be sure, Andrews didn't hesitate to take on the party establishment, and even the president. He indicated that he'd vote to impeach Richard Nixon, for example, and he frequently challenged Ronald Reagan's economic and agricultural policies, a posture that drew national attention not to Andrews alone but to North Dakota's once-vaunted exceptionalism in national politics—a heritage that Andrews understood and appreciated.

As congressman and senator, Andrews proved adept at promoting the state's interests, notably championing the kind of farm programs that Reagan's market orientation rejected. He's probably best remembered for his work to promote the Garrison Diversion project, which would have moved water from the Missouri River to central and eastern North Dakota.

This issue dominated the state's politics from the mid-Sixties when Andrews arrived in Washington. Unlike other state politicians, Andrews sensed that the project wouldn't survive scrutiny, and he worked to salvage what he could of the plan. His efforts met hostility from water development interests in the state, who came to regard Andrews as a kind of traitor.

They might have provided enough votes to defeat him when he sought re-election to the U.S. Senate in 1986. That's impossible to know for sure, of course; there were other issues of significance in that election, as Richard Fenno's book, "When Incumbency Fails," illustrates in some detail.

Apart from politics, Andrews had personal appeal. Perhaps the best illustration is his marriage. He'd known his wife, Mary Andrews, most of his life, and she became an integral part of his campaigns. Andrews bought time on Election Eve each year for what became known as "The Mark and Mary Show," where the two of them talked about matters pending. Mary Andrews appeared on their last show, on Election Eve 1986, when she was seriously ill. Her illness and its treatment had become an issue in the campaign.

Mary Andrews died in July 2020, just months before her husband's passing.

Mark Andrews' own life can be parsed neatly: roughly 36 years before his prominence in the state's politics, 23 years as a prominent player, and another 36 years, almost, out of the spotlight—so much so that his passing went unnoticed for 72 hours.

Sic transit gloria mundi. So goes worldly glory.

For clarity's sake: The State Board of Higher Education has eight voting members, seven citizens appointed by the governor who serve four years, and one student who serves but one year. Faculty and staff each have non-voting representatives to the board. Measure 1 on the November ballot would double the number of citizen members.

Mr. CRAMER. We are confined to watching funerals on the internet, leaving us with a sense that our expressions of gratitude and emotions are inadequate to the honor that is deserved. But fortunately for the Presiding Officer and me, the U.S. Senate does provide an opportunity, a venue, and an appropriate way to say goodbye to a friend and a mentor that is commensurate with the incredible quality of the life that we celebrate.

Senator Andrews was a giant to me for lots of reasons, not just because he was 6 feet 4 inches. But from growing up in Kindred, just about 20 miles south of the Andrews farm just outside of the city village of Mapleton at the time, to working on his reelection campaign—the first real job I ever had out of college—to seeking his guidance as I followed in his footsteps, first in the House of Representatives and then to the Senate, Mark Andrews was always a larger-than-life figure and personality to me.

Kris and I were grateful for the counsel he and Mary gave us my first year in this Chamber just last year. I am really grateful to Mark and Mary's daughter, Sarah, for facilitating a visit for Kris and me to come see her parents just last year. This picture will be important to me forever. It was an emotional time for me. I don't mind telling you that it was emotional for me to be able to go see Mark at the age of 93 and Mary at the age of 92 and say thank you for the opportunities and for the grace he afforded me when I didn't deserve it.

I mean no disrespect to any of my colleagues today, but what made me the most emotional when I walked into Mark's apartment and saw him sitting in that recliner was that it hit me for the first time in a new way that the people of North Dakota had given me a responsibility that, at that time, as I looked at my giant, I didn't feel quite up to. There it was, with this job that he had and this giant from my youth who did big things, I suddenly felt, by comparison, quite small. But, as Mark often did, he encouraged me. He offered a word of encouragement—many of them. Likewise, Mary did the same. At the age of 92, she offered Kris encouragement that only another Senate spouse really had the credibility to offer.

I was overwhelmed by the blessing of the moment. I was grateful beyond words for the opportunity to spend even 90 minutes with Fargo's most important power couple. It was pretty cool.

Mark and Mary celebrated their 71st wedding anniversary just prior to her death earlier this year, as the Presiding Officer mentioned. They met while attending Agassiz Junior High in Fargo in 1939; then they became best friends for life. It is pretty cool. Pretty cool. I love that Mary Andrews was her husband's not-so-secret weapon in all of his successful campaigns.

As the Presiding Officer said, Mark served a total of 23 years in Congress—17 in the House of Representatives and 6 here in the Senate. His hallmark was his fierce independence. Now, that fierce independence sometimes was to the chagrin of the Reagan administration. He served during a very, very difficult time in farm country, but he fought tirelessly with the government on behalf of the people. He always put the people ahead of the government.

As the Presiding Officer mentioned, anyone who spent any time with

Mark—and he and I did a lot in the last several years—knows that no computer hard drive in the world contains as much knowledge and information about water policy as Mark Andrews had in his brain, even to the end. Of the 90 minutes we talked last year, I am sure 60 of them were spent talking about water policy and water politics.

He was passionate about the accomplishments, as the Presiding Officer said, and the shortcomings of the government's promise to distribute Missouri River water to the farms and communities of Eastern North Dakota. He fought and advocated for water justice for our farmers, and I think of him often as we engage in the very same fights today. He was also a strong, strong critic of government waste.

You are right that he supported our military fiercely. There was a famous story about when he opposed the sale of AWACS to Saudi Arabia on behalf of our ally Israel, and it took a lot of, shall we say, gentle persuasion to convince him otherwise.

He always looked out for the taxpayer. He cared more about the taxpayer than the tax spender. He demonstrated his commitment to fiscal restraint when he took on the Department of Defense in 1983, sponsoring a bill requiring defense contractors to guarantee their hardware. The bill passed and became law. He was also critical of what he called the "incestuous relationship" between the officers who made the weapons purchase decisions and the contractors who employed the officers after they retired.

But, as the Presiding Officer pointed out in his remarks, Mark Andrews was first and foremost a farmer. Don't take our word for it. It is not just a couple of hayseeds from North Dakota who will make that claim. No, just look at the headlines surrounding his recent death.

The New York Times, in an obituary written by Robert McFadden, carries the headline "Mark Andrews, North Dakota Farmer-Politician, Dies at 94." Did you catch that? Farmer first, the dash of life, and politician last.

McFadden writes this in his story:

As his 23-year congressional career drew to a close, The New York Times said Mr. Andrews kept "three items at the top of his priority list:"—

A lot like you, I might say to the Presiding Officer—

"farmers, farmers and farmers."

The headline for a story written by Mikkel Pates in Agweek—a friend of ours, a reporter; actually, an agricultural reporter—he described Senator Andrews' legacy: "Andrews was a political 'laser beam' for farm interests."

I ask unanimous consent to have both the Agweek and the New York Times stories printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 7, 2020]

MARK ANDREWS, NORTH DAKOTA FARMER-POLITICIAN, DIES AT 94

(By Robert D. McFadden)

Mark Andrews, a North Dakota Republican farmer whose strident support for farmers helped him win nine elections to the House of Representatives and one to the Senate, but who could not stave off defeat for a second Senate term in 1986, died on Saturday in Fargo, N.D. He was 94.

The Hanson Runsvold Funeral Home in Fargo confirmed the death on its website.

As his 23-year congressional career drew to a close, The New York Times said Mr. Andrews had kept "three items at the top of his priority list: farmers, farmers and farmers."

Tall (6 foot 4), plain-spoken and rawboned, Mr. Andrews raised wheat, sugar beets and corn for 13 years before venturing into public life. He was the third generation in his family to work a 1,280-acre Red River Valley spread that had been started by his grandfather, Albion Andrews, in the Dakota Territory of 1881, eight years before North Dakota became a state.

His father, also named Mark Andrews, was born on the farm in 1886 and became an opera-singing farmer-politician who gave concerts in Fargo and in New York and sang for the voters in his successful 1928 campaign for Cass County sheriff. He served one four-year term, went back to farming and died after being injured in a car accident.

"They called him the singing sheriff," Mr. Andrews recalled in an interview for this obituary in 2018. "People used to say to me, 'Well, you're the son of the singing sheriff,' and ask me to sing. But I couldn't carry a tune in a bushel basket."

With an easygoing warmth that appealed to rural voters, he began his political career in 1963 by winning a special election after the state's lone member of the House of Representatives died in office. In 17 years in the House, Mr. Andrews was a fiscal conservative, favoring spending cuts and balanced budgets, and a faithful backer of agricultural subsidies and farm price supports. His reelection became routine.

But there was another side to Mr. Andrews, and it said much about his constituents' tolerance. He had a moderate-to-liberal voting record on social issues, supporting food stamps and assistance to the poor and opposing bans on abortion and prayers in public schools. He once endorsed Nelson A. Rockefeller, New York's liberal Republican governor, for president.

In a gentler era when politics was less of a blood sport, he liked Ike and L.B.J.—Presidents Dwight D. Eisenhower, a Republican, and Lyndon B. Johnson, a Democrat. And he befriended liberal Democrats like Senator Edward M. Kennedy of Massachusetts and Representative Bob Bergland of Minnesota, who later became President Jimmy Carter's secretary of agriculture.

"Sure, he was a Democrat, and I was a Republican," Mr. Andrews told Inforum.com, The Fargo Forum news website, in 2017, referring to Mr. Bergland. "He would come to North Dakota and talk about his good friend Mark Andrews, and I'd go to Minnesota and talk about my good friend Bob Bergland, because we really were good friends despite our political differences."

The voters did not mind. In 1980, when North Dakota's long-serving Republican senator, Milton Young, retired, Mr. Andrews jumped into the race and won the seat with 70 percent of the votes, part of a swing to Republican control of the Senate for the first time in decades. He began making national headlines.

In 1981, as debate swirled over the Reagan administration's proposed sale of Awacs

(Airborne Warning and Control System) planes to Saudi Arabia, Mr. Andrews joined liberal Democrats in opposing the sale as a peril to Israel. But after meeting with a persuasive President Ronald Reagan, he and four other senators switched sides, providing the margin to approve the arms sale, the biggest in the nation's history.

Senator Andrews took on the Defense Department in 1983 by sponsoring what became a law—backed by a bipartisan coalition in Congress—that required makers of military weapons to guarantee their hardware. He criticized “incestuous relationships” between military officers who bought weapons and defense contractors who often hired the officers in retirement.

And in 1985, as a crisis loomed over the farm economy, he took on the Reagan White House, writing a bill to stabilize farm incomes by subsidizing commodity prices at steady levels over several years.

Reagan opposed the measure as a budget-buster, arguing that subsidies encouraged surplus production and depressed markets. But he signed the measure anyway, hoping that rising commodity exports might eventually wean farmers from costly price supports.

As Senator Andrews ran for re-election in 1986, Republican anxiety ran high across the Farm Belt, where a devastating combination of falling land values, slumping market prices, high interest rates and dwindling exports had driven thousands of once-prosperous farm families off their land and inflicted economic pain on small towns.

Trying to preserve Republican control of the Senate, Reagan campaigned in North Dakota three times for Mr. Andrews. But the dismal farm economy counted for more than the president's charisma. On Election Day, Mr. Andrews lost by 3,785 votes, out of 182,600 cast, to the Democrat Kent Conrad, the state tax commissioner. South Dakota's Republican Senator, James Abdnor, also lost. (Mr. Conrad would have a long career in the Senate, retiring in 2013.)

“The farmers were saying they were not happy with the president's farm policies,” Mr. Andrews' campaign manager, Bill Sorenson, said in a day-after analysis. “Yet they were saying this president is a great fellow, and they took their resentment of his policies out on senators.”

Mark Andrews II was born in Fargo on May 19, 1926, to Mark and Lillian (Hoyler) Andrews, a former kindergarten teacher from Michigan. He graduated from Fargo Central High School in 1943. After a year at North Dakota Agricultural College (now North Dakota State University), he attended the United States Military Academy at West Point for two years, leaving on a disability discharge, his family said, then returned to North Dakota Agricultural and graduated in 1949.

In 1949, he married Mary Willming, whom he had known since eighth grade. She died in July. He is survived by a son, Mark III; and two daughters, Sarah Herman and Karen Andrews; and a sister, Barbara Bertel; as well as grandchildren and great-grandchildren.

After his political career, Mr. Andrews became a Washington lobbyist and consultant. In 1995, he retired to his farm, in Mapleton, N.D., which had grown to 3,000 acres. In recent years he had resided at Bethany Retirement Living at Grace Pointe in Fargo.

Mr. Andrews called 1980 the high point of his political life. “It was the year I was elected to the Senate,” he said in the Times interview “and in North Dakota I outpolled the head of the Republican ticket, Ronald Reagan.”

[From AGWEEK, Oct. 15, 2020]

ANDREWS WAS A POLITICAL ‘LASER BEAM’ FOR FARM INTERESTS  
(By Mikkel Pates)

MAPLETON, N.D.—Former U.S. Sen. Mark Andrews, R-N.D., who died at age 94 on Oct. 3, 2020, had an outsized impact and intimate knowledge of the region's agricultural industry—both in Washington, D.C., and back home.

His agricultural roots ran deeper than the state itself.

Officially, he was Mark Andrews II. His grandparents were from New York state and were Michigan-trained medical doctors who moved to Dakota Territory in the late 1870s, prior to statehood in 1889. The Andrewses bought some farmland near Mapleton, N.D., and established a farm.

Later, Andrews' father, Mark I, and uncle Arlo farmed it in a partnership. Mark I was trained as an opera singer and sang in the Metropolitan Opera in New York. He was dubbed the “singing sheriff” and died from injuries in an auto chase with a perpetrator. Mark II was 12.

FARMING, POLITICS

Mark II grew up in Fargo and was active in Boy Scouts and Republican politics, said his daughter, Sarah Andrews Herman. He started West Point, but resigned because of a back injury, and took up agriculture at what is now North Dakota State University. In 1948 he married his wife, Mary, a political science graduate of Smith College in Massachusetts, where Nancy Reagan, Gloria Steinem and Barbara Pierce Bush had graduated.

The Andrewses moved on the farm in 1949. With Mary at his side, in 1960 he ran unsuccessfully for governor against Bill Guy, an Amenia farmer and agricultural economist. It was the first year John F. Kennedy was elected president and the first year of the Democratic-Nonpartisan League party in North Dakota.

Standing 6-foot-4, Mark II went on to win a House seat in a special election in 1963. He became a member of the Appropriations Committee, and served as the chairman of the agricultural subcommittee, working with two North Dakota U.S. senators—Milt Young, a Republican, and Quentin Burdick, a Democrat.

Bob Christman, a former agricultural aide to Young (often dubbed “Mr. Wheat”) recalled that Andrews was always a “spokesman for, fought for agriculture.” Andrews was known for cross-party alliances, including with Burdick.

In 1980 Andrews won the Senate seat with 70% of the vote. Mary Ann Bond of Fargo, an aide to Andrews from 1964 to 1983 in the House and Senate, said Andrews was an advocate of sugar policies, but worked on other projects, including with then-University of North Dakota President Tom Clifford in establishing UND as an aviation education leader, which later paved the way for the state's leadership in drone technology.

“Agriculture is what we worked on every day,” Bond said. “It was the one area he wasn't willing to compromise on.”

‘A LASER BEAM’

Clare Carlson, today's state director of the USDA's Rural Development agency in the Trump administration, worked for Andrews as an ag aide in the Senate as he contributed to the 1985 farm bill, at the height of the farm credit crisis.

“He was the master of staying on the outside of a deal until he was needed,” Carlson recalled.

Carlson said the 1985 bill offered benefits to the farm economy—including the Conservation Reserve Program land-idling program

and strong increases in allocations to the Farmers Home Administration loan allocations. The help didn't come quickly enough for some farmers.

Randy Russell, principal in the The Russell Group Inc., one of today's top Washington, D.C., lobbying firms, was chief of staff to then-Secretary of Agriculture John Block for the 1985 farm bill, and was a deputy assistant USDA secretary of economics. Russell noted that agriculture faces its challenges today, but not like the 1980s when asset values declined by 25%. People simply couldn't repay loans.

“He was a force to be reckoned with. He was tough,” Russell recalled, of Andrews. “He was a fierce advocate for rural development and sugar. He focused like a laser beam on things that he wanted.”

Andrews lost his seat in 1986 in a close election with Sen. Kent Conrad, D-N.D., despite bringing in President Ronald Reagan and Senate Majority Leader Robert Dole, R-Kan. Pundits speculated some voters were looking for different leadership. Others said Andrews hurt himself politically when his family sued St. Luke's Hospital in Fargo, for \$10 million, alleging medical malpractice in Mary's meningitis case. The Andrews family won the suit in June 1984 but received no financial damages.

After his children were grown, the Mark and Mary Andrews lived in the famed Watergate Hotel in Washington, D.C., but his heart was on the farm, where the Hermans now live, retired from legal careers.

PROGRESSIVE FARMERS

The Andrews family were progressive farmers. In the past, they'd fed cattle and raised sugar beets before and after American Crystal Sugar Co. became a cooperative. They built a grain elevator and were growers of certified seeds. In the later years, their crops were primarily com, soybeans and wheat.

For many years, the senator's son, Mark III, ran the operation until the land was rented out about five years ago. At its apex, the farm grew to 5,000 acres, including 3,000 owned acres. They raised com, soybeans and wheat.

As the worldwide farm crisis deepened in 1986, Steiger went into Chapter 11 bankruptcy reorganization and emerged by selling to J.I. Case, which since the 1970s had owned half of J.I. Case. (In 1984 Case had acquired International Harvester assets, eventually marketed as Case-IH.)

Mark III said his father had used John Deere equipment, but also liked Steiger tractors, developed in the Red River Valley and manufactured in Fargo—high horsepower, four-wheel-drives with an oscillating, articulated design. Sometimes company engineers would test their prototypes on his farm—only about 15 miles from the factory.

In the 1990s, Mark III surprised his dad when he bought a Case-IH tractor and set of grain drills from Jim Williams, who ran Arthur (N.D.) Mercantile, the oldest one-family farm equipment company in the state. He remembers his father—flying in from Washington—wondering “what the hell I'd done.” But, in fact, the Andrewses had purchased Case equipment from the Williams family in earlier decades, so they shifted almost entirely to Case-IH. (Arthur Mercantile merged into Titan Machinery of Fargo in 2009 and Williams went on the board of Titan, the largest string of Case-IH stores in the country.)

Out of the Senate in January 1987, Andrews started a political consulting company in Washington. He connected with Jim Ketelson, Tenneco's CEO, who invited him to run for the parent company's board of directors.

Tenneco's sold its ag interests to Fiat in 1999, which later merged the company with

New Holland Agriculture to form CNH Global. Andrews stayed on at Tenneco until 2001.

Howard Dahl, chief executive of Amity Technology in Fargo, whose father, Gene, had been chairman of the board at Steiger Tractor, said Andrews had a “positive role, after the Tenneco acquisition, for keeping Steiger jobs in Fargo.” The company would go on to add construction wheel-loaders to its Fargo production line, adding to its stability.

In the late 1980s and early 1990s, the Case-IH developed a “Quadtrac” tractor with four tracks to replace four wheels. Mark III said his father was a big fan of four tracks offering particular turning capabilities and traction in Red River Valley heavy soils that had turned wetter after 1993.

Titan CEO David Meyer said Andrews was a “gentleman” and big proponent of the Quadtrac. The Quadtrac went into production as a 360 horsepower tractor in 1996. Today there are eight models from 370 to 628 horsepower, including the 470, featured on a pedestal at the company’s factory in Fargo.

Mr. CRAMER. “Farmer,” “fiercely independent,” “fiscal hawk”—all of the good things the Presiding Officer said about him—they describe a part of Senator Mark Andrews, but to me, he is still a giant.

At his funeral, the Gospel text that was read was from an agrarian parable in Matthew 13—a very familiar one to most people—where Jesus talks about the teeny mustard seed. In verse 32, He is recorded as saying: “Though it is the smallest of all seeds, yet when it grows, it is the largest of garden plants and becomes a tree so that birds can come and perch in its branches.”

Mark Andrews was a really big tree with really big roots into the soil of the Red River Valley of North Dakota. I felt as though I had found a perch on his branches and stand on his shoulders.

Mark and Mary also died with the Gospel promise that Christ has prepared a mansion for them in Heaven. I am pretty sure it is a farmhouse.

Thank you, Senator Andrews. You served North Dakota well and will be missed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### CORONAVIRUS

Mrs. SHAHEEN. Mr. President, I come to the floor today to urge my colleagues on both sides of the aisle to come together to resume negotiations on a comprehensive relief package for Granite Staters and Americans across this country.

Six million Americans have missed their rent or mortgage payments since September. The lines at food pantries in my State of New Hampshire and across the country are growing longer and longer. Yet the partisan Supreme Court nomination seems to be the only priority of the Republican leadership here in the Senate.

The American public are tired of partisan posturing. They need relief, and they need it now. That is why Congress should pass a bipartisan, comprehensive package that addresses the challenges we are facing in the short and long term.

Congress needs to provide assistance for our hospitals and healthcare providers, especially nursing homes and long-term care facilities, which account for 81 percent of COVID-19 deaths in New Hampshire. That is the highest percentage in the country.

We should also provide additional support for childcare centers and schools that are working to safely reopen and operate during the fall term, and we shouldn’t condition those education dollars on whether a school is physically open, as Republicans have repeatedly proposed. That decision should be made by State and local officials, and it should be based on safety.

We also need to support our local communities so they can continue to pay our first responders, firefighters, police, and teachers. Under no circumstances should our communities have to cut essential services and frontline workers.

After months of inaction, Leader MCCONNELL has forced the Senate to vote twice on a partisan package that was written in his office without any bipartisan input. Not surprisingly, that package doesn’t even come close to addressing the public health and economic issues that our country is facing. We need to provide more financial support to hospitals, long-term care facilities, and other healthcare providers that are struggling on the frontlines of our fight against this pandemic.

Senator MCCONNELL’s skinny bill does not provide any money for grants to healthcare providers. That is zero dollars for our Nation’s hospitals, even though hospitals like the Lakes Region General Hospital in New Hampshire just filed bankruptcy this week and hospitals across New Hampshire are projecting hundreds of millions of dollars in losses this year due to the cancelation of elective procedures and nonemergency visits to deal with the pandemic.

It also provides zero dollars for nursing homes and long-term care facilities at a time when nursing facility residents account for 81 percent of our COVID-19 deaths, and nursing homes, while they have seen 40 percent of the fatalities from this pandemic nationwide, have gotten only 4 percent of the funding.

The bill provides zero dollars for community health centers across the country—community health centers that are providing care to millions of individuals, newly uninsured because they have lost their jobs due to the pandemic.

The most recent version of the Heroes Act that passed in the House earlier this month would provide \$50 billion in new grants for healthcare providers, as well as \$7.6 billion to support our community health centers.

I have joined Senator CASEY in pressing for additional dedicated funds, specifically for long-term care facilities, to help them retain and hire staff—one of the biggest challenges they are having right now—acquire testing mate-

rials and PPE, and take other steps to ensure that our Nation’s seniors are kept safe.

We also need much more funding to support testing. The Heroes Act provided \$75 billion for a national testing and contact tracing plan. Leader MCCONNELL’s bill would only provide a fraction of that amount.

It is pretty simple. We are not going to get ahead of this pandemic and help our economy recover if we fail to make investments in testing and contact tracing and if we leave our healthcare providers in a financial hole. These investments are key to getting life back to some semblance of normal.

We also need to provide more funding to support our ongoing fight against the opioid epidemic. In New Hampshire, we have seen that epidemic exacerbated by the pandemic, and we are beginning to see overdoses go up again.

The McConnell skinny bill provides no financial help for families struggling to pay the bills and put food on the table and no funding for State and local governments that are facing massive revenue shortfalls due to COVID-19.

The State of New Hampshire is facing a budget shortfall of nearly \$540 million, about 20 percent of our State revenues. The Republican proposal would provide no assistance, forcing local governments to make very difficult choices about cutting essential services, including whether to lay off teachers, firefighters, and police officers or reduce trash collection and other essential services.

And the Republican bill includes nothing to address broadband needs, depriving communities from making improvements in telehealth and remote learning.

And it doesn’t do nearly enough to address the needs of our small businesses. Congress must also provide additional support to help small businesses survive the economic fallout caused by the COVID crisis.

As a member of the Senate Committee on Small Business and Entrepreneurship, I was proud to be part of the bipartisan working group that came up with the Paycheck Protection Program. As part of what we did for small businesses in the CARES Act, we greatly expanded and added a grant component to the Economic Injury Disaster Loan Program. We provided 6 months of relief for existing SBA borrowers to make use of the 7(a), 504, and Microloan Programs.

Our intent then was to deliver relief to small businesses that are truly hurting, and that effort has been largely successful. To date, 501 million small business borrowers have received more than \$525 billion in assistance through PPP. That includes over 24,000 small businesses and nonprofits in New Hampshire and \$2.5 billion that has come into our State alone. Over 11,000 New Hampshire small businesses have received EIDL loans totaling over \$660 million.

Collectively, these programs represent the largest small business relief effort in our Nation's history by far, but we know that more needs to be done because there are some small businesses that have bounced back and are doing well and have returned to their pre-COVID revenues, but, unfortunately, too many of them still need help to get through the rest of this pandemic.

Authorization for PPP has expired with more than \$130 billion still unspent, and the funds appropriated for the EIDL Grant Program have been exhausted.

I hear frequently from New Hampshire small businesses that have used PPP effectively to keep workers on the payroll and make rent, but many of them, as I said, still need more assistance as our economy reopens, particularly in the tourism and hospitality industries, which are so vital to New Hampshire's economy.

This is a critical time. Restaurants in New Hampshire account for nearly 70,000 jobs and \$3 billion in sales, according to the National Restaurant Association. Hotels represent another 29,000 jobs and \$1 billion in wages and salaries, according to the American Hotel and Lodging Association. We have got to do more to help them.

Now, based on these conversations, I worked with Senator CARDIN, the ranking member on the Small Business Committee, and others to come up with legislation that recognizes the continuing need for small business assistance. Our bill would extend the deadline for PPP applications and let businesses that have already received a PPP loan but are still struggling to apply again. It would streamline the process for borrowers to obtain forgiveness for their loans, and it would allow local chambers of commerce and destination marketing organizations access to the PPP program. It would also significantly increase funding for EIDL grants and make important reforms to that program.

This and other measures must be part of any future COVID-19 relief package, and I would urge the majority leader to quickly bring a package of legislation to the floor that addresses both the public health crisis as well as the economic pain that our communities—especially our small businesses—are facing.

COVID-19 is the worst crisis our country has faced during my lifetime. More than 220,000 Americans, including 468 Granite Staters, have lost their lives to this virus, which has also taken a historic toll on our economy.

Congress has an obligation to address this pandemic aggressively and thoughtfully. I am optimistic that we can come to bipartisan agreement, but we can't wait until after the election. Americans need help putting food on the table and paying the bills today. Too many can't afford an arbitrary timeline for delivering assistance.

We need to set aside our differences and the partisan jockeying and do what

is right for the Nation. That is what our constituents sent us here to do. We did it before, and we can do it again.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from New Mexico.

Mr. UDALL. Mr. President, I join my Democratic colleagues today to voice my frustration with the Senate Republicans' drive to manufacture votes on anemic half measures instead of focusing on enacting robust and comprehensive COVID-19 relief for the American people.

With over 220,000 deaths, positive cases surging throughout the country, and flu season right around the corner, it is unconscionable that we are not taking up legislation to address the health and economic needs facing this Nation.

Simply put, this week's votes have been engineered as political theater. They were designed to feign action, while failing, and to further divide this body along party lines while making no progress on another bipartisan coronavirus relief package.

Earlier this summer, I took to the Senate floor to address the ongoing impacts of COVID-19 on our Nation's health and economy. The majority of the \$8 billion in CARES Act relief funding had barely gotten out to Tribes by then, thanks to the administration's delay and fumbled distribution. Now the administration wants Indian Country to believe it championed that funding for Tribal governments, but the truth is the administration and Senate Republican leaders offered nothing for Tribes in coronavirus relief.

Tribes didn't see progress until Senate Democrats fought back, demanding targeted relief for Tribal governments. We ended up securing over \$10 billion to fight the virus, stabilize Tribal economies, and support Native health systems.

Yes, it was obvious even then more would need to be done. I sounded the alarm that Native communities, like every American community, needed more help and were bearing the brunt of the virus's continued spread.

As vice chairman of the Senate Committee on Indian Affairs, I am compelled to speak out again and urge immediate bipartisan action to provide more targeted relief for Native communities and to urge my Republican colleagues who represent a number of Native communities to join me in this effort. Our shared trust and treaty obligations demand nothing less.

Throughout this pandemic, I have heard directly from Tribes, Pueblos, and Native Hawaiian communities about their urgent and ongoing needs for healthcare and economic resources to combat the virus. I have heard how existing Federal policies, practices, and program structures have left these communities particularly exposed to severe and long-lasting impacts from the coronavirus pandemic.

In a recent oversight hearing on implementation of Federal programs to

support COVID-19 response efforts, Tribal panelists testified about how their communities have been hurt by congressional inaction, funding shortfalls, and a lack of coordination between the Federal agencies.

Among other things, we learned that existing Federal policies and failures have exacerbated health disparities, economic barriers, and institutional inequities among Native communities; that the Indian Health Service, Tribes, and Urban Indian Health clinics have faced challenges securing personal protective equipment and testing supplies; that they were excluded from most Federal public health emergency preparedness planning; and that Indian Country continues to struggle to navigate the bureaucratic maze of COVID-19 programs because many agencies had little to no meaningful engagement with Tribes prior to this pandemic.

This testimony is key to putting into context what little data exists on COVID-19 impacts in Native communities.

Even though data was slow to come in, it confirms our worst fears; that the pandemic will extract a heavier toll on Native communities if decisive Federal actions aren't taken immediately.

Thirty four percent of American Indian and Alaska Native adults—the highest percentage of any race—are at high risk of serious health complications due to COVID-19; and they are 4½ times more likely to be hospitalized due to COVID-19 complications. These statistics are staggering, and they appear to be worsening in parts of Indian Country.

Just this week, Indian Health Service officials told Congress that COVID-19 trends in the Bemidji, Billings, Great Plains, and Oklahoma City service areas were "very concerning." Each of those regions have had a 7-day rolling positivity test rate in double digits. Several IHS service units are reporting that their network for transferring patients in need of ICU care are nearly full.

There is so much we still don't know about COVID-19. But what we do know is this: Throughout this crisis, Native communities have fought back. They are resilient. For example, in my home State of New Mexico and in Arizona and Utah—the Navajo Nation has instituted strict curfews to prevent the spread. They have ramped up testing, despite the complete lack of testing supplies in the beginning. But the U.S. trust and treaty responsibilities remain.

Our obligation to provide quality, accessible healthcare to all Native Americans doesn't end with this once-in-a-century pandemic. And it cannot be fulfilled by partisan half measures meant to score political points rather than provide meaningful health.

Congress must do better. We must do much more. Each day we fail to act—to advance policies to address the disparities faced by Indian Country—is a day

we fail to uphold our oath of office. It is a day we fail to meet the single most defining moment of this Congress—perhaps, of our entire careers.

American families are struggling. Our country is struggling. We in Congress have the tools to help end that. Instead, we are wasting time with sham votes. History will not forget this inaction. That is why it is imperative that we pass comprehensive COVID-19 relief legislation with targeted resources for Native American communities.

We must infuse the IHS with additional funding for Tribal healthcare and ensure Indian Country has parity in accessing Federal public health programs. We must provide Tribal governments with the resources they need to keep their communities up and running safely by providing additional funding within the Treasury's Coronavirus Relief Fund.

The Senate should pass bills I have introduced that have already been adopted by the House of Representatives in its Heroes Act, passed over 3 months ago. We must make the strategic national stockpile available to Tribes. Tribes should be able to access PPE, ventilators, and other necessary medical equipment, just as States can.

We must make sure the Tribes have equal access to the Centers for Disease Control resources to prepare for public health emergencies, like this pandemic. We must equalize the Medicaid reimbursement rate for Urban Indian Health facilities and help the 41 Urban Indian Health facilities across the Nation expand their services.

And as so much of our lives move to the internet, we must make sure that Native schools, healthcare facilities, and government services are not left on the wrong side of the digital divide. All Tribes must have access to high-speed broadband.

This public health and economic crisis has impacted every community in every State in the Union, but it has hit Native communities particularly hard. We must take real action. We need to lock arms, negotiate in good faith, and get immediate relief out the door—not engage in insincere, sham votes on “skinny” relief bills going nowhere, marked by continued partisan bickering.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

#### NOMINATION OF AMY CONEY BARRETT

Mr. SCHUMER. Mr. President, by now, the American people know the rank hypocrisy of the Republican majority, who, so many, when Merrick Garland was proposed as a nominee, said we must wait, even though it was 8 months before an election. When Merrick Garland was nominated 8 months before an election, we have to wait for an election. Now that an election is ongoing, we are rushing through this nomination. It is one of the worst moments the Senate has ever seen.

Leader MCCONNELL and the Republican majority have defiled the Senate,

and one can wonder if it will ever recover from this kind of rank hypocrisy. And so, because this has been the most rushed, most partisan, and least legitimate process in the history of Supreme Court nominations, Judiciary members will boycott the markup tomorrow and not provide the quorum that is required because it is a bipartisan quorum.

The bottom line is very simple. We should not be moving forward on this nomination. She is so out of character with American views. Her views are way, way, way to the right. She has stated she wants to repeal the ACA and take away healthcare. She has said she would oppose *Roe v. Wade* and remove American women's right to control their own bodies. She has opposed labor rights. She is to the right of Justice Scalia on gun safety.

On issue after issue, this nominee is so far out of the mainstream that her views, if she had to get them to pass in a legislature, would never pass even with all Republicans. But, of course, now they are rushing through the process.

Trump has said he wants someone who repeals ACA. Trump has said he wants someone who would repeal *Roe*. Trump has said he wants someone who would be on his side if there is an election dispute.

These are all such violations of American norms, values, decency, and honor. And that is why the Judiciary Committee will not provide the quorum tomorrow when the markup goes forward.

We should also adjourn. We should not do this nomination. We can come back after the election and do just what Republicans have said they wanted to do when Merrick Garland was on the floor: wait for the election to decide.

And this sophistry that now because it is a Republican President and a Republican majority, that makes a difference? No. Everyone sees through that. That was never mentioned when Merrick Garland came up. It only came now with a coverup—to cover up the hypocrisy, and it just doesn't work. We can see through it.

The bottom line, we have never moved a nominee so close to an election. Abraham Lincoln, when he had the opportunity to fill a Supreme Court seat, said it would be unfair to do it so close to an election. But this Republican Party has forgotten the principles and the honor and the decency of Abraham Lincoln as they move forward in their rush—in their rush—to push a nominee through, whose views are decidedly at odds with the vast majority of Americans on issue after issue. That is why the Judiciary Committee members will boycott tomorrow. That is also why I am going to move to adjourn until November 9, after the election is decided and do what is fair and right for the American people.

#### MOTION TO ADJOURN

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: Friday, October 23; Tuesday, October 27; Friday, October 30; Tuesday, November 3; and Friday, November 6. Furthermore, 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; and that, finally, when the Senate adjourns on Friday, November 6, it next convene at 4:30, 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 consent and is not in order.

#### MOTION TO TABLE

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

The PRESIDING OFFICER. The yeas and nays.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from California (Ms. HARRIS), the Senator from West Virginia (Mr. MANCHIN), the Senator from Vermont (Mr. SANDERS), the Senator from Arizona (Ms. SINEMA), and the Senator from Oregon (Mr. WYDEN), are necessarily absent.

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

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 209 Ex.]

#### YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeben	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—41

Baldwin	Cantwell	Cortez Masto
Bennet	Cardin	Duckworth
Blumenthal	Carper	Durbin
Booker	Casey	Gillibrand
Brown	Coons	Hassan



Heinrich	Merkley	Smith
Hirono	Murphy	Stabenow
Jones	Murray	Tester
Kaine	Peters	Udall
King	Reed	Van Hollen
Klobuchar	Rosen	Warner
Leahy	Schatz	Warren
Markey	Schumer	Whitehouse
Menendez	Shaheen	

NOT VOTING—6

Feinstein	Manchin	Sinema
Harris	Sanders	Wyden

The PRESIDING OFFICER. The motion to table is agreed to, and the ruling of the Chair stands.

The Senator from Georgia.

NOMINATION OF AMY CONEY BARRETT

Mrs. LOEFFLER. Mr. President, as the first U.S. Senator to call for the nomination and confirmation to fill Justice Ginsburg’s seat before the November 3 election, I am proud to support Judge Amy Coney Barrett as President Trump’s nominee for Associate Justice of the U.S. Supreme Court, but I am not the only one who is proud. Two weeks ago I joined Concerned Women for America in Marietta, GA, to kick off their nationwide bus tour in support of Judge Barrett’s confirmation. Dozens attended, including men and women from every walk of life—families, business owners, policy-makers, faith leaders, and students.

Judge Barrett has inspired millions of us across our country. She has reached the pinnacle of her profession, while upholding her Christian faith and values. She is a wife and a mother of seven children. She will become the first woman to serve on the Supreme Court with school-aged children.

Now the majority of Americans in the most recent Gallup poll agree we should vote to confirm her.

As I have traveled around the Peach State, the enthusiasm and admiration I hear from Georgians is very clear. President Trump established a group of highly qualified candidates for the bench. He was transparent and well prepared for the moment. It is clear that he could not have made a better nomination.

Judge Barrett is a woman of remarkable intellect and character, with the judicial philosophy of originalism, and, as a textualist, she understands and respects the Court’s role to interpret the law as written. As such, I believe Judge Barrett will uphold the Constitution in protecting our God-given rights, including the right to life, the Second Amendment, free speech, and religious liberty.

The need for judges who will uphold the intent of the Framers is especially clear when the left is showing their disregard for our Constitution. Democrats are attempting to change article I and trying to federalize the election system through the creation of a national universal ballot system, and NANCY PELOSI has attempted to politicize and weaponize the 25th Amendment in another desperate move to form a committee to remove an elected President.

That is why I introduced a resolution condemning the Speaker for her polit-

ical gains in the middle of an election while refusing to support relief for hard-working families impacted by this pandemic.

Now, Big Tech is aggressively limiting the First Amendment right to free speech and free press. Created before the existence of the very companies that are silencing conservatives, the 1996 Communications Decency Act’s section 230 provision no longer suits our country’s needs. Last week, Justice Clarence Thomas called on Congress to update these laws to “make them more appropriate for an Internet-driven society.”

In the Senate I am leading the charge to modernize the law to suit the reality of the digital marketplace of ideas by introducing the Stopping Big Tech’s Censorship Act in June to give all Americans a process to bring claims against companies when they remove or limit constitutionally protected free speech.

Today I introduced a bill to eliminate ambiguous language in section 230 and to codify the more concrete terms recommended by the Department of Justice.

In Congress we must act to hold Big Tech accountable, but we also must have strong judges in our courts who will uphold the Constitutional rights of all Americans. That is why it is concerning that Democrats are fighting so hard to oppose an eminently qualified nominee. As retaliation, they have threatened to pack the Court if we follow clear precedent in filling this seat, attempting to constrain our well designed system of checks and balances.

Unable to criticize Judge Barrett’s sterling credentials, Democrats have resorted to scare tactics, claiming she will take away healthcare coverage or advance her own policy views. At her confirmation hearing, Judge Barrett put those leftwing talking points to rest, saying: “It is never appropriate for a judge to impose that judge’s personal convictions, whether they derive from faith or anywhere else, on the law.”

These accusations make clear that there is little Democrats fear more than strong, conservative women. I know firsthand what it is like to step into public service and then be attacked by the left and the fake news. There is a playbook for trying to stop conservative women and their place in public service.

Nonetheless, Judge Barrett has been the definition of grace under pressure. At her confirmation hearing, Senator GRAHAM asked why she decided to put her family in the spotlight and accept the President’s request to serve. She said, abridged:

We knew that our lives would be combed over for any negative detail. . . . our faith would be caricatured. . . . the benefit . . . is that I’m committed to the rule of law . . . and dispensing equal justice for all.

Judge Barrett’s commitment to the rule of law and equal justice are clear from her writings, decisions, and testi-

mony. In fact, on the Seventh Circuit, 95 percent of her adjudicated cases were unanimously decided.

I am so grateful that Judge Barrett has accepted the call to serve our country. President Trump could not have chosen a more qualified, impressive jurist than Judge Barrett, and I will be honored to vote to confirm her as the next U.S. Supreme Court Justice.

Mr. MERKLEY. Would my colleague yield for a question?

Mrs. LOEFFLER. Sure.

Mr. MERKLEY. Thank you.

You know that the process we are in right now is based on clear precedent.

I have scoured American history to find the precedent of conducting a debate and vote on a Supreme Court nominee during an election, and I haven’t found it. So I just wanted to check in on, essentially, what am I missing? Where is there a precedent for conducting this debate and this vote during an election?

Mrs. LOEFFLER. Thank you for the question.

There have been 29 such cases. When, in fact, the executive branch and the Senate are controlled by the same party, the nomination proceeds, and that is the case that we are now in, and we will proceed with the vote and the nomination.

Mr. MERKLEY. So thank you to my colleague. I think what you are confirming is that never in American history have we conducted such a debate and voted during an election. You have a different precedent argument but not a precedent that shows that conducting this debate during an election is appropriate.

Mrs. LOEFFLER. The President is the President for 4 years—for a full 4-year term—and we will carry out our Constitutional duty.

Mr. MERKLEY. I thank my colleague, because, 4 years ago, I was on this floor, and I know you weren’t here in the Chamber, and I listened to so many Members of the Senate say that they were establishing a new precedent—a precedent they felt was a precedent born of deep conviction, passionate conviction, that there should never be a debate and a vote during an election year, not just during the election. We are already in the process of casting ballots, but never in an election year.

So that also is a precedent set 4 years ago that this is overturning; is that not correct?

Mrs. LOEFFLER. No, that is not correct.

Mr. BARRASSO. Mr. President, may I respond?

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mrs. LOEFFLER. Mr. President, I will yield the floor to my colleague from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I want to associate myself with every remark that we heard from the distinguished Senator from Georgia. She has

shown a strong voice and strong leadership in this, and, of course, she knows that 29 times, as she was trying to explain before being interrupted, that there have been vacancies in an election year of the Supreme Court. It happened.

What we know, historically, if we talk about historical precedence, is if the President, asked by the Constitution—told by the Constitution to nominate, and if the Senate is of the same party as the President, generally, that person gets confirmed.

But on the other hand, if the President who nominates is of a different party than the Senate—which is what happened in 2016 with Merrick Garland after the Republicans had won the Senate—that nominee, historically, is not confirmed. That is the history going through the U.S. Senate confirmations.

The Constitution is clear. The President nominates, then advice and consent by the Senate, and we know what happens there, generally—same party, consent happens; different parties, divided government, and that is what happened in 2016. President Obama was reelected in 2014, but come 2016, the American people voted to put the Republican Party in the majority.

So I actually have my dates wrong. It was 2012 that President Obama was reelected, and in 2014, the majority went to the Republican Party. So when a vacancy occurred in 2016, we had, as I stated, the majority—a President of one party and a Senate majority in the other, and the nominee, through advice and consent, was not confirmed.

That is what I am talking about, when I see this ongoing abuse of the nominee, whom I had a chance to meet with today who believes in the Constitution, follows the Constitution, is true on the Constitution—and that is why the people of Wyoming are so delighted with her nomination and why I am so happy to support her. But I appreciate the Senator from Georgia for letting me come in a little bit on her time. I am just grateful for her leadership and the strong statement she is making on behalf of this very impressive, well-qualified judge.

I am really looking forward to voting to confirm her to the U.S. Supreme Court.

I apologize to the Senator from Georgia if she has additional remarks to make.

Mr. MERKLEY. To my colleague from Georgia, do you have additional remarks to make?

Mrs. LOEFFLER. No, I really don't.

Mr. MERKLEY. Thank you very much.

To my colleague from Wyoming, would you yield for a question?

Mr. BARRASSO. Well, I have something to present, and I have the mic at this point to speak and I would like to complete that. And I know the Senator from Oregon is scheduled to speak after that, so if we could just go in regular order, Mr. President.

The PRESIDING OFFICER. Regular order.

Mr. MERKLEY. Let the record note that my colleague—

Mr. BARRASSO. And I appreciate the remarks of the Senator from Georgia, and I come to the floor today also in support of the nomination of Judge Amy Coney Barrett to serve on the U.S. Supreme Court.

I will state that she is terrific. She is so impressive—so exceptionally well qualified to take on this new responsibility.

But the partisanship that she has experienced from Democrats—well, it has predictably backfired on them, certainly by the American people. The majority of Americans of all parties, a majority of Americans have said get her confirmed—put her on the Supreme Court because that is what they saw when they watched the hearings last week—somebody who is ready to serve our Nation and apply the law, not legislate from the Bench.

This is an important moment in our history. Judge Barrett, the Senate, the American people deserved a hearing that matched the moment and that highlighted her qualifications and capabilities. Regrettably, Americans got a weeklong lecture by Democrats which turned out to be a partisan infomercial on ObamaCare.

This is a law that 10 years on, Democrats are still trying to explain to the American people, still trying to explain how many—all these millions and millions of people who lost their health insurance, trying to explain millions and millions of people whose costs went up—more than doubled.

Judge Barrett is very clear and has been clear. She has no agenda for any case, and as a judge she considers each case on the merits.

There is only one real explanation for Democrats' fixation on ObamaCare during the Supreme Court hearing. They are trying to score political points, appeal to their far-left base before an election. It is shameful. It is a scare tactic.

I hear scare tactics and false attacks on healthcare that frighten people. That is not the way we ought to be doing things. They never mentioned that Senate Republicans have voted now five times to protect people with preexisting conditions, including today on the bill that every one of those Democrats voted against with a targeted relief plan. There was a component in that to make sure that people with preexisting conditions were protected and that coronavirus is now listed as a preexisting condition. Every Democrat voted against adding coronavirus as a preexisting condition. Every Republican today voted in favor.

So Democrats seem to be trying to make a standard confirmation process about anything other than the qualifications of an exceptionally qualified nominee.

The Presiding Officer has seen this, and we have talked about this. These attacks began before her nomination was even announced. She was criticized

for being a mom, criticized for having seven children, and criticized for going to church—criticized for going to church. There are Democratic candidates now running for the U.S. Senate criticizing her religion or faith in God. Astonishing.

The delay tactics and the defamation has continued. We have seen this before. The American people saw through the Democrats' disturbing attacks on Brett Kavanaugh 2 years ago. Americans rejected the cheap character assassination. They rejected the low road, and now Democrats are leaving open the possibility—and I hear this from Members of this body—Members of this body, as well as candidates for the U.S. Senate. They are leaving open the possibility that if they win the election, if they take the White House, if they take the Senate, of expanding the size of the U.S. Supreme Court—expanding the size from 9 to 11 or 13. They haven't decided yet.

The Presidential candidate won't even announce what his thoughts are on it. He won't say. He won't tell the American people. Oh, wait until after the election is over. It is just like it was with ObamaCare, first you have to pass it before you get to find out what is in it.

The size of the Supreme Court has been nine for 150 years—since 1869. Ruth Bader Ginsburg said nine is the right number. She said to go beyond that would be politicizing it. But that is what we see happening today with the sorts of threats that we see coming from the other side of the aisle.

What do the American people think about that? Well, the New York Times poll this week—58 percent of voters said they are against adding additional members to the Supreme Court. How many favored? Just 31 percent, but they are the liberal activist base of the Democratic Party. That is who they are. Those are the ones who want to call the tune if they have NANCY PELOSI as Speaker of the House and CHUCK SCHUMER as majority leader and Joe Biden in the White House.

That is why Joe Biden won't tell the American people what he plans to do.

Let me just get through that Americans can rest assured that Republicans in the Senate are committed to this nominee. Just as the Senator from Georgia has just said and as I have said and others have said, Republicans in this body are committed to this nominee. We will confirm this exceptional Justice regardless of the delay tactics, regardless of the seek-and-destroy mission the Democrats have launched. We are going to confirm this exceptional Justice to uphold the law as written.

The Senate will vote, and the Senate will confirm Judge Amy Coney Barrett to the U.S. Supreme Court.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague from Georgia for yielding to a question. It was not that

long ago that we actually had conversations and debate on the floor of the Senate, and now when we are even in debate on bills, we don't have dialogue back and forth. So I appreciate the Senator attempting to answer my question about precedent.

Let's be clear. This is a precedent-shattering event. This is not consistent with the history of the United States.

In fact, we have seen a situation where never in our history has any President asked for a debate and vote during an election. So that shatters a precedent. Never before in our history have we had a majority leader agree to hold a debate and a vote during an election. So that shatters a precedent.

Then there is the President Lincoln precedent in which he deliberately said: We are not going to violate the sanctity of a vote. I don't want you to debate and vote during an election.

Now, Lincoln happened to be a Republican President, but he cared about the institution. He cared about the Constitution. He cared about the voice of the American people, and so he said the two shouldn't exist together.

Then, of course, there is the McConnell precedent from 4 years ago, in which MCCONNELL came to the floor and was supported by his caucus and said there should never ever be a debate or a vote of a nominee during an election year.

Now, my colleague from Wyoming just noted, well, he has a new theory about split government and unified government. Well, that theory wasn't here on the floor 4 years ago. That wasn't part of the McConnell precedent. That is called an after-the-fact justification of an inconsistent position.

In fact, so many colleagues across the aisle came to the floor and said: I have this deep and passionate conviction that I want to defend the Constitution. There should never be a debate on a Supreme Court Justice during an election year. And now every single one of them coming before us is saying: Well, you know that deep passionate conviction I had 4 years ago? It was a convenience of political power to make that argument because what I was really saying is, we, as Republicans, don't want to debate a nominee from a Democratic President. We only want to debate a nominee from a Republican President.

Well, I am shocked really by the complete lack of integrity. I am shocked that arguments are being put forward that were never raised on the floor 4 years ago about split government as some justification. I guess I am not so shocked about the power grab involved because it began some 40 years ago when a group of very wealthy, very White people got together and said: We don't like this vision of government of, by, and for the people, because, you know, the people kind of like things we don't want. We want to rig the tax system so we pay very little. We want to get those tax

deductions and those tax subsidies. We want to make sure that people of communities of color don't vote. We want to be able to suppress the vote. How do we do that?

Well, you know, the problem is that people who are elected get elected by the people, and we might be able to influence those campaigns some of the time, but, you know what? There is one institution not subject to the vote of the people—the Court. If we can corrupt the Court, we, this very small group of White, wealthy power brokers in America can control this country and install government by and for the powerful, rather than our constitutional vision of government by and for the people. So this is a norm-shattering, precedent-shattering situation.

There have only been two real objectives by the leadership of this body over the last 4 years. One was a \$2 trillion tax cut—\$2 trillion with a “t”—with virtually all the benefits going to the richest Americans. You know, if a thief grabs an orange off a stand, they might go to prison for 6 months or a loaf of bread, maybe they will get a couple years. But through this bill, \$2 trillion from the American Treasury was given to the richest, most powerful Americans. Well, that is certainly not government by and for the people. That was one objective.

The other objective was to dismantle healthcare for ordinary Americans who aren't rich and powerful. Let's tear down the ACA. Well, in my State, 400,000 Oregonians proceeded to gain healthcare through the expansion of Medicaid and the ACA, and since March, add another 120,000 to that list—120,000 more. Why? Because they are losing their jobs. They are losing their jobs in this economic implosion caused by the failure to address the pandemic.

The people in Oregon—I go to every county every year. I have a townhall in every county, and most of my counties are deep red—as red as anywhere you will find in the country.

And do you know what? People say: Healthcare bill of rights, thank God for that. What are they talking about? Children can be on their policy until age 26. They think that is a step forward. I know because I have been out there every year, and I ask them: Children on your policy until age 26, how many people here like it? These are very, very Republican and very, very conservative rural areas. No, we like that.

Tax credits so lower income families can afford to buy health insurance on the marketplace? Oh, no, we like that.

Having a marketplace where you can compare policies, one to the other? Oh, no, no, we like that.

Having preventive conditions covered because an ounce of prevention is worth a pound of cure? Oh, yes, we think that is a step forward. That is in these conservative, red districts.

And the expansion of Medicaid? A lifesaver.

Do you know what happens at these rural townhalls? People who are at the local healthcare clinics stand up and say: You know, we doubled the size of our healthcare clinic because now our very low-income constituents can pay the bill, so we have been able to hire more people. We have a substance addiction program now that we didn't have before. We have a mental health program we didn't have before. Don't take that away from us. We really love our rural healthcare clinic. We love the investment in rural clinics that the ACA made. That list goes on and on.

My colleague from Wyoming said that there is this whole scare tactic about healthcare. Yes, people are scared, not because we are saying they are scared but because they are calling our offices and saying: We are worried.

They are saying they are worried because they heard the President of the United States say: I am only going to nominate a person who will tear down the ACA and will strike down *Roe v. Wade*. Don't you trust the word of the President of the United States to do what he said? He said it repeatedly. He said that was his goal.

And he said to the Federalist Society: Go get me nominees who can complete my goals. The Federalist Society has been at work now for four decades to bias the courts for the wealthy and powerful. That is what they are all about. It is about preventing people of color from voting. Now it has expanded to college students. Now it has expanded to Native American reservations. Now it has expanded to poor communities.

Oh, we see the manipulation being planned on election day because now there is a Court that by 5 to 4 gutted the Voting Rights Act and allows voter intimidation in this country and allows voter suppression. So we see the efforts. You decrease the number of polling places where you don't want people to vote. You move them so people aren't sure where to go. You understaff them so there are long lines in blue districts and short lines in red districts. You stick machines in there that don't work so well. Maybe that will slow things down. You put out messages saying “Thank you for voting last week” to confuse people when the vote is actually coming up next week. You say: Oh, by the way, you can use any State ID to vote, but you can't use a college ID. This is because they don't want college students to vote.

You know, I am proud of the Constitution of the United States. I am proud of the vision of voter empowerment, citizen engagement, and participation as a foundation for what we do in this country. But I have really been stunned by the scope of those in this Chamber who believe in voter suppression and intimidation. I am stunned that they don't share the view of a government of, by, and for the people because that is the oath of office we took. It was to our Constitution.

I am also stunned that it has been 5 months since the Heroes Act was

passed in the House, and this body has sat on its hands for 5 months—for 5 months—and now the leader of this body says: Mr. President, don't negotiate with Speaker PELOSI. We don't want to vote on a bill that will really help America. You have the Treasury Secretary and the Speaker ready to reach a deal, and the leader of this body is saying: Don't do it. For 5 months, don't do it.

I always think of the phrase you hear growing up: Rome burned while Nero fiddled. Well, America suffers while the Senate slumbers under the leadership that says: No vote on a comprehensive package to help both the healthcare pandemic and the economic implosion that is associated with it.

There are 220,000-plus Americans who lie in the grave because President Trump refused to have a national strategy on personal protective equipment, because President Trump refused to have a national strategy on testing, because President Trump refused to have a national strategy on contact tracing, and because President Trump decided to try to continue the polarization of America over the use of masks and social distancing rather than bringing America together to fight this.

Now, some say: You know, couldn't America do just as well as Canada? Couldn't we do just as well as our neighbor to the north? Don't we have more resources than they have? Don't we have more research institutions than they have? Can't we do just as well as the Canadians?

Well, if we had done as well as the Canadians, 135,000 fewer Americans would have died if we had the same deaths per capita as the Canadians. There are 135,000 deaths lying at the doorstep of the Oval Office and this Chamber, sitting on its hands for the last 5 months—not investing in testing and tracing, not insisting we have an aggressive strategy from the very start, and working in partnership with the incompetence of the President to make the pandemic so much worse for America. There are so many more people infected, so many more people dead, and so many people damaged for a lifetime by the experience of being sick with coronavirus and then having lasting side effects.

And what else? Country after country is putting their economy back together because they don't have coronavirus in any significant numbers anymore—Taiwan and South Korea. But as long as you have this pandemic, you damage the economy. So not only have people died and people suffered with the illness and not only will they carry consequences forward, but the number of people who have lost their jobs—that is a big deal.

Just last week, we saw the highest jump in jobless claims since August with about 900,000 Americans filing for unemployment. I live in a blue-collar community. I grew up in a blue-collar community. My dad was a mechanic. I

went to the public schools. My kids went to the same public schools. I can tell you that those lost jobs affect those who have the least resources to tide them over.

Back in April, 40 percent of the people who earned \$40,000 or less lost a job. That was in April. So there is a lot of suffering going on economically, as well as in healthcare. We need to do everything in our power to help those families weather this storm—not sit on our hands for 5 months and not talk about the emaciated package that was put on the floor, one that is cutting to a fraction the previous Republican package, which was pretty darn skinny.

We have a responsibility to address unemployment insurance that has tied hard-working blue-collar Americans through. I know that for many of my colleagues, all they want is to rebuild the economy from the rich down—from Wall Street down. But do you know what? That just increases the wealth and income inequality. Do you know how effective those extra unemployment checks were in keeping people working and buying products because then other companies were employed and they could pay their mortgages, they could pay their utilities, they could pay their rent, they could buy their groceries, and keep the economy moving?

But the extension of that has been blocked by the leadership of this body. The leadership of this body, the majority party, has refused to invest in that national strategy of testing and tracing, which is essential in every country that has gotten ahead of the coronavirus. They are restoring their economies. They are supercharging their economies because the disease is out of the way. They invested in testing and tracing, but the leadership of this Chamber has ensured the pandemic gets worse and afflicted our economy in the process.

It may not matter to rich folks across this country who have seen their S&P 500 index go through the roof. Why is it going through the roof? Because those companies are replacing the products produced by small business across America. Hundreds of thousands of small businesses have been ravaged and destroyed by this lost economy. OK, the S&P 500 is doing fine; your stock portfolio is doing fine. But Americans—ordinary Americans are not doing fine.

The majority in this Chamber did not want to increase the Medicaid matching rate to strengthen healthcare across this country. Why is it so important? Because the States have lost so many revenues during this downturn, and in the process, people losing their jobs lose their employer-based health insurance and, therefore, need to qualify for Medicaid. On and on, one issue after another—it is an issue of basic decency and of basic humanity to address the challenges Americans are faced with because of the incompetence of

the President's efforts to address the pandemic, and it has produced, therefore, an economy that is just a shambles.

One of the things that ordinary families face is having their utilities cut off. We know how essential it is to have water, to have electricity, and to have broadband to get through this. This whole crisis has shined a light on the importance of broadband. That broadband is necessary to apply for employment. That broadband is necessary for the school children to go to class. That broadband is necessary for the college students to go to class. That broadband is necessary for every family to stay in contact with their friends and family. That broadband is necessary to follow the national news. It is at the heart of the communications of America, so cutting it off is unacceptable.

Turning off the electricity is unacceptable. You can't have a computer or broadband if electricity is turned off. You can't have light and heat as winter approaches if it is turned off. Water is essential to health. You can't have basic sanitation if you don't have access to water.

So let's make sure we protect ordinary families. Let's make sure they have the electricity, they have the water, and they have the broadband. Let's not let American families be put at such risk.

Now, yes, there are States and cities that have taken action and produced such moratoriums, but aren't we all America together? Instead of a patchwork of neighborhoods that got some help and protection and ones that didn't, why don't we stand together as Americans and protect the utilities? That is what we should be doing right now with a robust bill—a robust bill to address the pandemic and to address the economic implosion.

So, Mr. President, as if in legislative session, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 4362 and that the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered and read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CRAMER. Reserving the right to object, I served as an economic regulator of utilities for nearly 10 years before coming to Congress. This idea of a moratorium—a national moratorium—violates all kinds of things, not the least of which, by the way, seems to me to be, at the very least, the spirit, if not the literal Constitution that my colleague from Oregon says he is so proud of.

Remember, the States created the Federal Government, not the other way around. As a State regulator of natural gas and electric utilities, I saw

from time to time the attempted overreach of the Federal Government to mandate things. It violates the principles of the Constitution, and it violates, really, the best practices of States' rights, of communities' rights, of rural electric's rights because it assumes that somehow we here in these Chambers know better than the utility regulators who are appointed by Governors—the ones who are elected, like I was—the municipalities that set the rates for water and sewer; that somehow we are better equipped to make the decisions for a local utility and, yes, their consumers; that somehow we are better at doing that. It makes no sense. In fact, it would be very harmful to the very consumers the Senator from Oregon says he wants to look out for.

Let's just take some examples. Utilities are not capitalized to provide services for free. That is what this bill would do. And guess what happens to a regulated utility, an investor-owned utility, when something like this happens, when the Federal Government throws a wrench into their local rate structure. Well, somebody eventually has to pay for that. And guess how the money is raised to pay for the moratorium? The rates go up. They have to. That is how rate structure is designed.

If you are a utility—let's say a rural electric cooperative or a rural telephone cooperative that is providing broadband—that is even better yet because it is actually the consumers who are the board of directors. It is the most direct experiment of self-governance that we have.

So let's please leave the regulation to the locals and to the States. If there is a need for a moratorium or a design for some different structure, they can do it in concert with the consumers, the regulators, and, of course, the utilities in a way that does the least harm. That makes all the sense in the world.

But here is, in my mind, the richest irony of this moment. The Senator from Oregon talked about the high unemployment rate, the large unemployment numbers. Just today we had the opportunity on this floor, when Republicans brought a bill that would have provided \$300 a week of federally funded supplement to unemployment insurance benefits to those unemployed people—\$300 a week—do you know how many utility bills that would have helped pay without disrupting the utilities' rate structure? Just today we had that moment, and the Senator from Oregon and every one of his Democratic colleagues voted against it—not for the first time, by the way, but for the second time. And here we are tonight coming up with a piecemeal solution when the more comprehensive one was rejected.

So for those reasons and several others I could think of, but the hour is getting late, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, my colleague not only objected but laid out his thinking on the idea that has been adopted at local governments across the country, and he said it is unconstitutional. Of course he didn't bother to actually check to see if it was unconstitutional because, no, it is not. If it was, it would have been ended in all of those places at the State and local levels where it had been done. So much for that false argument.

He brings in his experience as a regulator, but it might be helpful to actually check the lawbooks before making a spurious argument.

Then he says: You know, a moratorium would hurt ordinary families.

Well, try talking to an ordinary family. An ordinary family says: You know what, I lost my job because of the economic collapse. We have an economic collapse because of the failure to address coronavirus, and now you are telling me it is good for me if I lose my electricity and my water while I try to help my kids get through this year when they can't attend class or school and they have to do it at home. But you are OK having my electricity turned off.

That is hardly helping the families get through this. I must say, it represents an awareness that is so distant from the experience of ordinary Americans as to confound the mind and really challenge the heart.

My colleague notes that, my goodness, the utilities have expenses. Yes, which is exactly why I have proposed that we compensate those utilities for those expenses. So why don't we have this bill on the floor, and then we can actually have the arguments and get the facts out about it?

My colleague said: I have these arguments—arguments I have just noted and disagree with, but at least we are having a debate, which is rare in this Chamber. So let's have this bill on the floor, and let's have everyone bring their experiences to bear, and let's open it to amendment.

My colleague noted that there are piecemeal items that the majority leader brought forward because there is an election in a couple of weeks. He didn't say "because there is an election in a couple of weeks," but that is why they were brought forward. That is my opinion. I would have been fine bringing those to the floor if they were open to amendment, but, no, they were a political stunt. It is, here is our version we want to vote on so we can do a campaign commercial, but we are not going to let there actually be a debate, a possible amendment. The Senate might actually legislate? We haven't done that in years. Why would we start now? Because that is the vision of our Constitution, that there actually be debates on this floor; that we actually allow relevant amendments to have a majority vote and be considered so that the collective interaction of Members can produce a better outcome for America. By voting on those amend-

ments, we can be accountable to the people of the United States of America.

So bring back the bill and guarantee that it will get amendments by simple majority, and let's have a real debate because we owe it to the American people.

Let's bring the Heroes Act to the floor—the one that has been trapped for 5 months. Amend the hell out of it if you want, but at least you are taking votes to be accountable to the people of the United States of America. At least we are having a debate—a debate—in front of Americans about what works and what doesn't. We need more of that in this Chamber. We need a bipartisan consensus that will restore the ability of Senators to amend.

It is not that long ago that in this Chamber, amendments were common and blockades were rare. That was a functioning legislative body. That benefits every single Member. I can't tell you how many Members on both sides of the aisle say that we need to restore the vision of a functioning legislative body.

I want to do amendments. Let's restore that vision. Let's work together to restore that vision for the betterment of this Chamber but certainly for the betterment of America. And one idea that should be considered is protecting Americans from having their utilities cut off until we are on the far side of this crisis.

Thank you.

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

#### MORNING BUSINESS

#### ARMS SALES NOTIFICATION

Mr. RISCH. Mr. 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 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