

that the same party so vehemently argued only 4 years ago, 8 days before an election in which the American people will choose exactly whom they want to pick Supreme Court Justices for them.

This idea that because now the Presidency and the Senate are in one party, the rule doesn't apply—they never said that when they blocked Merrick Garland. It is fakery. It is, again, part of the house of lies that is being built by the majority to rush a Supreme Court Justice like this.

It is absurd. It is outrageous. It is a stain on this body and an indelible mark on this Senate majority that will live in history. The Senate Republican majority is conducting the most rushed, most partisan, and least legitimate process in the long history of Supreme Court nominations, and Democrats will not lend an ounce of legitimacy to that process.

Today the members of the minority on the Judiciary Committee have boycotted the markup of Amy Coney Barrett. The rules of the Judiciary Committee require that two members of the minority be present in order to conduct a markup.

True to form, Chairman GRAHAM decided to break the rules to move forward with a vote on Judge Barrett anyway—steamrolling over the rules of the Judiciary Committee, just like Republicans have steamrolled over principle, honesty, fairness, consistency, and decency in their mad rush to confirm a Justice before the election. To steamroll over rules—that is the mark of an autocratic society, not the mark of a democracy, and the Republican majority is going along with that kind of autocracy, the same kind exhibited by President Trump. It is a shame that the principles of the Republican Party are out the window.

Today, the Democratic seats on the dais in that committee room remained empty. In their place were reminders of what is ultimately at stake in this nomination—the fundamental rights of the American people. In their place were photographs of Americans whose lives would be devastated if Judge Barrett delivers the decisive vote to strike down the Affordable Care Act, ripping away healthcare from tens of millions of Americans and eliminating protections for 130 million Americans with preexisting conditions.

You could imagine, alongside their faces, the faces of women who cherish the right to make their own private medical decisions; the faces of LGBTQ Americans who want to marry whom they love and not be fired for who they are; the faces of American workers who are breaking their backs to make ends meet, who need their union to help them get a better wage; the faces of young people who know the planet is in peril in their lifetimes.

I hope that when Republican members of the committee took their seats this morning, they looked at those faces. They ought to think about what this nomination means for them. I

hope they actually took one moment to think about what it says about their sham of a process that Democrats were forced to take the extraordinary step of refusing to participate.

While they may realize it or not—or they may not even care—the Republican majority's monomaniacal drive to confirm this Justice in the most hypocritical of circumstances will forever defile the Senate and curtail the fundamental rights of American people for generations to come.

To every one of my colleagues: History will remember what you have done. Democrats will play no part in it.

LEGISLATIVE SESSION—MOTION TO PROCEED

Madam President, while the Senate majority rushes to confirm the Supreme Court Justice, it is ignoring a number of very important priorities.

Earlier this week, the Republicans had a series of stunt votes on COVID relief on an emaciated bill that left most Americans behind and that was even designated to fail.

Now I want to mention a foreign policy issue the Republican majority is ignoring. We have a resolution by Senators MENENDEZ and MURPHY to invoke statutory authority under the Foreign Assistance Act to require the Secretary of State to assess and report to the Congress on Turkey's potential human rights abuses in Syria.

My colleagues introduced this resolution as a result of Turkey's invasion of northeast Syria and its campaign to ethnically cleanse Kurds from the region, which has resulted in numerous reports of horrific human rights abuses.

The tragic events were the result of the President's decision to abandon our Kurdish partners. The administration didn't lift a finger to uncover the atrocities committed by Turkish proxies.

Even more recently, the Turkish Government, led by President Erdogan, has blood on his hands for his role in the conflict between Armenia and Azerbaijan.

President Erdogan is sending individuals responsible for the atrocities in Syria to this region now. He must be exposed—he must be exposed—for these actions. This President has a record of cozying up to dictators, and action must be taken.

So in order to proceed to S. Res. 409, a resolution requesting information on Turkey's human rights practices in Syria, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on the motion to proceed.

Mr. SCHUMER. Madam President, I ask unanimous consent that the vote occur at 12:59 today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. SCHUMER. Thank you.

The PRESIDING OFFICER. The Senator from South Dakota.

NOMINATION OF AMY CONEY BARRETT

Mr. THUNE. Madam President, Amy Coney Barrett's first Judiciary Committee hearing back in 2017 has become infamous for the grilling she underwent for her religion.

Then, as now, she was an outstanding choice who received a rating of "well qualified" from the American Bar Association and praise from peers on both sides of the political spectrum.

But despite her superb qualifications, it soon became clear that more than one Democrat thought she couldn't be objective and thus shouldn't be confirmed to the court simply because she was a practicing Catholic who took her faith seriously.

"The dogma lives loudly within you," the Democratic ranking member on the Judiciary Committee said, "and that is of concern."

"Do you consider yourself an orthodox Catholic?" the Democratic whip asked, while the junior Senator from Hawaii suggested that Judge Barrett would use her Catholic faith rather than the law to decide questions.

And while Democrats toned down the anti-religious questioning in Judge Barrett's Supreme Court hearing last week, apparently realizing that openly displaying their suspicion of her religion might offend the tens of millions of American voters who take their faith seriously, their suspicion of her faith has still been on display.

Meanwhile, Democrats' media allies haven't hesitated to trot out articles on Judge Barrett's beliefs, usually with the faint—or in some cases not so faint—suggestion that her adherence to the teachings of the Catholic Church cast doubt on her fitness for the Supreme Court.

Yesterday's AP article on the fact that Judge Barrett served as a trustee at her children's Christian school—not exactly breaking news, as it was something that Judge Barrett had already disclosed—was just one more example of the media's implicit suggestion that the nominee's religion makes her unfit for public office.

As a side note, I am still waiting for bipartisan condemnation of media coverage of Judge Barrett's adopted children. Somehow the New York Times felt that Judge Barrett's brief mentions of her adopted children at her introduction and hearing warranted an article full of unsavory insinuations. I am wondering if Democrats would have found this appropriate coverage of a Democratic nominee's children.

From the attitude displayed by Democrats and the media, you would think that Judge Barrett was a member of some remote and bizarre religious cult instead of one of the largest faith groups in the world.

And Judge Barrett has not been the only judicial nominee subjected to

scrutiny for her faith. The Democrats' Vice Presidential candidate grilled one judicial nominee on his membership in the Knights of Columbus, a Catholic charitable organization known for dangerous activities like selling Christmas trees and providing coats for kids in need and partnering with other dangerous charities like Habitat for Humanity and Special Olympics.

Nor is this kind of suspicion of practicing Catholics and other Christians limited to the judicial realm. Democrats' suspicion of religious court nominees is just one feature of the left's growing hostility to religion generally.

More and more, Democrats and liberals are telling religious Americans that they should close their mouths and restrict their religion to the privacy of their homes.

In September, the former Democratic Presidential candidate, Hillary Clinton, suggested that Christianity has become "judgmental" and "alienating."

One of the current Democratic Presidential candidate's staffers recently said that she doesn't think orthodox Catholics, Muslims, or Jews should sit on the Supreme Court.

The current Vice Presidential candidate introduced legislation in this Congress to weaken the Religious Freedom Restoration Act, a key law intended to protect Americans' right to live out their religion.

And forget religious liberty under a Democratic administration. The Democratic Presidential candidate has publicly announced that if he becomes President, he intends to go after the Little Sisters of the Poor—an order of nuns who spend their lives caring for the elderly poor—to force them—to force them—to offer a health insurance provision that violates their religious faith.

That is right. The Democrats' Presidential candidate has proudly announced that his administration will do the heroic work of pursuing a group of nuns who serve the poor to ensure that they are not allowed to fully live out their religious beliefs.

Where to start? Perhaps I should start by noting what should be obvious—that hostility to religion is fundamentally un-American. America was founded on religious liberty. Long before the Declaration of Independence or the Constitution was signed, people came to these shores seeking the right to practice their religion in freedom, and that concern for religious liberty continued through the founding.

Religious freedom was regarded as so fundamental that it is the very first freedom mentioned in the Bill of Rights. "Congress shall make no law respecting an establishment of religion," the Bill of Rights begins, "or prohibiting the free exercise thereof."

Now, some have interpreted references to religion in the Constitution to somehow mean that the Founders were looking to preference secularism

over religion and exclude religion from the public square. Nothing could be further from the truth. Far from wanting to diminish the place of religion or exclude it from public life, the Founders saw religion as something to be fostered. In fact, religion was widely regarded as an essential ingredient in producing good citizens—the kinds of citizens who could maintain the republican government the Constitution had created.

To quote George Washington:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity.

Democrats would like to reduce freedom of religion to a grudging toleration and religious people to second-class citizens. That is not what religious freedom has meant in America. In America, religious freedom has always been a robust freedom—permission to live out your faith not just in the confines of your home but in the public square.

I find it the height of irony that critiques of religious people like Amy Coney Barrett focus on the supposed dogmatism or intolerance of religious individuals because there are few people as dogmatic and intolerant as members of the left wing in America.

Remember when the Women's March was founded at the start of the current administration? More than one pro-life group wanted to join the march and stand for women's rights, but they were quickly kicked off the march's list of partners because the grand poobahs of the pro-abortion left have decided that you can't stand for the dignity of both mother and child and still be a feminist.

It is pretty much the same in the Democratic Party. While a few pro-life Democrats are tolerated in spots where Democrats might not otherwise win, the pro-life Democrat is on the way to extinction at the party level. Last year, for example, the Democratic Attorneys General Association announced that it would not endorse or finance candidates who do not support abortion. So I find it the height of irony when Democrats complain about the supposed dogmatism of religious individuals.

Do Democrats evince the same concerns about dogmatism when avidly pro-abortion or avidly secular individuals are nominated to the Federal bench, or do they assume that these individuals can set aside their beliefs and rule fairly in cases involving abortion or religion? I am pretty sure they assume these individuals will be able to rule fairly according to the law. Yet they deny this respect to religious individuals. Instead, Democrats offer the demeaning and insulting suggestion

that religious people alone are incapable of setting aside their personal beliefs.

I would like to see the attacks on Judge Amy Coney Barrett's faith stop, but more than that, I would like to see the Democratic Party return to a deeper respect for religion and the central place of a robust religious freedom in American life. I would like to be confident that future nominees will not face the suggestion that their faith should prohibit them from participation in the public sphere.

President Obama once spoke of working-class Americans as bitter individuals who cling to their religion. Needless to say, he didn't mean it in a positive way, but he should have. Many great Americans have clung to their religion and been inspired by it to do great things, from serving the needy to fighting for the oppressed. America has been made better by individuals who cling to their faith.

I look forward to seeing the great things that are to come from religious Americans serving in the public square, and we can start by confirming the eminently qualified Amy Coney Barrett to the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Madam President, the Constitution of the United States makes three references to religion. The First Amendment to the Bill of Rights says that we have the right to believe or not believe as a matter of personal conscience and, secondly, that there will be no established government religion in the United States. The only other provision is in article VI, where it expressly says there will be no religious test for public office—three simple assertions which for over 200 years have guided this Nation in dealing with religion.

The statement just made by the Senator from South Dakota really tells me that he didn't tune in to the hearings that were held just a week or two ago when it came to Amy Coney Barrett. I did. I was there for all 4 days, start to finish, with maybe 10 minutes that I stepped aside. So I know what was said and who said it, and I know what the Democrats said, and I didn't believe there was one instance—not one—where any Democrat raised the issue of this nominee's religion. We took seriously what article VI says in the Constitution: There is no religious test for office.

I will state that on the other side of the aisle, there were frequent references to her religion—express references to her religion. That is their right as Senators to decide how they want to handle this issue. But the suggestion that I heard from the Senator from South Dakota tells me he did not follow the hearing and he didn't listen to it. Had he done so, he wouldn't have made the statements that he just did on the floor.

As a lifelong Catholic, I want to state that I have voted for Catholics to serve

on every court, both the Supreme Court and other courts in the land, and I have voted against some as well. I take the admonition of the Constitution seriously. I don't take a person's religion into account when I cast a vote when it comes to a judge, nor should anyone if they follow this Constitution.

One last point I would like to make that was clearly wrong: When it came to the scurrilous and disgusting attacks on the adopted children of this nominee, the Senator from Louisiana spoke up against them, and so did I on the Democratic side. They are unacceptable on either side of the aisle, and for any Senators to suggest otherwise tells me he did not listen to the hearing itself.

I condemn the attack on her family, and I repeat that condemnation on the floor of the Senate today. For that Senator to ignore that fact troubles me greatly. I count him as a friend. I hope when he reads the record of the actual proceedings before the Senate Judiciary Committee, he will come and clarify and correct his remarks.

CORONAVIRUS

Madam President, the last point I want to make—and I know we have a vote in a few minutes—is this: If you ask the American people “What is the business of the Senate for the next 5 days?” I don't think anyone, if they follow it closely, would ever guess the business that we are about.

We live in a country now where 222,000 people have died from this COVID-19 pandemic—222,000. Eight million have been affected. A country that represents 4.5 percent of the world's population, the United States counts for 20 percent of all the COVID-19 deaths in the world. Sadly, it is getting worse before it gets better.

In the State of Illinois, the Governor announced yesterday that because of the increased incidence of infection from COVID-19 in the four major counties surrounding the city of Chicago, we have to close down restaurants and other establishments. It is heartbreaking. I know what it means to these business owners. But it is also heartbreaking to read the numbers day in and day out of what this COVID-19 virus is doing in America—not just to the poor hapless souls who are infected and some dying but to the economy of this country.

Wouldn't you think that would be the focus of business on the floor of the U.S. Senate? Wouldn't you think that the Senate majority leader, Senator MCCONNELL from Kentucky, who controls the business of the floor, would make that job one for all of us and stick together on a bipartisan basis to come up with an agreement before we did anything else? Well if you guessed that, you are wrong, because for the next 5 days, we will be consumed with filling one Supreme Court vacancy. He is determined to fill that vacancy at any cost, including ignoring the major issue of our time, the major issue of

the moment—the pandemic, which affects this country so gravely.

We have lost 222,000 souls, sadly, in America, and it is estimated that it may reach half a million by January 1. What a heartbreak. And we are here spending 5 straight days not dealing with COVID-19 relief, not providing the testing that is needed, not providing unemployment benefits to those who lost jobs, not providing help to small businesses—no. We are focused on one nomination for one vacancy in the Supreme Court. As important as that may be in the ordinary scheme of things, we are not in the ordinary scheme of things. We are dealing with an extraordinary pandemic, which is causing grave damage to this country, to its families, and to our economy. The President may not take it seriously. Obviously the Senate Republicans don't take it seriously. If they did, they would be engaged.

I cannot explain or even imagine how he explains why Senator MCCONNELL refuses to sit down for the negotiations for COVID-19 relief. That is right. They have had negotiations that have involved Senator SCHUMER, Speaker PELOSI, Treasury Secretary Mnuchin, and the President's Chief of Staff, and Senator MCCONNELL refuses to attend those negotiations where they are trying to come up with a bipartisan measure to help us through this crisis. All he does is offer throwaway votes on the floor, take-it-or-leave-it votes on the floor that don't have any bipartisan route to them. They come to us because he wants to have a symbolic rollcall—a symbolic rollcall—for his Members to take home and say: Well, I tried.

No, you didn't try.

If for 5 straight days we do nothing about COVID-19 and focus exclusively on this nominee, how in the world will any Senator explain that was the American priority of the moment? It is not. The American priority of the moment is not this vacancy on the Supreme Court; it is the fact that there are vacancies in homes across America from 222,000 deaths in this country, and they continue apace every single day.

We ought to be coming together on a bipartisan basis. The person who should be leading us in the Senate is the Senate Republican leader. He does not, and as a consequence, we waste our moments here when they should be spent helping America with its highest priority.

I yield the floor.

VOTE ON MOTION TO PROCEED

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to legislative session.

The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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

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

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 210 Ex.]

YEAS—45

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

NAYS—51

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

NOT VOTING—4

Harris	Rubio
Jones	Sinema

The motion was rejected.

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 clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Michael Jay Newman, of Ohio, to be United States District Judge for the Southern District of Ohio.

Mitch McConnell, Chuck Grassley, John Boozman, Lindsey Graham, Mike Crapo, Marsha Blackburn, Tim Scott, Roy Blunt, Mike Rounds, Pat Roberts, John Cornyn, John Thune, Todd Young, Lamar Alexander, John Hoeven, Thom Tillis, Cindy Hyde-Smith.

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 nomination of Michael Jay Newman, of Ohio, to be United States District Judge for the Southern District of Ohio, 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.