

For 4 months, the Republican majority delayed a COVID-relief package while the Nation suffered, but 1 hour—1 hour—after the news of Justice Ginsburg's passing broke, Leader McCONNELL said "batten down hatches, we're full steam ahead" on confirming another rightwing Justice—a Justice who could undo Ruth Bader Ginsburg's legacy; who could rip away healthcare from millions of American families; who could decide there is no more right to choose for millions of American women—Roe v. Wade hangs in the balance here; who could crush unions for millions of American workers; who could make it harder to vote for millions of African Americans; who could end marriage equality for millions of LGBTQ Americans, like my daughter and her wife, who looked at each other this weekend and wondered, is our marriage on the line?

Average Americans are thinking, what are they going to lose with this new, hard-right, special interest-dominated Supreme Court if—if—our Republican friends have their wish, which we are going to fight every step of the way? The stakes of this election, the stakes of this vacancy concern no less than the future fundamental rights of the American people.

My friends on the other side will tell you that we are being hysterical, that they actually support protections for Americans with preexisting conditions. That is hysterical? Ask the mother whose son or daughter has cancer and can't get insurance and watches their child suffer. That is not being hysterical; that is doing what we are supposed to do, not what the folks on the other side are doing—rushing through a Justice who, in a very strong likelihood if that Justice gets approved, would rip healthcare away from the American people.

America, you have to ask yourselves, if Republicans will completely reverse themselves on a major principle whenever it suits them, what can you trust them on? How can you take their word seriously?

Republicans have praised the legacy of Justice Ginsburg with flowery words about her impact, but in the resolution I offered yesterday, they even didn't want to acknowledge her dying wish that she not be replaced until the next President is installed.

President Trump had the gall, the temerity, the baseness to suggest her dying words were not issued by her. How low can the President go?

Senate Republicans are working with every fiber of their being to confirm a Justice—despite her last wish, in contradiction to her dying, most fervent wish—who will reverse her legacy. This is not speculation. This is not hyperbole. President Trump has said again and again and again that he wants the Supreme Court to "terminate" the healthcare law. He made it clear he has a litmus test: Any Trump nominee must want to strike down Roe v. Wade.

For once, Republicans should be straight with the American people.

They are fighting to reverse Justice Ginsburg's legacy, not honor it. All of their speeches of praise run totally hollow and are belied by their actions.

America, you can't trust them at their word. You can't trust them to protect your healthcare, and you definitely can't trust this Senate Republican majority to protect you.

JOHNSON REPORT

Mr. SCHUMER. While the rest of the country was busy fighting COVID, Senate Republicans have been abusing the power of the Senate to conduct opposition research for President Trump's campaign.

This morning, the chairman of the Homeland Security Committee released his report, which reads as if Putin wrote it, not U.S. Senators. The bogus narrative of this report, peddled by a Russian disinformation campaign, was disproved by every witness who testified. Despite their zeal to smear Vice President Biden and his family, Senate Republicans found no evidence—no evidence—to support the conspiracy theories pushed by Putin's intelligence agencies.

Senators GRASSLEY and JOHNSON should reimburse taxpayers for the money they wasted. This entire disgraceful affair and the Johnson report should be relegated to the dustbin of history.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of John Charles Hinderaker, of Arizona, to be United States District Judge for the District of Arizona.

The PRESIDING OFFICER. The majority whip.

SUPREME COURT NOMINATIONS

Mr. THUNE. Madam President, I don't think anyone is surprised that Democrats have not reacted well to the idea that President Trump will nomi-

nate a third Supreme Court Justice. After all, overreacting to Republican nominees is pretty much the Democrats' stock-in-trade. It doesn't matter who the nominee is. To hear the Democrats tell it, any Republican nominee is likely to bring about Armageddon.

The fact that some Republican nominees in past years, and as recently as this past June, have sided with the liberal wing of the Court more often than I would like has not in any way restrained Democrats' hysteria each time a new Republican nominee is introduced.

I thought we had reached a low point 2 years ago with the nomination of Justice Kavanaugh, who suffered months of character assassination at the hands of Democrats, but it turns out that was not the low point because we have reached a new low.

As I said, it is no surprise the Democrats have reacted with hysteria at the prospect of President Trump nominating another Supreme Court Justice. It was disappointing—but hardly surprising—that yesterday the Democratic leader blocked a key Intelligence Committee hearing on election security, a topic he has repeatedly insisted is of overwhelming importance, to protest the thought of the Senate fulfilling its advice and consent role and confirming a principled, conservative woman. Even Speaker PELOSI's overwrought statement that Republicans are "coming after your children," seemed pretty much par for the course.

Democrats have not limited themselves to temper tantrums. No, Democrats have moved on to threats. Dare to confirm the President's duly nominated nominee, Democrats are now saying, and if we win back the majority in November, we will eliminate the legislative filibuster and pack the Supreme Court.

In other words, if Republicans dare to fulfill the Senate's role of advising and consenting to the President's nominee, Democrats will upend our democratic institutions. They will eliminate the legislative filibuster, which is the Senate rule that helps ensure legislation that passes the Senate has to be at least somewhat bipartisan.

And they will pack the Supreme Court. For those who need a brief refresher on the concept of court packing, which had been largely consigned to the dustbin of history nearly a century ago, the theory is as follows: If the Supreme Court is not deciding cases to your liking, add more Justices to the Court until you start getting the decisions that you want. In other words, let Republicans dare to fill the vacant slot on the Supreme Court, and Democrats will keep adding Justices to the Court until they can be assured they will get the outcome they want in every case.

Yesterday, I referred to those Democrats as undemocratic. Why did I say that? They are inconsistent with democratic government. In our system of

government, you win some and you lose some. While it is no fun when you lose, that is how things sometimes go in a democracy. Have Republicans been enthusiastic when Democrat Presidents have had nominees confirmed to the Supreme Court? No, but have Republicans suggested that Democrat Supreme Court Justices are illegitimate? Have we suggested that the proper response to a Democrat Supreme Court nominee is to pack the Supreme Court with additional Republican Justices to get a rubberstamp for Republican priorities? No, of course not.

While we may not like it when Democrats are in charge, we know that Democrat-run government is legitimate, just as Republican-run government is legitimate. It has become clear over the past few years—especially over the past few days—that Democrats think government is legitimate only when they are in charge. So Democrats are accusing Republicans of undermining our institutions by fulfilling our constitutional role because that is exactly what we are doing: fulfilling our constitutional role.

Let's be very clear about that. Republicans are suggesting that we take up a Supreme Court nominee duly nominated by a duly elected President and confirm that nominee in accord with our constitutional advice and consent role.

Democrats are free to think that Republicans should not consider this nominee, but it is absolutely indisputable that Republicans and the President are doing nothing more than carrying out a legitimate constitutional prerogative.

What Democrats are doing, on the other hand, is trying to ensure that only one party has a say in our government—what some might call tyranny—and threatening retribution for the exercise of legitimate constitutional prerogatives. That does pose a danger to our institutions.

Take the Supreme Court. A year ago, several Democrats warned that the Court's nonpartisan reputation was in jeopardy. Their argument was that the Court would look partisan if it did continue with a case the Democrats didn't like. What on Earth do Democrats think will happen to the Court's reputation if they pack the Court with additional Democrats to rubberstamp their policies? Do they really think Americans are going to see the Supreme Court as legitimate once it has been hijacked for partisan Democratic purposes?

If you believe in our system of government, you have to believe that all Americans—not just those who agree with you—have a right to have a voice in the government. You are free to vehemently disagree with 50 percent of your fellow Americans. You are free to dislike it when your party is not in charge. You are free to fight fiercely for the policies and candidates you believe in. But what you cannot do without undermining our entire system is

suggest that government is legitimate only when your party is in charge.

If Democrats continue along this dangerous trajectory, if they continue to try to delegitimize the actions of a duly elected Senate majority and a duly elected President, they are the ones who will put our entire system at risk.

If anyone wonders for a moment whether Democrats are advocating a principled position—if perhaps Democrats really think it would be best for our country to eliminate the legislative filibuster Democrats have used so often or to expand the Supreme Court—one can simply ask whether Democrats will continue to advocate for these positions if President Trump is reelected and Republicans retain control of the Senate. Think about that one. I think everyone here knows what the answer to that question is, and the answer is no.

As I suggested, Democrats' threats are not going to stop Republicans from carrying out our constitutional role in considering the President's nominee. One of the principle reasons that many GOP Senators, myself included, ran for office in the first place was to confirm principled judges to our courts—judges who understand that their role is to interpret the law, not make the law.

While many of my Democrat colleagues would like the courts to impose their policies when they can't push them through Congress, Republicans know that legislation should come from Congress and not from the courts. The job of judges is to interpret the law as it is written, not to oppose Democrat or Republican policies from the bench.

My colleagues and I were elected and reelected, in part, because of our commitment to confirming judges who would uphold the Constitution and the rule of law. We have followed through on that commitment over the past 4 years, and we are going to keep following through by voting on the President's nominee.

Democrats can bluster. They can threaten. They can throw temper tantrums. But we will keep doing what we were sent here to do.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

AGRICULTURE

Mr. HOEVEN. Mr. President, we are here to talk about agriculture. We are here to talk about those great farmers and ranchers who feed this country and feed the world.

You know, when we talk about good farm policy, we are talking about something that benefits every single

American every single day because our farmers and ranchers produce the highest quality, lowest cost food supply in the history of the world that benefits every single American every single day. That is just how important it is. How could we be reminded even more so right now than during this COVID pandemic of that abundant, safe, wonderful food supply that we have every day thanks to our farmers and ranchers, and there is so much that goes into it.

As the Presiding Officer well knows, with Nebraska as his State and its being a big part of the incredible ag production in this country—as a matter of fact, there could be a little rivalry here with his contiguous State to the north in terms of cattle production or something like that—this is something that touches everybody every day and is so important.

It is not just those farmers and ranchers who produce that food every day; it is the whole supply chain that has to work. Remember, that food supply has to be safe every day, not only tasty and affordable and abundant, and that is what we are talking about. This has become a big, big issue in the continuing resolution that we are working on right now in that the way we are funding the coronavirus food assistance programs, in part, is with the direct funding that we secured in the CARES Act and also from what they call the CCC, the Commodity Credit Corporation. With regard to the farm bill—the bipartisan farm bill that has incredibly strong support on both sides of the aisle in this body and the House—many of its very key programs are funded by the Commodity Credit Corporation. We put about \$30 billion a year into that fund every year to make sure that those programs are funded to support our farmers and ranchers.

That was not in the original House version that was going to be filed, so a group of Senators from ag States came together last week and had a colloquy in this body. They immediately went to work with our friends in the House who are also strong supporters of agriculture and now the continuing resolution that has passed the House overwhelmingly, which we will be taking up, has that key funding in it.

So we are really here to, once again, emphasize the importance of making sure we fund these farm programs, to make sure that we fund them in a timely way, and, again, to point out very clearly that this is funding that is being used expressly the way it was authorized to be used both in the overwhelmingly bipartisan farm bill we passed—the 5-year farm bill—but also in the CARES Act, in which we secured additional funding. Now the funding that is included in the continuing resolution is exactly that funding that we put out there every year to make sure this farm bill is provided on time.

It could not be more important than this year, when not only are our farmers and ranchers fighting COVID but