



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166

WASHINGTON, WEDNESDAY, SEPTEMBER 30, 2020

No. 169—Part II

Senate

(Legislative day of Tuesday, September 29, 2020)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we praise You with our whole hearts. We refuse to forget how You have led our Nation in the past and trust You to guard our future.

Lord, encourage our lawmakers to be a part of Your solutions and not a part of the problems that confront our land. Give them the courage to carry on knowing that nothing is too difficult for Your sovereign might.

May the light of Your truth illuminate their way as they find in You a sure guide. Help them to commit their lives to those that will cause justice to roll down like waters and righteousness like a mighty stream.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask to speak for 1 minute as in morning business.

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

PRESCRIPTION DRUG COSTS

Mr. GRASSLEY. Mr. President, last night, former Vice President Biden said that President Trump “hasn’t lowered

drug prices for anybody.” This is false, and I hope that the news media will call out Mr. Biden for the lie.

Among several other actions, President Trump launched an initiative to lower the out-of-pocket costs of insulin for seniors through the Part D Medicaid-Medicare Program. Also, President Trump recently signed an Executive order that will launch several programs to lower drug costs and help seniors afford their medicines.

More disingenuous than this claim from Mr. Biden is that it was actually the Vice President’s former Democratic colleagues here in the Senate who walked away from the negotiating table and killed any hope of passing legislation to lower prescription drug costs before the election. This was an effort by Minority Leader SCHUMER and his Democratic colleagues to hurt President Trump and Senate Republicans. Mr. Biden seems content to capitalize on his own party’s obstructions.

Now, I have come to expect election-year partisan politics such as I have just described it, but during a pandemic that has left hundreds of thousands dead and millions unemployed, it is particularly egregious that Democrats have decided it is more important to hurt Republicans than help Americans. I am sorry to say this is the truth of the matter.

It will be up to Democrats to make it right. I am not holding my breath, but I do hope voters hold accountable a party that failed in its basic duty to put people ahead of politics.

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Majority Leader is recognized.

NOMINATION OF AMY CONEY BARRETT

Mr. MCCONNELL. Mr. President, this week, the Senators who are sitting down with Judge Amy Coney Barrett are meeting an incredibly impressive jurist and highly qualified nominee. They are hearing from the professor whom former colleagues call “mind-blowingly intelligent,” “one of the most humble people you’re going to meet,” and “the complete package.” They are meeting a law school valedictorian and award-winning academic whom peers praise for her “lucid, elegant prose,” “piercing” legal analysis, and “absolute dedication to the rule of law.”

Senators are meeting the distinguished circuit judge whom the liberal law professor Noah Feldman says is “a brilliant and conscientious lawyer” who is “highly qualified to serve on the Supreme Court.”

Some of our Democratic colleagues have decided they will refuse to meet with Judge Barrett. Several have volunteered their votes will have nothing to do with her qualifications, as though that were something to be proud of. The Democratic leader says: “It’s not her qualifications.” The junior Senator from Delaware says: “This isn’t about her qualifications.”

Certainly, every Senator may define “advice and consent” how they wish, but I think it is telling to see Senate Democrats openly affirming that Judge Barrett’s actual judicial qualifications do not matter to them. Our friends on the left really do mistake the Court as an unelected superlegislature. They are not interested in Judge Barrett’s legal qualifications because they think

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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judges are there to dictate policy outcomes rather than following the facts and text wherever they lead.

That is why we have had the same scare tactics for almost half a century. John Paul Stevens was going to end women's rights. David Souter was going to send vulnerable people into the Dark Ages. John Roberts was going to declare war on health insurance.

And now our Democratic colleagues want Americans to believe Judge Barrett is on a one-woman crusade to hurt Americans with preexisting conditions. One Senator has literally claimed the nominee would—listen to this—“create a humanitarian catastrophe.”

They are the same old scare tactics, totally predictable and totally dishonest.

These baseless attacks over healthcare are supposedly founded on a technical argument in a 4-year-old scholarly article. Then-Professor Barrett analyzed the Supreme Court's ruling on one piece of ObamaCare—the unfair, unpopular individual mandate penalty, which we have since zeroed out. The constitutional arguments over whether that terrible idea was a “penalty” or a “tax” are now moot because, whatever you want to call it, Republicans in Congress zeroed it out 3 years ago. Working Americans are no longer penalized by that Democrat policy. Americans with preexisting conditions are still protected and that specific legal question is moot.

Our Democratic colleagues are grasping at straws. Now they want Judge Barrett to promise to recuse herself from whole categories of cases. Of course, that is ridiculous. It is hard to think of anyone in the country over whom a President has less leverage than a judge with a lifetime appointment. Nobody suggested Justice Sotomayor or Justice Kagan needed to categorically sit on the sidelines until President Obama left office. This is just a backdoor attempt to impugn Judge Barrett's integrity.

If Senators believe this nominee is committed to impartial justice in every case, if they believe she will mean her oath when she takes it, they should vote to confirm her. If they don't, they should vote no.

But only one of these arguments has any basis in Judge Barrett's resume, her reputation, and the praise that has been showered on her jurisprudence even by famous liberal lawyers.

Judge Barrett has already stated in writing to the Senate that she has given nobody in the White House any hints or any assurances about any kind of cases, real or hypothetical. It is only Senate Democrats who are trying to extract promises and precommitments. It is only Democrats who are trying to undermine judicial independence.

Last night on national television, former Vice President Biden refused to rule out the radical notion of packing the Supreme Court. He ducked the question. In Washington, when you duck the question, you know what the

answer is. That is exactly what they are up to. That is exactly what they intend to do.

Last year, our colleague Senator HARRIS said explicitly that she was open to it. That is another way of saying that is what they intend to do. Numerous of our colleagues have refused to rule out this radical institution-shattering step.

Now Senate Democrats are trying to make Judge Barrett precommit to handle hypothetical issues the way they want—more disrespect for judicial independence.

Judge Barrett understands a judge's only loyalty must be to our laws and our Constitution. She understands our system would collapse if judges do not leave politics aside. If the Democratic Party feels differently, if Democrats have decided that judicial independence is simply an inconvenience to their radical agenda, it shows how little weight we should afford their criticisms of this outstanding nominee.

CORONAVIRUS

Mr. MCCONNELL. If Senate Democrats were half as concerned as they say about America's family healthcare, they would not have filibustered a multihundred-billion-dollar proposal for more coronavirus relief just a few weeks ago.

A Senate minority that was focused on America's health would have let us fund more tests, treatments, and vaccine development, like Republicans tried to do just a few weeks ago. A Senate minority that was prioritizing wellness would have let us spend more than \$100 billion to make schools safe for students, like Republicans tried to do just a few weeks ago. A Senate minority that sought to protect citizens with preexisting conditions would have let us reaffirm legal protections for those Americans, like Republicans had in our bill just a few weeks ago. A Senate minority that was serious about economic recovery would have let us fund a second round of the Paycheck Protection Program and continued the expanded unemployment checks, like Republicans tried to do just a few weeks ago.

The Senate voted on all of this 3 weeks ago. Three weeks ago, every single Senator cast a vote on preexisting conditions, money for testing, money for vaccines, money for safe schools, money for small businesses, and money for unemployed workers—just 3 weeks ago. Fifty-two Republicans voted to pass all of these policies and every single Democrat who showed up voted to filibuster it dead.

The Democratic leader and the Speaker of the House were determined that American families should not see another dime before the election. This week, Speaker PELOSI is finally caving to months of pressure from fellow Democrats who argue that her stonewalling is hurting our country. House Democrats are trying to save

face by introducing yet another multi-trillion-dollar far-left wish list with virtually all the same non-COVID-related poison pills as their last unserious bill.

Speaker PELOSI's latest offering still does not include a single cent of new money toward the Paycheck Protection Program to help small businesses that are going under. It does nothing to help schools, universities, doctors, nurses, or employers avoid frivolous lawsuits. But the House did find room to provide special treatment to the marijuana industry. Their bill mentions the word “cannabis” more times than the words “job” or “jobs.”

They still want to send taxpayer-funded stimulus checks to people in our country illegally. They still want to hand a massively expensive tax cut to millionaires and billionaires in places like New York City and San Francisco, a pet priority of the Speaker and the Democratic leader that would do nothing to help working families through this pandemic.

All of these far-left poison pills are still in their recycled bill. They have no intention of making bipartisan law for American families, but there are a few changes from the last bill.

So get this. Now that supporting law enforcement has become less than fashionable on the far left, the Democrats have actually taken out hundreds of millions of dollars for hiring and assisting police officers. Let me say that again. In this latest version, there were at least some changes. Now that supporting law enforcement has become less than fashionable on the far left, the Democrats have actually taken out hundreds of millions of dollars for hiring and assisting police officers. Their so-called sequel to the Heroes Act has decided that cops are not heroes after all. Apparently, cops are not heroes after all. The House Democrats couldn't miss a chance to defund the police.

This latest bill from the Speaker is no more serious than any of their other political stunts going back months. If they continue to refuse to get serious, then American families will continue to hurt. Less than a month ago, every single Senator voted on providing hundreds of billions of dollars for kids, jobs, healthcare, and reaffirming protections for preexisting conditions. There were 52 Republicans who voted to advance all of these things, but every single Democrat who showed up voted to block them.

The American people are still hurting. The layoffs are still mounting. Families still need more help, and the healthcare fight needs more resources. One side voted to supply all of that help. The other side decided to block it.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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