

## LEGISLATIVE SESSION

## CONTINUING APPROPRIATIONS ACT, 2021 AND OTHER EXTENSIONS ACT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 8337, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 8337) making continuing appropriations for fiscal year 2021, and for other purposes.

Pending:

McConnell Amendment No. 2663, to change the enactment date.

McConnell Amendment No. 2664, of a peremptory nature.

The PRESIDING OFFICER. The Senator from South Dakota.

## NOMINATION OF AMY CONEY BARRETT

Mr. THUNE. Mr. President, on Saturday the President announced his nominee to fill the Supreme Court seat left vacant by Justice Ginsburg. As the Nation mourns the death of this trailblazing Justice, it is fitting that the President chose an outstanding woman to replace her.

I had the pleasure of sitting down with Judge Amy Coney Barrett yesterday, and I can say with confidence that she is everything you would want in a Supreme Court Justice.

She is supremely qualified. Like Justice Ginsburg, Judge Barrett was first in her class in law school—in this case, at Notre Dame. She was a clerk for DC Circuit Judge Laurence H. Silberman and then for Supreme Court Justice Antonin Scalia.

She worked at a prestigious law firm and served as a visiting professor at the George Washington University Law School before accepting a position at the University of Notre Dame Law School, where she went on to teach for 15 years.

During her time at Notre Dame, Judge Barrett built a distinguished record. She was published repeatedly in prominent law journals and was chosen by Chief Justice John Roberts to serve on the Advisory Committee for the Federal Rules of Appellate Procedure. She was elected Distinguished Professor of the Year by the law school's graduating class three times.

She also served as a visiting associate professor at another prominent law school, the University of Virginia School of Law.

In 2017, she moved to the U.S. Court of Appeals for the Seventh Circuit, winning Senate confirmation in a bipartisan vote. During her confirmation to the Seventh Circuit, support for Judge Barrett poured forth from her students, colleagues, and peers from both sides of the aisle.

Every one of the Supreme Court clerks who had served with Judge Barrett during her clerkship with Justice Scalia wrote a letter to the then-chairman and ranking member of the Judi-

ciary Committee expressing their support for her confirmation. This included Justice Ginsburg's clerks and other clerks from the liberal wing of the Court.

Here is what they had to say:

We are Democrats, Republicans, and independents, and we have diverse points of view on politics, judicial philosophy, and much else. Yet we all write to support the nomination of Professor Barrett to be a Circuit Judge on the United States Court of Appeals for the Seventh Circuit. Professor Barrett is a woman of remarkable intellect and character. She is eminently qualified for the job.

Judge Barrett's colleagues from Notre Dame sent a similar letter. They said:

Amy Coney Barrett will be an exceptional federal judge. . . . As a scholarly community, we have a wide range of political views, as well as commitments to different approaches to judicial methodology and judicial craft. We are united, however, in our judgment about Amy. She is a brilliant teacher and scholar, and a warm and generous colleague. She possesses in abundance all of the other qualities that shape extraordinary jurists: discipline, intellect, wisdom, impeccable temperament, and above all, fundamental decency and humanity.

That letter was signed by every full-time member of the Notre Dame Law School faculty—every full-time member.

Four hundred seventy Notre Dame Law graduates, former students of Judge Barrett, sent a letter as well. Here is what they said:

Our backgrounds and life experiences are varied and diverse. Our legal practices are as varied as the profession itself. . . . Our religious, cultural, and political views span a wide spectrum. Despite the many and genuine differences among us, we are united in our conviction that Professor Barrett would make an exceptional federal judge.

They went on:

We are convinced that Professor Barrett would bring to the federal bench the same intelligence, fairness, decency, generosity, and hard work she has demonstrated at Notre Dame Law School. She will treat each litigant with respect and care, conscious of the reality that judicial decisions greatly affect the lives of those before the court. And she will apply the law faithfully and impartially.

I could go on for a while here. There are a lot of tributes to Amy Coney Barrett out there, like the one in support of her circuit court nomination that was joined by former Obama Solicitor General Neal Katyal, which praised her "first-rate" qualifications and stated that she was "exceptionally well qualified" or the recent tribute from Harvard law professor Noah Feldman, one of the House Democrats' star impeachment witnesses, who stated: "Barrett is highly qualified to serve on the Supreme Court." But I will stop here because I think it is abundantly obvious to everyone—my colleagues across the aisle included—that Judge Barrett is supremely qualified to be a Supreme Court Justice, which is why Democrats have resorted to scare tactics to try to sink her nomination.

Democrats realize that it is pretty hard to oppose Judge Barrett on the merits, and they seem at least some-

what wary of attacking her religion, as they did during her confirmation hearing to the Seventh Circuit, when multiple Democrats suggested that Judge Barrett was unqualified because she happened to be a practicing Catholic. I think Democrats may be realizing that their bias against religious people doesn't play well with the millions of Americans who take their faith seriously.

They may also be remembering that the Constitution explicitly forbids—forbids—religious tests for public office, although I will note that that didn't stop one of the Democratic Presidential candidate's advisers from saying just this week that she doesn't think that orthodox Catholics, Muslims, or Jews should sit on the Supreme Court. That is right—in this Biden adviser's world, taking your religious faith seriously should disqualify you from sitting on the Supreme Court.

Apparently Democrats still don't think that people of faith are capable of upholding the Constitution or discharging the duties of their office. But, again, it seems the Democrats realize that offending millions of religious Americans may not be their best strategy, so they have turned to healthcare scare tactics.

Judge Barrett, Democrats say, will take away Americans' healthcare if she is confirmed to the Supreme Court. It is actually a very old Democratic line—something that they always use in their playbook.

It was deployed, if you can believe this, against Justice Kennedy when he was a Supreme Court nominee back in 1986.

It was deployed against Justice Souter, a Republican nominee, who became known for siding with the liberal wing of the Court. There were lots of posters at the time that said things like "Stop Souter or women will die." "He will jeopardize the health and lives of Americans," it was said by the left at the time.

It was deployed against Justice Roberts—the very same man who cast the deciding vote upholding the Affordable Care Act—when he was Chief Justice on the Supreme Court. They said at the time that there would literally be millions of American consumers and families at risk of losing their coverage. That statement was made by a Member of the current leadership here in the U.S. Senate about Chief Justice Roberts.

Now it is being deployed against Judge Barrett in an attempt to derail her nomination, while promulgating one of the liberals' favorite myths—that Republicans are eagerly waiting to rip away Americans' healthcare.

Democrats are particularly focused on suggesting that Republicans would like to take away protections for preexisting conditions, despite the fact, I might add, that every single Senate Republican supports protecting people with preexisting conditions—every single Senate Republican. In fact, just a

few weeks ago, Republicans included language affirming protections for those with preexisting conditions in our COVID relief bill—a bill that Democrats filibustered.

It is both ridiculous and offensive to suggest that Judge Barrett, the mom of seven children—more than one of whom has faced medical challenges—is out to eliminate Americans' healthcare.

The truth is, we have no idea how Judge Barrett would vote on any particular healthcare case, just as we have no idea how any Supreme Court Justice will vote on any particular healthcare case. How could we? How could we? Each case is unique, with unique legal and constitutional issues. What we can say with certainty about Judge Barrett is that she will carefully consider each case. She will consider the facts of the case, the law, and the Constitution, and she will rule based on those things regardless of her personal feelings or beliefs.

As Judge Barrett noted in her speech accepting the President's nomination, "A judge must apply the law as written. Judges are not policymakers, and they must be resolute in setting aside any policy views that they might hold." That is the kind of Justice that Judge Barrett would be, and that is the kind of Justice that all of us, Democrat or Republican, should want—someone who will protect the principles of justice and equality under the law by judging according to the law and the Constitution and nothing else; someone who will leave her personal beliefs at the courtroom door; someone who will, as Judge Barrett said last week, quoting the judicial oath, "administer justice without respect to persons, do equal right to the poor and rich, and faithfully and impartially discharge my duties under the United States."

One of the reasons I ran for the Senate was to help put judges like Amy Coney Barrett on the bench. I commend the President for his outstanding choice, and I look forward to supporting her nomination as the Senate moves forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

#### SUPREME COURT NOMINATIONS

Mr. GRASSLEY. Mr. President, last night former Vice President Biden refused to rule out packing the Court if the President and the Senate proceed to fulfilling their constitutional duties and filling the High Court vacancy.

I understand there are differences of opinion on the direction of the Court, but threatening to expand the Court and pack it with favorable Justices just because the other side won fair and square and simply followed the Constitution does not meet the commonsense test.

This is dangerous territory and leads to an erosion of public faith in the judiciary. Where would such a path lead us? Thirteen Justices? Maybe 21 Justices? At what point does it stop?

I thought we settled this under FDR, way back in 1937–1938. It is telling that Democrats are not trying to justify their discussion of Court packing by saying there is some practical reason why it is needed.

In fact, the Supreme Court is hearing fewer cases than ever. Any Democratic Court-packing plan would be nothing more than a naked power grab, an effort by Democrats to subvert the will of the people when they couldn't get the results they wanted at the ballot box that would have let their party pick and confirm judges.

Let's try to remain focused on the political independence of the judiciary and leave politicking to this branch of government—the legislative branch.

I yield the floor.

The PRESIDING OFFICER (Mr. ROMNEY). The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, the Senator from Iowa who just spoke is my friend. We have worked on things together. We, occasionally, don't see eye-to-eye on issues. I certainly don't see eye-to-eye with him on what he just said on the floor of the Senate. It would be credible if, 4 years ago, exactly the opposite result had not been produced by the Republican majority. Remember, 4 years ago, Antonin Scalia's untimely death on a hunting trip, and there was a vacancy on the Supreme Court, in February, if I remember correctly? There was the question as to whether the incumbent President, duly elected, of the United States of America, Barack Obama, would be able to fill the Supreme Court vacancy?

But, no, the Republicans insisted that was unacceptable—unacceptable for this lame duck President with only a year left in his term to fill the vacancy on the Supreme Court. No, they had a more constitutional idea. Their constitutional idea was to delay filling the vacancy on the Supreme Court until the American people spoke in an election in November of the same year.

So when President Obama sent his nominee, Merrick Garland, eminently qualified, to be considered by the Senate, Senator McConnell instructed his membership: We are not only going to refuse him a hearing; I am going to refuse him even a meeting in my office. I will not dignify—will not dignify—the nomination of Merrick Garland to fill the Supreme Court vacancy, because—Senator McConnell told us in his golden rule—the American people have to speak in the election about the next President, who will then fill the vacancy.

That was the hard and fast rule that every Republican Senator swore allegiance to on the floor of the Senate, before the microphones and cameras, and said: That is the way it is going to be.

It may be rude. It may be crude to even ignore this man who is eminently qualified to be the nominee of President Barack Obama, but that is the way it is going to be, because we are so committed to the Constitution that we will not fill the vacancy on the Supreme Court until after the election.

And then came the epiphany—a vacancy on the Supreme Court with a Republican President, Donald Trump, occurring in the last year of his Presidency in his first term—maybe his only term—and the decision then by Senator McConnell in the name of the Constitution to completely reverse himself and to say: We will not fill the vacancy in the way we did 4 years ago. We will fill it the way we want to fill it now, and the way we want to fill it now is immediately, on a quicker timetable than virtually any person who has been appointed to the Supreme Court for a lifetime appointment, the highest Court in the land.

There was a time, as a member of the Senate Judiciary Committee, that after hearing the nominee's name you waited for the reports. Many of them would come to you, talking about the biography of the nominee, the background of the nominee, the writings, the speeches, the articles, and, if they were judges, their judicial opinions. We would carefully study those and be prepared when it came time for a hearing.

Not in this situation, no way—Senator McConnell wants this done and done now. He clearly has doubts in his own mind as to whether this President can be reelected, and he is not going to waste his time. He is going to make sure the Senate Judiciary Committee acts before the election on November 3. The hard and fast principle of 4 years ago has disappeared with President Trump.

I have watched Republican Senator after Republican Senator, with only two exceptions, march before the camera and look at their shoes and say: I changed my mind. We are going to fill this vacancy now. Because of the Constitution? No, because politically it helps us.

Why the hurry? Why before November 3? Why wouldn't they at least wait until the end of November?

No, the hurry is obvious, because on November 10, the U.S. Supreme Court will have oral arguments on whether or not the Affordable Care Act will be eliminated. You see, Republican attorneys general, as well as this administration, have decided they want to do away with it. They want it to go away.

When they are asked very simple questions: How will people be affected? They shrug their shoulders.

Well, I will tell you how. Twenty million Americans will lose their health insurance if the Supreme Court abolishes the Affordable Care Act, and nearly every American will lose the protections it gives for people with preexisting conditions. The President said—and he said again last night, in what some characterized as a debate,

and what I characterize as a free-for-all—the President said: Well, we have a substitute plan.

Really, Mr. President? Where would that be? I haven't seen it—not on the floor of the Senate, not in the newspapers, not in the press releases.

There is no substitute plan. That is why 3 years ago Senator McCain came to the floor and said he would not join the Republicans in killing the Affordable Care Act, because there was no substitute. It would leave too many Americans without the protection of health insurance.

Well, that is going to be argued in the Supreme Court on November 10, and by tradition, a Supreme Court Justice cannot vote come next spring on the fate of this lawsuit if they didn't sit in on the oral argument. So there is a mad dash—a mad dash—by the Senate Judiciary Committee to bring up the nomination of Amy Coney Barrett from Notre Dame University Law School. They want it done before November 3 so she can sit in on the decision—or at least on the oral argument and then the decision—in this case, *California v. Texas*.

That is what it is all about. It is all about 600,000 people in the State of Illinois—600,000—who rely on the Affordable Care Act to get their health insurance. It is all about a law that eliminated the number of uninsured in my State by 50 percent. It is all about a protection that we all take for granted that says insurance companies cannot discriminate against us because of pre-existing conditions. That is what it is all about.

Over 50 votes on the floor of the House of Representatives by the Republican majority to end this Affordable Care Act couldn't get the job done. A last minute scramble on the floor of the U.S. Senate in 2017 couldn't get the job done. Senator McCONNELL is going to get it done. He is going to get it done by pushing through a nominee before November 10 who can vote to eliminate this Affordable Care Act.

How do I know that this Supreme Court nominee is going to eliminate the Affordable Care Act? Because she wrote it down. She wrote down her opinion as to whether or not this was constitutional. She has already let us know, and she obviously let President Trump know, and that is why he named her.

And there is one other reason. You see, this President, for the first time in the history of the United States of America, will not pledge if he will accept the results of this election on November 3. It is the first time it has ever, ever happened in our history, and it is a constitutional outrage.

I commend the Presiding Officer, the only Republican Senator on the floor who has spoken out against it, that I know of. Others should have joined him. The Governor of Massachusetts, a Republican, joined him, saying it is the wrong thing to say, the wrong thing to do, and both parties should condemn it

when either a Presidential candidate or an incoming President says it.

But this President is pretty obvious. He wants to fill that Supreme Court vacancy because he says: There may be an election contest after November 3; I want 9 people on the Court.

What he didn't say, which is obvious, is that he wants that ninth person to be his nominee. So that is what we face with this situation and what we have ahead of us in the next week and a half.

#### PRESIDENTIAL DEBATE

Mr. President, I watched what was supposedly called a debate last night. It was painful. It was painful as this President showed so little respect when it came to the rules of the debate.

Chris Wallace, the FOX Television newsman who moderated was beside himself. He didn't know how to get the President to stop interrupting, to follow the rules of the debate. This President doesn't follow anybody's rules but his own. That was very obvious last night.

There was one moment, though, that I want to highlight. It was a moment when Chris Wallace basically said: Will both of you, the Democrat, Biden, and the Republican, President Trump—both of you—condemn violence, White nationalism, and White supremacists? Well, Biden did. Biden said: There is no place for violence in the name of political protests—none. Unequivocal.

Then came the turn of the President, who, if you remember, had difficulty parsing out the good guys and bad guys in Charlottesville—those who went down to Charlottesville to march for civil rights and those who went down to march, frankly, chanting what was used during the time of the German rise of Nazism, their anti-Semitic chant. They grabbed their torches and marched. When asked later, President Trump struggled with it and said that there were good folks on both sides, the White nationalist side, as well as those for civil rights. That was an outrage. Last night, Chris Wallace served up an opportunity for the President to clear it up.

I came to the floor today to speak about the President's response, to speak also about the most significant domestic terrorism threat facing our Nation today: the threat of violent White supremacists. Like most Americans, I was stunned by the President's refusal last night to condemn White supremacists during the course of last night's Presidential debate.

Moderator Chris Wallace gave President Trump an uninterrupted opportunity to condemn the Nation's biggest domestic terrorist group, White supremacists. Instead, Trump said, and I quote: They should "stand back and stand by." "Stand back and stand by."

Trump's comments were quickly embraced by the Proud Boys, an alt-right self-described, "western chauvinist" group that clearly heard it as a call to action. The group immediately turned the President's words in the debate into a logo that has been widely circulated on social media.

From the rightwing social media site—which I am not going to name because I don't want to give any publicity to it, but I will put it in the Record—Proud Boys leader Joe Biggs said he took Trump's words as a directive to "[F] . . . them up."

For years now, in letters, briefings, and hearings, I have repeatedly urged the Department of Justice and the Federal Bureau of Investigation and the Department of Homeland Security to take a strong stand against the ongoing threat of violent White supremacy and other far rightwing extremists. Unfortunately, instead of following up with a comprehensive, coordinated effort—to no surprise—the Trump administration has repeatedly chosen to downplay this deadly threat—a law-and-order President who looks the other way, winks, nods, and says "stand by" to militia groups and White supremacists.

Last year, several of us wrote to Attorney General Barr and FBI Director Wray to inquire about the Trump administration's inexplicable, irresponsible decision to stop tracking White supremacist incidents as a separate category of domestic terrorism. The Trump administration has yet to respond to our many letters asking what the Department of Justice and the FBI are doing to combat the ongoing threat of White supremacist violence targeting religious minorities and communities of color.

Since then, our concern has obviously grown. Instead of focusing on the significant threat of domestic terrorism motivated by White supremacy and far-rightwing extremism, terrorists have killed more than 100 Americans since 9/11. President Trump claims, as he did last night, that violence is a "left-wing problem, not a right-wing problem."

Let me tell you, we should condemn violence on both wings and everything in between. I join Vice President Biden in condemning all violence, including the alleged murder of a Federal Protective Service officer in Oakland, CA, by a rightwing "Boogaloo" extremist, and the alleged murder of two Black Lives Matter protesters in Kenosha, WI, by an Illinois teenager who reportedly considered himself to be a member of a militia—17 years old.

Unfortunately, as we have learned from former Trump administration officials, the Trump administration has downplayed the threat of violent White supremacy and other far rightwing domestic terrorists.

POLITICO recently reported that a draft homeland threat assessment report from DHS was edited and changed by the Trump administration to weaken language discussing the particular threat posed by violent White supremacists. The Trump boys don't want to talk about it.

Shortly thereafter, a DHS whistleblower alleged that DHS officials, including Ken Cuccinelli, requested the modification of the homeland threat

assessment report to make the threat of White supremacists “appear less severe” and add information on violent “leftwing groups.”

The efforts of officials within the Trump administration to obscure this threat posed by violent White supremacists and other far-rightwing extremists are misguided and dangerous. We know the significance of this threat.

An unclassified May 2017 FBI-DHS joint intelligence bulletin found that “White supremacist extremism poses a persistent threat of lethal violence” and that White supremacists were responsible for more homicides from 2000 to 2016 than any other domestic extremist group. FBI Director Wray admitted, when questioned before a Senate Judiciary Committee at a hearing last year, that the majority of domestic terrorism threats in America involve White supremacists.

Thankfully, there is something in the Senate we can do to respond to this threat. I have introduced the Domestic Terrorism Prevention Act, a bill that would enhance the Federal Government’s efforts to prevent domestic terrorism by requiring Federal law enforcement agencies to regularly assess domestic terrorism threats, focus their limited resources on the most significant domestic terrorism threat, and provide training and resources to assist State, local, and Tribal law enforcement.

Good news: Last week, the House of Representatives passed the House companion to my bill on a unanimous voice vote. The Democrats and Republicans all agreed. Senator MCCONNELL has a chance take it up. Are we going to stand together, as the House did, on a bipartisan basis, condemning White supremacists who resort to violence and terrorism or are we going to say to them: Stand back and stand by?

It is time for us to step up together on a bipartisan basis. Condemn violent conduct on both political spectrums—on the right, on the left, and everything in between. You can use our Constitution responsibly. You don’t have to resort to violence. You don’t have to resort to vandalism or looting, the use of guns and threats, or the killing of innocent people. It is never ever acceptable, right or left.

The dominant group, when it comes to this activity, is White supremacists. Our opportunity now to keep track of them and their activities is before us. All it takes is for Senator MCCONNELL to agree to take up this unanimously passed bill from the House of Representatives and to say to President Trump, once and for all, join us in condemning all violence across the political spectrum.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### HEALTHCARE

Mr. GRASSLEY. Mr. President, it is typical during an election season to hear Democrats try to scare people into believing that Republicans want to destroy programs that Americans rely on for their health and security. We have recently heard this on Medicare and Social Security. Now there is a new subject to add: health insurance. The programs are different, but the scenarios are the same.

The Democrats concoct a story, attribute it to the President and to Republican Members of Congress, and then turn to their allies to amplify this false narrative. What really stands out this election season is how those all-too-familiar scare tactics directly contradict the message coming from the Presidential nominee of the Democratic Party.

Vice President Biden says he is for hope, not fear. His actions and those of his party show just the opposite. So let’s start with the Democrats’ efforts to pin Medicare’s financial struggles on Republicans. The facts tell a much different story.

Republicans have fought for decades, often in the face of Democratic resistance, to keep Medicare strong not only for current enrollees but for their children and grandchildren. For instance, in 1995, President Clinton vetoed Republican efforts to keep Medicare on sound financial footing.

Faced with the prospect that the Medicare hospital insurance trust fund was going broke in just a few years, back then, Republicans still pressed on. It was the work of a Republican House of Representatives and a Republican Senate that ultimately convinced President Clinton to sign the Balanced Budget Act of 1997. That act of 1997 extended the life of the health insurance trust fund, but it was not a silver bullet to solve the Medicare Program’s long-term financial challenges.

For many years, spanning both Democratic and Republican administrations, the Medicare trustees have cautioned that the program’s financial shortfalls require further legislative action. The trustees reported repeatedly—advised Congress to enact such legislation sooner rather than later to minimize the impact on beneficiaries, healthcare providers, and taxpayers.

Republicans know how important Medicare is to the over 60 million Americans who rely on the program for their healthcare, but we also realize that Medicare is on an unsustainable course. I have already said that we need to work in a bipartisan way to protect Medicare, particularly here in the U.S. Senate, where it takes 60 votes to get anything done. That work requires an honest assessment and a very serious discussion.

Sadly, it seems that Democrats are only willing to take their heads out of the sand long enough to point fingers. So let’s set the record straight. Earlier

this year, the trustees of Medicare projected that that program would be bankrupt in 2026. Then, of course, we have this unprecedented public health emergency to deal with, the pandemic, as we always call it, which dealt a crippling blow to our Nation. The sacrifices and efforts made to stop the spread of the coronavirus effectively shut down the U.S. economy and altered life as we all know it.

Congress stepped in to provide Federal relief. The COVID response bills were passed on an overwhelming bipartisan majority, specifically the CARES Act—better known as the Coronavirus Aid Relief and Economic Security Act—passed the House by a vote of 419 to 6, and the U.S. Senate, 96 to 0.

CARES gives extra Medicare funding to hospitals and other healthcare providers to keep them in business in the face of an unexpected drop in demand for medical services. Additionally, because of Medicare Part A, as financed by payroll taxes that are split between employers and employees, unemployment caused by the pandemic has resulted in less money coming into the trust fund. So it, then, is not surprising that the Congressional Budget Office estimated earlier this month that the Medicare trust fund could run out of money in 2024, 2 years earlier than the Medicare trustees had projected, without taking into account the impact of COVID because they didn’t know about it and couldn’t take that into consideration.

It is important to note that during the Trump Presidency and prior to the pandemic, the projected insolvency date of the Medicare health insurance trust fund remained pretty steady. No one could have anticipated this current crisis.

Instead of taking it as a reminder of the need to shore up Medicare for the long haul, Democrats have opted to create a false narrative that the current administration is the problem. Every recent President, Republican and Democratic, has offered Medicare reform ideas in budget requests submitted to the Congress. Many of those budgets contained identical policy ideas, whether from a Republican President or a Democratic President.

Putting aside that Congress, and not the President, makes laws, the notion that proposals aimed at making Medicare more efficient is equivalent to sabotaging the program is absurd. Yet, whenever a Republican occupies the White House, we repeatedly hear from Democrats that proposals for program integrity represent cuts or efforts to weaken or destroy Medicare, even when some of those same proposals were put forward by Democratic administrations.

Because Medicare is on a path to bankruptcy, the greatest threat, then, is what often happens around here—inaction. Over the past decade, Democrats not only stood firmly in the way of meaningful Medicare reform, but they actually made the problem worse.

Rather than confront the looming crisis in 2009, President Obama, Vice President Biden, and Washington Democrats raided more than \$700 billion from the Medicare Program. They didn't do it to save Medicare; they cut money from a financially strapped Medicare Program and then spent that money on a brandnew entitlement program called ObamaCare. It was the Democrats who pushed ObamaCare through Congress without a single Republican vote.

And what do Democrats want to do if they find their way back into power? They want to enact something called Medicare for All. Moving the 180 million Americans with private, employer-based insurance to the Medicare rolls would cause Federal spending to balloon to unthinkable levels.

An analysis conducted by the Mercatus Center in 2018 found that Medicare for All would increase Federal spending by \$32 trillion over the next 10-year period. This Democratic plan would also give the Federal Government more control over healthcare, impose massive tax increases on the middle class, and disrupt access to services. That is why Democrats would rather mischaracterize the unavoidable impact of COVID and demonize Medicare budget proposals that are often bipartisan in nature.

Democrats used the very same dirty tricks related to Social Security, as I just talked about with Medicare. Some across the aisle recently concocted a hypothetical proposal that eliminates the funding source for Social Security and asked the program's Chief Actuary to assess its impact.

This was an obvious attempt to alarm seniors and disabled Americans with the ultimate intent of smearing Republicans and feeding false talking points to a Democratic candidate for President. Even when their schemes and false talking points earned four Pinocchios from even the Washington Post, Democrats still proceed full speed ahead with their misinformation campaign. And even though Ways and Means Committee Ranking Member BRADY and I got the Social Security Actuary to affirm the Democrat's recent scheme was just a bunch of malarkey, the Democrats and Candidate Biden continue with this misinformation.

Again, Democrats use scare tactics in the runup to an election. While they accuse Republicans of wanting to destroy Social Security, Senate Democrats do little or nothing to work in a bipartisan way to help this program. Remember, in 2015, when the disability insurance trust fund was going to run dry, Senate Democrats demanded that the only thing that you could possibly do was to take from the retirement trust fund and then just simply kick the can down the road.

Senate Democrats had no interest in working with us to at least try to make the disability insurance program better for beneficiaries. Instead, Sen-

ate Republicans worked with the House and Obama administration to prevent disability security trust fund exhaustion and even to improve the program.

There was no privatization of anything, and the only thing that could be construed as a benefit cut came directly from President Obama.

You will not hear anything about that from these Senate Democrats. Instead, they just bring out their stale talking points and, of course, scare tactics about Republicans trying to destroy the program. Now they are applying the same wornout, baseless scare tactics to this Supreme Court confirmation process.

Democrats want to make the President's nomination to fill the vacancy all about ObamaCare and the case the Court will consider this fall.

Going to the minority leader's own words when it comes to Judge Barrett's confirmation hearing, he said: "We must focus like a laser on health care." The left is misrepresenting an article by then-Professor Barrett in hopes of finding something—almost anything—to gum up this confirmation process. It seems to me they are just frustrated this nominee had the audacity to suggest judges interpret law as written.

There is an old saying in the legal profession: If the law isn't on your side, pound the facts. If the facts aren't on your side, pound the law. If neither fact or law is on your side, just pound the table.

That is what we see yet again from our Democratic colleagues. It is ludicrous to pick one pending case and predict how every member of the Court, including one just starting the confirmation process, would vote on that case, especially when entirely different legal issues are at stake. Frankly, it is a disservice to the American people.

The Democrats know this, but that will not stop them. It will not stop them from trying to mislead hard-working Americans into believing that their healthcare coverage could disappear tomorrow.

It is also just the latest example of how many Democrats in Congress view the Supreme Court—just somehow another policy end that they can't accomplish through this branch of government, where we are now. That is not the role of the Court. I am sure Judge Barrett will reiterate that point before the Judiciary Committee.

The Supreme Court will hear oral arguments in the case mid-November, and there are countless scenarios on a potential outcome. So is it useless, then, to speculate. But that will not stop the Democrats from speculating during this process of Judge Barrett's nomination.

The bottom line is, no matter the decision, no one will lose healthcare coverage on the day the Supreme Court issues its ruling.

In the meantime, Republicans will continue to protect individuals with preexisting conditions and fight to give Americans more affordable healthcare options.

The President reaffirmed that very thing in his commitment in an Executive order that he signed last week. That Executive order states that it has been, and will continue to be, the policy of the United States to assure that Americans with preexisting conditions can obtain insurance of their choice at an affordable price.

The Democrats don't want to stop at ObamaCare. What they really want to do is impose their government-run Medicare for All Program and take away people's private insurance plans that they like—because 160 million people have it.

As I mentioned earlier, this one-size-fits-all approach would take away people's private insurance, result in worse care, and bankrupt the country.

Republicans want to strengthen Medicare, preserve Social Security, and ensure affordable private coverage options now as well as in the future. Democrats want to mislead now in hopes of future political gains.

Americans deserve better. We can do better.

Vice President Biden and his party should stop their shameful election-year scare tactics. They should end the malarkey.

It is time to have the courage to engage in an honest, civil conversation about bipartisan ideas to improve these health and security programs for millions of people who depend on them.

## RECESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

The PRESIDING OFFICER (Mr. TOOMEY). Is there objection?

There being no objection, the Senate, at 1:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PERDUE).

## CONTINUING APPROPRIATIONS ACT, 2020 AND OTHER EXTENSIONS ACT—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

### NOMINATION OF AMY CONEY BARRETT

Mr. LANKFORD. Mr. President, we are once again in a conversation about freedom of religion and the free exercise of religion and what that means. Very simply, I would argue that it means the ability to have any faith, to have no faith at all, to change your faith, and to be able to live it out.

The ability to have a faith is a part of who we are. It is our most precious possession within us. If it is not that, if it is something less than that, if the free exercise of religion has limitations on it, then it is simply the freedom to worship or to have a named faith around you but not to actually live your faith.

That is not what we have in this country, thankfully. We have a constitutionally protected right to the