

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

PROTECT ACT—Motion to Proceed

Mr. MCCONNELL. I move to proceed to Calendar No. 554, S. 4675.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 554, S. 4675, a bill to amend the Health Insurance Portability and Accountability Act.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

The PRESIDING OFFICER. The Democratic leader is recognized.

NOMINATION OF AMY CONEY BARRETT

Mr. SCHUMER. Madam President, last week, the Republican majority on the Senate Judiciary Committee concluded what can only be described as a farcical set of hearings for a Supreme Court nominee. In the midst of a pandemic, when several members of the committee majority were exposed to or tested positive for the coronavirus or themselves were sick with COVID-19 in the days immediately beforehand, hearings and an in-person markup were conducted with virtually no regard for the risks.

No uniform testing protocol was put in place to protect all of the people who had to be in that room. Why? Because the Republican majority wanted to jam this nomination through before the election.

The chairman of the committee ignored the committee's quorum rules so that he could conduct business without the participation of the minority. Why? Because the Republican majority has decided to ignore the rules, norms, and standards—even its own rules, even its own standards—to get this nominee onto the bench.

Four short years ago, every member of the Committee on the Judiciary said that we shouldn't approve a Supreme Court nominee in a Presidential election year. Many refused even to meet with Obama's nominee.

"Use my words against me," Chairman GRAHAM said, in case a Supreme Court vacancy opened up in the final year of his term. LINDSEY GRAHAM, in talking about himself, said: "LINDSEY GRAHAM says let's let the next president [decide]."

But now the Republican majority's supposed principle that we shouldn't approve Supreme Court nominees in election years has been exposed as a

farce. It is trying to confirm a Supreme Court nominee in the middle of a national election. The Republican majority is running the most hypocritical, most partisan, and least legitimate process in the history of Supreme Court confirmations. Again, the Republican majority is running the most hypocritical, most partisan, and least legitimate process in the history—the long history—of Supreme Court nominations.

And what of the nominee? She performed as nearly every Trump-nominated judge has performed when nominated to the Supreme Court. Essentially, she answered nothing—nothing of substance. Throughout the week, the Committee on the Judiciary and the American people were treated to the same practiced evasions that have become a hallmark of these hearings.

According to Judge Barrett, the judicial standard of ethics that a nominee "shouldn't comment on cases that might come before the Court" is an excuse so large that it applies to any question she might not want to answer—even questions of basic legal fact. It produced an absurd and stunning set of exchanges.

Judge Barrett would not say whether voter intimidation is illegal. It very much is. Judge Barrett would not say whether Congress is empowered to protect the right to vote. We certainly have that power. Judge Barrett would not say if the President of the United States can unilaterally change the date of an election. He cannot. She wouldn't say a President should commit to the peaceful transfer of power, if absentee ballots were a proper way to vote, or if Medicare and Social Security were constitutional. She wouldn't even say that.

On the final day of her confirmation hearings, Judge Barrett refused to say if climate change were real, because her answer might be "politically controversial." Seriously? This nominee was unable to confirm the existence of climate change? What is next—gravity? Is the Earth round? To be fair, the Flat Earth Society might find that opinion politically controversial.

These aren't matters of opinion. These are matters of law and matters of fact. She is a sitting judge, and if the Republican majority gets its way, she will be a Justice on the highest Court in the country, but, apparently, the American people do not deserve to hear anything about her views.

The principal thing we learned about Judge Barrett in her hearings was she believes she doesn't have to answer any question that might upset President Trump, but, of course, we do know that Judge Barrett has a certain interpretation of our laws and the Constitution—one that she wants to hide from the American people because it is so adverse to what they believe.

President Trump swore that he would only nominate Justices to the Supreme Court who would "terminate" the Affordable Care Act. Judge Barrett her-

self harshly criticized Justice Roberts' decision to uphold the law. Senator HAWLEY said, after his meeting with Judge Barrett, he was satisfied she believes *Roe v. Wade* was not correctly decided. At one moment in the hearings last week, Judge Barrett admitted she considered *Brown v. Board* a super-precedent—outside the realm of legal challenge—but that *Roe v. Wade* was not.

So, despite what the American people heard in the hearings last week, Judge Barrett does have opinions; she does hold views. She has a track record of criticizing the decisions that have upheld our healthcare law. She has belonged to organizations and signed her name to advertisements that have called for an end—an end—to a woman's right to choose. Her judicial opinions express an extreme and rather bizarre view of the Second Amendment. She believes that the government lacks the power to forbid felons from owning guns—a view far to the right of even Justice Scalia.

If Judge Barrett is confirmed, those views will matter a great deal to Americans whose fundamental rights are on the line at the Supreme Court—their right to affordable healthcare, to marry whom they love, to join a union, to make private medical decisions with their doctors and without government interference, to vote without first having to jump through 15 hoops and do 20 somersaults.

The American people should make no mistake: If Judge Barrett becomes Justice Barrett, every single one of their fundamental rights would be at risk. Her views are so far away from what the average American believes and would do so much damage to the fundamental structure and comity of this country that I just hope and pray two Republicans will see the light and realize that we should not nominate any nominee before the election, which is 2 weeks and 1 day away.

CORONAVIRUS

Madam President, now, of course, instead of ramming through a Supreme Court nominee in the most hypocritical of circumstances, the Republican majority should be working with the Democrats on a real comprehensive COVID relief bill.

Over the past few weeks, COVID-19 cases, unfortunately, have swelled across the country. The United States reported 69,000 new cases last Friday, with 10 States reporting their highest single-day totals ever. Poverty is beginning to increase. Unemployment remains alarmingly high. More than 6 million Americans missed their rent or mortgage payments in September.

What we need right now is an emergency relief package with enough resources to beat back this enormous crisis. Yet, Leader MCCONNELL, this week, will, once again, force a vote on a partisan, emaciated COVID bill—so deficient and laden with poison pills that it is obvious he designed it to fail. In the immortal words of Yogi Berra: "It's déjà vu all over again."

Leader MCCONNELL tried the same stunt last month. It failed. Instead of trying to work with the Democrats or increase the size of the relief package to meet the needs—the desperate needs—of the American people, Leader MCCONNELL is back with the same sorry excuse for a bill. It fails to include robust unemployment insurance, enough funding for schools and universities, or funding for rental, housing, or nutrition assistance. It does nothing for the census or our elections and abandons State, local, and Tribal governments on the brink of catastrophe. It doesn't include recent bipartisan legislation that helps independent music and theater venues—the Save our Stages Act—or bipartisan legislation to help our ailing restaurants. It is totally inadequate when it comes to funding for testing and tracing, especially given the new spike in cases and especially given the fact that a second wave may be upon us. I hope and pray it isn't. It, once again, includes the poison pill of all poison pills—a sweeping corporate immunity provision that would shield corporations from accountability if they put their workers in harm's way.

Let me be clear: The Republican proposal was unacceptable a month ago, and it remains unacceptable now, even more so in that the crisis has gotten even worse.

Remember, Leader MCCONNELL has been clear that as many as 20 Republican Senators don't want to provide any more relief to the American people. According to press reports, one Senator said: "Not another dime." Republican Senators gave their counterparts in the White House an earful for even considering a bigger package of aid. So this is not a serious attempt at pandemic relief. It seems to be another attempt at giving the Republicans political cover before the election.

Speaker PELOSI continues to negotiate with Secretary Mnuchin and the White House in the hopes of finding a deal that would actually meet the needs of the American people. Instead of repeating the same failed partisan gambit, Leader MCCONNELL should be working with the Democrats and the administration on a proposal that actually has a chance of making it through both Houses of Congress. The longer he waits, the greater the cost to the American people.

Now, before I yield the floor, I want to be clear about one thing. Because our Republican colleagues have made such a mockery of the Supreme Court confirmation process, we are not going to have business as usual here in the Senate. Tonight, I will move to bring up a vote under the Congressional Review Act and force action on a resolution to undo the Trump administration's gutting of the Community Reinvestment Act. This is an important fight in its own right. We should be standing up for critical civil rights laws, like the Community Reinvestment Act—laws that help deliver op-

portunity and resources to communities of color.

The Trump administration's rewrite of the rule not only undermines core elements of the CRA, but it replaces past practices with complicated requirements that would lead to less lending in communities that need it most. I have fought too hard throughout my career to lift up the protections of the CRA to stand idly by as the Trump administration tries to tear them down.

The window to challenge this rule under the Congressional Review Act closes today, so I will move to consider the resolution this evening. Normally, we would work these votes out with the majority, but its abuse of the Supreme Court process means we will not have business as usual—not now, not until the Republicans stop their mad dash to confirm a Supreme Court Justice mere days before a Presidential election.

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PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE OFFICE OF THE COMPTROLLER OF THE CURRENCY RELATING TO "COMMUNITY REINVESTMENT ACT REGULATIONS"—MOTION TO PROCEED

Mr. SCHUMER. Madam President, I move to proceed to H.J. Res. 90, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of the Currency relating to "Community Reinvestment Act Regulations," which was received from the House.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 90, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of the Currency relating to "Community Reinvestment Act Regulations".

Mr. SCHUMER. Madam President, I ask unanimous consent that the vote on the motion to proceed to H.J. Res. 90 occur at 5:45 p.m. today, with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Tennessee is recognized.

CENSORSHIP AND SOCIAL MEDIA

Mrs. BLACKBURN. Mr. President, it doesn't take a genius to figure out that there is a small but very loud sector of

the American people who are willing to condition their tolerance for diverging viewpoints on how they feel, they themselves feel about what is being said, worshipped, or reported. And as scary and as frightening as that attitude is to many of us, it is increasingly reflected in the very companies that have the most influence over how we access and consume information.

Last week, we saw two of these companies go to extremes to get in line with radicals who are trying to block, censor, and intimidate their way into power. We all know the companies and the controversy I am talking about. Twitter and Facebook censored the spread of a New York Post article containing allegations that could potentially affect the outcome of the upcoming election.

That is all I am going to say about the article itself because, frankly, the content bears no importance on how anyone should react to what happened after it was posted. Someone working for a private company—someone who is a content reviewer or content moderator—someone working for a private company made a unilateral decision to stop Americans from reading the article. They didn't like it. They said: I have the power to stop it, and because I have that power, I am going to stop it.

Now that is precisely what happened, and I will tell you, colleagues, it is not just that they blocked the link and the text of the article, it is that at least in Twitter's case, they suspended the Trump campaign's account; they suspended the New York Post account; they locked the White House Press Secretary's account; and they suppressed information posted by the House Judiciary Committee Republicans. They couldn't even provide a plausible explanation for why they did this. Think about that.

They made themselves the arbiters of free speech, and they, in their almighty position, decided they were going to determine what you could hear, when you could hear it, and how you could hear it. They decided.

The common element, of course, in all of this action that took place was the New York Post story. Was it information or hacked information or just inconvenient information? No one seems to want to answer that question. Why do they not want to answer that question? It is because they didn't like the information. It did not suit their narrative, but the way things stand, they didn't have to, because there is no real accountability and now their weak explanations have been co-opted into arguments made by activists, rival media organizations, and even journalists who were insisting that the information is harmful and must be stricken from the record.

Mr. SCHUMER. Would the Senator yield? I have brought an announcement to the floor that will take a brief minute. I don't mean to interrupt.

Mrs. BLACKBURN. I would be happy to yield to the Democratic leader.