



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166

WASHINGTON, THURSDAY, OCTOBER 22, 2020

No. 181

House of Representatives

The House was not in session today. Its next meeting will be held on Friday, October 23, 2020, at 11:30 a.m.

Senate

THURSDAY, OCTOBER 22, 2020

(Legislative day of Monday, October 19, 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.

Lord of Heaven's Army, we find our joy from trusting You. Today we are trusting Your promise to supply all our needs from Your celestial riches.

Lord, as we differ in faces, so we are different in our needs. Provide for the myriad needs of our Nation and world. Bring healing to the sick, comfort to those who grieve, and wisdom to those who seek to meet the challenges of a global health crisis.

Lord, give our lawmakers Your strength. We claim Your promise that You will not withhold any good thing from those who do what is right.

We pray in Your great 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.

EXECUTIVE CALENDAR—Continued

The Senate resumed consideration of the nomination of Michael Jay New-

man, of Ohio, to be United States District Judge for the Southern District of Ohio.

The PRESIDING OFFICER (Mrs. FISCHER). The President pro tempore.

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

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

FISCAL RESPONSIBILITY

Mr. GRASSLEY. Madam President, what we have seen over the last week are attempts to get COVID relief up and Democrats won't let us bring it up, even though there is widespread agreement on the need for more COVID relief for families, for small businesses, for farms, for schools and colleges, and for additional funding for testing and vaccines. These are all noncontroversial items being held up by Democrat leaders' all-or-nothing negotiating position.

One controversial item they insist on is bailing out irresponsible State governments.

Iowa's years of sound governance and fiscal responsibility, including a rainy day fund that is full, has paid off in times like this. A study for the Council of State Governments ranked every State's ability to weather the economic impact of the pandemic. It found my State of Iowa to be fiscally sound—the most resilient State in the country.

In addition to the Council of State Governments, the CATO Institute ranked our Governor's fiscal policy second out of all 50 States. Other States

haven't made the same tough decisions and weren't ready before the pandemic.

Now Democrats want Iowans' Federal tax money to bail out irresponsible State governments and somehow this is worth holding up relief for struggling families. Come on.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

ELECTION SECURITY

Mr. McCONNELL. Madam President, yesterday evening the Directors of National Intelligence and the FBI updated the public on foreign efforts to influence our election and our government's work to prevent them. They announced that Iran and Russia exploited voter information to send misleading emails. This is just another reminder that multiple different adversaries with multiple different objectives want to fuel divisions among Americans and create chaos. Iran, China, Russia, and other adversaries may have different goals, but they all share the same primary objective of undermining America's confidence in our democracy, and they are thrilled when their disinformation causes us to point fingers at each other rather than at them.

The good news is that we have spent the last 4 years gearing up for this. Unlike the Obama-Biden administration, on whose watch even Democrats admit we were caught flatfooted, the Trump administration has worked overtime with Congress and other actors to get us ready.

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



Printed on recycled paper.

S6383

The White House has imposed harsh new sanctions on Russians who interfered in 2016. The Department of Justice, Department of Homeland Security, and the intelligence community have led efforts to strengthen and coordinate our defenses. Here in the Senate, the Intelligence Committee spent years studying what went wrong in 2016 and published a 1,300-plus-page report with recommendations.

In the last 2 years alone, we passed more than \$800 million to fund and support secure elections. The Iranian and Russian operations described last night are being combatted by the Federal Government in close coordination with State and local officials and the private sector. Details are being shared with Congress and the public, as appropriate.

This is precisely how the process should work. We are literally miles ahead of where we were.

Even the Washington Democrats who spent years talking up the threats to our election infrastructure are now admitting that we have made huge strides. Just a few days ago, the junior Senator for Connecticut admitted: "We are going to have a free and fair election . . . because we have spent significant money from the Federal Government, and through States, to beef up protections of our voter lists and our voting systems."

It is a separate question whether Democrats' ability to express basic patriotic confidence in our institutions should be so contingent on whether their preferred candidate seems to be up in the polls. But, regardless, that is the truth.

I will close with one point I keep making. The work of protecting our democracy is not just the job of experts and government buildings. This is also a duty that falls upon every one of us, every single citizen. At this point, it is a patriotic duty for Americans to be educated consumers of information.

Citizens who need information about voting should look to their local official sources, and all of us on all sides should take a deep breath and realize division, disinformation, and chaos are exactly what our adversaries want. We are all in this together. All of us Americans are in this together.

NOMINATION OF AMY CONEY BARRETT

Madam President, this morning, the Judiciary Committee reported the nomination of Judge Amy Coney Barrett to the floor. Their recommendation was that she be confirmed. It was actually unanimous. As one CNN journalist stated last week, "Let's be honest, in another [political] age . . . Judge Amy Coney Barrett would be getting 70 votes or more in the U.S. Senate because of her qualifications."

It is supremely ironic that our Democratic colleagues delivered through a temper tantrum what they should have delivered through a fair appraisal: a unanimous endorsement. They, of course, were not there.

All last week, the legal brilliance and judicial temperament our Nation de-

serves in a Supreme Court Justice were on full display. We saw why legal peers, fellow scholars, nonpartisan evaluators, students, and clerks from across the political spectrum have praised this nominee in the very highest terms.

In just a few days, she will receive a vote on this floor. I anticipate we will have a new Associate Justice of the Supreme Court of the United States. That is exactly what the American people want to happen. Clear majorities of Americans want Judge Barrett confirmed. Of our fellow citizens who formed an opinion, roughly two out of three want confirmation.

The Democratic leader's histrionics are proving just as unpersuasive outside the Chamber as they have proven inside it. His anger and false statements failed to persuade the Senate and failed to persuade the American people. Day after day, our colleague from New York performs the same angry speech with the same falsehoods and forces a vote on some pointless impermissible motion.

The Democratic leader is just lashing out in random ways. A few weeks ago, he torpedoed a bipartisan counterintelligence briefing for no reason. This week, he blocked a pandemic rescue package and tried repeatedly to adjourn the Senate for multiple weeks.

Today, I understand he stood outside the Senate to shout that Democrats would be boycotting the committee vote, and the committee vote had already ended.

Look, I understand that some outside pressure groups have been badgering the Democratic leader to act more angry. I am just sorry for the Senate that he obeys them. I am sorry our colleague felt the need to publicly brag that he had scolded the senior Senator from California for being too civil. Scolding somebody for being too civil, one of our colleagues? It is not a good idea to be civil?

Really, I am sorry that he feels the need to constantly say things that are false. The American people know that we disagree. They do not expect "kumbaya," but they deserve an adult discussion.

Let's review some facts. First, the timeline. The Democratic leader's claims this process has been rushed are simply false. Sixteen days passed between President Trump's announcement and the start of the hearings. In the last 60 years alone, eight Supreme Court confirmations moved faster. Only eight moved faster in the last 60 years. Then 1 week elapsed between the end of Judge Barrett's hearings and today's committee vote. Half of all the confirmations since 1916 have moved faster than that. Half of all the confirmations since 1916 have moved faster than that.

Justice John Paul Stevens was confirmed in 19 days from start to finish. Justice Sandra Day O'Connor took just over a month. Chief Justice John Marshall was confirmed in 1 week after

John Adams already lost reelection. John Adams appointed Chief Justice John Marshall after he had already lost the election. President Lincoln got someone confirmed in 1 day.

Obviously, it is completely false to say that this has been anywhere close to the fastest process ever. It is just disinformation.

Here is another nonsense claim: that Judge Barrett is somehow the most partisan or politicalized nominee ever. Really? Andrew Jackson nominated a political operative to the Court at the end of his Presidency. Lincoln put his own campaign manager on the Court. Eisenhower nominated Earl Warren after Warren had stopped competing with him in the 1952 election and campaigned for him.

But this professor from Indiana who got multiple Democratic votes for confirmation to her current job just 3 years ago is going to be the most political confirmation ever? In the previous century, they put their campaign chairman on the Supreme Court. That is pretty political. Eisenhower put the Governor of California who ran against him for the nomination on the Court. That is pretty political.

I will give you an example.

The great John Marshall Harlan, from Kentucky, had a partner who was a Cabinet member in the Grant administration—a guy named Benjamin Bristow. Bristow was sort of thought of as "Mr. Clean" in the Grant administration, which had a lot of scandal problems. The GOP convention in 1876 was going to be in Cincinnati. In those days, of course, if you wanted to be President, you couldn't admit it. You sort of had to act like you were being drafted. So John Marshall Harlan, the largely unknown partner of the better known Benjamin Bristow, went to Cincinnati, to the GOP convention, to get his law partner, Mr. Clean, the nomination—the perfect choice after 8 years of scandal in the Grant administration.

It became clear after a few rounds of voting that he wasn't going to be able to pull it off for his partner, Benjamin Bristow, so Harlan threw Bristow's votes to the Governor of Ohio, Rutherford B. Hayes. Amazingly enough, right after President Hayes was sworn in in March of 1877, it was John Marshall Harlan, not Benjamin Bristow, who ended up on the Supreme Court.

He served for 30 years with great distinction and was the sole dissenter in *Plessy v. Ferguson*. He was the one Member of the Court in 1896 who got it right with regard to desegregation and public accommodations. That actually became the majority opinion 58 years later in *Brown v. Board of Education*.

Talk about a political appointment. That was a political appointment. Amy Coney Barrett is not the most political appointment ever to the Supreme Court by any objective standard. So these are not really arguments. They are just kind of angry noises.

The Democratic leader said: "Abraham Lincoln, when [he] had the opportunity to fill a Supreme Court seat,