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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, October 27, 2020, at 10 a.m.

Senate

SATURDAY, OCTOBER 24, 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.

O God, You are our God. We can stay composed even in a storm because of Your presence. We need You and stay thirsty for You, for Your power and glory uplift us. Your steadfast love is our reason for being, and we will bless Your Name for as long as we live.

Lord, empower our Senators to run toward life's challenges and hardships, knowing that they are never alone. Satisfy their souls with good things and transform the mundane into the meaningful. Draw them close to You as You purify their hearts and provide them with a spirit of hope.

We pray in Your loving 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 PRESIDING OFFICER (Mr. HOEVEN). 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.

IOWA HARVEST SEASON

Mr. GRASSLEY. Across Iowa this weekend, farmers will be in their fields as they continue the 2020 harvest season. Iowa farmers have now harvested all but about 10 percent of our soybeans and 30 percent of our corn.

Because I am in Washington, DC, this weekend with the confirmation of Judge Barrett, I won't be able to give my social media followers my weekly update on the 2020 hashtag ''CornWatch'' or hashtag ''SoybeanWatch'' series from the Grassley farm. The purpose of this weekly series is to give people who have never stepped foot on a farm an idea of the complexities that go into planning, growing, and harvesting a bountiful crop.

Between COVID–19 supply chain disruptions, drought, and a derecho, the 86,000 Iowa farm families have faced one of the most challenging years in recent memory. Farmers are only 2 percent of the population, but they provide food, fuel, and fiber for the other 98 percent.

I want to send my best wishes to farmers and their families as we are nearing the final stretch of the harvest season.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATION OF AMY CONEY BARRETT

Mr. MCCONNELL. Mr. President, yesterday, the Senate took the first step toward concluding our consideration of Judge Amy Coney Barrett's nomination to the Supreme Court. The judge is one of the most brilliant, admired, and impressive nominees for any public office in a generation. Tomorrow, we will vote on advancing her nomination toward final confirmation on Monday.

Our recent debates have been heated, but, curiously, talk of Judge Barrett's actual credentials or qualifications has hardly featured in it. The Democratic leader summarized his view yesterday: ''It's not about qualifications''—his words.

Instead, our Democratic colleagues have tried to claim the Senate's process itself is not legitimate. These claims are supposed to lay groundwork for radical, institution-wrecking changes down the road.

But, of course, they are not true. We live in a constitutional Republic. The legitimacy of an outcome does not depend on the feelings it provokes in politicians. Let me say that again: The legitimacy of an outcome does not depend on the feelings it provokes in politicians. Legitimacy comes from precedence, rules, and, ultimately, the Constitution.

Let's restate a few facts for posterity. No. 1, there is no inconsistency between the Republican Senate's decision in 2016 and our decision to confirm Judge Barrett this year.

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

Here is what I said in my very first floor speech following the death of Justice Scalia: ''The Senate has not filled a vacancy arising in an election year when there was divided government since 1888, almost 130 years ago''—not setting some new precedent, just stating a fact.

Fifteen times in American history, during a Presidential election year, new Supreme Court vacancies have arisen and Presidents have made nominations. Seven of those 15 times, voters had elected an opposite-party Senate to check and balance the sitting President. Not surprisingly, in those situations, only two of the seven were confirmed, and none since 1888. The other eight times, the same party controlled the Senate and the White House. Seven of those eight were confirmed—all but one. The one exception unraveled in a scandal.

We followed precedent in 2016, and we are following precedent this week.

No. 2, it has been claimed that Chairman GRAHAM broke the rules by reporting out Judge Barrett's nomination—not so. As the Parliamentarian confirmed on Thursday, standing rule XXVI and Senate precedent are crystal clear. If a majority of a committee is physically present and votes in favor of a nomination, reporting it to the floor is a valid action, irrespective of what committee rules may say.

Chairman GRAHAM didn't even violate the rules of his own committee. Past chairmen of both parties have done precisely what Chairman GRAHAM did on Thursday morning. In 2014, for one example, Chairman LEAHY and the committee's Democratic majority voted multiple Federal judges to the floor without two members of the minority present—just a few years ago. Nothing remotely unprecedented took place—not in committee, not on the floor.

No. 3, timing. Some colleagues kept repeating the absurd claim that this is the most rushed confirmation process in history. Well, that is flatout false. From the announcement of the nomination to the start of hearings, eight Supreme Court nominations in the last 60 years moved more quickly than this one. Eight in the last 60 years moved more quickly than this one. Then, from the end of the hearing to the committee vote, half of all confirmations since 1916 actually moved faster than this one.

Justice John Paul Stevens was confirmed in 19 days, from start to finish; Justice Sandra Day O'Connor, in about 4 weeks. In the past, Justices have been confirmed in 1 week; some in 1 day. There is no argument that Judge Barrett's nomination has moved at a breakneck pace. Facts are facts.

No. 4, contrary to what has been claimed, the Senate has absolutely confirmed Supreme Court nominees later in Presidential election years than this one. Multiple Justices were confirmed after elections had already happened. We have had multiple Supreme Court Justices confirmed in December of election years. Senates have even confirmed nominees for lameduck Presidents who just lost. That is another nonissue.

All of these false claims embarrass those who repeat them, but the most important point is this: In this country, legitimacy does not flow from the whims of politicians. Legitimacy does not depend on which political party makes that decision. Legitimacy comes from traditions, rules, and the Constitution.

Our Democratic colleagues have spent months obsessively demanding that our President repeatedly acknowledge that the election will be legitimate even if he loses. But here in the Senate, with this confirmation process, Democrats are flunking their own test. Let me say that again. Democrats want President Trump to keep repeating that the election will be legitimate regardless of whether he wins, but here in the Senate, the very same people are saying our vote on Monday will only be valid if they like the outcome.

Our Republic cannot abide any political faction making ''illegitimate'' a sloppy synonym for ''we are not happy.'' Of course, they are not happy. That doesn't make anything about this illegitimate.

That kind of recklessness leads down a road that none of us should want to travel. That is why I keep correcting the record, even though it might seem silly. After all, if Republicans have the votes, why not ignore our colleagues and their statements and move on? I have chosen not to do that. It remains our duty to separate right from wrong, fact from fiction, for the good of the Senate and for our country.

Judge Barrett's confirmation process has followed every rule. It has followed the Constitution in every respect. We have abided by the norms and traditions dictated by our history, and we are going to vote tomorrow.

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.

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, I just heard the Republican leader say there is no inconsistency between what the Republicans are doing now with Amy Coney Barrett's nomination and what they did with Merrick Garland in 2016. Who would believe that? The contradiction is glaring. The contradiction will be a stain on the leader's forehead and on the entire Republican caucus if it continues.

We just heard another warped, distorted, and convoluted history lesson from Leader MCCONNELL. We know how defensive he is about the blatant, 180-degree, hypocritical turn he has made on Supreme Court nominations, but a distorted, warped history lesson will not remove the stain.

Only one thing will, Leader MCCONNELL: Withdraw the nomination of Amy Coney Barrett until after the election, plain and simple.

Now we meet here in a rare Saturday session because there is nothing—nothing—remotely normal about the Republicans' drive to confirm Judge Barrett to the Supreme Court only days before a Presidential election.

Four years ago, the entire Republican Senate said it was a principle—that was their word, ''principle''—that Supreme Court Justices should not be confirmed in Presidential election years. Leader MCCONNELL said: ''The American people [deserve a choice] in the selection of their next Supreme Court Justice.'' That is the principle they insisted the Senate must follow, and they declared that this principle bound the Senate not to consider the nomination of Judge Garland even though it was 8 months before the Presidential election of 2016.

Well, here we are today, just a few days from another Presidential election. More than 50 million Americans have already voted, and that number will only increase between today and Monday—the date of Judge Barrett's confirmation vote. Americans are waiting in line now, patiently, at early voting locations around the country, to cast their ballots in Arizona and North Carolina, in Maine and Colorado, in Iowa and Kansas, in Georgia, Alaska, and Kentucky, in 26 States where early voting centers are open and in another 15 States where early votes can be dropped off at election offices.

In my home State of New York, where today marks the first day of early voting, it may look a little different this year. The lines are longer, not just because of enthusiasm but also because they are more socially distant. Everyone should be wearing a mask. But as we speak, millions of Americans are using their voices to say who they want to have select Supreme Court Justices.

At the same time, when the Republican majority in the Senate is ramming through the lifetime appointment of a Justice who will make hugely impactful decisions about their lives and freedom, Leader MCCONNELL has the temerity to say there is no contradiction between Merrick Garland and how they treated him and Amy Coney Barrett and how they are treating her. Give me a break. Our colleagues are saying to the American people: You get no say. You get no choice.

Four years ago, when a Democratic President nominated a Justice, the Republicans professed to care about giving the American people a voice—not so now, not when a Republican-nominated Justice is on the line, not when their own political power is at stake.