

I am not aware of anybody who wanted to get placed on a ventilator who didn't get one because they used the war production act. We did extraordinary things in terms of ramping up production. Now we are supplying ventilators to the world.

You can overlook all these things, and you can say the administration wasn't honest with the American public, but I think the actual facts refute those charges.

Maybe in other people's world there is perfection, and in this pandemic you can stop it in its tracks. You can prevent further infections. But that didn't happen with H1N1, even though they tried. Sixty-million Americans got it. Fortunately, it was not as deadly as the coronavirus and COVID-19.

Again, among many things that are galling, the false allegations—to me, to politicize a pandemic, to politicize a virus that is killing Americans, to denigrate the efforts of the men and women in these agencies who have worked 24/7 is just simply wrong. This is not something that should divide us; that we should politicize. It is something that should unite us as prior crises in this country have. So, again, there are so many more other things I can say, but I see the Senator from Alaska is here, and I don't want to take any more time on the floor.

I yield the floor.

Mr. BROWN. One last comment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I just don't really understand what I just heard, when the President went straight to the American people and told them it was going to disappear. He said it was a Democratic, liberal hoax to bring down his campaign.

But look at a little history. I wear on my lapel a picture of a canary in a birdcage. It was given to me at a workers' Memorial Day rally, a rally to honor workers who had been injured or killed on the job.

This canary in the birdcage—you know, the mine workers used to take it down in the mines 120 years ago. If the canary died, the mine worker got out of the mine. He knew that he didn't have a union that was very strong or a government that cared very much. He was on his own. So I always cared a lot about public health. That is really the best prevention for the canary in the mine.

I wrote a letter to President Trump in 2018, after he had closed the Office of Global Health Security in the White House and essentially fired or transferred Dr. Ziemer, a Bush appointee who was one of the world's great malaria doctors. His job—he had 40 people on his staff. His job was to surveil the world and look at potential disease outbreaks that might turn into an epidemic which then might evolve into a pandemic. That was his job. The President eliminated the office. And I wrote a letter to the President asking him to reinstate it, and he didn't even answer the letter.

Then, the following year, 2019, he brought Dr. Linda Quick home from China. And her job was to make sure, if anything was happening in China, that we would know about it and could help them prevent the disease. Our CDC—our Centers for Disease Control, we are the best in the world. It was the United States of America leading the charge to eliminate smallpox. It was the United States of America that led the job to all but eliminate polio in this country. Some of us here are old enough—the Presiding Officer, anyway, will remember knowing people who had minor cases growing up in our schools. So we know what that meant. It was the President of the United States who pulled CDC employees out of China because of a trade or some—depending on when the President loved Xi or disliked Xi—I mean, it was back and forth with the Chinese leader, and we just unilaterally disarmed. Then the President denied that the virus meant anything.

I know he took care of ventilators, but other kinds of protective equipment, just talk to nurses and doctors and healthcare workers in our States—in Madison, in Cleveland, in Columbus, in Milwaukee, in Kenosha and Fairbanks and Salt Lake City.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

NOMINATION OF AMY CONEY BARRETT

Ms. MURKOWSKI. Mr. President, I want to start with a personal thank-you to the Presiding Officer for indulging me for an additional few moments here so I may speak this afternoon on the nomination of Judge Amy Coney Barrett to be an Associate Justice of the U.S. Supreme Court.

And while I intend to share with you my intention on how I will vote, I would like to start by expressing my disappointment with where we are in the Senate as a whole right now. There has been some good discussion here this morning as we are considering these unanimous consent agreements—statements being made but not action moving forward.

I had hoped that if we were going to be at this moment in time, just over a week out from our national elections, that we would be here on the floor debating the merits of a COVID relief bill. In my home State of Alaska, as in so many States around the country, we are seeing unprecedented numbers now. The news, just yesterday, Friday, was that the United States reported the highest single-day recorded positive cases—83,757—really staggering.

In Alaska, we have seen this virus spread to some of our small outlying villages, villages that are not accessible by road and villages that have limited medical facilities. We are really quite concerned about what this means for many of the Native people in these areas.

We are not able to stay on top of the contact tracing like we were some months ago because of our increasing numbers. The pressure on hospital ca-

pacity is also a growing concern. And, economically, Alaska has been hit extraordinarily hard. As most know, we have a pretty substantial tourist season, but this year, we had little to no season for us. Many small businesses have closed permanently, but many, many more are going into the winter wondering how they are going to make it through the winter and scrambling to find ways to piece it together.

Unemployment, loss of housing—in every conversation that I have with Alaskans, they are asking if and when we are going to see another round of COVID relief, and I regret that we have no deal to offer them today. Instead, we are here on a weekend, 10 days before the elections, to advance a U.S. Supreme Court nominee.

Now, I was here on the floor yesterday. I had an opportunity to listen to the majority leader as he outlined the escalation of confirmation battles over the past 30-plus years, and I think it was an important lesson in our Senate history. I am not confused about how we wound up here, but I certainly am frustrated by it. It is with a heavy heart that I just regret that we are in this place.

I think there was a worthy attempt during the 109th Congress, by the Gang of 14, to reduce tensions. There was, I think, a very genuine, good-faith effort there to try to dial things back. But, sadly, their bipartisan action was not rewarded by the voters, and perhaps that served as a warning to other Members of this body rather than an aspiration.

We heard the history lesson, and I am one who has long recognized that pointing fingers doesn't ever actually solve a problem. I personally believe that every nominee for the Supreme Court should receive an up-or-down vote after they have passed out of committee. My record has been pretty clear, pretty consistent, and some might even suggest boring in its consistency, but I made a very strong commitment after I returned to the Senate at the end of 2010 and said: I do not believe that filibustering our judges was what we should be doing.

So I might not have liked the judges that were before us, but I did not participate in a filibuster of a judge. I had an opportunity to vote up or down, and I thought that was the reasonable way to proceed. I believe that it is fair to the individual and it is fair to the institution.

But I also recognize that the timing of this confirmation that we have before us will serve to reinforce the public perception about political influence on the Court, and I would hope that we all recognize that public confidence in our courts must be an imperative. We have to believe that justice is going to be equal for all of us.

Now, I know that my colleagues are not surprised to hear me discuss my concern about the politicization of the Court. I made a similar point during the impeachment trial, when some

wanted to literally tear down Chief Justice Roberts and the Court because they needed a sound bite for a political ad in the primary campaign. I made the same case when I voted against the nomination of now-Justice Kavanaugh.

Also, during that impeachment trial, I implored the Members of this Chamber to look inward and to really evaluate: Are we really willing to tear down not only the other party but the other institutions of our government as well?

So I have looked inward, considering, in these difficult days, what I believe is best for the institutions of our government, and I recognize that confirming this nominee is not going to heal and it is not going to salve the wounds that these institutions have endured, but neither will threats that, should the balance of power in this Chamber change, everything is on the table, including the end of the legislative filibuster and packing the Court. To do that would only inflict even deeper, deeper wounds, fundamentally and dramatically altering how the levers of power operate in this country and compromising the one branch of government that must remain apolitical.

We are the legislative branch, the executive branch. Both of these branches are inherently political. It is the third branch, our courts, that we count on to be apolitical. I think it would be a giant leap further down a path that we should not be following in the first place. So we have to figure out how we deescalate.

So let me very simply explain this afternoon how I plan to vote over the next two days, starting with procedural motions, which I opposed yesterday, and I will oppose again tomorrow.

In 2016, after the unfortunate death of Justice Scalia, I said that the Senate should not take up a nominee to fill that seat due to the impending Presidential election. I reiterated that statement in August of this year. And then, coincidentally enough, just hours before the news of Justice Ginsburg's passing that saddened the country—I didn't know that she had passed when I reaffirmed my comments from earlier, but that knowledge would not have changed my mind. I remain in the same place today. I do not believe that moving forward on a nominee just over a week removed from a pitched Presidential election, when partisan tensions are running about as high as they could—I don't think that this will help our country become a better version of itself.

But, frankly, I have lost that procedural fight. We saw that with the vote yesterday. So what I can do now is be consistent with the precedent that I have set for myself and oppose a process that I said should not move forward, and I have done that.

But at the end of the process is the substantive question of whether Judge Barrett should be categorically rejected as an Associate Justice in order to underscore my procedural objection. I believe that the only way to put us

back on the path of appropriate consideration of judicial nominees is to evaluate Judge Barrett as we would want to be judged—on the merits of her qualifications. And we do that when that final question comes before us, and when it does, I will be a “yes.”

I have no doubt about her intellect. I have no doubt about Judge Barrett's judicial temperament. I have no doubt about her capability to do the job and to do it well.

By now, most people are very familiar with her qualifications. They have seen her resume and bio. She has been all over the news, but her background is significant. She graduated with honors from Rhodes College and with honors from Notre Dame Law School, clerked on the DC Court of Appeals and the Supreme Court, and was an excellent professor for 15 years at Notre Dame Law School prior to being confirmed on the bench on the Seventh Circuit Court of Appeals. I helped to confirm her to that seat on the Seventh Circuit.

I have followed on from that time when I first came to know of Judge Amy Coney Barrett. I have done my due diligence in my role of advice and consent. I have worked through the articles that she has written and the cases that she has written. I have engaged in a lengthy one-on-one with her. I watched both full days when she appeared before the Judiciary Committee. She presented herself admirably under a difficult situation. We all know around here that confirmation processes are not pretty.

I have expressed my concerns previously that good people will decide that the confirmation process that we have now is sometimes an awful process, that I worry that they are going to think that it is just not worth it, not worth what it puts them and their families through, and they opt out. They opt to avoid government service.

And, on this note, I will say that while some of the rhetoric from my colleagues has been overblown and unnecessary, this process with Judge Barrett is not nearly what it was in 2018 during the confirmation of Justice Kavanaugh. So, ultimately, I am glad and I am thankful that Judge Barrett did not opt out.

I have concluded that she is the sort of person that we want on the Supreme Court. Her legal writing is excellent and will be an asset to her as well as future generations of lawyers as they read through her opinions. Her intellectual curiosity, which is demonstrated by the depth and breadth of her academic work as a professor, will also serve the country well. Her temperament and her very patient nature were on full display over the course of the hearing.

I had a good and, I think, a very substantive discussion with Judge Barrett about some Alaska-related matters, focusing on Alaska-specific statutes, like ANILCA. I raised some of the public safety challenges that we face in my

home State that served to undermine the principle of equal justice under the law.

I raised the issue of voting rights and access to the ballot. It was important for me to hear and to better understand her views on precedent and her evaluation process, specifically the weight that she affords reliance on decisions that have been in place for decades, such as *Roe v. Wade*. We discussed the doctrine of severability in regards to the Affordable Care Act case. We spoke at length about my concern that the Supreme Court is increasingly viewed as political by the public and what that then does to erode public confidence in the impartiality of our courts. We talked about the criteria and the evaluation that that Justice would undergo for purposes of recusal from a matter.

I do not believe Judge Barrett will take her seat on the Bench with a predetermined agenda or with the goal of putting a torch to every volume of the “United States Reports.”

Justices should come to the Court with an open mind, willing to be convinced by the arguments presented in each case, to exchange thoughts with their colleagues, to learn new things, and rule as the law requires. I am convinced that Judge Barrett will do just that.

So while I oppose the process that has led us to this point, I do not hold it against her as an individual who has navigated the gauntlet with grace, skill, and humility. I will vote no on the procedural votes ahead of us but yes to confirm Judge Barrett when the question before us is her qualification to be an Associate Justice on the Supreme Court.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I rise today to offer my support for confirming Louisiana native Amy Coney Barrett to the Supreme Court of the United States.

Deciding whether to confirm a Justice to the highest Court in the land is among the most important duties and privileges that a Senator has. We must consider the qualifications of the nominee the President puts forward and determine a nominee's fitness to serve.

In this case, President Donald Trump made a terrific selection in Amy Coney Barrett. The Senate will vote on her confirmation in the coming days, and I will proudly cast my vote to confirm. Here is why:

Judge Barrett is incredibly qualified to serve on the Court. She graduated summa cum laude from Notre Dame Law School, clerked for the late-Supreme Court Justice Antonin Scalia, and spent 15 years in academia shaping a new generation of legal minds.

According to her students, she was not an ideologue but, rather, she would listen and take their thoughts and process them and bring them to a better knowledge of the law. With that,

she has been universally praised by her former students and ultimately served on the U.S. Court of Appeals for the Seventh Circuit.

Her record and experience show that she is ready for the Supreme Court.

There is some home-State pride. Judge Barrett was raised in Metairie, LA, and is a graduate of St. Mary's Dominican High School. When I go back there, I will see folks with the pen she would have received when she graduated, and they are very proud to have attended the same school and perhaps to have been in the same class.

As a fellow Louisianan, I am proud that one of our own will become a Supreme Court Justice. She will be only the second person from Louisiana to serve on the Court, which, for my State, makes the confirmation historic. But it is more than Louisiana rooting for Amy Coney Barrett; she will serve our country well.

I will also say that I think it fitting that a woman fill the seat that opened after Justice Ruth Bader Ginsburg's passing. Although she and I had our differences in political and judicial philosophy, she should be recognized for her service and lifelong pursuit of ensuring that women have a seat at the table. We thank the legacy of Justice Ginsburg and her service to the United States.

One of the many things that are notable for Justice Ginsburg that I will emphasize is that she broadened the perspective of SCOTUS—the Supreme Court of the United States—as they treated the law. I think Judge Barrett does the same. She will be the first mother of school-age children to serve on the Court. She and her husband Jesse are raising seven children, two of whom were adopted from Haiti and the youngest of whom has Down syndrome. If there is a mom—whether a working mom or not—who wonders if her perspective is ever spoken to when cases are considered before the Supreme Court, Justice Barrett will bring that perspective to the Court.

Finally, I want to thank Judge Barrett for her willingness to serve. To accept a nomination to the Supreme Court is, sadly, to accept ruthless attacks from partisans seeking to score political points. Her nomination was no different.

She has been repeatedly attacked for being a practicing Catholic. She has every right to live her faith. No one in public service should be expected to cast aside deeply held religious convictions to satisfy an angry mob fabricating reasons to say no.

Thank you, Judge Barrett, for defending your—and by extension all of our—religious liberty.

I think the balance and the grace she exhibited during a very difficult 2 days of being before the committee but in her life in general is testimony to the depth by which she considers the best of her faith.

That said, her political enemies and some in the press intentionally

mischaracterized many of her statements, twisting them into new ways to attack her, again fabricating reasons to say no. Yet Judge Barrett handled each attack with grace and dignity.

During her hearing, she displayed time and again that she has the skills, the demeanor, and the experience to serve on the Supreme Court.

On Monday, I will proudly cast my vote to confirm Amy Coney Barrett to the Supreme Court. She will serve our country well, and she will serve the future generations that will be influenced by her decisions on the Supreme Court well. I encourage my colleagues to put politics aside and to do the same.

Thank you.

I yield back. The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST—H.R. 1112

Mr. BLUMENTHAL. Madam President, we are here today on a unique Saturday, a day that is not normal, a day when the coronavirus is setting new records across the United States for infection—just yesterday, 85,000 new cases, which is the very highest since July—ravaging the United States, and creating untold hardship and heartbreak.

We are in the midst of a raging pandemic, but we are not considering measures to deal with the pain and grief and loss that it has created, the threat that it poses to many States across the country, providing memories for many of us in Connecticut who went through the worst of these ravages and still suffer, in Connecticut, the threat of a new wave. Economic crisis grips this country, people are out of jobs, and small businesses are failing, but we are considering a nominee who would threaten to decimate our healthcare system in the midst of a healthcare crisis as we go through this pandemic.

It is a day that is sad, shocking, surreal, and it is not normal. It is not normal to rush through a nominee for the highest Court in the land—a lifetime appointment—while Americans are going to the polls in record numbers. Their voices should be heard, and the next Senate and the President should choose this next Justice. It is not normal because we are, in effect, ignoring and disregarding the duty we have to consider and pass real measures to address this pandemic and the economic crisis we face.

It is not normal for real people whose lives are impacted so severely and potentially even more so in the weeks ahead and whose healthcare, reproductive freedom, protection from gun violence, workplace rights, civil rights, and civil liberties are all threatened by this nominee.

We brought into the hearing room those real people from Connecticut and all around the country through the posters that we had, watching those hearings and the nonresponses that Amy Coney Barrett gave to our ques-

tions. We brought real lives and the real harm they will suffer into that hearing room.

I brought Connor Curran, whose treatment has kept him alive only because his parents were able to use the Affordable Care Act for his preexisting condition; Julia Gonzalez, who is alive because she received treatment for her cancer as a result of the ACA making it affordable, protecting her as a preexisting condition survivor; Samantha, a rape survivor, who was able to get an abortion because of the protections of *Roe v. Wade*; Tracey, who was able to use in vitro fertilization because of reproductive freedoms that are guaranteed by *Griswold v. Connecticut* and its progeny—Amy Coney Barrett has refused to say whether she thought *Griswold* was correctly decided; Ethan Song, who lost his life because of an unsafely stored firearm in a friend's home—his parents, Michael and Kristin Song, were with me, and so was Ethan; Janet Rice, whose son, Shane, then 20 years old, was killed in downtown Hartford; and, of course, the Barton family, who lost their beautiful son, Daniel, along with 19 other wonderful children, in Sandy Hook in that massacre, and sixth grade educators as well.

Those lives and real people and real harms are what are at stake in this debate, and so this Chamber seems so surreal on this day, in the midst of hardship and heartbreak that would only be aggravated by the Justice who may be confirmed as early as Monday evening.

She has been selected, screened, and vetted to be an activist judge who would strike down the Affordable Care Act and overturn *Roe v. Wade*. We know that she has passed that “strong test”—the President's words, “strong test”—to legislate from the Bench and accomplish through the Court what they have been unable to achieve in this body, in this Chamber, and in this Congress through the legislature.

They have failed to overturn the Affordable Care Act because the majority of American people want that protection for preexisting conditions. We have stood strong on this side against those 10, 20, 40 efforts to strike down the Affordable Care Act.

Madam President, she has been vetted and screened for a position on gun violence protection that she herself has admitted in a speech she gave at Hillsdale College. It sounds kind of radical. It sounds kind of radical, as I said to her during the hearing, because it is radical. It is part of a radical, extremist agenda to deny the American people State and local laws that protect them against assault weapons and large-capacity magazines, people who are dangerous and should be denied the purchase of firearms because they should be screened out through background checks and through emergency risk protection orders and safe storage laws, and repeal of PLCAA. That gives gun manufacturers near complete immunity from any responsibility.