has been shopping the same horror stories for 50 years. They have been saying the same thing for half a century about every Supreme Court nominee by a Republican President, without exception. Many of those judges—not to the delight of some people on this side of the aisle—went on to not disappoint the other side, which shows you how hard it is to predict what someone will be for life. Many have been surprised, some unpleasantly.

It is almost as if jurists are not politicians with policy platforms. It is almost as though that is the wrong way to look at it. That is a deeper misunderstanding of what is at play here.

Let me quote an expert: ''A judge must apply the law as written, not as she wishes it were.''

Scalia used to put it this way. He would say: If you want to make policy, why don't you run for office? That is not what we do here. That is not our job.

It takes a good deal of discipline to squeeze your personal opinion out of your decision-making. Those are the kinds of judges we have been confirming here for the last 4 years—people who are sworn to uphold the law and take it seriously.

President Obama once said he wanted to appoint judges who had empathy. Think about it for a minute. If you are the litigant for whom the judge has empathy, you are probably in pretty good shape. But what if you aren't? That is not what we have been doing here for the last 4 years with the judiciary. The reason that frightens these guys on the other side so much is because that is exactly what they want—another branch of legislators seeking outcomes that may or may not be reflected in the law or the Constitution that is before them. That is exactly what they want.

Courts have a vital responsibility to enforce the rule of law, which is critical to a free society, but the policy decisions and value judgments of the government must be made by the political branches elected by and accountable to the people. The public should not expect courts to do so, and courts should not try—shouldn't try.

Now, who said that? That was Amy Barrett who said that. She understands the separation of powers far more keenly than her critics. She understands the job of a judge.

Our Democratic colleagues should not have tried to filibuster this exceptional nominee. They should have listened and actually learned.

I loved during the hearing when Senator CORNYN said: What do you have on your notepad? She held it up. Nothing. Nothing. No notes at all.

We have a few former Supreme Court clerks on that committee: Senator CRUZ, Senator HAWLEY. I have heard them say over and over—oh, three. Mike. Sorry. Three. So they have been around the best, at the highest level. Nobody has seen anything better than this. This is something to really be proud of and feel good about. We made an important contribution to the future of this country.

A lot of what we have done over the last 4 years will be undone sooner or later by the next election. They won't be able to do much about this for a long time to come.

Fortunately for Judge Barrett and for our Nation, history will remember what is already clear: The deficiency is with their judgment, not hers—their judgment, not hers. The Senate is doing the right thing.

We are moving this nomination forward, and, colleagues, by tomorrow night we will have a new member of the U.S. Supreme Court.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CORONAVIRUS

Mr. SCHUMER. Madam President, I want to start today by talking about some breaking news that may, at first glance, not seem relevant to today's proceedings but, in fact, is a perfect illustration of how broken this process is.

We find ourselves in the middle of a pandemic that the Republican Party has never taken seriously enough, and it is a pandemic that is worsening by the day.

According to Dr. Fauci, the nomination ceremony for Judge Barrett was a superspreader event.

Today, the White House Chief of Staff conceded the White House is ''not going to control the pandemic.'' Yet last night we learned that several aides close to Vice President PENCE have tested recently positive for COVID.

We wish them and their families well. We wish the Vice President and his family continued health. But a normal response after being close to several people with COVID–19 would be to follow CDC guidelines and quarantine for everyone's safety, but this is not the case. In the same breath with which they announced that Vice President PENCE was exposed, the White House said that he would keep on campaigning, comparing campaigning work to the work that doctors, nurses, firefighters, and police officers do. It is a puzzling claim, especially since the Vice President failed at the most important official duty in his portfolio—the White House Coronavirus Task Force. Not only has the White House Coronavirus Task Force failed to keep the American people safe; it has even failed to keep the White House safe.

Even worse, the Vice President reportedly intends to come to this Chamber tomorrow to preside over Judge Barrett's confirmation vote. The Vice President, who has been exposed to five people with COVID–19, will ignore CDC guidelines to be here tomorrow, putting the health of everyone who works in this building at risk. It sets a terrible, terrible example for the American people, and nothing could be a more apt metaphor for what is going on here.

The Republican Party is willing to ignore the pandemic to rush this Supreme Court nomination forward, and the Vice President, after being potentially exposed to COVID, will preside.

The Senate Republicans are willing to ignore the need for economic relief. They are willing to ignore the Nation's testing needs. They are willing to ignore election interference—all so they can put someone on the highest Court who could take healthcare away from millions of Americans in the middle of a pandemic. God save us.

Now, only a few hours after Justice Ruth Bader Ginsburg passed away, Leader MCCONNELL announced that the Republican majority would move quickly to confirm her replacement. At the time, we didn't know exactly when, but now we do. Republicans are rushing to hold a confirmation vote tomorrow night, 8 days—8 days—before the election, after more than 50 million Americans have voted for a President—quite possibly, a different President—to pick Justices on their behalf; after more than 50 million Americans have voted for Senators—quite possibly, different Senators than some who are here today—to advise and consent.

Confirming a lifetime appointment this late into a Presidential election season is outrageous. It is even more galling, of course, because nearly every Republican in this Chamber, led by the majority leader 4 years ago, refused to even consider the Supreme Court nomination of a Democratic President on the grounds of the principle—the principle—that we should wait until after the Presidential election because the American people deserved a voice in the selection of their next Justice.

My colleagues, there is no escaping this glaring hypocrisy. As I said before, no tit for tat, convoluted, distorted version of history will wipe away the stain that will exist forever with this Republican majority and with this Republican leader. No escaping the hypocrisy, but, oh my, how the Republican leader has almost desperately tried.

Over the past few days and weeks, the majority leader has subjected the Senate to a long and tortured defense of this cynical power grab. The Republican leader claims the majority's position all along has been that it is acceptable to deny Justices in Presidential election years when there is divided government.

But here is what Leader MCCONNELL said after Justice Scalia died:

> The American people should have a voice in the selection of their next Supreme Court Justice. Therefore, this vacancy should not be filled until we have a new President.

He didn't say: The American people should have a voice, but only when there's a divided government.

He didn't say: The American people deserve a voice, but only when it serves the political interests of one party, otherwise, we don't mean it.

No, Republicans all swore this was a ''principle''—their word—not a mere incident of who controls the Senate

and the Presidency. And the transparency of this new excuse does not cover up the hypocrisy. It does not change it one bit, and everyone knows it—everyone.

And, by the way, if this were about divided government, the senior Senator from Florida would not have said he would ''say the same thing if a Republican President were in office.''

The junior Senator from Iowa would not have said:

Precedent set, precedent set. I'm sure come 2020, you'll remind me of that.

Chairman GRAHAM would not have said:

Hold the tape! Use my words against me! You can say LINDSEY GRAHAM said the next president, whoever it might be—

Whoever it might be, not whatever party it is in—

should make the nomination.

So the flimsiness, the transparency, the dishonesty of the excuse that they have come up with ex post facto doesn't work. It doesn't work.

No, this has never been about the orientation of the Senate and the Presidency. Republicans promised they would follow their own standard if the situation were reversed—guess not.

Now, the Republican leader claims that the majority's actions today are rooted in some convoluted precedent. The truth is, the precedent is clear and similar. The Senate has never—never—confirmed a Supreme Court Justice so close to a Presidential election. The Senate has never even confirmed a Justice between July and election day in a Presidential year. I asked the Presiding Officer to confirm these two facts, and both were confirmed by the records of the Senate. There is no precedent—none—for what is going on here.

The Republican leader has claimed that the majority's actions are justified by all sorts of bad things Democrats did in the past and may hypothetically do in the future. He said that every escalation of significance in judicial debates was made by Democrats. Convenient, I guess. I guess ''significance'' is in the eye of the beholder, because the Republican leader's history conveniently, and mandatorily to make his case—his false case—left out a whole lot of chapters—ignored.

He conveniently omitted that Republicans bottled up more than 60 judicial nominees from President Clinton, refusing to give them a hearing in the 1990s. He made no reference to the decision by Republican Senators to hold open 14 appellate court seats under President Clinton so that a Republican President could fill them instead—a tactic Republicans would revisit under President Obama, when Republicans used partisan filibusters to block his nominees to the DC Circuit.

At the time, the Republican leader and Senators from Iowa and Utah said that President Obama was—get this—trying to ''pack the court.'' Amazing. Pack the court? They held up the nomination so President Obama couldn't have his rightful appointees to the second highest court in the land. And they kept a number of seats—I believe it was four—vacant for such a long time.

Well, we have heard all of this before. It seems whenever the Republicans need to scare up some votes, they accuse Democrats of trying to pack the courts, even when it is a Democratic President invoking his constitutional authority to appoint judges and the Republicans are blocking it.

Republicans tried to nullify President Obama's authority to nominate judges to the circuit court, and then, as soon as Republicans had a majority, they succeeded in nullifying his prerogative to have a Supreme Court nomination considered by the Senate. And what did Leader MCCONNELL say about it? This remark will go down in infamy. He called it ''one of his proudest moments.''

Apparently, the blame game that Leader MCCONNELL wants us to play goes all the way back to 1987. That is the reason we are so hypocritical—what happened back in 1987, says the Republican leader. It all began with Robert Bork, he says, after Senator KENNEDY gave a 3-minute speech that Republicans considered intemperate. Seriously, that is, according to our Republican friends, the original sin, according to the leader—a 3-minute speech.

While we are on the subject of Robert Bork, I would remind my colleagues that Robert Bork received a hearing and a vote in the Democratic Senate. His nomination was defeated by a bipartisan majority of Republicans and Democrats. Republicans helped defeat Bork—left out conveniently by the leader's recantation of history. His nomination was defeated and President Reagan's eventual replacement, Anthony Kennedy, was confirmed unanimously.

For those keeping score, Merrick Garland never even got a hearing.

But because one Democrat gave a speech Republicans didn't like, the fight was on, according to the Republican leader. According to the Republican leader, because of that 3-minute speech in 1987, Republicans can steamroll the minority to confirm a Supreme Court Justice in the middle of an election.

Imagine trying to explain to someone: Sorry, I have to burn down your house because of something one of your friends said about one of my friends 33 years ago. Yes, burn down the house because of a comment 33 years ago—that is what they are doing.

The leader's speech—the Republican leader's speech—was schoolyard stuff. Here in the U.S. Senate, in order to justify an outrageous power grab that even some Members of his party don't agree with, the leader's argument boils down to ''But you started it.'' Any parent with young children would recognize that argument. It is when you know you have done something wrong but you don't want the blame. That is exactly what the leader's speech sounded like to so many Americans.

Let's get serious here. This isn't about the long history of judicial escalation or a 33-year-old speech. This is about raw political power. This is about a Senate majority deciding to break faith with the American people and make a mockery—a mockery—of its own principle to secure a seat on the Supreme Court.

Let me dispense with one more fiction. The leader keeps claiming that Supreme Court seats have nothing to do with power or ideology. Judges and justices only apply the law, they claim. They only call balls and strikes. My Republican friends have told us over and over again that if someone is qualified—has good, topnotch qualifications—they should be confirmed because judges merely apply the law.

Well, if that were true, if Leader MCCONNELL truly believed the only thing that matters about a judicial candidate is his qualifications, then Merrick Garland would be sitting on the Court right now. His qualifications were every bit as good as Amy Coney Barrett's—every bit as good.

So, all of a sudden, we should only judge by qualifications. I get it. I get it. If it were true—once again, I will repeat it. If any of my Republican friends believe that the only thing that matters is the qualifications of a judicial candidate, Merrick Garland would be Justice Merrick Garland now.

No one—and I mean no one—said that Judge Garland wasn't qualified. But Republicans subjected his nomination to an unprecedented partisan blockade. If qualifications are the only thing that matter, why did President Trump vow to pick only Justices who would terminate our healthcare law? Why did he say that his judicial appointments would ''do the right thing'' on healthcare, ''unlike Justice Roberts''? Why did President Trump say that if he gets to appoint two or three Justices to the Supreme Court, Roe v. Wade would be overturned automatically? That is not qualifications.

President Trump doesn't have a problem talking about how judicial appointments might rule when he is trying to win an election, but, apparently, Democrats are, in the words of the leader, ''hysterical'' for even questioning how Judge Barrett looks at hugely consequential issues.

I want the American people to know: The far right is lining up, right now, to get the Supreme Court to review your fundamental rights because they think Judge Barrett might provide a certain outcome. President Trump and Republican attorneys general are suing to eliminate the Affordable Care Act in a case that will be heard one week after the election.

Three days ago, the President of the United States said on tape: ''I hope that they will end it. It'll be so good if they'' did.

Republicans in Pennsylvania have just appealed a split decision by the

current Supreme Court that prevented an early cutoff to counting ballots. Just one vote on the Court could change the outcome.

The attorney general of Mississippi, this week, filed a brief asking the Supreme Court to review a Mississippi law banning abortions after 15 weeks—an invitation for a new configuration on the Court to revisit Roe v. Wade.

So don't tell me the issues don't matter, only qualifications. We are talking about the lives and freedoms of the American people: the right to affordable healthcare, to make their own private medical decisions, to join a union, to vote without impediments, to marry whom they love. And Judge Amy Coney Barrett will play a part in deciding whether those rights will be sustained or curtailed for the next generation of Americans.

I want to be very clear with the American people about what is going on here. The Republican Senate majority, America, is breaking faith with you—doing the exact opposite of what it promised just 4 years ago—to cement a majority on the Supreme Court that threatens your fundamental rights.

Don't forget it, America. Don't forget what is happening here because it is a travesty—a travesty. It is a travesty for the Senate, a travesty for the country, and it will be an unerasable stain on this Republican majority forever more.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. THUNE. Madam President, the Democratic leader seems to think that this had something to do with a 3-minute speech 30 years ago. I don't know where that comes from.

I can tell you that he has been involved in a systematic reversal of the longstanding precedent when it comes to the consideration of judges to the Federal bench by the U.S. Senate. I am a beneficiary, I suppose you could say, in some strange way of that. That was a major issue in my campaign in 2004. We made it about the blockade that the Democrats in the Senate at the time, led by the current Democratic leader, had started against a whole long list of nominees put forward by then-President George W. Bush.

I remind you of a few names: Janice Rogers Brown, Priscilla Owen, Miguel Estrada, Judge Charles Pickering. There was a long list of judges who were blocked at the time by the current Democratic leader. In fact, as Leader MCCONNELL has pointed out, it wasn't even sort of a random thing. It was a planned strategy to start playing politics with the Federal Judiciary instigated by the architect, the current Democratic leader, who, at the time, was holding workshops and seminars about how they could politicize the Federal judiciary and figure out new ways to block consideration of judges put forward to the Federal bench by then-President George W. Bush. That was a major issue in that campaign season, and, I would argue, one of the principle reasons that I am here in the U.S. Senate.

Then, of course, when the chickens came home to roost and the same tactics were used by the other side in the previous administration, as was pointed out again yesterday by Leader MCCONNELL, the Democrats decided to break the rules to change the rules in 2013 to go to a simple majority to basically get and confirm judges on the Federal Judiciary.

We are where we are today, notwithstanding all the bluster that you just heard, because of a long, systematic strategy by the Democratic leader to block judges put forward by Republican Presidents.

Despite all of what you just heard, tomorrow we are going to get to vote to confirm one of the most outstanding judicial nominees whom I have had the pleasure of considering during my time in the Senate. Judge Amy Coney Barrett is eminently qualified for the Supreme Court.

By now, her accomplishments are well known: first in her class at Notre Dame Law School, Supreme Court clerk, beloved Notre Dame law professor, outstanding scholar, circuit court judge.

Americans, of course, got to see Judge Barrett's qualifications for themselves a couple of weeks ago during her Judiciary Committee hearing. For 2 days, she answered tough and probing questions from Democrats and Republicans, displaying a consummate command of the law and a calm and thoughtfulness that shows she has the kind of judicial temperament you want in a Supreme Court Justice.

Since Judge Barrett's nomination, the tributes have poured in from across the political spectrum: ''Barrett is highly qualified to serve on the Supreme Court,'' said Harvard Law Professor Noah Feldman, one of the House Democrat's star impeachment witnesses.

Patricia O'Hara, former dean of Notre Dame Law School, sent a glowing letter to Judiciary Committee Chairman LINDSEY GRAHAM and Ranking Member DIANNE FEINSTEIN. The letter says:

> I was the dean of Notre Dame Law School at the time that Judge Barrett first joined our faculty. In that capacity I was responsible for providing an environment in which she could flourish as a young faculty member, but also for evaluating objectively whether she met the University's high standards for scholarship and teaching required for advancement. This proved to be the easiest task of my ten years as a dean. Judge Barrett was (and remains) a stellar teacher beloved by students, a brilliant and nationally-recognized scholar, and generous colleague.

She went on to say:

> I am confident that if she is confirmed by the United States Senate, she will be an outstanding justice—brilliant, fair, impartial, and empathetic—and will serve to strengthen an independent judiciary committed to the rule of law.

Professor O'Hara also took care to note in her letter that she doesn't write glowing reviews for Federal judiciary nominees on a regular basis. In fact, she said the only similar letter she has ever written was in support of Democratic nominee Elena Kagan's nomination to the Supreme Court.

She went on:

> I feel every bit as strongly about Judge Barrett's qualifications for a position as Associate Justice as I felt about Justice Kagan.

While I may not always agree with the American Bar Association's judicial rankings, they certainly got it right with Judge Barrett. That is I talking, not the professor. I am still struck by the testimony that the head of the ABA Standing Committee on the Federal Judiciary submitted to the Senate Judiciary Committee. The ABA's Standing Committee on the Federal Judiciary is the body that provides the ABA's evaluations of Federal judicial nominees.

In his testimony detailing the ''well-qualified'' rating that the ABA gave to Judge Barrett, the head of the ABA committee noted:

> Lawyers and judges uniformly praised the nominee's integrity. Most remarkably, in interviews with individuals in the legal profession and community who know Judge Barrett, whether for a few years or decades, not one person uttered a negative word about her character. Accordingly, the Standing Committee was not required to consider any negative criticisms of Judge Barrett.

That is quite a tribute.

But, of course, ratings of ''well-qualified'' do not just depend on character; they also depend on professional competence. Here is what the ABA's representative had to say about that:

> Given the breadth, diversity, and strength of the positive feedback we received from judges and lawyers of all political persuasions and from so many parts of the profession, the Standing Committee would have been hard-pressed to come to any conclusion other than that Judge Barrett has demonstrated professional competence that is exceptional.

Along with her character, competence, and command of the law, Judge Barrett brings a clear understanding of the proper role of a judge. She understands that the job of a judge is to interpret the law, not make the law; to call balls and strikes, not to rewrite the rules of the game; or, as Judge Barrett said in an answer to a Senator's question, ''I apply the law. I follow the law. You make the policy.''

As Judge Barrett made clear in her hearing, she will be the kind of Justice who leaves her personal beliefs and political opinions at the courtroom door. She will look at the facts of each case and judge accordingly to the law and the Constitution and nothing else.

When I came to the Senate, I hoped to have the opportunity to put judges like Amy Coney Barrett on the bench. I was proud to vote to confirm her to the Seventh Circuit Court of Appeals in 2017, and I look forward to voting to confirm her to the Supreme Court tomorrow.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of Judge Amy Coney Barrett to the U.S. Supreme Court.

Just over a month ago, our country lost Justice Ruth Bader Ginsburg, a leading voice for equality and fundamental rights.

Judge Ginsburg's nomination was the first that I participated in when I came to the Senate 28 years ago. At her hearing, I had the opportunity to thank her for all she had done and for all she had yet to do. Before she was confirmed to the Bench, Justice Ginsburg played a critical role in breaking down barriers for women.

During her confirmation hearing, she staunchly and forthrightly defended her positions as an advocate for equality, including her own support for a woman's fundamental right to control her own body, the core holding of Roe v. Wade.

Once confirmed to the Court, Justice Ginsburg worked tirelessly to ensure that the opening words of our Constitution, ''We the People of the United States,'' included all people, not just the elite few.

The stakes are extraordinarily high in confirming a replacement for Justice Ginsburg in the best of circumstances, but for Republicans to proceed now, just 8 days before an election, undermines, I think, the integrity and independence of the vote.

Senate Republicans are breaking their own statements and promises by proceeding. In February of 2016, Republicans refused to consider a replacement for Justice Antonin Scalia because it was an election year. They blocked all consideration of President Obama's nominee, Judge Merrick Garland, claiming that the American people should have the opportunity to weigh in on a Supreme Court vacancy. Leader MCCONNELL, at the time, clearly stated the Republicans' position: ''My view, and I can now confidently say, the view shared by virtually everyone in my conference, is that the nomination should be made by the President that the people elect in the election that is now underway.''

Well, that is clearly not going to happen.

Chairman GRAHAM, in 2018, reiterated this standard, promising that ''if an opening comes up in the last year of President Trump's term and the primary process has started, we'll wait till the next election.''

But when Justice Ginsburg passed away just 46 days before election day, Senate Republicans did not hesitate to go back on their word. On the night of Justice Ginsburg's death, Leader MCCONNELL announced that President Trump's nominee for the vacancy would receive a vote on the Senate floor. Chairman GRAHAM immediately set committee hearings for October 12, giving the committee just 2 weeks to review Judge Amy Coney Barrett's record. This proved to be insufficient, as evidenced by Judge Barrett's failure to identify and disclose significant amounts of material.

Then, before Judge Barrett's hearing had even concluded, Chairman GRAHAM held a markup on her nomination, and more rules were broken by setting a committee vote on her nomination for 1 p.m. the following week. I, along with the Democratic side, refused to take part in that committee vote. This was not a decision that we made lightly. We were not willing to participate any further in a process that was used to rush this nominee forward in the middle of this election.

Despite our objections to proceeding, Democrats demonstrated through the course of Judge Barrett's nomination hearings what is at stake with her nomination, starting with Republican statements to use the Supreme Court to dismantle the Affordable Care Act and strip away healthcare coverage for millions of Americans.

On November 10, the Supreme Court will actually hear oral arguments in a case titled ''California v. Texas.'' That is a case challenging the validity of the Affordable Care Act. President Trump promised to appoint Justices who will vote to dismantle this landmark law. In 2015, he stated: ''If I win the Presidency, my judicial appointments will do the right thing, unlike Bush's appointee John Roberts on ObamaCare.''

When he nominated Judge Barrett to fill Justice Ginsburg's seat, President Trump stated that eliminating the ACA would be a ''big win in the USA.'' Even more recently, in an interview with 60 minutes, President Trump said he ''hopes'' the Supreme Court will strike down the ACA, and he believes ''it'll be so good if they end it.''

Let us not forget, after all, that Justice Ginsburg joined a 5-to-4 majority when the Supreme Court upheld the ACA against Republican-led challenges in NFIB v. Sebelius and King v. Burwell.

Like President Trump, Judge Barrett has criticized the upholding of the Affordable Care Act. In NFIB v. Sebelius, she stated that Chief Justice Roberts ''pushed the Affordable Care Act beyond its plausible meaning to save the statute.''

She also cast doubt on the Chief Justice's opinion in King v. Burwell and said that he departed from the ''clear text'' of the statute to avoid gutting it. She likewise claimed that the dissent had the ''better of the legal argument.''

At her confirmation hearing, Judge Barrett did not answer questions about her view on the ACA and did not meaningfully walk back her criticism of these two 5-to-4 Supreme Court decisions upholding the law.

She also implied that coverage of preexisting conditions is not at issue in California v. Texas. However, the Trump administration is directly asking the Court to strike down the entire Affordable Care Act, including its protections for patients with preexisting conditions.

Let me be perfectly clear. I believe, if Judge Barrett is confirmed, Americans could well lose the significant benefits that the Affordable Care Act provides. More than 130 million Americans have preexisting conditions, like cancer, asthma, or even COVID–19, and they could then be denied coverage.

At Judge Barrett's hearing, we heard the stories of real Americans who will be harmed and who illustrate what is at stake. This included a constituent of mine, Krystyna Munro Garcia, who, because of the Affordable Care Act, received cataract surgery that saved her eyesight.

It included North Carolina mom Stacy Staggs, who testified that the Affordable Care Act had ensured her twin girls received the lifesaving treatments they needed.

It also included Dr. Farhan Bhatti, a family physician, working with low-income patients in Lansing, MI, who told the committee that opposition to the ACA ''endangers a lifeline that [his] patients count on to stay healthy, and in many cases, to stay alive.''

I deeply believe that Senate Republicans should not be moving forward on a Justice who will likely help strip healthcare from millions of Americans, particularly in the middle of a global pandemic that has already taken more than 225,000 American lives.

Judge Barrett also represents a threat to women's reproductive rights. President Trump told us so when he promised to appoint Justices who will ''automatically'' overturn Roe v. Wade.

Judge Barrett has made clear that she would likely be the Court's most extreme member on reproductive rights. At her hearing, she refused to state whether she agreed with the landmark case Griswold v. Connecticut, which established the right to use contraceptives. In addition, she would not affirm whether Planned Parenthood v. Casey, which upheld the constitutional right to abortion established in Roe, was settled law. She stated outright that Roe is not a superprecedent, indicating time and again that continued efforts by anti-abortion activists would provide the Supreme Court ample future opportunity to further limit or overturn Roe entirely.

Now, this was a surprising departure from the last four Republican nominees, who acknowledged at their hearings that Griswold was, in fact, settled law and that Roe and Casey were, in fact, important precedents of the Court.

Beyond these specific examples, Judge Barrett's view of precedent itself poses a continued threat to countless rights that Americans rely on and cherish.

As an academic, she wrote that it is ''more legitimate'' for a Justice to ''enforce her best understanding of the Constitution rather than a precedent she thinks clearly in conflict with it.'' Essentially, what that states is that she will feel free to overrule precedent that she believes conflicts with her interpretation of the Constitution.

Judge Barrett's record also raises grave concern about how she would

rule on cases involving voting rights and core democratic norms.

In her dissent in the Seventh Circuit case Kanter v. Barr, Judge Barrett suggested that voting rights were entitled to less protection under the Constitution than the right to own a gun. She distinguished between the ''individual right'' to own a gun and the ''civic right'' to vote. She argued that a felony conviction should not necessarily result in the loss of the right to own a gun but emphasized that it may result in the loss of the right to vote.

She even refused to say whether voting discrimination exists even after being informed that Chief Justice Roberts wrote, ''Voting discrimination still exists; no one doubts that.''

Despite President Trump's statement that he plans to challenge the results of the election in the courts if he loses—and that he wants his Justice seated in time to hear those challenges—Judge Barrett would not commit to recuse from cases related to the upcoming election.

In addition, Judge Barrett's evasiveness at her hearing was deeply concerning. She refused to answer over 100 questions—not 10 or 20 or 30 or 40 but 100 questions—including basic legal and factual questions. Let me give you an example.

Judge Barrett refused to confirm that the Constitution prevents a President from delaying an election. That is a hint. She declined to answer whether Federal law prohibits voter intimidation. She would not affirm that Medicare is constitutional. She even hedged on whether Presidents should commit to peaceful transfers of power, and she would not acknowledge the existence of climate change.

Judge Barrett's silence on these major questions really speaks volumes. It demonstrates that a Justice Barrett will not be willing to stand up for core American values and rights, and it raises additional concerns about her willingness to act independently of President Trump.

In closing, it is my belief that Judge Barrett represents a threat to the very rights—including reproductive rights, the rights of LGBT individuals, and voting rights—that Justice Ginsburg worked so hard to protect, and for those reasons, I oppose her nomination and urge my colleagues to do the same.

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

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

Mr. DURBIN. Mr. President, if you went across America and just picked a random person and said ''Did you know the Senate is in session this weekend?'' they, of course, wouldn't know. You would say to them ''Well, why do you think the Senate is in this rare 5-day session?'' and they would say, I am sure, ''Well, of course they are in a rare 5-day session. We are in the midst of a deadly pandemic.'' You would guess that would be the answer of most Americans.

Why would they say that? Well, I know why they would say it in Illinois—because the coronavirus in Illinois has spiked to a newly confirmed daily COVID–19 State record as of yesterday, and 63 more deaths have been reported. Our positivity rate is over 6 percent now, and the Governor and mayor are taking steps that they didn't want to take but have no choice. They are closing restaurants and bars and imposing a curfew on the city of Chicago.

You can imagine how they feel as more and more infections come rolling in and more and more people are dying. We have had almost 9,600 deaths so far in Illinois and, as we know, nationwide, over 225,000 deaths.

But don't believe for a second that this is a big-city problem because the New York Times reports this morning in its edition the names of the 50 counties across America with the worst per capita outbreaks of COVID virus with fewer than 10,000 people in the county.

Senator THUNE was here earlier. His State of South Dakota has really been devastated when it comes to small counties, these counties—Bon Homme, Faulk, Harding, Miner, Buffalo, Oglala Lakota, Sully, Campbell, Brule, Turner, Jackson, Todd. Small counties. Rural areas. Smalltown America that used to say: It is a big-city problem. But now, sadly, it is a smalltown problem too.

I am sure the Presiding Officer knows that on this list of 50 is Izard County—I hope I am pronouncing it correctly—in Arkansas and Lincoln County as well.

Following me speaking will be a Senator from Colorado, and unfortunately Sedgwick County is included on this list.

The point I am trying to make is this: This is a pandemic that is the worst we have seen in a century. More people are getting sick and more people are dying than we ever imagined. We face this not just in big cities like Chicago but in small towns and small counties in my State of Illinois and everywhere.

I pointed out the Senators who have been recently on the floor, but, trust me, this list includes a lot of other States even with Democratic Senators. It makes no difference. The virus could care less.

With facing this at this moment in time, the American people would rightly think that we would be doing everything imaginable, everything within our power to address this pandemic in this rare 5-day session leading up to a national election, but they would be wrong. They would be wrong because that is not our priority in the Senate. The priority in the Republican-controlled Senate is the filling of a vacancy on the Supreme Court, and the nominee, Amy Coney Barrett, comes before us for a vote on confirmation tomorrow after 5 days.

The reason it is controversial, the reason it has to be rushed from the Republican point of view, the reason they are hell-bent to get this done before the election is directly related to the pandemic. It seems like an odd coupling. How did that happen? Well, it came down to this: The filling of this vacancy in an extraordinary way, since we have never—underline the word ''never''—in the history of the United States filled a Supreme Court vacancy this close to an election—actually, in the midst of an election—it has never been done—the reason they are breaking all the rules, including the sacred McConnell rule, which was announced 4 years ago, that lameduck Presidents—by his definition, Presidents in their last year—should have no authority to fill a Supreme Court vacancy—the reason they have decided to ignore that sacred McConnell rule and go forward with this is because of one day that is coming up: November 10.

You see, on November 10, the Supreme Court of the United States considers the case of California v. Texas. It is a big deal on the Republican side. The purpose of that case is for attorneys general in Republican States and the Attorney General of the United States to strike down the Affordable Care Act. They want to make sure that Amy Coney Barrett has black robes on and is sitting in the Supreme Court when it is argued so she can be there when the critical vote to eliminate the Affordable Care Act occurs just a few weeks from now. If they don't get this done by November 3, they are afraid of what might happen. Something might get complicated and they couldn't get her on the Bench on time.

If you think I am making this up, we have as a source for that information none other than the President of the United States of America—a President who never suffered an unuttered thought; a President who generates dozens of tweets every day and tells us exactly what is on his mind every waking moment. He made it clear to us that when it came to Amy Coney Barrett, she was a priority. He promised long ago: I won't put a Supreme Court Justice on the Court unless they will join me in eliminating the Affordable Care Act.

So we knew that as a starter, and then he added as a grace note: And I want to make sure this Justice is on the Court so if there are any election contests, I will have nine Justices there.

Not subtle, is it?

That is why I said in the hearing and since that there is an orange cloud over this nomination—an orange cloud that emanates from the White House. And that is why we come here today, just hours before the final vote, understanding what is at stake if the President has his way, if the Republicans have their way.

If Amy Coney Barrett is on the Bench by November 10, then she will be in a position to strike down a law which provides health insurance for 23 million Americans. There is the linkage I mentioned earlier.

In the midst of a pandemic, with 8 million Americans having been infected; in the midst of a pandemic with over 225,000 American lives lost; in the midst of a pandemic setting new records as this COVID–19 virus invades our towns and cities and counties and States again; in the midst of this, the Republican leader, MITCH MCCONNELL, says we have no time to discuss COVID–19—no, but we have all the time we need to make sure we have our Supreme Court Justice on the Bench when the future of the Affordable Care Act is decided.

There have been a lot of questions as to whether Amy Coney Barrett is qualified. She is impressive in her answers to questions, if she gets around to answering them. I am sure that she has a head full of law. You can tell it when she answers, which is rare. You can tell why she was a law school professor and now a circuit judge.

But the purpose of our hearing was not just to figure out if she was smart, properly educated, licensed to practice law. All of that aside, the purpose of the hearing, from my point of view, was to try to determine not what was in her head but what is in her heart when it comes down to basic questions, because, you see, at the bottom of all this is the Affordable Care Act and its fate and the fact that she has published on more than one occasion her opinion of that law, and, not surprisingly, it is negative.

I want to tell you in a moment—I want to get personal for a moment about this Affordable Care Act before I talk about Amy Coney Barrett and her philosophy.

I want to introduce you to a young man from the State of Illinois. His name is Alex Echols. He is from Chicago. I met with him recently. Big smile, right? Well, when he was 9 years old, two of his mother's best friends were diagnosed with breast cancer and passed away before they reached the age of 50. As Alex moved into high school, his mother was diagnosed with breast cancer. Thankfully, she got treatment, and today, 20 years later, she is still in remission. Later, in high school, Alex lost his young cousin to leukemia. Shortly after that, his aunt passed away from lung cancer.

Alex emphasized that all of these Black relatives and friends had their cancer discovered at a late stage, demonstrating a discrepancy in early screening for communities of color. The Affordable Care Act helped to address this disparity by ensuring free preventive screenings, including in private insurance.

Hear that. Ten years ago, when we passed this law, we ensured that people could get private screenings—early private screenings for the detection of a cancer in its earliest stage when it could still be treated.

As fate would have it, when Alex turned 29, he was diagnosed with non-Hodgkin's lymphoma. He was uninsured at the time, but thanks to the Affordable Care Act, he was able to get enrolled and access the care he needed. He received treatment at several hospitals in Chicago and ultimately chemotherapy and a lifesaving bone-marrow transplant at the University of Chicago Hospital. Today he is in complete remission. How about that. He lives in Chicago with his wife and is active in leadership training programs and advocacy.

He wrote me a note and he said: Senator, ''if it were not for the Affordable Care Act and being able to gain access to healthcare at that time, then I am not sure I would be alive right now to share my story.''

Why do I tell you that story? Because the future of his healthcare depends on filling this nomination to the Supreme Court and whether the person who fills it is going to eliminate this law and protection or protect it.

Here is another fellow I met. His name is Paul Marshilonus. I remember meeting Paul because, like me, he has Lithuanian heritage. We talked about it. I met him during an immigration event.

Due to complications of a knee condition, Paul Marshilonus was no longer able to work at the Sears store, and he lost his employer-based insurance when he was in his early sixties.

Paul's wife used to worry about relatives who had cancer, and she said to him: ''I hope that doesn't happen to me, because we can't get insurance and we have nowhere to go.''

Then Paul received a prostate cancer diagnosis when he was 63—unfortunately, 2 years too young for Medicaid. Thanks to the Affordable Care Act, he got enrolled in the Cook County CountyCare Medicaid expansion coverage.

I am happy to say that because I joined with Toni Preckwinkle, the president of the Cook County Board, to ask then-President Obama to give us a waiver so we could extend Medicare coverage early on under the Affordable Care Act. He gave us the waiver. We covered 120,000 people with Medicaid protection, and one of them was Paul. He was able to access the care he needed, including 45 radiation treatments, totaling an insurance cost of $175,000.

Today, Paul is cancer-free. He still depends on the Affordable Care Act for preventive screenings under Medicare. He currently takes seven medications—blood thinners, allergies, blood pressure, metformin. If the ACA were to be eliminated, he would be charged more for those prescription drugs.

That is another thing we did with the Affordable Care Act. We reduced the cost of prescription drugs for people under Medicare. When it is eliminated, that reduction will disappear.

If Republicans succeed in terminating the Affordable Care Act at the Supreme Court, Americans like Paul will pay the price.

So you wonder why we are coming to the floor with these speeches late on a Sunday afternoon. Because these people asked us to. They asked us to come up and stand up for them and say what they can't say on the floor of the Senate. That is why we are here in the midst of a pandemic. That is why we are here—a nation that values healthcare as much as anything else we have as American citizens.

That is why, when we asked Amy Coney Barrett some basic questions, we expected to at least get some indication of an answer. She wouldn't answer basic questions. Senator LEAHY was there; he was following it. What we saw was practiced avoidance of ever telling us the basics.

You know, she styles herself as an originalist, and I will talk about that in a moment. An originalist supposedly values the Constitution—in fact, depends on it; finds guidance in it that other people can't see in the words, they find in the words; really delves into the Constitution; honors it; swears by it. Yet when we asked about basic constitutional principles—basics, written in the words of the document itself—time and again, she would say: I really wish I could answer, but, you know, a case may come before the Supreme Court someday on that, and I am just going to have to duck that question. She wouldn't tell us whether the President of the United States could unilaterally—unilaterally—delay the Presidential election. How about that?

There are only three separate references in the Constitution to that deadline and date for a Presidential election, and she couldn't answer that question: Can the President unilaterally delay an election?

She couldn't tell us whether there should be a peaceful transfer of power from one President to the next.

Please, Professor, Judge, you know in your heart of hearts that without a peaceful transfer of power, you don't have democracy.

When it came to the issue of voter intimidation—why did we raise that? Because there was a call to arms from some of the militia groups and others in this country to harass voters.

She wouldn't tell us whether she thought voter intimidation was unlawful. She wouldn't even answer a question I asked her in writing as to whether President Trump was legally accurate in saying: ''I have an Article II, where I have the right to do whatever I want as president.''

''Whatever I want as president.''

Three separate branches, balance of power—I thought that was in the Constitution the originalists venerate. It was not enough for Amy Coney Barrett to answer the question. She just said: It wouldn't be appropriate. You know, a case may come before us someday—you never know.

That is troubling. It is not a question of respecting her prerogatives as a future Justice; it is a question of dodging

a question over and over and over again.

At one point, Senator KENNEDY, who will be speaking here shortly, asked her about climate change. She said: I really don't have a view on that. You know, I hadn't really thought about climate change.

She is 48 years old, a lawyer, a law school professor, a circuit judge, a mother of seven, and it never crossed her mind about climate change, as to even whether it exists?

Judge Barrett refused to comment on the landmark Supreme Court decision in Griswold v. Connecticut. That is the case in which the Supreme Court confirmed that there is a right to marital privacy and that criminalizing contraception violated that right. It was a fundamental decision that led ultimately to Roe v. Wade. She wouldn't even opine as to whether or not that was properly decided.

She wouldn't commit herself—to recuse herself from election disputes involving President Trump even though his comments at a minimum have created an appearance of partiality that warrants her recusal under the judicial recusal statute.

I asked her in the 30 minutes initially that we were given to explain a 37-page dissent in Kanter v. Barr. This was a case where a fellow named Rickey Kanter ended up defrauding the Federal Government of millions of dollars. He was convicted of mail fraud. He ended up advertising that the cushions he had for shoes had been approved by Medicare. They had not. He then started selling them in volume across the United States, and he was caught at it red-handed. He ended up with a massive, multimillion-dollar civil settlement, with a substantial fine and penalty and 1 year in Federal prison.

He came out after his year in Federal prison and said: I will tell you what is unfair. After all I have been through, I can't buy an AK–47. What is wrong with my Second Amendment rights?

That was the case—Rickey Kanter's Second Amendment rights to buy a gun.

So he brought this case before a three-judge panel on the Seventh Circuit, where Amy Coney Barrett was presiding with two other judges, and said: I want to assert my Second Amendment rights. It is just not fair, after what I have been convicted of, to say that I should be denied the right to buy a gun.

Amy Coney Barrett spent 37 pages explaining why he was right, and the other two judges on the case went the other way in a hurry—both Republican appointees, I might add. But she stuck to her guns, so to speak, and said that as far as Rickey Kanter was concerned, it was just fundamentally unfair, you see, because he was just convicted of a felony, not a violent felony. Really?

Then she went a step further in the issue of voting rights. She really got down to the basic question: Could you be denied to buy a gun if you ''just committed a felony,'' or could you be denied the right to vote if you just committed a felony—not a violent felony in either case.

Well, she reached the conclusion that the right to bear arms and the right to vote were two different kinds of rights; that the right to bear arms was individual, so Rickey Kanter, even if he committed a felony, could not be denied a gun. But she went on to say that when it came to the right to vote, that was a ''civic'' right and that as a consequence of it, if you committed a felony—not even a violent felony—you could lose your right to vote. What an amazing conclusion. That is the originalist's mind at work.

I had to remind her that she lives in the State of Indiana. Guns flow across the border from Indiana into Illinois and the city of Chicago. We have a violence problem in that city that is serious and deadly every single darn weekend. Many of those guns—they trace them, incidentally, the Federal agencies do—20 percent of those guns come from her State of Indiana and why many of them—criminals go to Indiana, and many come from gun shows where there are no background checks. So you know what happens. The gang bangers and thugs drive over to Indiana to a gun show, fill up the trunk of a car with guns, and head to the streets of Chicago.

I said to her, she had to know this, living in South Bend, IN, with her kids growing up there. If she knew that, how could she be on the side of making it easier for anybody to buy a gun who has been convicted of a felony? But she did. Her originalism was at work.

I want to say a word about originalism. Originalism is not just some foreign language you pick up on Babbel. It is a mindset. It is a mission statement. It is the belief that original text in the Constitution reveals all the answers to today's challenges.

Now, all of us here have taken an oath to support and defend the Constitution. I don't take an oath lightly, and I am sure none of my colleagues do either. But the question is about that document itself. Does it have in its entirety what we need to know about our rights today in dealing with the constitutional issues that come before us?

Let me mention to you what the mayor of Chicago said a week ago when she was asked about originalism.

Lori Lightfoot said: ''Since the Constitution didn't consider me a person in any way, shape or form because I'm a woman, because I'm Black, because I'm gay, I am not an originalist.'' Lightfoot said, ''I believe in the Constitution. I believe that it's a document that the founders intended to evolve, and what they did was set the framework for how our country was going to be different than any other, and whatever was there in the original language. But originalists say that, 'Let's go back to 1776 and whatever was there in the original language, that's it.' That language excluded, now, over 50 percent of the country. So, no I'm not an originalist.''

So let's be very honest about that Constitution. Women could not vote in that original Constitution. African-Americans were not even counted as whole people; they were three-fifths of a citizen. And the list goes on.

I still venerate it for creating the democracy we enjoy today, but I don't believe that the Founding Fathers could possibly intuit where we are in America at this moment. What is at stake with originalism is this battle with judicial activism. What is behind this battle with judicial activism goes back to this moment.

Here are the words of historian Heather Cox Richardson: ''After World War II, under Chief Justice Earl Warren, a Republican appointed by President Dwight Eisenhower, and Chief Justice Warren Burger, a Republican appointed by Richard Nixon, the Supreme Court set out to make all Americans equal before the law. 1950s, they tried to end segregation through Brown v. Board of Education, prohibiting racial segregation in public schools. In 1965, they protected the rights of married couples to use contraception. In 1967, they legalized interracial marriage. In 1973, with the Roe v. Wade decision, they tried to give women control over their own reproduction by legalizing abortion.

''The Justices based their decisions on the due process clause of the 14th Amendment, passed by Congress in 1866 and ratified in 1868 in the wake of the Civil War. Congress developed this after the legislatures in former Confederate States passed 'Black Codes' severely limiting the rights and protections for formerly enslaved people. Congress intended for the 14th Amendment to enable the Federal Government to guarantee that African Americans had the same rights as White Americans, even in States where legislatures want to keep them in some form of quasi-slavery. Justices in the Warren and Burger Courts used that same amendment to protect civil rights a century later. They argued that the 14th Amendment required that the bill of rights apply to state governments as well as the federal government. This is known as the incorporation doctrine, but the name matters less than the concept: states cannot abridge the individual rights any more than the federal government. This doctrine dramatically expanded civil rights.

''But from the beginning, there was a backlash against New Deal government by businesses who objected to the idea of federal regulation and the bureaucracy it would require. As early as 1937, they were demanding to end the active government—active government—and return to the world of the 1920s where businessmen could do as they wished, family and churches managed social welfare and private interests profited from infrastructure projects. They gained little traction; the vast majority of Americans liked the new system.

But the expansion of civil rights under the Warren and Burger Courts was a whole new kettle of fish.''

What I am sharing with you here is an amazing summary of Heather Cox Richardson. ''Opponents of the new decisions insisted the court was engaging in''—hold on tight—'''judicial activism''' in trying to strike down discrimination and bigotry—''taking away from voters the right to make the decisions about how society should work.'' They said Justices were ''legislating from the bench.''

Heard that before?

''They insisted the Constitution is limited by the views of its framers, that the government can do nothing not explicitly written in that 1787 document. Faced with confusion over the exact meaning of the Constitution, some revised their position in a few ways. One was to rely on textualism or originalism, the idea that a law says exactly what it says and nothing else. This is the foundation for today's 'originalists' like [Amy Coney] Barrett.''

When you hear this debate, ''I am just following the Constitution. I am just following the text. I want to go to the original document. I don't want to see judges who are activists,'' it had its origin in the 1950s when two Justices on the Supreme Court appointed by Republicans stepped up and said: It is time for us to be serious about civil rights in America. Some politicians and those who support them have never gotten over it, and we are still debating it today.

Let me conclude. I see my colleagues waiting patiently. I am sorry it took a long time, but this is as serious as it gets, as far as I am concerned.

Let me conclude by saying this: There are so many issues of critical importance at risk in what we are about to do. The 6-to-3 conservative majority in the Supreme Court will challenge not only the future of the Affordable Care Act but voting rights and the outcome of an election, the right of privacy and choice, civil rights, environmental protections, marriage equality, worker protections, the fate of Dreamers, gun safety laws, and so much more.

We asked Amy Coney Barrett repeatedly, many of us did: Because the President has said he put you on the Court with a mission, and you are denying that took place, will you at least promise us that you will recuse yourself from cases directly relating to these issues? And she said she might, she might not; there was a process she might follow.

There is something else she could do. You see, if this Senate goes forward and approves the nomination of Amy Coney Barrett, she has one last decision before she becomes a Supreme Court Justice. She gets to choose the day when she is sworn in. I would like to suggest to her, for the integrity of the Court and to remove any possible cloud over her nomination created by the President's tweets and promises, I would like to ask her to pledge to the American people that whatever the Senate does, she will not take the oath of office until a new President is sworn in. If it is a reelection of President Trump, so be it. If it is Joe Biden, so be it. But if she will wait and absent herself from any election contest or debate on the Affordable Care Act, it will start to remove this cloud of doubt, this orange cloud of doubt which is over her nomination.

I am going to stand up for the constituents I have talked about today and so many others whose futures hang in the balance, and I will vote no on Judge Amy Coney Barrett.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

COLORADO WILDFIRES

Mr. GARDNER. Mr. President, I look forward to coming to the floor and speaking about the nomination that is currently before the U.S. Senate, the nomination of Judge Barrett to be placed on the U.S. Supreme Court, but at this point, I think it is important that we talk about what is happening in Colorado as we speak because of the heroic men and women who continue to fight our Nation's fires and certainly the devastating and catastrophic fires that we are seeing right now in Colorado.

This year we have already seen two of the largest fires in Colorado history burning over 200,000 acres—wildfires that started out at 20,000 acres, 25,000 acres, and then within hours grew 80-, 90-, 100,000 acres in a day. It is unheard of growth for wildfires.

The picture that I am showing you here is Estes Park, CO. Most people may be familiar with Estes Park. It is the gateway to Rocky Mountain National Park. You can see Lake Estes here and the town here. The town has been evacuated. A town of thousands of people has been evacuated because of two fires that are now threatening the area.

One fire is the Cameron Peak Fire, which became the largest fire in the State's history, only to be challenged by another fire coming through Rocky Mountain National Park called the East Troublesome Fire. Both are impacting Rocky Mountain National Park. The city of Estes Park, the city of Grand Lake, and the city of Granby, overnight, they did receive a winter storm. It is snowing now, and it is reducing the fire activity. It will not put the fire out. But my prayers and thoughts continue with the men and women who are fighting this fire so valiantly and the people in these communities who are in harm's way.

We know that homes have been lost. We don't know how many, but we know that homes have been lost, and we certainly acknowledge the loss of life that has already occurred. A couple in Grand Lake, who stayed in their home when the fire came through—they were together, but we pray for them and their families, and we mourn their loss.

The East Troublesome Fire, which is the Medicine Bow-Routt National Forest and Thunder Basin National Grassland, has a Type 1 management team already assigned. It is the No. 1 priority of the U.S. Forest Service in the country right now because of the aggressive fire behavior, with spotting that has threatened places like Estes Park. There are evacuations, road closures, trail closures, and has over 500 people, right now, assigned to this fire.

The Cameron Peak Fire has about 1,100 personnel working on the fire right now. We know about 470 structures have been lost. It is over 208,000 acres.

The Calwood Fire in Boulder County has a Type 2 management team fighting the fire right now. Their evacuation is in effect. There are nearly 400 people fighting this fire. There were 28 structures lost.

The Ice Fire—an ironic name—in the San Juan National Forest, near Silverton, CO, we know that it is about 600 acres right now.

There is the Williams Fork Fire, which has been burning for months in Colorado and Grand County. In Arapahoe and Roosevelt National Forests, we know that there have been several communities and energy infrastructure threatened by all these fires.

If you think about this entire town being evacuated, in the Colorado-Big Thompson Project, which provides a great deal of water to the Front Range of Colorado and through the South Platte River Valley, diversions were stopped, energy production impacted, and major utility transmission lines have been lost.

And, of course, there is the loss to some of the most magnificent areas of Rocky Mountain National Park, perhaps an untold story that we will learn about in the coming days.

This Congress and past Congresses have not been idle in the work that we have done to protect our resources. In fact, in this last Congress, we put an end to a practice that was known as ''fire borrowing,'' which involved raiding accounts that were not meant to go to suppression of wildfires to pay for increasingly expensive firefighter seasons.

The fix for fire borrowing was included in the 2018 spending package. What that means is we will no longer be cannibalizing funding for fuel reduction for mitigation that could have prevented a fire like this. Instead, we will be fully funding the firefighting effort and allowing those mitigation dollars and those fuel reduction dollars to be continued to be used so we can prevent this kind of fire from occurring.

We have also passed legislation for water resilience projects and categorical exclusions to help with forest management. We passed Healthy Forest Restoration Act language that includes fire and fuel breaks. We have worked on 20-year stewardship contracts with cottonwood reform. We have proceeded with reforms to fire hazard mapping