estimated that 40 percent of people from 18 to 65 with opioid addiction—roughly 800,000—are on Medicaid, many or most of whom became eligible for it through the health law. Kaiser also found that in 2016, Americans with Medicaid coverage were twice as likely as those with no insurance to receive any treatment for addiction.

States with expanded Medicaid are spending much more on medications that treat opioid addiction than they used to. From 2013 through 2017, Medicaid spending on prescriptions for two medications that treat opioid addiction more than doubled: It reached $887 million, up from nearly $358 million in 2013, according to the Urban Institute.

The growing insured population in many states has also drawn more treatment providers, including methadone clinics, inpatient programs and primary care doctors who prescribe two other anti-craving medications, buprenorphine and naltrexone. These significant expansions of addiction care could shrink if the law were struck down, leaving a handful of federal grant programs as the main sources of funds.

165 MILLION

AMERICANS WHO NO LONGER FACE CAPS ON EXPENSIVE TREATMENTS

The law protects many Americans from caps that insurers and employers once used to limit how much they had to pay out in coverage each year or over a lifetime. Among them are those who get coverage through an employer—more than 150 million before the pandemic caused widespread job loss—as well as roughly 15 million enrolled in Obamacare and other plans in the individual insurance market.

Before the A.C.A., people with conditions like cancer or hemophilia that were very expensive to treat often faced enormous out-of-pocket costs once their medical bills reached these caps.

While not all health coverage was capped, most companies had some sort of limit in place in 2009. A 2017 Brookings analysis estimated that 109 million people would face lifetime limits on their coverage without the health law, with some companies saying they would cover no more than $1 million in medical bills per employee. The vast majority of people never hit those limits, but some who did were forced into bankruptcy or went without treatment.

60 MILLION

MEDICARE BENEFICIARIES WOULD FACE CHANGES TO MEDICAL CARE AND POSSIBLY HIGHER PREMIUMS

About 60 million people are covered under Medicare, the federal health insurance program for people 65 and older and people of all ages with disabilities. Even though the main aim of the A.C.A. was to overhaul the health insurance markets, the law ''touches virtually every part of Medicare,'' said Tricia Neuman, a senior vice president for the Kaiser Family Foundation, which did an analysis of the law's repeal. Overturning the law would be ''very disruptive,'' she said.

If the A.C.A. is struck down, Medicare beneficiaries would have to pay more for preventive care, like a wellness visit or diabetes check, which are now free. They would also have to pay more toward their prescription drugs. About five million people faced the so-called Medicare doughnut hole, or coverage gap, in 2016, which the A.C.A. sought to eliminate. If the law were overturned, that coverage gap would widen again.

The law also made other changes, like cutting the amount the federal government paid hospitals and other providers as well as private Medicare Advantage plans. Undoing the cuts could increase the program's overall costs by hundreds of billions of dollars, according to Ms. Neuman. Premiums under the program could go up as a result.

The A.C.A. was also responsible for promoting experiments into new ways of paying hospitals and doctors, creating vehicles like accountable care organizations to help hospitals, doctors and others to better coordinate patients' care.

If the groups save Medicare money on the care they provide, they get to keep some of those savings. About 11 million people are now enrolled in these Medicare groups, and it is unclear what would happen to these experiments if the law were deemed unconstitutional. Some of Mr. Trump's initiatives, like the efforts to lower drug prices, would also be hindered without the federal authority established under the A.C.A.

Repealing the law would also eliminate a 0.9 percent increase in the payroll tax for high earners, which would mean less money coming into the Medicare trust fund. The fund is already heading toward insolvency—partly because other taxes created by the law that had provided revenue for the fund have already been repealed—by 2024.

2 MILLION

YOUNG ADULTS WITH COVERAGE THROUGH THEIR PARENTS' PLANS

The A.C.A. required employers to cover their employees' children under the age of 26, and it is one of the law's most popular provisions. Roughly two million young adults are covered under a parent's insurance plan, according to a 2016 government estimate. If the law were struck down, employers would have to decide if they would continue to offer the coverage. Dorian Smith, a partner at Mercer, a benefits consulting firm, predicted that many companies would most likely continue.

$50 BILLION

MEDICAL CARE FOR THE UNINSURED COULD COST BILLIONS MORE

Doctors and hospitals could lose a crucial source of revenue, as more people lose insurance during an economic downturn. The Urban Institute estimated that nationwide, without the A.C.A., the cost of care for people who cannot pay for it could increase as much as $50.2 billion.

Hospitals and other medical providers, many of whom are already struggling financially because of the pandemic, would incur losses, as many now have higher revenues and reduced costs for uncompensated care in states that expanded Medicaid. A study in 2017 by the Commonwealth Fund found that for every dollar of uncompensated care costs those states had in 2013, the health law had erased 40 cents by 2015, or a total of $6.2 billion.

The health insurance industry would be upended by the elimination of A.C.A. requirements. Insurers in many markets could again deny coverage or charge higher premiums to people with pre-existing medical conditions, and they could charge women higher rates. States could still regulate insurance, but consumers would see more variation from state to state. Insurers would also probably see lower revenues and fewer members in the plans they operate in the individual market and for state Medicaid programs at a time when millions of people are losing their job-based coverage.

1,000 CALORIES

MENU LABELS ARE AMONG DOZENS OF THE LAW'S PROVISIONS THAT ARE LESS WELL KNOWN

The A.C.A. requires nutrition labeling and calorie counts on menu items at chain restaurants.

It requires many employers to provide ''reasonable break time'' and a private space for nursing mothers to pump breast milk.

It created a pathway for federal approval of biosimilars, which are near-copies of biologic drugs, made from living cells.

These and other measures would have no legal mandate to continue if the A.C.A. is eliminated.''

The ACA has made significant progress in the ability to expand women's access to health care. Pushing for its repeal means putting that progress and women's futures at risk.

I would like to read an article by Jamille Fields Allsbrook from the Center for American Progress entitled ''Repealing the ACA During the Coronavirus Pandemic Would Be Devastating for Women's Health and Economic Security.''

It reads:

The Affordable Care Act (ACA) has been one of the most significant advancements for women's health and economic security in a generation. The law expanded coverage to millions of uninsured people through financial assistance and public insurance and also improved the quality of existing coverage, including by expanding access to reproductive and maternal health services and by prohibiting discrimination against women and people with preexisting conditions. Yet its fate remains uncertain. On November 10, the U.S. Supreme Court will hear oral arguments in California v. Texas, a case that will determine the constitutionality of the ACA. Specifically, the high court will determine whether the individual mandate is unconstitutional and whether the remainder of the law is inseverable from that provision. Especially with Justice Ruth Bader Ginsburg's recent passing, the benefits and consumer protections that women have gained and

come to rely on could swiftly be eliminated. In short, if the ACA is repealed, coverage for more than 20 million people and the significant benefits and consumer protections that have been gained under that law are at stake.

Compounding this issue, the ACA repeal would come at a time when the coronavirus pandemic and resulting economic crisis have already burdened women. For instance, unprecedented job losses have resulted in the loss of insurance coverage; barriers to maternal and reproductive health care have been erected; the providers women rely on—who were already underfunded—have been stretched to capacity; and health disparities that have historically burdened Black and Latina women have been exacerbated and compounded. Repealing the ACA during the pandemic would no doubt cost women—especially women of color, women with disabilities, women with low incomes, and young women.

First, repealing the ACA would reduce access to treatments and vaccines during the pandemic and allow COVID–19 survivors to be discriminated against in the insurance market, thus lengthening the time that the crisis will likely affect women and their families. Second, the economic crisis has already harmed women the most, and eliminating coverage and allowing gender rating and coverage caps would shift additional costs on to women. Lastly, existing barriers to maternal and reproductive health services, both those created during and before the pandemic, would likely be exacerbated.

1. Repealing the ACA would prolong and worsen the effects of the pandemic for women and their families.

While a repeal of the ACA would be chaotic and devastating even in typical times, the current pandemic would only magnify its effects. Without coverage, women would experience barriers to a COVID–19 treatment and vaccine—which could prolong the effects of the pandemic. These barriers would be most devastating, however, for women of color given the health inequities associated with COVID–19. Compared with white, non-Hispanic people, Black people are 2.6 times more likely to contract the virus, 4.7 times more likely to be hospitalized, and 2.1 times more likely to die from the disease. Similarly, American Indian and Alaska Native people contract the virus at 2.8 times the rate, are hospitalized at 5.3 times the rate, and die at 1.4 times the rate of white, non-Hispanic people. And Latinx people are 2.8 times more likely to contract the virus, 4.6 times more likely to be hospitalized, and 1.1 times more likely to die of COVID–19 than white, non-Hispanic people.

Even worse, if the ACA is repealed, COVID–19 survivors could be discriminated against when seeking insurance coverage. Without ACA protections, insurers in the individual market could once again charge enrollees more or deny them coverage if they have a preexisting condition. This could affect the more than 7 million Americans who have been infected with COVID–19, as it could be deemed a preexisting condition.

Even before the pandemic, a Center for American Progress analysis found that nearly 68 million women—more than half of girls and nonelderly women in the country—had a preexisting condition. If insurers are able to make the determination as to whether a person has a preexisting condition, conditions ranging from HIV/AIDS to breast cancer to the nearly 6 million annual pregnancies could again be included in this category. And importantly, Black, Latinx and American Indian and Alaska Native people have higher rates of COVID–19 as well as certain chronic conditions such as cervical cancer and diabetes, so eliminating coverage and protections for people with preexisting conditions would harm these communities the most.

2. Women's financial security would be threatened by an ACA repeal.

Women have lost the majority of jobs since the start of the pandemic. In fact, multiple studies have pointed to the fact that the current recession is tougher on women than men. One U.S. Bureau of Labor Statistics explains that unlike past recessions, ''the [coronavirus] crisis has battered industry sectors in which women's employment is more concentrated—restaurants and other retail establishments, hospitality and health care.'' Additionally, school closures have forced women, who are more likely to be primary caregivers for young children or sick family members, to reduce hours or leave their jobs—which can also result in coverage loses. In particular, Black and Latina mothers are more likely than white mothers to be the sole or primary breadwinners of their households, so they will be hit hardest by the additional financial burdens. Before the pandemic, there was already a wage gap between women and men—a gap that is exacerbated by race and ethnicity, given that Black, Latinx, and American Indian and Alaskan Native populations experience poverty rates that are significantly higher than those of non-Hispanic, white populations. Perhaps as a result, women were already more likely than men to forgo or delay accessing recommended care due to costs.

Yet given the pandemic, losing the financial security afforded by having insurance coverage would be even more devastating for women. The ACA provided financial assistance for private insurance coverage and expanded enrollment in the Medicaid program, which resulted in the uninsurance rate reaching a historic low. As a result, the uninsurance rate among women declined by nearly half from 2010 to 2016. An ACA repeal would merely undermine safety net programs when people need them the most. Women comprise 58 percent of Medicaid enrollees according to 2018 data, and Medicaid expansion resulted in a 13-percent decrease in the uninsurance rate of young women of reproductive age—19 to 44 years old—with low incomes. In particular, Medicaid's no- and low-cost services afford necessary and preventive health care access to people with low incomes, a disproportionate number of whom are women of color due to systemic racism, sexism, and poverty. From 2013 to 2018, due to the ACA's coverage expansions, fewer Black women and Latinas reported delaying care as a result of costs, narrowing the disparity between white women and women of color.

Women who maintain access to insurance coverage could also face increased costs. If the ACA's prohibition on gender rating is repealed, insurers could once again charge women more for coverage in the individual and small-group markets simply for being women, reinstating a practice that collectively cost women $1 billion more than men each year. Additionally, the ACA created the Health Care Rights Law, which prohibits discrimination in health care on the basis of sex, race, color, national origin, age, and disability; notably, this marks the first time that a federal prohibition against sex discrimination was applied broadly to health care. Lastly, if the health care law is repealed, women with chronic conditions, such as HIV and cancer, could be subject to annual lifetime limits—a practice prohibited under the ACA that allowed insurers to require plan enrollees pay out of pocket for all services after they reach a certain dollar threshold. These increased costs could easily price many women out of insurance in the middle of a public health crisis.

The ACA has also been associated with improving job opportunities. The majority of people in the United States access health coverage through their employer, yet by improving access to coverage that is not job-based, the ACA has afforded people the ability to leave or switch jobs with assurance that they won't lose the coverage. Moreover, the ACA created at least 240,000 jobs in the health care industry from 2014 to 2016—and women comprise the majority of health care workers. The chaos that would result from repealing the ACA would be felt particularly acutely by those employed in these jobs.

3. Repealing the ACA would exacerbate existing barriers to reproductive and maternal health care services.

According to the Centers for Disease Control and Prevention, pregnant people with COVID–19 have higher rates of hospitalization, admission to the intensive care unit, and mechanical ventilation. And alarmingly, Black pregnant women are disproportionately contracting COVID–19. Subsequently, there are concerns that the pandemic will exacerbate existing health inequities that have led to Black, as well as American Indian and Alaska Native women, dying from pregnancy-related complications at around three times the rate of white, non-Hispanic women. A repeal of the ACA in its entirety would result in reduced access to pre- and post-natal care for as many as 13 million people in the individual market because the individual and small-group health plans would no longer be required to cover certain basic health care services—known as essential health benefits—including maternity and newborn care. Eliminating the expanded eligibility created under the ACA could also worsen the crisis given that Medicaid expansion is associated with lower rates of maternal and infant mortality and covers 50 percent of births in the United States.

Moreover, due to the many unknowns that remain regarding how COVID–19 affects pregnant people, some individuals may want to delay or forgo pregnancy, necessitating access to comprehensive reproductive health services. The ACA requires most plans to cover birth control with no out-of-pocket costs. As a result, women have saved more than $1.4 billion a year in out-of-pocket costs on birth control pills. According to data from the National Women's Law Center, 61.4 million women currently have access to birth control as well as other preventive services, such as well-woman visits, with no out-of-pocket costs—thanks to the ACA. Without requirements for those services to be covered, women would be forced to pay out of pocket or forgo care if they could not afford to. Illustratively, without insurance coverage, birth control pills would cost a woman up to $600 per year, and an intrauterine device would cost about $1,000 out of pocket.

Additionally, the pandemic has erected barriers that make it harder for women to access necessary preventive care—both as a result of job losses and barriers to accessing care during the pandemic. As a result, women have already delayed care in recent months. A repeal of the ACA would only lead to further delays given that plans would no longer be required to cover preventive screenings, mental and substance abuse services, rehabilitative services, and a host of other services.

President Donald Trump and his conservative allies in the Senate are not only forgoing their responsibility to address the dueling health and economic crises, they are also rushing to install a new, conservative justice on the Supreme Court who would tilt its balance in favor of striking down the ACA. With November oral arguments quickly approaching, this has increased the risk

that the health care law will be repealed. Given the health benefits, protections against discrimination, and financial security that the ACA affords women, destroying the law would be immeasurably harmful to women at any time. But repealing the law in the midst of a global pandemic that has infected millions of Americas and killed more than 200,000 people in the United States would result in even more chaos and devastation.

One of the newest groups of people with preexisting conditions who are worried about losing or being able to afford coverage are the COVID long-haulers. I would like to read this article from PEW Stateline, written by Michael Ollove, entitled ''COVID–19 'Long-Haulers' Worry About Coverage Costs.''

It reads:

Andrea Ceresa has been through three gastroenterologists already and now is moving on to her fourth.

She's seen an infectious disease specialist, a hematologist, cardiologist, an ear, nose and throat specialist, a physiatrist and an integrative doctor. She has an appointment coming up with a neuropsychologist and another one with a neurologist. She had an endoscopy, colonoscopy, CT scan, brain MRI, and so many blood tests, she said ''I feel like a human pin cushion.'' She was planning a trip soon to an acupuncturist and has a referral for occupational therapy.

Ceresa, a resident of Branchburg, NJ, relayed this medical litany on day 164 of her COVID–19 ordeal. So far, she said, nothing much has helped.

Before COVID–19, Ceresa was a healthy, active 46-year-old who managed a dental office by day and sang professionally by night, a woman who enjoyed yoga and jumped on a WaveRunner any chance she got. Now, beset by a multitude of unshakable symptoms, she said COVID–19 has transformed her into a ''shell'' of what she was. All parts of her body are in rebellion. She has severe, persistent diarrhea, constant nausea, dizziness, paralyzing fatigue, piercing headaches, numbness in her limbs, blurry vision, ringing in her ears, and a loss of hearing, an insurmountable deficit for a musician. She gets a rash on her face, finds light and Sun painful on her eyes—a condition known as photophobia—and suddenly finds herself feeling uncomfortably cold for no reason. On top of all that is an alarming brain fog.

''At some point in this conversation,'' she warned, ''I might lose my train of thought or forget words.''

When this will end—if it will end—none of those doctors and specialists can tell her, nor can anyone else, not at the Federal Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization or any other major health organization. As a result, Ceresa has no idea what life holds for her.

So-called long-haulers like Ceresa pose policy questions that have yet to command much public attention but daily become more pressing for those with lingering problems. Unable to work, will they have access to health insurance, especially if the Trump administration succeeds in overturning the Affordable Care Act. Will Medicaid be available to them? Will the Federal Government invest in research and treatment? Will they be eligible for disability benefits?

Advocates say it is essential to begin grappling with these questions now as it becomes increasingly clear that for many being ill with COVID–19 is not a transitory experience.

''As time goes on and infection rates go up, the fallout is an extraordinary number of people who were previously healthy, working, and engaged in the economy will now become shadows of their former selves,'' said Diana Berrent, founder of Survivor Corps, a grassroots organization connecting those who have been infected with COVID–19. Berrent said it has 107,000 members.

''People are aging decades in the course of months,'' said Berrent, who is still experiencing symptoms months after her positive test. ''People in their 20s are suffering heart attacks and strokes months after their moderate or even mild COVID experiences.''

More attention needs to be paid to those with persistent, serious COVID–19 symptoms, said Dr. Amesh Adalja, an infectious disease doctor and senior scholar at the Johns Hopkins University Center for Health Security.

In this pandemic so far we've thought mainly about the metrics of deaths and hospitalizations, but now we must think about people with long-haul symptoms. How will this affect society as a whole? What happens if people don't go back to their former level of activities?

For her part, Ceresa has no idea when or if she will be able to return to work. She lost her employer-sponsored healthcare and recently got on an ObamaCare policy. But, with uncertainty hanging over the ACA, she wonders how long she will have it.

''I have a plethora of preexisting conditions that I never had before,'' she said.

Meanwhile, hardly a day goes by that she doesn't have some kind of medical appointment, including some at Mount Sinai Hospital in New York, which opened what Berrent said is one of only two centers in the United States specifically focused on those with ''long COVID–19.''

''I'm doing everything you can imagine to try to get better,'' Ceresa said. ''If someone says, 'Try this,' I'll try. I'll walk on coals. The list of referrals I have is off the charts.''

Exactly how many people fall into the category of long-haulers is uncertain, which is part of the problem, Berrent said. There is very little research yet on the experiences of people who suffer from persistent COVID–19 symptoms.

''Even if it's a small percentage of people with long-haul symptoms,'' Adalja said, ''with more than seven million people infected overall that's still going to be a big number.''

The CDC in late July reported that 35 percent of symptomatic adults who had tested positive for COVID–19 said they had not returned to their usual state of health 2 to 3 weeks after their tests. Among those ages 18–34, 1 in 5 hadn't returned to their normal states of health. The survey did not include children.

There appears to be no data yet on numbers of people experiencing serious symptoms over longer periods of time or detailed information about their circumstances, such as age, gender, medical histories, or course of their illnesses. Complicating the data collection is that many of them, even those with debilitating symptoms, were never hospitalized.

Some researchers are delving into the subject, including Natalie Lambert, a medical researcher at Indiana University School of Medicine, who has partnered with Berrent's group to amass a far more extensive list of COVID–19-related symptoms reported by long-haulers than the 11 symptoms CDC identifies. Lambert's survey lists 98. Respondents characterize more than a quarter of those symptoms as painful.

Because so little is still known about COVID–19, Lambert said doctors often dismiss patient concerns that their symptoms are virus related.

''If a provider is updated, things move along and that patient has access to best care,'' said Lambert. ''But if the provider is not up to date or is skeptical that the symptoms are COVID-related, they might think that it's just a case of reflux or anxiety. In those cases, patients are stuck.''

Kelly Ausiello, a 42–year-old registered nurse in Hendersonville, NV, has had a constellation of symptoms since April, including severe migraines, fatigue, nausea, vomiting, and weakness. Ausiello has stopped going to doctors because none knew what to do for her.

''They keep saying they don't know how to help me,'' she said. ''They just say, 'I don't know,' 'I don't know,' 'I don't know.' ''

She had to suspend her studies to become a nurse practitioner, which she was on course to complete in December. She doesn't know if her health will allow her to ever resume.

''My life is changing maybe forever,'' she said.

Long-term COVID–19 raises several policy issues. For people affected, none is more urgent than the threat of losing their health insurance.

The ACA, which passed in 2010, barred health insurers from denying coverage to people with serious or chronic health conditions prior to enrollment, adding significant surcharges to their premiums, curtailing their benefits, or imposing extended waiting periods on them.

Such protections would vanish if the Supreme Court invalidates the ACA, as the Trump administration and Republican Governors or attorney generals in

20 States are urging it to do. The Court is scheduled to hear arguments in the case next month, possibly with a new, decisive, Trump-nominated Justice on the bench.

A 2017 Federal study found that up to 133 million Americans under age 65 had preexisting conditions. COVID–19 could add substantial numbers of people to that total.

Without the ACA's protections, people who had a positive test for COVID–19 could be denied coverage. More than 7.5 million cases have been reported in the United States. Because the virus has been linked to damage to the heart, lungs, and brain, a positive COVID–19 test could be used to argue that a patient had had a preexisting condition—COVID–19—to refuse claims to a patient who later developed a disease related to one of those organs.

But even those with negative tests could get caught in the same net, according to a paper published late last month by the Kaiser Family Foundation. The paper notes, for example, that rideshare drivers who get tested because they worry they have been exposed could be refused coverage if an insurer determines that those seeking tests have higher odds of infection.

''If ACA protections are invalidated, such people might be turned down, charged more, or offered a policy that temporarily or permanently excludes coverage for COVID–19,'' the paper said.

Karen Pollitz, one of the authors, described insurers as ruthless when it came to medical underwriting in the days before the ACA.

''The individual health insurance market pre-ACA was a competitive market,'' she said. ''It did not pay for one insurer to be more generous than another. It was a race to the bottom.''

Without explaining how they would do it without the ACA, President Donald Trump and some congressional Republicans have promised they would continue to protect those with preexisting conditions.

At least 17 States have adopted laws preserving preexisting condition protections should the ACA be overturned, but the effectiveness of those laws is questionable.

The ACA also helps stabilize health insurance premiums through Federal tax credits it provides to low-income policyholders. Those dollars would be eliminated without the ACA, probably putting health insurance out of reach for many Americans, particularly those facing high surcharges for preexisting conditions.

Even if some States tried to preserve the protections within their borders, insurers could simply refuse to offer coverage to residents of those states.

The elimination of the ACA also might scrap the Medicaid expansion that was part of the law. That alone could deprive more than 12 million low-income, adult Americans, some of them no doubt long-haulers, of health insurance coverage.

The dearth of testing, especially early in the pandemic, could become a problem for long-haulers if Congress eventually creates a fund to help pay for COVID–19 treatment, as it eventually did for first responders affected by their work at Ground Zero after 9/11.

''People are going to need to prove they had COVID, but how do you do that when tests weren't available or were faulty?'' said Berrent. ''That's going to put people in a pickle.''

Without firm, black-and-white results, patients with lingering symptoms could find it impossible to make their case that their illnesses were coronavirus-related.

''There may come a period in which people are going to have to prove that COVID is the reason for their heart issue or lung disease and not just that they're getting older,'' said Nathan Boucher, an assistant research professor at Duke University's Sanford School of Public Policy.

Berrent said many of those in her group complain of doctors not believing them. ''People are being gaslit by doctors,'' she said. ''And it's more women than men. I call it a modern-day version of what they used to call female hysteria.''

Joy Wu, a 37-year-old engineer in the San Francisco Bay area, has had first-hand experience with that medical skepticism. She contracted what she believes was COVID–19 after returning in March from a vacation on the Galapagos Islands.

She experienced dizziness, nausea, fatigue, back pain, confusion, excruciating headaches, and such weakness that she has repeatedly fallen. Sometimes her heart races so fast, she said, ''It feels like it's going to explode.'' She has episodes of tingling in her limbs and brain fog.

Because she didn't have the respiratory symptoms most often associated with COVID–19, she didn't have a diagnostic test until day 43, too late to know if she was infected, as she thinks she was, weeks earlier. She tested negative.

She said an ER doctor diagnosed her with COVID–19, although three medical doctors have attributed her symptoms to anxiety. But Wu said that both a psychiatrist and a psychologist who examined her told her that mental illness doesn't explain her symptoms. It was through a COVID–19 support Facebook group that she found others with similar symptoms.

Apart from ensuring that long-haulers can get health insurance, Berrent believes policymakers need to ensure that COVID–19 patients will not be barred from receiving disability benefits. Many, such as Ceresa and Wu, will not return to the workforce anytime soon.

''Disability wasn't meant for people when they're 30 or 40, but that's what we are going to be facing,'' she said.

Beyond finding a way to pay for COVID–19 treatment, Berrent said, the Federal Government should invest heavily in understanding the medical experience of long-haulers with an eye toward developing effective treatments. She wants to see more post-COVID–19 centers established for research and treatment.

''We need a warp speed race for a therapeutic for people suffering from post-COVID–19 that parallels what we're seeing for the development of a vaccine,'' she said.''

The Affordable Care Act has helped millions of Americans access the health coverage they need, and it has worked to address racial disparities in health coverage. Overturning it threatens to undo that progress.

I would like to read an article from the Kaiser Family Foundation by Samantha Artiga, entitled ''Loss of the Affordable Care Act Would Widen Racial Disparities in Health Coverage.''

It reads: ''In November, the Supreme Court is scheduled to hear arguments on a legal challenge, supported by the Trump administration, that seeks to overturn the Affordable Care Act (ACA). As noted in a previous KFF analysis, the outcome will have major effects throughout the health care system as the law's provisions have affected nearly all Americans in some way.

One of the most significant aspects of the ACA has been its expansion of health coverage options through the Medicaid expansion to low-income adults and the creation of the health insurance marketplaces with subsidies to help people purchase coverage.

This analysis shows that these new coverage options have contributed to large gains in coverage, particularly among people of color, helping to narrow longstanding racial disparities in health coverage. The loss of these coverage pathways, particularly the Medicaid expansion, would likely lead to disproportionate coverage losses among people of color, which would widen disparities in coverage, access to care, and health outcomes.

Prior to the ACA, people of color were significantly more likely to be uninsured than White people. The higher uninsured rates among groups of color reflected limited access to affordable health coverage options.

Although the majority of individuals have at least one full-time worker in the family across racial and ethnic groups, people of color are more likely to live in low-income families that do not have coverage offered by an employer or to have difficulty affording private coverage when it is available.

While Medicaid helped fill some of this gap in private coverage for groups of color, before the ACA, Medicaid eligibility for parents was limited to those with very low incomes (often below 50% of the poverty level), and adults without dependent children—regardless of how poor—were ineligible under federal rules.

People of color experienced large coverage gains under the ACA that helped to narrow but did not eliminate disparities in health coverage. Coverage

rates increased for all racial/ethnic groups between 2010 and 2016, with the largest increases occurring after implementation of the ACA Medicaid and Marketplace coverage expansions in 2014. Overall, nearly 20 million nonelderly people gained coverage over this period, including nearly 3 million Black people, over 5 million Hispanic people, and over 1 million Asian people.

Among the nonelderly population, Hispanic individuals had the largest percentage point decrease in their uninsured rate, which fell from 32.6% to 19.1% between 2010 and 2016.

Black, Asian, American Indian and Alaska Native (AIAN), and Native Hawaiian or Other Pacific Islander (NHOPI) people also had larger percentage point decreases in their uninsured rates compared to their White counterparts over that period. These coverage gains reduced percentage point differences in uninsured rates between some groups of color and White people, but disparities persisted.

Most groups of color remained more likely to be uninsured compared to White people. Moreover, the relative risk of being uninsured compared to White people did not improve for some groups. For example, Black people remained 1.5 times more likely to be uninsured than White people, and the uninsured rate among Hispanic people remained over 2.5 times higher than the rate for White people.

Between 2016 and 2017, and continuing in 2018, coverage gains stalled and began reversing for some groups. Over this period there were small but statistically significant increases in the uninsured rates for White and Black people among the nonelderly population, which rose from 7.1% to 7.5% and from 10.7% to 11.5% respectively. Among children, there was also a statistically significant increase in the uninsured rate for Hispanic children, which rose from 7.6% to 8.0% between 2016 and 2018.

Recent data further show that the number of uninsured continued to grow in 2019 despite improvements in household economic measures, and indicate the largest increases between 2018 and 2019 were among Hispanic people.

The growth in the uninsured likely reflects a combination of factors, including rollback of outreach and enrollment efforts for ACA coverage, changes to Medicaid renewal processes, public charge policies, and elimination of the individual mandate penalty for health coverage.

The ACA provides coverage options for people losing jobs amid the economic downturn associated with the pandemic. The economic fallout of the coronavirus pandemic has led to historic levels of job loss. As people lose jobs, many may face disruptions in their health coverage since most people in the U.S. get their insurance through their job.

Early KFF estimates of the implications of job loss found that nearly 27 million people were at risk of losing employer-sponsored health coverage due to job loss. Many of these people may have retained their coverage, at least in the short term, under furlough agreements or employers continuing benefits after layoffs. However, the health coverage options made available through the ACA have provided options for people losing employer-sponsored coverage who might otherwise become uninsured.

Following enrollment declines in 2018 and 2019, recent data indicate Medicaid enrollment increased by 2.3 million or 3.2% from February 2020 to May 2020. Additionally, as of May 2020, enrollment data reveal nearly 500,000 people had gained Marketplace coverage through a special enrollment period (SEP), in most cases due to the loss of job-based coverage.

The number of people gaining Marketplace coverage through a SEP in April 2020 was up 139% compared to April 2019 and up 43% in May 2020 compared to May 2019.

People of color would likely experience the largest coverage losses if the ACA coverage options were eliminated. In the absence of the ACA, states would lose a pathway to cover adults without dependent children through Medicaid under federal rules. They also would lose access to the enhanced federal funding provided to cover expansion adults.

As such, states would face challenges to maintain coverage for adults without dependent children and parents and many would likely roll back this coverage, eliminating a coverage option for millions of low-income parents and childless adults who do not have access to other affordable coverage.

Moreover, without the federal subsidies, many people would not be able to afford private coverage. Since people of color experienced larger gains in coverage under the ACA compared to their White counterparts, they would likely also experience larger coverage losses if these coverage options were eliminated.

Loss of the Medicaid expansion, in particular, would likely lead to disproportionate coverage losses among people of color, contributing to widening disparities in coverage, access to and use of care, and health outcomes. Overall, among the nonelderly population, roughly one in three Black, Hispanic, and AIAN people are covered by Medicaid compared to 15% of White people.

Further, research shows that the ACA Medicaid expansion to low-income adults has helped to narrow racial disparities in health coverage, contributed to improvements in access to and use of care across groups, and narrowed disparities in health outcomes for Black and Hispanic individuals, particularly for measures of maternal health.

In sum, the outcome of the pending legal challenge to overturn the ACA will have effects that extend broadly across the health care system and touch nearly all Americans. These effects could include widening racial disparities in health coverage and health care, at a time when there is a growing focus on prioritizing and advancing health equity and in the middle of a pandemic that has disproportionately affected people of color in the U.S.

Without the ACA coverage expansions, people of color would likely face widening gaps in health insurance coverage, which would contribute to greater barriers to health care and worse health outcomes and leave them at increased risk for medical debt and financial challenges due to health care costs.''

The PRESIDING OFFICER (Mr. BARRASSO). The Senator from Nebraska.

Mr. SASSE. Mr. President, Senators have worked through the weekend and the clock is obviously winding down later today. Tonight after final confirmation vote, Judge Amy Coney Barrett is going to become Justice Amy Coney Barrett. For those of us who have been advocating for her—in my case it has been since the summer of 2017—that is welcome news. She is an unparalleled nominee and will be a dazzling originalist on the Supreme Court.

None of the baseless allegations that have been leveled against Judge Barrett have swayed any votes. Democrats didn't lay a glove on Judge Barrett in her confirmation hearing, and I think she ran circles around career politicians who want to outsource more lawmaking to unelected judges. Some folks are upset about that, and even though many of my male colleagues on the Judiciary Committee also complimented the Judiciary Committee chairman on a very well-run hearing, tragically, the minority leader—it seems that he has decided to make DIANNE FEINSTEIN a scapegoat for the unforgiveable sin of being unwilling to turn more of Judge Barrett's hearing into another Michael Avenatti clown show. I think that is just a painful moment in this institution's history, and it speaks volumes about how low some people are willing to sink in response to outside activists who would like to see bare-knuckle politics be the only thing that happens in the Senate.

Judge Barrett's opponents know that they don't have the votes. They know they don't actually have public support. They have seen the polling rise steadily week after week after week over the last month as the American public has gotten to know Judge Barrett better and learn more about her. They are more and more comfortable with her and less and less open to some of this sort of hyperbolic rhetoric that we have seen leveled against her.

This is actually my fourth consecutive hour on the floor this morning. I have heard a series of speeches and one of the things that is obvious is that there are a whole bunch of phrases that were written up. I don't know who wrote them up. I don't know how this process happens, but speech after speech after speech uses really similar

phrasing to try to alarm and disturb and unsettle the American people, and I think the cynicism is just really tragic. I have heard now, I think, four speeches in a row implying that when Judge Barrett becomes Justice Barrett later tonight, that obviously means the end of healthcare in America. The last speech, actually, included this phrase: A vote for Amy Barrett is a vote to end healthcare. The speech said: ''A vote for Amy Coney Barrett is a vote to end healthcare.''

That isn't just preposterous, it is so destructive of the public good and of public trust, and I don't want this body to continue its decline, but I hope that next April, May or June, when the Supreme Court rules and when ObamaCare doesn't die—as no expert thinks this case is actually going to do. There are no Court watchers who really believe that the Supreme Court is going to end ObamaCare this year. Severability is a pretty important legal concept that those of us who serve as public servants for a time should be helping the American people understand. And yet nobody on the other side of the aisle is talking about severability, even though everybody watching the court case knows that even if the opponents of ObamaCare prevail in this case, that severability is what everyone expects will actually happen. And yet we hear again and again and again this rhetoric just motivated by the cynical desire to get people to vote out of fear and panic in the November elections. Nobody really believes this stuff. So I hope the Democrats that are making these speeches, staying here all night to say again and again things like ''a vote for Amy Coney Barrett is a vote to end healthcare,'' please have the courage to come back next April, May, and June and say you lied to the American people, you were just trying to scare them into voting, and say what you were saying was BS.

Whoever writes these outside talking points, it is really destructive, and the Senators know better than to parrot this pap.

So they are out of arguments, but they are not out of sound bites, and one of the things that is true in American life is that with freedom of speech, even if your sound bite is nonsense, you have the right to be wrong, and you have the right to say it. So given that we are going to be here all day—it is all over but the shouting—it seems like we don't have to play the same speeches on repeat over and over again. We can actually do two things, and I think we should spend a little bit of time reviewing how we got here and a little bit of time talking about where we go next.

First, we should explicitly name the Senate's most valuable player. As somebody who is a junior member of this body, I don't want to cross ''Cocaine MITCH,'' the gentleman from Kentucky, but the truth of the matter is, the Senator most responsible for the confirmation proceedings we have happening on the floor today is not from Kentucky. The Senator most responsible for the fact that Amy Coney Barrett is going to be confirmed tonight, the Senator most responsible for the confirmation of Neil Gorsuch and Brett Kavanaugh is the former Democratic leader from Nevada, Senator Harry Reid. It was Senator Harry Reid who blew up the filibuster for judicial appointments in November of 2013, and the rest of how we got here is just a footnote on that history.

Leader MCCONNELL walked through some of this history on Friday and Saturday, how at every turn, from Robert Bork to Brett Kavanaugh, many progressives have, in an effort to try to secure policy outcomes in the Supreme Court, been escalating the confirmation wars. I won't repeat all of that history from Friday and Saturday here, but when Harry Reid went nuclear, he set the Senate on a path to this day.

So here we are with more than 200 Federal judges confirmed in the last 4 years. Again, I have been on the floor for the last 4 hours, so I have heard multiple people lament the pace of judicial confirmations on the floor. Some people love it; some people hate it, but whether you got hate mail or you got love letters, your destination address should be Las Vegas, NV. There is simply no equivalent or comparable event in the confirmation escalation wars since they were created with the ''Borking'' of Robert Bork in 1987. There is simply no comparable event with November of 2013 when Harry Reid decided to make this body simply majoritarian on confirmations.

So where do we go next? It is no secret that some of my colleagues on the left are itching to blow up the legislative filibuster. It is a slightly better kept secret that a whole bunch of Democrats in the Senate think this is a really bad idea, but they are scared to death of the activist groups that have decided to go after DIANNE FEINSTEIN in the last 3 weeks as a sort of trial run to show what happens to people who would resist trying to turn the Senate into a simple majoritarian body. But I still want to at least compliment those folks in this body who started to talk openly about their desire to blow up the filibuster for the legislative process as well around here. I think it would be a very destructive thing to do, but I appreciate the people who are at least talking about it explicitly.

I have been fighting about some of this with my friend CHRIS COONS. He is now open to blowing up the legislative filibuster, even though he was the leader of the Senate letter in—I think it was January of 2017—in defense of the filibuster. The position he had then, when there was a new administration of a different party, is the position I had then, and it is still the position that I have now. And regardless of what party holds power around here in 2021 or 2025, I am still going to be defending the Senate as a supermajoritarian body that tries to actually have a deliberative process.

So I think that my friend CHRIS is wrong about being open to blowing up the legislative filibuster, but I don't think he is wrong because he is a Democrat. I think a whole bunch of Republicans were wrong about this issue in January of 2017, and so I fought with them as well. I got lots of angry calls and texts from Republican Members of the House of Representatives in early 2017 for defending the legislative filibuster because the House and Senate are supposed to be different kinds of bodies. We have different purposes. So my argument to Democrats now or in January is the same as the argument I made to Republicans in January of 2017, and that is that blowing up the filibuster would be to functionally kill the Senate. It would dramatically change not just this institution but the structure of governance in our Republic. Because without the filibuster, the Senate becomes just another majoritarian body, and we already have one of those. It is called the House of Representatives.

The House and the Senate are supposed to have different complementary functions, and if we kill the filibuster in the Senate, we will have simple 51-to-49 votes radically changing the direction of the country. We would see governance swings on a pendulum where big chunks of American life could be rewritten every 2 years with simple 51-to-49 or 49-to-51 majority changes and therefore new majority votes. We would become more like a parliamentary European system. It is a system that has some virtues, but we don't have that system, and our Founders didn't pick that system on purpose. In the age of declining trust and increasing cynicism, the answer is surely not more instability. This would deplete, not replenish, our declining reservoirs of public trust.

Killing the deliberative structure of the Senate would accelerate Congress's ongoing slow and bipartisan suicide where fewer and fewer decisions are made by the people's elected representatives and more and more decisions would be made by an unelected bureaucracy that the people back home whom we represent in Nebraska or New York or Rhode Island or Virginia—the speeches that I have been hearing this morning—where those folks don't have any power to hire or fire the people who work in the administrative state, and accountability of governance to the people means that we want the elected representatives to be making most of those decisions, not the unelectable bureaucracy. Even though lots of those people are well-meaning servants, they are simply not accountable to the public.

Senators like JOE MANCHIN, JON TESTER, and KYRSTEN SINEMA would see diminished influence as the people of West Virginia, Montana, and Arizona got increasingly sidelined for even

more representation of New York and California.

Some of my colleagues apparently want to finish the work that Senator Reid began. This would be to double-down on the division, the cynicism, and the partisanship, and they would pretend that that is a day that they would never regret. But I think it would be really useful for more of the folks who are thinking now of whether they are in favor of ending the legislative filibuster or whether they are too scared to stand up to the activist groups demanding they end the legislative filibuster, it would be useful for a lot more of them to go on the record with the things they say to me in private about the regrets about November of 2013.

I have only been here since January of 2015, and I have had either seven or eight different Democrats currently serving in this body tell me how much they regret the vote that they took at Harry Reid's urging in 2013 to end the filibuster for confirmations to the judiciary.

And I understand that a junior Republican Senator from Nebraska doesn't have a lot of sway in the Democratic conference, but maybe they would listen to the quote of a different, more influential Senator:

[I]f the right of free and open debate is taken away from the minority party and the millions of Americans who ask us to be their voice, [then] I fear [that] the partisan atmosphere in Washington will be poisoned to the point where no one will be able to agree on anything. That does not serve anybody's best interest, and it certainly is not what the patriots who founded this democracy had in mind. We owe the people who sent us here much [better] than that. We owe them much [much] more.

I will repeat the quote:

[I]f the right of free and open debate is taken away from the minority party and the millions of Americans who ask us to be their voice, [then] I fear the partisan atmosphere in Washington will be poisoned to the point where no one will be able to agree on anything. That does not serve anybody's . . . interest, and it certainly is not what the patriots who founded this democracy had in mind. We owe the people who sent us here more than that. We owe them much [much] more.

That quote was from the junior Senator from Illinois in 2005, Senator Barack Obama, speaking passionately to this body about why it was different, why it is different, and why we have a stewardship obligation to defend the deliberative structure of the Senate. Senator, then President Obama was right then; he is right now; and I fear that he will sadly be right in the future, if partisan tribalists decide to blow up the Senate and pack the Supreme Court.

The debate over Amy Coney Barrett is over. We will be voting soon, but in the coming months, the debate for a critical piece of American governance will start. I beg my colleagues to heed Senator Obama's advice. Protect America's structure of three branches of government. You lost this vote, but please don't burn down this institution. Again, you lost this vote under the rules that Harry Reid created in 2013. Please don't burn down this institution.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, good morning to you. You stand watches everywhere.

We are here, in part, because of a Supreme Court nomination, but we are here also because of a Supreme Court process that has turned foul in a considerable number of ways.

I would like to spend the time that I have with you this morning walking through some of the history that got us there.

With respect to the now-standard Republican talking points that the only reason that we are here today in this partisan wrangle is because of Harry Reid, I would submit that the spectacle of procedural wreckage that surrounds all three of the last Supreme Court nominees completely belies any suggestion that Senator MCCONNELL would have respected the filibuster of a Supreme Court Justice. They have broken essentially every rule that got in their way—it didn't matter what it was—over and over again. And the idea that they would break every rule but that one simply makes no sense.

So I can see that it is sort of a cute and clever argument to go back and point out that Harry Reid broke the effort to stonewall all of President Obama's appointees to the DC Circuit Court, which was what was going on at the time, but the rest of the wreckage belies that this would have been protected by Leader MCCONNELL in the mad, headlong rush to load up the Supreme Court with nominees who have been through this very, very peculiar Supreme Court process.

To those who wonder why it is that we talk a lot about healthcare in the context of this nominee, look no further than the Republican Party platform that my colleagues supported, which says that Republican Presidents will appoint judges to reverse the ObamaCare cases. That is the language from their own party platform. So expect some skepticism about the sincerity of Republican expressions that they are shocked—shocked—that we would try to tie the fate of the Affordable Care Act to this nominee when they have put that in their party platform.

One of the unpleasant aspects of the process that I am about to describe has been that the handoff to special interests of control over who gets appointed to the Supreme Court means that there is an audience for auditioning. Over and over again, we have seen judges audition to that audience in order to get onto that all-important Federalist Society list or, in the case of Judge Kavanaugh, to get escorted by Leonard Leo, the operative of that operation, right around the list and onto its very top. Nobody auditioned like Brett Kavanaugh.

But Judge Barrett made her own effort, and that was to make it very publicly clear that she disagreed with Justice Roberts, the swing vote who protected ObamaCare. That mattered because the outrage in the rightwing that their Supreme Court they thought they had claimed actually made one decision against their political interests—a sense of betrayal by Justice Roberts. That was very acute.

It was into that environment that Judge Barrett added her unsolicited opinion—just threw it out there—that Roberts was wrong; that the dissent had it right. Obviously that allows us—in fact, requires us—to draw the logical conclusion that when she is the swing vote, she is going to go with the minority. So she telegraphed how she would rule in this matter. She became the nominee. It was on the Republican Party platform that she should reverse the ObamaCare cases. How are we not supposed to notice this when you say this in all caps?

So, please, let's not pretend that we are making up a connection between this appointment and the persistent Republican attack on our present healthcare system.

The first thing you have to understand in looking at the Republican judicial selection process is that we are now looking at three—we are now looking at three nominees who have come through this process. It began when I was in Munich on a trip with Senator McCain and Judiciary Chairman GRAHAM. He wasn't the chairman then, I don't believe. But we had gone to the Munich Security Conference together, and word came—in fact, I believe Senator BARRASSO was there as well, who is now presiding. Word came that Justice Scalia had died on a hunting vacation and that there was a vacancy.

It became quickly evident that Merrick Garland, the chief judge of the DC Circuit Court of Appeals—a very widely respected judge, someone about whom Republican members of the Senate Judiciary Committee had said very good things in the past, presumably a consensus nominee—was likely to be the nominee of President Obama, a man who very often tried for consensus and very often was spurned.

In this case, it did not take long for someone to decide that was not going to happen and, indeed, that no Obama nominee was going to be brought forward. It happened quickly but not so quickly that a few Members of the Senate said that they would, of course, meet with the nominee. That would be standard practice; of course, they would.

In any event, my recollection is that no one did—no Republican Senator did. That was a very sudden pivot by an entire body of people to go from a normal process to something very new and abnormal. In my experience, when a whole lot of people all pivot together to go from what is normal to something that is new and abnormal, you look for a reason.

If you see all the branches blowing in one direction on a tree, you may be indoors. You may not actually be able to feel the wind blowing. But when you see all the branches lean, you can draw the reasonable conclusion—in fact, you can draw perhaps the only reasonable conclusion—that there is a wind blowing those branches, which begs the question: What was the wind blowing all those branches to so immediately step out of the norms of the Senate—not just 1 or 2 or 10 but as an entire caucus—and pivot to this new abnormal response to a Presidential nominee? To me, that is a sign. That is a sign that political force is being applied, that a strong wind is blowing, and that all the branches have to lean in the same direction.

On we went through that process with very, very strong statements being made by judges about this newly found principle that, during an election year, you don't confirm Supreme Court Justices. They invented that new principle—highly convenient to that moment, but they described it as a principle.

Here is Senator DAINES in 2016: ''I don't think it's right to bring a nominee forward in an election year.'' He put it in about the strongest moral terms that one could use. He used terms of principle. He used the distinction between right and wrong. ''I don't think it's right to bring a nominee forward in an election year.'' Why? So that the people's voice—the people who have already begun voting had their voice reflected.

So that was probably—I don't know—maybe 8 months before the election. Here we are closer to 8 days before the election, and we are going through this process, and there has been this extraordinarily abrupt reversal of that supposed principle from 2016. ''I don't think it's right.'' If it is not right, why are we doing it right now? Suddenly, it is right in 2020.

Senator DAINES wasn't alone. MITCH MCCONNELL was the Senate floor orchestrator of all of this. He said: ''Of course, of course, the American people should have a say in the court's direction.'' That is why we can't take up Judge Garland now—because the American people should have their say months before the election. Here we are days before the election—flips-o, change-o. What could that mean?

Senator GRASSLEY: ''The American people shouldn't be denied a voice.'' That was then; this is now.

LINDSEY GRAHAM: ''Hold the tape.'' ''Hold my words against me,'' the chairman said. If an opening—here was his rule: ''If an opening comes in the last year of President Trump's term, we'll wait till the next election.'' Could you get clearer than that? ''If an opening comes in the last year of President Trump's term, we'll wait till the next election.'' ''Hold the tape.''

TED CRUZ: ''You don't do this in an election year.''

So what does it signal when people take a stand assertively on principle that it wouldn't be right—STEVE DAINES; that ''you don't do this''—TED CRUZ; that ''of course, of course, the American people should have their say''—MITCH MCCONNELL and CHUCK GRASSLEY—what does it say when people take a stand on principle on one occasion and then on the very next occasion, in the very next election, at the first opportunity, they completely reverse themselves on their supposed principle?

Well, one possibility is that there has been a minipandemic in the Senate of hypocrisy; that somehow there is a little germ here, and somebody brought hypocrisy into the Republican caucus, and everybody caught it, and they feel an unhealthy desire to go out and violate principles that they espoused on the previous occasion. That doesn't seem very credible to me.

What seems more credible is that something is blowing in the branches; that there is a force—a political force—at work that causes Republican Senators to take a firm stand on principle, albeit a novel one, a peculiar one, an unprecedented one, but in their words, a firm stand on principle in the 2016 election, and exactly in the very next case, in the 2020 election, completely reverse that supposed principle. My experience in politics is that when you see people forced to engage in hypocrisy in broad daylight, look for power in the shadows.

So we began with the Garland-Gorsuch switcheroo based on this ''you don't do this in an election year'' principle. Then we went on to Judge Kavanaugh, and the narrative has developed on the Republican side that Judge Kavanaugh was treated very unfairly, as if no witness came forward to testify in the Senate Judiciary Committee that she had been assaulted by a young Brett Kavanaugh. I don't know what we were supposed to do with that information. Were we supposed to tell the good professor: Go away. We don't want to hear from you. Sorry, it is a little late. The chance that a person headed for the Supreme Court might have committed sexual assault is something we don't take at all seriously. We don't want to get to the bottom of it. We don't want to know.

This was a woman who was willing to come and testify in front of all of America, subject herself to the hostile questioning of a professional prosecutor hired by the Republicans just for that occasion. She stuck to her guns and, in my view, was credible. To this day, I still believe her. The nature of her testimony was very consistent with the testimony of sexual assault victims who have been through that kind of an ordeal.

Do I know what happened? No. But she was a credible witness. She was willing to come into the Senate Judiciary Committee and claim that Brett Kavanaugh assaulted her. Of course, we had to hear from her. Republicans want to blame Democrats for that, but seriously, would you not have let her testify? Really? That does not seem very credible.

So she came. She testified. She was credible. Despite the rightwing having launched their flying monkeys at her in such vehemence, she had to leave her house, hire private security, go into hiding, she nevertheless came; she nevertheless was credible.

All we asked for was an investigation to find out what had happened, to do our best to get to the bottom of it. It was going to be difficult because it happened years ago, but it would seem to me that we owed this institution and the Supreme Court our best effort. Did we get a best effort? No, we got a slipshod, truncated decision that, to this day, the FBI refuses to answer questions about. Why? Why not give Dr. Blasey Ford, why not give the American people, why not give the Supreme Court a best effort from the FBI to get to the bottom of whatever happened?

There is every indication that the tip line the FBI set up was never reviewed and followed up on. I have been a prosecutor. I have run the attorney general's office in Rhode Island, which is the lead prosecutorial office for the State. I have been the U.S. attorney for Rhode Island, running Federal prosecutions. The whole purpose of a tip line is to bring in evidence from the public and sort through it because every tip line has bonkers evidence in it. But you sort through the chaff to see if there is any wheat there, if there is anything that needs to be looked into.

It does not appear that the FBI looked into anything that came in through the tip line. It looks like the tip line—if you could imagine the comments box, it looks like they attached the comments box directly to the dumpster so that the tips went straight into the waste bin. I know of no ''tip'' that got followed up on.

Once again, why? Why would the FBI allow itself to be associated with a truncated, incomplete investigation? Well, they said why. They said it was because they are not operating like an FBI when they do this. They are operating as an agent of the White House. They are operating at the White House's bidding when they are doing these confirmation investigations. They don't behave like the FBI then and follow their procedures. They do as they are told. That is a pretty strong clue and, once again, a signal of powerful political forces at work to try to cram nominees, even very troubled ones, onto the Supreme Court.

Then we come to Judge Barrett, who had to be the subject of this massive flips-o, change-o of what was right for our traditional nominees in an election year and enumerable minor broken rules along the way.

As I said, in all three of these recent nominations, there is a trail of procedural wreckage through the Senate. I don't think my colleagues hate Senate procedure. I don't think they get a form of malicious glee out of smashing

Senate procedure. When you see a lot of procedural wreckage in the Senate, look for a motive. Look for a force. Look for a force.

Three for three, we have seen powerful signals of a motive force at work. Sure enough, when you look at the process itself, you see some real peculiarities.

First of all, when these judges got selected, they had something in common. They all went through a process hosted at the Federalist Society and run by a person named Leonard Leo. The Wall Street Journal editorial page editor described this relationship as a subcontractor. The judicial selection got subcontracted out to this private organization and its operative—subcontracted out. The White House counsel said this organization was insourced to the White House. Leonard Leo was put on temporary leave from the Federalist Society—like that is a big deal—to supervise the process.

Can we just stop for a minute and accept that it is weird that any private organization would be made the subcontractor for the selection of Supreme Court Justices? I don't care if it is the Girl Scouts of America. It is weird and it is wrong that a private organization should be the subcontractor for selecting judges.

And it gets weirder and wronger when you see the big anonymous money pouring into that organization. The Washington Post took a pretty good, thorough look into this scheme, and they said that the whole scheme was $250 million worth of dark money—$250 million. They described it as ''a conservative activist's behind-the-scenes campaign to remake the Nation's courts.'' On whose behalf, one wonders. But you don't know because of the $250 million, most of it is anonymous money, what we call around here ''dark money.''

You have the last three nominees selected by a private organization, secretively, which is also taking huge donations from anonymous donors. The whole scheme runs up to $250 million, according to the Washington Post. That is a pretty big deal. If you can't see that that is a recipe for corruption, you are wearing blinders, because the idea that a private organization becomes designated to pick who is on the Supreme Court and then takes big anonymous donations is a prescription for disaster.

But it does produce nominees. At the end, you get your selection—one, two, three. Then, those nominees get TV campaigns run for them. There is a big PR effort, a political effort, and that is run by something called the Judicial Crisis Network, which has as its operative Carrie Severino. Judicial Crisis Network gets boatloads of anonymous money also. You have the same problem—a private organization, a secret organization that takes boatloads of anonymous money having a central role in campaigning for these nominees. That is also abnormal. This is new, this is peculiar, and this is wrong, in my view.

By the way, when that Washington Post article came out, Leonard Leo got blown like an agent in a covert operation. And to protect the Federalist Society, he had to jump out, go do something else. So he went out to go do dark money-funded voter suppression. Guess who jumped into his role for Judge Barrett? Well, well, well, none other than Ms. Severino.

The Judicial Crisis Network offices are next to the Federal Society's offices—same building, same floor.

How big is the money? Well, here is a little filing from the Judicial Crisis Network. This is from IRS Form 990. Look at this, a contribution for $17.9 million—$17.9 million. Do we know who gave them $17.9 million to put on TV ads for a judicial nominee who had been selected by the dark money group behind the Federalist Society? We do not. We do not. But somebody wrote a $17 million check to support a PR campaign for a Supreme Court nominee. How do we know they didn't have business before the Supreme Court? How do we know that when they are anonymous?

By the way, they did it again. Somebody gave $17 million to push off Garland and help Gorsuch. And then another 17-plus million dollars came in for the troubled Kavanaugh nomination. Do we know that it is not the same donor? No, we don't. It could be the same donor, in which case somebody gave $35 million anonymously to influence the makeup of our U.S. Supreme Court.

And they may have business before the Court. There is a case called the Caperton case in which the Supreme Court said you had a due process right not to have Judges who had big money spent on their behalf to get the office rule in your case. This looks like a Caperton problem—$35 million spent by conceivably one donor who may very well have business before the Court.

Why would you do this? Why would you do this? Why would you ever allow judicial nominees to be selected this way, funded by dark money, anonymously, controlled by private, secretive organizations? Why would you do that? Why is that acceptable at all? I submit that were the shoe on the other foot, the other side would have its hair on fire about such a performance.

The fact that this seems OK is yet another indication of the branches blowing in the wind here because it is not OK by any objective or reasonable standard. The only thing that makes this OK is if that political force makes this OK in the same way they made it OK to reverse the 2016 principle on the very next occasion in 2020.

When you see hypocrisy in the daylight, look for power in the shadows.

It doesn't end once their judges are selected and once the judges have their campaigns paid for by $17-million check writers. When they are on the Court, guess who shows up in orchestrated choruses. Groups funded by dark money. In some cases, they are the litigating lawyer group. In some cases, they come on afterward as what are called friends of the court, amici curiae—friends of the court.

We had one case that I looked at about the Consumer Financial Protection Bureau, where it turned out that a whole bunch of amici curiae showed up—friends of the court, a whole bunch of them. So I did this graphic in the brief that I filed. It showed 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 briefs filed in that case by nominally separate groups, all funded by the same organization, Donors Trust, 8 out of 11 funded by the Bradley Foundation, and more overlapping donors throughout. This was just my work.

The Center for Media and Democracy went back and did an even more thorough drill down and came to even more astonishing conclusions about the overlap between the funding of these groups showing up in these orchestrated choruses.

By the way, they don't tell the Court that they are all funded by the same groups. They don't tell the other parties that they are all funded by the same groups. There is actually a disclosure in the briefing rule that says you are supposed to disclose who paid for your briefing. They use that to mean who paid for the printing of the brief.

So you can take a million-dollar contribution from somebody or, who knows, a $17-million contribution from somebody, and then pay a couple of thousand bucks yourself to have the brief published and disclose nothing to the Court, nothing to the parties about who is really behind these phony-baloney, trumped-up, front-group friends of the court. But they do provide an educating chorus for the judges and tell them how to rule.

By the way, the Center for Media and Democracy showed that not only is the funding going to these groups, but the same funding is going over there to the Federalist Society to support this judicial selection operation. And from Judicial Crisis Network, you have the interchangeable Leonard Leo and Carrie Severino. This looks like a single scheme—a single scheme through which a small group of very secretive, big money donors, donors capable of writing a $17-million check to help influence who is on the Supreme Court, get together and control the selection of Supreme Court Justices, fund the PR campaigns and the TV advertisements for those Supreme Court Justices, and then show up through front groups to pitch the Justices on what they want from them.

That is about as unhealthy a situation for a Court as one could have. Again, we are like the frog—the alleged frog in the pot. It has gotten worse and worse. It has stunk more and more, but it happened kind of gradually and we, for some reason, acted as if this is somehow normal. There is nothing normal about this.

As a lawyer, I spent a good deal of my life in appellate courts. I have argued in the U.S. Supreme Court. I have argued in several circuit courts of appeals. I argued over and over before our State supreme court. To the extent I had a specialty, it was appellate law. As the Governor's legal counsel in Rhode Island, I was involved in picking judges for the State courts on the Judiciary Committee. I have been involved in picking judges for the Federal courts.

Folks, this is weird. This is not right. Nobody behaves this way. Nobody farms out the selection of judges to private interest groups that don't disclose their donors and take up to $250 million into the scheme, which is according to the Washington Post. It is weird enough that people feel the need to run TV ads for judicial nominees, but when they are taking a check for $17 million or two checks for $17 million from an anonymous donor or, maybe, two anonymous donors, if you think that is weird, it is because it is. That shouldn't happen anywhere around a court.

There are a lot of high-minded speeches about the importance of the judiciary and its independence and all of that. The most important standard that a court must meet is that it is not a pantomime court, a pantomime court in which the rituals of adjudication get acted out. People come to the bench, wearing their robes. They hear the arguments, render decisions, read the briefs, but at the end of the day, the decision is cooked by big special interest influence that has insinuated its way into the Court by controlling the selection of judges, by funding the PR campaigns for those judges, and by being the orchestrating force behind the amicus curiae.

You might think that I am being a little aggressive in suggesting that they are orchestrated. Well, do you remember this group, the Bradley Foundation, that I showed you from my Supreme Court checklist that funded 8 out of the 11 groups in that case? Here is a memo of a grant it is giving to something called the Judicial Education Project, which is a sister organization to that same Judicial Crisis Network. This is a little bit of a pea in a shell game, so forgive me, but they are directly related groups. The staff recommendation says that, at this highest of legal levels, it is a request for funding for amicus curiae in a case—in several cases—at the Supreme Court. It is very important to orchestrate high-caliber amicus efforts—orchestrate.

For Pete's sake, the secret funders themselves use the word ''orchestrate.'' So something is up. Something is not right. Something is rotten in Denmark. If the American people are good enough to entrust us with the ability to answer their questions about this mess, we will answer their questions about this mess. I will tell you that I cannot get my questions answered, not without gavels, not in this Senate, not in these committees. Yet I think it matters if an individual wrote $35 million worth of checks to influence the makeup of our U.S. Supreme Court to know whether they have business before the Court, to know who they were, and to be able to even do the Caperton analysis of whether somebody's due process rights have been infringed by influence.

So, in some respects, this is the end of things. This is the third of three nominees who have all had the same characteristics. They have been selected through this scheme. They have been campaigned for through this scheme. They have generated bizarre procedural behavior in this Senate—all three, three for three. It is like the triple trifecta—three judges, three characteristics: selected, campaigned for, bizarre procedural anomalies.

When you see that kind of behavior, that means there are a lot of branches leaning the same way, and if that doesn't mean the wind is blowing, then give me a better explanation. I think there is a foul wind blowing, and we need to find out who is behind it, and we need to find out what it means for our treasured Supreme Court.

I will close by saying that the results are already coming in. Even before Judge Barrett gets to the Court, the results have already been coming in from this effort.

I did an article some time ago that we had pretty thoroughly fact-checked, red-teamed, and reviewed that at the time said there were 72 decisions by the U.S. Supreme Court, under Chief Justice Roberts, that had the following characteristics: One, they were 5-to-4 decisions—the narrowest, barest majority. Ordinarily, a Supreme Court likes to see bigger majorities than that because it is conducive to the integrity and strength and credibility of the Court. There were 72 5-to-4 decisions.

They had an additional characteristic in that they were not just 5 to 4 but a partisan 5 to 4. No Democratic appointee joined the 5. So, again, if you are an institutionalist, you look at that, and you think, hmm, maybe that is not the Court putting its best foot forward. That is an awful lot of partisan 5-to-4 decisions.

Then the third characteristic is that you can identify quite readily in those cases a big Republican donor's interest—something that one would want by way of an outcome. What we calculated at the time in that article is that the score in those 72 5-to-4 partisan decisions with a big Republican donor's interest implicated was 72 to 0—some pitching balls and calling balls and strikes. It was 72 to 0. That is a route, and we have been tracking it since then. I put the number now to 80 to 0 because the article was written some time ago. So now we are at 80 partisan 5-to-4 cases in which a big Republican donor's interest was implicated and in which, by 80 to 0, the Big Interests won.

Now, some of these are pretty flagrant. I think Citizens United is going to go down in history as a disgraceful decision of the U.S. Supreme Court, sort of the political equivalent of Lochner.

Shelby County, in which the Court made up facts in order to strip a section out of the Voting Rights Act, in turn, unleashed voter suppression laws across the States that had been held back by the preclearance provisions that the Court summarily decided 5 to 4 that it didn't like any longer.

Janus, which is the case that took down a 40-year-old precedent involving labor law in which legal groups had an astonishing role, actually went through four cases along the way. It is a long saga, and I won't burden this speech with that now. At the end of the day, the lawyers for the labor movement, while walking up to the Supreme Court for argument that day, knew perfectly well how the Court was going to rule. That is not how courts should operate.

Heller, the gun case, was 5 to 4. A former Supreme Court Justice had described the theory that Heller had adopted as a fraud on the public, but Heller turned a fraud on the public into the law of the land. Guess what—the NRA is very active as a donor in these fights. The NRA was all over the Kavanaugh nomination in particular.

So you had these flagrant decisions, and I just mentioned those 4, but there are 80. That leaves 76 others. They are usually—often, I should say—about power. They are often about moving power into corporations, expanding corporate power, allowing unlimited money into elections—allowing dark, anonymous, unlimited money to operate in elections.

Who benefits from that? Entities with unlimited money and a motive to spend it like, say, the fossil fuel industry.

As for intervening in elections and allowing bulk gerrymandering to proceed, multiple courts have figured out how to stop that nefarious practice. It is, actually, not complicated when you are dealing with bulk gerrymandering and how to stop it and, over and over again, the bulk gerrymandering efforts to take an entire delegation and try to cook it so that it doesn't represent the popular vote in that State.

Over and over again, courts have seen through that. They figured out how to respond to it until it got to the Supreme Court. Then, with 5 to 4, sorry, folks, we are not going to take an interest in that. Keep at it. Voter suppression will tear down the preclearance provisions of the Voting Rights Act. All of this election mischief that leans heavily to supporting the Republican side has been supported.

With deregulation, if you are a big polluter and if you are a big donor, you probably don't like regulatory agencies. You probably would like to have some more freedom from regulatory agencies. Over and over again, these decisions try to hurt the independence

and strength of regulatory agencies—over and over.

Then the last is the civil jury. My God, the civil jury is in the Constitution, for Pete's sake. We fought so hard over the civil jury that people didn't want to adopt the Constitution until there was a Seventh Amendment that protected it in the Bill of Rights. Protecting the civil jury was in the Declaration of Independence. Interference of the civil jury by the Crown was a cause of war in the Revolutionary Era.

The civil jury is an institution of governance in this country. It is a big deal. Yet these supposed originalists on the Court keep tearing down, whittling away, diminishing, and degrading the civil jury because—guess what—if you are a big, powerful, well-funded lobbyist, greased corporation, or interest group, you can march around this place like a King, throwing your money around, getting everybody to bow and scrape for you, with lobbyists smoothing the path for you. You can wander into the executive branch if you have the right control and get your stooges appointed to the regulatory agencies. You can be powerful. You can get your way.

Then you have to suffer the indignity of showing up in a courtroom where you have to be treated equally before the law, where what you say has to be put to the test of perjury, where you have to turn over your real documents and not phonied-up position papers, where, if you tamper with the jury, it is a crime.

No wonder big special interests don't like civil juries, and no wonder this Court, 5 to 4, over and over again, chops away at the institution of the civil jury, but don't tell me that you are being an institutionalist or an originalist when you are attacking an institution in the Constitution—in the Seventh Amendment, the Bill of Rights. That is the work that these 80 5-to-4 partisan decisions have been doing. It has been to turn this Court, more and more, into the servant of big corporations. Guess what. Americans are paying attention.

There was a poll a little while ago that asked whether the Supreme Court favors corporations more than people or people more than corporations. The poll showed, 49 to 7, that 7 times as many Americans think the Supreme Court views corporations more favorably than people than say the Court views people more favorably than corporations. So something is out. Something is up. A foul wind is blowing. There is way too much anonymous money in and around this Court process.

It is, by the way, at the same time, the only Court that does not have a code of ethics in the Federal system. When Judge Barrett is elevated from her circuit court to the Supreme Court, she will go from a court that has a judicial code of conduct to a Court that does not. She will go from a court that requires the transparent disclosure of gifts, travel, and hospitality to a Court that requires less disclosure not only than circuit courts but less disclosure than Cabinet officials and less disclosure than Members of Congress. The highest Court has the lowest standards for ethics and transparency.

So, to all of my colleagues who have given speeches about the integrity and value of the Supreme Court and our judicial branch, I hope you will help us as we try to look at what on Earth is exactly going on over there—why amici curiae show up in Court without disclosing who they are really there for; why $17-plus million checks are being written by anonymous individuals, what the relationship is between the $250 million that poured into Leonard Leo's effort and who got chosen, and what the expectations were of the people who spent $250 million to influence the makeup of the Supreme Court; and why the highest Court has the lowest standards for ethics and for transparency.

We are not in a good place right now with this Court. The things that are happening are truly bizarre, unprecedented. It is bad enough that there should be dark money in elections—but dark money in judicial selections? Please defend that if you think that is right. If you think that big special interests should be able to write big, anonymous checks and, thereby, gain a voice in the composition of the U.S. Supreme Court, please come and defend that proposition, because I don't think you can.

It has never been the case in the Supreme Court before. It has never been the case in the circuit courts of appeal before. It has never been the case in State supreme courts, in my experience.

The dark-money influence in and around the Court is unprecedented, and it is wrong, and the American people are entitled to the truth about it.

I see I have gone into my next speaker's time a bit. So I will yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAINES). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. BALDWIN. Mr. President, last Tuesday, in my home State of Wisconsin, in-person early voting started. Over the past week, people have showed up to vote in record numbers, as they have across our entire country, because they want to make sure their voices are heard. Why? Because they know how high the stakes are for them in this election, an election that will determine our next President and control of the U.S. Senate, an election that is just 1 week away.

My position on President Trump's Supreme Court nomination has been very clear since the tragic passing of Justice Ruth Bader Ginsburg. Voters across America should be allowed to cast their ballots first and have their votes counted before this Senate votes on a lifetime appointment to our Nation's highest Court. The people should be heard first, but it is clear that the majority leader and a majority of my colleagues on the other side of the aisle have no interest in listening to the people. That is why they are rushing and ramming President Trump's Supreme Court nomination forward just days before the election.

This rigged and illegitimate process is wrong, and it follows a pattern of the majority leader and Senate Republicans abusing their power to break their own standards on Supreme Court nominations.

Back in 2016, 8 months before the election, President Obama nominated Merrick Garland to a seat on the U.S. Supreme Court after the passing of Justice Antonin Scalia. Judge Garland is a highly experienced and qualified judge, and I have no doubt that had he been given the opportunity, he would have earned more than 60 votes in the U.S. Senate. But he was never given that opportunity because the majority leader decided to deny Judge Garland a hearing and a vote in the Senate.

With the standards broken on the Garland nomination, the majority leader established a new one: no Supreme Court nominations by the Senate during an election year. Here we are in an election year. However, Majority Leader MCCONNELL has broken his own rule and created yet another new one. Instead of applying the same standard that he imposed on President Obama with the Garland nomination in March of 2016, 8 months before an election, he created a new standard now for President Trump with his nomination of Judge Amy Coney Barrett made 39 days before an election. The majority leader is rushing President Trump's nominee forward, with a Senate vote as people are voting, as we stand 1 week—1 week—before election day.

What is the rush? My home State is a national red zone for COVID–19. We are experiencing our worst outbreak of infections since the pandemic began, breaking records for new cases, hospitalizations, and deaths. Right now, people want action, support, and relief from Washington.

The House passed the Heroes Act over 5 months ago. Was there a rush for the Senate majority to take action to confront the public health and economic crisis that has only gotten worse since then? No, this legislation has been sitting on the majority leader's desk since May, while businesses have closed, millions have lost their jobs, and hundreds of thousands of Americans have died.

At the beginning of this month, the House, once again, passed an updated version of the Heroes Act to provide local communities and frontline healthcare workers with the support they need to stop the spread of this

deadly virus. This legislation provides support to workers, families, schools, local governments, and small businesses.

Was there a rush from the Senate majority to take action? No, instead, the majority leader told the White House not to support this legislation because it would divide the other side of the aisle and they needed to focus on pushing this Supreme Court nomination forward before the election.

What is the hurry? My colleagues on the other side of the aisle have been trying to repeal the Affordable Care Act and take away people's healthcare since I came to the Senate back in 2013. I remember that vote to repeal the Affordable Care Act well. It was 2017, right here on the Senate floor. As President Trump and Senate Republicans sought to repeal the Affordable Care Act, Senator John McCain did something we are not seeing from the majority now with this illegitimate Supreme Court nomination process. Senator McCain stood by his principles and gave a thumbs-down to repealing our Nation's healthcare law.

President Trump's response has been to try to do what the American people will not let this Senate do. In 2015, President Trump made clear his intentions with Supreme Court nominations when he said: ''If I win the Presidency, my judicial appointments will do the right thing, unlike Bush's appointee John Roberts, on ObamaCare.''

In May of this year he said: ''We want to terminate healthcare under ObamaCare.''

The day after he announced his nomination of Judge Barrett, he tweeted that the Supreme Court invalidating the Affordable Care Act would be ''a big WIN for the USA!''

Just last week, he said he would like to ''terminate'' the Affordable Care Act and ''we have a very good chance of doing it.''

He is right, but that is the problem. President Trump, with his Department of Justice, has supported a Republican lawsuit to overturn the Affordable Care Act completely. On November 10, 1 week after the election, the Trump-backed lawsuit will come before the U.S. Supreme Court. Judge Barrett has a record of criticizing and opposing the previous Supreme Court decisions that have upheld the Affordable Care Act. It is clear as day that the majority leader and Senate Republicans are driving a vote on the President's Supreme Court nomination in order to do what Trump wants—overturn the Affordable Care Act completely, terminate people's healthcare, and take away protections for people with preexisting health conditions.

Here is what is at stake if Judge Barrett does what Trump and Senate Republicans have been trying to do for years. Over 186,000 Wisconsinites have been infected with COVID–19, which could now be considered a preexisting health condition. These people need the guaranteed protections that our Affordable Care Act provides, and they cannot afford to have the Supreme Court terminate their healthcare. If the Affordable Care Act is overturned, over 133 million Americans with preexisting health conditions could stand to lose their guaranteed protections or be charged more, including more than 2 million Wisconsinites who have preexisting health conditions.

This issue is personal to me, as it is for so many others. When I was 9 years old, I got sick—really sick. I was in the hospital for 3 months. I eventually recovered. But when it came to health insurance, it was like I had a scarlet letter. My grandparents, who had raised me, couldn't find a policy that would cover me, not from any insurer and not at any price, all because I was a child who had been labeled with those terrifying words—''preexisting health condition.''

This is also personal for Chelsey from Seymour, WI, whose daughter Zoe was born with a congenital heart defect. Right now, thanks to the Affordable Care Act, Zoe is guaranteed access to coverage without being denied or charged more. Chelsey wrote to me: ''I'm pleading with you as a mother to fight for the kids in Wisconsin with pre-existing [health] conditions that are counting on you to protect that right.''

Her fight is my fight today. No parent or grandparent should have to lay awake at night wondering if the healthcare they have today for themselves and their children and grandchildren will be there tomorrow. The fact is, more children have become uninsured in every year of the Trump administration, and striking down the Affordable Care Act would be the final, devastating blow to children's healthcare.

If President Trump succeeds with his lawsuit and gets a ruling from the person he is putting on the Supreme Court, Judge Barrett, an estimated 800,000 children would lose healthcare insurance.

When Congress passed the Affordable Care Act over a decade ago, I led the effort in the House to include a provision that now allows young people to remain on their parents' health insurance until they turn 26. In Wisconsin, that means over 40,000 young adults in their twenties who have been infected with COVID–19. Many of these young people are likely already on their parents' health insurance plan or are receiving premium tax credits provided by the Affordable Care Act to lower costs and make healthcare more affordable.

Recently, I heard the story of Amy from Neenah, WI. Her daughter is a nursing student at Marquette University in Milwaukee. She is on her mother's insurance plan, and they are worried that if the Senate shoves this nomination forward and Judge Barrett does what President Trump says she will do, this young nursing student and future frontline healthcare worker will be kicked off her mother's insurance and lose access to her healthcare.

Kirsten from Green Bay, WI, told me her story of being diagnosed with a very serious heart defect when she was just 11 days old. By the time she was 13 years old, she had undergone 17 angioplasties. Before the Affordable Care Act was passed, she struggled to keep insurance coverage, and she doesn't want to go back to the days when insurance companies wrote their own rules and could choose to deny people coverage, charge people more, or set annual or lifetime limits on people's healthcare.

Kirsten, who is now 24 years old, said:

> Amy Coney Barrett has made it clear that she opposes the [Affordable Care Act]. With this nomination, the Republican Party is actively saying that our lives do not matter. If a decision is made on the Supreme Court nominee before the election, the American people are taken out of the selection.

The message I have heard from Wisconsin has been clear. People want to be able to vote before the Senate votes. People want their voices to be heard. People want their healthcare protected, and they certainly don't want it taken away by President Trump or his nominee to the Supreme Court during a deadly pandemic that has taken over 1,700 lives in my home State of Wisconsin and over 221,000 American lives.

I would remind my friends on the other side of the aisle that for the women I have spoken about today, as well as all American women, if the Affordable Care Act is terminated, insurance companies could once again charge women more than men, and insurance companies could stop covering basic services, like maternity care, cancer screenings, and contraception. The threat this nominee poses to women's health cannot be overstated.

The threat isn't limited to the Affordable Care Act; it extends beyond that. President Trump took office with a promise to nominate Justices and judges who would overturn Roe v. Wade. He has nominated Judge Barrett, and her judicial record reveals a firm disagreement with the Supreme Court's five decades of established constitutional protections for women's reproductive rights.

Let's all be honest with the American people. Since day one of this administration, a woman's constitutional right and freedom to make her own healthcare choices, including access to birth control, has been under assault. We know what Amy Coney Barrett's personal views are, and I know that some of you support her for them. But let's be clear. I don't oppose her because of her personal views. What I do oppose is the phony game that is being played where the people pushing this nomination forward pretend that this nominee is simply a blank slate and will consider nothing more than words on a page in her Court decisions concerning women's reproductive health.

Right now, in States across the country, Roe v. Wade is under attack, and

millions of women are at risk of losing the freedom to make their own healthcare decisions without interference from politicians playing doctor. Dozens of abortion rights cases are headed toward the Supreme Court as we speak. The stakes could not be higher for women's health than they are right now with this nomination.

We all know what Judge Barrett's judicial record is, and her public advocacy is clear. This is a nominee who has been fundamentally hostile towards reproductive health and rights. That is what is relevant here because our Supreme Court plays an essential role in protecting and upholding civil rights and civil liberties, including the constitutional right for all women to make their own personal healthcare decisions and to have access to safe and legal reproductive care.

The least this nominee's Senate supporters could do is be honest with the American people. We all know that, if given the opportunity, a Justice Barrett would overturn Roe v. Wade. Don't pretend you don't know how she will come down on this issue. You should at least have the courage of your convictions and say to the people who are voting right now in this election that you support Amy Coney Barrett's nomination because you support overturning Roe v. Wade, too, and you know she will help do it.

Just as I don't trust this nominee to protect people's healthcare or women's reproductive rights, I have no faith in Judge Barrett to respect the progress that the LGBTQ community has worked so hard to achieve.

Unlike President Trump's nominee, Justice Ruth Bader Ginsburg had a strong belief in equality for all, which was reflected in her life's work and in her judicial record on LGBTQ rights issues. In June, we again saw real progress in the Supreme Court with a landmark victory for justice and equality when the Supreme Court ruled 6 to 3 that workplace discrimination against LGBTQ people is wrong and our Nation's civil rights laws forbid it.

But we have a lot more work to do. LGBTQ people in many States can still be evicted from their homes or denied services simply because of who they are or whom they love. The House passed the bipartisan Equality Act to end this kind of discrimination well over a year ago, but that, too, has been in the majority leader's legislative graveyard and has not even received a vote in the Senate because he is afraid it just might pass.

Here we are today moving forward on a Supreme Court nominee who I believe is a real threat to LGBTQ rights—again, not because of her personal preference to oppose marriage equality; rather, because she has openly and publicly defended the dissenters in the Supreme Court's landmark Obergefell case by questioning the Court's role in even deciding that case.

Earlier this month, two of the dissenters in that case whom Judge Barrett defended previously—Justices Thomas and Alito—came out and attacked the Court's 2015 decision, which declared that same-sex couples have a constitutional right to marry under the 14th Amendment guarantee to equal protection under the law.

We just celebrated the 5-year anniversary of marriage equality becoming the law of the land, and I have no faith in Judge Barrett to protect this constitutional right.

President Trump wants to overturn the Affordable Care Act completely and take away people's healthcare and protections for preexisting health conditions in the middle of a deadly pandemic. This President wants to overturn Roe v. Wade and have the government take away reproductive freedoms for women. He has done nothing to move equality and fairness forward for the LGBTQ community and has worked to turn back the clock on hard-won progress. Judge Barrett has been nominated and will likely be confirmed by this Senate to do what President Trump wants. This nominee's complete and total unwillingness to show any independence from the President makes that clear to me.

I believe it is wrong for Senate Republicans to rush this confirmation vote before the American people have voted and our next President and the next Senate have taken office. I oppose this illegitimate process, and I oppose Judge Barrett's confirmation for a lifetime appointment to our highest Court because I do not have faith in her being a fair and independent Supreme Court Justice for the American people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, I thank the Presiding Officer for the recognition today and thank you very much for being here.

Today, the Senate is gathered in the middle of an unprecedented pandemic. More than 220,000 Americans have died, millions more have been infected, and millions more are out of work because of the resulting economic crisis. These are some of the hardest times to fall upon this Nation in decades. People are hurting. They are scared, they are exhausted, and they are looking for help.

Millions of Americans are also looking around asking how they can help in their communities. They are stepping up, whether it is as members of the essential workforce, as healthcare workers, or by donating their time or resources to a charity or local food bank. We are seeing the best of this country.

Here in the Senate, we, too, have the power to do something to help. On a much larger scale, we have the power and the duty. We could do something big to help beat this virus, to help people and businesses get back on their feet, get the kids back in school, to help make life easier for the millions who are struggling.

Yes, the Senate is gathered in the middle of a pandemic, but we aren't gathered here by the majority leader to do anything to help the American people. We aren't gathered here to do the hard work, to negotiate, to compromise, and to pass an urgently needed COVID–19 relief package that Americans are clamoring for—no. Instead, we are gathered here today to fast-track the confirmation of a far-right judge onto the U.S. Supreme Court, in the middle of a pandemic, 8 days before the conclusion of a Presidential election, with tens of millions of ballots already having been cast. It is shameful. This body has truly lost its way.

The American people are looking on in anger and disbelief as the Senate majority focuses on this nomination just 4 years after the majority in no uncertain terms said that the Senate should not consider a Supreme Court nominee 8 full months before the election. Yes, that is what Senate Majority Leader MITCH MCCONNELL said—the Senate should not consider President Obama's Supreme Court nominee a full 8 months before the election. But now he says we should install President Trump's nominee 8 days before the election. How did we get here? Why would Republicans so flagrantly violate their own rules and violate the legitimacy of the Court and Senate for this nominee? To solve that mystery, we have actually got a clue. It is on the Supreme Court schedule.

On November 10, the Supreme Court will hear oral arguments in a suit, brought by Republican attorneys general and supported by the Trump administration, to destroy the Affordable Care Act. Three years after the Senate Republicans tried and failed to repeal the Affordable Care Act in Congress, they are now trying to terminate the law in the courts. Their relentless pursuit to destroy the Nation's healthcare law knows no end, and they need to get their Supreme Court nominee onto the Bench in time to hear their case.

You have heard it many times over the last few weeks, but it bears repeating, what is happening right now, because it is stunning. Senate Republicans are rushing another far-right judge onto the bench days before the election and all in the effort to cement a conservative majority on the Supreme Court to destroy the Affordable Care Act in the middle of a pandemic.

This is all taking place under the direction of a President who has stated that the coronavirus pandemic ''affects virtually nobody.'' That is the President's direct quote—''affects virtually nobody.'' That is what he is saying about the pandemic.

Republicans want to rip away healthcare from millions of people in the middle of a public health crisis that has killed more than 220,000 Americans. They want to take away protections from millions of people living with preexisting conditions in the middle of a pandemic—a pandemic that has caused millions more Americans who have contracted COVID–19 to now have a new preexisting condition.

The President openly admits he wants the Supreme Court to do what Republicans in Congress couldn't do, and that is to demolish the ACA. ''It will be so good if they end it.'' That is the President's quote. He said that on 60 Minutes. ''It will be so good if they end it,'' speaking about what he wants the Supreme Court to do and what his Justice Department is arguing.

And the President and Republicans in Congress won't have any plan to replace what they want to destroy. After all these years of trying to end the Affordable Care Act, including a 2-year period when the Republican Party held control in the House, Senate, and White House, they still don't have a replacement for the Affordable Care Act.

If Republicans succeed and this Supreme Court nominee joins an increasingly conservative Court in striking down the ACA, the results would be catastrophic for my home State of New Mexico. The estimated 834,700 New Mexicans with preexisting benefits would face higher costs, fewer benefits, and could have trouble finding coverage.

Overturning the ACA would immediately end coverage for millions of Americans who became eligible for Medicaid through the Medicaid expansion. In fact, in my State of New Mexico, 250,000 people have coverage under that expansion. Seniors getting prescription drugs could no longer afford their medications.

It is people like Jeanne, an Albuquerque-based senior who told me recently:

> Now, like many seniors, I take a medication that is so expensive that I would reach the donut hole every year. I can't afford to pay for that medication out of pocket.

> Rural hospitals, which are absolutely critical during this pandemic, could close their doors. As Dr. Val Wangler, the chief medical officer of Rehoboth McKinley Christian Health Care Services told me:

> The Affordable Care Act is critical to the health of patients in New Mexico's rural communities. Threatening the healthcare coverage of our communities in the midst of the greatest public health crisis of our times is unconscionable.

For Indian Country and Native communities, ACA repeal would be absolutely devastating. I have heard firsthand accounts from Tribal leaders, Native families, and healthcare providers about how the ACA has improved the healthcare landscape across Indian Country—literally saving lives. The ACA has opened the doors for so many Native Americans to access the care they need, whether it is an unplanned medical emergency or routine wellness checkups and screenings.

Access to quality healthcare is critical for Native communities, which face disproportionate impacts from the COVID–19 pandemic. The Federal Government has a trust and treaty obligation to consult with Tribes and to provide Native Americans healthcare. With this rushed, hypocritical process, Senate Republicans are violating our most sacred duties to Indian Country.

We know that the Supreme Court will rule on the fate of the Affordable Care Act. That much is certain. But what other cases might this Court rule on in the near future, or in what other cases might Judge Barrett cast the deciding vote?

Well, as you have heard me mention a few times now, we are in the middle of a Presidential election—the most important election of our lifetimes. Facing an uncertain outcome at the polls, President Donald Trump has repeatedly sought to undermine the legitimacy of this election. He has lied about the safety of mail-in voting, despite the fact that he is a mail-in voter himself. He deliberately tried to weaken the Postal Service, and President Trump, along with Members of this very body are telegraphing that they want the Supreme Court, not voters, to decide this election. They want to sow enough doubt about the legitimacy of the democratic process that it has to go to the courts, and they want their hand-picked conservative judge to tip the scales for them.

You don't get to choose the judge who decides your own case. That is not how we achieve true justice in a democracy. The core of our system is having an impartial judge.

It has been shocking to watch as this President, aided and abetted by Members of this very Senate, has been so overt about his desire to put a judge on the Supreme Court who will rule in his favor in any disputed election. That is a tactic of authoritarians, not a democracy.

But in her confirmation hearing, Judge Barrett wouldn't even comment on whether a President should commit to the peaceful transfer of power, as this President has refused to do. She called that a political controversy. The peaceful transfer of power is not a political controversy. It is one of the most sacred tenets of our democracy.

What else might Judge Barrett rule on in the coming years? No doubt cases concerning the most urgent, existential crisis we are facing as a Nation—climate change. Cases to decide whether we will let big polluters do whatever they want to our air, water, and planet.

There is no denying the science of climate change. It is a real and present danger to the lives and livelihoods of people all across this Nation and the world. My home State of New Mexico is in the bull's eye, with increasingly severe wildfires and droughts.

This President is one of the few public figures left in this country who says he doesn't believe the scientists. You would hope a nominee to the Supreme Court—the highest Court in our land—wouldn't follow his lead. But Judge Barrett, again, wouldn't even comment on whether she believes climate change is real. She again said that was a political controversy.

The only place climate change is a political controversy is within the White House and within the Republican Party, and the rest of us are paying the price while they decide whether or not to believe the overwhelming consensus of the scientific community—whether or not to believe their very eyes.

There are so many other issues on which a Justice Barrett would likely rule, including a woman's right to make her own healthcare decisions. A leading advocate for women's rights to reproductive health, Justice Ruth Bader Ginsburg would be replaced with a public advocate against Roe v. Wade. The nominee signed her name to statements against Roe that ran in full-page newspaper ads, undisclosed to the Senate. She signed joint public letters against Roe. This was also undisclosed to the Senate. She gave multiple speeches to organizations dedicated to overturning Roe, undisclosed to the Senate. In a law review article, she wrote that abortion was ''always immoral.''

And after promising for years only to nominate judges who will overturn Roe, Senate Republicans suddenly are shy about it. They suddenly don't have the courage of their convictions, and they won't let the public in on their true, long-stated agenda—overturning Roe once and for all.

There is so much else at stake in this fight—on voting rights, on worker rights, and so much more, all with real human consequences for the lives of people all across this country.

Let's not lose sight of the real people who will be affected by this Republican march to overload the Court with loyalists.

With so much at stake, the American people deserve to have a say. It is that simple.

So I urge my Republican colleagues to take a step back and think about what you are doing. Think about the long-term damage you are doing to the legitimacy of the courts and to the faith of the American people that their voices are being heard.

What is at stake is more than Justice Ginsburg's seat. It is the American people's seat.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I want to thank my colleague from New Mexico for his remarks just now.

I rise today to join him and my other Democratic colleagues in opposing Amy Coney Barrett's nomination to the Supreme Court.

I want to begin by acknowledging the nature of the moment that we are in right now. We are mere days from an election day, during an election period in which tens of millions of Americans have already voted. We are grappling with a global pandemic that has taken the lives of more than 220,000 Americans, and millions are out of work.

Yet, rather than focusing on providing the comprehensive relief that lives and livelihoods are depending upon, Republicans have instead made pushing this nomination through their top priority.

The American people deserve better.

One of the most solemn responsibilities of a U.S. Senator is providing advice and consent with regard to a Presidential Supreme Court nomination. This is a lifetime appointment to the highest Court in our land, which will impact the lives of every single person in this country. The consequences of this nomination are far-reaching, and right now there is perhaps no more consequential issue than healthcare.

The Trump administration and Republicans in Congress have been relentless in their attempts to sabotage our healthcare system, repeal the Affordable Care Act, and eliminate the healthcare protections that millions of people depend on.

But for years, Republicans have failed legislatively to repeal this law. So now, instead, they have turned to the courts. President Trump said he wants to ''terminate'' the Affordable Care Act, and has said that he would nominate judges who would do just that.

One week after this election, just 9 days away, the Supreme Court will hear the lawsuit supported by the Trump administration to repeal the entire Affordable Care Act and its protections for people with preexisting benefits.

It is no secret that this is why Senate Republicans have rushed Judge Barrett's nomination through.

For some of my colleagues, this nomination is a means to an end, a way to finally repeal the Affordable Care Act, a law that has helped so many. For the American people, however, this isn't a game.

Over the course of the last several weeks, people in my home State of New Hampshire and across the country have spoken out about what the repeal of this law would mean for them, just as they have spoken out each time that Republicans have tried to take coverage away.

I recently heard from Michelle and Joe O'Leary of Atkinson, NH. Michelle and Joe's son Matty was diagnosed with a rare brain condition at the age of 4. Right now, Matty is doing well, but he requires a lifesaving brain infusion treatment at the hospital, from 4 to 6 hours every 2 weeks.

His father said that the minute that they miss an infusion, Matty's health would begin to decline rapidly.

Joe and Michelle said that on top of all of the challenges that their family experiences on a day-to-day basis, they still have to wake up each morning fearing the implications if the Supreme Court overturns the healthcare law—fearing what will happen if coverage is taken away and they can't access the treatment that their beloved Matty needs.

Joe and Michelle shared the details of this deeply personal healthcare story in order to preserve healthcare for their son and millions of others. They shouldn't have to. No one in America should have to plead with their legislators to not take their healthcare away. No one should. But they do, in the wealthiest country on Earth.

Joe and Michele are not alone. If Judge Barrett is confirmed and becomes the Court's deciding vote to overturn the Affordable Care Act, an estimated 20 million Americans could lose their healthcare coverage.

Making matters worse, in pushing this nomination through, my colleagues could undermine healthcare in the midst of a devastating pandemic.

And just as we are learning that the long-term effects of this virus will likely mean that treatment for some will be ongoing for a lifetime, the Senate Republicans are moving to overturn the Affordable Care Act—just when it is needed most. It is unconscionable.

Potentially ripping away healthcare from millions of Americans is just one of the many things at stake. Women's reproductive freedom is at risk. President Trump has said that he will only nominate judges who would overturn Roe v. Wade, and Judge Barrett has repeatedly criticized this landmark ruling that provides women with the freedom to make their own healthcare decisions, control their own destinies, and be full citizens of the United States of America.

Equality for LGBTQ Americans is also at risk. Just this month, two Justices on the Supreme Court indicated their desire to overturn the decision Obergefell v. Hodges, which delivered marriage equality to so many. Judge Barrett has previously defended the dissenting opinion in that case.

And voting rights are at risk. Judge Barrett refused to acknowledge the fact that communities of color face disproportionate obstacles in voting. Nor would she acknowledge what every lawyer and, really, most high school students know—that voter intimidation is illegal and antithetical to our basic principles.

Judge Barrett would not even give a straight answer when asked if Presidents should commit to a peaceful transition of power, an essential element of our democracy and one that we have held up as an example to the rest of the world throughout our history.

And despite asserting that she is independent and not swayed by politics, Judge Barrett's refusal to acknowledge that climate change is real—after acknowledging other scientific facts, such as the infectious nature of COVID–19 and that cigarettes can cause cancer—reveals her alignment with and responsibility to a far-right, climate-change-denying agenda.

Our founding documents gave us the flexibility and the tools to grow in our understanding of what individual freedom means and who is entitled to it. These tools have given us the power to create change and move forward, to unleash the talent and energy of previously marginalized citizens.

Our country has prospered, thrived, and led as a result. But Judge Barrett's views and her judicial philosophy are not rooted in that belief. She, instead, would constrain individual liberty and empower corporations and put the progress that so many have fought for at risk.

Republicans have moved this nomination forward in contradiction of the rules that they themselves invented in 2016. Our society and our democracy rely on the idea that all sides of political debate will play by the same rules. That means, when any faction loses, it does so knowing that it will have a fair chance in the next round. When that understanding is disrupted, it destabilizes our democracy, and it sows confusion and chaos. My Senate Republican colleagues' actions make it clear they believe that the rules do not apply to them and that they do not care about destabilizing our democracy in this way.

We should not vote on a Supreme Court nomination while an election is actually underway. For the first time in American history, we are voting on a Supreme Court nominee just days before election day. My Republican colleagues have shown they will stop at nothing to get this nominee through no matter how many rules they break and no matter how many Americans' rights are threatened. They are doing so all while people across the country are pleading with us to come together to provide more support amid a public health and economic crisis. My Senate Republican colleagues' priorities are clear, and they are an outrage.

I cannot support a lifetime nomination of an individual who puts the healthcare and basic civil rights of millions of Americans at risk. I will oppose Amy Coney Barrett's nomination to the Supreme Court, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, 1 month ago, Judge Amy Coney Barrett was selected by President Trump to serve on the U.S. Supreme Court, filling the vacancy created by the passing of Justice Ruth Bader Ginsburg.

Since then, Judge Barrett has more than proven her qualifications for this job. A respected Federal judge, educator, and public servant, Judge Barrett has conducted herself throughout this process with poise and integrity. She has certainly demonstrated her intellect, her legal acumen, and her commitment to the Constitution of the United States. She is, clearly, a brilliant jurist who interprets the Constitution as written and carefully weighs the facts of a given case.

Despite the Senate Democrats' repeated attempts to drag her into the political fray, Judge Barrett has proven that she will make her decisions based on the law rather than politics.

When I met with Judge Barrett earlier this month, I was assured that she would be guided by the law and precedents and be faithful to the Constitution. As Judge Barrett herself has said

more than once, ''A judge is obligated to apply the law as it is and not as she wishes it would be.'' She is obliged to follow the law even when her personal preferences cut the other way or when she will experience great public criticism for doing so—the law, not politics.

As a fellow Hoosier, I have had the privilege of getting to know Judge Barrett and her family over the last several years, since she was nominated to fill a vacancy on the U.S. Court of Appeals for the Seventh Circuit. When I met the then-Notre Dame Law School professor, it was abundantly clear that she was a star. My colleague at the time, former Democratic Indiana Senator Joe Donnelly, agreed with that assessment. A brilliant legal scholar, Judge Barrett was and is held in the highest regard by her peers in the legal world.

Judge Barrett's qualifications outshined personal attacks and religious bigotry, and she was confirmed by a bipartisan majority to that circuit court, and as a judge, she has more than proven her legal credentials. She has heard more than 600 cases and authored nearly 100 opinions. I should note she is the first woman from Indiana ever to serve on that esteemed court.

As I said, when I introduced Judge Barrett before the Senate Judiciary Committee earlier this month, I was proud to cast my vote for Judge Barrett in 2017, and I look forward to doing so again for Associate Justice of the Supreme Court. Three years ago, I did not hear a single credible criticism—not a single one—of Judge Barrett based on her legal qualifications, and I haven't heard one at any time throughout this confirmation process.

The Democrats have tried to make this process about anything other than Judge Barrett's qualifications. Alarmingly, they have made threats about what the consequences will be if we move forward.

First, they threatened to pack the Supreme Court if we confirmed this nominee, but we all know they were talking about this long before—long before—Justice Ginsburg's passing. By way of example, my colleague from California Senator HARRIS said: ''We are on the verge of a crisis of confidence in the Supreme Court . . . and everything is on the table.'' That is a quote from March of this year.

Senator HARRIS isn't alone. She just happens to be the most prominent at this point. In fact, according to the Washington Post, 11 Democratic Presidential candidates—5 of whom were sitting U.S. Senators—said they were in favor of or open to packing the Court.

Second, they have threatened to eliminate the legislative filibuster if we confirm this nominee. Now, folks, they wanted to get rid of the 60-vote threshold long before this vacancy on the Supreme Court ever occurred. Again, I will use Senator HARRIS by way of example: ''I am prepared to get rid of the filibuster to pass a Green New Deal.'' That was in September of 2019.

There are 18 Democrats who ran for President of the United States who supported that move, including 6 sitting U.S. Senators and 2 Governors who are now running for the Senate.

Third, they have threatened to add States to the Union if we confirm this nominee. We know that has been on the far-left's wish list for years.

These idle threats aren't going to stop us from carrying out the will of the American people, though, and confirming Judge Barrett. When we confirm Judge Barrett this week, she will be the fifth woman and the first mother of school-age children to serve as a Supreme Court Justice. She will also be the only current Justice to have received a law degree from an esteemed law school other than Harvard or Yale.

I will tell you, Hoosiers are extremely proud of Judge Amy Coney Barrett and the trail she has blazed for others. She is a role model for young women everywhere, including, I might say, my own three young daughters. I am incredibly proud that our next Supreme Court Justice will be one who hails from America's heartland—from the great State of Indiana.

I urge my colleagues to come together and carry out the will of the American people by swiftly voting to confirm Judge Amy Coney Barrett to the Supreme Court of the United States.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOZMAN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ROMNEY. 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. ROMNEY. Mr. President, I rise today to express my support for the confirmation of Judge Amy Coney Barrett as an Associate Justice of the Supreme Court. She is exceptionally intelligent, academically astute, and impeccably credentialed. She has a record of sound opinions and temperament as a judge on the Seventh Circuit Court of Appeals. Her life experiences provide her with valuable perspective and evident wisdom. Perhaps most important, she is a woman of unquestionable character and integrity, the presence of which is essential to our Nation, as the confidence of the Court itself is in the balance. I will be honored to vote to confirm her nomination.

Mr. President, I also rise to address my concern regarding the division and contempt for others that is growing among many of our citizens. The causes of this malady are many and varied, but one to which I draw attention is the declining trust held by the citizenry in our many institutions. A democratic republic is highly dependent upon the confidence of its people in the institutions that lie at its foundation. These includes churches, schools, governments at all levels, the press, corporations, markets, and most relevant today, the justice system and the courts. Absent public confidence in these institutions, a democratic republic will not thrive or perhaps endure.

Fortunately, the Supreme Court enjoys a great deal of respect from the American people. Unfortunately, the third branch may be one of the few institutions of our democratic republic that is not experiencing a collapse in public trust.

Our churches have been diminished by scandal and by politicization.

Trust in local law enforcement has fallen as we have witnessed some officers, who have sworn to protect our communities, endanger the lives of citizens. While this is particularly true for citizens of color, the demonstrations by millions of Americans are evidence that the distrust is broadly shared.

Trust in the FBI and the intelligence community, long admired for their integrity and professionalism, has withered with the attacks by politicians from both parties, though admittedly my party has been the more vocal. What a message it sends when the President accepts the word of the Russian President rather than the conclusions of our intelligence agencies.

Even the CDC and the FDA have fallen in credibility, due both to inevitable human error and to blistering political attacks.

The free press is not only protected by the Constitution; it is critical to the preservation of democracy. Here, too, charges of ''fake news'' and claims that the press is the enemy of the people—worsened by the media's constant amplification of divisiveness—have so diminished the trust many Americans have in the media that they instead believe bizarre, anonymous conspiracy theories on the internet.

Now, more than at any other time during my lifetime, it is essential the Supreme Court retain the trust of the Nation. It may be one of the very few, if not the only, of the institutions in which the great majority of Americans have confidence. That is why Judge Barrett's integrity, wisdom, and commitment to the rule of law is so important: She will be critical to the preservation of the public's perception of the legitimacy of the Court.

Judge Barrett wrote in a Texas Law Review:

> If the Court's opinions change with its membership, public confidence in the Court as an institution might decline. Its members might be seen as partisan rather than impartial and case law as fueled by power rather than reason.

Consideration of institutional legitimacy has long been a factor in the Court's deliberations. But I would argue that this factor should be given even greater weight today, as so many of our other institutions are diminished and under attack. This would be particularly true were the Court called upon to decide a matter that would determine the outcome of a Presidential

election. In my view, it is of paramount importance that such a decision follow the law and the Constitution where it leads, regardless of the outcome, and thereby be beyond reproach, clearly nonpolitical, and preferably unanimous.

The Senate will soon send Judge Barrett to the highest Court in the land. I am confident that she is up to the measure of the times in which we now live. May God bless her and her family as they begin this chapter of service to our Nation.

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. THUNE. 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. THUNE. Mr. President, later today we will confirm Amy Coney Barrett to the Supreme Court. By now, I don't need to tell anybody that she is one of the most highly qualified Supreme Court candidates in living memory. Her appearance before the Senate Judiciary Committee was a master class in what a Supreme Court Justice should look like, which is probably why a majority of voters want the Senate to confirm this outstanding nominee to the Nation's highest Court.

A CNN anchor recently pointed out that, ''in another age . . . Judge Amy Coney Barrett would be getting 70 votes or more in the United States Senate . . . because of her qualifications.''

That is unquestionably true, but, unfortunately, it is extremely unlikely that Judge Barrett will be collecting 70 or more votes later today because, for my Democratic colleagues, this has never been about Judge Barrett's qualifications. Democrats were never going to support this nomination, no matter how supremely qualified the individual in question. The President could have nominated the wisest, most outstanding jurist in the history of the world, and Democrats would still be opposing this nomination—in large part simply because it was made by this President.

Democrats had their talking points ready from the beginning—the same talking points that they trot out for every Republican Supreme Court nominee. The sky will fall if this nominee makes it on to the Court, they cry. Minorities will suffer. Women will suffer. Americans will lose their healthcare. They have used that one a lot this time.

Democrats would like to convince Americans that Republicans are trying to confirm Judge Barrett to the Supreme Court for the sole purpose of eliminating the Affordable Care Act and protections for preexisting conditions. It is a ludicrous charge. Every Republican—every Republican—in the Senate supports protections for preexisting conditions, but apparently that doesn't matter to Democrats.

The truth is, Republicans have no idea how Judge Barrett would rule on any particular ObamaCare case. The facts of each case are unique, with unique legal and constitutional issues.

What we do know is that Judge Barrett will approach each case without prejudices or preconceived notions. We know that she will examine the facts of the case, the law, and the Constitution, and make her decision based solely on those criteria—not on her political beliefs, not on her personal opinions, just the law and the Constitution, no matter which party drafted any legislation in question. That should reassure Democrats, but it doesn't because, for many Democrats, their primary concern in confirming judges is not whether they will uphold the law but whether they will deliver the policy outcomes that Democrats want.

That is why some Democrats are threatening to resurrect the long-discredited idea of court-packing, should they return to the majority. They are not sure that they can rely on a Supreme Court with Judge Barrett to deliver the policy outcomes that they want. So they want to add Justices to the Supreme Court until they can be sure that they will get the results that they desire. One has to wonder where this will end.

Let's say Democrats add three more Justices to the Court. Then, when Republicans take the majority back, we add three more Justices to counteract the Democrats' power grab. Then Democrats get back in power and add still more Justices. It won't be long before the members of the Supreme Court are more numerous than the Members of the U.S. Senate.

In addition to trying to scare Americans by suggesting that Republicans are trying to take away Americans' healthcare, Democrats have also tried to delegitimize the process. They have tried to suggest that it is wrong for Republicans to take up this nomination in an election year because Republicans didn't confirm Merrick Garland when President Obama nominated him in an election year. I am not going to spend a lot of time on this because the Republican leader, myself, and others have spent ample time demonstrating that confirming Judge Barrett is well within historical precedent.

But I will say this: The Constitution of the United States gives the Senate the power to advise and consent to nominations made by the President. The Senate has full authority to accept or reject the President's nominations at any point in time during a Congress or President's term. There is no constitutional carve-out for election years. The minority party may not always like it when the majority confirms a nominee, which I completely understand, having been in the minority myself. But that doesn't mean that the majority party is doing anything wrong by proceeding with a nomination.

I also have to ask: Are Democrats seriously suggesting that if they were in the same position—if they were in the majority in the Senate and the President were a Democrat—they would decline to approve a qualified jurist to the Supreme Court simply because the vacancy had occurred in an election year? I think everyone knows that if Democrats were in the same position, they would absolutely confirm a Democratic nominee to the Court—as they repeatedly urged us to do in 2016—and they would be well within their constitutional rights to do so, just as Republicans are well within our constitutional rights to confirm Judge Barrett.

Before I close I would like to touch on another claim the Democratic leader keeps making—that Judge Barrett's nomination is somehow distracting Republicans from the COVID crisis or that her nomination is preventing us from taking up COVID legislation.

That is flatout false. The Senate is capable of focusing on more than one important issue at a time. In fact, it is pretty much a requirement of our job that we be able to do so. Has the Democratic leader forgotten that Republicans tried to bring up additional COVID relief legislation literally just days ago and that Democrats, led by the leader, filibustered and that they did the same thing when we brought up COVID relief legislation in September?

Republicans have been ready to pass additional COVID legislation for months. The only reason we haven't passed it already is that Democrats have refused to agree to any compromise legislation that could actually make it to through the Senate and to the President's desk.

I am hoping that sooner rather than later, my friends on the other side will see the value of working together to provide real relief to our fellow Americans. This disease doesn't recognize party differences, and I am hopeful that my colleagues will realize that passing COVID relief shouldn't be a time for insisting on partisan priorities.

It is unfortunate that Judge Barrett's nomination has been overshadowed by so much partisanship from Democrats, but ultimately what matters is that we are confirming this outstanding nominee.

As I said yesterday, I came to the Senate with the hope of putting judges like Amy Coney Barrett on the bench: thoughtful, intelligent men and women with a consummate command of the law, and most of all—most of all—with a clear understanding that the job of a judge is to interpret the law, not to make the law, to call balls and strikes, not rewrite the rules of the game.

I am very proud to cast my vote to confirm Judge Barrett, and I look forward to calling her Justice Barrett in the very near future.

I yield the floor.

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. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, as august and impressive as this setting is, what is happening today is not normal. We have said it numerous times, but we should say it again because we need to prevent it from becoming normal.

In fact, what is happening today is sad, surreal, even shocking. We are 8 days away from an election. In an unprecedented rush to confirm a Supreme Court nominee, we are taking the place of the next President and the next Senate in confirming the next Justice, even as the American people are denied a voice and a say in that decision.

What is happening here is not normal because our Republican colleagues have explicitly broken their word. We have submitted to the Judiciary Committee quotes from 17 of them promising that there would be no confirmation of a next Justice during an election year.

It is not normal because, in fact, historically, no Justice has been confirmed after July in an election year.

It is not normal because we are here, in the midst of a pandemic, confirming a Justice who would potentially decimate our healthcare system now in the middle of a healthcare crisis.

It is not normal because the administration has said, as recently as Sunday, through its Chief of Staff, there is no control over this pandemic. This abject surrender is shameful and disgraceful.

And it is not normal because the American people have a right to expect from us in this body that we would address that pandemic and that we would pass another pandemic relief bill. It has passed the House. All we need to do is vote.

In fact, on Saturday afternoon, I came to the floor with a number of my colleagues and offered, by unanimous consent, measures that have passed the House by a bipartisan majority, but there was objection to moving forward. My Republican colleagues, in objecting, said it is procedural harassment. I beg to differ. It is democracy. It is democracy to address the needs of the American people. That is what is normal in the Congress of the United States, or at least it should be.

The fact is that our Republican colleagues are shattering the norms and breaking the rules and breaking their word, and there will be consequences. There inevitably are consequences when one person breaks her or his word to another.

But there is a larger significance here, which is that Amy Coney Barrett, as a member of the U.S. Supreme Court, will shift radically and dramatically the balance politically on that Court. It is an unelected body with lifetime terms, which is the antithesis of the elected bodies that serve in the U.S. Congress or the elected President, and this radical shift will shatter the legal fabric of that Court.

Now, I know that my Republican colleagues will refuse to acknowledge it, but, in fact, it is part of an agenda—a rightwing agenda—that has existed for some time to move the Court to that radical extreme fringe. In fact, they have turned the U.S. Senate into a kind of conveyor belt of judicial appointments not just to the Supreme Court but to Federal courts at every level.

Dark money is the vehicle for turning the U.S. Senate into that conveyor belt. As we have documented as recently as Friday, through a report that we produced, showing how the NRA has been at the tip of the spear of a movement involving shell entities making contributions, receiving money, and channeling it to Members of this body who have confirmed those nominees so that that dark money produces appointees to the Federal bench.

Amy Coney Barrett is part of that conveyor belt. She is only the latest of the appointees who threatens to shift not just the Supreme Court but the Federal judiciary radically to the right. The purpose is to achieve in the courts what our Republican friends and the radical right and the fringe elements of the Republican Party couldn't accomplish in the legislatures. They couldn't achieve in the State legislatures or in the Congress what they now seek to do by legislating from the bench through activist judges who will tilt our entire political system against the majority will.

The agenda is essentially to constrain and constrict and even cripple the healing and helping power of our Federal Government under the guise and the smoke screen of originalism. They want to restrict and constrain the vision of an expanding individual's right to essential liberties. They want to constrict, instead of expand, an increasingly inclusive America. And that judicial philosophy is what underlies disappointment of Amy Coney Barrett. They want to legislate from the bench and achieve in the courts what they couldn't achieve in our elective bodies because they are losing in those elective bodies.

As Shannon Watts, a leader of Everytown, said to me the other day: They are going to the courts, not because we are weak in achieving measures against gun violence but because we are growing stronger and stronger.

In fact, there is a grassroots movement composed of Everytown, Moms Demand Action, Students Demand Action, Gifford, Brady, Connecticut Against Gun Violence, Newtown Action Alliance, and Sandy Hook Promise—all part of a grassroots movement that is moving America toward protecting against gun violence.

But Amy Coney Barrett has a view of the Second Amendment that she has acknowledged in a speech ''sounds kind of radical.'' That is a quote—''sounds kind of radical.'' It sounds kind of radical because it is kind of radical, and that radical view is losing in elective bodies, in State legislatures, and in local governments that are moving to protect people against gun violence.

We see the same phenomenon on healthcare, on reproductive freedom, and on voting rights. The majority of Americans want to expand the inclusiveness of America and the vision of individual rights and liberty, not roll them back, not turn back the clock to this originalistic textualism that underlies Amy Coney Barrett's philosophy. She will bring that philosophy to the Bench, as she has done on the Seventh Circuit as a member of the court of appeals there. That is the danger, and that is the alarm we are sounding here.

The Affordable Care Act is about protecting people who have preexisting conditions, but it is also about protecting children who are on their parents' healthcare policies until the age of 26. It is about lowering the cost of prescription drugs. It is about making more widely available healthcare by providing subsidies to folks who need the help. It is about banning insurers from charging women more just because they are women.

Preexisting conditions affect 130 million Americans; in Connecticut, 1.5 million residents of our State—52 percent of our population. Preexisting conditions are diabetes, asthma, heart disease, high blood pressure, and now COVID–19. Yes, COVID–19 is a preexisting condition because of the damage that may be done to lungs, hearts, livers, and other organs.

In the midst of a pandemic of COVID–19, this administration is putting on the highest Court in the land a Justice who would strike down that protection. Of course, they have a ruse. It is called severability. Our Republican colleagues say: Don't worry; the Court can strike down one provision and keep the whole law—or the rest of it in place.

Severability—you sever the part that is unconstitutional. It is a doctrine of law. But that is not what the U.S. District Court held in striking down the Affordable Care Act in the case that is now before the U.S. Supreme Court—the same case that will be argued on November 10, where Judge Barrett will sit, assuming she is confirmed today. The U.S. District Court didn't hold that it was severable. On the contrary, it struck down the whole law. The Court of Appeals for the Fifth Circuit didn't hold that it was severable.

The administration is not looking for severability. It says: Strike down the law. The President of the United States says: It couldn't come soon enough. Eliminate the Affordable Care Act in total, including the protection for people with preexisting conditions. They promise to replace it.

The President's Press Secretary handed to Leslie Stahl, after his ''60 Minutes'' interview, the supposed plan, a replacement, which was absurdly a

collection, apparently, of past Executive orders, other documents—completely irrelevant and inadequate as a supposed replacement. So this idea of severability is another ruse.

Our Republican colleagues also say our fears are ''apocalyptic.'' The majority leader used that word yesterday—''apocalyptic.'' It is not apocalyptic if you have a preexisting condition. It is not apocalyptic if you care about the people who have preexisting conditions. It is not apocalyptic if you have lived through the excruciating pain and anguish and anxiety, as the Curran family has, of having a child with a preexisting condition.

Let me introduce you to Connor Curran, a 10-year-old—in fact, he just celebrated his 10th birthday in Ridgefield; I was with him that day—who has Duchenne muscular dystrophy. I have told his story on the floor in this place numerous times over the course of these past years since I first met him about 5 years ago. Connor is a hero. There are few in this body who could claim to have had his courage and perseverance at that age—maybe at any age. His smile lights the world. His courage is matched by his parents.

I introduced Connor to Amy Coney Barrett at the hearing because I wanted her to know the impact on real people and real lives, the real harm that would be done if the Affordable Care Act is struck down.

Connor has survived this debilitating disease because of treatment his parents couldn't have afforded without the Affordable Care Act. It is that simple. They wrote to me asking me to make a plea to Amy Coney Barrett: Please don't take away Connor's healthcare. They asked me to ask her to make a pledge—doctors make this pledge—first, do no harm. First, do no harm.

I don't know whether Amy Coney Barrett heard or saw Connor. Of course, his poster was there when I told his story. I don't know whether the impact of that story will move her, but my hope is that it will, and my hope is—or was—that it would move my colleagues, because the real harm to real people is not only about Connor Curran, this brave boy who will lose his ability to walk and his ability to hug and then to hold hands, to play with his brothers. And in spite of all of it, he has demonstrated that perseverance and courage that I hope will move this body, even in this closing hour, to respect the importance of the Affordable Care Act. Others, like Julia Lanzano, who has treatment for a brain tumor because of the Affordable Care Act, and countless others who have that kind of treatment, are enabled by the Affordable Care Act to do so.

It may seem to my Republican colleagues apocalyptic but not to Connor Curran and his family.

Tens of times, Republicans in this Senate have sought to repeal the Affordable Care Act. They failed. Now they are trying to do it from the courts—legislate from the bench through an activist judge like Amy Coney Barrett.

They are rushing this nomination not only to strip away healthcare from people like Connor, but they also want to end a woman's right to decide and choose when and whether and how to have a family.

I want to emphasize something to my Republican colleagues that I hope they hear. When you take away a woman's right to make that decision, when you turn women who seek an abortion into criminals, when you make doctors performing abortions guilty of crimes, you don't end abortion. You make getting an abortion more costly. You make getting an abortion more excruciatingly difficult. Most importantly, you make it more dangerous—literally dangerous. Hundreds of women died every year seeking unsafe abortions before Roe v. Wade protected their right to choose.

I remember that era because I was a law clerk to Justice Harry Blackmun on the U.S. Supreme Court shortly after he wrote the majority opinion in Roe v. Wade, and we thought the issue was resolved: Women have the right to make that choice, legally.

But far from resolution, what we see is a continued assault on that right. Now Republicans have stacked the bench with activist judges ready to chip away at reproductive rights and even reverse Roe, chipping away at it through State legislatures—restrictions on clinics, the width of their hallways, the requirement for admitting privileges.

We can be sure that victims of rape or incest will be forced to carry an abuser's child if those restrictions are upheld or Roe is reversed. If you doubt it, let me introduce you to Samantha.

One night in January 2017, Samantha went out with a few friends and coworkers. She woke up the next morning in a coworker's home, confused, scared, and covered in her own blood. She had been raped.

After she was raped, Samantha was, in her own words, a zombie. She just wanted the event to be erased from her memory. That March, Samantha took a pregnancy test, and then another, and then another. They kept coming back with the same result—pregnant.

After the horrible violence she faced, she simply couldn't process that she was now pregnant. She chose to have an abortion.

When Samantha shared her story with me, she wrote: ''I knew that, if I couldn't end this pregnancy, it would end me.''

Reversing Roe v. Wade will matter for Tracy, also from Connecticut, a woman I met, also courageous and honest. Tracy was diagnosed with stage IV endometriosis, which caused an ongoing inability to have a healthy pregnancy.

But she was, as she describes it, ''one of the lucky ones.'' She had access to care and was able to receive in vitro fertilization treatment to assist in getting and staying pregnant. But Tracy was scared when she saw that a group that sponsored an open letter, signed by Judge Barrett, had recently stated that they wanted to criminalize having a child through IVF.

In a world without Roe, there will be nothing to protect against a law making it a crime for a woman to do what Tracy did and for a doctor to perform that medical procedure which enables her to achieve her lifetime dream of having a child.

Sadly, we don't have to wonder what Judge Barrett's position on a woman's right to choose will be. She signed a letter calling Roe v. Wade ''infamous'' and called for ''the unborn to be protected in law.'' That is her legal view, her position on the law.

I didn't ask her in the hearing about her personal views or her religious faith—those issues are private—but her position on the law, just as she left no doubt about her view of the Affordable Care Act when she wrote that Chief Justice Roberts stretched that measure beyond its true meaning in order to uphold it—I am paraphrasing—or said about King v. Burwell, upholding the Affordable Care Act, that the dissent had the better of the legal argument.

In another letter signed by Judge Barrett, she called Roe v. Wade's legacy ''barbaric.'' We know what Judge Barrett will do about the Affordable Care Act and about reproductive freedoms because she has been screened and vetted. There is no mystery. Donald Trump has said he would impose a strong test—his words—and that strong test was to strike down the Affordable Care Act and overturn Roe v. Wade.

We cannot go back. We cannot roll back these rights. We cannot turn back the clock to an America that banned abortion in many States, drove it underground, and made vital healthcare services dangerous and even deadly. We can't go back to an America where the rich and privileged can find a way out of unintended pregnancy but the rest of America is denied that access to healthcare.

There is a racial justice element here because the ones who will suffer, predominantly and disproportionately, are women of color, women of lesser means financially, who live in those States and cannot travel to others like Connecticut, where Roe v. Wade was codified in statute when I was in the State legislature as a State senator. I helped to lead that effort to codify it in statute. But Connecticut's law won't help the woman in Texas or Louisiana who is denied that right.

Make no mistake, this threat is not some abstract, hypothetical notion in the future, some apocalyptic vision of what might happen in the United States of America. We are one step away. In fact, there are 17 abortion-related cases that are literally one step away from the U.S. Supreme Court. There are cases like SisterSong Women of Color Reproductive Justice Collective v. Kemp, a case currently before

the 11th Circuit involving a challenge to a ban on abortion as early as 6 weeks into pregnancy, before many women even know they are pregnant.

There are cases like Memphis Center for Reproductive Health v. Slatery, a case challenging an escalating ban on abortions at 6, 8, 10, 12, and so on weeks into pregnancy, depending on where the Sixth Circuit deems it appropriate for a woman to lose the right to choose for herself when and whether to have a child.

There are additional cases involving bans on abortion later in pregnancy, when women can face the most severe health risks and rely on their doctors for accurate information and compassionate care.

There are ''reason-based bans'' that merely exist as a pretext for interrogating and intimidating women who seek an abortion.

There are cases like Planned Parenthood Gulf Coast v. Rebekah Gee, which challenged years of inaction by the State of Louisiana on a Planned Parenthood affiliate's application for a license to provide needed abortion care.

There are other challenges to redtape laws that require abortion providers to jump over obstacles—needless, senseless hurdles that serve no medical purpose but exist just to burden them and make necessary abortion services harder to obtain—and numerous other abortion laws designed to limit access, strictly to limit access in the supposed name of healthcare.

Access to reproductive healthcare is already hanging by a thread in many States across the country. Judge Barrett's nomination imperils the access that remains, and these cases are just one step away from the highest Court—at least 17 of them, one step away from the Court that Amy Coney Barrett will join.

Reproductive rights are not the only rights at stake in this nomination. Voting rights hang in the balance as well. For years, Republicans have decided that they are willing to suppress the vote if it helps them to win election. This fundamental assault on our democracy has taken many forms, and we have seen them across the country as recently as this election, ongoing, in realtime.

Republican-appointed judges have worked with Republican elected officials to allow suppression action to take effect and be sustained. These judges proclaim themselves to be originalists, but they betray provisions of the Constitution, the 14th and 15th Amendments, that our ancestors fought a civil war to secure: equality and the right to vote.

A civil rights movement, a century later, secured the passage of the Voting Rights Act and made those rights real for many Americans. People marched, some died to pass that law. But this conservative Supreme Court betrayed the legacy of Lincoln, Martin Luther King, and JOHN LEWIS when it gutted the Voting Rights Act in the Shelby County case, and this Court continues to attack voting rights and it will continue under Amy Coney Barrett.

Howard Porter, Jr., a Black man in his seventies with asthma and Parkinson's disease, was a plaintiff in one of those cases decided just this month. Howard simply wanted to be able to cast his vote safely, without contracting COVID–19.

He wrote to the court:

> So many of my ancestors even died to vote. And while I don't mind dying to vote, I think we're past that—we're past that time.

On a partisan vote, the conservatives on the Supreme Court disagreed.

Amy Coney Barrett will join them, and rushing this nomination on the eve of the election means that she will join them possibly to vote on the election itself while on the Court.

Is that view apocalyptic? Not if you believe Donald Trump, who said the reason why he wants a ninth Justice is to decide the election, not the voters—the Supreme Court. He said the quiet part out loud—and so did a number of my colleagues in our Judiciary Committee meeting. He said: This election will end up in the Supreme Court, and ''I think it's very important we have nine Justices.''

And when I asked Amy Coney Barrett if she would recuse herself from a case about this election as a result of these comments, she refused to answer or commit.

I call on her to postpone her taking the oath of office until after the next President of the United States is inaugurated. Why not remove any doubt about conflict of interest, any question about the legitimacy of whatever decision may be necessary by the Supreme Court by postponing her investiture. I ask her to make that commitment and for my colleagues to join in that call and for the President to respect it.

This nomination is not just about healthcare; it is also about the assault on a woman's right to choose, on voting rights, and it is about whether governments can enact reasonable, sensible gun violence protection laws to keep America safe.

I want to tell you, finally, about Natalie Barden. Natalie is 18 years old. She was 10 when her little brother Daniel was killed at Sandy Hook Elementary School in Newtown, CT, on December 14, 2012. Daniel was 7 at the time. He was one of 20 innocent, beautiful children and a sixth grade educator who were killed that tragic morning.

I was at the firehouse not long after. I witnessed the unspeakable grief on the faces of parents and families whose children were gunned down, families who realized that some of those children were not coming home.

Eight years later, Natalie says that her grief is still real. Her crusade for gun violence prevention measures inspires me. So does the work of her parents and other families there in Newtown and across the country—survivors I have met, families I have come to know and respect and admire.

What happened at Sandy Hook, sadly, was not an isolated abhorrent incident; it is part of an epidemic, a scourge, a public health menace of gun violence. In the last 10 years, gun violence has taken more than 350,000 lives in rural communities and urban communities and every community in between. No community is immune. None of my colleagues' communities can claim they are immune.

Judge Barrett's view of the Second Amendment—that it would give felons, for example, the right to buy or possess firearms; that it would put the burden on the government to prove they are dangerous; a view that she acknowledges sounds kind of radical—would potentially result in striking down the laws that Natalie has crusaded to achieve; that Janet Rice of downtown Hartford, who lost her son Shane, believes can help save lives because, in fact, those gun violence prevention measures can save lives.

Universal background checks; closing the Charleston loophole; Ethan's Law, named after Ethan's Song, who perished because of an unsafely stored weapon—these measures can help save lives. A ban on ghost guns, untraceable because they have no serial numbers; a ban on high-capacity magazines—these laws can help save lives. But with Amy Coney Barrett's nomination, every single gun violence prevention measure at every level of government is in grave peril because she will join others on that Court who believe with her in this radical agenda of striking down those measures.

Tabitha Escalante of March for Our Lives said to me the other day: ''Nothing less than everything is at stake.'' And that is because, again, there are cases literally one step away from the highest Court, including Duncan v. Becerra, where Judge Kenneth Lee on the Ninth Circuit became the first Trump-nominated judge to rule that a ban on high-capacity magazines violated the Second Amendment. That outlier opinion flouted the unanimous consensus of other Federal appeals judges who have upheld large-capacity magazine bans in their State. There are numerous other cases that involve measures that help save lives—one step away from being struck down.

My Republican colleagues have the majority. They may have the votes to push this nomination through today, but they don't have the American people, and they don't have history on their side. They are doing it because they can, because they have the votes, but Americans can do something too. They can vote. They can show they want gun violence protection measures and reproductive freedoms and the Affordable Care Act and voting rights and workplace safety. They don't want an America that rolls back to an originalistic view, a smokescreen that constricts rights and liberties.

There is something larger than just one Justice and one vote at stake here. Nothing less than everything is at

stake—a shift in the balance of the Court that will last for decades if we do not act to correct, and believe me, there are appropriate measures that should be considered. The American people have the power in this election to speak out and stand up to protect their own health, the public health, and the health of our democracy.

I fear for the Supreme Court's legitimacy. I revere the Supreme Court, having argued before it, having clerked on it. Its legitimacy depends on faith and trust. We must act to restore the credibility and legitimacy of the Court, which has been so gravely imperiled.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS.) The Senator from Washington.

Mrs. MURRAY. Mr. President, Justice Ginsburg was the first Supreme Court Justice I ever voted for and a North Star for me and so many others whose futures were irrefutably made possible in part by her life and her work.

I pledged I would do everything in my power to honor her last wish—that the next President fill her vacancy—not just because Justice Ginsburg was a legal giant who can never be replaced but because I understand, like she did, that making such a momentous decision so close to an election could exacerbate our Republic's challenges and spin our democracy into chaos.

That is why I have been fighting so hard to push my colleagues to stop this charade and to just wait a few weeks. We should not be voting on this lifetime appointment while the American people themselves are in the middle of voting, of telling us how they want this country's future to look.

This is all made even worse by the fact that we are in the middle of a pandemic, and instead of working with Democrats to pass serious relief our communities are calling out for, Republicans are refusing to do anything but jam this anti-healthcare judge on to the Supreme Court.

Over the last 3 years, I have seen Republicans rubberstamp hard-right judicial nominees like it is all they came here to do, but watching them ignore the clear wishes of the American people, explicitly reject attempts to help families and communities get through this pandemic, and press on with this grotesque power grab—it is a new low for this body. It is a new low for our country and for the people we serve.

As I have made clear, I will be voting against Judge Barrett's confirmation, just like I voted against her confirmation to the Seventh Circuit Court of Appeals, against Justice Kavanaugh and Gorsuch and against so many other Trump-nominated judges who, whether they admit it or not, are part of a Republican strategy to roll back our hard-won progress.

Judge Barrett clearly fits the same mold as the more than 200 partisan judges Senate Republicans have fast-tracked onto the Federal bench who are anti-healthcare and anti-abortion but pro-big business and pro-wealthy special interests.

This was all reinforced during the sham nomination process as Senate Republicans and Judge Barrett tried to downplay their own litmus test.

Judge Barrett was asked to affirm the constitutionality of the law that protects healthcare for hundreds of millions of Americans. She refused.

She was asked to affirm the long-standing ruling of Roe v. Wade as a superprecedent. Not surprisingly, given her record includes a statement calling Roe ''barbaric,'' she refused.

She was asked to affirm the constitutionality of the ruling that allowed same-sex marriages and opened up a new chapter of equality for LGBTQIA+ couples. She refused.

She was asked to affirm that climate change is causing air and water pollution. Yet, even on this matter of scientific fact, Judge Barrett refused to answer, and that was apparently exactly what Senate Republicans hoped she would do.

The lack of transparency from Judge Barrett and Senate Republicans is concerning, not because we don't know where they stand—we do—but because they are so comfortable obfuscating cold facts about Judge Barrett's record and judicial philosophy as well as their own previous statements, as if they are not real.

For example, in 2016, they were adamant that when the Supreme Court loses a Justice in an election year, the people's voices should be heard before the vacancy is filled. For 8 months, they refused to hold a hearing on President Obama's nominee, Merrick Garland, but now, even as the American people are in the process of voting, Republicans are trying to ignore their voices. Not on my watch.

I recently asked people in Washington State to share their personal stories about what is at stake for their families. The response has been overwhelming, and the stories have been alarming.

I have heard from people whose stories show how different life was before and after Roe v. Wade and how much would be lost if reproductive rights were rolled back.

I have heard from people who fear their right to marry or adopt a child or start a family could be lost.

I have heard from people who are worried they will die if Republicans get their way at the Supreme Court and take away the healthcare and protections they rely on.

Republicans may want to pretend the stakes are not this high, but they don't have to take my word for it; they can listen to their own constituents and look at their own records.

For Republican Senators to stand here and tell families ''not to worry'' is kind of like the captain of the Titanic passing out umbrellas and telling passengers that is all they need—with one key difference. Republicans have made clear from the start that hitting the iceberg is not an accident; it is the plan.

Despite the fact that climate change is an existential threat—something the vast majority of the public understands—Republicans continue to cower to a President and special interests who insist it is a hoax.

Despite the hard-fought progress for LGBTQIA+ rights, they have stood by this President who undermines them at every turn.

Despite the fundamental importance of the right to vote, they have blocked our efforts to restore and secure those rights and protect our democracy.

Despite what they would have you believe, Republicans have tried time and again to end protections for people with preexisting conditions and upend healthcare in our country.

If the failed TrumpCare vote from a very few years ago is too painful or distant a memory for Republicans to revisit, they are at this very moment championing a lawsuit that would do all the harm of that bill and then some. Who is going to hear that lawsuit? The deciding vote could be a Justice picked by a President who vowed—vowed—he would only choose nominees who will rule against protections for preexisting conditions, who thinks that would be a ''big win,'' and who said just last week that he hopes that happens.

It is no mystery why President Trump nominated and Republicans are rushing to confirm a judge with a record of hostility to the Affordable Care Act.

It is no secret that a victory for them would be a disaster for families across our country. If you don't believe me, ask Mays from SeaTac, WA, who lives with sleep apnea, asthma, prediabetes, complex post-traumatic disorder, and hypothyroidism. If Republicans succeed in this lawsuit, she would lose her Medicaid expansion coverage and access to care, meaning her conditions could deteriorate, increasing her risk of diabetes, coma, or dying in her sleep.

If you don't believe Mays, then ask Rhiannon from Arlington, WA, who has type 1 diabetes and could get kicked off her parents' insurance plan if Republicans win this case at the Supreme Court. As she wrote to me, ''Right now the ACA is the only hope I have of living past 26.''

If you don't believe Rhiannon, ask Madeline, who has a medical condition which makes pregnancy fatal. For Madeline, affordable healthcare coverage—coverage that includes access to birth control—is absolutely essential, as is the right to an abortion. If Republicans get their way, insurance companies would no longer have to cover birth control, even though a pregnancy for Madeline would be life-threatening.

Things get even worse for her if Republicans overturn Roe v. Wade. Last year, when Madeline learned that, despite being diligent about her birth control, she was pregnant, she knew what she had to do. She had to get an abortion. It was safe; it was legal; it

was totally her decision; and it was lifesaving.

But if Judge Barrett were Justice Barrett, if the right to abortion were a thing of the past, Madeline's pregnancy would have been a death sentence. As she put it, ''This isn't a right vs. left issue for a lot of us, it's life or death—and knowing [that] is at stake . . . is terrifying.''

Madeline isn't the only person who is terrified. If Republicans win their lawsuit, over 130 million people with preexisting conditions like Madeline could be charged more for their health insurance, have benefits excluded, or be denied coverage entirely.

Over 20 million people like Mays and Rhiannon could lose coverage for Medicaid expansion, the exchanges, or their parents' plans. Insurance companies could exclude essential health benefits countless other patients rely on, like prescription drugs or maternity care or therapy or wheelchairs or much more.

Half the country could be charged more for health insurance just because they are a woman. Seniors could face thousands more in healthcare costs with the return of the age tax and the Medicare doughnut hole. Lives of people with disabilities could be upended if they lose access to home- and community-based services that help them live independent lives or if insurance providers can discriminate on the basis of disability by denying coverage or charging more.

And people with expensive healthcare needs—cancer diagnosis, a medically complicated pregnancy, a fight with COVID–19—could be left with an enormous bill since insurance companies won't have to cap patients' out-of-pocket costs but will be able to place annual and lifetime limits on their benefits.

And we cannot forget the communities of color who already face worse outcomes due to systemic racism in our healthcare system who would be hit hardest by so much of the damage of the Republicans' healthcare lawsuit.

Healthcare isn't all that is at stake for families—far from it. Fundamental rights and protections and opportunities for workers are on the line. The fate of immigrants and refugees and asylum seekers—families and Dreamers who came to our Nation in search of a better life and brighter future are on the line. And hard-fought victories for the LGBTQIA+ community are on the line.

Matthew, in my home State of Washington, and his husband were able to marry, to adopt, and fortunate to be able to form a loving family. But that might not be possible for LGBTQIA+ couples like them in the future if the highest Court in the land turns back the clock and refuses to see them as equal under the law.

The bottom line is that this Supreme Court fight is not about politics. It is about the lives of hundreds of millions of people. If Republicans don't believe my constituents, I invite them to ask their own. I encourage them to listen because I guarantee people across the country know what Republicans have been saying, know exactly what Republicans are voting for, and they are speaking up about it.

I am here sharing their stories on the Senate floor, and Democrats brought their stories to the committee room so that Republicans have no choice but to hear them.

When we vote, Republicans will have no excuse to pretend they do not know exactly what is at stake. Instead, every one of them will have a simple choice. Will you listen to the families who are speaking up, the people who are saying to you, in no uncertain terms, that if you put this judge on the Court, if you win this partisan lawsuit, it could kill me or will you ignore them?

If Republicans truly want to reassure their constituents and want to show they are listening, the choice is simple: Vote no on this nomination. For those who choose to put this President and the profoundly lost Republican Party above anything else, to those Republicans who are capping these brutal last 4 years off with such a staggering show of fealty and partisanship and callousness, know the consequences of this vote will be felt long after this President is gone from office, regardless of the outcome of this election. People of this country will not forget and neither will your Democratic colleagues.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, and the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer from the Senate Chaplain.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, as our lawmakers strive on this decisive day in history to accomplish Your purposes, show them how to discern Your will. May they renew their minds through the nourishment of Your Holy Word. Lord, prepare them to be sober-minded and filled with Your Spirit, accomplishing the tasks that receive Your approval. Keep them from conforming to worldly impulses as they strive to ensure that their behavior will rightly represent You. May they conduct themselves with holiness, godliness, and civility, waiting for the day when You will return to establish Your Kingdom on Earth. Lord, prepare us all to stand before You in peace without spot or blemish.

We pray in Your powerful Name. Amen.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF AMY CONEY BARRETT

Mr. LEE. Mr. President, it is an honor and a privilege to speak on behalf of the confirmation of Judge Amy Coney Barrett to the Supreme Court of the United States today.

One of Judge Barrett's familiar themes, one that she has invoked in speeches when speaking about the Constitution and about the role of the Federal judiciary, involves a line from Odysseus. It involves a reference to the ''Odyssey.''

She says:

> The Constitution is like when Odysseus ties himself to the mast to resist the song of the Sirens. And he tells his crew, 'Don't untie me no matter how much I plead.' That's what we've done as the American people with the Constitution. We've said . . . it's the people sober appealing to the people drunk, [that when you are tempted to get untied], that when you are tempted to get carried away by your passions and trample upon the First Amendment rights or minority rights, this document will hold you back.

Judge Barrett points out a very critical matter here, an absolutely essential matter, which is, first of all, that the whole point of having a Constitution involves restraining and restricting government. As it relates to the judiciary, it involves acknowledging the necessarily limited, finite, and confined role of the judiciary.

Sometimes when people refer to the three branches of the Federal Government, they will get it backward. Sometimes people will refer to the judicial branch as if it were the most powerful. This gets it exactly backward. It was designed to be—and, in fact, is—the least dangerous branch of the three branches. That is not to say it is not the most dangerous of all. Government, generally, is something that while necessary is also dangerous just like water or fire or wind or oxygen or any of the things that we depend upon for our day-to-day existence.

Government, including the power of the judiciary itself, has to be managed carefully, and it has to be channeled. If it is not, we become dangerous. So that is why we have a Constitution. It is to restrain government because government is force. Government is nothing more or nothing less than the collective, coercive use of force. We use it to protect life, liberty, and property. We use it to make sure that people don't harm each other and to make sure that we are protected from our adversaries within and without our borders, our boundaries. Yet, if we lose sight of what government does and what it doesn't do, what it can and cannot do, what it may or may not do, or what any branch of the government may do, we find ourselves in troubled, troubled waters.