

In 2018, the voters grew that majority on our pledge to continue working with President Trump, most especially on his outstanding judicial appointments. We are going to keep our word once again. We are going to vote on this nomination on this floor.

MEASURE PLACED ON THE CALENDAR—S. 4618

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read bill by title for the second time.

The bill clerk read as follows:

A bill (S. 4618) making emergency supplemental appropriations for disaster relief for the fiscal year ending September 30, 2020, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

REMEMBERING JUSTICE RUTH BADER GINSBURG

Mr. SCHUMER. Mr. President, in the Jewish tradition, only a person of great righteousness dies at the end of the year, near Rosh Hashanah, because God determined that they were needed until the very end. On Friday evening, shortly after the sundown on the eve of the Jewish New Year, we learned that Supreme Court Justice Ruth Bader Ginsburg—a woman of great righteousness, a woman of valor—passed away.

She was many things to many people: a brilliant mind, a quick wit, a lover of the opera, a friend, a colleague, a workout guru, a feminist icon. She might be the only Supreme Court Justice to become a meme. What began as a joke, “the Notorious RBG”—likening a legendary rapper to an octogenarian jurist—struck a chord of deep resonance in American society because Ruth Bader Ginsburg was, in fact, a rebellious force to be reckoned with.

In a male-dominated legal establishment that wasn’t waiting for someone

like Ruth to shake up the system, she elbowed her way through. Her brains, her strength, her fortitude changed the world for women long before the rest of the world caught up.

Over the course of two decades, as an academic and general counsel for the ACLU, Ruth worked to challenge the foundations of the legal system that had long treated women as a group that had to be “protected”—and thus excluded—from full participation in American life. Not only did she reverse those laws and convince the majority of the Supreme Court that the Constitution forbids discrimination on the basis of sex, she was a living, breathing example of how absurd an idea it ever was that women needed additional protections.

And when she got to the Court, she ruled in a manner that brought the same equality and justice to so many different people, from all walks of life.

The daughter of Russian immigrants who came to this country like my own grandparents, Ruth went to the same high school as I did in Brooklyn, NY—James Madison High School—two decades before I did. I followed her career and her ascent to the bench with that special pride you feel watching someone from your neighborhood make a great difference in the world. The fact that at the end of her long life and illustrious career, young women, and indeed young men across America, looked at Ruth Bader Ginsburg with the same sense of pride and hope and sometimes adoration, gives me great hope.

May she forever rest in peace.

SUPREME COURT NOMINATIONS

Mr. SCHUMER. Mr. President, now, Justice Ginsburg’s death leaves a vacancy on the Supreme Court with only 44 days left before a national election that could result in a different President—a vacancy that could determine the future of the Supreme Court for generations and make rulings that touch every aspect of American life.

Reporters will no doubt cover the political machinations here in Washington, but for hundreds of millions of Americans, this vacancy on the Supreme Court puts everything—everything—on the line.

Americans’ right to healthcare hangs in the balance. President Trump is pursuing a lawsuit which would eliminate protections for more than 130 million Americans with preexisting conditions, send drug prices soaring for seniors on Medicare, and take health insurance away from tens of millions of people. He will nominate a Justice that would ensure that result in a Supreme Court case that will be argued only a few weeks after election day.

A woman’s fundamental, constitutional right to make her own medical decisions—to control her own body, her right to choose—hangs in the balance. The right of workers to organize and collectively bargain for fair wages at a

time of growing income inequality hangs in the balance. The future of our planet, environmental protections, and the possibility of bold legislation to address climate change hang in the balance. Voting rights and the right of every American citizen to have a voice in our democracy hang in the balance. The stakes of this election, the stakes of this vacancy concern no less than the future of fundamental rights of the American people.

I was with my daughter and her wife to celebrate the Jewish New Year, and they thought to themselves and mentioned at the table: Could their right to be married, could marriage equality, be undone?

Those are questions hundreds of millions of Americans are asking about things near and dear to them as this nomination hangs in the balance. That is what it is all about—all the rights enshrined in our Constitution that are supposed to be protected by the Supreme Court of the United States; all the rights that could be undone or unwound by a conservative majority on the Court; the right to join a union, marry whom you love, freely exercise your right to vote; the right of a parent with a child who has cancer not to watch, helpless, as their son or daughter suffers without proper healthcare.

If you care about these things and the kind of country we live in, this election and this vacancy mean everything. And by all rights, by every modicum of decency and honor, Leader MCCONNELL and the Republican Senate majority have no right to fill it—no right.

In the final few weeks, sensing her failing health, Justice Ginsburg told her family that it was her “most fervent wish that [she] not be replaced until a new president is installed.”

That was Justice Ruth Bader Ginsburg’s dying wish—her most fervent wish—that she should not be replaced until a new President is installed.

The Senate Republican majority should have no problem adhering to Justice Ginsburg’s dying wish. Leader MCCONNELL held a Supreme Court vacancy open for nearly a year in order to “give the people a voice” in selecting a Supreme Court Justice.

I just heard the remarks of the Republican leader, and it is obvious why he is so defensive.

This is what Leader MCCONNELL said in 2016, mere hours after the death of Justice Scalia. His words:

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

No amount of sophistry can change what MCCONNELL said then. And it applies even more so now—more so—so much closer we are to an election.

In an op-ed on February 18, 2016, with Senator GRASSLEY, Leader MCCONNELL wrote: “Given that we are in the midst of a presidential election process, we believe that the American people should seize the opportunity to weigh

in on whom they trust to nominate the next person for a lifetime appointment to the Supreme Court.”

In the midst of an election process, February before the election, but now we are not? Now these words don't apply? It doesn't pass the smell test in any way. No wonder Leader MCCONNELL was so defensive in his comments.

At a press conference on March 1, 2016, Leader MCCONNELL said that “we will look forward to the American people deciding who they want to make this appointment through their own votes.”

And on the floor, March 16, 2016, MCCONNELL said that “our view is this: give the people a voice in the filling of this vacancy.”

That was 8 months—more than 8 months from a national election. This is 44 days. The Senate has never confirmed a nominee to the Supreme Court this close to a Presidential election.

If that was how Leader MCCONNELL and Senate Republicans justify their mindless obstruction of President Obama's nominee, surely they must abide by their own standard. What is fair is fair. What is fair is fair. A Senators' word must count for something.

Senator MCCONNELL has come to the floor numerous times to say that “your word is the currency of the realm in the Senate.” That quote: “It is important for all Senators to keep their word, but it is particularly important for the majority leader.”

Leader MCCONNELL said those things.

My friend, the distinguished chairman of the Judiciary Committee, sensed that this situation might arise and made it crystal clear how he would behave if the shoe were on the other foot. He said:

I want you to use my words against me.

If there's a Republican president in 2016 and a vacancy occurs in the last year of the first term, you can say Lindsey Graham said let's let the next president, whoever it might be, make that nomination.

He reiterated that view less than 2 years ago and encouraged the audience to “hold the tape” for exactly this situation.

No wonder Americans have so little faith in governing and in this Senate led by the Republican majority. We now know the entire thing was a farce, not a shred of credibility to those arguments. We have the exact scenario that Chairman GRAHAM talked about—a Republican President and a Supreme Court vacancy in the last year of the first term. Indeed, it is almost the last month of his first term.

“I want you to use those words against me,” he said. “You can say LINDSEY GRAHAM said the next president, whoever it might be, should make the nomination.”

Well, here we are. And despite these words, despite their supposedly noble principle that the American people should have a voice in the decision of the next Supreme Court Justice, President Trump, Leader MCCONNELL, and

Chairman GRAHAM have already announced they will ignore their own standard and will rush to confirm a new Justice before the next President is installed—a Justice that could tear down Justice Ginsburg's life's work and other critical laws, like the Affordable Care Act.

The kind words and lamentations we just heard from the majority leader about Justice Ginsburg are totally empty, totally meaningless if he moves to appoint someone who will tear down everything Justice Ginsburg built.

Leader MCCONNELL put the Senate on “pause” for over 4 months while COVID-19 devastated our country, but now he will move Earth and Heaven, and ignore all principle and consistency, to install a new Supreme Court Justice who could rip away Americans' healthcare in the middle of a pandemic.

Leader MCCONNELL and Chairman GRAHAM have made a mockery of their previous position. They seem ready to show the world their word is simply no good. It is enough to make your head explode. And then to hear Leader MCCONNELL up on the floor trying to defend this—pathetic, pathetic.

Why even bother instructing a pretense for your position? Why say it is this rule or that rule and then do the exact opposite when it suits your interests? Why not just come to the floor and say: I'm going to do whatever is best for my political party. Consistency be damned. Reason be damned. Democracy be damned.

Just admit it. There is no shaping the cravenness of this position. But over the course of the debate, I know the Republican leadership is going to try. We are going to hear some crazy things from the other side to defend the indefensible and justify this unjustifiable power grab. We heard some of it already, a few minutes ago.

We are going to hear a series of preposterous arguments; that it somehow has to do with the orientation of the Senate and Presidency, as if that constitutes some legitimate principle. We will hear that Republicans have to do it because Democrats will do far worse, unnamed things in the future.

Some—some—few on that side will at least have the dignity of putting their head down and plowing through with it because they know there is no reason—no reason, no argument, no logic—to justify flipping your position 180 degrees and calling it some kind of principle. It is not. It is utterly craven, an exercise in raw political power and nothing more.

I worry. I worry for the future of this Chamber if the Republican majority proceeds down this dangerous path.

If a Senate majority over the course of 6 years steals two Supreme Court seats using completely contradictory rationales, how could we expect to trust the other side again?

How can we trust each other if, when push comes to shove and when the stakes are the highest, the other side

will double-cross their own standards when it is politically advantageous? Tell me how. Tell me how this would not spell the end of this supposedly great deliberative body because I don't see how.

There is only one way for this Chamber to retain its dignity through this difficult chapter. There is only one way for us to have some hope of coming together again, trusting each other again, lowering the temperature moving forward, and that is for four brave Senate Republicans to commit to rejecting any nominee until the next President is installed. That was Justice Ginsburg's dying wish. It may be the Senate's only last hope.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Edward Hulvey Meyers, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

REMEMBERING JUSTICE RUTH BADER GINSBURG

Mr. LEAHY. Mr. President, I am here with an incredibly heavy heart. Justice Ruth Bader Ginsburg—a tireless, legendary champion of equality who reshaped our society for the better—passed away on Friday, the first eve of Rosh Hashanah. Adherents of the Jewish faith believe that a person who passes away during the High Holidays is a person of great righteousness. Truer words could not be spoken of Justice Ginsburg. Standing just over 5 feet tall, she was a giant among us, a moral beacon whose life and legacy have inspired millions of Americans to do their part to bring upon a more perfect and just union. We are all forever indebted to her.

The Brooklyn-born daughter of working-class Jewish parents, the young girl who would become just the second woman to serve on the Supreme Court knew from early on she had to fight for a place in the world. And what a fighter she was.

When she entered Harvard Law School in 1956, just 1 of 9 women in a class of over 500, the United States was truly a man's world. Women were expected to stay home and out of the workplace. Even when they had jobs, they could be fired for getting pregnant