

that our rights are a gift from God and that these rights are not a product of government action or they are not subject to the whims of a mob.

They were also forward thinking. They gave us everything we need to improve upon their work.

I think it is important to remember we have done just that. Over the course of more than two centuries, we have built a nation that is freer, more equal, and, yes, striving every day to be that “more perfect Union,” not because outside forces compel us to do so but because we, as Americans, chose to make it that way.

When I see that a friend or a neighborhood has forgotten this, I like to remind them that two of the most emotional and powerful words in the English language are “remember” and “imagine.”

I tell them: Stop for just a moment. Close your eyes and remember what you really love about this country. Remember the special moments. Remember what your parents and your grandparents have told you about love of country. Remember the sacrifices they have made. And, now, just imagine: What would your children and grandkids accomplish? What would they accomplish if they, too, are allowed to grow up in a place where liberty and justice is for all, where they are allowed to dream these big dreams and then dream up a way to make those dreams come true? These are things that are valued above all else.

Of course, as we look at our past and we remember, we look at the future, and we know that in finding common ground—when we find common ground—we see potential, and potential gives us hope. I like to say that hope is staking a claim on an action, on a goal that you are going to achieve.

So it is my fervent hope that we will continue to stand on our constitutional principles and that we will defend the foundation of this Nation that has given so many Americans the opportunity to make these big dreams come true.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

ORDER OF PROCEDURE

Mr. HAWLEY. Madam President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the Senate vote on the motion to invoke cloture on the Hinderaker nomination at 11:45 a.m. tomorrow; further, that if cloture is invoked, the Senate vote on confirmation of the Hinderaker nomination at 4 p.m. tomorrow; and that following disposition of the nomination, the Senate vote on the motion to invoke cloture on the Young nomination. I further ask that if cloture is invoked on the Young nomination, the confirmation vote occur at a time to be determined by the majority leader in consultation with the Democratic leader on Thursday, September 24; finally,

that the cloture motion on the Samuels nomination be withdrawn and the Senate vote on confirmation of the Samuels nomination following the cloture vote on the Young nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 4653

Mr. HAWLEY. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 4653) to protect the healthcare of hundreds of millions of people of the United States and prevent efforts of the Department of Justice to advocate courts to strike down the Patient Protection and Affordable Care Act.

Mr. HAWLEY. Madam President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, SEPTEMBER 23, 2020

Mr. HAWLEY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, September 23; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session to resume consideration of the Hinderaker nomination under the previous order.

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

ORDER FOR ADJOURNMENT

Mr. HAWLEY. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of our Democratic colleagues.

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

The PRESIDING OFFICER. The Senator from Maryland.

REMEMBERING JUSTICE RUTH BADER GINSBURG

Mr. CARDIN. Madam President, I rise to honor the life and legacy of Ruth Bader Ginsburg.

The Nation mourns the loss of Supreme Court Justice Ruth Bader Gins-

burg, who died Friday night. She died on the eve of the Jewish new year, Rosh Hashanah. She was the first Jewish woman on the U.S. Supreme Court.

Rabbis tell us a very interesting thing about individuals who die right before the new year. They say and they suggest that these are very righteous people who die at the very end of the year because they were needed until the very end. Under Jewish tradition, those who die on the new year holiday are considered tzadik, a title given to the righteous and saintly. Certainly Justice Ruth Bader Ginsburg was entitled to this honor, being righteous and saintly.

At her confirmation hearing, Justice Ginsburg talked about her immigrant experience. You see, her father was a Jewish immigrant, and her mother was barely a second-generation American. So she talked about American values, and then she said: “What has become of me could only happen in America.”

Then she spent her entire career protecting those values that make America the great Nation it is and the reason why people come here in order to reach their full potential. It guided her well in her public service.

Justice Ginsburg was both an inspiration and a trailblazer in every sense of the word. After breaking through the countless barriers thrown in her path, she redefined what is meant to be both a thoughtful jurist and a dedicated public servant.

Let me just briefly go over some of her incredible accomplishments: first in her undergraduate class at Cornell University, first female member of the Harvard Law Journal, graduating first in her class at Columbia Law School, first female professor at Columbia University to earn tenure.

Justice Ginsburg directed the ACLU Women’s Rights Project and argued six landmark cases before the Supreme Court, winning five of those cases. These cases protected not only the rights of women but those of many men who faced discrimination as well.

As the National Women’s Law Center wrote about Justice Ginsburg’s death, they said:

[Her passing] is cause for us to pause and honor the unparalleled mark she has left on this country. From co-founding the ACLU’s Women’s Rights Project, to bringing the first case striking down a law that discriminated against women, to building the case that defined the standard for sex discrimination cases, Ginsburg was a visionary who revolutionized the gender equality movement—and the law—long before becoming a Supreme Court Justice.

For our country, Ginsburg’s ethos was greater than just the law. She was an icon and a living symbol of a north star, so we must unite and do for her what she did for us—fight for what is right.

As a litigator, Judge Ginsburg helped to shape the law, convincing the Supreme Court that “equal protection of the law” under the 14th Amendment applied not only to racial discrimination but to gender discrimination as well.

Justice Ginsburg herself knew discrimination firsthand, as she struggled to find a job after graduating law school—notwithstanding her sterling qualifications. She had that difficulty, as we all know, solely because of her gender. She experienced gender discrimination firsthand, and she did something about it not only for herself but for future generations.

After serving on the U.S. Court of Appeals for the District of Columbia for 13 years, she began a 27-year career on the U.S. Supreme Court.

There are so many of her decisions that were so consequential, so visionary, expressing the right value, and her ability to express her views was unquestioned. She did that in writing majority opinions, and she is well known for doing that in writing dissenting opinions. So many of her dissenting opinions led the way for change. She was right, and she motivated change.

In 1996, Justice Ginsburg wrote the majority opinion of the Court in the finding that the all-male admissions policy at the State-supported Virginia Military Institute was unconstitutional. She said in that opinion: “Generalizations about ‘the way women are,’ estimates of what is appropriate for most women, no longer justify denying opportunity to women whose talent and capacity place them outside the average description.” Any differential treatment, she concluded, must not “create or perpetuate the legal, social, and economic inferiority of women.”

What a difference she made in that decision.

I will always remember her dissenting opinion in the Lilly Ledbetter case because it led directly to change. Justice Ginsburg wrote in that fiery dissent: “Our precedent suggests, and lower courts have overwhelmingly held, that the unlawful practice is the current payment of salaries infected by gender-based (or race-based) discrimination—a practice that occurs whenever a paycheck delivers less to a woman than to a similarly situated man.”

I heard one of my colleagues talk about precedent, but here we see the Court reversing precedent in order to advance discrimination against women. Her dissent led to congressional action, becoming the first piece of legislation signed by President Barack Obama. The text of this bill hung on her office wall for good reason, as it embodied her spirit.

She issued a fiery dissent again in the *Shelby County v. Holder* case in 2013, a case decided by a 5-to-4 vote of the Supreme Court of the United States, which gutted the Voting Rights Act of 1965.

Here is what she said in that opinion:

What has become of the court’s usual restraint?

Justice Ginsburg wrote in her dissenting opinion:

The great man who led the march from Selma to Montgomery and there called for

the passage of the Voting Rights Act foresaw progress, even in Alabama. “The arc of the moral universe is long,” he said, but “it bends toward justice,” if there is a steadfast commitment to see the task through to completion. That commitment has been disserved by today’s decision. . . . Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.

I mentioned these cases to underscore the importance of the Supreme Court Justice in the lives of all Americans. So much is at stake in the filling of Justice Ginsburg’s vacancy. It will have real consequences on all of our constituents.

Let me just give you a few examples of what is likely to be taken up by the Supreme Court that could affect my constituents in Maryland and the constituents around the Nation.

Your healthcare is, literally, on the line. The Affordable Care Act that President Trump has tried to repeal and the Republicans have tried to repeal in this body but have failed, they are now going to take to the Supreme Court. A hearing is scheduled this November.

This is a real risk for tens of millions of Americans who depend on the law for their health coverage and other benefits. Twenty million Americans could lose their healthcare, and people with preexisting conditions could lose those protections—that is 133 million Americans—during the coronavirus pandemic.

That is what is at risk. We are talking about pregnancy, cancer, diabetes, high blood pressure, behavioral health disorders, high cholesterol, asthma, chronic lung disease, heart conditions, and numerous others that have been held to be preexisting conditions. That protection is in the Affordable Care Act. That is on the line before the Supreme Court this November.

That is why Americans are concerned that we follow the right process in selecting the next individual to serve on the Supreme Court of the United States. If the Affordable Care Act is struck down, insurers could bring back annual and lifetime limits on coverage; adults covered by Medicaid expansion would lose vital health services; young people would be kicked off of their parents’ insurance; and insurers could sell skimpy plans that don’t even cover essential health benefits like prescription drugs, emergency room visits, mental health and substance use, and maternity care.

The Affordable Care Act increased access to care for millions who were previously uninsured or underinsured. Through Medicaid expansion, 13 million low-income Americans now have dependable, comprehensive health.

In Maryland alone, over 1.3 low-income individuals depend on Medicaid, including 512,000 low-income children, 107,000 seniors, and 152,000 individuals with disabilities. That is in Maryland.

We must protect the Medicaid expansion population and other uninsured

and underinsured populations from the Trump administration’s effort to eliminate their access to affordable care. It is at risk.

This vacancy is critically important to protecting healthcare, and there are so many other issues. Women’s reproductive rights—clearly at risk. *Roe v. Wade*—I understand it is established precedent, but look at what the Supreme Court has been willing to do in reversing precedent.

We know *Roe v. Wade* is in the crosshairs for change by the Supreme Court, and one more Justice appointed to support that position and a woman’s right of choice could very well be in jeopardy.

Our most vulnerable individuals are at risk as well. Let me talk about one specific group of people—some of our immigrants. On June 18, 2020, in a 5-to-4 decision written by Justice Roberts and joined by Justice Ginsburg, the Supreme Court held that the Department of Homeland Security violated the law when it rescinded the Deferred Action for Childhood Arrival, DACA, Program.

There are approximately 643,000 DACA recipients in the United States, and approximately 29,000 are healthcare workers, essential workers, whose service during the COVID-19 pandemic has saved lives and eased suffering. But for that 5-to-4 decision, those individuals’ lives could have been totally disrupted had they been ordered to leave our country.

These are individuals who know no other home but the United States of America. They are our neighbors and friends—and yet a 5-to-4 decision of the Supreme Court. Justice Ginsburg will no longer be there. This next Justice could very well determine the fate of the Dreamers.

LGBTQ community: In the *Obergefell v. Hodges* case, the Supreme Court, by a 5-to-4 decision, held the Constitution guarantees same-sex couples the right to marry. That is a 5-to-4 decision.

I always expected that, in America, we would move forward in protecting individual rights under our Constitution; that, in each Congress and each session, the Supreme Court would advance those rights for individuals’ protection under the Constitution of the United States. The filling of this Supreme Court vacancy could very well reverse a trend of protecting rights and deny many in our community their rights.

I could cite many, many other examples of what is at risk by the Supreme Court appointment. There are many reasons why we believe that we should follow the proper process in selecting the next Supreme Court Justice, so let’s talk a little bit about what process we should follow. Let’s talk a little bit about fairness. Let’s talk about the integrity of the Senate. Let’s talk about living up to our own words. Let’s talk about using the same rules for Democrats that you use for Republicans. Let’s talk about the fairness of the process.

Now, I could spend a lot of time on the floor quoting the comments of so many of my colleagues who spoke on the floor of the U.S. Senate 4 years ago on the Merrick Garland nomination by President Obama and how they spoke about the importance of listening to the voters of our Nation, how they said we didn't have the time—and, remember, Merrick Garland was in February of an election year—to do this; that we needed to withhold taking up the nomination; that it was up to the voters to act first; and that this had nothing to do with the fact that it was a Democrat in the White House.

So many of our colleagues said: If there is a Republican elected in 2016 and the Senate is controlled by the Republicans, we would say the same thing. Hold off. Let the voters have a chance.

Let me quote from one of our colleagues.

In 2016, Senate Republicans refused to consider the nomination of Judge Merrick Garland, President Obama's nominee for a Supreme Court vacancy. They would not meet with Judge Garland, hold a hearing on his nomination, or allow a vote for 293 days. Antonin Scalia died in February 2016. President Obama nominated Merrick Garland, a respected D.C. Circuit Judge with bipartisan support, in March 2016. In the case of Justice Ginsburg's vacancy in 2020, we are about 40 days away from a general election, and early and absentee voting has already begun in several states. By contrast, in 2016, the formal presidential primary elections had just begun to occur when Justice Scalia died.

Our colleagues spoke up then and said: Look, 4 years ago, our Republican colleagues said not enough time, leave it up to the voters; we would do this whether it is a Democrat or Republican.

Let me quote from one of our colleagues, the Republican leader, MITCH MCCONNELL. This is his quote on the floor of the Senate.

Mr. President, the next Justice could fundamentally alter the direction of the Supreme Court and have a profound impact on our country, so of course—of course the American people should have a say in the Court's direction. . . . As Chairman Grassley and I declared weeks ago and reiterated personally to President Obama, the Senate will continue to observe the Biden rule so that the American people have a voice in this momentous decision. The American people may well elect a President who decides to nominate Judge Garland for Senate consideration. The next President may also nominate someone very different. Either way, our view is this: Give the people a voice in filling this vacancy. . . . As we continue working on issues like these, the American people are perfectly capable of having their say on this issue. So [let's give] them a voice. Let's let the American people decide.

Senator MITCH MCCONNELL.

We have the McConnell rule, established by the Republican leader. Let's follow the McConnell rule and let the American people pick the next President and Senate so they can weigh in on this decision just as Senator MCCONNELL argued in 2016 with President Obama's nominee, Merrick Garland, for Justice Scalia's seat.

Let the Senate honor Justice Ginsburg's legacy by continuing to fight for the rights she fought for in her entire career, both as a litigator and circuit judge and, finally, as a Supreme Court Justice.

Let us honor Justice Ginsburg's dying wish: "My most fervent wish is that I will not be replaced until a new President is installed."

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Madam President, I rise at a time of great grief in our country. We have seen 200,000 fellow Americans perish due to COVID. In addition to that, we have seen heroes in our Nation fall during this period as well. Still, we have a heavy heart as we have seen the passing of civil rights greats like C.T. Vivian and, of course, our colleague in the House of Representatives, John Lewis.

In many ways, we are walking through the valley of a shadow of death, but as our fellow Americans fall, it is apt that we give tribute to their character, to the values and virtues which marked their lives, and to the truth and ideals that they carried for their lives and how they advanced to us so that we might have better lives.

Truly, if we are recognizing those values and those virtues, then, the passing of Ruth Bader Ginsburg is a time that calls upon Americans to pause and recognize her extraordinary life. She was a woman of small physical stature, but she was truly a giant amongst us.

Even before her years as a Supreme Court Justice, she championed the rights of Americans and the ideals we hold so dear. She advanced the cause of liberty and equality and the understanding, as it says, literally, on the Supreme Court wall, of "Equal Justice Under Law."

This spirit that she fought for was buttressed by her massive intellect, her acumen, her skill, and her strategy that were seen in her career as a lawyer, as well as her opinions and work as a Justice.

She understood more, or as much as anyone, that the decisions of the Supreme Court literally have a profound impact on the daily lives of Americans, that the decisions of the Supreme Court will affect some of the most fundamental ideals. It could mean the difference between life or death, the difference between economic security and economic ruin, the difference between environmental protection and devastation.

It affects not just the balance of power in institutions like the Senate but also the balance of people's lives and their well-being at their kitchen table.

She knew that our laws are tools through which we could either make our Nation live up to its promise for all or fall further away from them. It is in this context that I want to join my colleagues this evening in discussing Jus-

tice Ginsburg's legacy and the future of the Supreme Court, because so many of the other things that matter most to us are in the balance right now with the decisions that this body makes.

Americans know that the decisions of this body as it relates to the Supreme Court are going to affect some of the deepest issues that affect their lives—their economic security, their bodily autonomy, their right to vote, their civil rights, the environment in which we all live—and the area I most want to focus on is their healthcare—their healthcare. The ideal of healthcare is fundamental to the ideals of our founding document. You cannot have life, liberty, and pursue happiness if you do not have access to healthcare.

The next person appointed to the Supreme Court will make the kind of decisions that will quite literally affect the quality of healthcare and, therefore, will affect life-or-death issues.

We know that over the past 6 months, this deadly pandemic has led to this valley of a shadow of death for our Nation and the globe and has led to 200,000 people perishing in our Nation. This is directly affected by the urgencies of this pandemic. Millions of Americans have lost their jobs, and 30 million Americans weren't getting enough food to eat. Communities that were already vulnerable have been devastated by this public health and economic crisis.

Now, more than ever, Americans are relying on our safety nets, especially when it comes to access to healthcare. The next Supreme Court Justice will inevitably oversee whether the Affordable Care Act stays in place or not.

Thankfully, because of the Affordable Care Act and, in particular, because the expansion of Medicaid has happened in 36 States so far, more Americans are getting insured. And now during this pandemic, more important than ever, many Americans—millions of Americans—are staying insured even though they have lost their jobs.

An article published in the New England Journal of Medicine in August reported: "The ACA, having created several new options for health insurance unrelated to employment, will protect many recently unemployed people and their families from losing coverage."

I know the difference that the Affordable Care Act makes, and in particular the difference that Medicaid expansion has made, especially for communities like mine in the State of New Jersey, like the one in which I live, of hard-working people who are still at the lower echelons of our economic nation.

This is why I know what the Supreme Court decision could mean if it strikes down the Affordable Care Act. Especially right now, I know what it would mean.

Turning again to the New England Journal of Medicine, they make it plain, and they make it clear:

In the current context of millions of Americans losing their jobs and an ongoing pandemic, overturning the ACA would most

likely be devastating to patients, clinicians, hospitals, and state economies. The very virus that has brought about record unemployment levels is the same agent that makes health insurance—and the new options created under the ACA—more important than ever.

That is the New England Journal of Medicine.

This fall, the Supreme Court of the United States of America will consider another challenge to the Affordable Care Act. President Trump's Justice Department has taken the dangerous position that "the entire ACA . . . must fall."

President Trump is trying to take away the security of the ACA, take away the law that allows Medicaid expansion, take away the law that protects people with preexisting conditions and allows them to have healthcare—the law that, literally, medical professionals are saying is saving lives today.

And now here we are debating a decision of whom we should put on the Supreme Court. Will we put another—a third—Trump appointee on the Supreme Court, one that reflects his values and his views, a Justice that is likely now to tip the balance even further, that would most likely overturn the ACA and means that millions of families in the middle of a pandemic will lose their healthcare?

Days before an election, when my colleagues, just a few short years ago, said we shouldn't make this decision. This is the conclusion of colleague, after colleague, after colleague. In that case with Merrick Garland, we were months and months away from an election—269 days. Now, we are mere days. It is a decision that will affect the lives of millions, a decision that goes to the core of our healthcare, our health, our well-being, our ability to afford what should be a right for this Nation—access to quality healthcare.

If they go forward with this Justice, what will it mean? It will mean that the Federal health centers that serve communities that need them the most would be gutted because that is what the Affordable Care Act has done for America. It would mean that people with preexisting conditions, from asthma to cancer to lasting complications of COVID-19, could be kicked off their coverage at a time when they are more vulnerable than ever. That is what this decision is about.

It would mean that many seniors who are already living paycheck to paycheck would have to pay more for their prescription drugs and more for the preventative services that they receive at no cost today because of the Affordable Care Act that Donald Trump believes should fall.

It would mean that young adults who now, more than ever, are relying on staying on their parents' plan until 26 wouldn't be able to do so because of the Affordable Care Act that Donald Trump believes should fall. It would mean that countless babies who need to spend time in the neonatal intensive

unit would hit lifetime limits on care within a few months or a few weeks of being born.

Gutting the Affordable Care Act, seeing it fall as our President desires, would mean insurance companies would go back to spending more of Americans' premium dollars on administrative functions than actual care. This Supreme Court Justice will determine if the ACA, or the Affordable Care Act, stands or, as Donald Trump wants, it should fall. And if it falls, it would mean women would go back to paying more for their health coverage simply because of their sex.

The Affordable Care Act falling would mean at a time when Black and Latino Americans are disproportionately dying of this virus, reversing the gains of the Affordable Care Act has made in narrowing those disparities now, we would see those communities with less coverage, less care, less access, less justice.

Donald Trump tried to influence the Court, putting a person on who reflects his views and his values. Donald Trump wants the ACA to fail. If he is successful, it will mean more onerous requirements and barriers to healthcare access during a global pandemic that is already wreaking devastation and havoc on American communities from sea to shining sea.

In New Jersey, my State, a repeal of the Affordable Care Act combined with the impact of COVID-19 would mean 686,000 people in New Jersey would lose their health coverage, all while dealing with a deadly pandemic and a recession. Nationally, it would mean 23 million of our fellow Americans, 23 million people—children, adults, and the elderly—could lose their coverage if the ACA were repealed during this pandemic.

The fact is, health coverage saves lives. That is not an exaggeration. This is life or death. Study after study has borne this out. The Center on Budget and Policy Priorities reports that the expansion of Medicaid alone under the Affordable Care Act saved over 19,000 lives between just 2014 and 2017, and the States that didn't expand Medicaid saw over 15,000 people die prematurely. That is just among adults age 55 to 64.

The Affordable Care Act—think about the lives saved. Think about those who did not have Medicaid expansion and the lives lost, our fellow Americans. Life, liberty, and the pursuit of happiness. Life, liberty, and the pursuit of happiness—that is what is at stake right now and before the pandemic hit.

We know that many of the people who have been hardest hit by COVID-19 rely on Medicaid. Since the pandemic, Medicaid enrollment in our country has gone up as more people have been in need. It has grown for the first time in 3 years. Because of this pandemic, more people are hurting, and more of our fellow Americans are finding themselves in crisis. Across the country, more families are able to turn to Med-

icaid during this crisis because of the Affordable Care Act. The State of Kentucky, which the Republican leader represents, had the highest rise in Medicaid enrollment, with a 17.2-percent increase from February to August.

This is how our social safety net should work. It should be there in a crisis. When there is more disease, when there is more death, when there is more suffering, we as a nation should show more compassion, more empathy, and more care, not less.

We saw in 2018, when people were asked why they were voting, why we saw a surge in turnout, it was because people were concerned about their healthcare. And that was before the pandemic. This election will be about many things, but most people will know that this is an election about the security of healthcare.

One President says, again, and I quote: Let it fall. Another wants to preserve it and put people on the Supreme Court who will defend it as fundamentally in line with our constitutional ideals—life, liberty, and the pursuit of happiness. That is the jeopardy. That is what is at stake using the logic not of any Democrat but using the logic of my Republican colleague after Republican colleague, my Republican friend after my Republican friend, who—I heard what they said when they denied Barack Obama a Supreme Court pick. I heard their words. They were clear. My friend, the head of the Judiciary Committee, even went as far as to say: "Use my words against me."

If it is the final year of President Trump's term, we should wait until after the election before we put someone on the highest Court in the land for a lifetime appointment. What is this about? It is about the most sacred ideals of our Nation—life, liberty, freedom from fear, freedom from disease.

I don't know what to say because I see what is happening right now. People speak passionately about a standard, defend themselves, cite historic precedent, and then when things shift and they have a chance to show consistency and to show restraint, show allegiance to comity, show allegiance to the ideals that bond us together, they instead turn their backs on their very words. Instead, they betray the principle and rule that they set in place.

If it was just politics, that would be one thing, but what is at stake is the healthcare of Americans. There are people afraid tonight. There are people scared across our country—a parent with a child who has a rare cancer, an adult struggling to afford their prescription drugs, someone who is out of a job, someone with a preexisting condition. This is not about politics. This is about them. It is about their lives and their well-being.

Millions of Americans benefit from the Affordable Care Act. By pushing, by rushing this through to get another Trump Justice by a President who wants that action by Congress, who

wants the Affordable Care Act to fail, what will that mean? Where will that leave us when this decision goes to that Supreme Court with three Justices—one of whom should have been Barack Obama's?

Justice Ginsburg stood up for our ideals. She stood up for this belief that it is the little person, it is the person with the margins of life, it is the person who has been demeaned and degraded by powerful forces—that they should have equality. She fought for and won battles that my generation takes for granted.

Her last dying wish was not about one President or another but that we should wait until after this election. I believe she said that not just because of the conflicts of our time, she said that not just because she believed it was right but because she believed in the Supreme Court. She believed that the Supreme Court, no matter what the politics of our time, should be a place that holds legitimacy in the Republic, that America should not see that as a body that could be politicized by the behaviors of Congress, so she said: Wait.

Ironically, it is the same sentiment that my colleagues said we should do when Merrick Garland was nominated. Then, they were with Justice Ginsburg. I tell you, she may be gone, but they should honor her in truth right now by upholding that sentiment, their sentiments, the very idea that could possibly give us more hope—that healthcare, that life, liberty, and the pursuit of happiness can win the day.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I want to thank my colleague from New Jersey, Senator BOOKER, for an outstanding statement from the heart.

I think about this moment in history. I think about the fact that just a few weeks ago, we were mourning the loss of John Lewis. He was a personal friend, a champion and inspiration, one of the real pillars of the civil rights movement of the 1960s, who lived on to this day and carried the torch for so many years when it came to civil rights and equal rights. I will miss him.

Now there is another loss of another giant. Although she was small in stature, Ruth Bader Ginsburg had an amazing life story. She was an extraordinarily bright young woman who just asked for a chance to get a job in New York with one of the law firms, but because she was a woman, they turned her away. That lost job must have been a disappointment to her, but as we reflect on it in the history of this Nation, it was the biggest break we ever had when it came to the cause of women in modern times because she went on to become a law clerk, a professor, a judge, and ultimately a Supreme Court Justice.

In the course of that career, she was such a powerful and effective advocate

for the cause of women across America and, I might add, for the cause of men too. She made history. That job rejection may have been a disappointment for a day, but as we reflect on it, thank goodness she was steered to another path and used it so effectively.

If you left this Chamber tonight and walked across the street to the Supreme Court, you would find a large group of people, as you have since last Friday, pausing, reflecting, thanking, praying for Ruth Bader Ginsburg's life. Across there tonight, they are lighting candles, dropping flowers and notes, crying, commiserating, really noting the loss America feels.

I was struck personally by my own family's reaction. My daughter, my daughter-in-law, and so many others confided in me in ways they rarely do about how much this woman meant to them. It was time for reflection in my family and, I am sure, a lot of those across the United States.

She had one last request, one dying wish. She handed it to her granddaughter and she said: Let the next President pick my successor on the Supreme Court. It is understandable that she would do that. I know she probably had a hope in her heart as to who that person might be, but she knew, after the way the vacancy of Antonin Scalia was treated by the Republicans in the Senate, that was the way they were going to handle her situation—at least we thought they would.

Then, of course, Senator MCCONNELL announced a 180-degree reversal in principle—180-degree reversal. Instead of waiting for the election and new inauguration of the President to fill her vacancy, he made it clear that Republicans in the Senate are hell-bent to fill this vacancy as fast as possible. What is the hurry? Why have they changed their position after 4 years? Do they doubt that President Trump is going to be reelected? Did that play into this equation? Who knows. But they are determined to do it because they have an agenda which is more important than consistency, more important than honor, more important than principle. Their agenda is to turn back the achievements and progress made by Ruth Bader Ginsburg and to leave the American people more vulnerable in their time of need.

A few weeks ago, I took a poll in Illinois to see what the public sentiment might be on issues. I was a little surprised how overwhelming the issue of healthcare still is in my State of Illinois. As I reflected on it, it made sense. We wake up every day, looking for our masks, wondering how many more people have died, hoping that we can protect ourselves and our families. So healthcare is on the forefront of everyone's mind, and, of course, protection for your family is always your first instinct. People know that without the Affordable Care Act they will not have that protection.

We remember—many of us do—the debate in creating the Affordable Care

Act 10 years ago. I might say, in my House and Senate careers, it is the most important issue I have ever voted on. When again will I be able to help 20 million Americans find health insurance for the first time? When will there be another opportunity to make sure that health insurance sold in America treats people fairly?

The Affordable Care Act eliminated lifetime limits on payouts, which is eminently sensible when you consider the skyrocketing cost of medical care and how so many situations in life are so darned expensive. It said to people: You cannot be discriminated against because you have a preexisting condition.

I remember the day—most of us do—when applying for health insurance was a long list of questions, and if you happened to just check one of those “yes,” be prepared, because it meant you had a preexisting condition, and you were about to be charged a higher premium, if they would allow you to buy health insurance. Families with children who survived cancer knew what that meant—health insurance they couldn't afford or health insurance that wasn't available. The Affordable Care Act changes that and says you cannot discriminate against a person because of a preexisting condition.

When we looked at some of the preexisting conditions health insurance companies were boldly announcing, well, of course, gender could be a preexisting condition. Women did have to pay higher premiums, you know. Think of that: gender as a preexisting condition. That was one of the tricks to deny coverage or to raise premium costs.

Then, when it came to covering your kids, we remember what it was like—many of us do—when our kids graduated college, thought they were invincible, and took part-time jobs with no benefits.

I remember calling my daughter and asking: “Jennifer, do you have health insurance anymore?”

“No, Dad. I am just fine.”

Well, we got her health insurance, and it cost a pretty penny.

Now, under the Affordable Care Act, I could have kept my daughter under my family plan until she had reached the age of 26, when she would have had a better chance of having a better job with benefits.

That is one of the things the Affordable Care Act did, but the Trump administration and the Republicans in Congress have been determined to kill the Affordable Care Act from the day it passed. There were over 50 rollcall votes in the U.S. House of Representatives to eliminate the Affordable Care Act. They all might have passed the House, but they were not taken up by the Democratic Senate.

They waited for the day, and the day finally came. Senator MCCONNELL had the majority, and he was setting up to eliminate the Affordable Care Act here on the floor of the Senate. I will never

forget that night or that early morning. At 2:30 in the morning, those doors opened. John McCain, who was very sick—we knew he didn't have long for this world—had just left a phone conversation with President Trump. He walked to that well, and he barely lifted that right arm that had been crippled during his prisoner of war experience in Vietnam. He lifted it just enough to say “no,” and John McCain's “no” saved the Affordable Care Act for millions of Americans.

Did the Republicans learn their lesson? No. They decided that, if they couldn't win it on the floor of the House and if they couldn't win it on the floor of the Senate, they would win it across the street with the Supreme Court. That is what this is all about. That is why Senator MCCONNELL has reversed his position—a position which he claimed to be principled. He has reversed his position on filling the vacancy on the Supreme Court in a President's last year and has said that he is going to, with determination, fill this seat.

The chairman of the Senate Judiciary Committee, LINDSEY GRAHAM, who is a friend of mine—and I work with him—had to explain to the American people why he reversed his position completely on this issue. Then he announced last night that every Republican Member of the Senate Committee on the Judiciary was going to vote for President Trump's nominee. You would have thought he would have waited until that nominee had been announced, but, clearly, it doesn't make any difference. They know that whoever that nominee will be will be hell-bent on going across the street and eliminating the Affordable Care Act in the Supreme Court.

That is why this issue is not just a matter of debate between the highest ranking politicians in Washington but is a matter that affects everyone across America who buys health insurance, and that is just about all of us. It is to make sure that health insurance is worth owning and will be there when you need it.

I see some colleagues on the floor, and I want to yield to them because I know they have their own thoughts to share with you, but it troubles me greatly what has happened to this Senate. This big Chamber, this big room, has turned into a museum piece in Washington, DC. We don't entertain visitors anymore because of COVID-19, but if they were to come, they could peer down at the desks and say: Well, that is where people used to stand, called Senators, who actually legislated. We don't do that anymore here. It is very seldom. Instead, we take up these partisan causes, like filling the Federal judiciary with ideologues and violating the traditions of the Senate to fill Supreme Court vacancies.

This Chamber is just a room, but the Senate is 100 people—100 people bound together by history, tradition, rules, and mutual respect. What we are wit-

nessing now with the Senate's effort by the Republicans to fill this Supreme Court vacancy before a new President is elected is a violation of all four—history, tradition, rules, and the mutual respect that is important in this body.

I hope that we can recover from it, not only for the good of the Senate but for the good of the Supreme Court, and that we can come out of this with a determination to try to put this Chamber back on track. This is a sad and dark moment—a loss of a wonderful woman who served this country so well and this effort to replace her in a manner that does not speak to the best instincts and history of the U.S. Senate. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Madam President, this past Friday, our Nation lost a giant of a jurist and a champion of gender equality, workers' rights, voting rights, and civil rights. Justice Ruth Bader Ginsburg understood the critical importance of the Supreme Court in safeguarding our constitutional individual rights.

About 2 years ago, I was sitting next to Justice Ginsburg at a dinner, and we were talking about the concerns we had about a very divided Supreme Court. She shared her concerns that we would see many more 5-to-4 decisions coming in the future, decisions that would roll back civil rights' protections, workers' rights, individual rights, efforts to address climate change, and, clearly, a woman's right to choose—decisions that would harm everyday Americans.

As someone who had been on the Court for more than a quarter of a century, Justice Ginsburg had understood the dangers of partisan split decisions. She had spent more than two decades standing up for gender equality, voting rights, workers' rights, and civil rights. She was often also a key vote in upholding critical rights for everyday Americans, such as clean air and clean water protections.

Within a few years of joining the Supreme Court, Justice Ginsburg had written a landmark opinion in a 7-to-1 decision that had struck down the Virginia Military Institute's traditional male-only admissions policy. She had spoken for nearly the entire Court when she had written that the differential treatment of men and women “may not be used . . . to create or perpetuate the legal, social, and economic inferiority of women.”

More recently, Justice Ginsburg's powerful voice had led dissents against partisan 5-to-4 decisions.

In 2007, she led the dissent in *Ledbetter v. Goodyear Tire & Rubber Co.*, where the bare 5-to-4 majority of the Court had undermined the plain language ability to bring gender pay discrimination claims. Justice Ginsburg took the rare step of reading her dissent from the bench, saying: “In our view, the court does not comprehend, or is indifferent to, the insidious way

in which women can be victims of pay discrimination.”

I was a Member of the U.S. House of Representatives when the *Ledbetter* decision came down, and I was appalled that a bare majority of the Court interpreted the relevant statute in a way that it had not been intended. Justice Ginsburg invited the Congress to fix the statute to make its intent clearer. At that time, Representative George Miller, the chair of the House Education and Labor Committee, on which I served, then led the way to pass the Lilly Ledbetter Fair Pay Act, and it was the first bill that President Obama signed into law in 2009.

In 2013, Justice Ginsburg wrote a scathing dissent in the 5-to-4 decision of *Shelby County v. Holder*, where a bare majority of the Court once again gutted the Voting Rights Act. She wrote then: “Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”

Immediately after *Shelby County*, as should have been expected, many States passed voter suppression laws that made it much more difficult for communities of color to vote. That was the intention of those laws that these States passed. These voter suppression efforts are ongoing even as we speak, and they will have a negative impact—a really negative impact—on the 2020 election.

In 2018, she rebuked the 5-to-4 majority in *Epic Systems Corp. v. Lewis*, which allowed companies to force their workers to arbitrate their claims one by one instead of seeking collective action in court. Why one by one? Because the employer thought all of these employees are not going to fight us one by one by one.

In calling the majority's decision egregiously wrong, Justice Ginsburg noted: “The inevitable result of today's decision will be the underenforcement of federal and state statutes designed to advance the well-being of vulnerable workers.”

In fact, *Epic Systems* was one of the cases I brought up with Justice Ginsburg when I sat next to her at dinner. I said that it was a horrible decision, and she said: “And I wrote the dissent.”

To honor Justice Ginsburg's legacy, we should honor her final wish not to be replaced until a new President is installed. In fact, that is the rule the Senate Republicans made up in 2016. About 1 hour after Justice Scalia died on February 13, 2016, Senator MCCONNELL announced an unprecedented new rule—that 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. Then, for the next 11 months, Senator MCCONNELL blocked President Obama from replacing Justice Scalia on the Supreme Court. That vacancy existed for almost a year.

Back then, it didn't take much for other Republicans to join Senator MCCONNELL. In fact, the rumor was that the majority leader had his Republican colleagues all lined up to side with him before he even announced the so-called McConnell rule. That was then. This is now.

Now that the tables are turned and we have a Republican President instead of a Democratic one, Senator MCCONNELL and his Republican colleagues are going back on their word. Within hours of Justice Ginsburg's death, Senator MCCONNELL vowed: "President Trump's Supreme Court nominee will receive a vote on the floor of the U.S. Senate." This is what is known as a 180-degree turn—or talking out of both sides of your mouth. Of course, he is not the only one.

In 2016, Senator GARDNER said: "I think the next president ought to choose the Supreme Court nominee, and I think it is only fair to the nominee themselves, and I think that is only fair to the integrity of the Supreme Court." Yet, after Justice Ginsburg's passing, Senator GARDNER flip-flopped, indicating that, if President Trump nominates someone he likes, he will vote to confirm.

In 2016, Senator TILLIS came to the Senate Chamber to declare: "It is essential to the institution of the Senate and to the very health of our Republic not to launch our Nation into a partisan, divisive confirmation battle during the very same time the American people are casting their ballots to elect our next President."

But it took Senator TILLIS fewer than 24 hours after Justice Ginsburg's death to go back on his word and commit to supporting the "conservative jurist President Trump will nominate."

In 2016, Senator GRAHAM repeatedly stated: "The election cycle is well under way and the precedent of the Senate is not to confirm a nominee at this stage of the process."

He even doubled down on his promise, claiming: "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."

Then, a week after Justice Kavanaugh and Dr. Ford testified before the Senate Judiciary Committee, Senator GRAHAM said plainly to Jeffrey Goldberg of *The Atlantic*: "If an opening comes"—of course he was talking about a Supreme Court opening—"If an opening comes in the last year of President Trump's term, and the primary process is started, we'll wait for the next election."

When my Democratic colleagues on the Judiciary Committee did what Senator GRAHAM asked—that we hold him to his word; we wrote a letter to him to stick by his word—he refused. He indicated that he would "proceed expeditiously to process any nomination made by President Trump to fill" Justice Ginsburg's vacancy.

There are other Republican Senators who stood up with Senator MCCONNELL in 2016 and now have changed their tune, including Senators PERDUE, ERNST, BARRASSO, and CORNYN.

The question that American people should ask is, How can you trust people who don't keep their word?

This is an urgent question for the millions of Americans who will lose their healthcare and reproductive freedoms if President Trump and Majority Leader MCCONNELL are successful in stealing yet another Supreme Court seat.

The threat this nominee poses to the Affordable Care Act is not some esoteric debate we are having. It is not theoretical. On November 10, the Supreme Court will hear yet another partisan challenge to the ACA.

I have no doubt that Donald Trump and the majority leader want a new Justice in place to strike down the ACA, depriving millions of Americans of their health insurance, including millions with preexisting conditions.

The more than 6 million Americans who have tested positive for COVID-19 will likely be deemed to have a preexisting condition. Add them to the Americans who will be devastated if the ACA is struck down by the Trump nominee. Our healthcare is on the line with the next nominee, regardless of who the nominee is.

Note that the Republicans are saying that every single Judiciary Republican is going to vote for the nominee, and we don't even know who the nominee is. Well, obviously, it doesn't matter who the nominee is. It will be someone who is expected to strike down the ACA.

After all, repealing the ACA has long been No. 1 on the President's and Republicans' hit list. But getting rid of the ACA is not the only thing the President is after.

The President's nominee will also oppose abortion rights. So that is next on their hit list.

Let me be clear. The future of *Roe v. Wade* is on the line. The future of a woman being able to control her own body is on the line.

With so much at stake with this nomination, the millions of Americans who revered Justice Ginsburg are not just going to sit by and do nothing while my Republican colleagues try to steal yet another Supreme Court seat. In fact, they are showing up in droves in front of the Supreme Court to show their support for all that Justice Ginsburg stood for.

They are going to fight back, and you can be assured I will be right there fighting back with them. They aren't going to fall for the trumped-up justifications, explanations, and pretexts that Senate Republicans are using to go back on their word. And I am confident that in 6 weeks' time, the American people will hold them accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Madam President, first of all, I would like to thank my colleague from Hawaii for her remarks just now and for her commitment to a more equal, more just United States of America.

I rise tonight to join my colleagues in mourning the loss of Justice Ruth Bader Ginsburg.

Justice Ginsburg was a brilliant jurist and a persistent patriot. Her belief in our country and her vision and imagination as a lawyer left our Nation stronger and more just.

As a litigator, she fought and she won fights for women's equality. And on the Court, she was a powerful voice for justice, whether in the majority or in dissent.

Throughout her career and through the final days of her life, she was a powerful voice calling for every American to be recognized equally and to be treated with dignity, regardless of gender or personal circumstances, and the progress and inclusion that she helped build throughout her life is a testament to both her tenacity and her unmatched legal mind. It is also an illustration of what is possible in our country when we reaffirm and stay true to our values.

Justice Ginsburg's vision of what it means to be an American and what it means to be free changed lives. She helped move our country toward a more perfect union, and we have to continue her unfinished work.

Like many of my colleagues, I stopped by the Supreme Court over the weekend. It was incredible to see the outpouring of sheer reverence and to see the number of people who came on foot, on bicycle, in cars to pay their respects.

I overheard one mom explain to her children: "A lot of people loved her." Then, a couple of seconds later, she added for the children: "And I want you to understand how important she was to our country."

I hope we all take the time to think about the meaning of Justice Ginsburg's life and what this loss means for our country. Honoring the legacy of Ruth Bader Ginsburg means continuing to fight for the more equal America that she fought for throughout her entire career.

Unfortunately, though, in a week in which America has reached a terrible milestone of 200,000 COVID-19 deaths, the Senate majority leader and Senate Republicans have made their priorities clear. Instead of working with Democrats to pass the comprehensive COVID-19 relief bill that the American people so badly need, my colleagues across the aisle are focused on using all of the Senate's time before the election to rush through the President's choice for a lifetime appointment to the Supreme Court, and they are doing so in contradiction of the rules that they themselves invented in 2016, despite the fact that this election is not just imminent, it is already underway with voters casting their ballots in States across the country.

Our society and our democracy rely on the idea that all sides of political debates 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, leaving people feeling disenfranchised. It is wrong, and it produces chaos and confusion, and it demonstrates a dangerous trend.

My Republican colleagues are making clear that they do not think the rules apply to them. It is worth taking a closer look at exactly why they are violating the rules that they set for themselves and applied to President Obama's nominee just 4 years ago and what the impact of their backward priorities will be for the American people.

Right now, the Trump administration's lawsuit to repeal the entire Affordable Care Act and its protections for people with preexisting conditions is pending before the Supreme Court and, as you have heard from my colleagues, scheduled to be argued after the election. Make no mistake, rushing through this nomination is a last-ditch effort to repeal the Affordable Care Act through the courts after failing to do so legislatively for years. Even worse, the Republicans would undermine healthcare in the midst of a devastating pandemic, just when it is needed most.

Invalidating the ACA will also mean that those who survive COVID-19—and, as a result, will have preexisting conditions for the rest of their lives—will no longer be protected by the ACA when they seek insurance coverage.

Taking away healthcare from millions of Americans is just one of the many things at stake. Women's rights, voting rights, civil rights, workers' rights, so much of what Justice Ginsburg stood for—they are all at risk. Senate Republicans are not just intent on filling this Supreme Court seat; they are intent on filling this seat with a person who will strip away some, if not all, of these rights.

The stakes could not be higher, and the priorities of the American people are clear. We should follow the rules that the Republicans created in 2016. We should focus on COVID-19 relief. And we should not confirm a nominee until after the next President is inaugurated.

Ruth Bader Ginsburg believed in an America where equality would win out, where everyone played by the same rules in liberty and justice—in fact, in liberty ensured by justice. It would be a good thing if all of my colleagues who have the privilege of serving in this Chamber would reflect on that to honor the giant we just lost.

God speed, Ruth Bader Ginsburg, and God bless the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I thank my colleague from New Hampshire for her beautiful words.

I rise today to join my colleagues in celebrating the life and legacy of a hero, an icon, and a woman way ahead of her time, Justice Ruth Bader Ginsburg.

She was a trailblazer who exceeded all expectations and, through her example, helped young people, young women across this country believe that anything and everything is possible, and it is my hope that this Chamber can follow in her footsteps and exceed expectations when it comes to this precious democracy that we are supposed to hold and that we are supposed to take care of.

A few years back, my daughter Abigail and I got to see Justice Ginsburg—and I had met her a few times—but we were at an event, and we had our photo taken with her.

Now, as you know, Abigail was in her early twenties, and Justice Ginsburg had become a cult figure at that point in her eighties—something we all aspire to—to the point where she had her own hashtag.

So we had our photo taken, the three of us. Afterward my daughter came up, and she said: Mom, I got a photo of the “Notorious RBG.” I am going to put it on my Facebook page. But, Mom, I hope you don't mind; I am cutting you out. I just want one with RBG up there.

Justice Ginsburg literally made justice cool for a lot of young people out there, and that legacy—that legacy, with all the people, the outpouring of love and support you see at the courthouse—continues.

When people told Justice Ginsburg that she shouldn't go to law school because she was a woman, what did she do? She went to Harvard, became the first woman to work on the Harvard Law Review, and then went on to graduate from Columbia at the top of her class.

As has been recounted many times, she literally was called before the dean of Harvard Law School, along with the eight other women who were in that class of all of those men, and asked why they would be taking the seat of a man. But that didn't stop her. Nothing stopped her. When law firms in New York wouldn't hire her because she was a young mother, what did she do? She became one of only two female law professors at Rutgers University where she then wrote the brief that led the Supreme Court to decide for the first time that the Fourteenth Amendment of the Constitution should protect against laws that treat people differently solely on the basis of sex.

When they told her that despite her expertise and her novel theories of how to advance equal protection, when they told her that she shouldn't argue equal protection cases before the Supreme Court, that maybe the chances would be better if a man would do it, what did she do? She argued six cases in front of the U.S. Supreme Court and leaves with five out of six victories.

But she didn't stop there. She was nominated as the second woman ever

to serve on the Supreme Court after Sandra Day O'Connor. She was confirmed in the Senate by a vote of 96 to 3. She served on the Supreme Court, the highest Court in the land, for 27 years, standing up for equality and justice, and, as I noted, she became an international icon well into her eighties.

She did all that by never giving up, and that inspires me as we deal with what is in front of us right now with this assault on our democracy. When the odds don't look that good, you never give up.

One of her important majority opinions on the Court built on her work on equal protection as a young attorney. In *United States v. Virginia*, Justice Ginsburg wrote for a 7-to-1 majority that struck down the male-only admission policy at the Virginia Military Institute. So she not only wrote the opinion, she got a number of Republican-appointed Justices to join her.

When she announced the opinion in Court, she said that the equal protection clause of the Fourteenth Amendment prohibits any “law or official policy that denies to women, simply because they are women, equal opportunity to aspire, achieve, participate in, and contribute to society.”

That opinion was joined by Justices appointed by both parties, including Chief Justice Rehnquist, Justice Sandra Day O'Connor, and Justice Kennedy. It was an example of the principle that guided Justice Ginsburg, in her words, to “fight for the things you care about, but do it in a way that will lead others to join you.”

But she was also known for the opinions she wrote in dissent and not only because she would wear what was sometimes fondly called her “dissent collar” when the opinion was announced at the Court.

In *Shelby County v. Holder*, a 5-to-4 majority struck down important parts of the Voting Rights Act that required jurisdictions with histories of racially motivated voter suppression to seek court or Department of Justice approval before changing voting laws, a process known as preclearance.

Justice Ginsburg authored the dissent, joined by Justices Breyer, Sotomayor, and Kagan, arguing that “[t]hrowing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”

After she finished reading her dissent in Court, she quoted Martin Luther King, Jr., saying that “the arc of the moral universe is long, but it bends toward justice” and adding her own caveat that it bends toward justice only “if there is a steadfast commitment to see the task through to completion.”

To see the task through to completion is part of our job as stewards of this democracy. We may not see it through to completion, but the least that we should do is do no harm, and

the most that we should do is to make it better. That is what she stood for, and that is what I hope my colleagues will consider in the weeks to come.

As we gather here tonight, we must also recognize that Justice Ginsburg's work, as I noted, is still unfinished. Many of the values that she fought for—equality and justice—are still at stake. The Supreme Court will continue to make decisions about equal rights for women, LGBTQ equality, access to clean air and clean water, fair elections, and workers' rights.

Just 1 week after the upcoming election, the Court will hear arguments in a case challenging the constitutionality of the Affordable Care Act which could put coverage for people with preexisting conditions at risk. That is what the court down in Texas held. People's healthcare is literally on the line. If the Affordable Care Act is struck down, over 20 million Americans across the country could lose their health insurance right in the middle of this pandemic because there would be no requirement in place to protect them from being thrown off their insurance.

When the stakes are this high, I urge my colleagues to grant what Justice Ginsburg described as her "most fervent wish" that she will not be replaced, she said, "until a new President is installed." Those are her dying words. Of course, she used the word "fervent" because that is how she approached her life and her work.

At its core, Justice Ginsburg's wish is about fairness. It is about what is right and what is just.

Four years ago, Leader McCONNELL created a new rule for Supreme Court nominations. He refused to consider President Obama's nomination, as is well known, of Merrick Garland to the Supreme Court because the country was 9 months from an election, and, in his words, "the American people should have a voice in the selection of their next Supreme Court Justice."

So here we are, 42 days until the Presidential election, and people have already started voting. They are voting in my State not only by mail, as we speak, but also in person at early voting places all across our State.

It is our Republican colleagues that set that precedent, and now they must follow it.

Tonight, I urge my colleagues not to fill this vacancy until the American people have voted. People are deciding right now who should be President. If you go back in history, the only time a Justice died this close to the election was during the time of Abraham Lincoln, when Justice Taney died who was sadly, infamously, known for writing the Dred Scott opinion. He died the closest to an election of anyone until Justice Ginsburg.

And what did Lincoln do? He waited until after the election, until after he saw if he won, until after he knew what the makeup of the Senate was. He didn't do it because he was a wise man

and because his interest, as we know, was to bring our country together and to do everything he could in his power to stop the divide and to have "one nation under God."

My colleagues will have to decide what to do based on their own integrity, their own commitment to justice. As Justice Ginsburg demonstrated, lawyers fight for justice. If you live and breathe that fight like Justice Ginsburg did her entire career, that is our job, too, to fight for justice, but we have an even more extraordinary burden and that is also to uphold this democracy and to keep this country together.

Justice Ginsburg did it in her own way, in her own life. Despite having incredibly different opinions about the law as Justice Scalia, they were true friends, and she was able to work with him.

Well, we need to see more of that here. It doesn't mean that we have to agree on who the next President is. It doesn't mean that we even have to agree on who the next Justice will be, but our job is to maintain stability in this country, to bridge that divide, to bring people together, and to simply let the people decide.

I think it is because of that unique characteristic she had of being a fighter, of being a hero, of taking risks, of never giving up but also doing it in a way where people could feel that they knew her. Even people who disagreed with her—including in this institution—respected her.

Well, now the eyes are on this place, and it is our job to earn the respect of the American people. The reason we have seen so many people expressing their grief at the steps of the Supreme Court and across the country is because of that respect. Justice Ginsburg opened doors for women at a time when so many insisted on keeping them shut, and on the Supreme Court, time and again, she made the case for justice.

For a woman of so many firsts, it is fitting that this coming Friday she will be the first woman to lie in state in the U.S. Capitol. So let's remember her fight, her legacy, and her fervent wish—all of us—about securing equality, fairness, and justice for every person in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, as our colleague just said tonight, you can't even remember any other member of the Federal judiciary who became a cultural icon, recognized only by their initials. RBG did, and she earned her recognition and her place in history through an astounding career fighting for gender equality, for the rights of LGBTQ individuals, and for the rights of everybody who had been pushed to the margins of American society.

MITCH McCONNELL and Donald Trump have now, unfortunately, made it very

clear that they are going to pull out all the stops to unravel the exceptional work of Ruth Bader Ginsburg, and they are going to break their own rule—their own rule. It is not something that was debated on the other side. They decided to break their own rule pertaining to election-year appointments to undo the historical record of Ruth Bader Ginsburg.

For a moment, I want to compare this to another time. When I was a young man right out of law school, I served for a number of years as co-director of the Oregon Gray Panthers at home. Back then, just like now, there were a lot of issues that were on people's minds. Just like today, where there have been lists of issues miles long—from the rights of LGBTQ Americans to workers' rights, to the ability of every eligible American to vote, and much more—there was a similarly long list of issues back when I worked with the senior citizens.

I made the judgment then, because of spending that time with older people, that healthcare was far and away—far and away, colleagues—the most important issue because if you and your loved ones don't have your health, then pretty much everything else goes by the board. You can't spend time with family. You can't achieve all you want in your job. You can't even have a chance to walk about outside on a pleasant evening like this. So healthcare to me and to millions of Americans is far and away the most important issue in front of this body.

Now, this is the one issue—the one issue that will come up immediately with the Trump-backed lawsuit going before the Court soon after the election. So make no mistake about it, and I know it is awfully hard to follow all the legalese and the procedural motions. At one point my wife said—I think Senator MERKLEY may have heard this. When my wife said she would marry me, she said: You are a lawyer, not probably a particularly good one, but I am sure glad you did a good job for the senior citizens. It is hard to follow all the legalese and all the procedure.

When you set aside all of that surrounding the fact that healthcare will be the one issue coming up immediately with the Trump-backed lawsuits soon after the election, tonight we say to the American people that healthcare in America is at stake. The Affordable Care Act is at stake, and coverage for 130 million Americans with preexisting conditions is at stake. If you don't trust Republicans with your healthcare, you cannot trust Republicans with this Supreme Court seat.

Donald Trump and the Justice Department are suing to have the entire Affordable Care Act thrown out—every last bit of it thrown out. So I just want to walk through what this means from sea to shining sea.

If they are successful, the ironclad guaranteed coverage for preexisting

conditions is gone; the ban on discrimination against women is gone; the ban on annual and lifetime limits, gone; coverage for young people on their parents' plans, gone; guaranteed essential benefits for all with coverage, gone; no-cost contraceptives for women, gone; cheaper prescription drugs for seniors on Medicare, gone; Medicaid coverage for millions and millions of Americans, gone. Most importantly, colleagues, because of the Affordable Care Act, millions of Americans can go to bed tonight knowing that they will have secure, decent healthcare when they wake up in the morning. If the Trump lawsuit is successful, that, too, will be gone. That is the Trump agenda on the Affordable Care Act—ripping it out by the roots no matter how much pain is inflicted on the American people.

By the way, I made mention of the Gray Panthers. Let's understand. In this country, we always love to move forward. This is a direct trip back. The Affordable Care Act locked in protections for those with a preexisting condition who had faced discrimination. A victory for Donald Trump in court means you turn back the clock to the days when healthcare was for the healthy and wealthy because that is what you have if you allow discrimination against those with preexisting conditions.

In 2017, the President tried and failed to get the Congress to repeal the Affordable Care Act, so he couldn't get it done. My colleagues here, Senator SCHUMER and Senator MERKLEY—we all remember that night and John McCain's hugely consequential role. Donald Trump couldn't get the Congress to repeal the Affordable Care Act, so now he is trying to do it at the Supreme Court.

Donald Trump's Department of Justice is bringing to the Court—along with dozens of Republican State attorneys general—what I think is a lot of legal nonsense, but that might not matter to far-right activist judges who would seize this opportunity to hand a big, big win to the insurance companies, the drug companies, and other special interests at the expense of Americans who are vulnerable.

Particularly after Justice Ginsburg's passing, there is a real chance that the Supreme Court will hand down a partisan ruling giving the President the win he wants so much over the Affordable Care Act. If he gets to choose the person who takes the seat held by the revered RBG, the Affordable Care Act will be gone, and the Republican healthcare agenda is coming, and it is coming after vulnerable Americans from sea to shining sea.

Donald Trump might tell you something different, but the American people know he doesn't often tell the truth about healthcare. Once in a while, the truth does come out. That is what happened one day back in May, the last day he had the opportunity to pull out of this anti-ACA lawsuit before the Court. The President was asked wheth-

er he might have a last-minute change of heart, but he made his goal clear. He said: "We want to terminate healthcare under ObamaCare." That was in May.

Hospitals in COVID-19 hotspots around the Nation were full of Americans at that time who were dying alone amid a global contagion that had shut down our country. Not even a nationwide public health disaster could get Donald Trump to reconsider his position on the Affordable Care Act.

If Donald Trump wins the Supreme Court case, having had the coronavirus will be a preexisting condition, and insurance companies can use it to discriminate against you.

It obviously goes without saying that the Trump agenda would leave American healthcare in ruins. He has fraudulently promised a new and comprehensive healthcare plan. We stopped counting after 9 or 10 times, but it is all a fraud because all this administration has done since day one is make healthcare worse and more expensive for Americans.

I have tried to point out that even Medicare is headed for a crisis because of Donald Trump and his incompetent administration. He knew the coronavirus was highly contagious and a lethal pandemic, but he denied it for weeks and weeks while the virus spread nationwide. When the pandemic eventually exploded, the economy shut down, and that has been devastating, as I have pointed out, to the finances of Medicare. The Medicare trust fund will be insolvent within 4 years during the next Presidential term.

So we have said on the Finance Committee, where we have jurisdiction over Medicare, that whoever wins this election is going to be in charge during the biggest crisis Medicare has ever faced. If Donald Trump is in charge, I believe it will be the end of the Medicare guarantee of defined, secure, and high-quality benefits for the older people of this country. Seniors may have to figure out some other way to pay for healthcare, prescription drugs.

The bottom line is, wiping out the guarantee of healthcare is what the Trump agenda has always been about—gutting the Affordable Care Act through regulations, bringing back junk insurance, and cutting access to women's healthcare. If Donald Trump fills the Ginsburg seat and has the Supreme Court totally on his side, you can bet the courts will be siding against typical Americans and for special interests with every opportunity.

Let me close simply by touching on one other vital healthcare issue. Women's healthcare—particularly reproductive healthcare—is right at the center of this debate about the future of the Ginsburg seat. Republican lawmakers have been trying to throw that away after more than 45 years of settled law. They have been fighting to go against the majority opinion of the American people and overturn *Roe v. Wade*, denying a woman's right to access to

healthcare that woman—that woman—says she needs.

Even today, just a few hours ago, Senate Republicans dusted off a decades-old anti-science battle against the safe and mainstream reproductive health medication formerly known as RU486. The bill they proposed, which Democrats have blocked, comes down to a backdoor ban on safe and legal medication for reproductive healthcare. Major new regulations restrict women's access to essential, time-sensitive medications, putting the government right in between women and their doctors. This is wrong, wrong, wrong. It was wrong when Republicans were waging the same ideological battle 30 years ago and wrong when you now try to take away women's reproductive healthcare choices, because more women will die. What sense does it make to bring this anti-science and anti-women's health proposal forward in the middle of a raging pandemic?

Today, the country crossed a horrendous milestone—200,000 American lives lost to COVID-19. All that mass death and suffering. Republicans aren't working across the aisle to close the shortage gap on personal protective gear or expand access to care; they are busy spending time waging an endless campaign against women getting healthcare.

With the passing of Justice Ginsburg, the campaign reaches a new stage. In my view, it is not just a question of what happens to *Roe v. Wade* or access to therapies and drugs; it is about a much bigger and more dangerous proposition—government control over women's bodies. Donald Trump and the Republican Party are working toward that kind of government control, and it means government control over women's futures. That is what is at stake. That is what Justice Ginsburg fought so hard against.

She has left, as I call it, an astounding legacy of fighting on the side of fairness and equality again and again for so many people who didn't have power, didn't have clout, and didn't have lobbies. What an American hero. In my view, she has made it clear for all of us here that now, to protect her legacy, we have an immediate, five-alarm, DEFCON issue, and that is healthcare, healthcare, healthcare.

As I have been saying since late Friday night, if you don't trust Republicans with your healthcare, you cannot trust Republicans with this election or this Supreme Court seat.

I yield the floor.

THE PRESIDING OFFICER (Mr. ROUNDS). The Democratic leader.

Mr. SCHUMER. Mr. President, I will be brief.

First, I want to thank all of my colleagues who have already spoken and who will speak. We have over 15 of our colleagues talking about this issue because it is so vitally important to the American people.

Now, let me tell you a little tale. About 40 or 50 years ago, after Barry

Goldwater lost for the Presidency, some of the hard-rock conservatives realized that they had to create something that would help them realize their goals, and it gradually grew and grew and grew and by 1980 was very strong with the election of Ronald Reagan.

At that point, these conservatives realized that their views would never be enacted by the elected branches of government—the article I branch and the article II branch—because their views were so far to the right of not only the average American but even the average Republican. They realized that the one way they could move America in their hard-right direction was the courts, the nonelected branch. They endeavored to place, through many different organizations—at the top of the list, the Federalist Society, but many others—these people, many of whom they had cultivated since they were in law school, on the bench.

This vacancy caused by the unfortunate death of RBG would lock in this hard-right agenda for a generation—for a generation. All the things that people in America believe in could be undone by an unelected group, the Supreme Court of the United States.

As my colleague from Oregon just outlined, healthcare would be so far away from what the American people need.

The right of a woman to choose. The right of a woman to healthcare. The ACA, which they want to repeal, which will go before the Court, has protections for women's healthcare—gone.

The right of unions. This Court, even without such a conservative majority, pushed forward the Janus case. I believe their goal is to eliminate all unions and make America a right-to-work country, as they have endeavored to make many States right-to-work.

LGBTQ rights, passed because of the courageous actions of Justice Kennedy, could be evaporated.

Climate, dealing with climate change—we could see the Clean Air Clean Water Act eviscerated by this new rightwing Court.

Voting rights—one of the most awful decisions, the Shelby decision, led by Chief Justice Roberts, where they said “Oh, there is no more discrimination in America; we don't need the Federal Government to protect voting rights”—undone, and we have seen what happened throughout the country since then.

And civil rights—just about anything that this country has made progress on and holds dear—will be undone by this new Court.

This is not just a political debate between Democrats and Republicans. I tell the American people: Everything you need and want—just about everything—will be taken away inexorably, month after month, year after year, decision after decision, by this new Court, which, as my colleague from Rhode Island has ably documented, has been put forward by a hard-right group

led by some very narrow, greedy people who don't want to pay any taxes and who don't want any government regulation. They are rich and powerful. They don't want anyone interfering with any of that.

We will rue the day—rue the day—that we add another hard-right Federalist Society-approved jurist to this Supreme Court, and America will have a very, very difficult time recovering.

I urge my Republican colleagues, who know the hypocrisy of saying to Merrick Garland “You shouldn't go forward” but to this new nominee “You should,” for the sake of this body, for the sake of the country, for the sake of progress, for the sake of the viability and forward advance of our citizenry, think twice—think twice.

It is going to be a sad day in America and will lead to very bad consequences for this country if a solid, hard-right majority on this Court is able to rule over our lives.

I hope, I pray, and I will do everything I can to see that that doesn't happen.

I yield the floor and thank my colleague for his yielding for these brief moments.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I join my colleagues here on the floor tonight to honor and pay tribute to a remarkable legal mind, an incredible American, an icon, an inspiration, and a wonderful human being: Justice Ruth Bader Ginsburg, known to the younger generation as the “Notorious RBG.”

RBG was born into a world in which few, if any, opportunities existed for women beyond the role of wife and mother. She helped build a world in which the doors were opened; the doors of opportunity were blown wide. It was a powerful, powerful undertaking, and she was extraordinarily successful in it.

She graduated from high school at 15. She went on to college. She went on to law school. She graduated in a class of 500 students, and she tied for first in her class in 1959. I was 3 years old at that point.

Then she applied for jobs, and she faced the discrimination of “You are a woman, so we cannot hire you at our corporate law firm.”

Then she applied for clerkships with the Supreme Court, and the Supreme Court Justices said: You are a woman, and our doors are closed to you.

Perhaps this was a fortuitous moment because she went on, therefore, to take on a job as professor at Columbia University and from that to lead the Women's Rights Project at the ACLU. As director of the ACLU Women's Rights Project, she argued six landmark gender discrimination cases before the Court. Plain language, great heart, brilliant logic, and considerable legal tactics went into winning five of those six cases—an incredible record for anyone who has appeared before the Court.

One of the tactics she undertook was to argue cases where men were being discriminated against because they were men, and by winning those cases, she established a principle where neither men nor women could be discriminated against.

There is the *Frontiero v. Richardson* case in 1973, where a female Air Force lieutenant sued to get the benefits for her husband that a male member of the military would normally get for his wife. By winning that case, she opened the door to the concept, the principle, that gender discrimination is not acceptable under our Constitution.

She put forward and argued the case of *Weinberger v. Wiesenfeld* in 1975 just 2 years later, again, arguing for a man who, as a spouse, was denied Social Security benefits that were available to a woman as a spouse and, by winning that case, more deeply established the premise that under our Constitution, you cannot discriminate on gender.

She went on to the Court and had many momentous decisions that she wrote and dissents that she wrote. One of the cases that she wrote the majority opinion on was an 7-to-1 case to overturn Virginia Military Institute's men-only policy, arguing that it violated the 14th Amendment's equal protection clause.

She wrote the following: “Women seeking and fit for a VMI quality education cannot be offered anything less, under the State's obligation to afford them genuinely equal protection.”

She continued: “Generalizations about ‘the way women are,’ estimates of what is appropriate for most women, no longer justify denying opportunity to women whose talent and capacity place them outside the average description.” And a law that “denies to women, simply because they are women, full citizenship stature—equal opportunity to aspire, achieve, participate in and contribute to society,” violates the equal protection clause. Eight to one, that is a massive victory.

I thought it was very interesting, the point she often made in her dissent. The Supreme Court decided in the 2007 case of *Ledbetter v. Goodyear Tire & Rubber Co.*—the majority said: Do you know what? If you have been discriminated against in pay in your job, and you learn about it years later, you can no longer appeal for redress because you would had to have come to the Court at the moment the discrimination first occurred. Of course, that was a catch-22, an impossible situation. If you didn't know about it, you couldn't possibly come to the Court. She addressed this, and she said: The majority does not “comprehend, or is indifferent to, the insidious way in which women can be victims of paid discrimination.” So she called on Congress to act to address, really, this mistaken opinion of the Court. And we did so in 2009, the first year I came to the Senate.

There is another dissent that I think was powerful: *Shelby County v. Holder*.

The majority struck down Voting Rights Act protections against voter suppression and intimidation, arguing that those things no longer exist. It is as if you have a penalty for robbery that is so effective that everyone quits robbing, so you get rid of the law; the Supreme Court strikes down the law that says that robbery is an offense. It made no logical sense. However, in her dissent, she described it in a way we can all understand. She said the ruling was “like throwing away your umbrella in a rainstorm because you are not getting wet.”

The foundation she laid on gender discrimination created the foundation for similar arguments to end LGBTQ discrimination. They came to play in *Romer v. Evans*, where the Court overturned laws around the country that criminalized gay sex, or *Obergefell v. Hodges*, the case that established marriage equality, or the case of *Bostock v. Clayton County*, decided this year, that banned employment discrimination against LGBTQ workers. So her arguments reverberate in continuous ways.

Losing her is a very powerful and difficult moment because of her championship of opportunity in this country. So on Sunday night, I went down to the Supreme Court. I had thought about it on Friday night when word passed of her dying. On Friday night, I thought: It is going to be a scene of confrontation, of people with bull horns yelling at each other and confronting each other. That doesn't fit how I want to honor her. And I thought on Sunday night: I need to go and be at the Supreme Court. I was so relieved to find that there was not a scene of confrontation; there was a scene of hundreds of people coming to honor her championship of opportunity in our country, the role that she played for so many so often as an advocate and as a Justice.

This is a piece of what it looked like, although you have to kind of multiply the flowers and everything you see over a huge expanse. This is just a small portion of it.

I was very struck by watching people kneel down to write with chalk—women, men, boys, and girls—to say what she meant to them, what she meant to this country, and what she meant to striking open the doors of opportunity.

Then I started reading some of the things that were being written. This is one of them. This says: “We can because she did. Thank you, RBG.”

In another written sign, there was a quote:

“I ask no favors for my sex. . . . All I ask of my brethren is that they will take their feet off our necks.” Give us opportunity.

This is actually Ruth Bader Ginsburg quoting Sarah Grimke of South Carolina, born in 1792. Sarah became the country's first female abolitionist and early pioneer of the women's movement. When Ruth Bader Ginsburg quoted her in the “Notorious RBG”

documentary, it made this quote famous for a generation.

I was struck by this sign, which I thought basically summed up her entire efforts on women's rights. It is a quote of hers that says: “Women belong in all places decisions are being made.” You can see at the end the massive number of flowers and signs people have left in front of the Supreme Court.

Then I saw this, which summed up a young woman's commentary on that principle:

I grew up never knowing there was a glass ceiling because of you. Thank you, RBG.

So we mourn her loss. She was a champion for opportunity for all. She was a champion for so much that goes to making this world a better place for ordinary people—ordinary people—which brings us to the challenge we have before the Court because realize that the Supreme Court has become a very powerful, nine-member, appointed-for-life superlegislature.

It is not calling balls and strikes any longer—no. It is a setting for a pitch battle between the original vision of our country—“we the people” government or, as Lincoln said, government of, by, and for the people—and a different vision for our country; a Federalist Society vision for our country; a vision of, we the powerful minority want to control the government for our own benefit. That is the battle that is being waged on the Court. Is it government by and for the people or government by and for the powerful?

This has been a battle that has been waged since our 1787 Constitution. In 1781, we had our first Constitution, the Articles of Confederation, and the minority view of the White, wealthy, powerful South was protected by a requirement for a supermajority in that first Constitution, the Articles of Confederation.

The Founders said: This isn't government by and for the people. This is not government by and for the people—no. The majority will is the power of government by and for the people.

So that was embodied in the Constitution we have now, that vision of “we the people.”

That minority from the South, wanting to protect slavery, said: We need strategies to prevent the majority from eliminating slavery, and we have to make sure that there are no civil rights granted to individuals of color in our Nation who might undermine our complete control of the governments at the State level.

That minority said: We are very wealthy, and we don't want any laws that undermine our wealth, so we need a strategy to control and prevent the people from getting fair wages and fair working conditions because that means we make less money ourselves.

So they pursued a strategy called nullification, a strategy that said no Federal law will have any impact on our State unless we endorse it at the State level.

Eventually that fell before the Court, so then they pursued the development of the supermajority blockade of decisions being made in this very Chamber, on behalf of racism. The supermajority was forged in the fires of racism. For 87 years, no law was blocked by this Chamber, by the supermajority, except civil rights.

Then this battle expanded. It expanded to issues of corporate power versus consumer rights, corporate power versus working conditions. This is where we come to the current battle between the Federalist Society weighing in on behalf of government by and for the powerful versus those who believe in the vision of our Constitution of government by and for the people.

So we have lost Ruth Bader Ginsburg, who honored our constitutional vision, and we have a President and a majority in this Chamber who are intent in packing the Court on behalf of the wealthy and powerful.

There is at this moment just tremendous damage being done to the integrity of this body because the same party in the majority 4 years ago said: We have a principle—the McConnell rule—that if a seat becomes vacant during an election year, we must listen to the people and let them decide whether the current President or a different President decides. Will it be the Republican nominee or the Democratic nominee?

They took that vote, and they went with it. Many spoke out in favor of it, of the principle. Many said: This is the absolute right thing to do—even though it was the first time in U.S. history that this body did not debate the nomination or vote on the nomination, breaking the protocol of our entire history in order to steal a Supreme Court seat from President Obama and pass it on to the next President.

So here we are, 4 years later, much deeper into an election year. In fact, the election has already started, with many absentee ballots having been delivered, having been voted, having been returned. So any form of integrity would be to honor the McConnell rule from 4 years ago and say: What we did 4 years ago was principled. We said we believed in it. It helped out the Republicans enormously, but, you know what, we are principled individuals, and so we are going to stick with the same frame that we argued before the public 4 years earlier.

So I ask my colleagues, are there not a whole number of you who will come together—together—and say: Yes, we have integrity with the decision we made 4 years ago, the McConnell rule we argued 4 years ago, the rule that gave a Supreme Court seat to President Trump and took it away from President Obama, for the first time stealing a Supreme Court seat in our history? But we are going to honor that same principle today.

I ask my colleagues, search your hearts. I ask, do you want to be remembered in this role of so fiercely advocating a principle that benefited you

then and so fiercely violating it now, to your own benefit once again, doing so much damage to the integrity of this Chamber and so much damage to the vision and principle of government of, by, and for the people?

Let that not be the case. Let every Member come here to the floor and together actually hold a debate.

We see no Members on the floor today—Republican colleagues. Having—many of them—stated that they are quite ready to violate the principle they argued so strongly 4 years ago, we don't know where they went. They are gone. They are not here.

So let the American people call attention because the American people love our Constitution. The American people love “we the people.” The American people love the principle of government of, by, and for the people and do not want to see it trampled in an effort to sustain a massive amount of corporate power against the consumer, wealthy power against the worker, and racist power against civil rights.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, in the summer of 1920, America ratified the 19th Amendment. This breakthrough in our history, born of decades of setback and struggle by many unremembered women who never lived to actually cast a vote for what to us now is a self-evident proposition that women in this country should have the right to vote, moved this country one step closer to equality. That is why I think it is so fitting that, a century later, we pay our respects to the late Justice Ruth Bader Ginsburg, who, more than anyone, advanced the cause of equality between men and women over her remarkable career.

Justice Ginsburg's commitment to equality was not the result of lofty idealism but the hard experience of her life.

Thirteen years after ratification of the 19th Amendment, Joan Ruth Bader Ginsburg was born to a working-class family in Brooklyn. It was the middle of the Great Depression, and her father sold furs at a time when no one would buy them. Tragically, her mother died of cancer before Ruth graduated from school.

But these challenges, like others she would face, did not defeat her. They didn't prevent her from graduating first in her class at Cornell. They didn't exclude her from Harvard Law School, where she was one of only 9 women in a class of 550 and had to justify to the dean why she had taken the place of a man. She finished her law degree at Columbia, where she once again was first in her class, and not a single law firm would hire her. She applied to clerk for Justice Felix Frankfurter on the Supreme Court, who said that, although she was an impressive candidate, he wasn't ready to hire a woman.

She understood these early firsthand experiences with discrimination not

merely as barriers to her obvious talents and potential but as a vicious threat to our country's full potential. She knew that any country that would deny a single person's chance to make a contribution on account of their race or their gender or their religion or whom they loved will never fully flourish. Tearing down these barriers became the cause of her career.

She rose to become a full professor at Rutgers Law School and founded America's first law journal on gender issues. Later, she returned to Columbia Law School, where she became the first woman to hold a full professorship. She worked pro bono for the ACLU, co-founding their Women's Rights Project. She quickly became one of the most accomplished litigators in the country, writing a brief the Supreme Court cited in *Reed v. Reed* to rule for the first time that discrimination on the basis of sex violated the 14th Amendment. Ruth Bader Ginsburg's argument led the Court to overcome centuries of narrow views about the proper role of women in American life. As a result, the Court's holding redefined American law.

Ruth's accomplishments led to an appointment to the prestigious U.S. Court of Appeals for the DC Circuit, and in 1993 President Clinton named her to the Supreme Court. Her nomination sailed through this body with 96 votes—a reminder of a time not so very long ago when the Senate actually understood its constitutional responsibility to advise and consent and what that actually meant.

For more than a quarter-century on the Court, Justice Ginsburg authored rulings that promoted fairness, advanced equality, and secured hard-won rights. They upheld affirmative action and protected a woman's right to choose.

Her dissent in one gender discrimination case was so powerful, it inspired the Lilly Ledbetter Fair Pay Act, the very first legislation President Obama signed.

At the same time, she could never accept decisions that nullified the right to vote or otherwise limited our democratic values, even when it was hard for some of her colleagues to perceive the systemic racism in our country. When they were gutting critical protections to the Voting Rights Act, she had the common sense to tell them, you are “throwing away your umbrella in a rainstorm because you are not getting wet.”

As always, she cut legal convention and saw with clear eyes the enduring threat discrimination poses to our elections. She knew voters still deserved the protection of the law, and all these years later, after State after State after State has passed laws dispossessing people of important rights with respect to the right to vote, she has been proved right.

As we reflect on her legacy in a real sense, I would say Justice Ginsburg herself should be thought of as a found-

er of our country, not because she had an important title or wore a black robe—although, she wore it as well as anyone in the countless images of her reproduced on T-shirts and tote bags and onesies, as the “Notorious RBG”—but because she knew where we had fallen short and dedicated her life to calling America closer to our best traditions of equality, liberty, and opportunity for all, because the young Joan Ruth Bader knew America would be worse off without her.

Justice Ginsburg made America more democratic, more fair, and more free.

Mr. President, before I turn it over to my hard-working colleague from Michigan who is here later than he should be only because that is the kind of person he is, working so tremendously hard on behalf of the people of Michigan and the people of this country—let me just say one word about where we find ourselves in the Senate. I am just going to take 2 minutes to do this.

I believe that American history can be best understood, from the very founding of our country until now, as an epic battle between the highest ideals that humanity has ever expressed in our founding documents and the worst instincts of human beings. That is the founding that took the form of the institution of slavery. You can draw a straight line from those days to these days. There is no doubt in my mind which side of that line Ruth Bader Ginsburg was on.

There is no guarantee that this country is going to become more democratic, more fair, and more free. That took the work of suffragettes; it took the work of enslaved people like Frederick Douglass—another founder of this country who, in his lifetime, changed the entire approach of the abolitionist movement to argue that the Constitution was not a pro-slavery document, as they were arguing at the time, but that it was an anti-slavery document and that we weren't living up to the ideals of that Constitution. That is another self-evident fact today, to us, but it wasn't at the time that Frederick Douglass made those arguments.

There is no doubt in my mind that if we find ourselves with a 6-to-3 Court, and we have replaced Ruth Bader Ginsburg not with somebody who has an appreciation for the direction this country needs to go, which is to enable all of us to participate fairly and justly and equally in the society, but one where the most powerful and the most well connected are able to get the courts to pay attention to them, while working people all over this country can't have the basic health insurance that everyone else in the industrialized world has come to expect, we are going to be a poorer country for it.

My final point is—before I turn it over to the Senator from Michigan—the fact that we got here with a majority leader who has completely undermined any sense of integrity in this

body with respect to the rules—not speaking personally about him—is a real problem. It is hard for me to see how this place will ever make enduring change that we need to make if the American people have completely lost faith in it.

In MITCH MCCONNELL's Senate, words have lost their meaning. The rules are what you can get away with politically. That is the outer boundary of where you can go. It is moments like this that I remind them this is not the first Republic that has failed. When words lose their meaning, when promises mean nothing, when commitments mean nothing, that is when institutions fail.

I, for one, hope that we will put this era behind us and not return to some old era—I am not interested in that—but build a Senate that is actually worthy of the 21st century, worthy of the example Ruth Bader Ginsburg set, worthy of the expectations our kids and grandchildren have of us and that we have of them and of America's place in the world.

We are not going to do it this way. We can't do it this way. We have a chance to make a change, and I hope that we will.

I yield the floor.

I say to my friend from Michigan, thank you for your patience and indulgence.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, like countless Americans, I am grieving the loss of Justice Ruth Bader Ginsburg. As the second woman to serve on the Supreme Court, and the first Jewish woman to do so, she was a pioneer, a brilliant jurist, and a historical giant who blazed the trail for many.

When I reflect on her life's work, I think of her tireless efforts for women; I think of her tireless efforts to end discrimination of any kind; and I think of her tireless work to give a voice to all of those who do not have a voice. She was fiercely committed to ensuring that justice, fairness, and equality would reign across our country. She was loyal not only to the Constitution but to the people whose lives she knew would be affected by her rulings.

Within hours of the announcement of her death—as Americans across the country mourned her loss and paid homage to her legacy—some, unfortunately, turned their attention immediately to filling a vacancy and also started to scheme on how to ram through a nominee before election day—only a little over 40 days from now.

It is important to remember that our constitutional democracy is built upon a system of checks and balances, with three coequal branches of government. The Supreme Court plays an important role in determining and deciding important questions of law, and it represents a core pillar of our democracy. Its rulings profoundly shape the rights and the lives of Michiganders and all Americans.

For example, later this fall, the Court will be taking up a case pushed by the Trump administration to completely eliminate the Affordable Care Act. The Court's ultimate decision will effectively determine the fate of healthcare for millions of Michiganders and Americans.

If the Supreme Court strikes down protections in the Affordable Care Act, people with preexisting conditions will be at risk of losing protections provided under the law. Insurance companies will again be able to go back to the days of discriminating against people with preexisting conditions—or even dropping a person's health coverage entirely—at a time when people need healthcare the most. Sadly, being a woman could also again become a preexisting health condition, leading to higher costs and limited options.

Insurance companies will, once again, be able to impose annual or lifetime limits for coverage, raising costs and making healthcare unaffordable and inaccessible for many Michiganders. We also know that seniors on Medicare could pay more for prescription drugs.

And anyone who has arthritis, diabetes, or cancer—or anyone who gets sick—will see their healthcare costs go up, and far too many people may be forced into financial ruin and bankruptcy if they get sick. In all, 23 million Americans could lose their current health insurance.

In sum, I think it is unconscionable that President Trump, along with Senate Republicans, are attempting to undermine critical healthcare in the midst of a once-in-a-century public health crisis. And it is not just healthcare that is on the line when filling this Supreme Court vacancy.

Women may lose their right to their reproductive freedom if the seminal decision of *Roe v. Wade* is overruled; the Court may further erode protections for workers and continue to undermine unions; and the Court may side with large corporate special interests rather than ensure a level playing field for workers.

The appointment of a Supreme Court nominee puts an awful lot on the line. Voting rights and the core principle of one person, one vote are on the line. Upholding basic critical civil rights are on the line. Equality for millions of LGBTQ Americans who seek non-discrimination protections is on the line, and at stake is whether the Court will protect our air and our water.

Simply put, the Supreme Court has the final word on how we address the major challenges of our time. In a powerful sense, it is the last line of defense for everyday Americans.

With so much on the line, we should not rush a Supreme Court nominee through what should be a deliberative process. Jamming the Supreme Court nomination through now will, without question, further divide our country and disregards the fact that the American people are now voting or soon will

be in many States. In fact, later this week, voters in Michigan will begin casting their ballots.

Issues before the Court are life-changing, and Americans should have a voice in selecting who will choose the next nominee—a nominee, if confirmed, who will serve for a lifetime.

We can certainly wait for the American people to be heard. The selection of a Supreme Court nominee can certainly wait until after Inauguration Day.

What cannot wait is to help millions of Michiganders and Americans suffering as a result of the COVID crisis. There is no question that the Senate has an important duty to advise and consent on nominations, but this body must first effectively address the unprecedented public health and economic crisis now confronting this Nation.

To do so, we need to come together in a bipartisan manner. I know it is possible. We were able to come together and pass robust, bipartisan coronavirus relief legislation in March and in April, and I remain ready to work in a bipartisan manner again to pass meaningful legislation again.

More than 200,000 Americans have lost their lives from this pandemic, including approximately 7,000 in Michigan. The numbers are staggering. Behind these devastating statistics are people—mothers, fathers, sisters, brothers, husbands, wives, and children. Tragically, some are projecting that we could see a total of 400,000 Americans die by January.

There are steps that Congress must take right now to stem the tide of this pandemic. Not acting now in a bipartisan way to save more lives is an unconscionable betrayal of our duty to protect the American people. We must provide relief to families and workers who have lost their jobs through no fault of their own and worry every single day about how to keep food on the table and a roof over their heads.

We must support small businesses that need Federal funding to stay afloat and to rebuild our economy after we defeat this COVID virus. We must support parents and schools trying to ensure students can learn in a safe environment and keep up with their studies.

We must step up for communities across Michigan and the United States that have been on the frontline of coronavirus response efforts. Our communities are facing massive budget challenges that could force deep cuts to essential services or layoffs of teachers and first responders and law enforcement officials.

Now is the time for us to rise to the challenge. Americans are losing their lives and their livelihoods to this cruel pandemic. I know we can turn the tide, but it will take political will. It is not too late to save hundreds of thousands of lives and countless jobs, but we must focus on effectively confronting the coronavirus together, and we must do it now.

Our focus should not be on rushing to fill a Court vacancy. That can, and should, wait until Michiganders and the American people have had an opportunity for their voices to be heard and a new Presidential term to begin.

The COVID crisis is urgent, and it must be our priority first and foremost.

Filling a Supreme Court vacancy can certainly wait, with voting already under way and election day only 42 days away. Let's come together in a bipartisan way and together do the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to thank my colleague from Michigan for outlining the stakes for the American people.

I will start tonight with the two principle reasons we gather tonight on the Senate floor. We gather on this floor tonight to reflect upon the life of Ruth Bader Ginsburg, to pay tribute to her life of public service and to outline, as so many of our colleagues have outlined tonight, what is at stake for American families in a debate about the next Supreme Court Justice.

Let me start with the life of Ruth Bader Ginsburg. Nothing we could say tonight would do justice to her story, but her story is an American story. It is a story of hard work and struggle, a story of overcoming discrimination—discrimination that I and so many others have never faced. It is also a story of knocking down barriers for women, a story of defending workers fiercely, a story of defending voting rights, and so much more that we will talk about in the next number of days.

It is also a very human story, as much as it is an American story. It is a human story about her heroic battles—plural—many battles with cancer, at least two kinds of cancer, over the course of 20 years. This struggle, this heroic struggle, this battle helped to transform Ruth Bader Ginsburg—then Justice Ruth Bader Ginsburg—into an American icon and an inspiration to millions of Americans.

We mourn her passing, and we will, in the days ahead, continue to laud her extraordinary accomplishments, her achievements as a lawyer and a Federal appeals court judge and, of course, her 27 years as an Associate Justice on the U.S. Supreme Court.

At the same time as we pay tribute to her, we have, I believe, an obligation to make it clear what is at stake, what is on the line for tens of millions of Americans. I will focus on one subject area tonight, healthcare. We know that after failing to repeal the Patient Protection and Affordable Care Act numerous times—and “numerous” is an understatement—after failing that many times, Senate Republicans, along with the President, will try now to ram through a Supreme Court nomination that could, and very likely will, be the deciding vote to destroy the Affordable Care Act and all of its protections.

I will not dwell tonight on the blatant hypocrisy of this action. I will talk mostly about healthcare. But the hypocrisy, I think, is well known all these days, since Justice Ginsburg's passing, by so many Republicans who said just 4 years ago that it was the wrong thing to do, even within 10 months in a Presidential election year, to confirm a new Justice. But here we are, and that same party, those same Senators, on tape over and over saying that they would not do this, are here trying to ram through another nomination.

By the way, when you consider the last number of months—the months of May, June, July, and August—this body, the U.S. Senate, did little else but nomination after nomination and a defense bill and little else. There was no action, no substantial action on a COVID-19 relief bill despite the challenges our Nation faces. I guess nominations is all we are supposed to do in the Senate.

Here we go again on the most consequential nomination that a Senate could consider. We know that the U.S. Supreme Court has a case before it that will be argued in early November that could be the end of the Affordable Care Act. In May, President Trump laid out in no uncertain terms what he wants to do to this healthcare law: “We want to terminate healthcare under ObamaCare.” Terminate healthcare is his goal—in the middle of the worst public legal crisis in 100 years, a worldwide pandemic that we are still suffering the effects of. We just crossed the 200,000 death total just hours ago or a few days ago at the most, 8,000 of those in Pennsylvania. At a time when so many families have been devastated either by the virus and the suffering that comes with contracting the virus or a death in the family—family members, deaths of friends and people who folks have worked with—in the midst of an economic crisis, a jobs crisis, in the midst of all that, we are supposed to go along with a process to ram through a new Supreme Court Justice and take no substantial action on a COVID relief bill.

So much is at stake in the Affordable Care Act. I will try to go through a long list as fast as I can. We know that more than 20 million could lose coverage who gained coverage as a result of that act. We know that 135 million would lose their protections for a preexisting condition. In Pennsylvania, those numbers translate into 1.1 and 5.5—1.1 million people gained coverage, although that number is down now because of Republican efforts over the last couple of years here in Washington. But 1.1 million gained coverage, and there are 5.5 million in the State with a preexisting condition.

If you go down the list of counties, which I will not do all 67 tonight, but I just want to give you some sense of what it means by county. In terms of Pennsylvanians who gained coverage,

you would expect that the big cities had a lot of coverage gains. That is true. At last count, Philadelphia had 225,000 people who gained coverage. But if you go from Philly to Fulton—Fulton County happens to be a small county of 14,000 people on the Pennsylvania-Maryland border. They have more than 1,000 people at last count, 1,028 people who got healthcare through the Affordable Care Act. From Pike County to Greene County, thousands of people gained healthcare. From Chester County to Crawford County—Chester is in the southeast, and Crawford is way up in the northwest, just south of Erie—29,000 people or almost 30,000 in Chester and in Crawford County, more than 6,200. In my home county of Lackawanna, almost 20,000 people got healthcare. In Luzerne County next door, almost 30,000. Just in those two counties, almost 50,000 people got healthcare. All of that is at risk in Pennsylvania and in countless numbers of counties all across our country.

Medicaid expansion, which has enabled people to gain access to treatment for an opioid addiction or other substance use disorder issues, would be destroyed. Medicaid expansion would be gone. Medicaid expansion also ensured women can receive a full year of postpartum care and provided coverage for older Americans who are not yet eligible for Medicare. Prescription drug costs would skyrocket for 12 million seniors and people with disabilities. That is because the ACA closed Medicaid's dreaded prescription drug donut hole. The ACA closed the donut hole.

As I indicated earlier, for 135 million Americans with preexisting conditions, their coverage is now in jeopardy if the Supreme Court decision went the wrong way. Insurers would be able to drop them. Insurers will be able to refuse to cover them or insurance companies will be able to charge them more because of common diagnoses like depression, anxiety, asthma, diabetes, sleep apnea, and the list goes on from there—all the things the insurance companies were able to do for at least a generation or more in the dark days before we had an Affordable Care Act.

Insurers would also be able to charge you more because you are a woman, allowed prior to the ACA, or they could charge you more because of your age. That also will come back. Insurers will be able to reinstate the annual lifetime caps on coverage that they provide. If your healthcare is too expensive, the insurance companies could just stop paying for it, even if you are a preemie, a tiny little baby in the NICU, or an adult with a terminal diagnosis.

The essential health benefits would also go away. Insurers will be able to carve out benefits you need, like maternity care or mental healthcare. As a woman, you might not be able to find a plan to provide care during your pregnancy, unless you have insurance through your employer. For people with disabilities, the ACA is obviously essential.

A Court that would destroy the ACA would allow for discrimination against the 61 million Americans with disabilities—let me say that again—the 61 million Americans with disabilities that have preexisting conditions. Prior to the ACA, it was routine that people with disabilities could not get health insurance. Prior to the ACA, if you had epilepsy, autism, or spina bifida, or any disability, you could be denied coverage. You could be charged much higher costs. A Court that strikes down the ACA will be a Court that directly attacks the disability community. That is why so many members of that community came to Washington in 2017 and fought valiantly to uphold the Affordable Care Act. They knew that their life was on the line. It wasn't just an issue for them. Their life was on the line.

Prior to the ACA, there are stories I heard from Pennsylvanians every day—and I am sure so many other Senators did, as well—stories about people who, in addition to living with disabilities or facing a serious illness or other medical needs, were worried about paying their bills.

For so many families, this isn't an issue that we are going to be debating in Washington—some far-off, abstract issue. This is real life for people. Mothers and fathers will be worried that their children will not have the coverage they need, that their family will not be covered—worries that, if they have not been eliminated, have been greatly mitigated by the coverage and the protections of the Patient Protection and Affordable Care Act.

We have to ask ourselves a question as the Court considers this case just a few days after election day. We have to ask ourselves a number of questions, but certainly we should ask ourselves: Will the United States of America turn the clock back on insurance, turn the clock back on healthcare for so many millions of Americans? Will we allow the Federal Government, either through the Congress, which so far we have prevented, or through the Supreme Court or any Federal court—will we allow a Federal Government entity to rob people of the protections that they received through the Affordable Care Act, like protections for a preexisting condition? Will we allow all of this in the middle of a pandemic, the worst public health crisis in a century here in America and around the world? Will we allow any agency or any official to turn back the clock on healthcare in the middle of a jobs crisis? We have had double-digit unemployment in Pennsylvania for months now. They are the highest unemployment rates we have seen since 1983, and for a period of time this summer, they had been the highest unemployment rates we had seen in more than 50 years. We have a jobs crisis in the middle of a pandemic, which has caused a lot of people to already lose their healthcare.

That is not who we are if we say we are American. America at its best is

the country that is already trying to make progress, trying to expand protections. We have done that for generations. We made an advancement in 2010 when we passed the Patient Protection and Affordable Care Act. We cannot allow this institution—the institution of Congress—or the Supreme Court to destroy that act and to undermine that American progress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I have my favorite Abraham Lincoln quotation. One day, he was in the White House with his family and his staff. His staff said: You have to stay in the White House and win the war and free the slaves and save the Union, and Lincoln said: No. I have to go out and get my public opinion bath.

I don't think that too many people in this body are getting their public opinion baths. They are not seeing the pain out there. They don't seem to absorb that, one day in August, in my State, as an example, 600,000 people—just like that—lost their \$600-a-week unemployment insurance. In Wisconsin and Rhode Island, for hundreds of thousands of people—just like that—their \$600-a-week unemployment insurance expired. They couldn't find jobs. There is massive unemployment in our States. There are people who are hurting. What are they to do? If you are just getting by on that \$600 a week and if the money doesn't come and if you can't find a job, what are you to do? How are you to feed your family?

There is so much anger out there and frustration and futility. People are hurting. Yet President Trump and Leader MCCONNELL refuse to do their jobs. We have asked them for weeks and months to come back here and help us open the schools safely, to help local communities and local governments, to help unemployed workers, to help people who are about to lose their apartments—who are about to be evicted. Leader MCCONNELL says he doesn't have a sense of urgency, and President Trump just turns his back and makes another speech.

Middle-class and low-income public schools can't open because MCCONNELL and Trump refuse to do their jobs. Parents and teachers are under an overwhelming amount of stress. School districts and families don't have the resources for the additional technology for the safety precautions they need, so schools either open unsafely or students need to do distance learning. None of that works for people. State governments and local communities are looking at massive layoffs, and small businesses are closing in larger and larger numbers, but Leader MCCONNELL and President Trump refuse to lift a finger.

The stock market is back up, so they seem to think everything is fine. They are just oblivious to the families. They are oblivious to the families who are staring at stacks of bills, who don't

know what to do, and who have no good options.

Yet now, after months of inaction, Leader MCCONNELL gets out of his office from down the hall, walks down here, makes a speech, and goes back to his office. He doesn't actually do anything except confirm young, rightwing judges. He doesn't do anything to help people who have lost their unemployment. He walks down here, through these doors, and doesn't do anything to help schools open safely. He doesn't do anything to prevent layoffs in State and local governments. He doesn't do anything to help these small businesses which are closing, and some now have made the decision to close permanently, but Leader MCCONNELL is willing to drop everything and move Heaven and Earth to put another corporate shill on the Supreme Court.

Leader MCCONNELL has spent the last 6 months ignoring the pandemic, ignoring the economic crisis. Now he wants to pack the Court—a Court that is supposed to serve the American people—with another Justice who always rules for corporate special interests and always rules against workers. It will be another Justice who will take away, as Senator CASEY said, Americans' healthcare in the middle of a pandemic.

In my State, 900,000 people have health insurance today because of the Affordable Care Act—600,000 people because Governor Kasich, a Republican, and I, a Democrat, helped to expand Medicaid in Ohio. There are 600,000 people who have insurance because of that. Yet we know this Court will be hearing a case to overturn the entire Affordable Care Act in just a few weeks. That insurance could be gone like that.

Leader MCCONNELL and President Trump and their special interest friends are trying to do what the American people rejected over and over. They want to take away preexisting condition protections in Pennsylvania, where Senator CASEY said 5.5 million people have preexisting conditions. In Ohio, 5 million people—essentially half the adult population—have preexisting conditions, and that was before the pandemic. So we know, if this Court does what it is likely to do, especially if Leader MCCONNELL and President Trump can pack the Supreme Court the way they want to with another special interest, corporate judge, we know those people's preexisting condition protections will be gone.

American healthcare is at stake. The American people deserve to have their voices heard. As Senator PETERS said, people are already voting. As we speak, they are casting ballots. These ballots should count. We know what Senator MCCONNELL and their wealthy friends want to do. They want to award more power to themselves, and they want to take it away from voters.

We simply can't stand by and watch a bunch of millionaires with good healthcare for all—all paid for by taxpayers—who still have comfortable

jobs and paychecks, while millions are out of work, and watch them try to take away people's healthcare and take away their voices in their own government.

Think about what is at stake. If President Trump gets his way and the Republican majority obediently obeys Senator MCCONNELL, as they always do, and Senator MCCONNELL, down the hall, obediently obeys President Trump—meaning, if MCCONNELL and then almost all of the, shall we say, spineless Members of this Senate put in place a Justice who will take away the entire healthcare law and take away the tax credits to help people afford health insurance—then protections for preexisting conditions will be gone. Ohio's entire Medicaid expansion for 600,000 people—gone. The ability to stay on your parents' insurance until you are 26—gone. More affordable prescription drugs for seniors from closing the doughnut hole—gone. Limits on how much you pay out-of-pocket each year—gone. This will be in South Dakota, in Wisconsin, in Connecticut, in Rhode Island, in Ohio—all over. Free preventive services, like mammograms and bone density screenings, will be gone. The list goes on.

That is why the Affordable Care Act wasn't repealed—because the American public knew what it did for them, and they said to their elected officials: Don't repeal it. Yet now we are going to have legislation from the bench. All of these conservatives on the Court love to talk about just being constitutional, just being traditionalists and strict constructionists. No. They want to legislate from the Court. They want to undo what this body did and then refused to undo.

That is what is at stake. Five million Ohioans who are under the age of 65 have preexisting conditions—as I said, half the population of our State before the coronavirus.

It is not just healthcare. It is the ability to vote. It is workers' protections on the job. We know at a packing plant in the Presiding Officer's State—at Smithfield, a plant and a multibillion-dollar company that is owned by the China Communist Party—it had 1,290-some workers who were diagnosed with the coronavirus. It was the first time the administration ever did anything to any company whose workers had gotten sick with the coronavirus. They fined this multibillion-dollar China Communist Party company, Smithfield, in the United States, and South Dakota fined it \$13,000. That is \$10 for every sick person, for every sick worker. Those are the kinds of people you will see on the Supreme Court. They will be protecting those companies.

The freedom to organize a union is at stake. The progress we have made on equality, on civil rights, and on LGBTQ equality is at stake. Whether we can bring racial justice to our justice system is at stake. America's privacy rights in the digital age are at

stake. Women's freedom to make their own healthcare decisions is at stake.

Earlier today, one of my colleagues came to the floor not to try to get the \$600 in unemployment for people who were laid off, not to try to pass more help for our schools so they could open safely, not to get more money for testing; my colleague tried to pass yet another restriction on a woman's ability to get safe, effective healthcare.

It is pretty clear where their priorities lie, and we know what we need to do. All Americans need to speak out and share their stories. Make the people who are supposed to serve understand what is at stake for you and your family—what is at stake by Senator MCCONNELL's and President Trump's inaction. There will be no help for unemployed workers, no help to open schools safely, no help for local communities, no help for the Postal Service, no help to run our elections safely and honestly. Tell people what is at stake. It is the public who saved the ACA in 2017, and the public can do it again.

For us in the Senate, it comes back to one question: Whose side are you on?

Are we going to put money into people's pockets? Are we going to help people pay their rent? Are we going to finally mobilize America's vast manufacturing talent and ingenuity to produce the tests and the N95 masks and the other equipment we need and do what Senator BALDWIN advocates, which is to "buy American" with these products? Are we going to get support for our schools and our small businesses and our local communities or is the Senate going to follow the Trump-McConnell plan? That means to come out of your office, to walk down the hall, to open these doors, to go to your chair, to make a speech, and try to confirm another conservative lifetime judge. Yet don't worry about unemployment. There are only 600,000 people in my State and only millions around the country who don't know what to do because they have lost their unemployment. Don't do anything about opening schools safely. Don't provide any dollars for local school districts. Don't help small businesses.

Is that what we are going to do? Is the Senate going to follow that Trump-McConnell plan? They do nothing there, but then they think: Let's do something. We will drop everything to grab more power for our wealthy friends.

People are tired of feeling like no one is on their side. Let's actually listen to the people whom we serve. Let's make sure their votes count.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I stand in a distressing place of speaking after Senator BROWN, of Ohio, and before Senator BLUMENTHAL, of Connecticut, but I am delighted to be here tonight because the issues are so important.

We are in a place in the Senate that is, frankly, weird, and I don't know if people around here have gotten used to this being weird, but it is weird. It is not normal. In the Senate, we have essentially eliminated legislation. We don't do that any longer. The House sends over legislation, and it piles up in stacks on MITCH MCCONNELL's desk. We legislate, maybe, four or five things in an entire session of Congress. That is weird. We are a legislative body. We are supposed to legislate. Why the elimination of legislation?

We have smashed through and destroyed norm after norm, tradition after tradition, rule after rule. Why is that? Do people get some perverse glee in smashing norms and traditions? Do people get some perverse glee in not passing legislation when they are sent here to legislate? It doesn't make any sense.

Then you look at those on the other side and their 180 reversal. When they wanted to stop a Supreme Court Justice, we heard about how important it was that, before an election, the American people got to weigh in through their votes and that you shouldn't have a nominee appointed to the Court in the months before an election. Here we are, weeks before an election, and, suddenly—whoop—180. Why the hypocrisy? Did someone come and do one of those hypnosis parlor tricks on people so they would suddenly do the opposite thing from what they wanted to do?

What is the explanation for the elimination of legislation? for the smashing of norms and traditions? for the reversal of the precedent on immediate preselection confirmations? We are even seeing intense support for a Supreme Court nominee when we don't even have a nominee.

There is a phrase about a pig in a poke. You are not supposed to buy a pig in a poke. You are not supposed to buy a piglet in a bag when you haven't had a look at the piglet to see what is in there.

We haven't seen the look at whatever—to use the analogy the piglet in the bag would be. Yet everybody is already lined up to support getting that person through quick, quick, quick. That is not normal. That is weird. People don't ordinarily express their support for nonexistent nominees.

So what explains all this weirdness? What I think explains all this weirdness is that a very, very powerful group of very, very big special interests has glommed itself together and over years, over decades, has built up an apparatus specifically to control the Court—specifically.

If you look at the Washington Post report on Leonard Leo and his Federalist Society perch and the bizarre little web of front groups that he has woven around that perch, you will see that they have documented more than \$200 million flowing through that setup—more than \$200 million.

So here is how it works right now: When you have a Republican President,

the President doesn't pick the nominee; a special interest group picks the nominee—the Federalist Society. Trump said so. That is where he got his list. His lawyer Don McGahn said so. He said he was in-sourced from the Federalist Society.

Over and over again, people involved in the process say: We take our judicial selection picks from the Federalist Society. And when they say that, what do they mean? The Federalist Society is just a corporate screen. It is an entity. It does things on college campuses that have think tanks here. But what does it really mean? It means that the people who are putting tens of millions, hundreds of millions of dollars anonymously into that organization are getting a voice or a veto in the makeup of the Supreme Court. They are not even having to show who they are, and the Federalist Society does the screening for them.

You don't put tens of millions of dollars into a group and not expect a result. If you give tens of millions of dollars to a university, not only do you expect your idiot kid to get into the university, but you also expect them to name a building after you. So if you are going to put that kind of money into the Federalist Society, you are going to want something for it. To say that is not rational makes no sense at all. It is inconsistent with human behavior.

I will tell you that if you took the names off the players and asked people in this room "Should anonymous special interests with tens of millions of dollars to spend be able to have a voice or a veto in who gets elected to be a Federal judge or a U.S. Supreme Court Justice, screened through a partisan, private organization?" anybody in their right mind would say "No. That is unacceptable. That is preposterous. Of course you wouldn't want that."

If this were a liberal organization, my Republican colleagues would be running around here with their hair on fire about the scandal of secret donors deciding who is going to be on the Supreme Court and masking themselves behind a front group.

It is not just Federalist Society money. It is not just the \$100, \$200 million that flow through that network. Look at the Judicial Crisis Network, which runs the ads for these nominees once the Federalist Society has selected them. It gets contributions to pay for the ads. Do you know who pays for it? One person gave a \$17-plus million contribution in the *Garland v. Gorsuch* row, and somebody gave another \$17 million to get the beleaguered Kavanaugh through, and somebody else just gave \$15 million.

Now, I say "somebody else," but do we know it was somebody else, or is there a perfectly logical case to be made that the same person gave \$17 million and \$17 million and \$15 million? That is \$50 million. You don't think that in their secret back room, wherever they arrange that, they cut a deal

that they would have a veto or a voice in who got on the Supreme Court? That is a ridiculous proposition.

It doesn't end there. Once the Federalist Society has selected the nominee and once the Judicial Crisis Network has done its thing to support them with millions of dollars in TV ads and then they get confirmed, then comes the Pacific Legal Foundation or the Washington Legal Foundation or the Mountain States Legal Foundation or one of innumerable, phony-baloney legal foundations, all of which, guess what, are also supported by dark money—the anonymous money behind the Federalist Society, the anonymous money behind the Judicial Crisis Network, and then the anonymous money behind these groups, which then bring carefully strategized cases before the judges who have been selected and campaigned for by dark money.

Then the dark money groups bring the case in. So far, the five Republicans on the Court have been very good about lowering the standing requirements so that those cases get right in and they can hear them. Then the case is before them, and what do you see? You see a dozen phony front groups with anonymous funding all show up as friends of the court—*amici curiae* they call it in court-speak.

I did a brief recently on the Consumer Financial Protection Board case, and we showed the common funding of the other amici who showed up—a dozen of them, all funded by the same organizations. They are not separate.

A group called the Center for Media Democracy took a look at our brief and took a look at that graph and said: You know, I bet you we can improve on that with a little bit of research. They put their scholars and their investigators and their researchers on it, and they did way better. They showed much deeper connections between the funders and the phony-baloney amicus groups.

What if—what if it is the same small group of funders who are running money through the Federalist Society to select the judges, running money through the Judicial Crisis Network to campaign for them, running money through these legal foundations to tee up the right cases to bring before the judges, and then running anonymous money into the amici—what if it is the same big beast? It is less complicated than many corporate structures. They are perfectly capable of doing it. With that kind of money behind it, you can bet they will line people up in this building, and that explains the bizarre behavior.

We are not seeing bizarre behavior because we have bizarre colleagues; we are seeing bizarre behavior because we have a bizarre force being applied in this whole judicial selection process. It is an apparatus, and the reason they want to do this is because if they control courts, they can make courts do things Congress would never do. Even Republicans in Congress would never do the things that these special interests can get courts to do.

Do you think you could get a bill through the House and Senate—even controlled by Republicans—that allowed unlimited corporate special interest spending in elections? Of course you couldn't. It would be a ridiculous proposition. People would get laughed at when they went home. There would be town meetings. People would throw tomatoes at them. But you put five of the right Justices on the Supreme Court, and they will make it the law of the land for you. Unlimited special interest funding. Sure, we are for that. What a great idea.

Getting rid of voting rights. Disabling the Voting Rights Act. We voted in enormous bipartisan numbers to reauthorize the Voting Rights Act. It took five unelected, lifetime-tenured Supreme Court Republican Justices to say: No, no, no. We know better. Racism is over. We know that racism is over because we are such brilliant people up in our little preserve in the Supreme Court.

They found that racism was over. We didn't have to worry about it anymore. Pre-clearance didn't have to happen. It could never have passed. But get five on the Court, and they did it.

And then, of course, terminating the Affordable Care Act. We know that can't be done by Republican-controlled bodies because this Republican-controlled body failed to do it. So where do you go? Oh, right—to the Court, where we can get a 5-to-4 decision that does things that legislators wouldn't do—wouldn't hold their nose and do. And sure enough, what is up? November 10, the argument on the case against the Affordable Care Act.

This isn't just a theory; this is real people. I have 34,000 Rhode Islanders who have insurance through HealthSource RI, the market that got set up pursuant to the Affordable Care Act—34,000 who get their insurance there. I have 72,000 Rhode Islanders who get their insurance because we took the Medicaid expansion. They wouldn't have insurance except for the Medicaid expansion. I can fight in every way I can to try to protect their rights here in this building, but you go over to the Supreme Court, and five and now maybe six Republican Justices can decide: We know better. We are going to undo the Affordable Care Act and take away all their protections.

This is going to hurt. We have all those Rhode Islanders. We have two of the best ACOs in the country in Rhode Island—accountable care organizations—set up under the Affordable Care Act. It is a whole new way to deliver primary care. They are lowering costs. They are improving care. They are driving down their numbers. Their patients are happier than ever. They are changing the way they are doing care. They are making their patients healthier at less cost, with more attention. It is a great experiment, and it is going to be undone by this—not because anybody voted for it but because

we crammed—with this powerful special interest apparatus behind us—people on the Court who will obediently do these things when you trot a dozen phony-baloney amicus curiae in front of the Court to, all in chorus, tell them what they are supposed to do.

Nationally, we are a nation of, what, 330 million people? We are a nation of 156 million preexisting conditions. Of course we are not going to throw out preexisting conditions. Even the President, while he is litigating to throw out preexisting conditions, says: I don't want to throw out preexisting conditions. He knows he can't get away with it. We know that it is stupid, wrong, and cruel, but pack the Court with people who are listening to these big special interest types? Poof. There goes preexisting conditions.

There are 11.8 million people on Medicare who have saved \$26.8 billion on prescriptions thanks to the savings in the Affordable Care Act. You would have to be nuts to take that away from seniors, but put the right people on that Court over there, tell them what to do through this big donor apparatus, and suddenly—boom. Poof. Gone. Because they are accountable to nobody once they are over there. It is a lifetime appointment.

Bridget in Tiverton is a Rhode Islander. She is in her twenties. She has a hip dysplasia that led to premature arthritis. She was in constant pain. In her twenties, she had to have a hip replacement. Well, thanks to the Affordable Care Act, because her dysplasia and arthritis were preexisting conditions, she was able to get her hip replaced. She is now, for the first time in her life, fully employed and pain-free. She is happy. She is an ObamaCare care success story. Why would you want to undo that? Because you are a huge special interest and you want things your way.

Martha from Cranston was uninsured. She had to have gallbladder surgery. She ran up a \$60,000 bill with no insurance and had to declare bankruptcy. That is going to haunt her for a while because we don't let her clean up after that even if it is a medical bankruptcy. But now she can get insurance for \$283 a month, which she can afford, rather than over \$500 a month, which she could not afford. So she is now an insured person and doesn't have to worry about that kind of unexpected bill and bankruptcy.

These are real people. And what is happening with these special interests—I just don't get it. I just don't see how it is that people in this body can say that it is OK to have huge special interests that will spend \$17 million at a lick, \$50 million at a lick, \$10 million at a lick secretly control who gets picked to be on the Supreme Court. In what world is that acceptable or even fair or an even decent way to do business? It just isn't. It is indefensible. Yet that is exactly what is happening. It is the same special interests that fund the Republican Party. It is the

same special interests that are behind the big super PACs, and the big dark money PACs. That is why everybody has to hop around here because if we say no to them on their selected nominee, then they will say: Well, we are cutting you off then. You are all done. And when they spend tens of millions of dollars on politics, it is pretty hard to tell them: Well, we don't care. We will stand up to you anyway. We are not going to take your money any longer. And that is the pickle we are in right here. That is the mess that we are in, and we have to fix it. It is wrong to be in this position. It is wrong to be using this space on the Court to send somebody over who is going to attack basic healthcare that we fought for and that Congress could not undo because the American people want it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am delighted and honored to follow my great colleague from neighboring Rhode Island after that feisty, fighting speech, which also captures the spirit of Ruth Bader Ginsburg. She was deeply concerned about the corrupting impact of money on our political system. She was a longstanding critic of Citizens United, the Supreme Court decision that opened the way to that dark money that has so corrupted our system.

She was a believer in closing the gaps and loopholes because she was smart enough and curious enough to learn what the real facts were, as opposed to her colleagues on the Supreme Court who relied on the stereotypes of the political system that were outdated even when Citizens United was adopted. We live in a democracy that is threatened by exactly that dark money in every sphere of the public square and public office, never more than in our judicial system because it is even less visible and more easily disguised. In part, the reason is that people pay less attention to it. Another reason may be that the amounts of money by comparison seem smaller. The amounts of hundreds of millions of dollars seems small compared to the billions involved in legislative or Executive races. But Ruth Bader Ginsburg knew that the power of the dollar, whether it is judicial selection or legislative campaigning, can be easily corrupted on a system that lacks limits.

So I thank my colleague from Rhode Island for reminding us about part of the legacy of Ruth Bader Ginsburg, which was to stand for principles and people—the constitutional principles that animated her whole life and gave breath to her matchless advocacy, the sense of righteousness that could capture attention in a courtroom. Even though it seemed to be surrounded by technical legal language, she made that language accessible to everyday Americans.

And she chose her plaintiffs wisely. When she was arguing a case or mount-

ing against gender discrimination, she chose a male plaintiff who was denied Social Security simply because his wife, a woman, was the one in the military.

And she knew the power of hard work. Her work ethic was second to none, but her commitment to her family and most especially to her husband Marty—also a brilliant lawyer, a wonderful, warm human being—was legendary.

I was really privileged and honored to know Justice Ginsburg casually, informally. I knew her warmth, her compassion and caring, sometimes to her law clerks or other friends. I was also privileged to argue three cases before her on the U.S. Supreme Court. I argued four as attorney general of Connecticut, and I can tell you that I feared nobody more on that Court because her incisive, piercing, penetrating questions cut to the core of the issues. Sometimes they actually could rescue an arguer from a rabbit hole that some other Justice drew the plaintiff or defendant, appellant or appellee down because she would go to the heart of what the case really concerned. She was straight to the point.

And that is why, straight to the point now, we need to carry on the fight on so many of those principles. Yes, she was an icon and a giant. She broke barriers from the classroom to the courtroom. She demonstrated courage and conviction in her career that were unexcelled, but she stood for principle, and that is ultimately her legacy.

Maybe it is no coincidence—a sad and tragic coincidence that this Nation has just passed the 200,000 mark of Americans who have died from COVID-19. That number is due to the administration's callous indifference to science, its cruel disregard for human life. Donald Trump's self-absorption has led to countless lies about the dangers of this pandemic—the latest and most outrageous being that it has affected nobody. Well, it has affected everyone in this Chamber. Think about it for a moment. Every one of us knows someone, has worked with someone, has a loved one or a friend who has been affected. A friend of mine whose children grew up playing with mine passed away 5 days from getting the virus. Yet, at this moment when we are threatened with a continuing, raging pandemic in this country, a persistent public health crisis greater than any in our lifetime, and an economic crisis that prevents people from putting food on their family's table, and small businesses are going under, we are going to rush through a nominee who would decimate protections for preexisting conditions—which, by the way, now includes COVID-19, because COVID-19 does great damage even to survivors' lungs and heart and brains and other organs. It is a preexisting condition, and along with other benefits in the Affordable Care Act, like the ability to stay on a parent's coverage for a young person

up to 26 years old, all will be decimated because the Trump administration is in the Supreme Court in a case that will be argued on November 10 seeking to destroy it. That protection for pre-existing conditions will be gone, in part because this new Justice, we know, is committed to eliminating it. How do we know? Because the President himself has said a strong test will be applied. So those groups, like the Federalist Society and the Heritage Foundation and others who do the vetting and screening for this administration—the choice has been outsourced to them—have vetted and screened that short list, and every one of them you can bet has passed that test.

The second part of that test is women's reproductive rights. Donald Trump has said another part of that strong test will be overturning *Roe v. Wade*. Now, I was a law clerk to Justice Harry Blackmun in the 1974-1975 term right after *Roe* was decided. So I have lived with the efforts to overturn *Roe*. I have fought against those efforts. I have seen the campaigns in the State legislatures, and they are even more present and threatening than ever before.

The threat to *Roe v. Wade* is very much with us. In fact, we were concerned even after the last Supreme Court decision on reproductive rights that, in fact, *Roe* was in danger. Just 3 months ago, we held our breath waiting for the Supreme Court decision in *June Medical Services v. Russo*, the latest attack on reproductive rights, because we knew there was more than a chance that the Court could strip away those rights from women across the country. The Court on the slimmest of margins upheld *Roe*—the narrowest of legal readings. It was a landmark legal victory against the radical politicians who continue to attack reproductive rights notwithstanding *Roe v. Wade*, but those principles of *Roe* are now more in danger than ever before.

The administration and the Republican majority, instead of dealing with this pandemic, are rushing to approve a nominee who would decimate protections for women's reproductive rights. And there will be real consequences for real people, as there are in many other rights that would be at stake and at risk—voting rights, marriage equality, gun violence protections, civil rights and civil liberties, and protection against gender discrimination, the threat to protection from preexisting conditions like cancer, substance abuse disorder, diabetes, kidney disease, Parkinson's or pregnancy, and now, for an increasing number of Americans, COVID is most striking.

An example is Conner from Ridgefield, CT. I have spoken about him previously on the floor. Several years ago, Conner was diagnosed with Duchenne muscular dystrophy. It is a degenerative, life-threatening disease with no cure. He was 4 years old when he was diagnosed. His parents sought treatment and learned it would cost

tens of thousands of dollars each year, which they couldn't afford, but because of the protections for people from pre-existing conditions, it was a life saved. Conner is in school. Conner is thriving. Conner is a fighter, just as Ruth Bader Ginsburg was a fighter. Conner never gave up, and neither did Ruth Bader Ginsburg.

Conner endured the harsh reality of physical illness and emotional trauma. And Ruth Bader Ginsburg reached out to people like Conner and offered them hope. She reached out to women and she inspired a whole new generation of women and many of us know them because they are women in our families who decided to pursue a career in law because of her example. She was small in stature, soft in voice, but she packed a powerful punch, even before she was a rock star and a pop icon, because she never gave up. She was a fighter. We cannot give up now.

We must fight for a process that is fair and gives the next President and the next Senate the choice about the next Supreme Court justice. That was Ruth Bader Ginsburg's dying wish. We should fight for that principle because it is a matter of fairness. It is a matter of people keeping their word.

In this place, there are almost no unwritten rules. There are no written rules. There are more unwritten rules, and one of those rules is people keep their word. So we need to fight and make sure that the legacy of Ruth Bader Ginsburg is upheld, that these constitutional principles that matter in the real lives of real people are upheld, and we cannot give up. Her memory should always inspire us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

MEASURE READ THE FIRST TIME—H.R. 8337

Ms. ERNST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 8337) making continuing appropriations for fiscal year 2021, and for other purposes.

Ms. ERNST. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Ms. ERNST. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

REMEMBERING JUSTICE RUTH BADER GINSBURG

Ms. BALDWIN. Mr. President, I rise today to join my colleagues in mourn-

ing an American hero, Justice Ruth Bader Ginsburg. We called Ruth Bader Ginsburg the "Notorious RBG," and we called her that for a reason. She lived an inspiring and historic life, and her advocacy and public service changed America for the better.

As a lawyer and a public servant and as a woman, I owe so much to Justice Ginsburg, and I know I am not alone. I join so many women in this body and across this Nation who will simply not allow for Ruth Bader Ginsburg's legacy to be diminished or disrespected.

Today, that means standing up and speaking out about what is at stake right now in this country. We are 8 months into a global pandemic—the worst public health crisis of our lifetime. It has taken 200,000 American souls and cost millions of Americans their jobs and their economic security.

Now, President Trump knew that this pandemic was deadly, and he refused to take decisive action early in order to control the virus. He still has no plan to this day, and he has refused to lead. He has continued to put politics over science, and he still insists the virus will just go away.

In fact, this pandemic will not just go away, and in Wisconsin and in States across our country, things continue to get worse. As our Nation fights this unprecedented public health crisis, President Trump continues his efforts, spanning the past 4 years, to sabotage our healthcare system and make it harder for people to get the coverage that they want and that they desperately need.

Since the President took office, more and more Americans are going without health insurance with each passing year. More than 6 million American workers have lost access to their employer-sponsored health insurance since the very beginning of this pandemic.

Thanks to the Affordable Care Act, they have a safety net in place that allows them to sign up for a healthcare plan while they are unemployed. But right now, we should be making it easier, not harder, for people to get healthcare. We should be building on the progress that we made with the Affordable Care Act by providing additional support for the navigators and those who provide enrollment assistance. We should be extending open enrollment and making sure that Americans know that they have options for comprehensive coverage.

But, instead, President Trump has doubled down in his support for a Federal lawsuit to eliminate the Affordable Care Act completely, including the protections for millions upon millions of Americans who have pre-existing health conditions. And, mind you, a positive test for COVID-19 is a preexisting condition.

Let me say that again. During the worst public health crisis of our lifetimes, President Trump and Republicans support a Federal lawsuit to eliminate the Affordable Care Act completely—taking healthcare away from