

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

millions of Americans, including those with preexisting conditions. And that, plain and simple, is the Republican healthcare plan—eliminating the Affordable Care Act.

If Senate Republicans disregard the very precedent that they set, ignore the fact that there is an election in 6 weeks where many Americans are already voting, and push to fill this Supreme Court vacancy with a judge committed to furthering their anti-healthcare agenda, it will mean the end of the Affordable Care Act and the end of guaranteed protections for people with preexisting health conditions.

Just like that, our Nation will be thrust back to a time where the insurance companies wrote the rules, when a cancer diagnosis or diabetes or asthma meant insurance companies could drop the ER coverage, charge astronomical premiums for the coverage or, worse, could decline to cover you at all and leave you with the bill.

I have stood in this Chamber and told story after story of Wisconsinites who depend upon the Affordable Care Act and are worried about what a future without it might look like, stories of mothers who lie awake at night wondering how they will be able to afford a lifesaving procedure for a child, and stories of fathers who don't know if they will be able to afford the insulin that a son may need.

I have shared my own story. As a 9-year-old, I got sick—really sick. I was hospitalized, but, ultimately, I fully recovered. But then I was denied health insurance for much of my youth because I had been labeled as a child with a preexisting health condition.

These stories are real, and there isn't a Senator in this body who hasn't heard one or dozens or hundreds of stories just like this from their own constituents. I implore my colleagues on the other side of the aisle to listen to your constituents now.

Justice Ginsburg was one of the deciding votes to save healthcare each time it had been challenged in the Supreme Court. She was one of the deciding votes on case after case threatening a woman's right to make her own healthcare decisions about her own body. Justice Ginsburg was protecting our healthcare and women's reproductive freedom, and she bore the weight of that for the last years of her life through her own battles with cancer. She fought for as long as she could because she knew what was at stake.

Justice Ginsburg has earned the right to rest now, and my deepest condolences go out to her children, her grandchildren, her family, and her friends for their loss. I urge my Republican colleagues not to diminish her tremendous contributions to our Nation and not to disrespect her decades of service by casting aside her dying wishes and their own precedent in forcing through a nomination with only 42 days before the election.

I urge my colleagues on the other side of the aisle, instead of suing in

court to overturn the Affordable Care Act, to work with us on a real healthcare plan, and work with us to protect quality, affordable healthcare that America's families need. That is why we are here.

My promise today to my constituents and my colleagues is that I will not stop fighting to save healthcare for millions of Americans. This is the fight that brought me to public service in the first place, and I will not stop now. I will keep working to protect access to quality, affordable healthcare for all, and I will keep fighting on behalf of the many, many Wisconsinites who depend on it.

I yield the floor.

The PRESIDING OFFICER (Ms. ERNST). The Senator from Connecticut.

Mr. MURPHY. Madam President, the Russian Federation has a Constitution, and if you read Russia's Constitution, you would know that Russia is a democracy. Why? Because their Constitution guarantees the existence of a vibrant, multiparty political system. The Russian Constitution prohibits the use of extrajudicial force or torture by the government. Their constitution says: "Censorship of the media is prohibited."

Russia is a democracy if you read their Constitution, but Russia isn't a democracy, of course. It is a dictatorship. One man rules. No one has the right to dissent. There is no freedom of the press. All of that is under the penalty of death.

Now, why is this? Well, it is because democracies aren't made by their founding document. The document is just a piece of paper—parchment, in our case—with words written on it, and these words are just that: They are words. Democracy doesn't work unless its leaders choose to follow the rules that those words prescribe, but also to operate in the spirit of the values that undergird those words.

Vladimir Putin will proudly tell you that, technically, Russia adheres to its Constitution. Now, that is not true, obviously, but what Putin has done over the years is just slowly erode a democratic system by using every single inch of discretion allowed to him by that Constitution to make democracy functionally impossible. He will say that censorship doesn't exist because there isn't an explicit censorship law, but we all know that he has used every informal mechanism available to him to make sure that there is no room—no room—for the independence of the press.

Something stunning happened here 4 years ago. A Supreme Court vacancy arose through the death of Justice Scalia. The Constitution says that a new Supreme Court Justice can't be seated unless he or she gets an affirmative vote from the Senate, and every single nominee—at least those who weren't withdrawn by the President—essentially got a vote from the Senate before 2016 because, you see, the Founding Fathers didn't actually re-

quire the Senate to vote. They didn't because they assumed that leaders of good faith would, of course, fulfill that responsibility to hold a vote. They never considered that the Senate might stretch its discretion under the Constitution so broadly to refuse to consider a nominee simply because they didn't like the President who made the nomination.

The Founders didn't actually micro-manage democracy. They set these broad rules, and they trusted that we would all act in good faith toward each other and with a patriotism toward our Nation in filling in the details.

But that is not how 2016 went down. Senate Republicans said they were setting a new precedent: When a nomination is made in the last year of a President's term, the Senate shouldn't act on it. The Senate, in that case, Republicans said, should wait for the outcome of the election and let the President who wins make the selection.

Now, what Senator MCCONNELL and Senator GRAHAM have said is pretty definitive. It is well covered. But there were lots of Senate Republicans who are still here who were equally definitive about the rules they were establishing.

For instance, the senior Senator from Florida said:

I don't think we should be moving forward on a nominee in the last year of [a President's term]. I would say that even if it was a Republican president.

That was the rule that Republicans repeated over and over and over and over and over and over. They are not telling the truth if they try to spin it differently, and we all know this.

So you may ask: Why does it matter that they weren't telling the truth? Why does it matter that Republicans didn't honor their word? Why does it matter that they are willing to bend the rules, no matter the promises they have made in the past, whenever it suits them in order to gain political advantage?

Well, it is back to the bet that the Founding Fathers made. They just didn't anticipate a moment like today, when truth doesn't matter, when lying is normal, when honor is dead. They left us a bunch of wiggle room in the Constitution, knowing that we had to treat each other well, with respect, with a concern for precedent, in order to have a functional democracy.

Senator ALEXANDER, whom I greatly admire, said in his statement the other day that nobody should be surprised that Republicans are going to confirm a Supreme Court nominee before the election, notwithstanding the fact that the election has already started and that it also wipes out the precedent that they just claimed was so sacred 4 years ago.

That statement is really revealing. Whether he meant it or not, what he is saying is that nobody should be surprised by now that Republicans are just willing to do whatever it takes—even making up complete fabrications,

like a new rule against confirming Justices in an election year—in order to accumulate more power.

That is a really dangerous place for this body to head, because the Constitution does provide all sorts of room to push that document to its limits, to dispense with all fairness and honor and fair play, and to just seek power, no matter the costs.

I know this sounds silly, but it is not. There is nothing in the Constitution that prohibits the majority party in this body from, for instance, denying all staff to minority Members. There is nothing stopping the majority party from banning all minority party Members from speaking on the floor. And once you don't care about fairness, once you can just change precedent on a dime just to accumulate power, then, there is really no end.

I get it that a comparison to Russia seems a little tortured and a little strained, but, honestly, this is how democracies fall apart—when power becomes more important than the rule of law, our sense of fairness, or even loyalty to country; when your word means nothing; when no one can count on anyone to stay true to what they say; when there is nihilism, trump's patriotism.

There are new rules in the Senate now. We get that. There are new rules. Republicans might pretend like they existed before today, but they didn't. This breaks the glass like nothing else did before it.

Finally, let me ask this: To what end? Why is it so important that Republicans so nakedly grab for power and reset the very rules of how the Senate operates—rules that were so important 4 years ago?

It is not coincidental that the case that the Supreme Court is due to hear days after the election is a case that has to do with something the Republicans have been trying so desperately and unsuccessfully to do for 10 years—repeal the Affordable Care Act and end healthcare for 20 million Americans and protections against rate gouging for 130 million with preexisting conditions.

It is worth repeating this. I know my colleagues have said it before, and they will say it after, but if Republicans are successful in appointing an anti-ACA Justice to the Supreme Court—and President Trump has made it clear that he is not putting anyone up for the Supreme Court who isn't willing to strike down the Affordable Care Act—then we will have a humanitarian catastrophe on our hands in this country because days after the election, a case is to be heard that will be heard by that new Justice that asks to invalidate the entirety of the Affordable Care Act—not in pieces, not over time, but immediately, the whole thing. That is 25 million people losing access to healthcare—Medicaid and the State and Federal exchanges—in the middle of a pandemic.

Think about that. Think about 25 million—the equivalency of something

like 10 to 15 different States—all losing healthcare right off the bat, when COVID is raging in this country.

As Senator BALDWIN said, COVID is a preexisting condition. We are just learning what it does to your body, but it may ravage it. And, ultimately, everyone in this country who knows they have COVID or finds out about it through antibody tests down the line will have their rates jacked up if the Affordable Care Act goes away.

Spare me the talk of a replacement coming. I have been in this body long enough to know that there is no replacement coming. Republicans have been talking about it for 10 years.

The Affordable Care Act will be invalidated by this Court with this new nominee. Nothing will replace it. Millions of people will lose their healthcare.

The reason this nomination is being pushed through is, yes, because Republicans care about power more than anything else but also to make sure that the Court around the corner from here does what the American people wouldn't let Congress do.

Remember, Congress could not repeal the Affordable Care Act because the people wouldn't let Congress do it. But nobody is going to be fooled about this end-around. By the time this nominee comes before this body, nobody is going to be mistaken about the consequences for Americans' healthcare.

I know that a lot of people think Democrats are foolishly naive. How could we be surprised by this treachery, this about-face of precedent on election-year confirmations, when Republicans have been changing the rules of the Senate at light speed for 5 years?

First it was unprecedented denial of a vote for a Supreme Court nominee in 2016. It never happened before in American history. Then it was the abolition of the 60-vote requirement for Supreme Court nominees. Then it was the restriction of debate on judges and political appointees so that nobody could actually see how wildly unqualified the people Donald Trump was appointing to office were. Then it was the end of blue slips so that even more radical nominees could be put on the bench. It has been just one power grab after another.

So, yes, we probably have seen this coming, and we probably should have known that a party so committed to ending health insurance for 20 million Americans would do anything to make that happen.

But I was naive. I still had hope. I still believed that honor was alive in this place. I still thought that when people said things, they meant it, and they would stick to it. I still thought that we could save the Senate.

I believe in my heart that Republicans are going to rue the day that they made nakedly clear that a Senator's word means nothing, where this place is simply a vehicle to compile as much power as quickly as possible, no matter the cost.

American democracy is not just the Constitution. It is us. It is the decisions we make every single day. It is the way we treat each other. It is the decision as to whether we care about our word mattering. This month, as it stands tonight, democracy's flicker just got a whole lot duller.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Madam President, "trailblazer," "icon," "titan," "Notorious RBG"—those are just a few of the words that describe the Honorable Justice Ruth Bader Ginsburg, who passed away last Friday. But there is another of Justice Ginsburg's title that I will always hold dear: "friend."

As a young mother and a baby law student at Rutgers's Law School, I had almost no examples of female lawyers or female law professors. Like so many young women who were trying to do something as seemingly outlandish as going to law school, it was a really lonely undertaking.

Ruth was one of the few women whom we could see—a woman who had made it, and, even better, a woman who was fighting for other women.

As I arrived at Rutgers, Ruth had left Rutgers for Columbia Law School. Rutgers was a small family, and all the women and the men knew about her. She was putting together the Women's Rights Project at the ACLU to give her a way to fight for equality in the courts. Her sharp legal mind and stubborn determination were already legendary, and we were sure she would change the world. And she did.

I am forever grateful for her example to me and to millions of young women who saw her as a role model. I am also forever grateful that she made real change, opening doors that had remained stubbornly closed.

Justice Ginsburg may have been tiny, but she stands among the greatest fighters for justice our Nation has ever seen. She turned every barrier into an opportunity for change. And when she became the second woman in our Nation's history to sit on the Supreme Court, she continued her fight for justice, blazing a trail for women's rights, laying out the framework for protecting our democracy, and helping to secure justice for the most vulnerable. Ruth Bader Ginsburg changed the world, and I will miss her.

While I mourn her loss, I also hold close one of the things I loved most about Ruth: She was a fighter. We honor her memory by fighting for the things that Ruth Bader Ginsburg fought for during her long career: a woman's right to make decisions about her own body, healthcare for millions of Americans, Dreamers who have made a home here, voting rights, LGBTQ rights, workers' rights, union rights, and making our Nation a place where no one is more likely to be murdered or imprisoned or discriminated against because of the color of their skin, how they worship, or who they love.

Yes, it is a long list. Ruth defended it all, and now she is gone, and because she is gone, these rights and values are all on the line, vulnerable to being snatched away by another rightwing tilt of the Supreme Court.

Justice Ginsburg's replacements will determine who the highest Court in the land works for—women and sick kids and workers and immigrants or billionaires and giant companies and rightwing politicians who want to shrink our democracy in order to stay in power.

Ruth left our Nation a note before she died, and her words were clear. She said that her most fervent wish was that her replacement not be named until a new President is installed.

Senator MCCONNELL has already told us how to deal with the death of a Supreme Court Justice in an election year—a Justice whom Senator MCCONNELL treated with respect.

In 2016, Justice Scalia died a full 269 days before the Presidential election—months before any American would be able to cast a vote. But in 2016, that didn't matter to Senator MCCONNELL and his Republican henchmen. They locked arms and insisted there could be no confirmation until after the next President had been elected and sworn in.

Now, in 2020, the world is evidently different. Senator MCCONNELL has made it clear that the practice he used when Justice Scalia died would not be used when Justice Ginsburg died.

On the very same night that Justice Ginsburg passed, MITCH MCCONNELL announced that he and Donald Trump would move immediately to name a new Supreme Court Justice, despite the fact that voting is already underway across the country and there are only 42 days before the election is completed.

Democrat or Republican, the American people know that is not right. Democrat or Republican, the American people know that treating a Supreme Court vacancy as an opportunity for a naked partisan no-holds-barred power grab is burning down the pillars of integrity that support our Senate, our courts, and our democracy. Democrat or Republican, the American people will judge these choices for what they are—shameful.

If this feels personal, that is because it is. Ruth Ginsburg was a personal hero, for me and for millions of other women.

Ruth Ginsburg was a woman who never let any man silence her. The most fitting tribute to her is to refuse to be silenced and to name exactly what Donald Trump and Senate Republicans are trying to do: steal another Supreme Court seat.

This kind of sleazy double-dealing is the last gasp of a desperate party that is undemocratically overrepresented in Congress and in the halls of power across our country, the last gasp of a corrupt Republican leadership numbed to its own hypocrisy that doesn't re-

flect the views of the majority of Americans or the values that we hold dear, the last gasp of a rightwing, billionaire-fueled party that wants to hold onto power a little longer in order to impose its extremist agenda on the entire country.

And if MITCH MCCONNELL and the Senate Republicans ram this nomination through, it is our duty to explore every option we have to restore the Court's credibility and integrity; every option to expand our democracy, not shrink it; every option to ensure that a working single parent and a millionaire corporate executive have equal justice in our courts; and every option to ensure that all Americans are represented in our institutions.

The list of what is at stake if Republicans get their way and their extremist agenda finds a home in the Nation's highest Court is truly staggering.

Ruth Bader Ginsburg voted to protect healthcare for millions of Americans. In a 5-to-4 decision, healthcare was saved for millions of people. But in the midst of a global pandemic with more than 200,000 of our loved ones dead from a virus raging out of control, MITCH MCCONNELL and Senate Republicans want to install a Justice who will rip that healthcare away.

The Supreme Court will hear arguments just days after the election on whether the Affordable Care Act should be overturned. If Justice Ginsburg is replaced with a McConnell-Trump choice, the 5-to-4 decision that saved healthcare by a single vote could be overturned.

That would strip away protection from anyone with preexisting conditions. It would tell people with diabetes or high blood pressure or cancer, people who have had strokes, people who have had hundreds of other diseases, conditions, and events: You are on your own—no protection from an insurance company that just wants to cut off your insurance policies.

It would let insurance companies charge women more simply because they are women. It would end the requirement that insurance companies cover young people up to the age of 26. It would gut Medicaid.

And if you are one of the millions of Americans who has had COVID and survived, well, gutting the ACA would allow insurance companies to deny coverage because of it. COVID could become your preexisting condition.

Three years ago, MITCH MCCONNELL couldn't get the votes to repeal the Affordable Care Act, even in his own Republican-controlled Senate. And why? Because this is not what the American people want. They want access to healthcare and protection for people with preexisting conditions.

But MITCH MCCONNELL and Donald Trump have a plan B, a plan to advance their rightwing agenda even if most Americans don't want it, and MCCONNELL and Trump seem to think that, if they can steal another Supreme Court seat, they will get it.

There is more at stake. Ruth Bader Ginsburg voted to protect the rights of all women to make their own decisions about their bodies. Just a few months ago, in another 5-to-4 decision, Ruth Ginsburg's vote was crucial to the Supreme Court overturning a Louisiana law designed to make it harder for women to access abortion care.

Trump promised to appoint a Supreme Court Justice who will overturn Roe, and his two Supreme Court picks have already delivered, agreeing to let Louisiana restrict a woman's right to choose.

Nineteen States now stand ready to gut abortion protections if the Supreme Court overturns Roe, and now Senator MCCONNELL and Senate Republicans want to hand them one more Justice so they can get the job done.

Ruth Bader Ginsburg also voted over and over for the principle that American citizens should have an equal right to vote and an equal voice in our democracy. She issued a scathing dissent in *Shelby County v. Holder*, the Supreme Court decision overturning part of the Voting Rights Act.

As the pandemic continues to sweep the Nation, the Supreme Court has blocked attempts to make it easier for Americans to safely cast their vote. Just in April, in a 5-to-4 decision with Justice Ginsburg dissenting, the Court reversed a lower Federal court's decision to expand the deadline for absentee voting in Wisconsin by 6 days.

Republicans know that, to stay in power, they need to make it harder for all Americans to participate in the democratic process, and they want a Supreme Court Justice who will be committed to rolling back voting rights for decades to come.

Ruth Bader Ginsburg understood the threat that climate change poses to our children's and our grandchildren's future. She joined in the opinion in *Massachusetts v. Environmental Protection Agency*, another 5-to-4 ruling, which required the EPA to regulate greenhouse gas emissions from automobiles.

The Trump administration and congressional Republicans have actively rolled back regulations that keep our air clean and our water safe, and they are committed to putting another Justice on the Supreme Court who will help advance their anti-environment agenda and block any government attempts to tackle the dangers of climate change.

Ruth Bader Ginsburg understood the importance of protecting the rights of workers to join together and fight for fair pay and working conditions. In *Epic Systems Corp. v. Lewis*, she joined the minority in a 5-to-4 decision dissenting from the Court's ruling that employers can ban workers from joining together to demand protections against wage theft and other abuses. A Supreme Court Justice handpicked by Trump and MCCONNELL could turn back the clock even more on workers' rights.

Throughout her life, Ruth Bader Ginsburg fought for justice and equality for all Americans, and now Americans across this country are following in Justice Ginsburg's footsteps. Americans are speaking out and demanding change, and they are voting. With a pandemic raging out of control, thanks to the incompetence and the corruption of Donald Trump and his Republican enablers, with a battered economy and millions of people out of work, with Americans across the country calling for an end to the systemic racism that has cut short the lives of countless Black men and women, Americans understand now more than ever that this year's elections will determine the direction of our Nation for generations to come.

Today, Ruth is gone, but her life's work endures. We will honor her with action and channel our grief into change. We are at the cusp of a brighter day in our Nation, and this is the moment. We must tap into the reserves that we didn't know we had.

We tap into the reserves bequeathed to us from fighters we have recently lost—like Justice Ginsburg and Congressman Elijah Cummings and Congressman JOHN LEWIS—AND FROM THE KNOWLEDGE THAT WE CANNOT—WE WILL NOT—LEAVE OUR CHILDREN WORSE OFF.

Three years ago I watched our Nation rise up in the face of impossible odds and defend healthcare when Donald Trump and MITCH MCCONNELL wanted to strip away care from millions of Americans. We face those same odds today as we again fight to protect the healthcare of those same Americans and to protect so much more.

But I have hope because I know that this is a righteous fight, and I know that millions of other Americans are also in this fight.

Before she died, Ruth gave us our marching orders: Do not fill this Supreme Court seat until after the election when the next President is installed. We have our call to action. We honor her legacy by continuing the fight for justice, for equality, and for dignity—the fight for a world where we finally make those words “equal justice under law” real.

Now I would like to spend just a little bit of time focusing on Justice Ginsburg's legacy by reading just a few of the statements by her that really stood out to me as I reflected on her work.

At a 2012 symposium to honor the 40th anniversary of Justice Ginsburg being hired as the first woman with full tenure at Columbia Law School, two of Justice Ginsburg's former clerks, Abbe Gluck and Gillian Metzger, now both law professors themselves, had a public conversation with their former boss.

They asked Justice Ginsburg how she ended up working with the ACLU, which became a major part of her legendary career, and she began her answer by discussing the time that she lived in Sweden. Here is what she said:

My eyes were opened up in Sweden. This was in '62 and '63—women were about a quarter of the law students there, perhaps three percent in the United States. It was already well accepted that a family should have two wage-earners. A woman named Eva Moberg wrote a column in the Stockholm Daily paper with the headline, “Why should the woman have two jobs and the man only one?” And the thrust of it was, yes, she is expected to have a paying job, but she should also have dinner on the table at seven, take her children to buy new shoes, to their medical check-ups, and the rest. The notion that he should do more than take out the garbage sparked debates that were very interesting to me. Also in the months I spent there, a woman came to Sweden from Arizona to have an abortion. Her name was Sherri Finkbine. She had taken thalidomide and there was a grave risk that the fetus, if it survived, would be terribly deformed. So she came to Sweden and there was publicity that she was there because she had no access to a legal abortion in her home state. Well, that was at the start of the 60s. I put it all on a back burner until the late 60s when the women's movement came alive in the United States.

My students, then at Rutgers, asked for a course on sex discrimination and the law. And I went to the library and inside of a month read every federal court decision on gender discrimination—no mean feat at all because there were so few, so very few. Also I had signed up as a volunteer lawyer with the ACLU of New Jersey, more because it was a respectable way of getting litigation experience than out of ideological reasons, I will admit. Complaints from women began trickling into the office, new kinds of complaints. For example, women who were school teachers were required to leave the classroom the minute their pregnancy began to show because, after all, the children shouldn't be led to think that their teachers swallowed a watermelon. Anyway, these were women ready, willing, and able to work, but forced out on so-called maternity leave, which meant “You're out, and if we want you back, we'll call.”

Another group of new complainants were women who had blue-collar jobs and wanted the same health insurance package for their family that a man would get. A woman could get health insurance for herself, but she wasn't considered the breadwinner in the family. Only the man got family benefits. And just to indicate the variety, there was a wonderful summer program at Princeton. The National Organization for Women complained about it. Princeton had already become co-educational. The summer program was for students at the end of sixth grade. It was a Summer in Engineering program. The children came on campus, they had an enriched program in math and science. There was just one problem: it was for boys, not girls. I should also mention one other complainant. Abbe Seldin was her name. She was the best tennis player in her Teaneck, New Jersey high school, but she couldn't be on the varsity team. There was no team for girls, and although she could beat all the boys, she couldn't be on the team.

So all this was under way. People were lodging complaints they were either too timid to make before or they were sure they would lose. But in the 1970s, they could become winners because there was a spirit in the land, a growing understanding that the way things had been was not right and should be changed.

They brought those complaints, and Ruthie Ginsburg is one of the people

who helped make those changes. As we all know, Justice Ginsburg went on to become one of the fiercest advocates for women's rights our Nation has ever seen.

On the Supreme Court, Justice Ginsburg became famous for her dissents. She was asked about this, and I think her response is worth sharing.

[Y]ou can let out all the stops when you're a dissenter. I would distinguish two kinds of dissent. There's the great dissent written for a future age—the Brandeis and Holmes Free Speech dissents around the time of World War I are exemplary. They are the law of the land today. Another kind of dissent aims to prompt immediate action from the legislature. The Lilly Ledbetter case is a recent example. I should tell Lilly Ledbetter's story because some of you may not know it.

Lilly Ledbetter worked as an area manager for a Goodyear Tire Plant. She was hired in the 70s, then the only woman doing that job, and was initially paid the same as her male colleagues. Over time, her pay slipped. She might have suspected it but she didn't know it for sure because Goodyear, like most employers, didn't give out its wage records. One day, she found a little slip in her box at the plant; it listed the salaries of the men employed as area managers. Compared to Ledbetter's salary, the disparity was startling, as much as forty percent. In the years of her employment at Goodyear, she'd done a pretty good job, earning satisfactory performance ratings, so she thought she had a winnable case. She filed suit and won in the district court, gaining a substantial jury verdict. On appeal, Goodyear argued that Ledbetter sued too late. She should have sued within the 180 days Title VII says, within 180 days of the discriminatory incident, so if you count from the very first time her pay slipped, that would have been back in the 70s. The Supreme Court agreed that her claim was untimely, which meant the jury's verdict for damages was overturned.

My dissenting opinion pointed out that a woman in Ledbetter's position, the only woman doing a job up till then done only by men, doesn't want to rock the boat. She is unlikely to complain the first time she suspects something is awry. She will wait until she has a secure case. My opinion suggested that if she had sued the first time her paycheck was lower, had she found out about it, she probably would have lost because the excuse would have been “She doesn't do the job as well as the men.” But after twenty years, that argument can't be made with a straight face. By then, she has a winnable case. The Court's answer, she sued too late. She argued that every paycheck renewed the discrimination. I agreed. My dissenting opinion concluded: The ball is now in Congress's court to amend Title VII to say what I thought Congress meant all along. Within two years, the Lilly Ledbetter Fair Pay Act was passed. It was the first piece of legislation signed by President Obama. The audience to which my dissent appealed was Congress. Congress picked up the ball with a little help from many groups that prodded the legislators to amend Title VII.

This is a reminder that Justice Ginsburg used all of her tools to make change.

Speaking of dissents, in 2014, Justice Ginsburg was asked about the worst ruling this current Court had produced. Her unambiguous answer foreshadows the dangers we face today. This is what she said:

If there was one decision I would overrule, it would be Citizens United. I think the notion that we have all the democracy that

money can buy strays so far from what our democracy is supposed to be. So that's number one on my list. Number two would be the part of the health care decision that concerns the commerce clause. Since 1937, the Court has allowed Congress a very free hand in enacting social and economic legislation.

I thought that the attempt of the Court to intrude on Congress's domain in that area had stopped by the end of the 1930s. Of course health care involves commerce. Perhaps number three would be Shelby County, involving essentially the destruction of the Voting Rights Act. That act had a voluminous legislative history. The bill extending the Voting Rights Act was passed overwhelmingly by both houses, Republicans and Democrats, everyone was on board. The Court's interference with that decision of the political branches seemed to me to be out of order. The Court should have respected the legislative judgment. Legislators know much more about elections than the Court does. And the same was true of Citizens United. I think members of the legislature, people who have to run for office, know the connection between money and influence on what laws get passed.

And one last note, almost a year later, Justice Ginsburg's opinion hadn't changed. Let me read from a New York Times report about the remarks she delivered at Duke Law School:

In expansive remarks on Wednesday evening, Justice Ruth Bader Ginsburg named the "most disappointing" Supreme Court decision in her 22-year tenure, discussed the future of the death penalty and abortion rights, talked about her love of opera and even betrayed a passing interest in rap music.

The Court's worst blunder, she said, was its 2010 decision in *Citizens United* "because of what has happened to elections in the United States and the huge amount of money it takes to run for office."

She was in dissent in the 5-4 decision.

The evening was sponsored by Duke University School of Law, and Justice Ginsburg answered questions from Neil S. Siegel, a professor there, and from students and alumni.

Echoing a dissent last month, she suggested that she was prepared to vote to strike down the death penalty, saying that the capital justice system is riddled with errors, plagued by bad lawyers, and subject to racial and geographic disparities.

She added that she despaired over the state of abortion rights.

"Reproductive freedom is in a sorry situation in the United States," she said.

"Poor women don't have choice."

That was our Ruth Ginsburg, concerned to the very end about how law affects all of the people it touches.

Ruthie, we will miss you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I come to the floor tonight to join my colleagues to honor the life of Justice Ruth Bader Ginsburg. Before I do, though, I would like to first of all thank my colleague from Massachusetts for reviewing the many legal decisions that Justice Ginsburg had been involved in and their significance.

I am so glad to be out here tonight as you took time in your perspective on the importance of those cases. We definitely need to remember that these de-

cisions, these words, set the stage for so many things to come before the American people and for working families. Thank you for that.

SAVANNA'S ACT

Ms. CANTWELL. Madam President, before I do, I wanted to say just a word about Savanna's Act, which, I can tell you, Justice Ginsburg would probably be happy that the House has now passed and, previously, the Senate had passed Savanna's Act, legislation that would help protect the rights and help move forward on changes to law enforcement that would better protect missing and murdered indigenous women.

This legislation—originally sponsored by my colleagues Heidi Heitkamp and LISA MURKOWSKI, and most recently cosponsored by Senator MURKOWSKI, Senator CORTEZ MASTO, and myself—I believe is on its way to the President's desk, and I am hoping that the President will sign this important legislation as soon as possible.

Indigenous women deserve to have the same rights and same protections under the law, but they need to have people who are tracking these heinous crimes that are happening because they are the victims of these crimes at a much higher rate than the general population.

You ask yourself: Well, how can that be? When you think about these women being abducted and murdered and missing, you have to have law enforcement who are going to follow these cases, track individuals, track the court process, and this is what better protocols, better statistics, and a better system is going to do with the passage of Savanna's Act. It will give us those tools that we need for indigenous women.

So I thank all of my colleagues for helping with the passage of that important legislation. It is on its way to the President's desk, and, again, I hope he will sign it as soon as possible.

REMEMBERING JUSTICE RUTH BADER GINSBURG

Ms. CANTWELL. Madam President, I join my colleagues tonight to come here and honor the life of Justice Ruth Bader Ginsburg. As many people have said tonight already, what an unbelievable hero she was—a trailblazer, a deep thinker. And there are the things she did on the Court to do so many important things for the rights of Americans.

When I first met her in 2001, I had just come to Washington, DC, in my first year here in the U.S. Senate, and I just happened to go to a play at the Shakespeare Theatre, here near the Capitol, and had seats right next to her in the theater. I had probably already heard about her and knew of her, of course. That was of great significance even in 2001. But during the play, I noticed, just as I do in a dark situation, oftentimes falling asleep a little bit,

and I thought, wow, I don't know, this woman is so petite and so tiny. And I had heard that she had been sick. I literally sat there in the dark concerned for her future.

What a lesson about Ruth Bader Ginsburg, because that was 2001. And in 2020, she was going strong. This is not a woman to ever, ever, ever underestimate. She took her tools and applied them for the betterment of American women and American society overall. People across the United States of America are reeling from her passing because they want to know who is going to stand up for their rights now that she is gone.

There is something about that diminutive figure with so much might and wisdom that succeeded on that groove of a Court with all those men and had the courage and the tenacity to read her dissent in the Lilly Ledbetter legislation from the bench—the unusual move of saying: I might not have the decision I want today, but, by God, you are going to listen to what is wrong with gender inequality in America, and we are going to get on a path to fix it.

When I think about that unbelievable moment that in her quiet, soft voice set the stage that we heard our colleague Senator WARREN talk about tonight, it is pretty amazing. That is why we need to have women in these places. We need to have them so you have the voice of diversity there to tell you what it is like. And I guarantee you—when she said that statement, "I don't ask anything from my brother other than to get your foot off my neck," I guarantee you, she knew what that was like, and that is why she says it with such conviction.

That is what she represented. That is what she represented as an icon to so many people, and now they are mourning. I have had 2,000 calls in just a few days to our office about her passing.

One constituent, Lynn from Shelton, WA, said: I am old enough to have grown up experiencing the subtle and not so subtle discrimination aimed at girls and women that have limited our self-expression, our participation in sports, in politics, college accessibility and workplace, and even in my family life and reproduction. She continues: It has been slow progress for each of us to achieve increased equality. And so we have so much to thank Ruth Bader Ginsburg for. I am deeply saddened and frightened—frightened by her passing. As you know, our democracies, freedom, integrity and the rule of law are threatened and are even at greater risk.

Eileen, from Issaquah, wrote: Justice Ginsburg fought so valiantly for our rights as women. As women, we provide so much for the Washington economy.

I agree with her. Women provide a lot for our economy in the State of Washington.

She continues: I am a business owner myself, and I am terrified that gender protections are in grave danger. Ensuring civil liberties is not just the moral