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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

Eternal God, we continue to trust the power of Your prevailing providence. In times of trouble, You keep us safe from harm. You strengthen us when all seems lost, enabling us to reach Your desired destination without stumbling or slipping.

Lord, Your plans are fulfilled in spite of our enemies. Surround our Senators with the shield of Your divine favor. Lord, inspire them to rejoice in Your might because of Your victorious guidance. Keep them from the paths of disgrace.

Look with favor, O Lord, upon us all, and may our service ever be acceptable to You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 1 minute in morning business, please.

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

FILIBUSTER

Mr. GRASSLEY. Madam President, those on the other side of the aisle who openly say they will end the filibuster if they get the majority should have to explain why they continue to vote to filibuster important issues like police reform and COVID relief. Do they somehow believe the filibuster is wrong in principle, or do they admit that they think there should be two sets of rules depending on which political party has the majority in the Senate?

If you think at a minimum that the filibuster should be used sparingly and judiciously, how do you justify voting to block even moving, even discussing, let's say, for instance, Senator SCOTT's police reform bill when you have been promised amendments by the majority leader and when you can always filibuster final passage if you still aren't satisfied after the bill has been discussed for a long period of time and a lot of amendments have been adopted? It is clear their position on filibuster is pure partisanship at its worst.

If there is any way you are going to promote the bipartisanship that the people are demanding, it is only in this institution of the Senate, where it requires 60 votes to get to finality on a bill and where you have pressure to do things in a bipartisan way or nothing gets done.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

SUPREME COURT NOMINATIONS

Mr. MCCONNELL. Madam President, I explained yesterday how moving ahead on a vote on the forthcoming Supreme Court nomination will be consistent with both history and precedent.

When an election-year nomination to fill an election-year vacancy occurs in a divided government, with a Senate and a President of different parties, the historical norm is that such nominations are not confirmed. But the times this has happened after the American people have elected a Senate majority to work alongside the same-party President, every such nominee has been confirmed, save one bizarre exception of a nominee who had corrupt financial dealings. Let me say that again. Except for Justice Abe Fortas and his ethical scandals, every single nomination in American history made under our present circumstances has ended in a confirmation—seven out of eight.

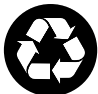
That is the thing about facts and history. Angry rhetoric does not change them. Partisan finger-pointing does not alter them. Facts simply exist. They are there for everyone to see. History and precedent were on this Senate majority's side in 2016, and they are overwhelmingly on our side now.

If we go on to confirm this nomination after a careful process, then both in 2016 and in 2020, this Senate will simply have provided the typical, normal outcome in each scenario. Think about that fact and then weigh it against the outcry and hysteria that has already erupted on the far left.

Yesterday, the Democratic leader announced on the floor that if the Senate holds a vote on the forthcoming nomination it would ''spell the end of this supposedly great deliberative body.'' Spell the end of this supposedly great deliberative body? That is what he said. It would be the death of the Senate if a duly elected majority of the U.S. Senate exercises its advice and consent power as it sees fit. That is what Senates do. It is our job description. Presidents makes nominations as they see fit, and Senate majorities either provide or withhold advice and consent as we see fit. But now our Democratic colleagues tell us that the Senate doing normal senatorial things would ''spell the end'' of this institution—whatever that may mean.

The Democratic leader is not alone in these pronouncements. Chairman JERRY NADLER of the House Judiciary Committee has already announced that if the Senate majority dares to act like

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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a Senate majority, future Democrats should ''immediately move to expand the Supreme Court.''

From another colleague:

If [they hold] a vote in 2020, we pack the court in 2021. It's that simple.

Speaker PELOSI intimated on television last weekend that she may consider launching a new frivolous impeachment simply to tie up the Senate's time. She said: ''We have our options.''

The junior Senator from Massachusetts said Democrats ''must abolish the filibuster and expand the Supreme Court.''

The junior Senator for Hawaii said: ''All of those matters will be on the agenda.''

The senior Senator from Connecticut said: ''Nothing is off the table.''

Just yesterday, former Vice President Biden himself refused to rule out that he might seek to pack the Supreme Court.

Bear in mind, none of them assert this majority would be breaking any Senate rule by holding this vote; it is just that our Democratic friends worry they might not like the outcome.

For some reason, they cannot bear to see Republicans governing within the rules as Republicans—doing exactly what Americans elected us to do. So they threaten to wreck the makeup of the Senate if they lose a vote and to wreck the structure of the Court if somebody is confirmed whom they oppose.

It has been interesting to watch our colleagues try to recast their disturbing threats as somehow tied to this Supreme Court vacancy. No one should fall for this trick. Democrats have already been threatening these actions for months. This isn't anything new.

Our colleagues now say that ''nothing'' would be ''off the table'' if a new Justice were to be confirmed. They want badly for people to believe these are new threats that Democrats would take off the table—would take off the table—if Republicans would just help them sink President Trump's nominee. Let me say that again. They want badly for people to believe these are new threats that Democrats would take off the table if Republicans would just help them sink President Trump's nominee.

Let me read another quotation. This is the junior Senator from California speaking, our distinguished colleague who is now running for Vice President:

We are on the verge of a crisis of confidence in the Supreme Court. We have to take this challenge head on, and everything is on the table to do that.

Sound familiar? Of course it does. Our colleague made that remark in March of 2019—in March of 2019.

These threats are not new. They have nothing to do with this new vacancy. Democrats have already been playing this game for more than a year and a half.

It was more than a year ago that several Senate Democrats threatened the Supreme Court in a written brief. They said: ''The Court is not well [and] perhaps the Court can heal itself before the public demands it be 'restructured.' ''

It was more than a year ago that Democrats, competing for their party's Presidential nomination, made court-packing a central element in their platforms.

It was more than 6 months ago that the Democratic leader appeared across the street outside the Court and threatened specific Justices if they did not rule his way.

For goodness' sake, the junior Senator from Maryland came right out and admitted this yesterday. Someone asked him whether he would support these acts of institutional vandalism if a nominee is confirmed this year, and he helpfully pointed out: ''I've always said I'm open, even before this seat opened . . . [those] possibilities were on the table before we got to this point,'' thereby proving my point.

These threats are not new. They have nothing to do with this vacancy.

Our friend the junior Senator from Delaware said on television this Sunday that he wants to persuade Republicans to forgo filling this vacancy, but all the way back in June—long before 5 days ago—he himself notably refused to rule out breaking the Senate's rules to kill the filibuster.

There is no degree to which rewarding these threats would buy the Nation any relief from this. There is nothing you can give them to stop all the threats. There is no ''deal'' that would stop these dangerous tactics. Giving in to political blackmail would not do a thing to secure our institutions. You do not put a stop to irresponsible hostage-taking by making hostage-taking a winning strategy.

I will tell you what really could threaten our system of government. It is not Senate Republicans doing legitimate things squarely within the Senate rules and within the Constitution that Democrats happen to dislike—no, no. What could really threaten our system is if one of our two major parties continues to pretend the whole system is automatically illegitimate whenever they lose; if they continue to act like, for their side of the aisle, a legitimate defeat is an oxymoron. That is the danger to our democracy.

Every one of these attacks on our institutions only underscores how important they are. Every threat to turn our courts into a political tug-of-war only reinforces why the Senate is charged with protecting our independent judiciary and why this majority's work with President Trump on this task is so crucial.

The President plans to use the power the voters gave him to make a nomination. Senators will use the power the voters gave us to either provide or withhold consent as we see fit. The only ones responsible for those threats will be the people making them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

SUPREME COURT NOMINATIONS

Mr. SCHUMER. Madam President, tomorrow the recently departed Supreme Court Justice Ruth Bader Ginsburg will lie in repose at the Supreme Court, and on Friday Ruth Bader Ginsburg will lie in state here in the Capitol, the first time in our Nation's long history that a woman has ever received the honor.

I can think of no more fitting tribute for a woman who made a life's work of going where women had never gone before. Even with the benefit of a few days, the loss of Justice Ginsburg is devastating. You need only walk by the Supreme Court today, where flowers, candles, chalk-written notes, and spontaneous demonstrations have clogged the sidewalks for 4 days straight, to know her impact on this country.

We will honor her this week, and, by all rights, we should honor her dying wish, imparted to her granddaughter, that she ''not be replaced until the next President is installed.'' All the words and encomia for Justice Ginsburg from the other side ring hollow if they will not honor her last dying wish.

Yesterday, the Republican side—so often, President Trump—seemed to make it worse. President Trump mocked Justice Ginsburg's dying wish by insinuating that her granddaughter was a liar, once again confirming every terrible thing we know about our President.

He said that Justice Ginsburg's statement was something that ''sounds like a Schumer deal or maybe Pelosi or shifty Schiff.'' That is the President of the United States baselessly suggesting that Democrats fabricated the dying wish of the late Justice Ginsburg. It was a coarse, shameful, lying insult to the late Justice Ginsburg and to her family.

If the President had a shred of human decency—even a little—he would apologize, but we all know he will not. Everyone here in the Senate ought to be disgusted by the President's comments. How low can this President go? He knows no depth. You can never know that.

You would think that, after the Republican majority led a historic blockade just 4 years ago to keep open a vacancy on the Supreme Court because it was an election year, they would have the honor and decency to apply their

own rule when the same scenario came around again. You would expect the Senate majority to follow their own rule. What is fair is fair.

This is what Leader MCCONNELL said in 2016:

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.

This is the McConnell rule—the McConnell rule. This is the principle that Leader MCCONNELL and then-Chairman GRASSLEY used to justify their refusal to even meet with President Obama's Supreme Court nominee.

Here it is—the McConnell rule: When it is a Presidential season, you can't vote on a Supreme Court nominee because "the American people should have a voice." Now, Leader MCCONNELL repeated that refrain for almost a year and so did almost every other Republican in the Chamber:

The American people shouldn't be denied a voice.

Give the people a voice.

The Senate should not confirm a new Supreme Court Justice until we have a new President.

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

If an opening came in the last year of President Trump's term and the primary process had started—

The primary process had started—

we'll wait to the next election.

I don't even have to tell you who those quotes came from. It was nearly every single Republican in this Chamber. That is how they justified the unprecedented blockade of President Obama's Supreme Court nominee: no vote during a Presidential election year because we have to let the people decide.

They promised to stay consistent if a Republican President won in November. It turns out, a Republican President did win that fall, and a Supreme Court vacancy did arise in the final year of his term, not just during the primary process but long after it was over, with little more than a month—a month—before the election.

Now, whoops, didn't mean it. It is different now. We are supposed to believe this specious, flimsy, and dishonest argument that it is about the orientation of the Senate and the Presidency or how angry Republicans are at Democrats and all the big, scary things we might do in the future. Maybe that will justify it—anything not to admit the plain fact that they all made one argument for a year, an argument they insisted was a "principle" when it was good for them politically, and now they are doing the opposite thing.

The McConnell rule: "The American people should have a voice in the selection of their next Supreme Court Justice." It turns out, the McConnell rule was nothing more than a McConnell ruse.

Leader MCCONNELL, sadly, sadly, is headed down the path of breaking his word to the Senate and the American people. He has exposed once and for all that a supposed principle of giving the people a voice in selecting the next Justice was a farce. Sadly, again—sadly—Leader MCCONNELL has defiled the Senate like no one in this generation, and Leader MCCONNELL may very well destroy it.

If Leader MCCONNELL presses forward, the Republican majority will have stolen two Supreme Court seats, 4 years apart, using completely contradictory rationales. How can we expect to trust the other side again?

For those of you on the other side who are still thinking about this and maybe some who might change their minds, just think of what this does to this body and people's word on one of our most solemn and sacred obligations: to choose a Supreme Court Justice fairly and honestly.

It is obvious why the Republican leader, when he comes to the floor, sounds so angry and defensive in his remarks. I will note for the record that the Republican leader did not once mention his principle in 2016—that the American people should have a voice in selecting the next Supreme Court Justice—in any of his speeches because he can't mention it.

Just to give you a sense of how far down the rabbit hole my friend from Kentucky has gone, yesterday—listen to this—this is what he said. Leader MCCONNELL said that President Obama asked the Senate "for an unusual favor" by fulfilling his constitutional duty to nominate a Supreme Court Justice with almost a year left in the term—"an unusual favor."

Only the Republican leader could look at our system of government so cynically. Apparently, the Senate's constitutional duty to advise and consent is an unusual favor when a Democratic President is in office but a categorical imperative when a Republican is in office.

That is actually his argument. I listened to the Republican leader yesterday. I listened to him this morning. Gone are all the invocations of giving the American people a voice. It is nothing so supposedly high-minded this time. No, this time the Republican leader isn't even hiding that his decision is nothing—nothing—but raw, partisan politics.

According to the Republican leader, when the President and the Senate majority are the same party, you can break all the rules to get your Justice. Change the rules of the Senate to pass Supreme Court Justices on a majority vote. Rush it through before an election. It doesn't matter if you said the exact opposite thing 4 years ago, 2 years ago, or even, for some Senators, a few months ago.

This is how our vaunted traditions of bipartisanship and compromise—on life support before—now end. This is how. By one side—in this case the Republican majority under Leader MCCONNELL—deciding that the rules don't apply to them, even their own rules. That, when push comes to shove, it is brute political force, all the way down.

If my friends on the Republican side want that kind of Senate, they can follow Leader MCCONNELL down the very dangerous path he has laid down.

CORONAVIRUS

Mr. SCHUMER. Madam President, one final matter. According to the official tally at Johns Hopkins University, the United States today will reach a staggering milestone of 200,000 Americans lost to COVID–19—200,000 Americans—more than any other country on Earth. Far more than we should have. Far more than we would have had there been a proper, coordinated, and energetic response to the virus by the Trump administration.

In the face of this tragic milestone, what does President Trump do? Does he mourn the astounding loss of lives? No, he goes off on the campaign trail, where yesterday he told his supporters that the virus "affects virtually nobody."

Affects virtually nobody? Tell that to the families and friends of the 200,000 who are in mourning.

Seriously, the day before the United States hits 200,000 deaths from COVID–19, the President said the virus "affects virtually nobody."

He also said: "If you take the blue states out, we're really at a very low level."

He also said: "It is what it is."

This is our President? My goodness.

Do you want to know why we have the worst pandemic response of any developed nation on Earth? You want to know why now nearly one out of every five deaths from COVID–19 come from America? It is because President Trump lied to the American people from day one about the gravity of this disease, and he is still doing it now, in a desperate and vile effort to boost his political fortunes.

And here in the Senate, Republicans will do anything—anything to back him, no matter what he says or does, as long as he nominates their judges.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

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

The PRESIDING OFFICER. The majority whip.

REMEMBERING JUSTICE RUTH BADER GINSBURG

Mr. THUNE. Madam President, on Friday, we learned that trailblazing Supreme Court Justice Ruth Bader Ginsburg had died at the age of 87 from pancreatic cancer.

Justice Ginsburg embraced the law at a time when being a woman in the field meant a constant uphill battle. She had to fight for opportunities that were available to men as a matter of course.

Her work as a lawyer eventually came to focus around women's rights—or as Ruth Bader Ginsburg put it, ''the constitutional principle of the equal citizenship stature of men and women.''

Before joining the Court, she argued six gender discrimination cases before it, and as a Justice, she continued to advance this cause. She served with distinction on the Supreme Court for more than 25 years—and engaged in some of the Court's most memorable exchanges over that period.

She was known for her work ethic and tenacity, as well as her kindness and good humor, and, of course, for her love of opera and her 56-year romance with her beloved husband, Marty.

She disagreed often with her good friend Justice Scalia, but they never allowed their strong disagreements to ruin their enduring friendship and mutual respect. She could dissent on the most fundamental questions, without indicting the character of those with whom she disagreed.

Her work to secure equal treatment for women has earned her a place in American history, and her courage and perseverance in overcoming significant obstacles will continue to inspire many.

My thoughts and prayers are with Justice Ginsburg's family.

SUPREME COURT NOMINATIONS

Madam President, in the wake of a Supreme Court Justice's death, the Senate has to turn its thoughts to considering the next Supreme Court nominee. The President has indicated that he expects to nominate Justice Ginsburg's successor as soon as this week. He has also made it clear he intends to nominate a woman.

Whomever he nominates, I am confident that she will be in the mode of the President's other Supreme Court appointments, a nominee with a profound respect for the law and the Constitution, someone who understands that the job of a Supreme Court Justice—or any judge—is to interpret the law, not make the law, to call balls and strikes, not rewrite the rules of the game.

Predictably, Democrats are in an uproar over the fact that President Trump will nominate a third Supreme Court Justice. They want Republicans to refuse to consider the President's nomination before the President has even named anyone.

They claim that the fact that a Republican-led Senate did not consider the nomination of Merrick Garland during President Obama's final year means Republicans should decline to consider President Trump's nominee.

It is perfectly true that the Senate did not vote on President Obama's final Supreme Court nominee. That is something the Senate can choose to do. Any Senate, led by either party, can decline to take up a nominee. That is the Senate's constitutional prerogative.

At the time, we felt that since voters had recently chosen a Republican-led Senate, while the President was a Democrat on his way out of office, the new President should choose the next Supreme Court nominee. And we all knew at the time that very well could be Hillary Clinton. But that was wholly in line with the history of the Senate—and with the rule promulgated by Joe Biden when he was chairman of the Judiciary Committee, and endorsed, I might add, by the current Democratic leader in 2007.

As a Wall Street Journal op-ed explained:

> This exception was popularized in 1992 by Sen. Joe Biden, then chairman of the Judiciary Committee. He urged President George H.W. Bush to refrain from making any Supreme Court nominations in that election year. What made 1992 different from other election years, Mr. Biden explained, was that ''divided Government'' reflected an absence of a ''nationwide consensus'' on constitutional philosophy. ''Action on a Supreme Court nomination must be put off until after the election campaign is over,'' the future vice president insisted. No vacancy arose until 1993, when President Clinton was in the White House and Ginsburg's nomination easily passed a Democratic Senate. But the Biden rule fit 2016 to a tee.

For the past 130-plus years, no Senate has approved a Supreme Court nominee in the final year of a President's term if the Senate majority and the President were of different parties.

On the other hand, a number of Supreme Court nominees have been confirmed during a President's final year in office when the Senate was led by the same party as the President.

There have been 15 situations in U.S. history where a Supreme Court vacancy arose in a Presidential election year, and the President nominated someone that same year. In eight of those cases, the President and the Senate majority were of the same party. And in all but one of those eight cases, the President's nominee was confirmed.

Democrats are free to disagree with Republicans' application of the Biden-Schumer rule in 2016, but no one can dispute that voting on or rejecting a nominee is the constitutional prerogative of the U.S. Senate.

There should be nothing disturbing about the Senate fulfilling its constitutional role of advising and consenting on a Supreme Court nomination.

What is disturbing are Democrats' threats as to what they will do if Republicans in the Senate don't yield to their demands. Those threats include, but are not limited to, eliminating the legislative filibuster, which is the rule we all know in the Senate that helps ensure that bills that come before the Senate require bipartisan cooperation; they threatened to pack the Supreme Court with additional Justices so that they can ensure a rubberstamp for their agenda.

Some are even suggesting—suggesting impeaching the President again. What they would impeach him for is not exactly clear. Fulfilling his constitutional responsibility to name someone to the Supreme Court?

Some Democrats have gone so far as to say that nothing is off the table when it comes to retribution for considering the President's nominee—a particularly insidious and irresponsible threat at the time when political violence is at a high in this country.

One thing I can say is that Republicans will not be deterred from performing our constitutional role by Democrats' undemocratic threats. For many of us, confirming principled judges who will uphold the Constitution and the rule of law has been a core tenet of our public service—and a shared goal of those who elected us.

We will work to fill the Supreme Court vacancy, and I look forward to receiving and reviewing the President's nomination in the near future.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Madam President, I listened to the statements made by the Republican leadership this morning on the floor of the U.S. Senate. If one has a sense of history and memory, their statements are preposterous.

The last speaker came before us and said: The Democrats are even threatening to end the filibuster in retribution.

Well, let's stop and think for a moment. Was there a filibuster affecting the Supreme Court nominees? Was there a requirement of 60-vote margins if there is controversy associated with filling the vacancy on the Supreme Court? There was until one Senator from Kentucky, Mr. MITCH MCCONNELL, eliminated the filibuster when it came to the Supreme Court.

This so-called democratic institution of the filibuster was eliminated when it came to Supreme Court nominees by that same Senator MCCONNELL, who comes to the floor and says that the Democrats have reached an outrageous position: They are threatening the future of the filibuster.

He eliminated it. When there were changes made in the filibuster on other court appointments, Senator Reid was careful not to include the Supreme Court, but Senator MCCONNELL did. Senator MCCONNELL has brought us to this moment.

Think how different it would be—how different it would be today if the nominee of this President were subject to a

filibuster. If it took 60 votes, it means the person nominated would have to be moderate in their approach. We don't expect that from this President in filling the vacancy of Ruth Bader Ginsburg.

I also read and reread one simple fact when it came to Ruth Bader Ginsburg in 1993. She cleared the Senate Chamber, at a time when the filibuster rule did apply, with a vote of 96 to 3—96 to 3.

Understand that Ruth Bader Ginsburg was a well-known person when she came before this body for approval to the Supreme Court. She had been an outspoken advocate for women's rights and equality as an attorney and advocate for groups like the American Civil Liberties Union. She had served on the DC Circuit Court of Appeals.

As well known as she was for her political beliefs, she cleared this Senate Chamber with only three dissenting votes—Senator Jesse Helms, Senator Don Nickles, and Senator Bob Smith—three Republicans. What a different time it was. Even though her stripes were clear, she was so well respected as a jurist and a person of integrity that she was approved by the Senate Chamber.

How far we have fallen. We are in a position now, at this moment, when Senator MCCONNELL, 4 years ago, established a standard. The vacancy of Scalia's seat on the Supreme Court led President Obama to nominate Merrick Garland, a well-respected judge from the DC Circuit. I remember seeing him and meeting with him after he had been proposed by President Obama. It was a sad duty to watch him as he walked the Halls of the Senate. You see, Senator MCCONNELL announced that he didn't want any Republican Senators to physically meet with Merrick Garland—not give him the recognition of even a meeting in their office, let alone a hearing. The argument that Senator MCCONNELL made—and Senator SCHUMER said this morning—was that it wasn't President Obama's place to fill that vacancy; it was the place of the next President of the United States.

Senator MCCONNELL, basically, declared President Obama was a lameduck when it came to Supreme Court vacancies in his last year in office and that the next President, whoever that might be, would make the choice. Well, one after another, the Republican Senators marched in line behind that McConnell position, announcing that they, too, agreed that President Obama was a lameduck when it came to filling Supreme Court vacancies in his last year in office. They didn't cite the Constitution because there is no provision in the Constitution that even comes close to that suggestion. There certainly wasn't any law, and there wasn't any precedent.

I hear the Republicans come to the floor mentioning Joe Biden's name and CHUCK SCHUMER's name. Who knows who will be next on their list? The fact is, the Senate makes the decisions based on majority. At that point, Senator MCCONNELL had the majority, and he lined up his membership behind him.

Unfortunately, they are lining up again, but this time Senator MCCONNELL's position is the exact opposite. This time he is arguing that because there is a Republican President, he should fill this vacancy instantly: Get it done. Let's go. His Republican Senators who took the opposite position 4 years ago are finding some rationalization to follow him again.

What is at stake in this, of course, is not just the Senate, the comity of the Senate, the respect we have for one another, the respect we have for traditions one way or the other and that they be followed regardless of the President's party; what is at stake, unfortunately, is also the Supreme Court. This institution, the third branch of government, is part of a strategy that Senator MCCONNELL has been pushing forward for years now. It is the intent of the Republicans in the Senate, through Senator MCCONNELL, to take control of the third branch of government, the judicial branch. They are desperate to do it. Time is not on their side.

The demographics of America cannot be held back simply by voter suppression. They have to count on jurists from every level of the Federal judiciary to adhere to their minority point of view on so many important issues. Ironically, one of those issues is the role of women, the equality of women in America. Ruth Bader Ginsburg argued for that her whole life. She was smart enough to know she was taking her argument to a lot of male judges, so she argued for equality for men, as well as women, during the course of her career on and off the bench.

She was principled, determined, and successful. As an attorney, she argued and won multiple cases in the Supreme Court in the 1970s, eventually persuading the all-male Court to apply the 14th Amendment's equal protection clause to sex-based discrimination. Sadly, we can predict with almost 100 percent certitude that if Donald Trump and MITCH MCCONNELL choose her successor, that principle will be under fire; in fact, it may not even survive.

For all the kind speeches about this principled woman and what she gave to America—and they are well deserved about Ruth Bader Ginsburg—watch the nominee who comes from the Trump White House and you will find, I am afraid, they are not even close to the standard that she argued for and succeeded.

Today, we are 6 weeks from election day and 7 weeks from the Supreme Court taking up another case, one which I think is relevant and important to every single American. The question the Court will decide is whether the ACA—ObamaCare—will survive. President Trump and Majority Leader MCCONNELL want to rush the nominee before the Senate before these two dates arrive.

Do you recall, not that many years ago, when the Republicans controlled the House of Representatives and voted, I believe, 50 different times to eliminate the Affordable Care Act? Were it not for a Democratic Senate, they might have achieved their goal. Each and every time they were asked: What would you replace it with? What would you say to the 20 million Americans who depend on the Affordable Care Act for their source of health insurance? What would you say to the rest of America who depend on the Affordable Care Act for fundamental protections in health insurance and protections, such as no discrimination based on preexisting conditions?

Americans understand that. Virtually every family has a story to tell of someone in their own family with an illness that could be considered a preexisting condition. The insurance industry even went so far at one point as to say being a woman was essentially a preexisting condition. Based on that, the health insurance industry would either charge higher premiums or refuse coverage.

We got rid of those days. We ended that with the Affordable Care Act. We ended it with ObamaCare. And now the Republicans, again, want the insurance industry to have that power over your life. As of this morning, 6 million Americans have been reported as diagnosed with COVID–19. Trust me, the insurance industry would make that a preexisting condition for them and for any others in the future who should turn up positive on these COVID–19 tests.

What the Republicans are seeking to do in the Supreme Court is what they failed to do on the floor of the Senate. They tried on the Senate floor many times—and the last time is well remembered—to end the Affordable Care Act. Those of us who were here that night watched as a handful—perhaps three—Republican Senators said no. We all remember that moment after he had been on the phone with President Trump when John McCain, the late Senator from Arizona, came through those doors at 2:30 in the morning and cast his ''no'' vote in the well of the Senate Chamber. I was there just a few feet away and watched every second of it. It was gripping. It was exciting. For many people, it was giving them another chance to protect themselves with health insurance, something the other Republicans were determined to eliminate.

John McCain said then and we say now: If you have a better idea on the Republican side—President Trump, if you have a better idea than the ACA—let's see it. How many times has this President made an empty promise: We have a substitute; I will give it to you in a week, 2 weeks, 3 weeks. They don't have one.

Recently, at a hearing before the Appropriations Subcommittee, I asked

three leading health experts and doctors in the Trump administration if any of them had worked on the so-called Republican substitute. Not a one. It doesn't exist. It is just an empty answer and an imperfect answer, at best, from this administration.

I remember February 13, 2016, when Justice Scalia just passed away in a Presidential election year and Senator MCCONNELL said, to the surprise of many of us, the following:

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

He stated the McConnell rule in February of 2016, an election year. Here it is:

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.

It is pretty clear, isn't it?

Well, Republican Senators all lined up behind him in this new statement of principle and denied Merrick Garland not only a hearing but even the courtesy of an office appointment for most of them. The McConnell rule is clear and unambiguous, and the 2016 Republicans dutifully fell in line behind it. They said that the American people should have the last word. An election year Supreme Court vacancy should be filled in the next Presidential term.

Senator MCCONNELL claims that his rule really had an asterisk at the end. I don't see one. He said it really depends on which party controls the Senate. Well, that is certainly a distinction without a difference. Why should the composition of the Senate dictate whether or not the American people "should have a voice in the selection of their next Supreme Court Justice"? Either the American people have a voice regarding the future of the Court when there is a vacancy in an election year or they don't.

Four years ago, Senator MCCONNELL said they do. Now he says they don't. It is a flip-flop and, oh, the painful contortions I see among most Republican Senators trying to rationalize posing for holy pictures 4 years ago, saying that the American people should have the last word and then 4 years later, completely reversing themselves—but they do.

This is not just some Washington debate. The stakes in this debate are important for every American. It isn't about who gets the last word on MSNBC or FOX; it is about who gets the last word when you learn someone in your family has a devastating illness and you are praying to God you have a health insurance plan that will cover it.

President Trump has made clear he wants to strike down the entire Affordable Care Act even without a substitute. That is the position the Trump administration took before the Supreme Court in a case that will be argued just days after this November 3 election.

President Trump has also made it clear that when he picks a new Supreme Court Justice, he wants them to agree with him when it comes to eliminating the Affordable Care Act.

I would say to people across America: Be prepared. If MITCH MCCONNELL gets his way, if Donald Trump gets his way, if they install a new Supreme Court Justice who has taken this oath—this political oath to following the Trump plan—all of America will be at risk because the protections of the Affordable Care Act will be eliminated by that Supreme Court.

In 2015, Donald Trump tweeted, as he often does: "If I win the Presidency, my judicial appointments will do the right thing unlike Bush's appointee John Roberts on ObamaCare." We certainly know what that means because at least on one occasion, John Roberts has kept ObamaCare alive.

Let's be clear. The Affordable Care Act is hanging in the balance in just a few days. The healthcare coverage and protections for preexisting conditions that millions of American families rely on are at risk. Republicans were never able to repeal the Affordable Care Act in the House or on the floor of the Senate—thank you, John McCain—so they want to do it in the Court. They are trying to accomplish in the Supreme Court what they cannot accomplish in Congress. If President Trump and Senator MCCONNELL go through with their plan to jam through a Supreme Court nominee this year, the Affordable Care Act is doomed.

Did you hear last night when the chairman of the Senate Judiciary Committee announced—I saw it this morning on television. He announced that every single Republican Senator on the Senate Judiciary Committee is going to vote for the Trump nominee for the Supreme Court. We don't have a nominee yet, do we? The President said he will not announce one until Saturday of this week. Here is this announcement by the Republican chairman of the Senate Judiciary Committee: He's counted the votes. It is a done deal.

What does it tell you? It tells you it doesn't make any difference whom the President nominates—the silence of the lambs in the U.S. Senate.

If President Trump and Senator MCCONNELL go through with this plan, America will feel it, and every family will know it. That is why my Republican colleagues refuse to give the American people the last word on November 3. They are so uncertain of the reelection of Donald Trump, they have to do this now, quickly. They are afraid he will not be renominated, that he will not be reelected, and that he will not be in a position to fill this vacancy next year. So they are breaking their own promise to the American people to respect their judgment in the selection of the Supreme Court nominee.

AFFORDABLE CARE ACT

Madam President, we know what is at stake as well in terms of this Nation. There are 200,000 Americans—that number is likely to be confirmed in just a matter of hours, if not days—who have died of COVID–19.

You say to yourself: Well, it is a global pandemic, and people are dying everywhere.

That is true, but the rate of death in America, sadly, leads the world. It is not an indication of American greatness that the infection rate from COVID–19 in the United States of America is five times what it is in Germany. It is not an indication of American greatness when the infection rate in the United States is twice what it is in Canada. It is not a reflection of the greatness of America that, with 4½ percent of the global population, we have 20 percent of the people who have died from this pandemic. This President and this administration have utterly failed when it has come to this public health crisis—one of the most challenging in a century.

For the 6 million people who have been infected with this COVID virus in America, we pray that they will recover fully, but we know, in many cases, they will not. We know that, without the protection in the Affordable Care Act, many insurers will refuse to issue policies to these people in the future if the Republicans have their way and eliminate the Affordable Care Act.

Amy, of Huntley, IL, recently wrote to me:

Please save the ACA. Without it, caps will come back, and, with them, my children's mental health care coverage will essentially disappear. I have three children, each with varying mental health disabilities. Before the Affordable Care Act, our Blue Cross-Blue Shield plan had a maximum family lifetime cap of 100 mental health care visits.

A lifetime cap, she says, of 100 visits.

That is it. When the ACA was passed, it was like a tremendous weight had been taken off our family.

Young adults, incidentally, up to the age of 26 are protected by their families' health insurance under the Affordable Care Act. If the Trump administration, MITCH MCCONNELL, and the new Supreme Court nominee have their way, that would end. Insurance plans would no longer have to cover prescription drugs, maternity care, mental health, or addiction treatment. While still facing the opioid crisis, eliminating the Affordable Care Act would eliminate the guarantee that your son, your daughter, or someone in your family who is facing the addiction of this terrible drug would have coverage when it comes to addiction treatment.

Misty, of Gurnee, IL, wrote:

In a time where my husband is unemployed and I've been quarantined . . . losing our health care now would be absolutely devastating for my family. My husband and I are both on daily prescription meds, and we have two daughters who desperately need health care coverage as well. I am asking you to protect the Affordable Care Act.

Misty, I am going to protect the Affordable Care Act by opposing President Trump's Supreme Court nominee

because he has promised us that the nominee will eliminate the Affordable Care Act. I could not in good conscience support such a nominee.

When the Affordable Care Act goes away, as the Republicans are seeking to achieve in court and now on the floor of the Senate, Medicare would face insolvency sooner—at least 1 year sooner—and seniors would be charged more for prescription drugs. Hospitals in Illinois, especially downstate and inner city hospitals, would see significant revenue losses from the elimination of Medicaid expansion.

This is the real world, and the people who are writing to my office are doing so of their own volition to let me know what they face. This isn't just a matter of big shots in Washington who are fighting with one another to see who can get more camera time. It isn't a question of who is going to appear more on the cable TV shows. It is a question of whether we care about the families we represent.

Most families, my own included, have been through this. I know the sleepless nights when you worry about whether you have health insurance. I know what it is like to be the father of a new baby who has serious medical conditions and to have no insurance at all. I have faced it, and I will never forget it. I will never forget the families who sent me to Washington to remember them as well.

This is about more than who gets bragging rights politically at the end of the day; it is about the right of every American family to have peace of mind in knowing they have quality, affordable, accessible health insurance coverage.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LOEFFLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Meyers nomination?

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted yea.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

The PRESIDING OFFICER (Mr. CRUZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 27, as follows:

[Rollcall Vote No. 185 Ex.]

YEAS—66

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Peters
Blunt	Grassley	Portman
Boozman	Hassan	Risch
Braun	Hawley	Roberts
Burr	Hoeven	Romney
Cardin	Hyde-Smith	Rosen
Carper	Inhofe	Rounds
Casey	Jones	Rubio
Cassidy	Kennedy	Sasse
Collins	King	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cortez Masto	Leahy	Shaheen
Cotton	Lee	Shelby
Cramer	Loeffler	Sinema
Crapo	Manchin	Tester
Cruz	McConnell	Thune
Daines	McSally	Toomey
Duckworth	Moran	Warner
Enzi	Murkowski	Wicker
Ernst	Murphy	Young

NAYS—27

Baldwin	Gillibrand	Reed
Bennet	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Booker	Kaine	Smith
Brown	Klobuchar	Udall
Cantwell	Markey	Van Hollen
Coons	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murray	Wyden

NOT VOTING—7

Capito	Sanders	Tillis
Harris	Stabenow	
Johnson	Sullivan	

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Andrea R. Lucas, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2025.

Mitch McConnell, Cindy Hyde-Smith, John Thune, John Hoeven, John Boozman, David Perdue, Steve Daines, Pat Roberts, Thom Tillis, Lamar Alexander, John Cornyn, Lindsey Graham, Roger F. Wicker, Mike Braun, John Barrasso, Richard C. Shelby, Tim Scott.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Andrea R. Lucas, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2025, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 49, nays 44, as follows:

[Rollcall Vote No. 186 Ex.]

YEAS—49

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Cassidy	Inhofe	Sasse
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Shelby
Cramer	Loeffler	Thune
Crapo	McConnell	Toomey
Cruz	McSally	Wicker
Daines	Moran	Young
Enzi	Murkowski	
Ernst	Paul	

NAYS—44

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Tester
Casey	Manchin	Udall
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Peters	

NOT VOTING—7

Capito	Sanders	Tillis
Harris	Stabenow	
Johnson	Sullivan	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 44.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Andrea R. Lucas, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2025.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. ALEXANDER).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Florida.

REQUEST FOR COMMITTEE TO MEET

Mr. RUBIO. Mr. President, I ask unanimous consent that the Intelligence Committee be authorized to meet today with the Director of National Counterintelligence, and he is also leading the election security efforts on behalf of the Office of the Director of National Intelligence—that that meeting occur during today's session of the Senate.

The PRESIDING OFFICER (Mr. ROMNEY). Is there objection?

The Democratic leader.

Mr. SCHUMER. Reserving the right to object. Because the Senate Republicans have no respect for the institution, we will not have business as usual here in the Senate, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Florida.

Mr. RUBIO. Mr. President, if I may, just for a moment, just for the information of the Members, then, who are on the committee, we will not be having the hearing today on the issue of election security with the person leading that effort. It is a priority of many here.

We are scheduled to have the Director of National Intelligence tomorrow to discuss that and many more topics of great importance that I know a lot of people here have been saying we need to be having briefings over. I hope that if, in fact, the Democratic leader intends to object to that, that we should know that today as well, I hope, so that the Members will know that and make arrangements accordingly.

I yield the floor.

VOTE ON LUCAS NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired on the Lucas nomination.

The question is, Shall the Senate advise and consent to the Lucas nomination?

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted yea.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Michigan (Ms. STABENOW), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 44, as follows:

[Rollcall Vote No. 187 Ex.]

YEAS—49

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Cassidy	Inhofe	Sasse
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Shelby
Cramer	Loeffler	Thune
Crapo	McConnell	Toomey
Cruz	McSally	Wicker
Daines	Moran	Young
Enzi	Murkowski	
Ernst	Paul	

NAYS—44

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Tester
Casey	Manchin	Udall
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Peters	

NOT VOTING—7

Capito	Sanders	Tillis
Harris	Stabenow	
Johnson	Sullivan	

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Keith E. Sonderling, of Florida, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2024.

Mitch McConnell, Cindy Hyde-Smith, John Thune, John Hoeven, John Boozman, David Perdue, Steve Daines, Pat Roberts, Thom Tillis, Lamar Alexander, John Cornyn, Lindsey Graham, Roger F. Wicker, Mike Braun, John Barrasso, Richard C. Shelby, Tim Scott.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Keith E. Sonderling, of Florida, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2024, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Michigan (Ms. STABENOW), are necessarily absent.

The PRESIDING OFFICER (Mrs. BLACKBURN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 41, as follows:

[Rollcall Vote No. 188 Ex.]

YEAS—52

Alexander	Gardner	Perdue
Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hawley	Roberts
Boozman	Hoeven	Romney
Braun	Hyde-Smith	Rounds
Burr	Inhofe	Rubio
Cassidy	Jones	Sasse
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Shelby
Cramer	Loeffler	Sinema
Crapo	Manchin	Thune
Cruz	McConnell	Toomey
Daines	McSally	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—41

Baldwin	Gillibrand	Reed
Bennet	Hassan	Rosen
Blumenthal	Heinrich	Schatz
Booker	Hirono	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Cardin	Klobuchar	Tester
Carper	Leahy	Udall
Casey	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warren
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wyden
Feinstein	Peters	

NOT VOTING—7

Capito	Sanders	Tillis
Harris	Stabenow	
Johnson	Sullivan	

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 41.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Keith E. Sonderling, of Florida, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2024.

The PRESIDING OFFICER. The Democratic leader.

UNANIMOUS CONSENT REQUEST

Mr. SCHUMER. Madam President, over the course of her extraordinary life, Justice Ginsburg did as much to advance the cause of justice as she could manage. She was a trailblazer of women from all ages, from all walks of life, who watched her tear down the barriers that separated men from women, first from outside the corridors of power, then within them.

As I said this morning, it is only fitting that she will be the first woman to ever lie in state at the Nation's Capitol. After all, she made a life's work

out of going where women had not gone before.

I rise now to offer a resolution that will honor her long and illustrious career. Republicans came to us with this resolution, but it ignored Justice Ginsburg's dying wish, what she called her most fervent wish, that she not be replaced until the new President is installed. We simply have added to the exact same text of the resolution the Republicans gave us.

All the kind words and lamentations about Justice Ginsburg from the Republican majority will be totally empty if those Republicans ignore her dying wish and instead move to replace her with someone who will tear down everything she built; someone who could turn the clock back on a woman's right to choose; someone who could turn back the clock on marriage equality; someone who would make it impossible to join a union; someone who could take healthcare away from tens of millions of Americans, send drug prices soaring, and rip away protections for up to 130 million Americans with preexisting conditions. That is what we are talking about when we talk about this vacancy.

For hundreds of millions of Americans, everything is on the line. Perhaps that is why Justice Ginsburg expressed her ''fervent'' wish that she not be replaced until the next President is installed. She knew how important the Supreme Court was in American life, and she knew there would be great temptation to take advantage of the timing of her death for political purposes. She knew the risks of her vacancy turning into a power game driven by rank partisanship, so she expressed a simple idea: Let the next President decide, whoever it might be. It could be President Trump, it could be Vice President Biden, but let the next President decide.

Don't rush a nominee through mere days before an election in what is sure to be the most controversial and partisan Supreme Court nomination in our Nation's entire history.

Maybe Justice Ginsburg hoped that her dying wish could save the Senate majority from itself. It doesn't appear that way, but here on the floor this afternoon, we ask our colleagues to acknowledge her entire life and legacy, including her dying wish.

As in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of the Schumer resolution related to the death of Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States, which is at the desk. I further ask that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Reserving the right to object, this endeavor started with a resolution that the majority put forward that was intended to be a bipartisan resolution commemorating the life and service of Justice Ruth Bader Ginsburg. That follows the bipartisan tradition this body has followed in commemorating Justices when they have passed.

Unfortunately, the Democratic leader has put forth an amendment to turn that bipartisan resolution into a partisan resolution. Specifically, the Democratic leader wants to add a statement that Justice Ginsburg's position should not be filled until a new President is installed, purportedly based on a comment made to family members shortly before she passed.

That, of course, is not the standard. Under the Constitution, members of the Judiciary do not appoint their own successors. No article III judge has the authority to appoint his or her own successor. Rather, judicial nominations are made by the President of the United States, and confirmations are made by this body, the U.S. Senate.

I would note that Justice Ginsburg was someone whom I knew personally. I argued nine times before Justice Ginsburg at the Supreme Court. She led an extraordinary life. She was one of the finest Supreme Court litigators to have ever practiced. She served 27 years on the Court, leaving a profound legacy. Justice Ginsburg understood full well that the position being put forth by the Democratic leader is not the law and is not the Constitution. Indeed, I will quote what Justice Ginsburg said just 4 years ago.

Reported in the Washington Post on September 7, 2016, Justice Ginsburg is reported to have said:

> The president is elected for four years not three years, so the power he has in year three continues into year four. Maybe members of the Senate will wake up and appreciate that that's how it should be.

Now, of course, when Justice Ginsburg said that, that was when President Obama had made the nomination of Merrick Garland to the Supreme Court, and the Senate had declined to consider that nomination. Without even a hint of irony, every Democrat who is now screaming from the ramparts that we cannot consider a vacancy on the Court during this election year was screaming equally as loudly from the ramparts that we must consider a nomination during a Presidential election year just 4 years ago.

Joe Biden vociferously called for the Senate to consider that nomination. Barack Obama called for the Senate to consider that nomination. Hillary Clinton called for the Senate to consider that nomination. The Democratic leader said the Senate was not doing its job if we didn't consider that nomination. To my knowledge, every Democratic Member of this body, likewise, decried the decision not to take up that nomination and insisted the Senate was not doing its job.

Well, today, obviously, the situation has changed, whereby all of those Democratic Members who demanded the Senate take up a nomination to the Supreme Court are now demanding the Senate not take up a nomination to the Supreme Court.

To be sure, the Republican majority that declined to consider that nomination is now going to take up President Trump's nomination to this vacancy, but I would note the circumstances are markedly different, and history and more than two centuries of precedent are on the side of what this Senate will do.

The question of whether a President should nominate a Supreme Court Justice to fill a vacancy that occurred during a Presidential election year has occurred 29 times in our Nation's history. This is not new—29 times. Of those 29 times, Presidents of both parties, Democrats and Republicans, have nominated Justices 29 times. Every single time there has been a vacancy during a Presidential year, a President has nominated a Justice to that vacancy. Of the 44 individuals who served as President of the United States, 22 have done so. Fully one half of the Presidents who have ever served this country have made Supreme Court nominations during Presidential election years.

So what is the difference?

Well, there is a sharp difference in our Nation's history depending upon whether the Senate is controlled by the same party as the President or a different party from the President. So, of the 29 times in history, in 19 of those times, the Senate and the Presidency were controlled by the same party. When that happened, the Senate took up and confirmed those nominees 17 of the 19 times.

Do you want to ask what history shows this body does when the President and the Senate are of the same party and a nomination is made during a Presidential election year? This body takes up that nomination and, assuming a qualified nominee, confirms that nominee.

On the other hand, what happens when the President and the Senate are of different parties? Well, that has happened 10 times in our Nation's history. In all 10 times, the President has made a nomination, but in those circumstances, the Senate has confirmed those nominees only twice, and 2016 was one of those examples.

Now, the Democratic leader gave a passionate speech, which I know he believes, about what kind of Justice he would like to see on the Court. Democratic Members of this body have long championed judicial activists who would embrace a view of the Constitution that, I believe, would do serious damage to the constitutional liberties of the American people.

The interesting thing about the Democratic leader's speech is that the argument was presented to the voters, and the voters disagreed. In 2016, Hillary Clinton promised to nominate Justices just like the kind the Democratic

leader said he wanted to see, and President Trump promised to nominate Justices ''in the mold of Justice Scalia and Justice Thomas.'' The American people had that issue squarely before them, and the voters chose that we wanted constitutionalist judges nominated to the Supreme Court. It was not only regarding the Presidential election but the Senate majority. The American people voted for a Republican majority in the Senate in 2014. The American people voted for a Republican majority again in 2016, and, in 2018, the American people grew our majority.

In all three of those elections, the question that the Democratic leader has put forward was directly before the voters. What kind of Justices do you want? The voters clearly decided and had given a mandate.

The President has said he is going to nominate a Justice this week. That is the right thing to do. This body, I believe, will take up, will consider, that nomination on the merits, and I believe we will confirm that nominee before election day. That is consistent with over 200 years of Senate precedent from both parties.

There is, however, something that the Democratic leaders and Democratic Members of this body are threatening that is not consistent with history or precedent or a respect for the Constitution, and that is, namely, a threat to pack the Supreme Court. We have heard multiple Democrats say that, if the Senate confirms this nominee and the Democrats take the majority next year, they will try to add two or four—or who knows how many—Justices to the Supreme Court. Well, you know, there was another Democratic President who tried to do that—FDR. Even though he had a supermajority, the Democratic Congress rejected his efforts as an effort to politicize the Supreme Court.

Since the Democratic leader believes we should follow the wishes of Justice Ginsburg, I think it is worth reflecting on what Justice Ginsburg said about this. She was asked about this in an interview with NPR, and her statement was as follows:

> Nine seems to be a good number. It's been that way for a long time. I think it was a bad idea when President Franklin Roosevelt tried to pack the court.

Well, unfortunately, it seems the Democratic leader and Democratic Senators are repeating the partisan mistakes of their predecessors in threatening the Court and threatening to pack the Court, which would be truly a radical and bad idea, as Justice Ginsburg explained.

Accordingly, what I am going to do is propose modifying the Democratic leader's resolution to delete his call that we leave this vacancy open, that we leave the Court with just eight Justices, which opens up the possibility of a 4-to-4 tie, not able to resolve a contested election, and leaving this country for weeks and months in chaos if we have a contested election in November. Instead, let's replace in the resolution the quote from Justice Ginsburg that packing the Court is a bad idea and have the Senate agree that packing the Court is a bad idea.

I am confident that, when I ask the Democratic leader, he is going to reject this because we are, sadly, seeing one side of the aisle embrace more and more dangerous and radical proposals, including trying to use brute political force to politicize the Court. That is neither consistent with the Constitution nor is it consistent with two centuries of this body's precedent.

Accordingly, I ask that the Senator modify his request and, instead, take up my resolution at the desk. I further ask that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. SCHUMER. Madam President, reserving the right to object, I believe Justice Ginsburg would have easily seen through the legal sophistry of the argument of the junior Senator from Texas. To turn Justice Ginsburg's dying words against her is so, so beneath the dignity of this body.

I do not modify.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. CRUZ. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

BIDEN TAX PLAN

Mr. GRASSLEY. Madam President, last week, former Vice President Biden released his Presidential tax plan. I wish he would release the list of people he is going to put on the Supreme Court, like he said he was going to do in June. He hasn't done that, and, I think, yesterday, he said he wasn't going to do it, but we do have his high-tax plan.

He has vowed to raise taxes immediately on U.S. businesses even though our country is recovering from the worst economic crisis since the Great Depression. Usually, when you are in that economic condition, you don't raise taxes, and the very last thing struggling Americans need, and particularly the businesses that create the jobs, is a massive tax increase at this time. Of course, Mr. Biden's tax plan shouldn't come as a surprise to anyone. His party seems to think the answer to every problem in America is to raise taxes and spend more money.

When he was Vice President, the U.S. corporate tax rate was the highest in the industrialized world. It isn't now because of President Trump's tax proposals and the tax reform legislation we passed December 2017. Prior to tax reform, U.S. companies were not competitive with their foreign counterparts. And there were constant headlines about companies that were moving their headquarters overseas, largely because of our outdated tax system.

In fact, a number of Mr. Biden's proposals make me think that he is reliving his time as Vice President. His plan to increase the corporate tax rate from 21 to 28 would very quickly take us back to those days. Once again, this country would be saddled with the highest business tax rates in the industrialized world, taking into account Federal and State taxes in this country. U.S. companies, both large and small, would see higher taxes than their foreign competitors in France, Germany, the UK, and other major trading partners. In some cases, those taxes would be as much as 15 percentage points higher.

Mr. Biden says our tax system encourages offshoring, profit shifting, and inversions. Back when he was Vice President, those things actually happened: offshoring, profit shifting, and inversions.

When Mr. Biden was Vice President, the U.S. tax law allowed companies to defer their foreign earnings until they were brought back to the United States. Why would you bring them back when we had the highest tax rate in the industrialized world?

That system allowed many companies to delay paying taxes on their foreign earnings, and in some cases, that could be indefinitely.

As part of tax reform, we specifically sought to end the parking of profits overseas. We wanted that money to come home so that money would be invested in this country and would create jobs.

That is why we enacted the tax on global intangible low-tax income—or GILTI, as it is referred to—which imposes a minimum tax on foreign earnings in low-tax countries.

And when Biden was Vice President, there were plenty of opportunities for what we call base erosion. That is why we created the base erosion anti-abuse tax—or the BEAT, as it is called—which targets deductible payments made to foreign affiliates. We also imposed limits on the deductibility of interest.

Together, these policies addressed loopholes so companies can't erode the U.S. tax base and avoid taxes.

While tax reform cracked down on notable abuses, it also had the positive effect of making the United States a far more attractive place to invest—not only for profits of U.S. companies coming home but for foreign investment in America as well.

We created the foreign-derived intangible income rules to incentivize companies to keep intellectual property in this country, not abroad.

We also allowed immediate expensing of investments to encourage companies to put their facilities and jobs here on U.S. soil. And President Trump has gone way beyond the new tax law to provide incentives to get industry back to this country.

Now, Mr. Biden may be harkening back to 2014, but let's all remember that companies then were announcing

left and right their plans to invert or move their headquarters overseas, but since our 2017 Trump tax reform, I haven't heard of any companies with inversion plans. Quite the opposite, companies have called off inversions and even brought back operations to this country, and they are citing our tax reform as the main reason for doing it. So why would Mr. Biden want to undo that?

Even more curious is that Mr. Biden's own talking points suggest that he supports a number of our tax reform policies in that 2017 bill.

Kimberly Clausing, who reportedly advises Mr. Biden on tax policy, has said the Tax Cuts and Jobs Act ''should be commended for providing some limits on tax avoidance through the GILTI and the BEAT.''

What is more, Ms. Clausing has estimated the new rules under the 2017 tax bill will result in a 20-percent decrease in shifting profits overseas.

That is consistent with the Joint Committee on Taxation's macroeconomic estimate in 2017 that found that tax reform would reduce profit shifting and increase the U.S. tax base.

Nevertheless, Mr. Biden wants to double down on increasing taxes on U.S. businesses and, in fact, undo the progress that we have seen since tax reform in 2017.

In addition to higher taxes on domestic earnings, he also wants to increase the rate on U.S. companies' foreign earnings to 21 percent. That is almost double the 12.5-percent rate that the OECD is targeting for its global minimum tax.

I guess the former Vice President wants to ensure that no country can top the United States when it comes to the highest tax rates possible.

And that is not all. Mr. Biden proposes an additional 10-percent penalty on goods and services imported by U.S. companies from foreign affiliates.

Now, even the Washington Post editorial board noted earlier this month that Vice President Biden's policy simply ignores the reality of global supply chains.

Do we, in fact, really want to encourage foreign countries to tax goods and services imported from the United States? That could be a slippery slope.

The truth is, Mr. Biden is trying to fix problems from the last administration. Republicans already met that challenge, and tax reform of 2017 is working.

Data from the Bureau of Economic Analysis clearly shows that tax reform stemmed the flood of offshoring, while encouraging U.S. companies to invest right here in the United States.

In fact, among U.S. multinationals, employment investment, research, and production in the United States has increased at a faster rate in 2018 than the average rate over the past 20 years—faster than the growth rate of U.S. multinational companies that are abroad.

Of course, there is more work to be done. But tax reform has made this country a more attractive place for businesses to headquarter, invest, and create jobs.

Now, if the former Vice President succeeds in his plans, it will not just be our businesses that will bear the brunt.

The Joint Committee on Taxation and Congressional Budget Office have both concluded that 25 percent of the corporate tax is borne by workers. So workers will be hurt. They will feel the burden of the Biden plan thorough fewer jobs, through reduced wages, and through less benefits.

Above all, the Biden tax plan ignores the reality of today. We are trying to see our way out of the global pandemic. Undoing the progress that we have made through tax reform, especially now, is certainly not a prescription for economic recovery and growth.

What is more, the Vice President's plan will do nothing to speed the progress that we made reducing unemployment since the height of the pandemic. Instead, it will do just the opposite, work against it.

The Biden tax increases wouldn't be good policy in the best of conditions, but they are certainly bad policy right now because of the economic hardship caused by the pandemic.

If Mr. Biden really wants to keep living in the Obama era, he should recall President Obama's sound advice on tax policy during a crisis, the financial crisis of 2009 and 2010, when President Obama said this: ''The last thing you want to do is raise taxes in the middle of a recession.''

That is something we should all be able to agree upon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

(The remarks of Mr. COTTON pertaining to the introduction of S. 4648 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. COTTON. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

SUPREME COURT NOMINATIONS

Mr. MENENDEZ. Madam President, our Nation has suffered a historic loss in the passing of legal giant Justice Ruth Bader Ginsburg, and I fear the rush to replace her with just 44 days left before the next Presidential election will have grave consequences for the lives of millions of Americans.

As tempting as it is, I am not here to talk about the stunning hypocrisy of my Republican colleagues who once opposed filling any Supreme Court vacancy during a Presidential election year now changing the reasons for doing so like a willow in the wind.

Well, make no mistake, their willingness to abandon their word in the naked pursuit of power and deny the American people a voice in this process is truly stunning. Today, I want to talk about the consequences of their hypocrisy, not for our process here in the Senate but, rather, for the lives and livelihoods of millions of families across this Nation.

Everything Americans care about and depend on is on the line, starting first and foremost with their healthcare. President Trump has already declared that whoever his nominee is, his nominee to the Court will vote to ''terminate'' the Affordable Care Act and reverse Roe v. Wade.

The Trump administration is closer than ever to tearing healthcare away from millions of people by overturning the law that gave it to them in the first place. It is especially outrageous to see the administration threaten the healthcare of millions of Americans at this perilous moment in our history—with nothing, by the way, to replace it.

Since the passage of the Affordable Care Act, they have said they have a better plan. Well, now 11 years later or so, maybe almost 12 years, we have yet to see what that plan is.

We are in the midst of a deadly, once-in-a-century pandemic. A staggering 200,000 Americans—fathers and mothers, sisters and brothers, dear friends and beloved grandparents—are gone forever. Meanwhile, millions of people nationwide are infected with the coronavirus. To this day, many survivors of COVID–19 are grappling with lasting healthcare challenges, from chronic shortness of breath to lifelong scar tissue in their lungs.

We are still learning about the long-term health impacts of contracting COVID–19, but here is one thing we do know: Every single one of these survivors now has a preexisting condition that makes them vulnerable to insurance company discrimination without the protections guaranteed by the Affordable Care Act. That is in addition to the estimated 135 million Americans who already live with common preexisting conditions like chronic asthma, diabetes, and high blood pressure, to mention a few.

Remember what it was like before the Affordable Care Act? A health insurance company could refuse to cover you or provide your care or even kick you off your plan due to your medical history. A child born at birth with a birth defect couldn't get health insurance. The husband who had a heart attack couldn't get health insurance. A woman with cervical cancer couldn't get health insurance afterward—a preexisting condition. We don't want to go back to those days, but that is exactly where the Trump administration will take us should they prevail at the Supreme Court, as this case is pending before the Supreme Court.

Now, despite what they say, the Republican mission has been clear for a decade: to kill the Affordable Care Act, to strip away healthcare from millions of Americans, all the while lying about how they will protect individuals with preexisting conditions. It is shameless.

Just as dangerous is the prospect of a Supreme Court that will overturn Roe v. Wade and roll back the reproductive rights of women. That is what is at stake with this Supreme Court seat—the basic principle that women have a

right to make their own private medical decisions. The American people overwhelmingly believe that women, not the government, should be allowed to decide when they have children.

There is no question that the right to choose is inseparable from the past half-century of progress achieved for women's equality in the United States. It is that progress that Justice Ruth Bader Ginsburg devoted her entire life's work to advancing—the right to pursue their own destinies with full equality under the law.

It is not just healthcare that is on the line; it is our voting rights, our civil rights, workers' rights, immigrant rights, and LGBTQ rights as well. More than that, it is the right of the American people to see their elected representatives enact the kinds of policies they support, like bold action on climate change without corporate-backed challenges at the Supreme Court undoing their wishes.

A Supreme Court nominee has never been confirmed this close to a Presidential election. Americans are already voting as we speak. Should my colleagues in the majority abandon all their prior commitments and deny the American people the opportunity to make their voices heard, I fear we could do lasting damage to the legitimacy of the Supreme Court.

This is an institution that rests on the trust and reverence of the American people. Losing that trust and reverence is dangerous. It is dangerous. It is dangerous for millions of people who will lose the Affordable Care Act's protections. It is dangerous for women who could lose their right to choose and all of us who do not want to turn back a half-century of progress. It is dangerous for our economy at a time when American workers and consumers find themselves at the mercy of corporations that have grown larger and more powerful than at any other time since the Gilded Age. It is dangerous for the future of our planet and safety of our climate at a time when the West is burning, seas are rising, and the Earth is warming faster than ever before. Quite frankly, it is dangerous for our democracy.

We owe the American people a voice and a decision that will shape the course of history for generations. We owe the memory of Ruth Bader Ginsburg and her seat on the Supreme Court more than just another political power grab.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, last Friday, our country lost a trailblazer for equality, a moral giant, and a lover of justice—the great Justice Ruth Bader Ginsburg, affectionately known as RBG. While physically small, she had a towering impact on American jurisprudence. While the volume of her voice was not high, her words carried farther and had a greater impact than the louder voices that were often around her.

She famously observed that many of the laws on the books that pretended to put women on a pedestal actually put them in cages, and then she proceeded to bring cases to strike down those discriminatory walls. She transformed America's legal landscape, especially in the area of gender equality, and that was before she was even appointed and confirmed to the Supreme Court.

On the Supreme Court, with intelligence and persuasion, she was often able to bring others to her point of view, and when she couldn't, she could write a stinging dissent, which she viewed as a conversation with the future. She had optimism in our Nation's pursuit of justice—that her dissents would be vindicated in time, and I dare say that they already have in so many cases, including her dissent in the voting rights case with the reprehensible 2013 decision where, on a 5-to-4 vote, the Supreme Court took a bite out of the Voting Rights Act. She predicted that as soon as that happened, many of the States that had been subject to the preclearance provisions would begin to put up barriers to voting, and that is exactly what happened.

Speaking of the future, her deathbed wish communicated to her granddaughter—her most fervent wish—was that she not be replaced until a new President is installed, whoever that President may be.

She died last Friday on Rosh Hashanah. It was a moment when the country needed to come together to celebrate her life and honor her legacy, and that is what so many people did around the country. We saw an outpouring of support from coast to coast, north to south, east to west. We saw large crowds gathering at the Supreme Court. But here in the U.S. Senate, the majority leader didn't have the decency to even provide a respectful pause, a respectful timeout to honor that legacy. Just over 1 hour after her death was announced, he put out a statement announcing his power play—a statement saying that President Trump's nominee, whoever it may be to replace her, would get a vote. The majority leader rushed to do that despite taking the opposite position in March of 2016 when Justice Scalia passed away and President Obama nominated Merrick Garland.

The majority leader rushed to commit to that vote on President Trump's nominee even though, in the middle of this COVID–19 pandemic, we have not even had a chance to vote here in the Senate on the Heroes Act, which passed the House of Representatives over 4 months ago, providing emergency comprehensive relief to families and workers and small and medium-sized businesses that are hurting from this pandemic. We haven't had a vote on that in 4 months. Yet, within 1 hour of Justice Ginsburg's death, the Republican leader announced: ''We will have a vote'' on President Trump's Supreme Court nominee.

Our country just reached the grim total of 200,000 Americans dead from COVID–19. More Americans have died from COVID–19 than in any other country on the planet, and a big share of those dead are the direct result of President Trump's calculated indifference—what he describes as ''downplaying'' the threat. Well, downplaying a known threat led to inaction, and inaction led to thousands more Americans dying than would have been the case. That inaction has led to far more economic pain and fallout from COVID–19 than had to be the case.

We wouldn't have all of these schools closed right now if the President had taken more rapid action and if we had comprehensive universal and rapid testing. But here we are because Trump wanted to ''downplay'' the threat.

The President has opposed the Heroes Act, which passed the House of Representatives, and there is still no vote here in the Senate on that important legislation to help a country in need—so no vote on that. But, my goodness, they just couldn't wait to announce, within 1 hour of the Justice's passing away, that this Senate would vote on Trump's Supreme Court nomination.

That is despite what Majority Leader MCCONNELL said in 2016. When Justice Scalia passed away and President Obama nominated Merrick Garland to fill the seat, you heard Senator MCCONNELL and many Republicans say: Can't do it. We are in the middle of an election year.

In fact, the majority leader went so far as to instruct his Republican Members not even to meet with Merrick Garland. They didn't even have a hearing for Merrick Garland. The majority leader and so many Republican Senators said: Oh, we can't do that because primary voting has begun in this 2016 Presidential election year. Primary voting has begun. It is underway. It is important to let the American people weigh in on the Presidential election and then allow whoever wins that Presidential election to make their nomination to the Supreme Court.

That is what we heard from Senator MCCONNELL and so many of our Republican Senate colleagues back in 2016—that democracy required that the people's will be heard in the Presidential election year.

Well, it turns out that all of that was just a pure political ploy; that we are going to see one set of rules for Democratic Presidents like Barack Obama and another set of rules from the Republican majority for Republican Presidents like Donald Trump. The dishonesty and rank hypocrisy is obscene, and the American people, regardless of party, see it for what it is.

But as bad as the hypocrisy and the dishonesty is, this is about even more than that. In fact, it is about much more than that. It is about the future direction of our country and the direction of justice in our Nation. It is about whether we have a Supreme

Court that truly stands for equal justice under law, as Justice Ginsburg did. It is about whether we will protect women's rights, as Justice Ginsburg did throughout her career before and after being on the Supreme Court.

We know where President Trump stands on that. We know he was asked during his Presidential campaign on national television about a woman's right to reproductive freedom. He said that women who would choose to have an abortion should be punished—should be punished. And he has said that he will appoint a Justice who will make sure that is what happens. That is what he said.

We are going to see a Justice who wants to strike down workers' rights and protections, and we are going to see a Justice who wants to destroy the Affordable Care Act.

The Affordable Care Act provides important protections to the American people during ordinary times. It is especially important now, as we face this COVID–19 pandemic. We know it has been the goal of President Trump and Republicans for years to destroy and overturn the Affordable Care Act. After all, I think many of us remember being right here on the Senate floor in the summer of 2017. The Speaker of the House, Paul Ryan, and a majority of Republicans in the House at that time had passed a law to overturn the Affordable Care Act. President Trump was itching to sign it. But here in the Senate, we defeated that effort by one vote—one vote in the U.S. Senate.

Why did that happen at the time? A lot of people thought it was a forgone conclusion that this Republican majority Senate would vote to strike down the Affordable Care Act. It is because the American people rose up and said: Hell no. People with diabetes, cancer, heart disease, and other preexisting health conditions, and so many other Americans said: Do you know what? This isn't a partisan issue. It is not a partisan issue if I have cancer or diabetes or asthma or other preexisting conditions. Don't take it away.

Guess what. COVID–19 is not a partisan disease either. It will strike people, of course, regardless of political party.

So the American people got to the phones, got to social media, occupied people's offices, and they said: Hell no. And by one vote, we protected the Affordable Care Act here in the U.S. Senate.

That should have been the end of the story, but it wasn't because what Republicans could not do through the democratic process here in the U.S. Senate, they decided to take to the courts. President Trump and his Attorney General Barr are in court right now, trying to do there what they could not succeed in doing here in the U.S. Senate—trying to destroy and overturn the Affordable Care Act.

Guess when the Supreme Court hearing on that Affordable Care Act case is scheduled to take place: November 10—November 10, 1 week—1 week—after the November 3 election.

So we see the power play here: Jam through a Supreme Court nominee. Put them on the Court in time for that hearing so they can hear the case and be part of overturning it.

Make no mistake, President Trump has pledged to appoint a Supreme Court Justice who will knock down the Affordable Care Act. We don't know who it is going to be, but we know it is going to be somebody who the President believes will strike down the Affordable Care Act.

How do we know that? Here is what Candidate Trump said: ''If I win the presidency, my judicial appointments will do the right thing unlike Bush's appointee John Roberts on ObamaCare.'' That is Candidate Trump in June of 2015.

Here is what Candidate Trump said on another occasion:

> I'm disappointed in [Justice] Roberts because he gave us ObamaCare. He had two chances to end ObamaCare. He could have ended it by every single measure and he didn't do it, so [it is] disappointing.

He says this on numerous occasions—numerous occasions.

He also tweeted out that in 2012, he supported—this is 2012 when now-Senator ROMNEY was running for President. Donald Trump tweeted out then: I am 100 percent supporting MITT ROMNEY's position that we need a Justice on the Court to strike down ObamaCare.

So nobody should be playing any games. The President has told us he is going to nominate somebody to strike down the Affordable Care Act. That hearing is scheduled 1 week after the November 3 election.

All of those issues are at stake right now. It appears that we have enough Republican Senators who have said that we will proceed to consider the nomination. They have abandoned the position that MITCH MCCONNELL, the Republican leader, and so many Senators took in 2016 with Barack Obama—President Obama—when they refused to provide a hearing. So we are going to proceed. But let's remember the President has pledged that he will nominate somebody who will get rid of the Affordable Care Act and who will strike down a woman's right to choose. That is what the President has said.

Just as the American people began to get to the phones and on social media and to contact their Senators in the summer of 2017 when healthcare was at risk, when the Affordable Care Act was at risk, we need to make sure that the word gets out again. Back in 2017, we stopped that from happening by one vote in the U.S. Senate because the American people understood what was at stake.

Here we are now, in a global pandemic. Instead of focusing on the pain the American people are feeling at the moment, instead of allowing us to vote on the Heroes Act, we have this Republican majority trying to power through a Supreme Court nominee to strike down the Affordable Care Act, to do through the courts what they were unsuccessful doing here on the Senate floor in the summer of 2017.

Let's recognize the consequences of this abuse of power and the impact and harm it will do to the American people. Let's take the advice and dying wish of Justice Ginsburg: Allow the American people to speak on November 3 and then allow whoever is sworn in on inauguration day in January to put forward a nominee to be considered by the U.S. Senate.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Mississippi.

UNANIMOUS CONSENT REQUEST—S. 3072

Mrs. HYDE-SMITH. Mr. President, in a few moments, I will ask unanimous consent for the Senate to take up and pass legislation I have introduced to protect women from harm and to protect their health.

This is such an important issue to me as a Senator, as a woman, and as a mother. I am pleased several of my Senate colleagues have joined me on the floor to discuss this important issue, and I look forward to hearing their remarks as well.

Twenty years ago this month, the Food and Drug Administration approved, for the very first time, the abortion pill known as mifepristone. It did so under the immense pressure from the Clinton administration and its pro-abortion allies. However, when the FDA approved this drug, it recognized the serious risk of complications and life-threatening side effects that can be caused by this drug. Because of the risk of harm, and even death, the FDA put in place certain rules to protect the health of women. These rules are known as risk, evaluation, and mitigation strategies—or REMS for short—because they work to mitigate the risks posed by this drug to women.

These commonsense rules require a woman to see a doctor to get the drug, to be fully informed of the potential side effects and how she can seek followup treatment for those life-threatening side effects, and to offer her informed consent before being prescribed the drug.

These simple, commonsense rules have been in place to protect the health of women for over 20 years. Recognizing their importance, I introduced the SAVE Moms and Babies Act last year to codify these rules into law to make sure they remain in place to protect women from these serious side effects. However, pro-abortion forces oppose even these basic protections for women's health and have been working to undermine them, putting women at serious risk.

This summer, a judge in Maryland issued a nationwide injunction canceling these REMS rules for the entire country. We knew this was coming. Back in April, I led 150 Members of Congress, including 38 Members of this

body, in warning the FDA about this issue, and now pro-abortion advocates have found one activist judge to rule in their favor, putting women's health at risk in the middle of a pandemic.

Even with the REMS rules in place to protect women's health, a substantial number of women end up needing lifesaving surgery or blood transfusions following chemical abortion. Sadly, some women have even died from these dangerous drugs.

Make no mistake, no protections mean more adverse events for women. These protections ensure that a doctor could examine the woman to see if she has an ectopic pregnancy or is RH negative. These conditions can seriously increase the risk of harm to a woman taking this drug.

No REMS protections means at-home abortion without medical oversight, putting women at risk of bleeding out and dying alone without a doctor to help her. No REMS protections mean that every State health and safety law that protects women from harm will be at risk. No REMS protections mean mail-order abortion without physicians providing the screenings recommended by the doctors and scientists at the FDA.

That is why it is more important than ever to pass my bill, the SAVE Moms and Babies Act, to codify into law the important FDA REMS rules that protect women from the dangers inherent in mail-order, do-it-yourself chemical abortions.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, an abortion is always tragic, as it involves the taking of an innocent human life, one that has yet to draw its first breath or commit its first sin. In the case of a chemical abortion, it sometimes takes two lives: that of the baby and that of the mother.

Advocates for this procedure will say that it is simple, it is easy, it is convenient, and it is safe. They claim that it is a good and valuable form of ''healthcare'' for women, but nothing could be further from the truth. The grim and gruesome reality is that this barbaric practice wreaks havoc on women's bodies and destroys the tiny bodies growing within them.

So just how does this procedure work? The details are not pleasant. First, the mother is given a pill that blocks progesterone. This, of course, is a hormone that is necessary for pregnancy, and it breaks down the lining of her uterus. Without progesterone, you see, the baby, whose heart is already beating, is starved to death and dies in her mother's womb.

Then, 24 to 48 hours later, the mother is given a second pill, one that empties her uterus by causing severe contractions and bleeding, mimicking early miscarriage. It can last anywhere from a few hours to a few weeks.

Planned Parenthood will try to gloss over the truth here, as elsewhere, claiming that a hot shower and some ibuprofen are enough for a quick recovery to get the mother back on her feet, but, on average, the miscarriage lasts between 9 and 16 days and can last for as long as 30 days. Thirty days—that is a long time.

Most of the time these abortions are done at home. The mother is left to suffer alone, without care or medical attention, without supervision from a doctor or a nurse, and often without any followup whatsoever until 7 to 14 days later, if ever, keeping in mind that many of them don't get any followup care at all.

The result? Well, women have suffered tragic, gruesome, and horrific experiences using the abortion pill. It has caused nearly 4,200 adverse medical events, including more than 1,000 hospitalizations and nearly 600 instances of blood loss requiring transfusions.

Some women have even died. The FDA has reported 24 maternal deaths from the abortion pill just since its approval in 2000, and those are just the officially reported ones that we know of that have happened with the regulations we currently have in place. Based on the assumption that those regulations are in place, that is still a really high rate at which they die.

Some women need corrective surgery after taking the abortion pill and others require lifesaving procedures. And, somehow, we call this healthcare. This is not like popping a Tylenol. This two-step abortion cocktail poses severe risks to women, not even to mention their unborn babies.

In fact, abortion pills are one of only a few medications that require what is known as a risk evaluation and management strategy, a drug safety program that the FDA requires for medications with serious risks. Yet some are pushing to further expand access to these drugs and even further loosen the regulations around them.

Some activists are even pushing for access to the abortion pill by mail, meaning that the patient would never even have to be seen in person by any medical professional at all—not a medical clinic, not a doctor, not a nurse—nothing in person.

The standards of care surrounding this practice are already reckless, they are already harmful, and they are already causing misery, injury, suffering, and death. In fact, they are unacceptable standards of care for women and for babies. The last thing we should be doing is making them even worse, making them even more vulnerable than they already are.

So setting aside for a minute how you feel about other issues related to unborn human life in this area, let's just talk about this issue for a moment. Let's just talk about whether this issue is really one that we want to expand, where we increase the amount of misery, the amount of suffering, and the amount of carnage that would occur as a result of more people gaining access to this deeply flawed, very dangerous form of so-called healthcare.

That is why we ought to support the bill put forward by my friend and colleague Senator HYDE-SMITH. The SAVE Moms and Babies Act would prohibit the FDA from approving new abortion drugs, from loosening any regulations that exist on already approved abortion drugs, and from dispensing abortion drugs remotely or through the mail.

The purpose of healthcare is to heal, to preserve, and to protect human life. A chemical abortion happens in the first trimester of life, up to about the tenth week of pregnancy, when an unborn baby already has a beating heart, when an unborn baby already has a growing brain, and when the growing baby already has 10 fingers and 10 toes.

She deserves a shot at life, at the beginning of life, at the front door, and she deserves to not have it taken away and, literally, flushed down the drain. Mothers deserve the utmost care, protection, and support as they nurture the human life inside of them, not medical harm and not medical neglect.

Our healthcare system should protect and care for them both, and our laws should uphold the immeasurable dignity and worth of both. This bill is a step in the right direction, and I implore all of my colleagues to support this legislation.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Louisiana.

Mr. CASSIDY. Madam President, I thank the Presiding Officer, Senator HYDE-SMITH, and Senator LEE for organizing this colloquy and participating in it in support of the Support and Value Expectant Moms and Babies Act. I love that title: Support and Value Expectant Moms. Isn't that great? We should.

I am a doctor—not an obstetrician, but, nonetheless, I have delivered babies. As a doctor, my mission was to save lives—I don't practice anymore; I use the past tense—and improve health outcomes for all patients.

We are here talking about chemical abortions. Chemical abortions don't do any of that. The health risks can be severe, obviously, for the unborn child but also, potentially, for the mom, and, particularly, when the mother has this without supervision by a healthcare provider.

The total absence of medical support is the total absence of care, and using potentially dangerous chemicals without medical support can lead to the absence of health. If Americans care about a woman's health, they should be concerned when such procedures are allowed.

Yet chemical abortions are on the rise. I am told that in 2017 they represented nearly 40 percent of all abortions. Due to a recent court case, women can begin to receive these through the mail, prescribed without even receiving a physical exam.

Now, the mom who selects that may not know the potential consequences, but, as a physician, I do. The potential

complications include, for example, if the mother has what is called an ectopic pregnancy, where the unborn child and the placenta are not in the womb but are outside of the womb. If that occurs and these pills are taken—the pill known as Mifeprex, RU486—it can cause that pregnancy to rupture, and instead of the bleeding coming out as the child would, through the vagina, it means that internal bleeding occurs, which can result in the mother's death.

Chemical abortions have four times the complications that surgical abortions do in the first trimester, and as many as 6 percent of women taking these abortion drugs require surgery to complete the abortion—potentially painful and life-threatening and, of course, horrific for the unborn child.

The American College of Obstetricians and Gynecologists has stated that ''compared with surgical abortion, medical abortion takes longer to complete, requires more active patient participation, and is associated with higher reported rates of bleeding and cramping.''

The bill we are discussing today, the SAVE Moms and Babies Act, or the Support and Value Expectant Moms and Babies Act, takes substantive steps to protect the health of women and the unborn child. The bill prevents approval of new abortion drugs by the FDA, keeps the risk evaluation and mitigation strategy, or REMS, protocol, and curtails abortion pills from being dispensed by mail or through telemedicine.

I introduced the Teleabortion Prevention Act of 2020 in February, which requires a doctor to physically examine a pregnant mom before prescribing any abortion-related drugs and requires a followup appointment. We actually want women to receive healthcare, by healthcare providers who care about their health.

If Senators in this body really care about women's health, they should join with us to stop these do-it-yourself abortions. Preventing abortion protects unborn babies, but preventing chemical abortions protects women.

Let's work together to protect women by passing the SAVE Moms and Babies Act to forever end dangerous chemical abortions.

I yield the floor.

The PRESIDING OFFICER. (Mr. CASSIDY). The Senator from Mississippi.

Mrs. HYDE-SMITH. Mr. President, as if in legislative session, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. 3072 and the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object. The FDA approved mifepristone nearly 20 years ago, and leading medical organizations have made clear that restrictions on it like those that are in this bill are not based on evidence or patients' best interests. This bill is not about science or healthcare or what is best for women across the Nation. It is about ideology and Republicans wanting to do every single thing they can to chip away at the right to a safe, legal abortion.

Not on my watch. This is far from the only Republican effort to ignore the science and the medical professionals and overrule the personal decisions of patients across the country.

At this very moment, they are gearing up to jam through President Trump's Supreme Court nominee and strike down Roe v. Wade. But as sure as I am standing here today to oppose this effort to restrict women's reproductive rights, you can bet I will be standing with women and men across the country to oppose that one too.

I will offer legislation in a moment that actually does work to protect and help women and families in a moment, but for now, on this request, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

UNANIMOUS CONSENT REQUEST—S. 4638

Mrs. MURRAY. Mr. President, we are in the middle of a pandemic. Two hundred thousand people have died, millions more have been infected, and this crisis is nowhere close to being over. But are Republicans are offering solutions? Not even close.

We need to be prioritizing science. Instead, they are offering a bill that prioritizes partisan ideology. We need to be making it easier for people to get the care they need. Instead, they are offering a bill with the sole purpose of putting up unnecessary barriers to care. And not only are they wasting time on their partisan war against abortion with this bill—which they know is a nonstarter—they are preparing to jam through a Supreme Court nominee who would make things even worse.

They are fighting to not just overturn Roe v. Wade but to strike down healthcare for tens of millions of people and strike down protections for people with preexisting conditions and to send healthcare costs skyrocketing—all during a pandemic.

I can't believe I have to say this, but we need to be taking steps to make this crisis better, not worse, which is why I am going to offer a unanimous consent request that the Senate proceed to S. 4638—the Science and Transparency Over Politics Act, which Senator SCHUMER and myself and 32 other Democrats introduced today.

Unfortunately, we have seen the Trump administration repeatedly take dangerous steps to undermine and overrule the experts at our Nation's public agencies. We have seen the President spread lies and misinformation and conspiracy theories about their work. We have seen his officials meddle with key scientific reports and apply pressure to promote unproven treatments. And we know this interference can damage public confidence in the science-based guidance our experts issue to help save lives and in their efforts to evaluate a vaccine and make sure it is safe and effective. We just can't let that happen.

This reckless interference didn't start yesterday, and it is clear it is not going to stop tomorrow. So I believe Congress needs to take action to make it stop.

The STOP Act would do just that by providing much needed transparency and accountability. Given how many Republicans have said we need to be listening to the experts and following the science, this bill should not be controversial. It should be common sense.

Mr. President, as in legislative session, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. 4638, and the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mrs. HYDE-SMITH. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. HYDE-SMITH. Mr. President, reserving the right to object, I am disappointed but can't say I am surprised that the Senators on the other side of the aisle have objected to the SAVE Moms and Babies Act. The Democrats have shown time and again that they would rather put the profits of the abortion industry over protecting women. That is what is happening again today.

Make no mistake, the Democrats are trying to change to another bill because they want to distract you from what my bill is about. My bill is about protecting women from dangerous at-home abortions without a physician involved whatsoever. That is what my bill does—ensure women have to see a doctor to get this drug, ensure the doctor can examine her to see if she has any conditions that might make her at higher risk for complications, make sure she is fully informed and consents that she is not coerced.

Democrats objecting to this shows you how far to the left the Democratic Party is on abortion. Passing my bill should be a no-brainer. The REMS rules were put into place by a Democratic FDA to protect women. They have been in effect for 20 years, until the judge in Maryland fell for some far-fetched arguments from abortion advocates.

The FDA and HHS implement government health and safety regulations to protect patients and ensure that doctors are doing their job, to make

sure that drugs are safe and that patients are not harmed. That is why we have an FDA and why we have an HHS.

I agree with the Senator from Washington State that FDA and HHS should do this work based on scientific evidence. That is exactly what happened in 2000 when the Clinton administration and FDA scientists looked at the evidence and decided these REMS rules were needed to protect women from the dangers of this abortion drug.

Usually, Democrats support science-based health protections but not when it comes to abortion. When it comes to abortion, they are in the pocket of the abortion lobby and would rather play politics rather than protect women's health.

We can't let Senate Democrats change the subject by trying to bring up another bill that is not related to these REMS protections whatsoever. We can't let them try to change the subject from women's health to their latest conspiracy theory about the President. Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

I do ask, invoking rule XIX, that no Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

The Senator from Washington.

Mrs. MURRAY. Mr. President, it is disappointing that Republicans would object to a bill that simply provides much needed accountability and support for scientific decisionmaking. It is especially disappointing they would object to it during a pandemic and while simultaneously pushing for an ideological bill that would undermine patient's care and reproductive rights.

Rest assured, the minority leader, Senator SCHUMER, and I and the rest of our Democratic caucus are not giving up, and we will continue to fight on behalf of women and families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, point of parliamentary inquiry: What was the statement that prompted the admonition under rule XIX?

The PRESIDING OFFICER. Democrats are in the pockets of the abortion industry.

The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the thoughtful discussion that we have had today between my colleague from Mississippi and my colleague from the State of Washington. I also appreciate the thoughtful insight that the Senator from Louisiana provided in his remarks.

I feel it necessary to address a couple of issues that were raised by my friend and distinguished colleague from the State of Washington. There are differences that Members have—differences of opinion—when it comes to a wide variety of issues.

When it comes to abortion, people have different approaches they take. I know my own view, and I know the views taken by many of my Democratic colleagues. But it is important to point out here what we are talking about and what we are not talking about.

One of the first arguments that we heard today from the Senator from Washington related to Roe v. Wade. And as long as we are on the topic of imputing to another person improper motives or motives not apparent on the face of a piece of legislation, if one is going to impute to the Senator from Mississippi the intention of undoing a Supreme Court precedent, I would like to point out that is manifestly not within the scope of this legislation, nor is it the place of any Senator to purport to know the subjective motivation behind Senator HYDE-SMITH's legislation here.

I am not going to purport to know the reason why she said that. I just want to point out, that is not the point of this bill. This bill has nothing do with Roe v. Wade. You can feel however you want about Roe v. Wade. This isn't it. I know that is a convenient excuse to not have to deal with something—something real, something that has to do with the lives and the health and the well-being of women, to say nothing about the unborn human lives within them.

From those who would invoke science in opposing this bill, I would ask, on what planet does science back the idea we should remove the REMS restrictions from this supposed so-called form of healthcare—a form of healthcare that, as I mentioned a few moments ago, has resulted in thousands upon thousands of complications in the two decades it has been on the market? On what planet can one contend that one can't support this legislation without being opposed to science?

Back to the Roe v. Wade question. If every single time someone gets up to try to present legislation—legislation that as far as I can tell, the Senator from Washington wasn't claiming was outside of our legislative purview as Federal lawmakers—if every single time someone gets up to try to raise legitimate questions of public policy regarding the health, safety, and welfare of the American people, of the American patient, of American women subjected to very serious side effects from a piece of legislation—if no one can present legislation without being accused of trying to undo a 1973 court decision, which is, on its face, not even at issue in this legislation, then we are going to have a hard time carefully considering these things.

Last I checked, it is our job to decide questions of public policy—questions that are squarely within our Federal jurisdiction. One could argue, I suppose, about whether it was a good idea to put exclusive jurisdiction over the regulation of pharmaceuticals in this country under the FDA. One could make that argument.

I don't understand the Senator from Washington to be making a federalism argument. If she wants to have that conversation, I would love to have that with her. That would be fantastic. In fact, I would love to raise federalism concerns anytime we are discussing anything because it is far too seldom invoked here.

But that is not what this is about. What that argument was about was instead that the Senator from Mississippi supposedly is trying to overturn Roe v. Wade. And it couldn't possibly be the fact that she is there genuinely concerned about the thousands upon thousands of injuries that have been sustained as a result of this barbaric form of so-called medical treatment. It can't possibly be that.

If that is the case, if those who were so determined to make everything about Roe v. Wade—if they are right and if they were to have their way, then I guess we can't discuss anything even related to women's health that affects pregnancy.

Surely, that is not the argument. That can't be the argument. I don't think anyone, regardless of how they feel about Roe V. Wade, regardless of how they feel about government's role in abortion or not, if what we are talking about is the fact that we ought not loosen certain restrictions so as to allow people to gain access to an abortion cocktail that is dangerous under many circumstances, especially when it is administered without any kind of direct medical supervision or attention, if that is where we are, that is not good. That is messed up. Something is terribly wrong if we can't have a conversation about women's health without being accused of wanting to undo an entire line of precedent dating back to 1973.

Look, guilty as charged. I have my own views about that line of precedent. Those views are no secret. Those views are well-founded as a matter of science. They are well-founded as a matter of hundreds of years of American constitutional law, of common law, but I understand they are not the only views.

You cannot simply walk in here and say that because this addresses a type of abortion procedure, because Roe v. Wade reached the conclusion that it did, anyone who proposes a piece of legislation like the one proposed by Senator HYDE-SMITH today necessarily has as its object—that her subjective motivation behind filing that legislation is the undoing of Roe v. Wade, and because that is her supposed subjective motivation, we can't even have the conversation about what this does for women's health—to say: Let's draw the line, and let's not remove the REMS restrictions. Let's not let people order these through the mail and be administered these dangerous drugs without direct medical supervision.

The next line of reasoning used by the Senator, my friend and distinguished colleague from the State of

Washington, is that we are in the middle of a global pandemic. Yes, we are, but last I checked, that doesn't prevent or preclude us from discussing and addressing other things, from the funding of the government to Presidential nominees whom we confirm or don't confirm. That doesn't preclude us or excuse us from considering other pieces of legislation. I am struggling to understand how the existence of a global pandemic means that we can't even address another type of epidemic—one brought about potentially as a result of the abusive prescription and reckless misuse of abortion-inducing drug cocktails. This is beyond my ability to understand.

It is also beyond my ability to understand how a simple requirement that before one of these drugs is administered, the patient should have at her disposal a medical examination and some kind of medical attention. Nothing about Roe v. Wade says that you can't have laws restricting the manner in which abortions are performed. Nothing about Roe v. Wade says that a State or Congress itself may not require that abortions be performed by healthcare professionals under the supervision of a board certified medical doctor. Nothing about Roe v. Wade carries any implication for this. This legislation simply says: Let's make sure that medications like this are not used to harm American women.

I have other colleagues wishing to discuss this topic and other topics. Let me say this: Human life matters. Every human life means something. You can't snuff it out and pretend it doesn't exist, because it does. Every life matters to God. It matters in the universe. Whether you believe in God or not, life matters. You can't pretend it doesn't exist. Every life is unrepeatable, irreplaceable. We should vow to protect it.

For those who aren't interested in protecting unborn human life, let's at least focus on protecting the human lives that we all agree exist. That is what this legislation is about. Shame on us if we can't even do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Mr. President, I thank my colleague Senator LEE for an impassioned and effective argument.

I rise here today in support of my colleague Senator HYDE-SMITH's SAVE Moms and Babies Act, of which I am a proud cosponsor. I am disappointed that my colleagues would object to this bill to help safeguard and help expectant mothers.

The SAVE Moms and Babies Act would improve women's health by protecting important safety mechanisms put into place by the FDA. The Risk Evaluation and Mitigation Strategy is an essential mechanism which ensures that drugs with serious safety concerns are used and prescribed correctly.

My Democratic colleagues and the abortion lobby may expect Americans to believe chemical abortion pills are safe to use and should be available online without an in-person physician consultation, but here are the facts: Between 3.4 and 5.9 percent of women taking chemical abortion drugs require surgical intervention to complete the abortion. This meant 10,000 women in 2017 alone needed surgery after taking an abortion drug. Chemical abortion has four times the complications as surgical abortion during the first trimester. The risk of complications are particularly worsened in the case of an ectopic pregnancy. Women with ectopic pregnancies have suffered serious injury and even death from taking chemical abortion drugs.

I am disappointed this Chamber could not come together today to support Senator HYDE-SMITH's timely, needed, and important bill to protect women's health.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. COTTON. I know of no further debate on this nomination.

The PRESIDING OFFICER. There being no further debate on the nomination, the question is, Will the Senate advise and consent to the Sonderling nomination?

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted yea.

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

The PRESIDING OFFICER (Ms. MCSALLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 41, as follows:

[Rollcall Vote No. 189 Ex.]

YEAS—52

Alexander	Blunt	Burr
Barrasso	Boozman	Cassidy
Blackburn	Braun	Collins

Cornyn	Inhofe	Roberts
Cotton	Jones	Romney
Cramer	Kennedy	Rounds
Crapo	Lankford	Rubio
Cruz	Lee	Sasse
Daines	Loeffler	Scott (FL)
Enzi	Manchin	Scott (SC)
Ernst	McConnell	Shelby
Fischer	McSally	Sinema
Gardner	Moran	Thune
Graham	Murkowski	Toomey
Grassley	Paul	Wicker
Hawley	Perdue	Young
Hoeven	Portman	
Hyde-Smith	Risch	

NAYS—41

Baldwin	Gillibrand	Reed
Bennet	Hassan	Rosen
Blumenthal	Heinrich	Schatz
Booker	Hirono	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Cardin	Klobuchar	Tester
Carper	Leahy	Udall
Casey	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warren
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wyden
Feinstein	Peters	

NOT VOTING—7

Capito	Sanders	Tillis
Harris	Stabenow	
Johnson	Sullivan	

The nomination was confirmed.

CHANGE OF VOTE

Mr. HAWLEY. Madam President, on rollcall vote 189, I voted nay. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Kansas.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MORAN. Madam President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, for debate only, for 30 minutes, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

COMMANDER JOHN SCOTT HANNON VETERANS MENTAL HEALTH IMPROVEMENT ACT

Mr. MORAN. Madam President, I am pleased to share with my colleagues in the Senate that we have reached an agreement with the House to pass S. 785, the Commander John Scott Hannon Veterans Mental Health Improvement Act, and we expect the bill to pass the House of Representatives tomorrow.

This is a bill that passed—our most significant piece of legislation—from the Senate Committee on Veterans' Affairs dealing with mental health and suicide prevention. The bill came out

of the committee unanimously and was approved by the Senate unanimously, and we have been negotiating with Chairman TAKANO and Ranking Member ROE of the House Committee on Veterans' Affairs for its passage by the House and with consideration by the Senate of other bills that the House has and will send us.

I want to thank my colleague Senator TESTER, the ranking member of our committee, Chairman TAKANO, and Dr. ROE, the ranking member of the House committee, for working expeditiously with me to reach an agreement to pass this comprehensive mental health and suicide prevention bill for America's veterans.

One veteran lost due to suicide is one too many, and it is a national tragedy that we continue to lose 20 veterans each day to suicide.

I am glad that Congress has come together to do our part to ensure this bill which will save lives. It needs to be passed without delay and signed into law.

This bill will establish a grant program and require the VA to better collaborate with community organizations across the country already serving veterans. This provision was specifically championed by my colleague Senator BOOZMAN of Arkansas.

In addition, this legislation directs the VA to embark on groundbreaking research in the form of a precision medicine initiative that will improve how mental health conditions are diagnosed and treated, expand VA telehealth capabilities to better serve rural and Tribal veterans, bolster and expedite Federal research capabilities, increase accountability over the Department's mental health and suicide prevention programs, and make necessary improvements to the VA mental health workforce.

While this legislation puts in place the critical care, services, and support that will save veterans' lives, it is my hope that the bill will also serve as a signal to our veterans, servicemembers, and their families that they are never, never alone.

I want to extend my gratitude to the President for his support of this bill, and I ask him to sign this legislation as soon as it arrives on his desk.

GOVERNMENT FUNDING

Mr. MORAN. Madam President, we must take our duty to America's veterans seriously, which is why the circumstances we find ourselves in today are extremely unfortunate. The extensions for important VA programs for the upcoming fiscal year—just 8 days away—are currently being held up from being considered and passed in the Senate.

This extension bill was negotiated in earnest and the four corners of the Senate and House Veterans' Affairs Committees agreed upon this legislation. This was a collaborative effort, not a partisan one, but, nonetheless, this bill has not yet been cleared by the Senate minority.

Let me be clear: Countless veterans rely on these programs. Let me be clear: They expire at the end of the month.

From raising veterans out of homelessness to making certain that COVID–19 doesn't disrupt a veteran's pursuit of higher education, to helping rural veterans get their medical appointments, the fiscal year 2021 VA extenders bill contains a wide variety of extensions for programs that support a multitude of veteran populations.

Additionally, we have requested consent for several House-passed bills that will improve mental health care for veterans and increase annual veteran benefit rates to keep up with inflation. These are commonsense ideas that have broad support and will make meaningful differences in the lives of our veterans. These are items that would normally pass the Senate without difficulty.

Our veterans should not wait and should not need to wait. They can't afford to wait for the Senate to act on these matters. The deadline is quickly approaching. Our Nation's veterans did not serve their country for partisan reasons, and we must not let any partisan differences prevent us from authorizing the programs to support those veterans.

I ask my Senate colleagues to fulfill our collective duty regarding veterans programs and that we do not allow other issues to distract from that duty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

REMEMBERING JUSTICE RUTH BADER GINSBURG

Mrs. BLACKBURN. Madam President, this past weekend, we lost a brave and uncommonly fearless American.

Justice Ruth Bader Ginsburg represented many things to many people. For some, her work was the gold standard of legal advocacy. For others, her arguments proved to be intellectual flashpoints, sparking opportunities to think critically about what we believe and why we believe it. But for each and every one of us, she served as living proof that the status quo is often much more fragile than it appears.

So today, I think I speak for so many Tennesseans when I say we are thankful beyond measure for that enduring legacy and the standard that she set as she broke barriers and crashed through glass ceilings, opening opportunities for women. I hope that I am as effective as she in increasing opportunities for women each and every day.

AMERICAN UNITY

Mrs. BLACKBURN. Madam President, last week marked another Constitution Day celebration. It could not have come at a better time because, for just one little moment, it helped us pause and contemplate two very important things.

First, we took time to think about those values that our Founders knew. They knew that these values were essential to the establishment of a model republic.

Second, we remembered the progress we have made in deciding for ourselves how the passage of time changes or does not change what we can do to make that ''more perfect Union'' even more so.

Free speech, petition, and protest, the right to defend ourselves, the right to cast a vote—these are the freedoms that unite us in times of turmoil, whether we find ourselves in the midst of all-out war or just a particularly contentious election year.

I would argue that how a nation reacts to that turmoil says more about its foundation than it does about who controls the news cycle on any given day.

Divisive voices are hard at work in this country, and they are doing their very best to convince our friends, families, and neighbors that our foundation is weak and that our founding principles are no longer good enough. I find that very sad.

They want us to believe that America as we know it is suddenly irredeemable, that it just can't be safe.

You might ask yourself: Why are they saying all of this in spite of hundreds of years and millions of Americans proving the exact opposite is true?

Here is what I think. They say it because they want us to give up. They want our neighbors, our families, and our friends to give up, call it quits; our best days are behind us. We have all heard them say this. They say: Throw the Constitution in the trash. Rewrite it. Start over. And after you throw the Constitution in the trash, then let's reimagine the world's greatest democracy through our very own destructive lenses of socialism, critical theory, and political correctness. That is what they say.

As I am sure we have all seen, they have come up with some fairly persuasive methods to try to get their way. But I believe that, in the end, these efforts will all be in vain because when push comes to shove, we, the American people, always manage to remember where we have come from and to remember who we are.

It is interesting. I think somehow we Americans always find our way home, back to those first principles. Indeed, I pray that continues.

Our Founders saw what tyranny really looked like. They saw it up close and personal because they had to live through it. They knew exactly—exactly—what would happen if they put the fate of the Republic in the hands of men alone. So what did they do to give that insurance policy, if you will, that democracy and a democratic republic would continue and would stand? They drafted a Constitution, recognizing

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 Ginsburg, 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 Justice 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 hardworking 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 Medicaid 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 witnessing 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.

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 codirector 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 whether 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, cofounding 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 founder 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 nondiscrimination 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 preelection 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 mounting 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 preexisting 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 preexisting 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 mourning 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 preexisting 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 require 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 micromanage 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 reflect 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 decisions, 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

thing to do, but it makes sound economic policy as well. Allowing more people more opportunities does not take away from those with power, but it grows our economy as a State and as a country and allows all of us to be more prosperous together. That includes reproductive rights, which is the keystone to allowing women full economic opportunity as men.

I have to say that letter basically sums it all up. That is what the fight with Lilly Ledbetter was. I thank Lilly Ledbetter. I thank Lilly Ledbetter for having the courage to file that case and stand up to that discrimination and basically fight a long process that people still don't understand. We do not have pay equity in America yet. We still are not making the same amount as men.

Ruth Ginsburg made a decision that set the course for the Lilly Ledbetter law, which basically says that instead of saying our time to file a case for discrimination runs out after a year when we don't even know we have been discriminated against, we should have a longer period of time to file that case. All we are going to get is our day in court.

I thank both Lilly Ledbetter and Justice Ginsburg for that because they were women standing up in an incredible environment, with men surrounding them, and speaking truth to power about what needed to happen, as my constituent says here, for full economic opportunities for all people.

I can't tell you how many men I have heard say: I want equal pay for women. I want equal pay for women because I want my wife to make a decent salary. I want her to bring home as much as she can bring home. I don't want her discriminated against.

Yet when Justice Ginsburg set us up for the Lilly Ledbetter legislation and we came here to the Senate floor, I heard the most unbelievable speeches here on the Senate floor. Colleagues of ours basically said things like: Well, if you would just be as qualified as a man, we will pay you as much as a man.

The disconnect still exists. The pay inequity still exists. But the course of action has been set by Justice Ginsburg, and we just have to pick up the torch and carry this to the finish line because it is good for our economy. It is good for our society. It is good for women to have the type of participation that—when you are paid equally to a man, you can continue to contribute in society.

Already, 2,000 people have written to me. It is unbelievable what she has done to touch the hearts of Americans.

A father from Bellingham wrote: Mostly, I mourn for the future of my 4-year-old daughter. The prospects of women losing their right to choose and an erosion of gender equality is frightening.

Another constituent, Katie, wrote: Even though the air this morning looks relatively clear again in Seattle—a little reference to all our fire and smoke—our future is foggier than ever. While I mourn the death of Justice Ginsburg, I cannot help but feel tremendous anxiety about the future of existing laws in effect that protect all people's rights, from legal abortions to access to healthcare, to laws that protect our votes and our freedom of speech and laws that Justice Ginsburg protected.

That is really what is going on here in America. This movement about RBG is saying: You stood up to protect us, and now you are gone, and what is going to happen?

I definitely pause in this for a little comment about our Senate schedule. I don't get it. We can sit here and argue back and forth about what people said when and how and all of that. What I don't understand is this: It takes time to review the record of someone for a lifetime appointment to the Supreme Court in which these important issues to working families and whether they have as much power and as much clout and as much standing as a corporation in America—people want to know where they stand.

Somehow, people are already talking about schedules. I don't understand. How can you decide what the schedule is when you haven't even heard the name of a person? How do you move forward with a schedule when you don't even know—maybe this person is going to end up being Harriet Miers. Maybe you are going to look at their record and say: It is Harriet Miers, and I don't want to move forward because I looked at her record, and I decided maybe this is not the jurist I want at this point in time.

All I am saying is, I don't understand how somebody can set a course of action in a schedule when you don't even know who the person is, what the process is going to be, or the length of time. You are setting a horrible precedent. You are saying to people that it doesn't even matter what the name is; you already have a schedule. It doesn't matter how long it is going to take to review.

It is very hard here to not have frustration when my citizens have fought so hard for these rights, and Justice Ginsburg's passing has upset them so much that they need to hear from us about how a fair and deliberative process—the last wishes of Justice Ginsburg—is going to be honored.

I would like to add in the RECORD the full dissent that was read from the bench from Justice Ginsburg in the Lilly Ledbetter case.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES, LILLY M. LEDBETTER, PETITIONER v. THE GOODYEAR TIRE & RUBBER COMPANY, INC.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT—MAY 29, 2007

Justice Ginsburg, with whom Justice Stevens, Justice Souter, and Justice Breyer join, dissenting.

Lilly Ledbetter was a supervisor at Goodyear Tire and Rubber's plant in Gadsden, Alabama, from 1979 until her retirement in 1998. For most of those years, she worked as an area manager, a position largely occupied by men. Initially, Ledbetter's salary was in line with the salaries of men performing substantially similar work. Over time, however, her pay slipped in comparison to the pay of male area managers with equal or less seniority. By the end of 1997, Ledbetter was the only woman working as an area manager and the pay discrepancy between Ledbetter and her 15 male counterparts was stark: Ledbetter was paid $3,727 per month; the lowest paid male area manager received $4,286 per month, the highest paid, $5,236. See 421 F. 3d 1169, 1174 (CA1 1 2005); Brief for Petitioner 4.

Ledbetter launched charges of discrimination before the Equal Employment Opportunity Commission (EEOC) in March 1998. Her formal administrative complaint specified that, in violation of Title VII, Goodyear paid her a discriminatorily low salary because of her sex. See 42 U.S.C. §2000e–2(a)(1) (rendering it unlawful for an employer ''to discriminate against any individual with respect to [her] compensation . . . because of such individual's . . . sex''). That charge was eventually tried to a jury, which found it ''more likely than not that [Goodyear] paid [Ledbetter] a[n] unequal salary because of her sex.'' App. 102. In accord with the jury's liability determination, the District Court entered judgment for Ledbetter for backpay and damages, plus counsel fees and costs.

The Court of Appeals for the Eleventh Circuit reversed. Relying on Goodyear's system of annual merit-based raises, the court held that Ledbetter's claim, in relevant part, was time barred. 421 F. 3d, at 1171, 1182–1183. Title VII provides that a charge of discrimination ''shall be filed within [180] days after the alleged unlawful employment practice occurred.'' 42 U.S.C. §2000e–5(e)(1). Ledbetter charged, and proved at trial, that within the 180-day period, her pay was substantially less than the pay of men doing the same work. Further, she introduced evidence sufficient to establish that discrimination against female managers at the Gadsden plant, not performance inadequacies on her part, accounted for the pay differential. See, *e.g.*, App. 36–47, 51–68, 82–87, 90–98, 112–113. That evidence was unavailing, the Eleventh Circuit held, and the Court today agrees, because it was incumbent on Ledbetter to file charges year-by-year, each time Goodyear failed to increase her salary commensurate with the salaries of male peers. Any annual pay decision not contested immediately (within 180 days), the Court affirms, becomes grandfathered, a *fait accompli* beyond the province of Title VII ever to repair.

The Court's insistence on immediate contest overlooks common characteristics of pay discrimination. Pay disparities often occur, as they did in Ledbetter's case, in small increments; cause to suspect that discrimination is at work develops only over time. Comparative pay information, moreover, is often hidden from the employee's view. Employers may keep under wraps the pay differentials maintained among supervisors, no less the reasons for those differentials. Small initial discrepancies may not be seen as meet for a federal case, particularly when the employee, trying to succeed in a nontraditional environment, is averse to making waves.

Pay disparities are thus significantly different from adverse actions ''such as termination, failure to promote, . . . or refusal to hire,'' all involving fully communicated discrete acts, ''easy to identify'' as discriminatory. See *National Railroad Passenger Corporation* v. *Morgan*, 536 U.S. 101, 114 (2002). It

is only when the disparity becomes apparent and sizable, *e.g.*, through future raises calculated as a percentage of current salaries, that an employee in Ledbetter's situation is likely to comprehend her plight and, therefore, to complain. Her initial readiness to give her employer the benefit of the doubt should not preclude her from later challenging the then current and continuing payment of a wage depressed on account of her sex.

On questions of time under Title VII, we have identified as the critical inquiries: ''What constitutes an 'unlawful employment practice' and when has that practice 'occurred'?'' *Id.*, at 110. 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. See *Bazemore* v. *Friday*, 478 U.S. 385, 395 (1986) (Brennan, J., joined by all other Members of the Court, concurring in part).

I.

Title VII proscribes as an ''unlawful employment practice'' discrimination ''against any individual with respect to his compensation . . . because of such individual's race, color, religion, sex, or national origin.'' 42 U.S.C. §2000e–2(a)(1). An individual seeking to challenge an employment practice under this proscription must file a charge with the EEOC within 180 days ''after the alleged unlawful employment practice occurred.'' §2000e–5(e)(1). See *ante*, at 4; *supra*, at 2, n. 1.

Ledbetter's petition presents a question important to the sound application of Title VII: What activity qualifies as an unlawful employment practice in cases of discrimination with respect to compensation. One answer identifies the pay-setting decision, and that decision alone, as the unlawful practice. Under this view, each particular salary-setting decision is discrete from prior and subsequent decisions, and must be challenged within 180 days on pain of forfeiture. Another response counts both the pay-setting decision and the actual payment of a discriminatory wage as unlawful practices. Under this approach, each payment of a wage or salary infected by sex-based discrimination constitutes an unlawful employment practice; prior decisions, outside the 180–day charge-filing period, are not themselves actionable, but they are relevant in determining the lawfulness of conduct within the period. The Court adopts the first view, see *ante*, at 1, 4, 9, but the second is more faithful to precedent, more in tune with the realities of the workplace, and more respectful of Title VII' s remedial purpose.

A

In *Bazemore*, we unanimously held that an employer, the North Carolina Agricultural Extension Service, committed an unlawful employment practice each time it paid black employees less than similarly situated white employees. 478 U.S., at 395 (opinion of Brennan, J.). Before 1965, the Extension Service was divided into two branches: a white branch and a ''Negro branch.'' *Id.*, at 390. Employees in the ''Negro branch'' were paid less than their white counterparts. In response to the Civil Rights Act of 1964, which included Title VII, the State merged the two branches into a single organization, made adjustments to reduce the salary disparity, and began giving annual raises based on nondiscriminatory factors. *Id.*, at 390–391, 394–395. Nonetheless, ''some preexisting salary disparities continued to linger on.'' *Id.*, at 394 (internal quotation marks omitted). We rejected the Court of Appeals' conclusion that the plaintiffs could not prevail because the lingering disparities were simply a continuing effect of a decision lawfully made prior to the effective date of Title VII. See *Id.*, at 395–396. Rather, we reasoned, ''[e]ach week's paycheck that delivers less to a black than to a similarly situated white is a wrong actionable under Title VII.'' *Id.*, at 395. Paychecks perpetuating past discrimination, we thus recognized, are actionable not simply because they are ''related'' to a decision made outside the charge-filing period, cf. *ante*, at 17, but because they discriminate anew each time they issue, see *Bazemore*, 478 U.S., at 395–396, and n. 6; *Morgan*, 536 U.S., at 111–112.

Subsequently, in *Morgan*, we set apart, for purposes of Title VII's timely filing requirement, unlawful employment actions of two kinds: ''discrete acts'' that are ''easy to identify'' as discriminatory, and acts that recur and are cumulative in impact. See *Id.*, at 110, 113–115. ''[A] [d]iscrete ac[t] such as termination, failure to promote, denial of transfer, or refusal to hire,'' *Id.*, at 114, we explained, '' 'occur[s]' on the day that it 'happen[s].' A party, therefore, must file a charge within . . . 180 . . . days of the date of the act or lose the ability to recover for it.'' *Id.*, at 110; see *Id.*, at 113 (''[D]iscrete discriminatory acts are not actionable if time barred, even when they are related to acts alleged in timely filed charges. Each discrete discriminatory act starts a new clock for filing charges alleging that act.'').

''[D]ifferent in kind from discrete acts,'' we made clear, are ''claims . . . based on the cumulative effect of individual acts.'' *Id.*, at 115. The *Morgan* decision placed hostile work environment claims in that category. ''Their very nature involves repeated conduct.'' *Ibid.* ''The unlawful employment practice'' in hostile work environment claims, ''cannot be said to occur on any particular day. It occurs over a series of days or perhaps years and, in direct contrast to discrete acts, a single act of harassment may not be actionable on its own.'' *Ibid.* (internal quotation marks omitted). The persistence of the discriminatory conduct both indicates that management should have known of its existence and produces a cognizable harm. *Ibid.* Because the very nature of the hostile work environment claim involves repeated conduct,

''[i]t does not matter, for purposes of the statute, that some of the component acts of the hostile work environment fall outside the statutory time period. Provided that an act contributing to the claim occurs within the filing period, the entire time period of the hostile environment may be considered by a court for the purposes of determining liability.'' *Id.*, at 117.

Consequently, although the unlawful conduct began in the past, ''a charge may be filed at a later date and still encompass the whole.'' *Ibid.*

Pay disparities, of the kind Ledbetter experienced, have a closer kinship to hostile work environment claims than to charges of a single episode of discrimination. Ledbetter's claim, resembling Morgan's, rested not on one particular paycheck, but on ''the cumulative effect of individual acts.'' See *id.*, at 115. See also Brief for Petitioner 13, 15–17, and n. 9 (analogizing Ledbetter's claim to the recurring and cumulative harm at issue in *Morgan*); Reply Brief for Petitioner 13 (distinguishing pay discrimination from ''easy to identify'' discrete acts (internal quotation marks omitted)). She charged insidious discrimination building up slowly but steadily. See Brief for Petitioner 5–8. Initially in line with the salaries of men performing substantially the same work, Ledbetter's salary fell 15 to 40 percent behind her male counterparts only after successive evaluations and percentage-based pay adjustments. See *supra*, at 1–2. Over time, she alleged and proved, the repetition of pay decisions undervaluing her work gave rise to the current discrimination of which she complained. Though component acts fell outside the charge-filing period, with each new paycheck, Goodyear contributed incrementally to the accumulating harm. See *Morgan*, 536 U.S., at 117; *Bazemore*, 478 U.S., at 395–396; cf. *Hanover Shoe*, *Inc.* v. *United Shoe Machinery Corp.*, 392 U.S. 481, n. 15 (1968).

B

The realities of the workplace reveal why the discrimination with respect to compensation that Ledbetter suffered does not fit within the category of singular discrete acts ''easy to identify.'' A worker knows immediately if she is denied a promotion or transfer, if she is fired or refused employment. And promotions, transfers, hirings, and firings are generally public events, known to co-workers. When an employer makes a decision of such open and definitive character, an employee can immediately seek out an explanation and evaluate it for pretext. Compensation disparities, in contrast, are often hidden from sight. It is not unusual, decisions in point illustrate, for management to decline to publish employee pay levels, or for employees to keep private their own salaries. See, *e.g.*, *Goodwin* v. *General Motors Corp.*, 275 F. 3d 1005, 1008–1009 (CA10 2002) (plaintiff did not know what her colleagues earned until a printout listing of salaries appeared on her desk, seven years after her starting salary was set lower than her co-workers' salaries); *McMillan* v. *Massachusetts Soc. for the Prevention of Cruelty to Animals*, 140 F. 3d 288, 296 (CA1 1998) (plaintiff worked for employer for years before learning of salary disparity published in a newspaper). Tellingly, as the record in this case bears out, Goodyear kept salaries confidential; employees had only limited access to information regarding their colleagues' earnings. App. 56–57, 89.

The problem of concealed pay discrimination is particularly acute where the disparity arises not because the female employee is flatly denied a raise but because male counterparts are given larger raises. Having received a pay increase, the female employee is unlikely to discern at once that she has experienced an adverse employment decision. She may have little reason even to suspect discrimination until a pattern develops incrementally and she ultimately becomes aware of the disparity. Even if an employee suspects that the reason for a comparatively low raise is not performance but sex (or another protected ground), the amount involved may seem too small, or the employer's intent too ambiguous, to make the issue immediately actionable—or winnable.

Further separating pay claims from the discrete employment actions identified in *Morgan*, an employer gains from sex-based pay disparities in a way it does not from a discriminatory denial of promotion, hiring, or transfer. When a male employee is selected over a female for a higher level position, someone still gets the promotion and is paid a higher salary; the employer is not enriched. But when a woman is paid less than a similarly situated man, the employer reduces its costs each time the pay differential is implemented. Furthermore, decisions on promotions, like decisions installing seniority systems, often implicate the interests of third-party employees in a way that pay differentials do not. Cf. *Teamsters* v. *United States*, 431 U.S. 324, 352–353 (1977) (recognizing that seniority systems involve ''vested . . . rights of employees'' and concluding that Title VII was not intended to ''destroy or water down'' those rights). Disparate pay, by contrast, can be remedied at any time solely at the expense of the employer who acts in a discriminatory fashion.

C

In light of the significant differences between pay disparities and discrete employment decisions of the type identified in *Morgan*, the cases on which the Court relies hold no sway. See *ante*, at 5–10 (discussing *United Air Lines. Inc.* v. *Evans*, 431 U.S. 553 (1977), *Delaware State College* v. *Ricks*, 449 U.S. 250 (1980), and *Lorance* v. *AT&T Technologies, Inc.*, 490 U.S. 900 (1989)). *Evans* and *Ricks* both involved a single, immediately identifiable act of discrimination: in *Evans*, a constructive discharge, 431 U.S., at 554; in *Ricks*, a denial of tenure, 449 U.S., at 252. In each case, the employee filed charges well after the discrete discriminatory act occurred: When United Airlines forced Evans to resign because of its policy barring married female flight attendants, she filed no charge; only four years later, when Evans was rehired, did she allege that the airline's former no-marriage rule was unlawful and therefore should not operate to deny her seniority credit for her prior service. See *Evans*, 431 U.S., at 554–557. Similarly, when Delaware State College denied Ricks tenure, he did not object until his terminal contract came to an end, one year later. *Ricks*, 449 U.S., at 253–254, 257–258. No repetitive, cumulative discriminatory employment practice was at issue in either case. See *Evans*, 431 U.S., at 557–558; *Ricks*, 449 U.S., at 258.

Lorance is also inapposite, for, in this Court's view, it too involved a one-time discrete act: the adoption of a new seniority system that ''had its genesis in sex discrimination.'' See 490 U.S., at 902, 905 (internal quotation marks omitted). The Court's extensive reliance on *Lorance*, *ante*, at 7–9, 14, 17–18, moreover, is perplexing for that decision is no longer effective: In the 1991 Civil Rights Act, Congress superseded *Lorance*'s holding. 112, 105 Stat. 1079 (codified as amended at 42 U.S.C. §2000e–5(e)(2)). Repudiating our judgment that a facially neutral seniority system adopted with discriminatory intent must be challenged immediately, Congress provided:

''For purposes of this section, an unlawful employment practice occurs . . . when the seniority system is adopted, when an individual becomes subject to the seniority system, or when a person aggrieved is injured by the application of the seniority system or provision of the system.'' *Ibid*.

Congress thus agreed with the dissenters in *Lorance* that ''the harsh reality of [that] decision,'' was ''glaringly at odds with the purposes of Title VII.'' 490 U.S., at 914 (opinion of Marshall, J.). See also §3, 105 Stat. 1071 (1991 Civil Rights Act was designed ''to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination'').

True, §112 of the 1991 Civil Rights Act directly addressed only seniority systems. See *ante*, at 8, and n. 2. But Congress made clear (1) its view that this Court had unduly *contracted* the scope of protection afforded by Title VII and other civil rights statutes, and (2) its aim to generalize the ruling in *Bazemore*. As the Senate Report accompanying the proposed Civil Rights Act of 1990, the precursor to the 1991 Act, explained:

''Where, as was alleged in *Lorance*, an employer adopts a rule or decision with an unlawful discriminatory motive, each application of that rule or decision is a new violation of the law. In *Bazemore* . . . , for example, . . . the Supreme Court properly held that each application of th[e] racially motivated salary structure, *i.e.*, each new paycheck, constituted a distinct violation of Title VII. Section 7(a)(2) generalizes the result correctly reached in *Bazemore*.'' Civil Rights Act of 1990, S. Rep. No. 101–315, p. 54 (1990).

See also 137 Cong. Rec. 29046, 29047 (1991) (Sponsors' Interpretative Memorandum) (''This legislation should be interpreted as disapproving the extension of *[Lorance]* to contexts outside of seniority systems.''), But cf. *ante*, at 18 (relying on *Lorance* to conclude that ''when an employer issues paychecks pursuant to a system that is facially nondiscriminatory and neutrally applied'' a new Title VII violation does not occur (internal quotation marks omitted)).

Until today, in the more than 15 years since Congress amended Title VII, the Court had not once relied upon *Lorance*. It is mistaken to do so now. Just as Congress' ''goals in enacting Title VII . . . never included conferring absolute immunity on discriminatorily adopted seniority systems that survive their first [180] days,'' 490 U.S., at 914 (Marshall, J., dissenting), Congress never intended to immunize forever discriminatory pay differentials unchallenged within 180 days of their adoption. This assessment gains weight when one comprehends that even a relatively minor pay disparity will expand exponentially over an employee's working life if raises are set as a percentage of prior pay.

A clue to congressional intent can be found in Title VII's backpay provision. The statute expressly provides that backpay may be awarded for a period of up to two years before the discrimination charge is filed. 42 U.S.C. §2000e–5(g)(1) (''Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission.''). This prescription indicates that Congress contemplated challenges to pay discrimination commencing before, but continuing into, the 180-day filing period. See *Morgan*, 536 U.S., at 119 (''If Congress intended to limit liability to conduct occurring in the period within which the party must file the charge, it seems unlikely that Congress would have allowed recovery for two years of backpay.''). As we recognized in *Morgan*, ''the fact that Congress expressly limited the amount of recoverable damages elsewhere to a particular time period [*i.e.*, two years] indicates that the [180–day] timely filing provision was not meant to serve as a specific limitation . . . [on] the conduct that may be considered.'' *Ibid.*

D

In tune with the realities of wage discrimination, the Courts of Appeals have overwhelmingly judged as a present violation the payment of wages infected by discrimination: Each paycheck less than the amount payable had the employer adhered to a nondiscriminatory compensation regime, courts have held, constitutes a cognizable harm. See, *e.g.*, *Forsyth* v. *Federation Employment and Guidance Serv.*, 409 F. 3d 565, 573 (CA2 2005) (''Any paycheck given within the [charge-filing] period . . . would be actionable, even if based on a discriminatory pay scale set up outside of the statutory period.''); *Shea* v. *Rice*, 409 F. 3d 448, 452—453 (CADC 2005) (''[An] employer commit[s] a separate unlawful employment practice each time he pa[ys] one employee less than another for a discriminatory reason'' (citing *Bazemore*, 478 U.S., at 396)); *Goodwin* v. *General Motors Corp.*, 275 F. 3d 1005, 1009–1010 (CA10 2002) (''*[Bazemore]* has taught a crucial distinction with respect to discriminatory disparities in pay, establishing that a discriminatory salary is not merely a lingering effect of past discrimination instead it is itself a continually recurring violation . . . . [E]ach race-based discriminatory salary payment constitutes a fresh violation of Title VII.'' (footnote omitted)); *Anderson* v. *Zubieta*, 180 F. 3d 329, 335 (CADC 1999) (''The Courts of Appeals have repeatedly reached the . . . conclusion'' that pay discrimination is ''actionable upon receipt of each paycheck.''); accord *Hildebrandt* v. *Illinois Dept. of Natural Resources*, 347 F. 3d 1014, 1025–1029 (CA7 2003); *Cardenas* v. *Massey*, 269 F. 3d 251, 257 (CA3 2001); *Ashley* v. *Boyle's Famous Corned Beef Co.*, 66 F. 3d 164, 167–168 (CA8 1995) (en banc); *Brinkley-Obu* v. *Hughes Training, Inc.*, 36 F. 3d 336, 347–349 (CA4 1994); *Gibbs* v. *Pierce County Law Enforcement Support Agency*, 785 F. 2d 1396, 1399–1400 (CA9 1986).

Similarly in line with the real-world characteristics of pay discrimination, the EEOC—the federal agency responsible for enforcing Title VII, see, *e.g.*, 42 U.S.C. §§2000e–5(f)—has interpreted the Act to permit employees to challenge disparate pay each time it is received. The EEOC's Compliance Manual provides that ''repeated occurrences of the same discriminatory employment action, such as discriminatory paychecks, can be challenged as long as one discriminatory act occurred within the charge filing period.'' 2 EEOC Compliance Manual §2–IV–C(1)(a), p. 605:0024, and n. 183 (2006); cf. *id.*, §10–III, p. 633:0002 (Title VII requires an employer to eliminate pay disparities attributable to a discriminatory system, even if that system has been discontinued).

The EEOC has given effect to its interpretation in a series of administrative decisions. See *Albritton* v. *Potter*, No. 01A44063, 2004 WL 2983682, *2 (EEOC Office of Fed. Operations, Dec. 17, 2004) (although disparity arose and employee became aware of the disparity outside the charge-filing period, claim was not time barred because ''[e]ach paycheck that complainant receives which is less than that of similarly situated employees outside of her protected classes could support a claim under Title VII if discrimination is found to be the reason for the pay discrepancy.'' (citing *Bazemore*, 478 U.S., at 396)). See also *Bynum-Doles* v. *Winter*, No. 01A53973, 2006 WL 2096290 (EEOC Office of Fed. Operations, July 18, 2006); *Ward* v. *Potter*, No. 01A60047, 2006 WL 721992 (EEOC Office of Fed. Operations, Mar. 10, 2006). And in this very case, the EEOC urged the Eleventh Circuit to recognize that Ledbetter's failure to challenge any particular pay-setting decision when that decision was made ''does not deprive her of the right to seek relief for discriminatory paychecks she received in 1997 and 1998.'' Brief of EEOC in Support of Petition for Rehearing and Suggestion for Rehearing En Banc, in No. 03–15264–GG (CA11), p. 14 (hereinafter EEOC Brief) (citing *Morgan*, 536 U.S., at 113).

II

The Court asserts that treating pay discrimination as a discrete act, limited to each particular paysetting decision, is necessary to ''protec[t] employers from the burden of defending claims arising from employment decisions that are long past.'' *Ante*, at 11 (quoting *Ricks*, 449 U.S., at 256–257). But the discrimination of which Ledbetter complained is *not* long past. As she alleged, and as the jury found, Goodyear continued to treat Ledbetter differently because of sex each pay period, with mounting harm. Allowing employees to challenge discrimination ''that extend[s] over long periods of time,'' into the charge-filing period, we have previously explained, ''does not leave employers defenseless'' against unreasonable or prejudicial delay. *Morgan*, 536 U.S., at 121. Employers disadvantaged by such delay may raise various defenses. *Id.*, at 122. Doctrines such as ''waiver, estoppel, and equitable tolling'' ''allow us to honor Title VII's remedial purpose without negating the particular purpose of the filing requirement, to give prompt notice to the employer.'' *Id.*, at 121 (quoting *Zipes* v. *Trans World Airlines, Inc.*, 455 U.S. 385, 398 (1982)); see 536 U.S., at 121 (defense of laches may be invoked to block an employee's suit ''if he unreasonably delays in filing [charges] and as a result harms the defendant''); EEOC Brief 15 (''[I]f

Ledbetter unreasonably delayed challenging an earlier decision, and that delay significantly impaired Goodyear's ability to defend itself . . . Goodyear can raise a defense of laches . . . .'').

In a last-ditch argument, the Court asserts that this dissent would allow a plaintiff to sue on a single decision made 20 years ago ''even if the employee had full knowledge of all the circumstances relating to the . . . decision at the time it was made.'' *Ante*, at 20. It suffices to point out that the defenses just noted would make such a suit foolhardy. No sensible judge would tolerate such inexcusable neglect. See *Morgan*, 536 U.S., at 121 (''In such cases, the federal courts have the discretionary power . . . to locate a just result in light of the circumstances peculiar to the case.'' (internal quotation marks omitted)).

Ledbetter, the Court observes, *ante*, at 21, n. 9, dropped an alternative remedy she could have pursued: Had she persisted in pressing her claim under the Equal Pay Act of 1963 (EPA), 29 U.S.C. §206(d), she would not have encountered a time bar. See *ante*, at 21 (''If Ledbetter had pursued her EPA claim, she would not face the Title VII obstacles that she now confronts.''); cf. *Corning Glass Works* v. *Brennan*, 417 U.S. 188, 208–210 (1974). Notably, the EPA provides no relief when the pay discrimination charged is based on race, religion, national origin, age, or disability. Thus, in truncating the Title VII rule this Court announced in *Bazemore*, the Court does not disarm female workers from achieving redress for unequal pay, but it does impede racial and other minorities from gaining similar relief.

Furthermore, the difference between the EPA's prohibition against paying unequal wages and Title VII's ban on discrimination with regard to compensation is not as large as the Court's opinion might suggest. See *ante*, at 21. The key distinction is that Title VII requires a showing of intent. In practical effect, ''if the trier of fact is in equipoise about whether the wage differential is motivated by gender discrimination,'' Title VII compels a verdict for the employer, while the EPA compels a verdict for the plaintiff. 2 C. Sullivan, M. Zimmer, & R. White, Employment Discrimination: Law and Practice §7.08[F][3], p. 532 (3d ed. 2002). In this case, Ledbetter carried the burden of persuading the jury that the pay disparity she suffered was attributable to intentional sex discrimination. See *supra*, at 1–2; *infra*, this page and 18.

III

To show how far the Court has strayed from interpretation of Title VII with fidelity to the Act's core purpose, I return to the evidence Ledbetter presented at trial. Ledbetter proved to the jury the following: She was a member of a protected class; she performed work substantially equal to work of the dominant class (men); she was compensated less for that work; and the disparity was attributable to gender-based discrimination. See *supra*, at 1–2.

Specifically, Ledbetter's evidence demonstrated that her current pay was discriminatorily low due to a long series of decisions reflecting Goodyear's pervasive discrimination against women managers in general and Ledbetter in particular. Ledbetter's former supervisor, for example, admitted to the jury that Ledbetter's pay, during a particular one-year period, fell below Goodyear's minimum threshold for her position. App. 93–97. Although Goodyear claimed the pay disparity was due to poor performance, the supervisor acknowledged that Ledbetter received a ''Top Performance Award'' in 1996. *Id.*, at 90–93. The jury also heard testimony that another supervisor—who evaluated Ledbetter in 1997 and whose evaluation led to her most recent raise denial—was openly biased against women. *Id.*, at 46, 77–82. And two women who had previously worked as managers at the plant told the jury they had been subject to pervasive discrimination and were paid less than their male counterparts. One was paid less than the men she supervised. *Id.*, at 51–68. Ledbetter herself testified about the discriminatory animus conveyed to her by plant officials. Toward the end of her career, for instance, the plant manager told Ledbetter that the ''plant did not need women, that [women] didn't help it, [and] caused problems.'' *Id.*, at 36. After weighing all the evidence, the jury found for Ledbetter, concluding that the pay disparity was due to intentional discrimination.

Yet, under the Court's decision, the discrimination Ledbetter proved is not redressable under Title VII. Each and every pay decision she did not immediately challenge wiped the slate clean. Consideration may not be given to the cumulative effect of a series of decisions that, together, set her pay well below that of every male area manager. Knowingly carrying past pay discrimination forward must be treated as lawful conduct. Ledbetter may not be compensated for the lower pay she was in fact receiving when she complained to the EEOC. Nor, were she still employed by Goodyear, could she gain, on the proof she presented at trial, injunctive relief requiring, prospectively, her receipt of the same compensation men receive for substantially similar work. The Court's approbation of these consequences is totally at odds with the robust protection against workplace discrimination Congress intended Title VII to secure. See, *e.g.*, *Teamsters* v. *United States*, 431 U.S., at 348 (''The primary purpose of Title VII was to assure equality of employment opportunities and to eliminate . . . discriminatory practices and devices. . . .'' (internal quotation marks omitted)); *Albemarle Paper Co.* v. *Moody*, 422 U.S. 405, 418 (1975) (''It is . . . the purpose of Title VII to make persons whole for injuries suffered on account of unlawful employment discrimination.'').

This is not the first time the Court has ordered a cramped interpretation of Title VII, incompatible with the statute's broad remedial purpose. See *supra*, at 10–12. See also *Wards Cove Packing Co.* v. *Atonio*, 490 U.S. 642 (1989) (superseded in part by the Civil Rights Act of 1991); *Price Waterhouse* v. *Hopkins*, 490 U.S. 228 (1989) (plurality opinion) (same); 1 B. Lindemann & P. Grossman, Employment Discrimination Law 2 (3d ed. 1996) (''A spate of Court decisions in the late 1980s drew congressional fire and resulted in demands for legislative change[,]'' culminating in the 1991 Civil Rights Act (footnote omitted)). Once again, the ball is in Congress' court. As in 1991, the Legislature may act to correct this Court's parsimonious reading of Title VII.

* * *

For the reasons stated, I would hold that Ledbetter's claim is not time barred and would reverse the Eleventh Circuit's judgment.

Ms. CANTWELL. In that dissent, Justice Ginsburg said:

The problem of concealed pay discrimination is particularly acute where the disparity arises not because the female employee is flatly denied a raise but because male counterparts are given larger raises. Having received a pay increase, the female employee is unlikely to discern at once that she has experienced an adverse employment decision. She may have little reason to suspect discrimination until a pattern develops incrementally and she ultimately becomes aware of the disparity.

Again, I think of what bravery Justice Ginsburg showed in saying to our colleagues that this dissent was so important, to read it from the bench.

Not everything in the legislative or legal process is easy. It takes bringing awareness to our colleagues, and clearly there is a lot of awareness that needs to continue to happen here. This is about working families and their desire to have healthcare coverage for preexisting conditions, protection of reproductive rights, hundreds of thousands of Dreamers wanting to know what the future looks like, and obviously LGBTQ rights and whether they are going to be set back.

I think of the other time that I had a great interaction with Justice Ginsburg. When I also first got here, we had this dinner every year. The Senator from Hawaii will find this interesting. We in the Senate would be invited—Democrats and Republicans—to have dinner with the Supreme Court. It was a great night. We would go over to the Court, and we would have dinner.

Actually, the Justices would open up their offices, and we could tour around. I thought it was really interesting. If you know anything about people, you can almost see how their mind works by the desk they keep. Some people keep a messy desk, but they know where every piece of paper is on the desk. Other people have a very neat desk.

The whole thing—letting us into their Chambers, talking about the decorum of the Supreme Court, how they shook hands every day, how they all worked with each other to try to keep comity among the decisions when you are going to disagree every day—was very interesting.

We usually had some entertainment. But it was kind of a moment where we all said: We are in this together, and we are going to keep moving forward.

Several years later—I am not sure whose decision it was—I think maybe around—I am not sure what year they disbanded that. They decided: We are not doing that anymore.

I asked: Why aren't we doing this?

This is one of the greatest things we have done around here because Democrats and Republicans would get together with the members of the Court and other people relevant to our associations, and we would share a meal and talk and say that this was about civility and working together—obviously a very divided branch as it relates to the Senate and the judiciary.

But nonetheless I so appreciated the fact that even though that was disbanded, Justice Ginsburg invited the women for dinner. She invited the women Senators to come over for dinner. I think we might have invited a few of our ex-colleagues. I think Olympia Snowe, the former Congresswoman from Maine, might have been there. So we invited some of our old colleagues. It might have been a dinner for a newly added Justice to the Court. Nonetheless, guess what we got with dinner. Great opera. Great opera. In fact, she had I think two singers there that evening and entertained us.

It is that kind of spirit of people working together and showing that. I think that was probably what her relationship was with Antonin Scalia. It was probably, yes, we are not always going to agree, but we are going to work together, and we are going to figure out how to make the best of this situation and move forward.

I remember that. Even though this thing had been disbanded, she still took the time—at least with the women—to say: Do you know what? We can all still work together.

Whoever said the statement ''Good things come in small packages'' had it down when it came to Justice Ginsburg because in that very small package came a lot of wisdom that got applied to the rights particularly of women in the United States of America with a calm but forceful voice that has moved this ball down the road. It is up to all of us to continue her legacy and get equal pay for equal work and continue to protect these rights that are well established in the United States of America.

My thoughts and prayers are with the Ginsburg family.

I yield the floor.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Hawaii.

Mr. SCHATZ. Mr. President, we know that on Saturday the President is likely to announce his nominee for the Supreme Court, and we don't know who that is going to be, but we do know a couple of things. We know, according to the chairman of the Judiciary Committee, that they already have the votes.

What an extraordinary thing to already know how you are going to vote on a nominee who has not yet been nominated. What an extraordinary thing to turn ''advise and consent'' into ''agreeing in advance.'' What an extraordinary thing.

There is another thing that we know about this nominee. No matter who it is, we know that this person is going to come from a list provided by the Federalist Society, an organization that has worked for decades to remake the Federal judiciary in its image. It has a long history of advancing a certain agenda of seeking to roll back progress on civil rights, diminish environmental protections, and eliminate a woman's right to choose. It is an organization that believes in the power of executive authority and advances a particular, unique, novel theory called the unitary executive, which is something that Alan Dershowitz proffered on the Senate floor during the impeachment trial.

It essentially says that the executive branch is the President and that extensions of the President's authority can only go so far because the President is a whole branch of government unto himself or herself. The Federalist Society also fights for the corporations and the rich individual donors who quietly fund their work.

As Amanda Hollis-Brusky says, who studies this organization from a nonpartisan academic perspective as a professor at Pomona College: ''The idea of the Federalist Society was to train, credential, and socialize a generation of alternative elites.''

That is how we know that any nominee they put forth will have views so far out of the mainstream and far to the right of even the existing Supreme Court. So it is not a rhetorical flourish, and it is not a partisan statement to say that Trump's nominee will not be committed to ensuring our most basic and fundamental rights: the right to privacy, reproductive rights, the right to vote, the right to marry who you love, and even equal justice under the law.

Perhaps what is most worrisome is that the President has made clear that whomever he nominates to the Supreme Court will be in favor of striking down the Affordable Care Act. With the Court's hearing yet another challenge to the ACA on November 10, it is not an exaggeration to say that the law will likely be gutted. It is a real risk.

Let's be clear about what this means. The whole architecture of our healthcare system could be destroyed during the worst public health crisis in a century. This will, of course, disproportionately impact our most vulnerable communities—communities of color, low-income, indigenous, Alaska Native, and Native Hawaiian communities. We are talking about repealing Medicaid expansion—the policy that allows people under the age of 26 to stay on their parents' health insurance—and, most importantly, protections for preexisting conditions.

Let's be clear about this, too: If you have gotten COVID, you now have a preexisting condition. So, if you have gotten COVID because of President Trump's inaction and then if his nominee is confirmed to the Supreme Court, your insurance company will be permitted to kick you off of your healthcare plan or at least to increase your rate so high that you will not be able to afford coverage.

Ripping away healthcare from at least 20 million Americans and denying coverage to people with preexisting conditions is a crazy and horrific thing to do in normal times, but it is particularly cruel during a pandemic that has already claimed the lives of more than 200,000 Americans, especially because, despite the recent promises and despite the endless promises from both the President and members of the Republican Party, they have no alternative healthcare plan. We cannot and must not impose this catastrophe on the American people.

In moments when our country feels torn apart, the traditional role of the Senate is supposed to be to calm tensions and solve our problems, but instead of dealing with the tough issues, the majority leader and the Republican Party are going to inflict procedural violence on the legislative branch with many Republicans pre-announcing their support for the nominee without even knowing who she or he may be.

''President Trump will nominate a well-qualified justice and we will uphold our Constitution and protect our freedoms''—the Senator from Montana.

''I will support President Trump in any effort to move forward regarding the recent vacancy''—the chairman of the Committee on the Judiciary.

''It is critical that the Senate takes up and confirms that successor before election day''—the junior Senator from Texas.

What makes this coordinated effort to stack the Supreme Court even worse is that we heard the majority leader say specifically that he felt no sense of urgency to move on COVID relief. He felt no sense of urgency to move on COVID relief. I believe this was in May. I think it was in May when the House passed the Heroes Act. The House passes a bill, and the Republicans say it is too much. The majority leader decides: Do you know what? We are the cooling saucer. We are the upper Chamber. We are just going to chill out here during this pandemic and see how things play out economically and in terms of public health.

Well, things have played out pretty badly economically and in terms of public health; yet there has been no sense of urgency, no deal, no negotiation. Forget a deal for a second. There has not even been a serious attempt to negotiate between the parties or between the branches of government—nothing.

Yet, when a Supreme Court vacancy happens—when Justice Ginsburg tragically passes—there is a tremendous sense of clarity, a tremendous sense of alacrity, a determination to fill that seat so that, on November 10, they can take your healthcare away. That is the sense of urgency that the majority leader feels in the middle of a pandemic, and it is a shame.

I yield the floor.

(At the request of Mr. MCCONNELL, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO ERICA SONGER

● Mr. TILLIS. Mr. President, as chairman of the Senate Judiciary Committee Subcommittee on Intellectual Property, I want to thank Erica Songer for her service in the Senate and in particular for her service as the subcommittee's minority chief counsel. The Intellectual Property Subcommittee has been the most active subcommittee's in the Senate, in no small part due to Erica's work. We have worked in a bipartisan fashion to modernize our intellectual property system through forward-looking legislative reforms. Across numerous hearings on various aspects of intellectual property law, as well as several bills, Erica has been a vital resource to my team and me.

During this session, Erica has served the subcommittee in countless ways. From promoting women in the intellectual property field to reforming our

Nation's patent eligibility laws, Erica has been an innovator and go-getter. There were countless times throughout this Congress when the subcommittee's work would get tough and it appeared we were at an insurmountable impasse. Each time, Erica found a way forward and kept us moving towards our shared goals: a stronger intellectual property system.

While I am sad that the Senate and the subcommittee will be losing a staffer as valuable as Erica, I am grateful for her public service these past 4 years. Erica has shown that she will excel at whatever she commits to, whether graduating from Harvard Law School or making partner at one of the largest law firms in the world or serving as the chief counsel to my good friend CHRIS COONS—and I am excited for her as she steps into a new role and begins a new adventure.●

VOTE EXPLANATION

Ms. SINEMA. Mr. President, I was necessarily absent but had I been present would have voted yes on rollcall vote 182, on the nomination of Franklin Ulyses Valderrama, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

Mr. President, I was necessarily absent but had I been present would have voted yes on rollcall vote 183, on the nomination of Iain D. Johnston, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

Mr. President, I was necessarily absent but had I been present would have voted yes on rollcall vote 184, motion to invoke cloture on the nomination of Edward Meyers to be a Judge for the United States Court of Federal Claims for a term of fifteen years.

100TH ANNIVERSARY OF THE DISABLED AMERICAN VETERANS

Mr. ROUNDS. Mr. President, I rise today to recognize the Disabled American Veterans—DAV—organization for its commitment to serving wartime-disabled veterans since its formation 100 years ago. As a member of the Senate Committee on Veterans' Affairs, I am grateful for the positive impact of the DAV on disabled veterans in South Dakota and across the Nation.

Founded on September 25, 1920, the DAV has grown to become the largest wartime veterans service organization in the United States, with more than 1 million members in 1,344 chapters around the country.

The DAV helps disabled veterans and their families work through the bureaucracy of the Federal and local governments to make sure they receive the benefits they deserve. Additionally, the organization operates a nationwide transportation network, providing free transportation for disabled veterans to Department of Veterans Affairs hospitals and clinics.

We are truly blessed to have the DAV organization in South Dakota and in the United States. They give their time, talent, knowledge, and friendship to disabled veterans who need it most. We are thankful for their 100 years of service to the veteran community.

May God continue to bless the DAV and everyone they serve.

Thank you.

REMEMBERING DR. ROLF H. EPPINGER

Mr. VAN HOLLEN. Mr. President, I rise to pay tribute to an extraordinary constituent, Dr. Rolf H. Eppinger, who passed away on August 14, 2020. Dr. Eppinger's outstanding work has saved the lives of many Americans and will save many more in the years to come.

Dr. Eppinger had a distinguished 34-year career with the National Highway Traffic Safety Administration, NHTSA. There, he performed and led fundamental biomechanics research that resulted in the development of crash test dummies, the interpretation of their measurements, the advancement of the prevention of crash injuries, and the reduction of the severity of crash injuries.

His work has helped save hundreds of thousands of lives and many more injuries worldwide. NHTSA has estimated that in the United States, as of 2017, more than 50,000 lives have been saved by airbags, 374,000 by safety belts, and 11,000 by child restraints. Many times more serious injuries were prevented or ameliorated.

The work of Dr. Eppinger and his team formed the basis for the New Car Assessment Programs now in use worldwide.

Over the course of his career, Dr. Eppinger published more than 120 technical papers dealing with automotive safety and was the holder of two U.S. patents. In addition, he enjoyed sailboat racing and was an accomplished watercolorist, pen and ink artist, woodworker, boat builder, and general handyman.

Dr. Eppinger is remembered for his rigorous scientific medical and engineering research, integrity, decency, and humility.

I ask my colleagues to join me in sending our gratitude for Dr. Eppinger's outstanding contributions and our deepest condolences to his wife Karen, his children Justin and Dwight, his daughter-in-law Kelly, and his grandchildren Alice and Hugo.

ADDITIONAL STATEMENTS

TRIBUTE TO LILIANE COUCKE SMITH

● Mr. BLUMENTHAL. Mr. President, today I rise to recognize Mrs. Liliane Coucke Smith, a remarkable woman who served as a nurse during World War II and turns 100 on October 3.

Born in Belgium, Mrs. Smith joined the Belgian Resistance at age 20. As a wartime nurse, she entered Germany alongside the advancing Allied Forces.

Her outstanding commitment to serving others continued afterward, when she worked as part of the United Nations Relief and Rehabilitation Administration and the International Refugee Organization to help resettle over 10 million people displaced by the Second World War, including former slave laborers and concentration camp survivors. Mrs. Smith also oversaw the establishment of six refugee camps in the American occupation zone.

While working as a French-English translator in Naples, she met her beloved husband, Dudley C. Smith, a U.S. Naval officer. The two split their time between Europe and the United States, before settling permanently in Groton Long Point, CT.

Her tireless dedication to helping others in even the most arduous times is a credit to her generous spirit. A deeply considerate and unfailingly driven person, Mrs. Smith sets an inspiring model for all of us through her readiness to embrace new challenges and serve those in need. Her incredible legacy will be enduring.

I applaud her many accomplishments and hope my colleagues will join me in congratulating Mrs. Liliane Couke Smith on this milestone of her 100th birthday.●

TRIBUTE TO KRISTINA FOLCIK

● Ms. HASSAN. Mr. President, I am proud to recognize Kristina Folcik of Tamworth as September's Granite Stater of the Month. As a survivor of domestic violence, Kristina transformed her own healing process into a way to support other survivors by hiking 100 miles nonstop across some of New Hampshire's steepest peaks. She was the first person to ever finish that portion of the Appalachian Trail in one single trek.

Kristina is an endurance athlete who has held multiple Fastest Known Times, which is a title given to individuals who have clocked the fastest time on a particular route, including hiking trails. She even raced professionally for a while, but stopped when her now-former husband started becoming abusive after she would win a race.

For the last 2 years, Kristina worked with Starting Point, a nonprofit organization in New Hampshire that helps survivors of domestic and sexual violence, to successfully separate from her abusive husband. In an effort to heal from this harrowing and traumatic experience, Kristina decided to attempt a 100-mile, nonstop hike.

In the lead-up to announcing her decision to attempt this extraordinary feat, Kristina revealed publicly on social media that she had recently divorced from her abusive husband and that she was going to complete this 100-mile trek and dedicate it to women who have been in abusive relationships.

Much to her surprise, following her announcement, many women began to share their stories of abuse with Kristina, and some even publicly shared their experiences.

Kristina turned her hike into a fundraiser, asking people to donate to the organization that had helped her leave her abusive marriage. It was not until Kristina had successfully completed the hike 36 hours later that she realized the fundraiser had raised more than $1,000 for Starting Point.

Apart from breaking records, Kristina also owns Rockhopper Races LLC, which hosts races in the White Mountains and raises money for organizations that maintain and preserve New Hampshire's beautiful natural resources.

Kristina not only achieved an incredible athletic feat, but also made a difference in the lives of others by having the courage to speak out about her past trauma. Kristina's strength is an inspiration and reflects the kind of determination to build strength through outreach and mutual support that the Granite State is known for. I am proud to recognize her efforts.●

RECOGNIZING BECKWITH ELECTRIC COMPANY, INC.

● Mr. RUBIO. Mr. President, as chairman of the Senate Committee on Small Business and Entrepreneurship, each week I recognize a small business that exemplifies the American entrepreneurial spirit at the heart of our country. It is my privilege to recognize a family-owned small business with an outstanding record of innovation and industry leadership. This week, it is my pleasure to honor Beckwith Electric Company, Inc., of Largo, FL, as the Senate Small Business of the Week.

In 1967, Robert W. Beckwith established Beckwith Electric in Illinois to provide equipment and services for electric utility providers. Robert, an electric engineer, was a prolific inventor who held more than 30 patents during his lifetime. Under his leadership, Beckwith Electric developed several products integral to electric utilities, including the first solid state tapchanger control in 1968 and microprocessor protective relay in 1981. As the company grew, Robert relocated Beckwith Electric to Largo, FL, in 1974. Like many Floridian small businesses, Beckwith Electric's facilities were completely destroyed by Hurricane Andrew in 1992. Through careful planning, innovation, and an emphasis on customer service, Beckwith Electric rebuilt its facilities and continued to grow.

Today, Beckwith Electric Company is one of the largest manufacturing companies in the Tampa area. Richard's son, Thomas Beckwith, serves as chief executive officer and led the company to a 33-percent increase in growth last year. Beckwith Electric designs and manufactures all of its products, including components for electrical power grids, generators, and protective relays for transformers at its Largo, FL, facility. These items protect, strengthen, and increase the efficiency of electric utility networks. As part of the U.S. critical industrial base, Beckwith Electric's products are found in military installations, hospitals, and schools. They work with electric utilities, manufacturers, and producers of alternative sources of energy worldwide. They also contributed to rebuilding Iraq's power grid during Operation Iraqi Freedom.

Over the years, Beckwith Electric has been recognized for excellence in their industrial field and for their educational programs. Partnering with St. Petersburg College and Pinellas County Schools, Beckwith Electric regularly hosts educational workshops and technical training programs. In 2012, they earned the Florida Sterling Council Challenger Award. Beckwith has also earned several local and national awards from the Institute of Electrical and Electronics Engineers—IEEE—the industry's professional society. They partner with IEEE in hosting continuing education workshops for industry professionals.

Like many other Floridian small businesses, Beckwith Electric Company was impacted by the coronavirus pandemic. An essential business, they managed to stay open, keep their employees safe, and play a key role in keeping our nation's electrical utilities running smoothly. In April 2020, the U.S. Small Business Administration launched the Paycheck Protection Program, a small business relief program that I was proud to author. The PPP provides forgivable loans to impacted small businesses and nonprofits who maintain their payroll during the COVID–19 pandemic. Thanks to their PPP loan, Beckwith Electric saved 20 jobs, while paying all of their 185 employees.

Beckwith Electric Company demonstrates the key role that small businesses play in our Nation's critical infrastructure and industrial manufacturing base. I commend their innovation, resilience, and high-quality work. Congratulations to Thomas and the entire team at Beckwith Electric Company. I look forward to watching your continued innovation and growth in Florida and beyond.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 209. An act to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian Tribes, and for other purposes.

S. 227. An act to direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.

S. 294. An act to establish a business incubators program within the Department of the Interior to promote economic development in Indian reservation communities.

S. 490. An act to designate a mountain ridge in the State of Montana as "B–47 Ridge".

S. 832. An act to nullify the Supplemental Treaty Between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon, concluded on November 15, 1865.

S. 982. An act to increase intergovernmental coordination to identify and combat violent crime within Indian lands and of Indians.

S. 1321. An act to amend title 18, United States Code, to prohibit interference with voting systems under the Computer Fraud and Abuse Act.

S. 1380. An act to amend the Federal Rules of Criminal Procedure to remind prosecutors of their obligations under Supreme Court case law.

S. 2661. An act to amend the Communications Act of 1934 to designate 9–8–8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 139. An act to direct the Secretary of the Interior to conduct a special resource study of the site associated with the 1908 Springfield Race Riot in the State of Illinois.

H.R. 895. An act to allow tribal grant schools to participate in the Federal Employee Health Benefits program.

H.R. 1418. An act to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

H.R. 1646. An act to require the Secretary of Health and Human Services to improve the detection, prevention, and treatment of mental health issues among public safety officers, and for other purposes.

H.R. 1702. An act waive the application fee for any special use permit for veterans' special events at war memorials on land administered by the National Park Service in the District of Columbia and its environs, and for other purposes.

H.R. 2271. An act to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

H.R. 3160. An act to direct the Secretary of the Interior to take certain land located in Pinal County, Arizona, into trust for the benefit of the Gila River Indian Community, and for other purposes.

H.R. 3349. An act to authorize the Daughters of the Republic of Texas to establish the

Republic of Texas Legation Memorial as a commemorative work in the District of Columbia, and for other purposes.

H.R. 3465. An act to authorize the Fallen Journalists Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

H.R. 3935. An act to amend title XIX of the Social Security Act to provide for the continuing requirement of Medicaid coverage of nonemergency transportation to medically necessary services.

H.R. 4564. An act to amend the Public Health Service Act to ensure the provision of high-quality service through the Suicide Prevention Lifeline, and for other purposes.

H.R. 4585. An act to require the Secretary of Health and Human Services to conduct a national suicide prevention media campaign, and for other purposes.

H.R. 4866. An act to amend the 21st Century Cures Act to provide for designation of institutions of higher education that provide research, data, and leadership on continuous manufacturing as National Centers of Excellence in Continuous Pharmaceutical Manufacturing, and for other purposes.

H.R. 4957. An act to amend the Indian Child Protection and Family Violence Prevention Act.

H.R. 4995. An act to amend the Public Health Service Act to improve obstetric care and maternal health outcomes, and for other purposes.

H.R. 5053. An act to exempt juveniles from the requirements for suits by prisoners, and for other purposes.

H.R. 5309. An act to prohibit discrimination based on an individual's texture or style of hair.

H.R. 5322. An act to establish or modify requirements relating to minority depository institutions, community development financial institutions, and impact banks, and for other purposes.

H.R. 5546. An act to regulate monitoring of electronic communications between an incarcerated person in a Bureau of Prisons facility and that person's attorney or other legal representative, and for other purposes.

H.R. 5567. An act to amend the Communications Act of 1934 to require the Federal Communications Commission to consider market entry barriers for socially disadvantaged individuals in the communications marketplace report under section 13 of such Act.

H.R. 5602. An act to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism.

H.R. 5619. An act to authorize a pilot program to expand and intensify surveillance of self-harm in partnership with State and local public health departments, to establish a grant program to provide self-harm and suicide prevention services in hospital emergency departments, and for other purposes.

H.R. 5663. An act to amend the Federal Food, Drug, and Cosmetic Act to give authority to the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to destroy counterfeit devices.

H.R. 5698. An act to direct the Secretary of the Treasury to instruct the United States Executive Directors at the international financial institutions on United States policy regarding international financial institution assistance with respect to advanced wireless technologies.

H.R. 5918. An act to direct the Federal Communications Commission to issue reports after activation of the Disaster Information Reporting System and to make improvements to network outage reporting.

H.R. 6100. An act to amend title 18, United States Code, to clarify the criminalization of female genital mutilation, and for other purposes.

H.R. 6294. An act to require data sharing regarding protecting the homeless from coronavirus, and for other purposes.

H.R. 6735. An act to establish the Consumer and Investor Fraud Working Group to help protect consumers and investors from fraud during the COVID–19 pandemic, to assist consumers and investors affected by such fraud, and for other purposes.

H.R. 6934. An act to amend the CARES Act to require the uniform treatment of nationally recognized statistical rating organizations under certain programs carried out in response to the COVID–19 emergency, and for other purposes.

H.R. 7574. An act to amend the Public Health Service Act with respect to the Strategic National Stockpile, and for other purposes.

H.R. 7592. An act to require the Comptroller General of the United States to carry out a study on trafficking, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 1128. Resolution relative to the death of the Honorable Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States.

At 8:29 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 8337. An act making continuing appropriations for fiscal year 2021, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1418. An act to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers; to the Committee on the Judiciary.

H.R. 1646. An act to require the Secretary of Health and Human Services to improve the detection, prevention, and treatment of mental health issues among public safety officers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1702. An act to waive the application fee for any special use permit for veterans' special events at war memorials on land, administered by the National Park Service in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2271. An act to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3349. An act to authorize the Daughters of the Republic of Texas to establish the Republic of Texas Legation Memorial as a commemorative work in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3465. An act to authorize the Fallen Journalists Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3935. An act to amend title XIX of the Social Security Act to provide for the continuing requirement of Medicaid coverage of nonemergency transportation to medically necessary services; to the Committee on Finance.

H.R. 4564. An act to amend the Public Health Service Act to ensure the provision of high-quality service through the Suicide Prevention Lifeline, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4585. An act to require the Secretary of Health and Human Services to conduct a national suicide prevention media campaign, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4866. An act to amend the 21st Century Cures Act to provide for designation of institutions of higher education that provide research, data, and leadership on continuous manufacturing as National Centers of Excellence in Continuous Pharmaceutical Manufacturing, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4957. An act to amend the Indian Child Protection and Family Violence Prevention Act; to the Committee on Indian Affairs.

H.R. 4995. An act to amend the Public Health Service Act to improve obstetric care and maternal health outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5053. An act to exempt juveniles from the requirements for suits by prisoners, and for other purposes; to the Committee on the Judiciary.

H.R. 5309. An act to prohibit discrimination based on an individual's texture or style of hair; to the Committee on the Judiciary.

H.R. 5322. An act to establish or modify requirements relating to minority depository institutions, community development financial institutions, and impact banks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5546. An act to regulate monitoring of electronic communications between an incarcerated person in a Bureau of Prisons facility and that person's attorney or other legal representative, and for other purposes; to the Committee on the Judiciary.

H.R. 5567. An act to amend the Communications Act of 1934 to require the Federal Communications Commission to consider market entry barriers for socially disadvantaged individuals in the communications marketplace report under section 13 of such Act; to the Committee on Commerce, Science, and Transportation.

H.R. 5602. An act to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism; to the Committee on the Judiciary.

H.R. 5619. An act to authorize a pilot program to expand and intensify surveillance of self-harm in partnership with State and local public health departments, to establish a grant program to provide self-harm and suicide prevention services in hospital emergency departments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5663. An act to amend the Federal Food, Drug, and Cosmetic Act to give authority to the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to destroy

counterfeit devices; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5698. An act to direct the Secretary of the Treasury to instruct the United States Executive Directors at the international financial institutions on United States policy regarding international financial institution assistance with respect to advanced wireless technologies; to the Committee on Commerce, Science, and Transportation.

H.R. 5918. An act to direct the Federal Communications Commission to issue reports after activation of the Disaster Information Reporting System and to make improvements to network outage reporting; to the Committee on Commerce, Science, and Transportation.

H.R. 6100. An act to amend title 18, United States Code, to clarify the criminalization of female genital mutilation, and for other purposes; to the Committee on the Judiciary.

H.R. 6294. An act to require data sharing regarding protecting the homeless from coronavirus, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6735. An act to establish the Consumer and Investor Fraud Working Group to help protect consumers and investors from fraud during the COVID–19 pandemic, to assist consumers and investors affected by such fraud, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6934. An act to amend the CARES Act to require the uniform treatment of nationally recognized statistical rating organizations under certain programs carried out in response to the COVID–19 emergency, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 7574. An act to amend the Public Health Service Act with respect to the Strategic National Stockpile, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 7592. An act to require the Comptroller General of the United States to carry out a study on trafficking, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 139. An act to direct the Secretary of the Interior to conduct a special resource study of the site associated with the 1908 Springfield Race Riot in the State of Illinois.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 8337. An act making continuing appropriations for fiscal year 2021, and for other purposes.

S. 4653. A bill 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.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5478. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Rule for IN–11342: 2-propenoic acid, 2-methyl-, polymer with 2,5-furandione and 2,4,4-trimethyl-1-pentene, potassium sa'' (FRL No. 10003–65–OCSPP) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5479. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Inpyrfluxam; Pesticide Tolerances'' (FRL No. 10011–32–OCSPP) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5480. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Sexual Assault Prevention and Response Program Procedures'' (RIN0790–AK82) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Armed Services.

EC–5481. A communication from the Legislative Assistant to the Commandant, Headquarters of the United States Marine Corps, Department of Defense, transmitting, pursuant to law, a report relative to limitation on the physical move, integration, reassignment, or shift in responsibility of U.S. Marine Forces Northern Command; to the Committee on Armed Services.

EC–5482. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Fredrick J. Roegge, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–5483. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Commissary Agency Privacy Act Program'' (RIN0790–AK72) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Armed Services.

EC–5484. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Commissary Agency Act Program'' (RIN0790–AK72) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Armed Services.

EC–5485. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Collection from Third Party Payers of Reasonable Charges for Healthcare Services'' (RIN0720–AB68) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Armed Services.

EC–5486. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE Coverage of Certain Medical Benefits in Response to the COVID–19 Pandemic'' (RIN0720–AB82) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Armed Services.

EC–5487. A communication from the Assistant Secretary of the Navy Performing the Duties of the Under Secretary of Defense (Comptroller/Chief Financial Officer), transmitting, pursuant to law, a report relative to Antideficiency Act (ADA) Violations; to the Committee on Appropriations.

EC–5488. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to significant foreign narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–5489. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in and in relation to Syria that was declared in Executive Order 13894 of October 14, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC–5490. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–5491. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Test Methods and Performance Specifications for Air Emission Sources'' (FRL No. 10012–11–OAR) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5492. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality State Implementation Plans; Approval and Promulgation of Implementation Plans; Utah; Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards'' (FRL No. 10013–92–Region 8) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5493. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Alabama; Air Quality Control, VOC Definition'' (FRL No. 10013–41–Region 4) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5494. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; California; Consumer Products Regulations'' (FRL No. 10013–66–Region 9) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5495. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; California; Feather River Air Quality Management'' (FRL No. 10012–89–Region 9) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5496. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Georgia; Permit Requirements'' (FRL No. 10013–22–Region 4) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5497. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Wisconsin; VOC RACT for the Wisconsin Portion of the Chicago-Naperville, Illinois-Indiana-Wisconsin Area'' (FRL No. 10011–74–Region 5) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5498. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments Related to Marine Diesel Engine Emission Standards'' (FRL No. 10013–36–OAR) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5499. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Limited Approval and Limited Disapproval of California Air Plan Revisions; San Diego County Air Pollution Control District; Stationary Source Permits'' (FRL No. 10013–14–Region 9) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5500. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Commonwealth of Kentucky: Final Approval of State Underground Storage Tank Program'' (FRL No. 10013–46–Region 4) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5501. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration'' (FRL No. 10013–60–OAR) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5502. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review'' (FRL No. 10012–11–OAR) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5503. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''PM10 Maintenance Plan and Redesignation Request; Imperial Valley Planning Area; California'' (FRL No . 10014–02–Region 9) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Environment and Public Works.

EC–5504. A communication from the Secretary of the Treasury, transmitting, pursuant to section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, a semiannual report relative to telecommunications-related payments made to Cuba during the period from January 1, 2020 through June 30, 2020; to the Committee on Foreign Relations.

EC–5505. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled ''Procedural Regulation on Issuing Guidance'' (RIN3046–AB18) received in the Office of the President of the Senate on September 16, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC–5506. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2019 Annual Progress Report to Congress on the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–5507. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Office of Inspector General's budget request for fiscal year 2022; to the Committee on Health, Education, Labor, and Pensions.

EC–5508. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''2019 Annual Report to Congress on the Native Hawaiian Revolving Loan Fund''; to the Committee on Indian Affairs.

EC–5509. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Intelligence Agency Privacy Program'' (RIN0790–AK65) received in the Office of the President of the Senate on September 15, 2020; to the Committee on the Judiciary.

EC–5510. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Agriculture Improvement Act of 2018'' (RIN1117–AB53) received in the Office of the President of the Senate on September 16, 2020; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. RISCH for the Committee on Foreign Relations.

Alex Nelson Wong, of New Jersey, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

Nominee: Alex N. Wong.

Post: Alternate Representative to the UN for Special Political Affairs.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributors, amount, date, and donee:

1. Self: $250.00, 03/14/2016, Mike Gallagher for Wisconsin.

2. Candice Wong (spouse): None, None, None.

3. Chase Wong (child): None, None, None; Avery Wong (child): None, None, None.

4. Robert C.K. Wong (father): None, None, None; Grace L. Wong (mother): None, None, None.

5. Lily Chan (grandmother) (deceased): None, None, None; Wong Kam Wai (grandfather) (deceased): None, None, None; Chan Chuen Chai (grandmother) (deceased): None, None, None; Lau Chee Kan (grandfather) (deceased): None, None, None.

6. Robert K. Wong (brother): None, None, None; Elizabeth Leung (sister): None, None, None; Kirstin ''Kirby'' Leung (sister's spouse): None, None, None.

Alex Nelson Wong, of New Jersey, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

Nominee: Alex N. Wong.

Post: Alternate Representative to the UN for Special Political Affairs.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $250.00, 03/14/2016, Mike Gallagher for Wisconsin.

2. Candice Wong (spouse): None, None, None.

3. Chase Wong (child): None, None, None; Avery Wong (child): None, None, None.

4. Robert C. K. Wong (father): None, None, None; Grace L. Wong (mother): None, None, None.

5. Lily Chan (grandmother) (deceased): None, None, None; Wong Kam Wai (grandfather) (deceased): None, None, None; Chan Chuen Chai (grandmother) (deceased): None, None, None; Lau Chee Kan (grandfather) (deceased): None, None, None.

6. Robert K. Wong (brother): None, None, None. Elizabeth Leung (sister): None, None, None. Kirstin ''Kirby'' Leung (sister's spouse): None, None, None.

Kenneth R. Weinstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

Nominee: Kenneth R. Weinstein.

Post: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $500, 3/31/18, Leibsohn/Congress; $500, 1/16/16, Rubio/President.

2. Spouse: Amy Kauffman: None.

3. Children and Spouses: Raina Weinstein: $1.00, 3/18/19, John Delaney/President. Raina Weinstein: $1.00, 3/18/19, John Delaney/President. Raina Weinstein: $10.00, 2/7/20, Elizabeth Warren/President. Raina Weinstein: $10.00, 2/16/20, Elizabeth Warren/President. Harrison Weinstein: None. Eden Weinstein: None.

4. Parents: Deceased; Victor & Hannelore Weinstein.

5. Grandparents: Deceased; Max and Sarah Weinstein, Max and Frieda Rosenberg.

6. Brothers and Spouses: Mitchell Weinstein, deceased; Alan and Lisa Weinstein, None; Stuart Weinstein, None; Jeffrey and Deborah Weinstein, None.

7. Sisters and Spouses: None.

Erik Paul Bethel, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

Nominee: Erik Bethel.

Post: US Ambassador Panama.

(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: $505, Feb 12, 2020, Michelle Caruso-Cabrera; $100, Mar 26, 2020, Michelle Caruso-Cabrera.

3. Children and Spouses: Ana Cristina (age 13), Nicolas (age 11), Francisca (age 8), None.

4. Parents: Paul Bethel—deceased; Diana Bethel, None.

5. Grandparents: John Bethel—deceased; Dora Bethel—deceased; Anibal Gonzalez—deceased; Esperanza Gonzalez—deceased.

6. Brothers and Spouses: N/A I am an only child.

7. Sisters and Spouses: N/A.

Julie D. Fisher, of Tennessee, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Belarus.

Nominee: Julie D. Fisher.

Post: Republic of Belarus.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: David M. Fisher: none.

3. Children and Spouses: n/a.

4. Parents: Robert W. Davis $100.00, 2018, Johnny Isakson; $100.00, 2018, Karen Handel.

5. Grandparents: Robert H. Davis—deceased; Margaret W. Davis—deceased; George L. Sadtler—deceased; Alice R. Sadtler—deceased.

6. Brothers and Spouses: Gavin H. Davis, none; Becky Lynn Davis, none.

7. Sisters and Spouses: Paige W. Davis, none; Wesley Turbeville, $250.00, 2019, Abigail Spanberger; $250.00, 2018, Ken Harbaugh; $250.00, 2018, Amy McGrath.

Manisha Singh, of Florida, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Nominee: Manisha Singh.

Post: US Ambassador to the USOECD.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $2600, 11/03/2013, Sullivan for US Senate; $1000, 9/21/2014, Sullivan for US Senate; $250, 6/6/2014, Ed Gillespie for Senate; $250, 6/24/2012, Romney for President.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Megh Singh (Father), No contributions; Satya Singh (Mother), No contributions.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Mani Singh Young (sister), No contributions; Damon Young (brother-in-law), No contributions.

Thomas Laszlo Vajda, of Arizona, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

Nominee: Thomas Laszlo Vajda.

Post: Union of Burma.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: Amelia L. Sebes: $100, March 2016, Hillary Clinton; $5, May 2016, Hillary Clinton; $25, August 2016, Hillary Clinton.

3. Children and Spouses: Bette S. Vajda (child): None; Emily S. Vajda (child): None.

4. Parents: Gabor K. Vajda (father): None; Eva I. Vajda (mother): $100, October 2018, Martha McSally; $100, June 2019, Martha McSally; $100, June 2019, James Jordan.

5. Grandparents: Elizabeth Varga (grandmother): None; Laszlo Varga (grandfather, deceased): None; Laszlo Vajda (grandfather, deceased): None; Anna Vajda (grandmother, deceased): None.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Eva E. Cruz-Aedo (sister): $15, November 2016, ActBlue designated for Kamala Harris; Carlos R. Cruz-Aedo (brother-in-law): $10, November 2016, ActBlue designated for California Democratic Party; $25, December 2019, ActBlue designated for Biden for President; $15, February 2020, ActBlue designated for Biden for President; $25, March 2020, ActBlue designated for Biden for President; $5, March 2020, ActBlue designated for Biden for President.

Keith W. Dayton, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Nominee: Keith W. Dayton.

Post: Ambassador Ukraine.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Elizabeth Dayton Mesch: $500, 2015, Ted Cruz; $50, 2015, Carly Fiorina; $50, 2016, Ted Cruz; $50, 2016, Marco Rubio; $1300, 2016, Donald Trump. Charles Dayton: None. Nicholas Dayton: $100, 2018, Ted Cruz; $500, 2018, Chris Corry (WA).

4. Parents: Charles S. Dayton—deceased; Ruth Palmer Kilbourne—deceased.

5. Grandparents: Walter Palmer—deceased; Cynthia Palmer—deceased; Charles F. Dayton—deceased; Flora W. Dayton—deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Kathleen Caruthers, None.

Melanie Harris Higgins, of Georgia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Nominee: Higgins, Melanie Harris.

Post: Nominated to be U.S. Ambassador to the Republic of Burundi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: N/A.

4. Parents: Albert Lewis Harris and Jacqueline Mitchell Harris: None.

5. Grandparents: James Harris, Martha Harris, William Mitchell, Margaret Mitchell: Deceased.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Heather Harris Yates & Nathan David Yates: None.

Jeanne Marie Maloney, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Eswatini.

Nominee: Jeanne M. Maloney.

Post: Kingdom of Eswatini.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Felix Andrew Dowdy: $200, 2016, John Kasich Campaign.

3. Children and Spouses: Katherine Dowdy (daughter): None. Daniel Dowdy (son): None.

4. Parents: Janet Maloney—deceased; Robert Maloney—deceased.

5. Grandparents: Margaret Riney—deceased; Arthur Riney—deceased; Marie Maloney—deceased; Joseph Maloney—deceased.

6. Brothers and Spouses: Michael Maloney (brother): None; Cathy Maloney (spouse): None; Daniel Maloney (brother): None; Linda Maloney (spouse): $25, 3–20–20, ACTBLUE Jaime Harrison for U.S. Senate; $25, 3–20–20 ACTBLUE, John Lewis for Congress; $50, 2–08–20 ACTBLUE Stop Republicans; $2.50, 12–24–19, ACTBLUE; $50, 12–24–19, ACTBLUE Jaime Harrison for U.S. Senate; $12.50, 12–06–19, ACTBLUE Catherine Cortez Masto for Senate; $12.50, 12–06–19, ACTBLUE Sara Gideon for Maine; $50, 10–24–19, ACTBLUE Jaime Harrison for U.S. Senate; $28, 10–05–19, Warren for President, Inc.; $200, 10–24–18, Drew Edmondson for OK Gov.; $50, 10–24–18, ACTBLUE Congressional Black Caucus PAC; $100, 1–19–16, ACTBLUE Bernie Sanders 2016 Campaign; $750, 2016, Forrest Bennett, OK House District 092; $40, 12–16–15, ACTBLUE Democracy for America.

7. Sisters and Spouses: Joanne Maloney—deceased.

Jonathan Pratt, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Nominee: Jonathan Pratt.

Post: Djibouti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $0.

2. Spouse: $0.

3. Children and Spouses: NA; None.

4. Parents and Spouses: Alan Pratt/Cynthia Good, $55.00, 2017; Elizabeth Warren, $200.00, 2017; Act Blue, $16.50, 2016; Act Blue, Cynthia Pratt, $0.

5. Grandparents: Deceased, NA.

6. Brothers and Spouses: David Pratt/Doreen Pratt, $0; Alden Good, $0.

7. Sisters and Spouses: Natalie Good, $0.

James Broward Story, of South Carolina, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the

United States of America to the Bolivarian Republic of Venezuela.

Nominee: James Broward Story.

Post: Venezuela Affairs Unit.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: James Broward Story, none.

2. Spouse: Susan West Story, none.

3. Children and Spouses: James McKelvey Story, none.

4. Parents: Wayne Joseph Story, none, deceased; Katherine Annette Younginer, none.

5. Grandparents: James Wilson Younginer, none, deceased; Berniece Bown Ulmer, none.

6. Brothers and Spouses:

7. Sisters and Spouses: Elaine Arden Helmly, none.

William A. Douglass, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

Nominee: William A. Douglass III.

Post: Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: $25,000, 5/27/2015, Right to Rise USA; $33,900, 7/12/2018, Republican Nat'l Comm.; $16,100, 7/12/2018, Republican Nat'l Comm.; $360,600, 7/26/2019, Trump Victory PAC; $106,500,* 7/26/2019, Republican Nat'l Comm.; $106,500,* 7/26/2019, Republican Nat'l Comm.; $106,500,* 7/26/2019, Republican Nat'l Comm.; $35,500,* 7/26/2019, Republican Nat'l Comm.; $2,800,* 7/26/2019, Donald J. Trump for Pres; $2,800,* 7/26/2019, Donald J. Trump for Pres.

*Per the FEC website, these amounts were transferred from the $360,600 contribution to the Trump Victory PAC.

Spouse: Kristin T. Blundo: none.

Children: William T. Douglass: none. Elizabeth T. Douglass: none.

Siblings: John Duke & Julie Lewis—Brother & Spouse: none. William T. Duke & Madonna Badger—Brother & Spouse: none. Terry Marsh & John B. Marsh—Sister & Spouse: none. Victoria Douglass—Sister: none. Fiona Douglass & Scott Gray—Sister & Spouse: none.

Michael A. McCarthy, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Nominee: Michael A. McCarthy.

Post: Ambassador to the Republic of Liberia.

(The following is a list of all members of my immediate family and their spouses. have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: none.

2. Spouse: Sandra Acevedo McCarthy: none.

3. Children and Spouses: Camille Christine McCarthy: $155.10, 02/2016–05/2016, Act Blue; $25, 02/2017, Mejia for Congress; $180, 2017–2019, N.C. Green Party; $60, 2017–2019, West N.C. Green Pty; $10, 07/2019, Dario for America; $20.00, 11/11/2019, Dario for America; $10.00, 07/27/2019, Dario for America; $1.00, 7/12/2019, Act Blue. Claire Patrice McCarthy: none.

4. Parents: John R. McCarthy—deceased; Helen H. McCarthy—deceased.

5. Grandparents: James McCarthy—deceased; Gertrude C. McCarthy—deceased; Brig. Gen. (retired) William E. House—deceased; Evelyn House—deceased.

6. Brothers and Spouses: William J. McCarthy, Ph.D., Bambi B. Young, Ph.D., $100, 3/14/2016, Elizabeth for MA; $100, 3/31/2016, Tammy Duckworth; $50, 4/17/2016, Catherine C. Masto; $100, 7/23/2016, Maggie Hassan; $100, 9/30/2016, League of Conservation Voters; $100, 10/16/2016, Russ Feingold; $50, 10/23/2016, Catherine C. Masto; $100, 11/15/2016, Moveon.org; $50 11/6/2016, Catherine C. Masto; $100, 11/7/2016, Maggie Hassan; $50, 3/10/2017, Jon Ossoff; $50, 4/10/2017, Jon Ossoff; $180, 4/27–12/31 2017, ACLU; $50, 5/18/2017, Rob Quist; $50, 5/30/2017, Jon Ossoff; $50, 6/27/2017, Progressive Portland; $50, 9/25/2017, Progressive Portland; $75, 11/3/2017, Ralph Northam; $25, 11/2/2017, Tim Kaine; $100, 11/7/2019, NCEC; $75, 12/2/2017, Doug Jones; $25, 12/2/2017, Maggie Hassan; $75, 12/8/2017, Doug Jones; $100, 12/2017–1/2018, Color of Change; $240, 12/31/2018, ACLU; $100, 2/27/2018, Connor Lamb; $50, 3/12/2018, Connor Lamb; $100, 4/1/2018, NDRC; $50, 4/18/2019, Hirai Tipirneny; $50, 6/2/2019, Katie Porter; $100, 6/8/2018, Jacky Rosen; $100, 7/6/2018, McCaskill for MO; $50, 8/1/2018, Danny O'Connor; $50, 8/6/2018, Danny O'Connor; $100, 10/2/2018, Moveon.org; $50, 10/11/2018, Heidi for Senate; $100, 10/15/2018, Harley Rouda; $100, 10/15/2018, Donnelly for Indiana; $100, 10/18/2018, Jacky Rosen; $100, 10/25/2018, Cisneros for Congress; $100, 10/25/2018, Sinema for Senate; $100, 10/27/2018, Color of Change; $50, 10/31/2018, Andy Kim; $50, 10/31/2018, Randy Brice; $50, 11/4/2018, Ammar Campa-Najjar; $50, 11/08/2018, Bill Nelson Recount; $50, 11/24/2018, Mike Espy; $240, 12/2019–3/2019, ACLU; $100, 3/10/2019, League of Conservation Voters; $100, 3/11/2019, Common Cause; $100, 8/5/2019, Dan Mccready; $50, 9/5/2019, Dan Mccready; $25, 9/15/2019, Am. Cancer Society Social Action; $100, 9/27/2019, Sara Gideon; $100, 9/27/2020, ACTBLUE; $5, 9/27/2019, ACTBLUE; $20, 12/17/2019, ACTBLUE; $100, 2/7/2020, Warren for Pres; $5, 2/7/2020, ACTBLUE; $100, 2/7/2020, ACTBLUE; $100, 2/13/2020, ACTBLUE; $5, 2/13/2020, ACTBLUE; $100, 2/21/2020, Warren for Pres; $100, 2/21/2020, ACTBLUE; $2.5, 2/21/2020, ACTBLUE; $75, 2/25/2020, ACTBLUE; $3, 2/25/2020, ACTBLUE; $75, 2/25/2020, ACTBLUE; $3, 3/29/2020, ACTBLUE; $100, 3/29/2020, ACTBLUE; $3, 4/21/2020, ACTBLUE; $100, 4/21/2020, ACTBLUE; $100, 4/25/2020, ACTBLUE; $3, 4/25/2020, ACTBLUE. Christopher E. McCarthy—deceased; John R. McCarthy, Jr., none; Kathleen McCarthy, none.

7. Sisters and Spouses: Anne Pearcy, none; Laird Pearcy, none; Elizabeth McDermott—deceased; John McDermott, $50, 10/2018, Doug Jones; Margaret McCarthy—deceased January 2020; $154, 6/2015–6/2019, Act Blue; $20, 2019, Elizabeth Warren; $20, 2019, Pete Budigiege; $20, 2019, Kamela Harris; $100, 2019, Ditch Mitch; $700, 2016, Alexis Jimenez.

Barbera Hale Thornhill, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Nominee: Barbera Hale Thornhill.

Post: Ambassador for Republic of Singapore.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $2,800.00, 03/08/2019, Liz Cheney for Wyoming; $2,700.00, 10/02/2018, Romney for Utah, Inc.; $2,500.00, 05/03/2018, Kevin McCarthy for Congress; $5,000.00, 05/03/2018, Protect the House; $2,500.00, 05/03/20018, Great America Committee; $2,700.00, 03/05/2018, Donald J. Trump for President, Inc.; $2,700.00, 03/05/2018, Donald J. Trump for President, Inc.; $35,000.00, 03/05/2018, Trump Victory; $1,000.00, 11/13/2017, McHenry for Congress; 33,400.00, 12/19/2016, Republican National Committee; $700.00, 10/27/2016, Marco Rubio for Senate 2016; $1,000.00, 10/19/2016, Heck Yes! Victory Fund; $1,000.00, 10/19/2016, Friends of Joe Heck; $2,000.00, 08/16/2016, Marco Rubio for Senate 2016; $1,000.00, 10/22/2015; Marco Rubio for President; $2,700.00, 09/16/2015, JEB 2016, Inc.; $1,000.00, 06/19/2015; Marco Rubio for President; $1,000.00, 01/19/2015, Rite to Rice PAC, Inc.

Family: None.

2. Spouse: Divorced.

3. Children and Spouses: Hale Thornhill-Wilson, None.

4. Parents: Dr. Edwin Hale Thornhill, Deceased; Dr. Patricia Sills Thornhill, Deceased.

5. Grandparents Names: Mr. & Mrs. James Nicholas Sills, Both deceased; Dr. & Mrs. George Tudor Thornhill, Both deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Mrs. Patricia Thornhill Edwards, None; Mr. Joseph Roger Edwards, $20.00, 06/21/2016, Donald J. Trump for President, Inc.

Edward A. Burrier, of the District of Columbia, to be Deputy Chief Executive Officer of the United States International Development Finance Corporation.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MURPHY:

S. 4637. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments by angel investors; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. MURRAY, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. SCHATZ, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. CASEY, Mr. MERKLEY, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. REED, Mr. MURPHY, Mr. BROWN, Mr. PETERS, Mr. MARKEY, Ms. WARREN, Mr. MENENDEZ, Mr. DURBIN, Ms. SMITH, Ms. DUCKWORTH, Mr. KAINE, Ms. ROSEN, Ms. HIRONO, Mr. LEAHY, Mr. CARDIN, Mr. WHITEHOUSE, Ms. CORTEZ MASTO, Ms. KLOBUCHAR, Ms. STABENOW, Mr. HEINRICH, Mr. WYDEN, Ms. CANTWELL, and Mr. SANDERS):

S. 4638. A bill to preserve and promote integrity in scientific decision-making at the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAWLEY:

S. 4639. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for expenses relating to school disruption, to provide a monthly payment to families during COVID–19, and for other purposes; to the Committee on Finance.

By Mr. BENNET (for himself and Ms. COLLINS):

S. 4640. A bill to amend the Controlled Substances Act to require physicians and other prescribers of controlled substances to complete training on treating and managing patients with opioid and other substance use disorders, which shall also satisfy certain training requirements to receive a waiver for dispensing narcotic drugs for maintenance or detoxification treatment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNET:

S. 4641. A bill to amend the Mineral Leasing Act to provide for transparency and landowner protections in the conduct of lease sales under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNET:

S. 4642. A bill to amend the Mineral Leasing Act to ensure sufficient bonding and complete and timely reclamation of land and water disturbed by Federal and Indian oil and gas production, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. SHAHEEN (for herself and Mrs. CAPITO):

S. 4643. A bill to require the Secretary of Agriculture to establish a forest incentives program to keep forests intact and sequester carbon on private forest land of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JONES:

S. 4644. A bill to amend the Federal Deposit Insurance Act to ensure that certain custodial deposits of well capitalized insured depository institutions are not considered to be funds obtained by or through deposit brokers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. BALDWIN:

S. 4645. A bill to improve the requirements for commercial air tours and commercial air tour operators, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PAUL (for himself, Mr. WYDEN, and Mr. PETERS):

S. 4646. A bill to repeal certain war powers of the President under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Mrs. FISCHER:

S. 4647. A bill to amend the Packers and Stockyards Act, 1921, to establish a cattle contract library, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COTTON:

S. 4648. A bill to amend the Controlled Substances Act to list isotonitazene as a schedule I controlled substance; to the Committee on the Judiciary.

By Mrs. LOEFFLER (for herself, Mr. LEE, Mr. LANKFORD, Mrs. BLACKBURN, and Mr. COTTON):

S. 4649. A bill to provide that for purposes of determining compliance with title IX of the Education Amendments of 1972 in athletics, sex shall be recognized based solely on a person's reproductive biology and genetics at birth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SULLIVAN (for himself and Ms. MURKOWSKI):

S. 4650. A bill to amend the Migratory Bird Treaty Act to clarify the treatment of authentic Alaska Native articles of handicraft containing nonedible migratory bird parts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VAN HOLLEN (for himself and Mr. CARDIN):

S. 4651. A bill to amend title 49, United States Code, to establish a National Transit Frontline Workforce Training Center, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR:

S. 4652. A bill to require the United States Postal Service to treat election mail as first-class mail and deliver such mail at no cost to the sender, and for other purposes; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. 4653. A bill 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; read the first time.

By Mr. PORTMAN (for himself, Ms. STABENOW, Mr. DURBIN, Ms. KLOBUCHAR, Mr. PETERS, Ms. BALDWIN, Mr. YOUNG, Mr. BROWN, Ms. SMITH, and Ms. DUCKWORTH):

S. 4654. A bill to amend the Water Resources Development Act of 1986 to require that at least 12 percent of amounts appropriated out of the Harbor Maintenance Trust Fund are used for projects on the Great Lakes Navigation System, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PERDUE:

S. 4655. A bill to make improvements to the Main Street Lending Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. HIRONO:

S. 4656. A bill to amend title 38, United States Code, to provide for a reduction in certain loan fees for certain veterans affected by major disasters; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Ms. WARREN, Mr. BROWN, Mr. DURBIN, Mr. SANDERS, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. MERKLEY, Mr. MARKEY, Mr. BOOKER, Mr. MENENDEZ, and Mr. WYDEN):

S. Res. 711. A resolution calling on the President of the United States to take executive action to broadly cancel Federal student loan debt; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. DURBIN):

S. Res. 712. A resolution designating the week of September 21 through September 25, 2020, as ''Community School Coordinators Appreciation Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 428

At the request of Ms. KLOBUCHAR, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 428, a bill to lift the trade embargo on Cuba.

S. 633

At the request of Mr. MORAN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 633, a bill to award a Congressional Gold Medal to the members of the Women's Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the ''Six Triple Eight''.

S. 1381

At the request of Mr. BOOZMAN, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 1381, a bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

S. 1418

At the request of Mr. MURPHY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1418, a bill to establish the Strength in Diversity Program, and for other purposes.

S. 1687

At the request of Mrs. HYDE-SMITH, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1687, a bill to amend the Internal Revenue Code of 1986 to provide a special rule for certain casualty losses of uncut timber.

S. 1727

At the request of Mr. COONS, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1727, a bill to establish the Partnership Fund for Peace to promote joint economic development and finance ventures between Palestinian entrepreneurs and companies and those in the United States and Israel to improve economic cooperation and people-to-people peacebuilding programs, and to further shared community building, peaceful coexistence, dialogue, and reconciliation between Israelis and Palestinians.

S. 1791

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1791, a bill to prohibit discrimination on the basis of religion, sex (including sexual orientation and gender identity), and marital status in the administration and provision of child welfare services, to improve safety, well-being, and permanency for lesbian, gay, bisexual, transgender, and queer or questioning foster youth, and for other purposes.

S. 2008

At the request of Mrs. MURRAY, the names of the Senator from Michigan (Mr. PETERS), the Senator from New Mexico (Mr. UDALL) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 2008, a bill to prohibit, as an unfair or deceptive act or practice, commercial sexual orientation conversion therapy, and for other purposes.

S. 2645

At the request of Mrs. BLACKBURN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2645, a bill to prove that

the Federal Communications Commission and communications service providers regulated by the Commission under the Communications Act of 1934 shall not be subject to certain provisions of the National Environmental Policy Act of 1969 and the National Historic Preservation Act with respect to the construction, rebuilding, or hardening of communications facilities following a major disaster or an emergency declared by the President, and for other purposes.

S. 3072

At the request of Mrs. HYDE-SMITH, the names of the Senator from Texas (Mr. CRUZ) and the Senator from Iowa (Ms. ERNST) were added as cosponsors of S. 3072, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the approval of new abortion drugs, to prohibit investigational use exemptions for abortion drugs, and to impose additional regulatory requirements with respect to previously approved abortion drugs, and for other purposes.

S. 3451

At the request of Mr. SCOTT of South Carolina, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 3451, a bill to improve the health and safety of Americans living with food allergies and related disorders, including potentially life-threatening anaphylaxis, food protein-induced enterocolitis syndrome, and eosinophilic gastrointestinal diseases, and for other purposes.

S. 4014

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 4014, a bill to provide for supplemental loans under the Paycheck Protection Program.

S. 4086

At the request of Mr. BOOZMAN, the names of the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from Indiana (Mr. YOUNG) were added as cosponsors of S. 4086, a bill amend title 38, United States Code, to revise the definition of Vietnam era for purposes of the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 4150

At the request of Mr. REED, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 4150, a bill to require the Secretary of the Treasury to provide assistance to certain providers of transportation services affected by the novel coronavirus.

At the request of Ms. COLLINS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 4150, supra.

S. 4152

At the request of Mr. HOEVEN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 4152, a bill to provide for the adjustment or modification by the Secretary of Agriculture of loans for critical rural utility service providers, and for other purposes.

S. 4290

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 4290, a bill to provide much needed liquidity to America's job creators.

S. 4360

At the request of Mr. MURPHY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 4360, a bill to divert Federal funding away from supporting the presence of police in schools and toward evidence-based and trauma informed services that address the needs of marginalized students and improve academic outcomes, and for other purposes.

S. 4511

At the request of Mr. MORAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 4511, a bill to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to education, burial benefits, and other matters, and for other purposes.

S. 4520

At the request of Mrs. LOEFFLER, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 4520, a bill to transfer the responsibility of verifying small business concerns owned and controlled by veterans or service-disabled veterans to the Small Business Administration, and for other purposes.

S. 4571

At the request of Mr. PERDUE, his name was added as a cosponsor of S. 4571, a bill to extend certain deadlines for the 2020 decennial census.

S. 4593

At the request of Mr. BOOKER, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 4593, a bill to award posthumously the Congressional Gold Medal to Emmett Till and Mamie Till-Mobley.

S. 4594

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 4594, a bill to amend title 38, United States Code, to improve and to expand eligibility for dependency and indemnity compensation paid to certain survivors of certain veterans.

S. 4618

At the request of Mr. PORTMAN, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 4618, a bill making emergency supplemental appropriations for disaster relief for the fiscal year ending September 30, 2020, and for other purposes.

S. 4634

At the request of Mr. WICKER, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from Georgia (Mr. PERDUE), the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. RISCH) and the Senator from Alabama (Mr. JONES) were added as cosponsors of S. 4634, a bill to provide support for air carrier workers, and for other purposes.

S. CON. RES. 9

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution expressing the sense of Congress that tax-exempt fraternal benefit societies have historically provided and continue to provide critical benefits to the people and communities of the United States.

S. RES. 578

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 578, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 672

At the request of Mr. GRAHAM, the names of the Senator from Arkansas (Mr. COTTON), the Senator from Indiana (Mr. BRAUN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Arizona (Ms. MCSALLY), the Senator from Alaska (Mr. SULLIVAN) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. Res. 672, a resolution designating September 2020 as National Democracy Month as a time to reflect on the contributions of the system of government of the United States to a more free and stable world.

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Maine (Mr. KING), the Senator from Illinois (Ms. DUCKWORTH) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 672, supra.

S. RES. 705

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. Res. 705, a resolution proclaiming the week of September 21 through September 25, 2020, to be "National Clean Energy Week".

S. RES. 709

At the request of Mr. GRAHAM, the names of the Senator from North Carolina (Mr. BURR) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. Res. 709, a resolution expressing the sense of the Senate that the August 13, 2020, and September 11, 2020, announcements of the establishment of full diplomatic relations between the State of Israel and the United Arab Emirates and the State of Israel and the Kingdom of Bahrain are historic achievements.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. SCHUMER (for himself, Mrs. MURRAY, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. SCHATZ, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. CASEY, Mr. MERKLEY, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. REED, Mr. MURPHY, Mr. BROWN, Mr. PETERS, Mr. MARKEY, Ms. WARREN, Mr. MENENDEZ, Mr. DURBIN, Ms. SMITH, Ms. DUCKWORTH, Mr. KAINE, Ms. ROSEN, Ms. HIRONO, Mr. LEAHY, Mr. CARDIN, Mr. WHITEHOUSE, Ms. CORTEZ MASTO, Ms. KLOBUCHAR, Ms. STABENOW, Mr. HEINRICH, Mr. WYDEN, Ms. CANTWELL, and Mr. SANDERS):

S. 4638. A bill to preserve and promote integrity in scientific decision-making at the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Science and Transparency Over Politics Act''.

SEC. 2. INVESTIGATION OF POLITICAL INTERFERENCE WITH DECISIONS OF SCIENTIFIC AGENCIES OF HHS.

(a) APPOINTMENT OF THE TASK FORCE.—

(1) IN GENERAL.—The Pandemic Response Accountability Committee established under section 15010 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), shall appoint, not later than 1 month after the date of enactment of this Act, the Task Force of the Pandemic Response Accountability Committee (referred to in this section as the ''Task Force''), which shall consist of 5 members of the Pandemic Response Accountability Committee.

(2) QUALIFICATIONS.—The members of the Task Force shall have expertise in conducting independent audits, evaluations, and investigations.

(b) INVESTIGATIONS AND REPORTS.—The Task Force shall—

(1) conduct an investigation of political interference with decisions made by scientific agencies of the Department of Health and Human Services during the time period described in subsection (f); and

(2) not later than January 31, 2021, and every 6 months thereafter, until the date that is 6 months after the end of the time period described in subsection (f), submit a report of the findings of such investigation to the Committees on Health, Education, Labor, and Pensions and Homeland Security and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Oversight and Reform of the House of Representatives.

(c) CONSIDERATIONS.—In conducting the investigation under subsection (b), the Task Force shall consider—

(1) emails and other records of communications, including—

(A) communications between the White House, the Department of Health and Human Services, and scientific agencies of the Department of Health and Human Services; and

(B) communications between political appointees, career staff, and contractors within scientific agencies of the Department of Health and Human Services;

(2) initial, subsequent, and final drafts of scientific publications or communications, in order to assess changes made by scientific agencies of the Department of Health and Human Services as a result of political interference; and

(3) other information, as the Task Force determines appropriate.

(d) OBSTRUCTION OF INVESTIGATION.—The Task Force shall notify, in writing, the Committees on Health, Education, Labor, and Pensions and Homeland Security and Governmental Affairs of the Senate; the Committees on Energy and Commerce and Oversight and Reform of the House of Representatives; and the Pandemic Response Accountability Committee of any obstruction, prevention, or delay of information or communication requested pursuant to the investigation under subsection (b), not later than 30 days after the Task Force first requested the information or communication. The notification shall include—

(1) a description of the information or communication sought;

(2) the date on which such information or communication was first requested;

(3) the date of any subsequent effort to obtain the information or communication; and

(4) a summary of any response from the person from which the information or communication was requested, including any explanation by that person of why the requested information or communication is not being provided.

(e) DEFINITION.—For purposes of this section, the term ''political interference with decisions made by scientific agencies of the Health and Human Services'' includes any significant action by the executive branch of the Federal Government to—

(1) pressure the Food and Drug Administration to reach a certain outcome related to a drug, device, or biological product for the diagnosis, cure, mitigation, treatment, or prevention of COVID–19;

(2) pressure such agency to make a decision related to a drug, device, or biological product for the diagnosis, cure, mitigation, treatment, or prevention of COVID–19 within a certain timeframe;

(3) prevent such agency from taking an action related to a drug, device, or biological product for the diagnosis, cure, mitigation, treatment, or prevention of COVID–19, or from taking such action within a particular timeframe;

(4) make a decision for the Food and Drug Administration related to a drug, device, or biological product for the diagnosis, cure, mitigation, treatment, or prevention of COVID–19 that the Food and Drug Administration would make itself in the ordinary course;

(5) pressure the Centers for Disease Control and Prevention or any other scientific agency of the Department of Health and Human Services to release, withhold, or modify public health guidance, data, information, or publications related to COVID–19 in a manner that is inconsistent with the conclusion reached by the relevant senior career scientists;

(6) provide a grant, cooperative agreement, award, or other Federal support through a scientific agency of the Department of Health and Human Services for an entity or endeavor related to COVID–19 for reasons other than strengthening the Nation's COVID–19 response, including with respect to reducing morbidity and mortality related to COVID–19; or

(7) otherwise influence decisions by scientific agencies of the Department of Health and Human Services in a manner that is inconsistent with strengthening the Nation's COVID–19 response, including with respect to reducing morbidity and mortality related to COVID–19.

(f) TIME PERIOD.—The time period described in this subsection is the period beginning on the effective date of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19, and ending on the last day of such public health emergency.

(g) CLARIFICATION.—Nothing in this section shall prevent the Task Force from releasing any information before January 31, 2021, or before a full report is complete, if the Task Force determines that the release of such information is in the public interest.

(h) FUNDING.—To carry out this section, there are authorized to be appropriated $25,000,000 for the period of fiscal years 2021 and 2022.

By Mr. COTTON:

S. 4648. A bill to amend the Controlled Substances Act to list isotonitazene as a schedule I controlled substance; to the Committee on the Judiciary.

Mr. COTTON. Mr. President, we are facing momentous issues in the Senate and in Washington and in our Nation.

Today, we are debating a spending bill to keep the government funded past the end of this month. There are ongoing negotiations to help provide additional relief to those most affected by the coronavirus.

With the sad news of the passing of Justice Ruth Bader Ginsburg, there is now a Supreme Court vacancy as well.

As momentous as these issues are, we ought not miss what is happening on the streets of America, though, as too many in Washington missed for years as Americans were dying by the thousands as a result of the opioid epidemic that hit this country, from prescription pills to heroin, to synthetic opioids like fentanyl.

Now, in recent years, Washington has gotten the news, and we have taken action to try to stem the tide of drug overdoses around our country.

But the fight continues, so I want to call the Senate and the Nation's attention to a new threat: isotonitazene. It is harder to pronounce than fentanyl, but it is equally deadly. It will kill you in a heartbeat, and it also comes from China. Reports of iso—as this hard-to-pronounce drug is often called on the street—are still scattered.

A shipment was seized in Canada early last year. Now it has been popping up in Europe, in countries as far flung as Belgium, Estonia, Germany, Latvia, Sweden, and the United Kingdom, and, at about the same time, iso has found its way to America as well. It has turned up in both pill and powder form, seemingly shipped in concentrated, small quantities that escape detection too often. Once it is here, it is usually cut with other drugs, like heroin and cocaine, to make them more powerful and much more deadly.

An unsuspecting drug user can inject a tainted dose or take a counterfeit

prescription pill and be dead within minutes. Iso is just like fentanyl in that regard.

According to the Drug Enforcement Agency, iso is confirmed to have killed at least 18 Americans in 4 different States and has been encountered in at least 48 confirmed incidents across 9 States.

However, it has likely killed many more. We don't know for sure because tests for iso still are not widely available, given its novelty, and overdose deaths due to a cocktail of iso mixed with heroin, cocaine, or other drugs may be inadvertently attributed only to the known substance.

What we do know is that iso is just the latest weapon that the Chinese drug dealers are using in their opium war against America. First, they developed designer fentanyl analogs, which have killed—and continue to kill—Americans by the thousands.

However, we have taken strong action against fentanyl. Last year, we passed my legislation, the Fentanyl Sanctions Act, to punish Chinese drug dealers, and the President—equally important—pressured China's leader to crack down on underground drug labs in their own country, which sent nine fentanyl smugglers to prison.

These efforts have made a difference, but the fight is not over. China's drug dealers have developed a new poison to send to America.

Iso has no recognized medical or industrial use. It is nothing more and nothing less than a way to profit off of addiction and death. These Chinese drug dealers want iso to be the new fentanyl, so we have to take strong action to make sure they fail before more Americans are killed.

The DEA has already taken swift action by classifying iso as a schedule I controlled substance, its most restrictive classification. But this is only a temporary measure that will last 2 years, at most.

Congress should, therefore, act to ensure iso stays on that list for good. That is why I am introducing legislation to permanently classify iso as a schedule I controlled substance. This will ensure iso receives the strictest regulations under our drug laws, and it will help our brave drug enforcement agents keep this deadly drug off of our streets.

Furthermore, I call upon the leaders of the Chinese Communist Party to crack down on the production of iso in the Chinese mainland. If the leaders of the party wish to reduce tensions, if they wish to improve relations, they ought not to allow their own criminals to manufacture drugs with no legitimate purpose specifically designed for smuggling into America to poison our citizens.

I urge my colleagues and the administration to join in this effort to stop iso before it spreads even further. This drug has already killed too many of our fellow citizens. We need to stop it before it kills even more.

By Mr. SCHUMER:

S. 4653. A bill 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; read the first time.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITING DOJ EFFORTS TO ADVOCATE COURTS TO STRIKE DOWN PATIENT PROTECTION AND AFFORDABLE CARE ACT.

The Department of Justice may not in any case, including in California v. Texas, No. 19–840 (U.S. cert. granted Mar. 2, 2020), advocate that a court invalidate any provision of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119) or any amendment made by that Act.

By Ms. HIRONO:

S. 4656. A bill to amend title 38, United States Code, to provide for a reduction in certain loan fees for certain veterans affected by major disasters; to the Committee on Veterans' Affairs.

Ms. HIRONO. M. President, in 2018, Hawaii's Kilauea Volcano erupted, destroying upwards of 700 homes, including a home purchased by a veteran using the VA Home Loan Guaranty Program. When this veteran went to replace the home he had lost by once again using the Home Loan Guaranty Program, he found that he would be forced to pay significantly higher fees for using the program a second time.

Our Nation's veterans should not be penalized for losing their homes to natural disasters and it is for this reason that I come to the floor today to introduce the Veteran Home Loan Disaster Recovery Act of 2020.

Congress has established a variety of programs in pursuit of both thanking our Nation's veterans and ensuring that they are able to live comfortable lives after their service has ended. One of these programs is the VA Home Loan Guaranty program, which provides eligible veterans the opportunity to access mortgages backed by the Department of Veterans Affairs. Under the program the VA guarantees a portion of a home loan from a private lender allowing the veteran borrower to receive favorable mortgage terms.

Participants in this program are required to pay a funding fee in place of closing cost and that fee increases based on various factors, including whether this is a veteran's first time using the program or if they have previously had a VA Home Loan. For those who have used the loan before, the fee is higher, regardless of the circumstances that led to their needing to purchase a home through the program, including if their previous home was destroyed by a natural disaster.

The Veteran Home Loan Disaster Recovery Act of 2020 would exempt program participants from the subsequent loan funding fee increase if they lost their first home to a natural disaster, allowing them to access a lower rate as if they were a first-time participant in the program.

According to the Federal Emergency Management Agency (FEMA), in 2019, there were 101 Presidentially-declared disasters across the Nation. So far in 2020, there have been 92 major disaster declarations alone. Right now, wildfires rage in different parts of the Nation, and we are in the midst of hurricane season in both the Atlantic and Pacific Oceans.

As we continue to experience raging wildfires, volcanic eruptions, and massive hurricanes, it is critical that we ensure that we work to limit the ripple effects from these disasters. Giving veterans the ability to replace homes lost through no fault of their own is one step in that direction.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 711—CALLING ON THE PRESIDENT OF THE UNITED STATES TO TAKE EXECUTIVE ACTION TO BROADLY CANCEL FEDERAL STUDENT LOAN DEBT

Mr. SCHUMER (for himself, Ms. WARREN, Mr. BROWN, Mr. DURBIN, Mr. SANDERS, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. MERKLEY, Mr. MARKEY, Mr. BOOKER, Mr. MENENDEZ, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 711

Whereas the United States is facing historic public health and economic crises caused by the coronavirus (COVID–19) pandemic that threatens the financial well-being of nearly every American family;

Whereas even before the COVID–19 pandemic, the United States also faced a historic student loan crisis, which is currently holding back our struggling economy and restricting opportunity and prosperity for millions of American families;

Whereas nearly 43,000,000 Americans currently hold more than $1,500,000,000,000 in Federal student loan debt;

Whereas more than 9,000,000 Federal student loan borrowers are currently in default on those Federal student loans;

Whereas the COVID–19 economic recession and historic unemployment have compounded stagnant wages, labor market discrimination, and rising costs of living, making it nearly impossible for many Americans to ever fully repay their student loans;

Whereas this historic student debt crisis has left millions of Americans less prepared to weather the recession triggered by the COVID–19 pandemic as communities of color, which never fully recovered from the devastating effects of the previous economic recession, have been hit hardest by the devastating health and economic consequences of the COVID–19 pandemic;

Whereas student debt disproportionately impacts borrowers of color, who face the

worst effects of the student debt crisis, with—

(1) Black students, due to ongoing structural barriers that have resulted in persistent racial inequities in incomes and wealth, forced to accrue more student debt and more often than their White peers;

(2) Black student borrowers struggling more in student loan repayment, including defaulting at higher rates than their White peers;

(3) nearly half of Black graduates owing more on their undergraduate student loans 4 years after graduation than they did when they received their degree;

(4) the median Black student borrower owing 95 percent of their debt 20 years after starting college, while the median White student borrower owing 6 percent of their debt after such period; and

(5) Latinx student borrowers, who borrow at rates similar to their White peers despite having lower household incomes and significantly less household wealth, are more likely than their White peers to default on their student loans;

Whereas Black students and other students who have attended Historically Black Colleges and Universities have had to bear a larger share of student loan debt because of the historic and continued underfunding of these institutions at the State and Federal levels;

Whereas student debt cancellation for the families that need it most can substantially increase Black and Latinx household wealth and help close racial wealth gaps;

Whereas women hold more than two-thirds of the Nation's student loan debt and must borrow an average of $3,000 more than men to attend higher education;

Whereas, if left unaddressed, the student debt crisis will worsen inequality, exacerbate the current recession, widen the racial wealth gap, and slow economic recovery;

Whereas broad student debt cancellation is the most efficient and effective solution to our student debt crisis, would help millions of families, and would remove a significant drag holding back our economy;

Whereas broad student debt cancellation would provide immediate relief to millions of American families who are struggling during this pandemic and recession, and prevent them from having an unsustainable student debt burden waiting for them once this pandemic is over;

Whereas broad student debt cancellation would provide a boost to our struggling economy through a consumer-driven economic stimulus, greater home-buying rates and housing stability, expanded access to more affordable financial products including car loans and mortgages, higher college completion rates, and greater small business formation;

Whereas President Donald J. Trump's Memorandum on Continued Student Loan Payment Relief During the COVID–19 Pandemic, Issued August 8, 2020, will expire on December 31, 2020, causing tens of millions of Federal student loan borrowers to enter repayment on New Year's Day of 2021, including recent graduates facing one of the toughest job markets in recent history;

Whereas more than 100 community, civil rights, consumer, and student advocacy organizations have urged student debt cancellation for all borrowers in response to the COVID–19 pandemic public health and economic crises;

Whereas Congress has already granted the Secretary of Education the legal authority to broadly cancel student debt under section 432(a) of the Higher Education Act of 1965 (20 U.S.C. 1082(a)), which grants the Secretary the authority to modify, ''. . . compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption'';

Whereas the United States Department of Education has reportedly used this authority to implement relief for Federal student loan borrowers during the COVID-19 pandemic; and

Whereas on June 29, 2020, President Donald J. Trump, with the support of Secretary of Education Betsy DeVos, vetoed H.J. Res. 76 ''Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to 'Borrower Defense Institutional Accountability' '', blocking a resolution that passed Congress with bipartisan support to overturn a Department of Education rule that makes it harder for defrauded Federal student loan borrowers to see their loans discharged: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Secretary of Education's broad administrative authority to cancel Federal student loan debt under the existing authorities of section 432(a) of the Higher Education Act of 1965 (20 U.S.C. 1082(a));

(2) calls on the President of the United States to take executive action to broadly cancel up to $50,000 in Federal student loan debt for Federal student loan borrowers administratively using existing legal authorities under such section 432(a), and any other authorities available under the law;

(3) encourages the President of the United States, in taking such executive action, to use the executive's authority under the Internal Revenue Code of 1986 to ensure no tax liability for Federal student loan borrowers resulting from administrative debt cancellation;

(4) encourages the President of the United States, in taking such executive action, to ensure that administrative debt cancellation helps close racial wealth gaps and avoids the bulk of Federal student debt cancellation benefits accruing to the wealthiest borrowers; and

(5) encourages the President of the United States to continue to pause student loan payments and interest accumulation for Federal student loan borrowers for the entire duration of the COVID-19 pandemic.

SENATE RESOLUTION 712—DESIGNATING THE WEEK OF SEPTEMBER 21 THROUGH SEPTEMBER 25, 2020, AS ''COMMUNITY SCHOOL COORDINATORS APPRECIATION WEEK''

Mr. BROWN (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 712

Whereas community schools marshal, align, and unite the assets, resources, and capacity of schools and communities for the success of students, families, and communities;

Whereas community schools are an effective, evidence-based, and equity-driven strategy for school improvement included under section 4625 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7275), as added by section 4601 of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2029);

Whereas community schools that provide integrated student supports, well-designed and expanded learning opportunities, and active family and community engagement and that use collaborative leadership and practices have positive academic and nonacademic outcomes, including improvements in student attendance, behavior, academic achievement, school readiness, and mental and physical health, high school graduation rates, and school climate and reduced racial and economic achievement gaps;

Whereas community schools have the potential for closing racial and economic achievement gaps, as indicated in a 2017 report;

Whereas a 2020 study found that New York City's community schools had a positive impact on student attendance, on-time grade progression, and credit accumulation for high school students;

Whereas community schools provide a strong social return on investment, with one study citing a social return of between $10 to $15 for every dollar invested over a 3-year period;

Whereas community school coordinators are essential to building successful community schools and creating, strengthening, and maintaining partnerships between community schools and their communities;

Whereas community school coordinators facilitate and provide leadership for the collaborative process and development of a continuum of supports and opportunities for children, families, and others within a school's community that allow all students to learn and the community to thrive;

Whereas the Coronavirus Disease 2019 (referred to in this preamble as ''COVID–19'') pandemic poses additional academic, social, emotional, and health challenges for students, educators, and staff at community schools;

Whereas community school coordinators have proven to be innovative and resourceful in response to the COVID–19 pandemic, including through organizing volunteers for mobile food pantries, hosting virtual parent hangouts and student lunch groups, continuing to support onsite behavioral health programs through an online platform, and participating in advocacy efforts to halt eviction orders in their communities;

Whereas community school coordinators, through their role, deliver a strong monetary return on investment for community schools and their communities, with one study citing a return of $7.11 for every dollar invested in the salary of a community school coordinator; and

Whereas Community School Coordinators Appreciation Week, celebrated from September 21 through September 25, 2020, recognizes, raises awareness of, and celebrates the thousands of community school coordinators across the country and the critical role of community school coordinators in the success of students: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 21 through September 25, 2020, as ''Community School Coordinators Appreciation Week'';

(2) thanks community school coordinators for the work they do to serve students, families, and communities, especially as communities continue to respond to the Coronavirus Disease 2019 pandemic; and

(3) encourages students, parents, school administrators, and public officials to participate in virtual events that celebrate Community School Coordinators Appreciation Week.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow, Wednesday, September 23, 2020.

Thereupon, the Senate, at 11:22 p.m., adjourned until Wednesday, September 23, 2020, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

ERIC P. WENDT, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOYCE CAMPBELL GIUFFRA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2024, VICE RICK LOWE, TERM EXPIRED.

THE JUDICIARY

CHARLES EDWARD ATCHLEY, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE HARRY SANDLIN MATTICE, JR., RETIRED.

KATHERINE A. CRYTZER, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE PAMELA L. REEVES, DECEASED.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ANDREA R. LUCAS, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2025.

KEITH E. SONDERLING, OF FLORIDA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2024.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 22, 2020:

THE JUDICIARY

EDWARD HULVEY MEYERS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 22, 2020 withdrawing from further Senate consideration the following nomination:

KATHERINE A. CRYTZER, OF TENNESSEE, TO BE INSPECTOR GENERAL OF THE TENNESSEE VALLEY AUTHORITY, VICE RICHARD W. MOORE, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 6, 2020.