

work. Law and politics aside, no friend of equality could fail to appreciate Justice Ginsburg's determination.

Finally, while Justice Ginsburg relished forceful writing and detailed argument, she was also, in important ways, a uniter. In recent years, many who consider themselves her admirers and might wish to claim the Justice for their political "side" have come to embrace reckless proposals to politicize the very structure of the Court itself. But Justice Ginsburg remained unswerving in her public commitment to preserving the neutral foundation of the institution she loved.

The entire Senate is united in thinking of and praying for Justice Ginsburg's family—most especially her daughter Jane, her son James, her grandchildren, step-grandchildren, great-granddaughter, and everyone who called her their own.

SUPREME COURT NOMINATIONS

Mr. MCCONNELL. Mr. President, President Trump's nominee for this vacancy will receive a vote on the floor of the Senate. Now, already, some of the same individuals who tried every conceivable dirty trick to obstruct Justice Gorsuch and Justice Kavanaugh are lining up—lining up—to proclaim that the third time will be the charm.

The American people are about to witness an astonishing parade of misrepresentations about the past, misstatements about the present, and more threats against our institutions from the same people who have already been saying for months—well before this—that they want to pack the Court.

Two years ago, a radical movement tried to use unproven accusations to ruin a man's life because they could not win a vote fair and square. Now they appear to be readying an even more appalling sequel. This time the target will not just be the presumption of innocence for one American but our very governing institutions themselves.

There will be times in the days ahead to discuss the naked threats that leading Democrats have long been directing at the U.S. Senate and the Supreme Court itself. These threats have grown louder, but they predate this vacancy by many months. There will be time to discuss why Senators who appear on the steps of the Supreme Court and personally threaten Associate Justices if they do not rule a certain way are ill-equipped to give lectures on civics, but today let's dispense with a few of the factual misrepresentations right at the outset.

We are already hearing incorrect claims that there is not sufficient time to examine and confirm a nominee. We can debunk this myth in about 30 seconds. As of today, there are 43 days until November 3 and 104 days until the end of this Congress.

The late, iconic Justice John Paul Stevens was confirmed by the Senate

19 days after this body formally received his nomination—19 days from start to finish. Justice Sandra Day O'Connor, another iconic jurist, was confirmed 33 days after her nomination. For the late Justice Ginsburg herself, it was just 42 days.

Justice Stevens' entire confirmation process could have been played out twice between now and November 3, with time to spare, and Justice Ginsburg herself could have been confirmed twice between now and the end of the year, with time to spare.

The Senate has more than sufficient time to process a nomination. History and precedent make that perfectly clear.

Others want to claim that this situation is exactly analogous to Justice Scalia's passing in 2016 and so we should not proceed until January. This is also completely false.

Here is what I said on the Senate floor the very first session day after Justice Scalia passed: "The Senate has not filled a vacancy arising in an election year when there was divided government since 1888, almost 130 years ago."

Here is what I said the next day, when I spoke to the press for the first time on the subject: "[You] have to go back to 1888, when Grover Cleveland was President, to find the last time a vacancy created in a Presidential election year was approved by a Senate of a different party."

As of then, only six prior times in American history had a Supreme Court vacancy arisen in a Presidential election year and the President sent a nomination that year to a Senate of the opposite party. The majority of those times, the outcome was exactly what happened in 2016—no confirmation—the historically normal outcome when you have divided government.

President Obama was asking Senate Republicans for an unusual favor that had last been granted nearly 130 years before then, but voters had explicitly elected our majority to check and balance the end of his Presidency. So we stuck with the basic norm.

And, by the way, in so doing, our majority did precisely what Democrats have indicated they would do themselves. In 1992, Democrats controlled the Senate opposite President Bush 41. Then-Senator Joe Biden chaired the Judiciary Committee. Unprompted—unprompted—he publicly declared that his committee might refuse to cooperate if a vacancy arose and the Republican President tried to fill it.

In 2007, Democrats controlled the Senate opposite President Bush 43, and with more than a year and a half left in President Bush 43's term, the current Democratic leader declared that "except in extraordinary circumstances," the opposite-party Senate should boycott any further confirmations to the Supreme Court. That is the current Democratic leader a year and a half before the end of the Bush administration. So in 2016 Senate Republicans did

not only maintain the historical norm. We also ran the Biden-Schumer playbook.

When voters have not chosen divided government, when the American people have elected a Senate majority to work closely with the sitting President, the historical record is even more overwhelming in favor of confirmation. Eight such times in our Nation's history, new vacancies have arisen and Presidents have made nominations, all during the election year. Seven of the eight were confirmed, and the sole exception, Justice Abe Fortas, was a bizarre situation including obvious personal corruption that extended into financial dealings.

Apart from that one strange exception, no Senate has failed to confirm a nominee in the circumstances that face us right now. Aside from that one strange exception, no Senate has failed to confirm a nominee in the circumstances that face us right now. The historical precedent is overwhelming, and it runs in one direction. If our Democratic colleagues want to claim they are outraged, they can only be outraged at the plain facts of American history. There was clear precedent behind the predictable outcome that came out of 2016, and there is even more overwhelming precedent behind the fact that this Senate will vote on this nomination this year.

The American people reelected our majority in 2016. They strengthened it further in 2018 because we pledged to work with President Trump on the most critical issues facing our country. The Federal judiciary was right at the top of the list.

Ironically, it was the Democratic leader who went out of his way to declare the midterm 2018 elections a referendum on the Senate's handling of the Supreme Court. My friend, the occupant of the Chair, was running that year. The Democratic leader went out of his way to declare the 2018 midterms a referendum on the Senate's handling of the Supreme Court.

In his final speech before Justice Kavanaugh was confirmed, he yelled—literally, yelled—over and over at the American people to go vote. He told Americans to go elect Senators based on how they had approached their advice-and-consent duties over these weeks. Unfortunately for him, many Americans did just that. After watching the Democrats' tactics, voters grew our majority and retired four—four—of our former colleagues who had gone along with their party's behavior.

We gained two seats. They lost four. That was the issue. Perhaps more than any other single issue, the American people strengthened this Senate majority to keep confirming this President's presumptive judicial nominees who respect our Constitution and understand the proper role of a judge.

In 2014, the voters elected our majority because we pledged to check and balance a second-term, lame-duck President. Two years later, we kept our word.

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

MEASURE PLACED ON THE CALENDAR—S. 4618

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

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

The bill clerk read as follows:

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

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

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

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

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

The bill clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

REMEMBERING JUSTICE RUTH BADER GINSBURG

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

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

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

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

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

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

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

May she forever rest in peace.

SUPREME COURT NOMINATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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