

116TH CONGRESS
2D SESSION

S. 4710

To obtain and direct the placement in the Capitol or on the Capitol Grounds of a monument to honor Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Ms. KLOBUCHAR (for herself, Mr. BLUMENTHAL, Mr. CASEY, Mr. MARKEY, Mr. KAINE, Mr. VAN HOLLEN, Ms. HIRONO, Ms. DUCKWORTH, Mr. HEINRICH, Mrs. MURRAY, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. UDALL, Mr. DURBIN, Mr. CARDIN, Mr. MERKLEY, Mr. MENENDEZ, Ms. WARREN, Ms. SMITH, Ms. ROSEN, Ms. STABENOW, Mrs. GILLIBRAND, Mr. REED, Mrs. SHAHEEN, Mr. CARPER, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To obtain and direct the placement in the Capitol or on the Capitol Grounds of a monument to honor Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

1 (1) Ruth Bader Ginsburg was born in 1933 in
2 Brooklyn, New York, and grew up in a low-income,
3 working-class neighborhood.

4 (2) Ginsburg graduated from Cornell University
5 in 1954, finishing first in her class.

6 (3) Ginsburg enrolled at Harvard Law School
7 in 1956, entering into a class of 552 men and only
8 8 other women.

9 (4) As a law student, Ginsburg became the first
10 female member of the prestigious legal journal, the
11 Harvard Law Review. She also cared for her hus-
12 band, Martin Ginsburg, who had been diagnosed
13 with cancer, and their young daughter.

14 (5) Ginsburg finished her legal education at Co-
15 lumbia Law School, where she graduated first in her
16 class in 1959.

17 (6) Ginsburg taught at Rutgers University Law
18 School from 1963 to 1972 and at Columbia Law
19 School from 1972 to 1980, where she became the
20 school's first female tenured professor.

21 (7) During the 1970s, Ginsburg served as the
22 director of the Women's Rights Project of the Amer-
23 ican Civil Liberties Union. In this position, she led
24 the fight against gender discrimination and success-
25 fully argued 6 landmark cases before the Supreme

1 Court of the United States (in this section referred
2 to as the “Supreme Court”).

3 (8) Ginsburg won 5 cases on gender discrimina-
4 tion before the Supreme Court, including the case
5 Weinberger v. Wiesenfeld, which involved a portion
6 of the Social Security Act that favored women over
7 men, because the Act granted certain benefits to
8 widows, but not widowers.

9 (9) In 1980, President Jimmy Carter appointed
10 Ginsburg to the United States Court of Appeals for
11 the District of Columbia Circuit.

12 (10) In 1993, President Bill Clinton appointed
13 Ginsburg to the Supreme Court to fill the seat va-
14 cated by Associate Justice Byron White.

15 (11) On August 3, 1993, the Senate confirmed
16 Ginsburg’s nomination to the Supreme Court by a
17 96 to 3 vote.

18 (12) Ginsburg became the second female justice
19 to serve on the Supreme Court as well as the first
20 Jewish female justice to serve on the Supreme
21 Court.

22 (13) As a justice, Ginsburg presented a strong
23 voice in favor of gender equality, voting rights, the
24 rights of workers, and the separation of church and
25 state.

1 (14) In 1996, Ginsburg wrote the Supreme
2 Court’s landmark decision in *United States v. Vir-*
3 *ginia*, which held that the State-supported Virginia
4 Military Institute could not refuse to admit women.

5 (15) Despite her reputation for restrained writ-
6 ing, Ginsburg gathered considerable attention for
7 her dissenting opinion in *Bush v. Gore* by subtly
8 concluding her decision with the words, “I dissent”,
9 a significant departure from the traditional “respect-
10 fully dissent”.

11 (16) Ginsburg famously dissented in *Ledbetter*
12 *v. Goodyear Tire & Rubber Co.*, where the plaintiff,
13 a female worker being paid significantly less than
14 males with her same qualifications, sued under title
15 VII of the Civil Rights Act of 1964 (42 U.S.C.
16 2000e et seq.), but was denied relief under a statute
17 of limitation issue. Ginsburg broke with tradition
18 and wrote a high colloquial version of her dissent to
19 read from the bench. In her dissent, she also called
20 for Congress to undo this improper interpretation of
21 the law.

22 (17) Following her dissent in *Ledbetter v.*
23 *Goodyear Tire & Rubber Co.*, Ginsburg worked with
24 President Barack Obama to pass the first piece of

1 legislation he signed, the Lilly Ledbetter Fair Pay
2 Act of 2009 (Public Law 111–2; 123 Stat. 5).

3 (18) In 2013, when the Supreme Court ruled in
4 a 5–4 decision in *Shelby County v. Holder* to gut the
5 Voting Rights Act of 1965 (52 U.S.C. 10301 et
6 seq.), Ginsburg wrote, “Throwing out preclearance
7 when it has worked and is continuing to work to
8 stop discriminatory changes is like throwing away
9 your umbrella in a rainstorm because you are not
10 getting wet.”.

11 (19) Until the 2018 term, Ginsburg had not
12 missed a day of oral arguments, not even when she
13 was undergoing chemotherapy for pancreatic cancer,
14 after surgery for colon cancer, or the day after her
15 husband passed away in 2010.

16 **SEC. 2. MONUMENT HONORING JUSTICE RUTH BADER**
17 **GINSBURG.**

18 (a) **OBTAINING OF MONUMENT.—**

19 (1) **IN GENERAL.—**Not later than 2 years after
20 the date of the enactment of this Act, and in con-
21 sultation with the Committee on House Administra-
22 tion of the House of Representatives and the Com-
23 mittee on Rules and Administration of the Senate,
24 the Joint Committee on the Library shall enter into
25 an agreement to obtain a monument honoring Asso-

1 ciate Justice of the Supreme Court of the United
2 States Ruth Bader Ginsburg under such terms and
3 conditions as the Joint Committee considers appro-
4 priate, consistent with applicable law.

5 (2) CONSIDERATION.—In selecting an artist to
6 make the monument obtained under paragraph (1),
7 the Joint Committee on the Library shall make the
8 announcement available to and consider artists from
9 underrepresented demographic groups.

10 (b) INSTALLATION.—The Architect of the Capitol,
11 under the direction of the Joint Committee on the Library,
12 shall permanently install the monument obtained under
13 subsection (a) in a prominent location in the Capitol or
14 on the Capitol Grounds, as described in section 5102 of
15 title 40, United States Code.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated such sums as are nec-
18 essary to carry out this Act. Amounts appropriated pursu-
19 ant to this subsection shall remain available until ex-
20 pended.

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