I think that is a terrible idea. If you believe in the principle that the American peoples' voice ought to be heard, it makes no sense to have an election and then to do it and not honor their selection.

So I know some have expressed some concern about that. I, for one, believe we ought to be consistent. That consistent position and the consistent principle are that the American people deserve to be heard and their voice heeded on who makes that selection to something as important as filling this vacancy on the Supreme Court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OF MERRICK GARLAND

Ms. CANTWELL. Madam President, yesterday President Obama nominated Federal appeals court judge Merrick Garland to fill the vacancy left by the death of Associate Justice Scalia. The President has done his job. Now it is time for the Senate to do ours, to use advice and consent on this nominee, not to treat that as an option but as an obligation.

It is my sincere hope that in the coming days and weeks, all of my Senate colleagues will join me in meeting the nominee and evaluating him based on his merits and on his record and that Republican objections about this individual be laid aside so that at least they can look at his qualifications, his judicial temperament, and his record.

Chief Judge Garland has served the U.S. Court of Appeals since 1997. Let me stress that he has served on this important court for almost 20 years. He was previously at a law firm as a partner. He served as U.S. attorney for the District of Columbia and as Deputy Assistant Attorney General in the Criminal Division of the U.S. Department of Justice. Finally, he served as a U.S. circuit judge earlier in his career.

He is highly qualified as a nominee. America deserves to have a fully functioning court, and they deserve to have Senators who will do their job in reviewing this nominee. The Supreme Court cases that impact our fundamental rights and our operations of government—including the extent of property rights, privacy rights, the balance between civil liberty and national security, how to ensure equal protection under the law, and how to guarantee adequate and due process—are all things that deserve to have a full Supreme Court.

We need a fully functioning Court to keep the balance that we have in our system—the checks and balances throughout our government. We cannot delay the consideration of this Supreme Court nominee.

President Obama had an obligation to fill this vacancy on the Court. He did so by making this nomination. His duty does not end just because this is an election year.

The Senate has a constitutional obligation now to provide the advice and consent to the President on this nominee. That is a job that we should all take very seriously. The American people deserve no less. In fact, the Supreme Court Justice who grew up in the State of Washington, William O. Douglas, was nominated and confirmed within 16 days. That is right—16 days.

President Franklin D. Roosevelt nominated Justice Douglas on March 20, 1939, to serve on the U.S. Supreme Court on a seat vacated by Justice Brandeis. Justice Douglas was confirmed by the Senate on April 4, 1939. He went on to serve on the Supreme Court for 36 years.

So it can be done. While I am not saying it has to be done in the short amount of time that took—16 days—I do believe that we can get this nominee done in an efficient time. If you look at the record of most of the Supreme Court nominees, it has been, on average, 70 days. So we have plenty of time to make this consideration and make this decision. Yet Senate Republicans have manufactured their own artificial barrier to this debate of the Supreme Court nominee, basically saying that they don't believe we have to take up consideration of this issue.

I am asking them: Please, take Judge Garland's phone calls. Please make your schedule available to meet with him. When we return, please schedule a hearing to consider his nomination. Then, do what the American people want us to do; that is, do our job and actually vote on consideration of Judge Garland. This is in the interest of the American people. I know that Senate Republicans want to say they want to wait. But we cannot wait a full year to get another nominee on the Court.

The Senate has confirmed Supreme Court Justices in the final year of a Presidency more than a dozen times. During the last year of President Reagan's final term, Justice Kennedy was unanimously confirmed by a Democratic-controlled Senate. So the Republicans on the other side of the aisle, and many out there in the party, are saying they want to just allow a minority to drive the interests of the party and delay, delay, delay.

Well, in my opinion, you are delaying justice. In fact, you are taking some of the gridlock that has existed in this building and are just moving it across the street to the Supreme Court. We cannot have delays and gridlock in our judicial system. We need to do our job and move through this process. Today, I am urging my colleagues to have a hearing, ask the tough questions, and finally hold a vote.

Let's show the American people that we can do our job and that we can vote for or against this nominee. But you have to first meet with him, take his phone calls, and schedule a hearing.

The Seattle Times recently wrote: ''The hyperpartisan milieu of Congress this election year must not thwart the framers' intent.''

The Olympian newspaper in our State wrote:

> The Republican Party's intransigence in Congress is legendary. But the new refusal to consider any appointment of a new justice to the U.S. Supreme Court by President Obama is an outright abuse of power.

So, if the other side continues to refuse a nominee until a new President is sworn in, it would mark the longest period in the history of the Senate, since the Civil War, to fill a vacancy. All the positions on the Supreme Court are essential. My constituents and people all across America expect the Senate to do its job, regardless of whether it is an election year or not.

So I hope that, as our forefathers and Framers of our Constitution put together a government that works, those here in the Senate will take the phone calls of Judge Garland, take the meetings, schedule a hearing, and make sure that we vote on this nominee this year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AIRPORT AND AIRWAY EXTENSION ACT OF 2016

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4721, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

> A bill (H.R. 4721) to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the Thune-Hatch-Nelson-Wyden substitute amendment be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 3457) in the nature of a substitute was agreed to, as follows:

> (Purpose: In the nature of a substitute)
>
> Strike all after the enacting clause and insert the following: