mantra among those who want to leave our planet in better shape than it was when we got here.

On Earth Day 2016, I am proud to note that the landmark Paris Climate Agreement is scheduled to be signed by more than 150 nations, including the world's biggest polluters: China, Brazil, and the United States. The quickest, most direct way we are making every day Earth Day, this Friday, is by implementing the largest international agreement the world has ever known.

Earth Day isn't just about the environment. It is about the people who inhabit it. It is about the air we breath, the water we drink, and the food we eat.

The Paris Agreement is already working, setting the foundation for an historic reduction in greenhouse gases, and paving the way to a thriving, clean global economy. Here at home, it is also about creating new jobs and empowering the private sector to once again harness that uniquely American brand on innovation to lead the global marketplace.

We may celebrate it once a year, but Earth Day truly is every day. That is a promise that is as important today as it was 46 years ago. And 46 years later, we are making Earth Day every day with the Paris Climate Agreement.

□ 1600

UNITED STATES V. TEXAS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise to talk about families.

Yesterday, the Supreme Court heard oral arguments on DACA and DAPA. I challenge anyone to look at the children who were protesting in front of the Supreme Court yesterday and not feel an urgency to protect them and their families.

Our unjust and broken immigration system has forced millions of families to live in the shadows. Where is our compassion?

Immigrants, regardless of legal status, deserve justice and dignity. We are a Nation of immigrants. Uniting and keeping our families together is an integral American value. We should be protecting the stability of our hardworking immigrant families instead of tearing them apart.

Comprehensive immigration reform is the moral imperative of our time, and I urge this Congress to pass it.

EARTH DAY

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Madam Speaker, this coming Friday, April 22, is Earth Day.

I had the pleasure this morning to be at Masonville Cove in Baltimore. This is the first national wildlife urban refuge that was established in the country. I was there with a class of young people—high school students from Benjamin Franklin High School—who are learning science in the classroom but then are taking that knowledge outdoors and are connecting to nature.

I am very excited that recently, when we passed the new reauthorization of the Federal Education Act, we embedded in it environmental education, which is now going to allow nonprofits, local school districts, and others to apply for competitive grant funding from the U.S. Department of Education to support environmental education and outdoor activities all across this country.

The excitement these young people have today shows that our planet is in good hands.

OBSTRUCTION OF JUDGE MERRICK GARLAND'S APPOINTMENT TO THE UNITED STATES SUPREME COURT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent for all Members to have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I rise to implore the Senate to fulfill its responsibility and give fair consideration to President Obama's nomination of Judge Merrick Garland to the Supreme Court.

During my tenure in this honorable body, I have witnessed no comparable examples of partisan politics and complete obstructionism with respect to the consideration of a Supreme Court nominee.

I introduced H. Res. 661, together with my Democratic colleagues on the House Judiciary Committee. This resolution calls on the Senate to hold hearings and an up-or-down vote on the President's nomination of Judge Garland. The Senate majority's flat-out refusal to consider President Obama's nominee, regardless of the nominee's qualifications, is historically unprecedented and is part of a longstanding pattern of disrespect shown to this administration in particular. Our Constitution relies on a system of checks and balances; yet the Senate majority's continued stonewalling of the President's nominee threatens to throw the system into an imbalance.

The President, of course, has the constitutional authority and obligation to appoint Justices to the Supreme Court, pursuant to Article II, section 2, and he has fulfilled his duty with his nomination of Judge Garland. The Senate has both the authority and the duty to provide advice and consent on the President's nominee; yet the Senate has, thus far, refused to do its job, which is simply unacceptable.

It is clear the Constitution requires that both the President and the Senate fulfill their respective roles in the Supreme Court nomination process in order for the Supreme Court to be able to fully perform its constitutional role. Otherwise, what is to stop the Senate from grinding the Court—a coequal branch of government, I remind you—to a halt by simply refusing to consider any nominees to fill any vacancies on the Court?

There is no merit to their argument that we have to wait until we elect a new President. After all, the American people twice elected President Obama to fulfill the duties of President, including the duty to appoint Supreme Court Justices. A strong and independent judiciary is a prerequisite for a strong democracy. This remains as true in the last year of a Presidency as it does in the first. Moreover, there is ample precedent for Presidents nominating and the Senate confirming Supreme Court nominees in a Presidential election year. For example, in 1988, during the last full year of Ronald Reagan's Presidency, the Democratic-controlled Senate confirmed the nomination of Justice Anthony Kennedy by President Reagan by a vote of 97–0.

There are 9 months left in President Obama's term. The President has nominated an eminently qualified jurist in Judge Garland, and the Senate has more than enough time to consider and vote on his nomination. It is vital that the Supreme Court have a full complement of Justices so that the critical constitutional and legal questions before the Court can be given the full attention they need. Already, we have seen a number of 4–4 decisions that have left much uncertainty in place for the lower courts, for the litigants, and for Americans generally.

The Senate should do its job: comply with regular order, hold hearings on Judge Garland's nomination, and then have an up-or-down vote on the nomination.

Now it is with great pleasure that I yield to the gentleman from Maryland, Mr. STENY HOYER, the distinguished minority whip.

Mr. HOYER. I thank the gentleman for yielding and for his distinguished service.

Madam Speaker, I want to begin by expressing my appreciation to the ranking member of the Judiciary Committee for leading today's Special Order on the important issue of the vacancy on the Supreme Court and the Senate Republicans' unprecedented obstruction of the President's nominee.

That nominee, of course, is Judge Merrick Garland of the U.S. Circuit

Court of Appeals for the District of Columbia. He is one of the most highly qualified nominees ever. Let me repeat that. He is one of the most highly qualified nominees ever to be put forward for a seat on the Nation's highest court. He is a respected former prosecutor and is well regarded as an appellate judge. He was confirmed to his present position in 1997 by a vote of 76–23, with a majority of Republicans voting in favor.

Madam Speaker, in fact, notwithstanding the opposition of some Republicans, they articulated—in particular, Mr. GRASSLEY, who is now the chairman of the Judiciary Committee—that Judge Garland was eminently qualified and would be good for an appointment to another court but that he was not for expanding the Circuit Court of the District of Columbia, and it was for that reason alone that he voted against Mr. Garland.

Madam Speaker, today is the 21st anniversary of the Oklahoma City bombing. Judge Garland, as Deputy Assistant Attorney General during the Clinton administration, oversaw the successful investigation into the bombing and the prosecution of its perpetrators. His insistence on traveling to see the remains of the Murrah Building in the days after the attack and his hands-on approach to the investigation and prosecution won him praise across the political spectrum.

The Constitution is clear: the President has a responsibility to nominate Justices to the Court, and the Senate has the ability to advise and consent, but it also has the responsibility to provide its advice and consent with regard to these nominees. It can, of course, reject a nominee, and it can advise and consent to the appointment of a nominee; but the Senate has chosen to do neither. It has chosen to do nothing. It has chosen to perpetrate gridlock in the Supreme Court of the United States. President Obama met his responsibilities. Now the Senate must do the same. It needs to do its work. Senate Republicans can't just pick and choose when to do their jobs.

Last month, we saw the real-life consequences of an eight-member Supreme Court as it split 4–4 in a key case concerning the right of the teachers to organize and collect union dues. Madam Speaker, I was pleased with that particular outcome because the lower court had ruled in a way that I thought was appropriate. It is an example, however, of a case too important to be the result of a default to the lower court because of a split bench. In cases like these, the Court cannot set precedent. The American people, however, deserve a Court that operates at full strength so that it can establish precedent.

We cannot wait until after the election to vote on Judge Garland's nomination. Senate Republicans, Madam Speaker, continue to insist that, somehow, their obstruction is based in precedent—that a nomination ought not to be made in the final year of a President's term. Ranking Member CONYERS, the former chairman of the Judiciary Committee, just spoke to that. Nowhere in our Constitution is the President's authority limited by the number of days or months into or remaining in his or her term. The President is the President from January 20 until January 20 4 years later. This is yet another example of congressional Republicans holding this particular President to a different and unfair standard.

The Senate confirmed Justice Anthony Kennedy, as has been said, during the final year of President Reagan's second term. Thirteen other Justices have been confirmed during Presidential election years, including Louis Brandeis and Benjamin Cardozo—two of the great members of the Supreme Court of the United States.

During the Kennedy confirmation process in 1988, President Ronald Reagan said: ''The Federal judiciary is too important to be made a political football.''

I would hope that Senate Republicans, who often cite President Reagan as a guide for the kind of leaders they want to be, would heed this admonition. Some have had the political courage to reject their colleagues' disrespectful approach of refusing to even meet with Judge Garland. I congratulate them. They are doing their jobs.

□ 1615

Not only should all Members of the Senate give him the courtesy of a meeting, they ought to do their jobs as well and not stand in the way of hearings and consideration.

The Senate's duty to advise and consent certainly, Madam Speaker, was not envisioned by the Founders to be optional or that the Senate could effectively pocket veto a nomination to the Court. The Senate ought to do its job.

I don't think a single Founder would have conceived of the possibility of the Court receiving a nomination pursuant to the President's constitutional responsibility and authority and simply say: Too bad, Mr. President. Too bad, Supreme Court. We are not going to consider that nomination.

No Founding Father would have conceived that to be possible, and they, therefore, did not provide for a time limit in which the consideration could occur.

I suggest to you, Madam Speaker, that, if we meet our oath to the Constitution of the United States to uphold the laws of the United States, it is incumbent upon us to ensure that the Supreme Court of the United States is fully manned so that it can, in fact, assure the faithful execution and adherence to the laws and Constitution of this country.

I thank my colleague from Michigan (Mr. CONYERS) for leading this Special Order tonight on a subject of profound consequence to all Americans.

Mr. CONYERS. Madam Speaker, I thank the gentleman from Maryland for his incredible analysis.

I yield to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Speaker, I thank the gentleman from Michigan.

I rise today to express my concern about the ongoing vacancy in the Supreme Court. The President has done his constitutional job, and that is to screen, to choose, to nominate, and to put forward a name.

The Senate must do its constitutional duty, to take a look at the nominee and give a vote. I don't know how the Senate would vote, depending on the nominee.

It is in their jurisdiction. It is in their individual right to take a look and to decide yea or nay. But it is their responsibility to take up that nominee. That is the constitutional requirement.

It has dire consequences for us when this vacancy is left unfilled. It has dire consequences for many, in particular, for example, the Latino community. Just yesterday the Supreme Court heard oral arguments in United States v. Texas, a challenge to the President's executive actions on immigration.

Because of the vacancy, we only have three Justices. So there is the clear possibility that it could be a 4–4 vote. That would leave in place the freeze on DACA and DAPA, and millions of immigrants' lives are hanging in the balance.

The Supreme Court must be able to make concrete decisions on the most pressing issues facing our country, but we are stuck in limbo.

Actually, if you think of the division of powers, we are purposely in a way hampering the power of that judiciary. It doesn't have to be that way.

President Obama has nominated Judge Garland, a worthy and a just successor to the late Justice Scalia's seat.

Yes, Senate Republicans refuse to give Judge Garland their consideration even though a majority of Senate Republicans voted to confirm this exact same judge to the D.C. Circuit Court of Appeals in 1997.

They refuse to consider his nomination. Why? Because they are looking to block any Supreme Court nominee at any cost.

There is too much at stake to leave the Supreme Court vacancy open. It is time for the Senate to fulfill their constitutional duty by filling the Supreme Court vacancy with undue delay.

Wasting time, playing political games with the highest of the Court, is irresponsible and is unacceptable.

Mr. CONYERS. Madam Speaker, I yield to the gentleman from Rhode Island (Mr. CICILLINE), a distinguished member of the Judiciary Committee.

Mr. CICILLINE. Madam Speaker, I thank the gentleman from Michigan for yielding and for his leadership on this Special Order hour.

Madam Speaker, 5 weeks ago President Obama fulfilled his constitutional responsibility and nominated Judge Merrick Garland to the Supreme Court.

Judge Garland is eminently qualified for this position. In 1997, he was confirmed to the United States Court of Appeals in the District of Columbia with a majority of both parties supporting his nomination. He oversaw the prosecution of Timothy McVeigh and Terry Nichols for the Oklahoma City bombing.

Before Judge Garland's nomination to the Supreme Court, Republican Senator ORRIN HATCH said he would be a consensus nominee and that there was no question he would be confirmed in the Senate.

Now, one month after President Obama nominated Judge Garland to the Supreme Court, Senate Republicans are refusing to hold hearings on his nomination or give him an up-or-down vote.

President Ronald Reagan said: The Federal judiciary is too important to be made a political football. But that is exactly what Senate Republicans are doing.

They are denying the American people a fully functioning Supreme Court and choosing to turn the Federal judiciary into a political football.

The Supreme Court was designated by the Founders of our country to make major decisions of law and to protect the rights of all Americans, but the Supreme Court can't function as it was designed without a full slate of nine Justices.

The Constitution makes clear that the President's job is to nominate Justices to the Supreme Court, and the Senate's job is to advise and consent on those nominations.

The President has done his job. It is outrageous and deeply offensive that Senate Republicans are saying they won't do their job for the remainder of the year.

This is yet another example, maybe the most consequential example, of Republican obstruction. The American people deserve more from their elected officials.

Leader MCCONNELL and Members of the Senate Republican caucus, do your job and consider Judge Garland's nomination as swiftly as possible. The American people deserve nothing less.

Mr. CONYERS. Madam Speaker, I yield to the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Madam Speaker, I would like to thank the gentleman from Maryland for coordinating this discussion, and I thank Ranking Member CONYERS for yielding.

Madam Speaker, a Supreme Court sitting with only eight Justices, including the Chief Justice, is not good for democracy.

The failure by the Senate to consider our President's nominee because of the electoral cycle is an abdication of constitutional responsibility that is without precedent and without reason.

Now, I am best known to my colleagues as the last Ph.D. scientist in Congress or perhaps as the businessman who founded a company with his brother that now manufactures most of the theater lighting equipment in the United States.

What is less well known is that I am also the son of a civil rights lawyer who wrote much of the enforcement language behind the Civil Rights Act of 1964. Like me, my father was a scientist, and he stepped away from his career in science to become a civil rights lawyer.

There was a decade between the Supreme Court decision in Brown v. Board of Education that held that racially segregated school systems were inherently unequal and the Civil Rights Act of 1964.

My father spent most of that decade traveling around the South, advising school boards and Federal judges on the nuts and bolts of school desegregation.

In August of 1969, President Richard Nixon nominated Judge Clement F. Haynsworth to be an Associate Justice of the Supreme Court. The nomination was to replace Justice Abe Fortas, a liberal from the New Deal era. The confirmation of Clement Haynsworth would have shifted the balance of the Court significantly to the right.

Many liberal Democrats were strongly opposed to the nomination on ideological grounds, but my father knew Judge Haynsworth from his years working in civil rights. He knew him to be an intelligent and a fair-minded man.

So my father was called to testify before the Senate Judiciary Committee in support of the nomination of Clement Haynsworth.

My father's testimony cited specific cases in which he, my father, as an avowedly liberal Democrat, would have decided otherwise. But he pointed out that the decisions could be sustained by a reasonable man and could be sustained under precedent.

In the closing of my father's testimony, he said:

> The question for me is not whether I would have made another nominee for the Supreme Court. It is rather the question of whether Judge Haynsworth possesses the qualities required to become a fine Justice of the Supreme Court.

This is the standard that should be employed by the Senate today. The President alone has the authority and the obligation to nominate a person to serve on the Supreme Court.

The Senate can defeat that nomination through a vote on the Senate floor after hearings and thoughtful considerations of a person's judicial temperament and intellect.

I believe that considering those characteristics makes it clear that Judge Merrick Garland is eminently qualified to sit on the Supreme Court. But from the Framers, to my father, to today, we have established frameworks for making those decisions.

The Supreme Court should not be, as a famous President once said, a political football, and filling the bench is vitally important.

So I urge my colleagues in the Senate to give Merrick Garland what liberal Democrats gave Clement Haynsworth: hearings and a vote.

In 1969, finally, the Senate voted to withhold its consent for the appointment of Clement Haynsworth 3 months after his nomination, with 38 Democrats and 17 Republicans voting against him.

I think that the process will make it clear how qualified Merrick Garland is and that he will be confirmed, but the Senate must follow the process established in the Constitution for reviewing a nominee.

Mr. CONYERS. Madam Speaker, I yield to the gentleman from California (Mr. SCHIFF), the ranking member on the Intelligence Committee and a former member of the House Judiciary Committee.

Mr. SCHIFF. Madam Speaker, last month President Obama nominated a fantastic jurist, Judge Merrick Garland, to the Supreme Court. Seconds later Republicans announced that he would not receive a vote, a hearing, or even a courtesy meeting in many cases.

Judge Garland has a sterling reputation as a brilliant centrist and, above all, a fair jurist. He has been praised by Members of both parties in the past.

He served in the criminal division of the Department of Justice before his nearly two-decades-long career as a U.S. circuit court judge.

Garland is a Harvard University and Harvard Law School graduate. He clerked for a U.S. Court of Appeals judge and then for Justice William Brennan on the U.S. Supreme Court.

During his stint with the Department of Justice, he was dispatched in the aftermath of the Oklahoma City bombing to help set up the prosecution team and help investigators build a case.

When Garland was appointed to the U.S. Court of Appeals, he received a broad and bipartisan vote. There is no doubt that Garland is superbly qualified.

This Nation's Constitution expressly states that the President has the power to appoint Supreme Court Justices with two-thirds of the Senate approving.

Nowhere is there some kind of an asterisk stating that, during their last year in office or even during the last few weeks of their term, the President must relinquish this power to a successor.

President Obama was elected by the American public in 2012 to serve another 4 years in office. With 9 months left in his term, there is no excuse for the Senate to block him from filling this Supreme Court vacancy.

Precedent demands action. In the past, six previous Supreme Court nominees were confirmed by the Senate in an election year, including current Justice Anthony Kennedy, who was nominated by then-President Reagan.

A Republican President who was in the final year of his term and a Democratic Congress hoping that one of

their own would replace him in The Oval Office, if that sounds familiar, it is.

But instead of the partisan gridlock in the midst of a heated presidential campaign, in 1988, Kennedy received a fair and lengthy hearing chaired by then-Senator JOE BIDEN and then received an overwhelming 97–0 bipartisan vote.

□ 1630

The Supreme Court is a coequal branch of government, not to be trifled with, not to be demeaned like some administrative backwater, and certainly not to be made the partisan and political plaything of a Senate GOP leadership desperate to hold on to its majority at all costs.

Judge Garland deserves a full and fair hearing before the Senate to discuss his qualifications and judicial philosophy, and he deserves an up-or-down vote on his nomination as soon as possible.

To do otherwise would set a dangerous new precedent that further politicizes the judicial nomination process and departs from our constitutional system.

Mr. CONYERS. Madam Speaker, I now yield to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I thank Mr. CONYERS for his leadership and for organizing this Special Order to highlight the grave consequences of Senate Republican obstructionism by blocking a simple up-or-down vote on the nomination of Judge Merrick Garland to the Supreme Court.

Republicans claim to love the Constitution, yet they refuse to acknowledge their constitutional duties. Senate Republicans have chosen to play politics instead of doing what is right for the American people. They simply don't want to do their job.

President Obama faithfully fulfilled his constitutional duty by nominating Chief Judge Merrick Garland to the Supreme Court, but Senate Republicans refuse to even hold a hearing to consider, to just consider, Chief Judge Garland's nomination.

This refusal to fulfill a constitutional duty of theirs to vet and vote on this nominee is indicative of Republicans' 8-year strategy of obstructing President Obama at every opportunity.

And who loses? The American people do.

The worst excuse that I have heard as to why Senate Republicans are shirking their duty is that the American people should have a say in the process. I would like to remind my Senate Republican colleagues that the American people—including 11.2 million Latinos who voted in the 2012 election cycle—already had a voice in this nomination.

The American people expressed their will when they overwhelmingly reelected President Obama to a second full term, with the understanding that if a vacancy occurred, it is part of the President's duty to nominate a Supreme Court Justice.

I would like to remind my Republican colleagues, a full Presidential term is 4 years, not just 3. I know math can be hard and a little tricky, so I wanted to make sure that my Republican colleagues in the Senate were clear on that.

The vacancy before us is one that is critically important for all Americans, but especially for Latinos living in the United States. The President has fulfilled his obligation. Now it is time for the Republican Senators to do their job.

Mr. CONYERS. Madam Speaker, I thank the gentlewoman. I now yield to the gentleman from Arizona (Mr. GALLEGO).

Mr. GALLEGO. Mr. Speaker, I rise today to call on the Senate Republicans to give a full and fair hearing and vote to confirm President Obama's Supreme Court nominee, Judge Merrick Garland.

There is critical business before the Supreme Court this term. Our democracy relies on a full and functioning Supreme Court.

It has been more than a month since President Obama announced his nominee, and Republican leadership has refused to move forward with the confirmation process.

Judge Garland is an experienced and respected jurist with a long history of service to our Nation. He has more experience as a Federal judge than any nominee in history, but Republican leaders have decided they won't hold a hearing to consider Judge Garland's nomination. Instead of doing their jobs, Republicans are playing political games and leaving our Nation's highest court in limbo.

This kind of obstructionism is unprecedented. Since the 1980s, every person appointed to the Supreme Court has been given a prompt hearing and a vote within 100 days. There are 276 days until the next President takes office—plenty of time to consider Judge Garland's nomination.

The Constitution gives the President the responsibility to nominate Justices to the Supreme Court and gives the Senate the job of considering that nominee. There are no exceptions for election year. Never before in American history has a Senate majority said they refuse to consider or vote on anyone nominated by the current President. We have never stopped considering Supreme Court nominees during election years.

This is just the latest example of unconscionable Republican obstructionism. From shutting down the government to threatening to cause a catastrophic default, Republicans have proven that they don't know how to govern and they don't have our Nation's best interests in mind. Republicans continue to put partisan politics ahead of the well-being of the American people.

Nearly 60 percent of Americans want the Senate to hold hearings and vote on the nominee. They want and expect Republican Senators to do their jobs.

Justice Scalia dedicated his life to the Constitution. The Senate should honor his service by upholding their constitutional responsibility to give his replacement a fair hearing and a timely vote.

Mr. CONYERS. Madam Speaker, I thank the gentleman, and I now yield to the gentleman from Texas (Mr. CASTRO).

Mr. CASTRO of Texas. Madam Speaker, yesterday I had the honor and the privilege of sitting in the Supreme Court chamber while the case of United States v. Texas was argued. It is a case that many of us hope will affirm the President's executive actions known as DACA and DAPA and allow for children who were brought here through no fault of their own as young kids to stay in the country, and also for their parents, the parents of U.S. citizen children, to also remain here so that families are not separated because of our laws.

I hope that the President prevails and the administration prevails and these families prevail in their arguments when we find out in June or so what the Supreme Court decides. As all of us sat there and watched the arguments, the elephant in the room was that there was one Justice who was not there. Instead of the Supreme Court being filled with nine Justices, there were only eight, which leaves open the possibility in this case, and many others, that the Court will be deadlocked 4–4.

Not only on this issue where both sides, whether you are in favor of the administration's actions or against them, have a right to have the case decided and not be left in limbo.

On the issue of immigration in this term, on the issue of abortion, criminal law issues, jury selection issues, these important constitutional questions, many of them could be left in limbo because the Senate Republicans refuse to even start to do their job.

The President has nominated somebody for the Supreme Court. The Senate is supposed to take that nomination up, give the person a hearing, and then take a vote.

Is it so much to ask that the Senate take a vote on the nomination?

They can vote ''no'' if they disagree with it, but they should at least take a vote.

Now, I say this in the context of the last few years in this Congress, putting aside this term that we are in right now, the last two terms of Congress before this were the least productive terms in American history, measured by the number of bills sent to the President's desk.

What this represents is the fact that the cancer of gridlock is spreading from the Congress to the judiciary because Senate Republicans refuse not only to do their job in their Chamber, but also to allow the Supreme Court to properly do its job.

Mr. Speaker, I urge the Senate and Senate Republicans to do their job and to take a vote on the nomination of Merrick Garland.

Mr. CONYERS. Madam Speaker, I am now pleased to yield to the gentleman from Washington (Mr. HECK).

Mr. HECK of Washington. Madam Speaker, I thank the ranking member for yielding to me.

Please listen with me to the following timeless, universal, and wise words:

''Trust that justice will be done in our courts without prejudice or partisanship is what, in a large part, distinguishes this country from others. For a judge to be worthy of such trust, he or she must be faithful to the Constitution and to the statutes passed by the Congress. He or she must put aside personal views or preferences and follow the law, not make it.''

Timeless and universally wise words. And, yes, those are the words of Chief Judge Merrick Garland.

President Obama fulfilled his constitutional responsibility by nominating Chief Judge Garland, an eminently qualified American, to the Supreme Court. He does, indeed, deserve—and the American people deserve—a fair hearing and an up-or-down vote.

Chief Judge Merrick Garland has more Federal judiciary experience than any other Supreme Court nominee in history. Let me repeat that. He has more Federal judicial experience than any other Supreme Court judge in history. This approach has earned him bipartisan praise throughout his career. As he was, as noted earlier, confirmed by a majority of both political parties, Senator HATCH's words were referenced.

Here is what hasn't been referenced. None other than Chief Justice of the Supreme Court John Roberts said: ''Anytime Judge Garland disagrees, you know you're in a difficult area.''

I am proud to be from and in this body representing a region of Washington State. Of course, I am not over in the Senate. We here on the House floor don't get a vote. The nomination doesn't come here. But I am also proud that I am represented by both Senators PATTY MURRAY and MARIA CANTWELL, who are both committed to moving forward and prepared to do their job and vote. Washingtonians, frankly, should be proud of their leadership.

If only the Senate majority would also do their job and allow the Senate to function, then we can ensure that the Court is able to reach decisions that will produce the necessary precedent we need to resolve many matters going forward.

Someday I hope someone from the 10th Congressional District of Washington State is nominated to the highest court in our land. And I fear a kid from Tacoma known for resolving disputes on the playground or a teenager in Olympia showing a talent for judging policy debates or a law student from Shelton with their nose in administrative law textbooks, I fear they are seeing all of this play out and thinking, why would I want to devote my career and life to the judicial process only to be denied consideration from a stubborn Senate?

But worst of all, with this inaction, the Senate is basically erasing the lines, and they are creating a new level of gridlock. As an American, I, frankly, genuinely fear what this will become. Every American should fear what this will mean in the future. This kind of obstructionism can become and will become a slippery slope, and it will not bode well for our democracy. This is arbitrary and capricious.

Justice Scalia died February 12, so there was not enough time left because there was just a year left to go. Same is true in January.

What about December and November? That is holiday season. Hardly enough time.

What about October? Well, we are going into holiday season.

What about September? Well, we have got to get the budget out.

What about August? We are on recess.

We are erasing the lines, and that is for the Supreme Court.

Where does it go next? Does it go to all other judicial level appointments? Does it go to all administrative agencies?

We are erasing the lines. It will not bode well for the rule of law. It will not bode well for justice.

I am not in the business of giving advice to the eminent Members of the upper Chamber ever except today. Do your job. Hold a hearing. Give it an up-or-down vote. Were I there, yes, I would vote to confirm Chief Judge Garland. But, minimally, do your job. Hold a hearing and give it an up-or-down vote.

Mr. CONYERS. Madam Speaker, I now to yield to the distinguished gentleman from New York (Mr. TONKO).

Mr. TONKO. Madam Speaker, I thank the ranking member of our Committee on the Judiciary for yielding. I thank the gentleman from Michigan (Mr. CONYERS) for bringing us together tonight so as to speak to what I think is a necessary cry, an outspoken cry to please fill the post on the Supreme Court.

□ 1645

Madam Speaker, I am here this evening to join in spirit and voice with my colleagues who are urging, requesting our counterparts in the Senate, controlled by the Republican Party, to move forward on action taken by our President, as he nominated a gentleman by the name of Judge Merrick Garland to fill the vacancy on the Supreme Court. Their recalcitrance seems to strike a common theme of obstructionism.

The Republican-led Congress has embodied obstructionism over the last several years. We see in public opinion surveys where that has reduced the positive side of the image of Congress simply because we don't do our work when it is required of us.

Where else in this country in any other job can you say no when asked to do your job? That is what is happening here.

Our Republican-controlled Senate is suggesting and indicating by their action that they will not move in fairness to address this nomination. My colleagues and I are not asking for a rubber stamp process here. We are asking simply that a fair hearing be given to the individual nominated by our President.

President Obama has looked at qualifications, he has checked performance, he has looked at integrity, and he has named an individual that has received great reviews on both sides of the aisle in both Houses; but for some reason our colleagues in the other House—the Republicans of the Senate—will not allow for a fair hearing. That is saying no to your job. They embrace the Constitution, but seem to walk from it when it doesn't fit their agenda.

What we have here again is obstructionism, perhaps of an historic dimension. This show of recalcitrance is regrettable and it is unacceptable.

For the sake of argument, let me just share two numbers: 67 and 125. Sixty-seven days is the average length of time from nomination to confirmation for a Supreme Court nominee since 1975. Sixty-seven days. In terms of 127 days, that expresses the longest wait ever for a nominee from nomination to confirmation before that vote came. So 67 days and 125 days to make the case here.

President Obama nominated Judge Merrick Garland on March 17, a full 311 days before his term expires on January 20 of next year. So the math here is very plain. It is a sound, solid argument: 67 on average, 125 at fullest length for the time span for doing business in the Senate when it comes to addressing the highest court in the land. They have had 311 days to do their work.

People say: Well, the people need to decide. They want a President to be elected, come forth, and then address this vacancy.

Well, the people did decide when they named President Obama by vote to a second term. America didn't elect President Obama for his second term to serve three-quarters of a term. They elected him for a full 4 years. So the arguments are weak, if they are even arguments.

''Do your job'' is the message that we share today on this House floor to the other House and to the Republican-controlled Senate. Do your job. There is much unfinished business in the highest court of the land. The Supreme Court has great unfinished business. To render that an eight-member body, where there can be deadlock and virtual paralysis in the highest court in the land, is unacceptable.

Let's do the people's business. Let's fill the vacancy on the Supreme Court,

let's respect the Constitution, and let's understand that much time was available—is available—to get the work done here to confirm or to reject a nominee. Simply do your job and offer the gentleman a fair hearing.

Mr. CONYERS. I yield to the gentleman from Maryland (Mr. SARBANES), whose father honored us by serving on the Judiciary Committee when he was here.

Mr. SARBANES. I thank the ranking member for yielding, and I appreciate the opportunity to speak on this important topic of filling the Supreme Court vacancy.

Madam Speaker, many of our colleagues in this Chamber carry a pocket Constitution—I have got one here myself—to remind ourselves of our duty to the country.

Article II, section 2, the so-called Appointments Clause, is very clear. It says that the President shall have the power to nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court.

It says ''shall,'' Madam Speaker. It doesn't say ''may.'' It doesn't say ''might.'' It says ''shall.'' Yet, many of our Senate colleagues on the Republican side—the very same people who routinely will brandish the Constitution as they speak to justify their actions—are now ignoring the very plain text of the Constitution.

MITCH MCCONNELL suggested that the President should not even have put forward a nominee for this vacancy on the Supreme Court. In other words, he suggested the President shouldn't do the job that the Constitution clearly dictates he should do. Well, the President decided he was going to do his job. And all we are asking is that the Members of the Senate do their job.

If you look at the nominee, Merrick Garland, it is hard to imagine a person better qualified to be on the Supreme Court. Nobody disputes the credentials of Judge Garland, an accomplished Federal prosecutor, a former senior official at the Department of Justice, the current chief judge of the ever-important D.C. Circuit Court of Appeals, and someone who throughout his career has been praised by both Democrats and Republicans alike.

So what is the problem here? What is the holdup? Why isn't this vacancy being filled?

Well, I think the Republicans in the Senate are just trying to run out the clock on President Obama's term. And it is not just that they are denying the President the process that he is entitled to. They are denying the country what the Constitution says the country deserves, which is a fully constituted Supreme Court with nine Justices serving and making important decisions.

The Supreme Court of the United States cannot function as it is intended to unless it has nine members sitting on the court. It cannot find its way to new jurisprudence and new thinking unless it has got a fully constituted court.

Many Americans look with expectation at this court and hope that certain kinds of decisions that we have seen over the last few years will maybe be revisited with some new thinking.

For example, the Citizens United case has unleashed this torrent of outside money on our politics, which has left everyday people feeling locked out and left out of their own democracy. That wrong-headed ruling has further surrendered our political system to the wealthy and the well connected.

The Shelby case gutted certain parts of the Voting Rights Act and enabled partisan operatives in State legislatures across the country to come up with new ways to limit access to the ballot box.

These are decisions which eventually will be revisited. And we don't know how Merrick Garland would come down on those kinds of decisions. That is not the point. We are not prejudging where a rethinking of that kind of jurisprudence would land, but what we are saying is that it is important that you have a fully constituted court to examine these questions. And the American people have a right to expect that that will happen.

When I came to this Chamber 10 years ago, I remember early on there was a very tough vote and I was going back and forth whether I should vote ''yes'' or I should vote ''no.'' And for a fleeting instant, I thought to myself: maybe I will just vote present.

I talked to a couple of my colleagues and they said: The one reason you are here is to cast a vote. You can't just show up and be present. You have got to make a decision.

And we are not asking Republican Members of the Senate to vote for Judge Garland. We are just asking them to take a vote. We are asking them to hold a hearing to meet the expectation of the Constitution. Have a hearing, put it to a vote, and let the chips fall where they may. You can't just show up and say: I am present.

To do your job, you have got to show up and vote. That is what we do. We are legislators. We are not fixing potholes, we are not managing some brigade of soldiers. We are here to vote on legislation. We are here to vote on nominations. That is our job under the Constitution. So you can't not vote and pretend that you are showing up for work.

So, Madam Speaker, I hope and encourage and beseech our colleagues on the Senate side to give Judge Garland a fair hearing, and then bring his nomination to a vote on the floor of the Senate. That is what the Constitution requires. That is what your job requires.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

SUPREME COURT NOMINATION PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Madam Speaker, I am so grateful to my friends across the aisle for bringing up a subject that has bothered me for years.

Having been a State district judge, I was bothered when people would be nominated for a Federal bench and they wouldn't get their hearing. Or perhaps like a gentleman named Bork, a gentleman named Clarence Thomas, they got a hearing, but as Justice Thomas properly stated back at the time, it wasn't so much a hearing as it was a high-tech lynching.

I am sure all of us have our own personal stories that we are personally aware of. I just happen to be one of 435 who have personal knowledge of personal friends—people who were imminently qualified and were eventually confirmed.

□ 1700

One of them was my law school colleague, and we served in the same firm together for a few years, Leonard E. Davis. He was nominated in 1992 and, yes, as my friends across the aisle point out, it was the last of 4 years of the George H.W. Bush term, but there was no reason not to give him a hearing. The guy had been editor of the Baylor Law Review, a brilliant guy, engineer by undergraduate training.

And, Madam Speaker, it is really unfortunate, but not only did he not get a hearing in 1992, not only did the Senate Democrats drag their feet and refuse to give him a hearing in 1992, he had to wait 10 years for a hearing to become a Federal judge because the Senate Democrats refused to give him the hearing he deserved and the vote that he deserved. So he was nominated in 1992, and, in 2002—actually, May 9 of 2002—he was finally confirmed as a Federal judge.

Now, another law school classmate, colleague, was with one of the best firms in Houston. He and I entered law school at the same time. In fact, there is another justice now that we were all part of the same entering class at Baylor Law School, and that was Andrew Hanen.

Andrew Hanen was nominated to the Federal bench in 1992 by George H.W. Bush as President. I didn't hear any of my colleagues that are now here that were here in 1992 rushing here to the floor and saying: You know what? That Leonard Davis and that Andrew Hanen, they were at the top of their class. They are brilliant. They are obviously well qualified, got the highest bar ratings anybody could get. Everybody likes them. They ought to get their hearing and they ought to be confirmed. 1992, Andrew Hanen was nominated to the Federal bench, and he finally got his hearing as a Federal judge in 2002, 10 years later, and he was finally confirmed on May 9, 2002.

So I am so pleased to hear my friends here in the House complaining about