

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 Jan-

uary 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 immidentally 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

highly qualified, preeminent legal scholars not getting a hearing, because I wasn't even a judge in 1992. But I was running for judge in 1992, in Texas, and I knew how grossly unfair it was to have the Democrats in charge of the Senate sit on those nominations and sit and sit.

Now, in the case of brilliant Baylor lawyer Priscilla Owen, she made the top grade on the State bar exam when it was taken. I recall, I was sitting across the table from, now, Justice Owen, and when I got my grade, I was thrilled. I made a great grade on the bar exam.

And then people said: You were sitting right across the table from Priscilla. She made the high grade on the bar. Do you not even cheat at all?

Well, the answer is no, I don't cheat. And I was thrilled with the grade I got. But Priscilla made the top grade in the entire State on the bar exam.

She had been a member of the Texas Supreme Court, eminently qualified, obviously brilliant, and she was nominated to be a Federal judge by George W. Bush, the first time, May 9 of 2001. After her hearing, a wait. She was nominated May 9 of 2001, and she never got a hearing on that nomination. She was nominated again September 4 of 2001. She finally got a hearing July of 2002.

She was eminently qualified, absolutely brilliant. According to the Texas bar exam, she was the smartest lawyer taking the bar exam in Texas that month of that year we took the bar. It was only given three times a year. I think it may just be given twice now. It was given three times a year. On our bar exam, she was the smartest lawyer in the room.

I would have to tip my hat; as well as I did, she was a little smarter than I was—smart, able lawyer and justice.

So, over a year after she was first nominated, July of 2002, she gets a hearing. Three years later, she was never given a vote.

Now, I was thrilled to hear from my colleague across the aisle that 67 days is the average wait, from the nomination to confirmation, since the 1970s. So how is it, when a brilliant man or woman is nominated by George H.W. Bush or George W. Bush, they run into this kind of wall from the Democrats? Even when the Republicans had the majority in the Senate, they didn't have 60, and the Democrats were able to hold up and prevent a vote on someone as eminently qualified as Priscilla Owen.

So, nominated 2001, her 67 days were up, and she didn't have a hearing, and didn't have a hearing for over a year, and then years go by. January of 2005 comes and goes, and she had gone an entire almost 4 years without the Senate Democrats giving her a chance to have a vote—nearly 4 years, and they wouldn't give her a vote.

So, February 14, right after George W. Bush took the oath of office again for a second term, 4 years, nearly 4

years after her first nomination, she was nominated again, and she had already had a hearing. She finally got a vote in 2005. It took 4 years and getting elected to a second term before they would even give Priscilla Owen the decency, just give her a vote, for heaven's sake.

Leonard Davis, it took not only the year of 1992, it took a son of that President that nominated Leonard Davis to renominate Leonard Davis before he finally ever got a hearing and a confirmation vote.

What a lot of people don't understand, if you are in a major law firm and you are nominated to the Federal bench, it wreaks absolute havoc on the life of the nominee because not only do they fill out massive pages of application forms, but they also undergo an FBI, thorough scrutiny that the Senate gets.

Then something that is not reported, but I know from having talked to these attorneys who were nominated for the Federal bench and then were put on hold for years and years: When you are nominated for a Federal bench and you are in a major firm, you have got tons of clients. They are coming to you with their business. You are bringing in lots of money for the firm, and you are bringing home a great deal of money because you are very successful because, with your experience, people trust your experience. But the minute you get nominated to the Federal bench, you life goes into chaos because the people at your firm are not going to send you over any cases that they need help on. Clients are no longer going to come to you because they know you have been nominated for the Federal bench, and so you are not getting the work anymore. Your production falls off dramatically. Who suffers then? You do; your family does.

So when someone like Andy Hanen, Andrew Hanen, was nominated to the bench and it took so long to get a hearing, it cost him a lot of money. It cost his firm a lot of money.

When Priscilla Owen, sitting on the Texas Supreme Court, is nominated to the Federal bench and the Senate Democrats prevent her from getting a vote that she deserves for over 4 years—whether they are Democrats or Republicans on the Texas Supreme Court, they are smart people, generally. Every now and then a ringer gets on there, but most of them are very smart.

They know if you have been nominated to the Federal bench that you could go to the Federal bench any day. You could go to the Federal bench in 67 days, according to my Democratic colleagues, after you are nominated. So why would they have you write any major opinions when you could be at appellate level, the Fifth Circuit Court of Appeals, before you will have time to really dig into the appellate case?

So you go month after month, year after year, without being allowed to preside and write a majority opinion on

a specific case. They may get you one here or there that they think won't be a major effort to write. But it affects your life; it affects your State; it affects those you care about. So nobody is more thrilled than I am to have heard, for nearly an hour, my colleagues across the aisle say, if somebody is nominated, they need to get a hearing, and they need to get a vote.

Now, that brings us up to current time, with President Obama having been in office over 7 years now. And it has been rather interesting, but this administration has set a record. My staff cannot find any administration that tops this.

There have been 11 decisions in a 4-year period by the United States Supreme Court where all nine Judges unanimously said the Obama administration has vastly overreached what they were doing, and they struck down the action unanimously. This Court, four very liberal judges, and they, 11 times in about 4 years, struck down, unanimously, effort after effort by this administration.

□ 1715

In fact, it is apparently a record that, in 4 years, this administration was struck down 23 times. They weren't all unanimous. They were before Justice Scalia's death.

But to have your work as President, along with those under you that you were ordering to do as you tell them and to follow your policies and your guidelines, to be struck down 23 times in 4 years—and that is like 2010 or 2011 through 2014, is my understanding.

So cases since then I am sure will add to the record of the Obama administration. Perhaps now that Justice Scalia has passed, it may enable the Obama administration to get through these last months without racking up too many more overrulings by the Supreme Court.

But it tells you the mindset of this administration: We are going to violate the Constitution.

Even the tremendously liberal judges on the Supreme Court, those four, come back and say: Eleven times, really, you have gone so far beyond what the Constitution allows. Even for us liberals you have gone way too far. We have got to reel you in. You just can't keep pushing that far.

So would it be a surprise when an administration makes a nomination in the last months, especially since the head of that administration as a Senator basically supported the idea that you can't even make a nomination in the last year of your Presidency?

His Vice President, when he was Senator JOE BIDEN—they were all for stopping any nomination the last year of a President. So maybe when they were Senators they weren't always wrong.

Perhaps when they were saying that it was a terrible idea for a President to make a nomination in the last year shouldn't even be given any consideration. Maybe like a broken clock is

right twice a day—maybe that is one of those times—well, they were right on that one.

I would not submit that that should always be the rule. I would not argue that, as President Obama and Vice President BIDEN were pushing, they shouldn't give a hearing to George W. Bush's nominations in the last year. I wouldn't push that far.

But I would submit that, when an administration is setting records for being the most unconstitutional administration in history, then perhaps in their case it merits slowing down a little bit before you allow them to contribute anymore to unconstitutional actions.

Because those who studied modern history, going back to World War II and pre-World War II, we know that President Franklin Roosevelt didn't like the way the Supreme Court was ruling; so, he was threatening to get the number added from 9 to 15. He would appoint 6 and then he could get them to do what he wanted. It had the desired effect upon the Supreme Court. They started ruling the things he wanted were not unconstitutional.

This is also the Democratic administration that ordered the interment of people just because of what they looked like and where they were from. No Republican has ever done that, but Franklin Roosevelt did.

With this administration 23 times having their actions struck down, 11 times unanimous, that record, perhaps it is an indication that we should hold up.

Our friend Andrew McCarthy, today with *pjmedia.com*, has an article. I want to read from part of that article.

His title is: As Primary Campaigns Roll on, Obama Shreds Constitutional Governance.

He says: "Two cases in point: President Obama's pressure on the states to drop sanctions against Iran, and his continuing scheme to dictate immigration law unilaterally."

Mr. McCarthy, who was the prosecutor that did a fabulous job in prosecuting the bombers of the first World Trade Center bombing from back in 1993, says this in his article: "The invaluable Omri Ceren (citing a Bloomberg View report) alerts us that the State Department has sent monitoring letters to the governors of all fifty states 'suggesting' that they review any sanctions imposed against Iran. Over half the states have such sanctions, targeting not only Iran's nuclear work but the regime's other weapons work, (e.g., ballistic missiles), terror promotion, human rights abuses, detention of Americans, etc.

"Explains Mark Dubowitz of the Foundation for Defense of Democracies: '[These sanctions] are an essential part of the non-nuclear sanctions architecture designed to both deter Iranian illicit behavior and to safeguard pension funds from the risk associated with entering Iran's economy.'

"Alas, any counter-Iranian measure with real teeth is certain to fly in the

face of President Obama's Iran deal—the Joint Comprehensive Plan of Action."

Mr. McCarthy points out the text of the JCPOA, the Joint Comprehensive Plan of Action. That is the Iran treaty. It really was a treaty because you cannot amend a treaty the way this one amended prior treaties unless it is a treaty.

The difference is the Senate leadership couldn't work up the courage to bring it to the floor as the treaty it was so that a two-thirds vote would not be able to be reached, it would not be confirmed, and it could have been stopped dead in its tracks if it had been brought to the floor.

This is such a powerful, important issue, unlike some that Majority Leader REID set aside the cloture rule to bring to the floor without a cloture vote.

This is something that will affect and could bring about the end of millions of lives, and that is the largest supporter of terrorism in the world getting their hands on \$100 to \$150 billion. That is just the first year.

They could get \$100 billion a year after that, but also getting the green light to go ahead and move forward with the nuclear work that they are doing. And the administration may allow them or help them to move along, as the Clinton administration did for the North Koreans.

You may recall, Mr. Speaker, the North Koreans struck a deal with Wendy Sherman, who helped out on the Iranian deal, and President Clinton—I know this is a shorthand rendition—basically, in effect, said: Hey, North Korea, if you will just sign saying you won't use what we give you to develop nuclear weapons, we will build you a nuclear power plant. We will give you everything you need for nuclear weapons if you will just sign saying you won't develop nuclear weapons.

Of course, thinking people knew what would happen, and it did happen just as thinking people knew it would. You couldn't trust the leader of North Korea. They took the materials that were provided for power plants.

They developed nuclear weapons. And now this administration has to be constantly concerned about what North Korea is doing because they have nuclear weapons.

They wanted to help Iran all because of the deal that Wendy Sherman helped do back during the Clinton administration and now she helped make happen with Iran. So they were able to keep working as they thought.

Then we found out more recently, in just recent weeks, that, actually, the Department of Justice and this President's administration—surely had to include the White House—knew that Iranians had hacked into our system here.

They were charged with hacking into the system, but, according to recent reports, the Justice Department was talked into holding up on the charges

until after the Iranian deal could be made—it wasn't confirmed. It is not a legitimate treaty—but at least squeak through without the two-thirds of the Senate being opposed, which is not the treatment treaties are supposed to get, according to the Constitution. But that doesn't keep some folks from acting unconstitutionally.

So, anyway, it turns out the Obama administration encouraged the Justice Department to sit on those charges. They knew Iran had people hacking into our system. It had to be government sanctioned. You don't do that in Iran without government permission.

This administration knew about ballistic missile testing that violated all kinds of things; yet, this administration we knew.

And some of us said right here on this floor that there will be violations and this administration will have to turn their head and act like they don't really see the violations because they twisted so many arms and did so many deals to try to get the Iran treaty treated as if it is a treaty without the confirmation that they could not afford for people to know how blatantly Iran leaders were violating their agreements.

This article from Mr. McCarthy goes on: ". . . the text of the JCPOA expressly indulges Iran's position that it will 'cease performing [its] commitments' under the deal if it deems the sanctions to have been 'reinstated in whole or in part.' That threat should only relate to sanctions on Iran's nuclear program, but—as the Obama administration well knew—many of the sanctions against significant Iranian entities (e.g., the National Iranian Oil Company and Bank Melli) are based on activities in addition to support for the nuclear program.

"Moreover, Iran has publicly announced that it interprets the JCPOA"—the Iran treaty we will call it—"as a sweeping eradication of sanctions related both to various non-nuclear activities (e.g., other weapons and ballistic missiles) and to sectors of its economy sanctioned due to activities beyond support for the nuclear program.

"Against that backdrop, the JCPOA also purports to oblige the Federal Government to use 'all available authorities' [to eliminate any] law at the State or local level [that] is preventing the implementation of sanctions lifting as specified in this JCPOA.'"

That is amazing. The administration makes a deal that they are willing to sign a deal with Iran that violates our own Constitution.

They have no right to dictate laws to State and local authorities, but they apparently signed a deal with Iran that they would dictate State and local law.

"This is a foreign relations matter. So why does the Iran deal commit Washington merely to 'encourage' and otherwise try to persuade state and local officials to honor the deal's terms? Because, for all its bluster

about domestic and international law, the administration knows this deal has no legal standing.

“Plainly, the President is trying to muscle his way through the inconvenience that the JCPOA is merely an executive agreement. It is not a legally enforceable treaty, nor is it supported by any legislation that would bind the states.

“Obama is willing it to work through sheer extra-legal executive power.”

The article goes on. It is a good article. But, then again, when we look at the record-setting slaps at this Administration’s overreach in violation of the Constitution, 11 unanimous decisions in 4 years or so and 23 reversals by the Supreme Court in such a short period of time—4 or 5 years—these are records—have that many reversals in such a short time that it bears great scrutiny when an administration setting records for violating the Constitution says: Right before we go out, we want to get this person onto the Supreme Court because we have some other stuff that is still going to be ruled on by the Supreme Court after we are gone and we want some of that stuff that may be unconstitutional, like the 23 times the Supreme Court said they were, struck down things—they want those upheld in the future.

It seems like these are good reasons for the Senate to be very careful, much more so than they were about the Iran treaty.

There is an article from Paul Bedard: “Obama’s Open-Door Immigration Policy Blamed for Surge in Rural Gang Crime.”

□ 1730

“A rural Maryland sheriff on Tuesday blamed”—and this is Maryland. This isn’t Texas. It is not Arizona.

“A rural Maryland sheriff on Tuesday blamed President Obama’s open-door immigration policy for a surge in gangland crime that included a retaliation murder and assault on an officer doing paperwork in his cruiser.

“Case-by-case amnesty, backdoor amnesty, DACA programs, and the DREAM Act were pushed through by executive order,” said Frederick County Sheriff Charles Jenkins.

“Policy shifts by President Obama weakened and ruined secure communities, and did not allow action by ICE when sheriffs and police departments ignored detainees, allowing criminals to be released back on the streets. In effect, criminal aliens that should have been deported have been allowed to remain and commit more serious crimes, becoming violent offenders,” he told the House Judiciary Committee probing the criminal impact of illegals in the United States.

“He was joined by family members of victims of illegal immigrant crime, a surging issue around the Nation as Obama’s policies allow more unauthorized aliens to leave jail and remain in the country.

“Frederick is north of Washington, D.C., but has become a haven for crimi-

nal ‘transnational’ gangs, especially in high schools. Members of MS-13 and 18th Street gangs have become influential in the schools and county. ‘Transnational alien gangs are structured criminal enterprises involved in drug and human trafficking, crimes of violence over turf, retaliation, money laundering, and other serious crime. As these gangs are recruiting locally and increasing in number, so does the associated crime within communities,’ said Jenkins.

“He gave details on the crimes by immigrant gangs in his county:

“There are over 75 active known validated transnational criminal gang members in Frederick County, many more suspected of gang affiliation. We also believe that MS-13 and 18th Street alien gangs are recruiting, locally, in our schools, in the region, and out of the country.

“Of the 52 validated criminal alien gang members identified since 2008, 25 of the 52, 48 percent, were identified since late 2014.

“Eighteen of the 25, 72 percent, gang members encountered since 2014 have been charged with felonies.

“Seven of 11, 64 percent, of the criminal alien gang members encountered in 2015 were unaccompanied juveniles when they entered the U.S. and eventually located to Frederick County, Maryland. Now they are adults committing serious felonies.

“Crimes committed include five occurrences of attempted first and second degree murder, armed robbery, first degree assault, home invasion, armed carjacking, kidnapping, use of a firearm in the commission of a violent felony, carrying concealed deadly weapons.

“In 2014, eight criminal aliens charged with rape and sexual assault of children ages 5 to 14, with two of the girls impregnated.

“One of my deputies was the victim of an unprovoked physical attack/assault with an MS-13 gang member while sitting in his cruiser doing paperwork.

“The U.S. District Court recently indicted a known alien gang member for involvement in a 2013 MS-13 hired killing in Frederick. The victim in the killing fled El Salvador to live in Frederick because of an MS-13 hit for him there, but the hit order carried to a local MS-13 clique. The victim was lured to a wooded area where he was shot in the head and stabbed to death.

“The growing alien gang problem has spread into one high school where fights and violence between MS-13 and 18th Street are routine.”

That goes back to this important point about this administration’s urging and luring people into the United States illegally by talking about the amnesty, talking about legal status. And as has been made clear by Border Patrol, when anyone in Washington, whatever party, either House or Senate, talk about legal status or amnesty, it creates a surge across our southern border.

Having been there in the last few weeks, spending nights and days down there on the border, on the river, aside the river—and I do mean all hours of the day and night—you see these things firsthand. You see little bitty children. The Border Patrol are told they came unaccompanied. There is no way these little children came unaccompanied across a river flowing that fast and that deep. Some of them alleged to have come from Central America. Over a thousand miles they journeyed unaccompanied? That is garbage.

It is like border patrolmen have told me—one in particular, he said: I am Hispanic. I speak better Spanish than most of them. Ninety percent of the time when they tell me they came to escape gang violence, I will hit them up: You may convince some gringo of that, but you and I both know you paid a gang to bring you in to the United States. And he said—90 percent of the time the response is—Well, that is true, but we were told to say we were fleeing gang violence.

As other border patrolmen have told me down there, there is not one inch of our southern border that isn’t considered the jurisdiction of some drug cartel, some drug lord. And if you cross within that sector without getting permission or properly paying, making sure the drug lord or the drug cartel is satisfied with your payment, then you will be sought and found and either killed or be forced to provide services until your debt is paid.

That is why it is staggering when people down on the border, having come across illegally, are asked about how much they paid. It is not part of the required questions, but some of our Border Patrol are really wanting to know what is the going rate here for this sector: For people like you from the country you came from, what are they charging you? And you get different answers: \$5,000, \$6,000, \$7,000, \$8,000, maybe \$10,000 for a group.

The response comes back: How in the world could you have come up with that much money? The resulting answer is: Well, they said I could work it off when I get to the U.S. city where I am going.

You know they have agreed to work for a drug cartel, for a gang, for MS-13, for 18th Street. And it is not just along the Texas border, as we have seen from Frederick, Maryland, it is all over the country. People have agreed to provide the services.

As I have pointed out here before, Border Patrol says: The drug cartels, the gangs in Mexico, call us their logistics because they know under this administration, if they just get somebody across the border, across the Rio Grande, get them across illegally, then we become their logistics and we ship them wherever they want to go.

They tell us: We have got an address, or I have got a family member here, a family member there, or somebody that I have agreed to take care of me.

They don’t say it, but it sounds like it could also mean: The drug cartel

gave me this address and they told me this is where I am supposed to go.

They don't say: This is where the drug cartel told me to go. What does anyone expect when they have said: The drug cartel is going to let me work it off?

Is it any wonder that so many of the crimes in America are being committed by people who have come into the country illegally?

We know that most people coming in illegally are not violent criminals. I got that. We have that. We understand that, but when people come into the country illegally—and, by the way, for those that have not noticed, they are not in the shadows. I know there were a few in the shadows under the trees because it got hot out there in front of the Supreme Court, but most were out in front of the Supreme Court.

They are not in the shadows. People keep saying we have got to bring them out of the shadows. Well, start looking. They are not in the shadows. In fact, we had a group come to some offices here in the Capitol. They are not in the shadows. They are coming right in the office and demanding that we legalize those of them who have come in illegally.

The problem is—and this is the biggest problem—when the brightest hope in the world as a Nation, which once was the freest Nation in the world, once was the freest Nation in the history of the world, now international polls say we are not, but we have been the freest Nation, but when the freest Nation stops trying to apply the law equally across the board, then we become like the countries these poor, unfortunate individuals fled because their country did not apply the rule of law equally. It depended on who you were, how much you could pay, or what you could do for them. We become like the countries they had to flee, and there is nowhere left for people holding out hope for one place in the world where they can come and be free. It is gone.

I have had people even in Congress say: Louie, if it gets too bad, we will just pack up and go to Australia.

When I told that to some Australians in January, none of them smiled. They said: If something happens to United States' freedom, China will take us over instantly; you won't have us to come to.

If something happens to the United States and we continue to damage ourselves the way Europe has damaged itself, there isn't going to be any place else left to go. That is what the west Africans told me 3 or 4 years ago. They said: You have got to tell people in Washington—you know, as thrilled as we were when you elected your first Black President, we have seen you getting weaker and weaker, you're not standing up like you used to.

We are Christians. We are going to heaven when we die, but our only hope of a life of peace in this world is if America is strong. When we weaken the rule of law, when we have a Presi-

dent make millions and millions of exceptions to the law, we are on our way to becoming like the countries people that came here illegally had to leave.

For those who say we need to follow the Bible, I certainly believe that. And for individuals, there is no better place to start than within the Golden Rule: Do unto others as you would have them do unto you. But when you are acting as part of the government and you refuse to do what the Bible says, and that is show no partiality to those because they are rich, show no partiality because someone is poor or unfortunate, you apply justice across the board. That is the ultimate good government.

□ 1745

You provide justice. You see that the rule of law is equally enforced across the board.

Again, as this administration is trying to stack the Supreme Court while on its way out, after setting a record for being found to be the most unconstitutional in the shortest time, this article from today is entitled: "Obama Administration Unsure if Iran Spent \$3 Billion in New Cash on Terrorism." It is an article about the Obama administration, with the complicity of Secretary of State Kerry, making sure Iran gets \$100 billion to \$150 billion.

The article reads: "Obama administration officials disclosed Tuesday that Iran has been granted access to about \$3 billion in unfrozen assets in the months since the nuclear agreement was implemented, but it remains unclear to the administration if the Islamic Republic has spent any of this money to fund its global terrorism enterprise."

We know, Mr. Speaker, in having listened to the Iranian leaders—while this administration was saying: Oh, yes, we have got to abide by this Iranian deal—the Iranian leaders were assuring their people: We are not abiding by anything that the United States tells us to do. We are still doing everything we intend to do. We are not going to be restrained by any agreement with the United States.

They announced in Iran: We are going to be able to provide more financial support once we get the \$100 billion to \$150 billion more support for terrorist groups— Hamas and Hezbollah. They told us.

Now the administration, this week, is saying: Gee, we can't be sure they didn't use some or all of this money—who knows?—on terrorism. They quote State Department spokesman John Kirby as saying: "We don't know. We don't have a way."

When an administration, like the leaders of Iran, lie and lie and are responsible for providing more terrorism and more death and destruction in the world than any other country—the largest supporter of terrorism in the world—and when they tell you they are going to take money you give them and spend it on terrorism, that may be

the one thing you can count on their being honest about.

In going back to November 2015, to the story by John Hayward, it talks about the State Department's social media accounts that were hacked by Iran: "The surge has led American officials to a stark conclusion: For Iran, cyberespionage—with the power it gives the Iranians to jab at the United States and its neighbors without provoking a military response—is becoming a tool to seek the kind of influence that some hard-liners in Iran may have hoped its nuclear program would eventually provide." The New York Times reports."

We have this report from December of 2015—4 short months ago: "Iranian hackers infiltrated a small New York dam in 2013 in a previously undisclosed incident, according to The Wall Street Journal."

This is an article by Katie Bo Williams from The Hill, and this was December 21: "Investigators said that the hackers didn't take control of the system but were probing its defenses."

The White House knew about it. They knew about the intrusion into New York's system. So people are wondering: How could people support Donald Trump? New York got hacked by Iran, and this administration has done nothing about it but try to defend Iran from having the money cut that they have said they will use for terrorism. So is it any wonder New Yorkers are thinking: Well, here is a guy who says he is going to completely stop this kind of activity with radical Islamic groups? Sure. Of course, people will vote for a person who will say that.

Here is an article from January 25, 2015: "Five Ways Iran is Cheating on the Interim Nuclear 'Deal.'" That was the interim deal. It goes on and sets out how they have been cheating.

Here is an article from December 16, 2015: "Iran's October Missile Test Violated U.N. Ban." That was the conclusion of an expert panel, according to this reuters.com story by Louis Charbonneau. It reads: "Iran violated a U.N. Security Council resolution in October by test-firing a missile capable of delivering a nuclear warhead." Yet this administration did not see that as any reason to slow down rushing the \$100 billion to \$150 billion that they had coming to Iran.

This article from Katie Pavlich reads: "White House: Likely Iran Violated U.N. Sanctions with Missile Test, but They'll Uphold Nuclear Agreement."

She quotes from White House Press Secretary Josh Earnest: "Despite the likely violation, Earnest stressed that the White House believes the Iranian regime will uphold its obligations to the recently made nuclear agreement."

Amazing, because it turned out they already knew that Iran had been hacking our government Web sites and our government Internet. They had charges held up so that it wouldn't stop what we now know is an executive agreement acting like a treaty.

They are still doing it. Some of us said they would have to. They have bent over so far backwards to get an agreement with the largest state supporter of terrorism in the world that, once Iran continued to violate even to the point of taking our sailors prisoner, violating the Geneva Convention rules on prisoners—humiliating the prisoners—not only did this administration not send more Navy forces to take back the Navy sailors who were imprisoned, but it gushed about how wonderful Iran was to take charge of our sailors as the videos emerged—mocking America as they treated our Navy sailors as just trash.

Then we get this story by Bradley Klapper: “U.S. Considers Easing Ban on Dollars to Help Iran.”

This administration wants to turn around and give Iran—the largest state supporter of terrorism—access to our dollars. Apparently, that would mean access to Internet sites, to bank sites when they know they have been hacking us. They are trying to figure out ways to bring down the United States, and now this administration wants to help them to show how good of friends we can be? That is like trying to convince a bully on the playground that you will keep giving him money because you are his dear friend. He will keep taking your money, but he will never see you as a friend. Not only does he not see you as a friend, but the more you give him, the more contempt he has for you as a coward.

This article today from Caroline May reads: “Mother of Daughter Killed by Illegal: His Bail was ‘Less Than it Cost to Bury My Baby.’”

“The mother of a recent college graduate, who was killed by an illegal immigrant who later absconded after posting bail and remains at large, offered emotional testimony Tuesday before a House panel.

“Michelle Root, the mother of 21-year-old Sarah Root, spoke about the devastation of losing her daughter at the hands of Eswin Mejia, an illegal immigrant who killed Root while street racing drunk.” This is different from the story we talked about yesterday. “Mejia was able to flee when Immigration and Customs Enforcement declined to detain him, and he was able to post bail.

“‘Eswin spent 4 days in jail and is believed to have fled the country,’ Michelle Root said. ‘He posted \$5,000 bond, which was less than the cost it was to bury my daughter Sarah. Because of the lack of controls, the police, immigration, U.S. Marshals, and law enforcement have little or no information on his whereabouts.’

“‘Eswin was not a stranger to law enforcement and failed to honor his legal obligations for minor traffic infractions prior to killing my daughter. Now a failed local judicial system that set his bail too low, coupled with flawed Obama administration policies, have rewarded the illegal and punished my family and hampered law enforcement in their investigations.’”

There are plenty of good reasons to wait for a different nominee for the Supreme Court. We won't even make them wait 10 years like the Democrats in the Senate made my friends. We won't make them wait 4 or 5 years as Senate Democrats did my friends before they would give them a confirmation. In setting records for unconstitutionality in such a short time, it bears our being diligent when the administration is not. People's lives are at stake. They have already been lost. More are at stake. We have got to stand up.

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

The SPEAKER pro tempore (Mr. MACARTHUR). Members are reminded to refrain from engaging in personalities toward Members of the Senate and to refrain from engaging in personalities toward the President, including by repeating extraneous material that would be improper if spoken in the Member's own words.

#### AMERICAN PROSPERITY AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from California (Mr. PETERS) for 30 minutes.

#### GENERAL LEAVE

Mr. PETERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. PETERS. Mr. Speaker, Americans have seen a change in our economy firsthand and are concerned about what it means for their place in a new economy. We can't stop the forces that are transforming our economy and our world, but we can and we must look to the future to find the solutions that adapt to this new economy. We can't live in the past. This means boosting the creation of high-quality jobs by lowering barriers for small businesses to succeed and investing in infrastructure and research. It also means giving Americans the skills to work the jobs of the future that are being created.

In March 2015, the New Democrat Coalition released *Winning the Future*, which outlines how we can grow our economy, preserve the American Dream, and make government work better for the people.

The principles presented in the agenda and report represent ideas that anyone—Democrat, Republican, Independent—can support. The recently released report consists of 200 legislative actions, including items for every one of our Members. More than 57 percent of those bills—110 in total—are bipartisan, and more than 30 bills have advanced through a committee of the House or through the House as a whole.

More than 20 items in the report have become law or have been implemented by an executive agency.

This represents not just a plan but tangible progress. Today, we will share what that means for growing the economy in every town and city in America and for helping hardworking Americans thrive in the changing global economy.

Federal funding for research and development has been on a downward trend for the past several decades. Today, the Federal Government spends almost two-thirds less on research and development than it did in 1965 as a portion of discretionary spending. The lack of funding has led to a \$1.5 trillion investment deficit, and a growing number of America's best young researchers are taking their talents to other industries and to other countries.

□ 1800

We need to reinvest in our young researchers to remain globally competitive.

On that subject, I yield to the gentleman from Washington (Mr. KILMER).

Mr. KILMER. Mr. Speaker, the date was October 4, 1957, and the time was 7:28 p.m. when the Soviet Union launched Sputnik 1. It was a wake-up call to the United States, and it was perceived as an existential threat.

The reaction to that was a focus by our Federal Government on national research, on basic research to drive innovation, to step up to that perception of threat. The outcome of that was extraordinary scientific breakthroughs. I often point to the cell phone in my pocket.

A lot of the technologies in that cell phone, from the lithium battery that powers it, to the touch screen that allows me to navigate on it, to the Internet that helps me find a delicious Chinese restaurant to go have dinner, to the GPS system that helps me navigate my way to that restaurant—all of those innovations, the basic research behind it was funded by the exact same venture capitalist, Uncle Sam.

Part of the American Prosperity Agenda that the New Democrat Coalition has put forward is focused on redoubling our investment in basic research, because the reality is that we don't have Sputnik being launched by the former Soviet Union.

The reality is we face a Sputnik moment every single day with the threat of new innovation happening someplace else and jobs being created someplace else.

You heard my friend suggest that research and development, as a percentage of gross domestic product since the early 1960s, has declined by nearly two-thirds just in these last four decades.

In contrast, you have seen China substantially increase its investment in higher education. In fact, according to the National Science Board, by 2022, China will invest more in research and development than the United States of America.