

EXTENSIONS OF REMARKS

HAPPY ANNIVERSARY AND CONGRATULATIONS TO THE GOVERNMENT PUBLISHING OFFICE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2016

Mr. BRADY of Pennsylvania. Mr. Speaker, March 4, 2016, marks the 155th anniversary of the Government Publishing Office (GPO), the legislative-branch agency that Congress depends upon every day to produce the documents we need to discharge our constitutional responsibilities. Opening its doors for business as the Government Printing Office the same day that Abraham Lincoln was first inaugurated as President, the GPO since that time has worked around the clock in support of Congress, Federal agencies, and the right of the American people for access to information by and about our Government.

Where once GPO produced this Government information solely through the printing process, in the past generation GPO has transformed itself into a digital publisher, reducing dramatically the cost of producing Government information while exponentially expanding its reach to the public. More than 8,000 staff labored at GPO when it provided print only, while today there are about 1,700. Yet because of technology changes embraced by GPO the productivity of the 1,700 vastly exceeds their predecessors'. That productivity has yielded huge savings for the taxpayers and vastly modernized the way we work on behalf of the citizens we represent.

The technological changes the GPO has undergone have not gone unnoticed. In 2014, legislation was introduced in the Senate to recognize that the GPO is, by virtue of its digital progress, not just for printing anymore, and Congress and the President agreed that the time had come to change the GPO's name. Today, the GPO is the Government Publishing Office, a lean, technologically proficient, and thoroughly modern agency under the leadership of Director Davita Vance-Cooks, a talented manager who understands how to lead and sustain the benefits of change.

For the third year in a row Director Vance-Cooks has sent Congress a flat budget request. With her at the helm the GPO's employees have rated it one of the best places to work—a big change from how they felt ten years ago—and in their work they now turn out one success after another. Last year they installed high-efficiency equipment that has yielded a significant price reduction in the cost of producing our hearings. Last month, they unveiled a new, easy-to-use website that is drawing universal praise, including from you, Mr. Speaker.

Moreover, together with the Library of Congress, GPO employees last week launched public access to bulk-data files of bill-status information, a move that is further expanding openness and transparency to the legislative process. For the future they are poised to sup-

port the State Department's introduction of the next generation e-Passport and in 2017 they will move to a new composition system to speed and further reduce the cost of producing documents for Congress and Federal agencies.

Mr. Speaker, in remarks five years ago observing the GPO's sesquicentennial, I noted that Benjamin Franklin—America's patron saint of printing and Philadelphia's greatest citizen—would be surprised and pleased by what the GPO is and does. I can confidently say that he would feel the same today. On behalf of all of us in this House, congratulations and best wishes to GPO Director Davita Vance-Cooks and the men and women of the Government Publishing Office. Many thanks for all their good work.

SUPREME COURT VACANCY

SPEECH OF

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 2016

Ms. FUDGE. Mr. Speaker, when taking office, every Member of Congress swears to support and defend the Constitution of the United States. This includes Article II, Section 2, Clause 2, also known as the "Appointments Clause."

The Appointments Clause clearly states the President has the power to nominate Justices of the Supreme Court. Nowhere does this clause state the President abdicates this constitutional responsibility during a presidential election year. And, nowhere does it state the U.S. Senate can make threats against the President for exercising his constitutional authority. Our separate branches of government exist to provide checks and balances against tyranny, not to hijack Constitutional processes for political gain.

Many Republicans have argued that Supreme Court Justices are not typically appointed during presidential election years, and especially during a president's last term. To those claims I invoke Mahlon Pitney, Louis Brandeis, John H. Clarke, Benjamin Cardozo, Frank Murphy, and Anthony Kennedy—all examples of Supreme Court Justices who were confirmed during a presidential election year.

Supreme Court Justices Anthony Kennedy and Benjamin Cardozo in particular, were confirmed during President Reagan and President Hoover's last years, respectively. Justice Louis Brandeis was nominated and confirmed in 1916 to replace Justice Joseph Lamar, who died in early January of that same year.

Not only has the Senate voted on and confirmed Supreme Court nominees during presidential election years, the process has never taken more than 125 days. In fact, on average, nominees have been confirmed, rejected, or withdrawn within 25 days. Ample time remains for President Obama to work with Congress to approve a nominee.

However, Republican leadership has once again let politics get in the way of doing what the American people elected them to do.

The Constitution is clear. Just as we honor our First Amendment right to freedom of religion or our Second Amendment right to bear arms, so should we defend the constitutionality of the Supreme Court appointment process. We cannot pick and choose which sections we enforce.

As Members of Congress, we made a promise to our constituents that we would "faithfully discharge the duties of the office on which" we have been elected to. It is the Senate's duty to consider a Supreme Court nominee.

I implore my Republican colleagues: Put politics aside and do your job; do not block President Obama's nominee. Rulings handed down by the Supreme Court directly affect our economy, security, and civil rights. This seat is too important to leave vacant.

SUPREME COURT VACANCY

SPEECH OF

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 2016

Mr. PAYNE. Mr. Speaker, barely an hour after Justice Scalia's death was confirmed, Senate Majority Leader MITCH MCCONNELL issued a statement rejecting any judge President Obama chose to nominate to the Supreme Court.

At that point, the President hadn't even announced his intention to fill the vacancy on our highest court.

It's a sad state of affairs that the highest ranking Republican in the Senate would politicize the Court in such a grotesque way when many of us were still learning of Justice Scalia's passing.

But this is par for the course for the Republicans. On issue after issue, debate after debate, they continue to solidify their reputation as the party of "no," to the detriment of this great nation.

Senate Republicans continue to maintain that they will deny a confirmation hearing to any individual nominated by President Obama to serve on the Supreme Court.

This is part of the Republican political agenda to disrupt the work of government when it does not align with their far-right ideology.

It is a thinly-veiled attempt to obstruct the nomination process in hopes of packing the Supreme Court with conservative justices who will roll back the progress our nation has made, from marriage equality to reproductive rights.

We have already seen what is at stake here. In 2013, the Supreme Court struck down the heart of the Voting Rights Act—a major setback for civil rights and voting rights, and a major blow to fundamental democracy in this country.

The president has a constitutional responsibility to nominate a successor to Justice Scalia.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Senate also has a constitutional responsibility—to give the nominee a fair hearing and a timely vote.

This is about democracy and protecting the institution of the Supreme Court.

What we are seeing from Republicans is a clear pattern of obstruction. They have shut down the government, threatened not to pay our debts, and halted the nomination process before it has even begun.

This divisiveness is a detriment to our democracy, an affront to justice, and an insult to the American people, who deserve to have their nation's highest court working at full capacity.

Republicans have said that there is no precedent for confirming a Supreme Court nominee during an election year. That is blatantly wrong: six Justices have been confirmed in presidential election years, including three Republican appointees.

Since the 1980s, Congress has almost never left any vacancy during a single Supreme Court session.

What is unprecedented in modern history is denying the President of the United States a hearing or vote on a nomination to the Supreme Court.

And yet that's what the Republican plan is. It's hard not to see this as an effort to delegitimize the nation's first black president.

Republicans have been trying to derail President Obama ever since he took office.

And now, whoever ends up being nominated for the Supreme Court, regardless of qualifications, will be rejected simply because he or she is an Obama nominee.

The disdain Republicans have for Obama is so great that they are willing to trample on the U.S. Constitution to prevent him from appointing a judge to the Supreme Court.

The U.S. Constitution—the very document that Republicans like to accuse the President of ignoring—states that the president “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court.”

Not only does he have the right, he has a duty to appoint a judge to the Court.

Now, President Obama made clear that he seeks judges “who approach decisions without any particular ideology or agenda, but rather a commitment to impartial justice, a respect for precedent, and a determination to faithfully apply the law to the facts at hand.”

There is nothing radical about the President's position. His comments speak to his respect for the law and the seriousness he brings to the nomination process.

Republicans must do their job as it relates to that process—earnestly debate and then vote on the person nominated by the President.

There are many hotly debated issues in our country—immigration, gun reform, health care, campaign finance; issues that necessitate the maximum strength of the Supreme Court.

The American people deserve far better than attempts by Republican politicians in Washington to stack the Supreme Court with far-right judges who will forgo impartial justice to advance the conservative agenda.

They expect their government to work for them, and Senate Republicans must meet that expectation by swiftly filling the vacancy on the Court.

SUPREME COURT VACANCY

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 2016

Ms. JACKSON LEE. Mr. Speaker, sixteen days ago, and just moments after learning the sad news that Antonin Scalia, the most senior Justice on the Supreme Court, had died in his sleep at the age of 79, the Republican Senate Majority Leader, announced emphatically that “this vacancy should not be filled until we have a new President.”

Later that evening, the Senate Majority Leader's position was echoed at a presidential primary debate in South Carolina by every Republican presidential candidate.

Justice Scalia may have had many qualities but none endeared him more to his admirers on that debate stage and across the country than his professed devotion to the rule of law, his exaltation of the doctrine of “original intent,” and his insistence that the meaning of the Constitution is to be divined only from the strictest reading of the text.

Given the praise heaped on Justice Scalia by Republican senators and presidential candidates, it is passing strange indeed that they claim to be honoring his memory by taking a position that repudiates the very principles Justice Scalia devoted his life to advancing.

Mr. Speaker, so-called “strict constructionists” claim that the Constitution is to be interpreted according to its literal text.

Well, there is nothing clearer than the provision in Article II, Section 2, which states that the President “with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court[.]”

To read the Constitution as containing a limitation restricting the President's exercise of this power in the fourth year of his term of office would be to treat the Constitution as a “living document” and to engage in the type of judicial activism that Justice Scalia opposed and fought during his 30 years on the Court.

Indeed, just three years ago, at Southern Methodist University in Dallas, Justice Scalia in discussing his judicial philosophy, expressed his view of the Constitution: “It's not a living document. It's dead, dead, dead.”

If it had been the original intention of the Framers to restrict the President from nominating Supreme Court Justices to fill vacancies occurring in the fourth year of his or her term, they would have manifested that intent clearly, explicitly, and unmistakably, as they did in conditioning Supreme Court appointments to the advice and consent of the Senate and in prohibiting the President from exercising the Pardon Power in cases of impeachment.

Mr. Speaker, disregarding the procedure expressly set forth in the Constitution for filling vacancies on the Supreme Court because it may not result in the appointment of one's preferred justice makes a mockery of the “rule of law,” adherence to which is claimed to be the most sacred principle of both judicial and political conservatives.

The bottom line is this: for those who revered Justice Scalia, cherish his memory, and wish to do honor to the work of his life, the way forward is clear.

And that is for Republican senators to gladly receive, when it is put forward, President Obama's nominee to fill the vacancy left by the death of their hero and discharge their constitutional duty to advise and consent (or not consent) to the nomination as reflected by an up or down vote on the nominee.

Republican senators protest there is an 80 year precedent against confirming a Supreme Court nominee during an election year, and besides, there is not sufficient time even if they wished to do so.

This is a short horse soon curried.

The most recent instance where there was a vacancy on the Supreme Court in an election year occurred not 80 but 28 years ago, in 1988, during the administration of President Reagan.

That vacancy was filled on February 3, 1988 by the appointment of Justice Anthony Kennedy, who was confirmed 97–0 by a Democrat-controlled Senate.

The Justice Kennedy nomination is the controlling precedent, as Justice Scalia would recognize.

The erudite Justice would say to anyone claiming otherwise, “*Leges posteriores priores contrarias abrogant*,” which is Latin for the canon of judicial interpretation that “the last expression of the people prevails.”

There are 326 days left in President Obama's term, which is more than sufficient time for the President to nominate, and for the Senate to consider and vote to confirm or reject his nominee.

Since 1900, there have been 60 Supreme Court vacancies.

The average time taken to fill these 60 vacancies is 73 days, which is less than 25% of the time remaining in the President's term.

The average time to fill each of the 13 vacancies since 1975 is a mere 67 days.

And of the current members of the Supreme Court, the average time is 74 days, the longest being the 99 days taken to confirm the controversial nomination of Justice Clarence Thomas in October 1991.

Mr. Speaker, as is often noted, elections have consequences; they also impose responsibilities and duties.

And one of the most important duties imposed by the Constitution on the President is to nominate persons to fill vacancies on the Supreme Court and for the Senate to consider those nominations with dispatch.

The Supreme Court is the nation's highest court and its essential and indispensable role in our constitutional system is to provide definitive interpretations of American law and the Constitution.

Its decisions are the law of the land binding in every state and territory.

The Supreme Court is the only judicial tribunal capable of providing the legal clarity and certainty required for the legal system to function and give meaning to the rule of law.

President Obama has announced that he intends to fulfill the responsibility devolved upon him by the Constitution and will submit to the Senate a nominee to fill the large shoes left by the late Justice Antonin Scalia.

The Senate should fulfill its constitutional duty to advise and consent, or withhold its consent, by casting an up or down vote on that nomination.

That is the way to pay fitting tribute to Justice Scalia, to honor the Constitution, and to keep faith with the American people.