

We must speak out for freedom. We must not let this be ignored. The most horrible form of torture that the Chinese have over these people is to tell them that nobody remembers you or why you are here.

We want to be sure that they know we remember them.

□ 1230

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO REQUIRE THAT THE SUPREME COURT OF THE UNITED STATES BE COM- POSED OF NINE JUSTICES

Mr. BIGGS of Arizona. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1) proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

“ARTICLE—

“The Supreme Court of the United States shall be composed of nine justices consisting of one chief justice and eight associate justices.”.

The SPEAKER pro tempore. Pursuant to House Resolution 1499, the gentleman from Arizona (Mr. BIGGS) and the gentleman from Maryland (Mr. RASKIN) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. BIGGS of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.J. Res. 1.

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

There was no objection.

Mr. BIGGS of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Supreme Court's job is to tell the American people the truth about the law, even when that truth is unpopular, even when a President doesn't like it, and even when Congress doesn't like it.

That only works if the Court is independent. Alexander Hamilton expressed this in Federalist 78. He explained that the courts must be insulated from the political branches or they cannot do their job of protecting the rights of the people.

Disagreeing with the Supreme Court is not just legitimate. It is American. We amend the Constitution, or we pass new laws. We elect Presidents who appoint different judges. That is how you change outcomes you don't like. That is the process the Founders gave us. But there is a world of difference between changing the law and changing the rules of the game because you don't like the last call.

Packing the Court is not simply a policy disagreement. It is an attempt to change the structure of one of the three branches of government in order to guarantee the outcome you want.

That is not reform. That is revolution.

Here is the question every American should ask: If a sitting majority can change the size of the Supreme Court the moment it dislikes rulings, what happens the next time the other side is in power? What stops them from doing the same thing?

As Justice Breyer said, this will start an “arms race.”

Once you go down that road, the Court stops being an independent check on government power. It becomes another political institution controlled by whoever happens to hold the majority.

We have already seen what this kind of rhetoric looks like. In 2020, Senator SCHUMER stood outside the Supreme Court and told Justices Gorsuch and Kavanaugh: “. . . you have unleashed a whirlwind, and you will pay the price.” That was a threat, a threat that goes well beyond any normal policy disagreement.

Mr. Speaker, 2 years later, an armed man was arrested outside Justice Kavanaugh's home. Thankfully, law enforcement intervened before anyone was hurt.

Words have consequences, and when political leaders convince people that the Supreme Court is illegitimate, some people take that rhetoric seriously.

Some on the left aren't even hiding where this leads. The Democratic Socialists of America now openly call for abolishing the Senate and replacing the Presidency and the Supreme Court. I am not making that up. That is in their platform.

Seeking to expand the Court is an admission that your arguments have not been good enough to persuade voters or your fellow legislators. We rely on a political process, including robust one-on-one debates, to convince voters that ours are the superior plans.

When you can no longer convince enough voters that you have the best ideas, you have two choices: You can go back to voters with a better argument, or you can try to change the system so their vote doesn't matter as much.

That is why the amendment before us is so important. It fixes the number of Justices at nine permanently. That is not because nine is a magic number. It is because a fixed Court cannot be expanded by whoever happens to win the next election. It makes the rule the same regardless of who is in power.

To my friends on the other side of the aisle: We don't have to like every decision the Supreme Court makes. Heaven knows there are plenty of decisions I have disagreed with. That is not the point. The point is whether we are willing to live under a Constitution that limits our power even when we are the ones holding it.

If we want to change the law, we can change the law, but we should not change the Supreme Court simply because we don't like the people sitting on it.

Constitutional government requires accepting outcomes we don't like and fighting for change the right way: through elections, through legislation, and through the amendment process this very body is using today.

Let's keep the Supreme Court independent. Let's keep it at nine Justices, and let's keep the Constitution bigger than whoever happens to be in power.

Mr. Speaker, I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

In this 119th Congress we have watched the President's followers in Congress surrender to the President one constitutional power after another.

Amazingly, the Speaker and the MAGA party have abdicated nearly every single essential power that the Framers exclusively vested in us, Congress, the Representatives of the people. First is the power to declare war, which has been usurped by the President with catastrophic results for the country and without a peep from his sycophants in Congress.

Next is the spending power, the power of the purse, the power to appropriate Federal dollars to spending and grant programs and to specify their purposes, powers that have been continually violated in acts of impoundment, nullification, and redirection by the President who has not only effectively shut down the Department of Education, USAID, and the Consumer Financial Protection Bureau, but has even helped himself, without any appropriation from Congress, to \$1.8 billion of taxpayer money to give away to Proud Boys, Oath Keepers, and other convicted insurrectionists who attacked this body in order to try to overthrow a Presidential election in January of 2021;

Next is the power to impose tariffs and taxes and the power to regulate

commerce with foreign nations, powers that have been ripped away from us without any protests from the majority so the President could launch preposterous trade wars against the world and aggressively insult and alienate our beloved neighbor and democratically Canada.

They have abandoned even the power to decide whether or not the President should receive Presidential emoluments, gifts, payments from foreign governments as he piles up a pirate's treasure of hundreds of millions of dollars in gifts from foreign autocracies and monarchies.

They have abandoned the unquestioned exclusive congressional power of Congress to build and exercise control over needful buildings and structures for the national government like the White House; the Reflecting Pool, which they are now calling the strait of warm ooze; and The Kennedy Center. All of these structures are being bulldozed, demolished, desecrated with Presidential graffiti, and renovated according to unilateral and independent executive decisions without even congressional consultation—all for the first time in American history.

They are dangerously ceding our power to regulate the times, places, and manner of Federal elections conducted in the States to the post office and to our monarchically minded President who has no constitutional role in elections and was impeached by this Chamber for inciting a violent insurrection to try to overthrow an election, which he lost by more than 7 million votes, 306-232 in the electoral college.

So what constitutional power do our colleagues propose to surrender today? Well, it is just a power that Congress has had since the beginning of the Republic under Article III, Section 1: the power to define the composition of the Supreme Court and the number of Justices who serve there.

Over the course of our history, Congress has exercised this authority seven different times by changing the number of Justices on the Court.

With the Judiciary Act of 1789, Congress established the first Court with six Justices. In 1801, President Adams and Congress shrank it to five Justices.

When President Jefferson won in 1800 and came back to power, then it was back to six Justices.

In 1807, Congress expanded it to seven Justices when it created the Seventh Circuit, keeping to the congressional tradition of one Justice per Federal Circuit.

In 1837, Congress expanded the number of Federal Circuits to nine and then added the corresponding two seats to the Court, bringing the Court to nine Justices.

In 1863, Congress briefly added a 10th Federal Circuit during the Civil War and added a 10th Justice, giving Lincoln one more to appoint.

In 1866, Congress went back to seven Justices.

In 1869, President Grant and Congress increased the Court to nine again with another Judiciary Act, again, matching the number of Justices to Federal Circuits. That is the tradition of circuit riding.

Today, we still have nine Justices, although we have 13 Federal judicial circuits, the vast majority of which are not represented by even a single Justice among the nine currently serving on the Supreme Court.

□ 1240

In fact, the floor leader from Arizona has not only no Justices from his State on the Supreme Court, there are no Justices from the Ninth Circuit Court of Appeals, which has 67 million Americans living there.

Five of the Justices today come from the New York City metropolitan area, basically one for each borough. Is it really possible that there are not people from other parts of the country who could effectively and honorably serve on the Supreme Court?

Well, if we decided this on an originalist basis, we might move to place 13 Justices on the Court to match our 13 Federal circuits or we might go to 6 Justices, which was the original number there.

However, MAGA's proposal is to strip Congress of all authority in the matter, to freeze it and cement it permanently in the constitutional architecture for all time, with the suddenly magic number nine.

This is odd. Nine is neither the number of Federal circuits we have—that is 13—nor is it the original number of Justices Congress placed on the Court. That was 6. Therefore, what is going on here?

Well, surprise, surprise, America, it is another partisan power grab by MAGA, our colleagues who fear for the results of the November election, as their policies have brought us nothing but war, inflation, corruption, lawlessness, and a \$40 trillion debt, one-quarter of it supplied by this Presidential administration.

The MAGA party wants to cement into place a profoundly partisan and lopsided 6-3 Roberts Court that was gerrymandered and engineered by MITCH MCCONNELL after the untimely deaths of Justice Scalia and Justice Ginsburg, each in the final year of a Presidential term.

After Justice Scalia died on February 13, 2016, President Obama nominated my constituent, Merrick Garland, to fill the seat. Senator MCCONNELL did not even allow hearings in the Senate Judiciary Committee, much less a vote in the committee, much less a vote on the floor. He said he wanted to let the people decide, and 11 months was too close to the next election; forgetting, I suppose, that President Obama had won one of those genuine constitutional 4-year terms in office.

That seat sat open for a record-setting 422 days before they filled it with Justice Gorsuch. In other words, they

were for an eight-Justice Court during that year, but when Justice Ruth Bader Ginsburg died on September 18, 2020, less than 2 months before the election, when early voting had already started in some States, Senator MCCONNELL rushed through confirmation hearings and then a final vote for Amy Coney Barrett just 8 days before the 2020 Presidential election took place, laughing about this glaring disparity in treatment, acknowledging what everyone knew: Well, that 1-year rule was just for the Democrats. They were very happy to barrel through that nomination at the last moment.

Now, by essentially stealing these two seats from the American people, MAGA has put four of the five seats in the ruling majority rightwing faction in the hands of Justices appointed by two Presidents who lost the Presidential popular vote—George W. Bush in 2010 and Donald Trump in 2016.

The rightwing capture of the Court, fueled by corporate dark money and the Citizens United decision, has plunged this Court into a legitimacy crisis, an ethics crisis, and a jurisprudential crisis like has never been seen before in American history.

Trump's followers in Congress now seek to freeze into place the political Court that MAGA built for decades to come. Thus, they urge us to give away another critical power that the Framers vested in us.

As gas and diesel prices soar out of control and Trumpflation spirals up for groceries, healthcare, housing, as Trump's reckless and forever war of choice in Iran spirals downward, and America increasingly stands isolated in the world, MAGA wants to impose a straitjacket clamp-down on our democracy, our freedom, and our constitutional rights.

The Roberts Court overthrew *Roe v. Wade* and destroyed the constitutional right of women to comprehensive healthcare in every State in the country. It demolished the Voting Rights Act in *Shelby County v. Holder* in 2013, and the *Callais* decision just this term. Also, these fraudulent textualists invented out of thin air Presidential immunity from prosecution for felony crimes committed in office.

In *Federalist 51*, Madison said that the major safeguard against tyranny and despotism in America would be the natural identification and loyalty that Members of Congress would show to our own branch of government. We would stand up for ourselves, Madison thought.

"Ambition must be made to counteract ambition," he wrote, but today's Republicans show no loyalty to the constitutional architecture of Congress, to our rights, our prerogatives, our powers. They are content just to keep their heads down, to close up shop, to go home as early as possible just to keep their jobs so the President will not mobilize social media and Elon Musk's money against them in a primary. They want to preserve their survivability, their marketability. What a

humiliating and spectacular collapse of the tradition of congressional self-respect and constitutional patriotism.

I urge every colleague in this body to oppose this ridiculous constitutional amendment and giveaway of congressional powers, and I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. BIGGS of Arizona. Mr. Speaker, I yield myself such time as I may consume. I get it, that the gentleman does not like Donald J. Trump and that this is an ideological position he is taking, which is kind of what the scholars have said is the definition of Court packing. When you want to increase the number of people on the Supreme Court so you can effectuate your ideological bent, yes, that is Court packing.

This isn't new, this position that we are taking today. This was introduced in the 116th, which was under Donald Trump. It was introduced in the 118th, which was under Joe Biden. By the way, it was Joe Biden's own special commission that said it would be wrong to actually increase the number of people on the Supreme Court. Now, we have introduced this in the 119th.

I do appreciate the gentleman talking about Arizona needs representation on the Supreme Court. I also think we need representation in the Ninth Circuit—it would be nice if you could help us along there—the circuit, a court that actually goes from the equator to the Arctic Circle. You can't even get an en banc there because they have 29 justices, appellate judges. You can't get an en banc in the Ninth because it is all random.

Anyway, back to the point here, my colleagues on the other side tell us that the Supreme Court has changed before. They are right. However, there is an important piece of history that they leave out. For much of the 19th century, the size of the Supreme Court was tied to the size of the Federal judiciary. As the country expanded and Congress created new judicial circuits, Congress added Justices to help carry those responsibilities, but that changed in 1869.

Congress fixed the Court at nine Justices, and for more than half of the length of this country, it has been nine Justices, regardless of the number of circuits.

There is one historical example that matters most to the question before us today, and that is Franklin Roosevelt who, in 1937, after winning reelection, was furious that the Supreme Court had repeatedly struck down parts of his New Deal as unconstitutional. That was the birth, perhaps, of the attempt to have an imperial executive.

Instead of changing laws to comply with the Constitution, he proposed changing the Court. His plans would have allowed him to add up to six new Justices, and who would appoint those Justices? The President of the United

States would. Who was the President? Franklin Roosevelt.

Everyone understood what was happening. It wasn't about building a better courthouse. It wasn't about adding circuits. It wasn't about helping manage expanding judicial caseload. It was about changing the composition of the Court for ideological purposes.

Here is what happened: The plan faced fierce opposition, including from members of Roosevelt's own party. Chief Justice Charles Evans Hughes pushed back. The Senate ultimately rejected the plan, and this is what they said—this is from the records today: “We recommend the rejection of this bill as a needless, futile, and utterly dangerous abandonment of constitutional principle.” Not holding firm at nine, but because you wanted—not you, but the Democratic Party at that time—not even the Democratic Party, excuse me, let's be very clear, one individual, Franklin Delano Roosevelt.

“It is a proposal without precedent and without justification,” they said. “It would subjugate the courts to the will of Congress and the President and thereby destroy the independence of the judiciary, the only certain shield of individual rights.”

“It points the way to the evasion of the Constitution and establishes the method whereby the people may be deprived of their right to pass upon all amendments of the fundamental law.”

“It is a measure which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America.”

Do you know what “it” was, the measure that they were so offended by? It was an attempt to pack the Court.

Next time, I will probably start reading all the folks on the other side who want to do that very thing.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HARRIS).

□ 1250

Mr. HARRIS of North Carolina. Mr. Speaker, I thank my colleague from Arizona (Mr. BIGGS), for his leadership in this.

Mr. Speaker, I rise today in support of H.J. Res. 1, which proposes an amendment to the Constitution that would require the Supreme Court of the United States to be composed of nine Justices.

This action will uphold the Court's legitimacy, protect the checks and balances that defend our fundamental freedoms, and ensure that every American's rights will remain protected, regardless of who holds political power.

For decades, we have heard calls from those unhappy with the ideological balance of the Supreme Court to pack the Court. The alarming rise of such calls should worry all of us because their objective is not to uphold ethical principles or even to protect individual rights but rather to consolidate power and intimidate the Court.

Our Founders understood that liberty cannot survive when power goes unchecked. They therefore built a system of checks and balances, with an independent Supreme Court serving as a critical safeguard for the rights and freedoms of every American. The Court's role is not to advance a political party's agenda but to uphold the Constitution and protect liberty even when doing so means standing apart from the passions of the moment.

At a time when our Supreme Court is facing ongoing and escalating attacks, Congress must and can act to defend it.

Mr. Speaker, I am proud to support this proposed amendment, and I urge all my colleagues to support maintaining the integrity of the United States Supreme Court.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

The floor leader offers a charming and completely self-defeating argument when he goes to the Roosevelt plan. FDR was a President, and Congress rejected his plan.

The gentleman acknowledges that Congress has changed the size of the Supreme Court seven different times, and we have also declined to change it several times.

Now, he describes what Roosevelt wanted to do as Court packing. This is Court packing on steroids. The gentleman wants to say that this President happens to like the people on the Court right now, through all of the packing and stacking and gerrymandering that has taken place in the last few years, and therefore we should freeze it, not just only for his own term but for all time. That is extraordinary.

In the meantime, they have not offered a single argument to explain why nine Justices should be the number that we constitutionalize and place in cement forever.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON), who is the ranking member of the Courts, Intellectual Property, Artificial Intelligence and the Internet Subcommittee.

Mr. JOHNSON of Georgia. Mr. Speaker, I thank the gentleman for yielding time, and I rise in opposition to this resolution.

For decades, MAGA Republicans have systematically chipped away at the impartiality of our third branch. They have already delegitimized our judiciary, yet they now stand before the American people pretending to be guardians of judicial integrity.

Today's blatant attempt to rewrite history would be laughable if the consequences were not so dangerous for our democracy, but history matters. The American people deserve to understand how we got to this moment.

To understand how we get here, we must follow both the money and the machinery behind the modern conservative legal movement.

The Roberts Court is the culmination of a decades-long crusade by Republicans to concentrate power in the

hands of the few at the expense of the many by packing the United States Supreme Court and the lower Federal courts as well.

Wealthy donors and corporate interests led by The Federalist Society spent billions of dollars to pack the judiciary with rightwing, conservative, corporate, polluting-serving judges and justices, and nowhere is the success of this decades-long Court-packing effort more visible than at the Supreme Court where a carefully curated, appointed, and conservative super-majority now delivers the conservative outcomes this movement spent billions of dollars to achieve, and achieve they did.

In the last several years, the Roberts Court opened the floodgates to unlimited dark money in our political system, empowering billionaires and oligarchs and other powerful special interests to accomplish through the Supreme Court what they can't accomplish through the legislative branch, and that is to drown out the voices of ordinary Americans.

Abraham Lincoln once said that: "This government cannot endure, permanently half slave and half free." Yet that seems to be the vision for America that Chief Justice Roberts, Justice Clarence Thomas, Justice Alito, and the other MAGA majority members on the Court believe.

Where some enjoy easy access to the ballot box while others are forced to overcome legal barriers, this is not America. They want to make it such that the voices of those who look like Justice Thomas are quieter.

Our Nation is now in Jim Crow 2.0. We are a nation where the right to vote can, once again, be diluted, restricted, or simply ignored and where the voices of rich and powerful people carry more weight than the voice of ordinary Americans; but, particularly, Americans who look like Clarence Thomas, who no longer have the equal opportunity to elect the Representatives of their choice.

The American people deserve a judiciary that serves our democracy, not a narrow ideological agenda that only benefits the rich and powerful.

Mr. Speaker, I oppose this resolution. Mr. BIGGS of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do think it is a charming and quaint argument to say that President Trump has packed the Court.

Here are some patterns that you need to know just from the last term alone: 50 percent of the cases decided were decided unanimously. That doesn't sound like a packed Court, and only 5 of 57 cases, just 8 percent, were decided 6-3 with six Republican appointees on one side and three Democrats on the other. Ninety percent of the 57 cases were decided with at least one liberal Justice in the majority, 90 percent.

The three liberal Justices voted together in fewer than one-quarter of the nine unanimous cases. That doesn't

sound like packing. That sounds like a lot of thoughtful folks on the United States Supreme Court rendering decisions they believe in and they believe comprise constitutional opinion.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. JORDAN), who is the chairman of the Judiciary Committee.

Mr. JORDAN. Mr. Speaker, I thank the gentleman for yielding time.

It is planned, and it is orchestrated. The Democrats' systematic attack on the independence of the Court has been going on now for several years, and it started right where the sponsor of the legislation read from first, when he said that Senator CHUCK SCHUMER said: "I want to tell you, Gorsuch; I want to tell you, Kavanaugh; you have released the whirlwind, and you will pay the price."

Guess where he said that, Mr. Speaker, the top Democrat in the government at the time, where did he say that?

It was on the steps of the United States Supreme Court.

Then, of course, 1 year later, Democrats—not just any Democrats, the chairman of the House Judiciary Committee—introduced the bill to go from 9 to 13, the Court-packing bill.

Why did they want to add four?

Why not one? Why not two? Why not three? Why four?

It is because they want to take the Court from a 6-3 conservative majority Court to a 7-6 liberal Court. It is all planned.

Then, of course, we had the systematic attacks on two Justices in particular, Justice Alito and Justice Thomas. They even had a hearing in the Judiciary Committee where they brought in the guy who was demonstrated to be a liar when he was trying to say that Justice Alito was involved in leaking an opinion. That was total garbage.

Then, of course, we had the real leak, the Dobbs leak, on May 2, 2022.

What happened after that?

Mr. Speaker, 150 churches and crisis pregnancy centers around the country were attacked, not to mention the planned assassination attempt on Justice Kavanaugh in the aftermath of that leaked decision.

This whole systematic, orchestrated, and planned attack on the independence of one of the separate but equal branches of our government is serious stuff.

Then, of course, we now have the Democratic Socialists of America who want to get rid of the Court. They want to get rid of the Senate, and they want to replace the President. This is their party, the once great party. We mentioned FDR in this context, but in the broader context, the once great party of FDR and JFK is now controlled and is now anti-Israel, socialist, and all kinds of crazy ideas that go to the heart of what our country is about and our Constitution.

□ 1300

This is a good piece of legislation. Maybe this is a question these guys want to answer, Mr. Speaker. Maybe they want to answer some of these questions. Do they support replacing the Presidency? Do they support replacing the Court? Do they support abolishing the United States Senate? That would be an interesting question for the folks on the other side. We know they want to pack the Court. Do they agree with the Democratic Socialists who want to abolish the Court?

I thank the gentleman and also one of our other colleagues, Mr. JOHNSON from South Dakota, who has worked on this legislation for a long, long time. This is important. This is important because we know where they want to go.

We should remember when the Democratic Socialist Mamdani was sworn in as mayor of our largest city 9 months and 2 days ago, he said: "I was elected as a Democratic Socialist, and I will govern as a Democratic Socialist." These are their principles.

Does my friend and colleague, Mr. Speaker, on the other side, controlling the time, the law professor, does he agree with what the Democratic Socialists are saying? That would be an important question for this body to understand.

Mr. Speaker, I thank the guys who sponsored this legislation.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will try to answer the interesting questions raised by my distinguished colleague, Mr. JORDAN, in seriatim.

First of all, anything that we do to try to improve the fortunes and the well-being of the American people, our colleagues call socialist. They call Social Security, Medicare, and Medicaid socialist. That is just water off our back.

The President talks about communists. The only communists on Earth today are his best friends and his role models, like Kim Jong-un, who he writes love letters to, and President Xi, who he has praised more than two dozen times in public.

How about Vladimir Putin, who he follows around like a puppy dog? Vladimir Putin was head of the KGB. If there is a problem with communism, it is over on that side of the aisle.

The gentleman legitimately asked the question: Why did the former chair of the Judiciary Committee, Mr. NADLER, advocate for an increase of four seats on the Supreme Court—which we are not debating today? What we are debating is whether Congress should have the power to do anything, to increase or reduce the size. He asked about that. It is a legitimate question. I will tell you exactly why.

The gentleman may be unfamiliar with the history here, but Congress has traditionally linked the number of Justices on the Court to the number of Federal circuits. We have 13 Federal

circuits. His proposal was to go from 9 to 13.

Even the gentleman's beloved Ninth Circuit—which I think he is supposed to be representing in some sense—would be represented on the Supreme Court. We could have one Justice from each Federal circuit. That is what circuit riding was all about. You don't need some conspiracy theory to explain it. He was very overt about why he wanted to go from 9 to 13, which we could discuss another day.

Here the question is whether we should nullify, obviate, and destroy our own power to decide who should be on the Court. Still, the gentleman has not offered one single argument explaining why the number nine should be magic other than it cements into place all the decisions of this rightwing Roberts Court.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCANLON), the distinguished ranking member of the Subcommittee on the Constitution and Limited Government.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Ms. SCANLON. Mr. Speaker, as ranking member of the Judiciary Subcommittee on the Constitution and Limited Government, I am here to emphasize that this proposed constitutional amendment would undermine our system of checks and balances and fly in the face of the Founders' wisdom.

I think it would be a grave mistake to dictate how many Justices should sit on the Supreme Court in perpetuity and, thereby, lock in for a generation, or more, a rightwing majority, which has engaged in an unprecedented assault on Supreme Court norms and our constitutional order.

For the past several years, in the wake of the Court packing that occurred during the first Trump administration and under the Senate leadership of MITCH MCCONNELL, constituents have called for Supreme Court reform at every townhall that I have held.

Those calls have grown louder in the wake of each decision that has lessened our individual rights and liberties or enabled the administration to avoid accountability or overrule the powers and duties reserved to the American people through their Representatives in Congress and in the ethical lapses of the Court's own members.

People are paying attention. They are demanding a Court that is more responsive to we the people than to an administration that is beholden to special interests and oligarchs.

The American public, the Founders, and the Constitution demand more than a misguided constitutional amendment that would permanently tie Congress' hands by capping the number of Justices, especially when there are more pragmatic solutions that have not yet received due consideration.

Mr. Speaker, I strongly urge my colleagues to reject this measure.

Mr. BIGGS of Arizona. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. NORMAN).

Mr. NORMAN. Mr. Speaker, I rise in support of Mr. BIGGS' constitutional amendment.

As Congressman JORDAN mentioned, this is serious business. Just like it is serious business about what the other party did on letting 20 to who knows illegals in this country to create a power base. That is who you are going to have to answer to, the public. That is who this country is paying for now. The 20 to 30, who knows, illegals in this country.

Why don't you pass the SAVE Act, which is just a verification that you are an American citizen to vote? This is following a dangerous path, and I am glad the citizens are finally showing up to recognize the problem that we have with this.

Just the other day, my Democratic colleague JIM CLYBURN said he wants to pack the Court with 13 Justices. I couldn't disagree more. South Carolina doesn't need a baker's dozen of Supreme Court Justices. We need politicians to respect the independence of the nine that we already have.

Court packing was a bad idea when FDR tried it in 1937. It is a bad idea today. Even members of his own party pushed back against this scheme. FDR wanted to reshape the Supreme Court that was standing in the way of his agenda. The same principle is at work here today: When you don't like the ruling, change the Court.

The Constitution does not guarantee either party the Supreme Court decisions it wants. Losing a case is not justification for adding Justices. Thirteen is not some magic number. Once politicians start changing the size of the Court to get favorable rulings, there is no logical stopping point. Today it is 13. Tomorrow it could be 17 and then 21. That would turn the Supreme Court into just another political arm of Congress.

Mr. Speaker, you don't protect democracy by changing the rules every time you lose. You protect it by respecting our institutions, even when you disagree with the outcomes. The answer is to take Court packing off the table permanently, which is why I support this.

Mr. BIGGS of Arizona. Mr. Speaker, I yield an additional 30 seconds to the gentleman from South Carolina (Mr. NORMAN).

Mr. NORMAN. Mr. Speaker, I thank Mr. BIGGS for bringing this amendment up. The fact that we are having to debate this and fight what this leftwing socialist group is trying to do to this country is serious.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

By "leftwing socialist group," I assume the gentleman is referring to the Framers of the Constitution. It is the Framers who set up the system. They are trying to overthrow the system that the Framers created. The Framers

gave Congress the power to control the number of Justices on the Court.

Where does the number nine come from? I still await a single positive argument for why we should inscribe into law forever the number nine as the number of Justices we should have and nullify the power that the Framers of the Constitution and the Founders of the country gave to us.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New Mexico (Ms. STANSBURY).

Ms. STANSBURY. Mr. Speaker, today, the GOP is proposing a constitutional amendment to lock in the current conservative Supreme Court. In fact, it would take away the power of this Congress to reform the Court.

The question is why? Who asked them to do this? Where did this proposal come from? Why are Republicans arguing that they have to protect the Court from reform?

This is a Court that has, under this conservative majority, undermined democracy, undermined our rights, and undermined the system of checks and balances that make this country great. These reforms would bring equity, fairness, and ethics to the Court.

Why are my colleagues across the aisle bringing this constitutional amendment? It is clear in the debate here on the floor itself that they don't even know how many Justices are currently sitting. In fact, my colleague across the aisle just claimed that there are currently 13 Justices sitting on the Court.

What is this? Political theater? Is this what you plan to run on because you don't actually have an agenda to run on this election cycle?

□ 1310

Because you have decimated the economy, because you have an unending war in the Middle East, and because Americans can't afford their healthcare, their housing, and putting food on the table and a roof over their head, I am a hell no on this resolution, and I will vote "no."

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will add to the remarks of the distinguished gentlewoman, this point: It is interesting that our colleagues suddenly want to dabble in constitutional amendment politics. Nobody is crying out for this, as my colleagues have argued, but you know what people want by 85 percent? People want the equal rights amendment. Where is the Republican Party on that? They used to support it.

Three-quarters of Americans, more than 75 percent, want to overturn Citizens United by a constitutional amendment, which transformed every corporate treasury in America into a dark money political slush fund. We want to get rid of that. How come they are not here today on that?

How about a constitutional amendment on the right to vote or abolishing the electoral college and giving us a

national vote for President? We have commanding popular majorities that want all those things.

Yet, they come forward with a constitutional amendment no one is talking about where you need two-thirds of the House, two-thirds of the Senate, and three-quarters of the States. You can measure the sincerity of this whole proposal by virtue of the fact that there is no national movement for it in any way.

This is, again, another little bone that is chucked over toward the White House to show them that they want to freeze into place the vanishing power of Donald Trump.

Mr. Speaker, I reserve the balance of my time.

Mr. BIGGS of Arizona. Mr. Speaker, I get a kick out of their arguing about following the constitutional tradition and talking about using the constitutional system. That is exactly what we are doing. We are using the constitutional system. This is not the first time this has been offered. This has been used multiple times.

Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota (Mr. JOHNSON).

Mr. JOHNSON of South Dakota. Mr. Speaker, I thank the gentleman from Arizona for yielding.

Mr. Speaker, today's debate has convinced me more than ever that we need to cap the number of Supreme Court Justices at nine.

Now, for the last 5 years, I have been a leader in this push to keep the nine, and I am thrilled we are taking this measure up today.

In Washington, we have a habit of weaponizing everything for political advantage. Seemingly no norm is safe, and indeed prominent leaders on the other side of the aisle have promised us that they will pack the Court with four more Supreme Court Justices when they regain power.

Now, the size of the Supreme Court should not be an arms race. It should not swell after an election to be able to grab some additional political power. That is the stuff of banana republics and authoritarian regimes.

By the way, I am not making that up. You can look across the globe in recent history and you can see Hungary increasing their court to 15. You can see Türkiye increasing their court to 17. You can see Venezuela increasing their court to an eye-watering 32 justices in the pursuit of political power.

This is not a theoretical threat. Let's look to history.

For 150 years, nine Supreme Court Justices have served us well. The gentleman from Maryland indicates that there is no possible reason that somebody could support nine as the right number. Actually, Supreme Court Justices support nine as the number. They think that is the right size of the Court to have a collaborative, deliberative, functional Court. That is the Goldilocks spot, and it is not just conservative Justices who say it. Retired

liberal Justice Stephen Breyer said nine was the right number, and Ruth Bader Ginsburg, before her death, said nine was the right number.

They are joined by thousands of legal minds across the political spectrum. That, the gentleman from Maryland should know, is the right reason to set nine.

Today, we have an opportunity, Mr. Speaker, to heed those bipartisan calls, to remove a weapon in the hands of partisans, to defend and to protect a longstanding judicial norm, and to place the number of Supreme Court Justices as nine in our Constitution.

Mr. Speaker, I support the measure before us today. Let's keep the nine.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman quotes me as having said that I said there was no possible reason that someone would want nine. No, I didn't say that at all.

I think there might be a number of reasons. One very clear one is they want to freeze into place the majority they have in the Court right now, a majority that was created by the most suspect political maneuvers on the Senate side. The gentleman would like to lionize the number nine and place it in cement.

Why wasn't it nine when Senator McConnell blocked any confirmation or vote on a replacement for Justice Scalia after he died? He kept it at eight for an entire year in order to get to the next administration so they could put Justice Gorsuch in instead of my constituent, Merrick Garland, who is one of the most talented people ever nominated to the Supreme Court. He was the chief judge of the D.C. Circuit, and they kept him off. Eight was fine with them then. Now, they want to go to nine because President Trump likes it just fine.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. MENEFFEE).

Mr. MENEFFEE. Mr. Speaker, I rise in opposition to this constitutional amendment that would lock the number of Supreme Court Justices at nine.

The more I listen to this debate, the more it is abundantly clear to me that my colleagues on the other side of the aisle have no desire to use the power that was given to us under the Constitution.

When President Trump starts a war in Iran, they refuse to pass a War Powers Resolution.

Now I am hearing an argument that we should lock the number at nine because that is what the Supreme Court wants, but that is not how the Constitution works.

The Constitution says that it is Congress that has the power to set the size of the Supreme Court. It is our call, and this has happened multiple times in the history of this country.

Ask yourself, why would my colleagues on the other side of the aisle want to give that power away? Because they want to lock in this Supreme Court—this Supreme Court that has

gutted voting rights, this Supreme Court that has taken away a woman's right to choose, and this Supreme Court where Justices take secret gifts and private jets and answer to absolutely nobody.

Americans are asking for something in the Supreme Court. They are asking for reform. They want to see ethics reform. They want to see term limits. They want to see a Supreme Court that reflects the American people and not just the few, a small group of elites.

Congress should be using its power, not giving it away.

Mr. Speaker, I urge my colleagues to vote "no."

Mr. BIGGS of Arizona. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wyoming (Ms. HAGEMAN).

Ms. HAGEMAN. Mr. Speaker, I rise today in strong support of H.J. Res. 1, proposing a constitutional amendment to maintain nine Justices on the United States Supreme Court.

The composition of the Supreme Court has consistently been maintained at nine members for over 150 years, a period of time during which the Court issued some of its most important constitutional jurisprudence.

Throughout these years, and as the Founders intended, the Court has served as a vital check on government power, blocking those actions that violate the Constitution and threaten individual liberty. We must remember that the Supreme Court is the final arbiter of all cases and controversies arising under the Constitution.

In recent years, however, and as the Supreme Court has correctly returned to its originalist roots, there are many on the left who have sought to politicize the Court. They justify their actions not because the Court's decisions do not fully comport with the Constitution but because such decisions undermine the leftist views of the world and the radical agenda as described repeatedly today by those on the other side.

Their solution to losing these constitutional legal arguments isn't to seek to change the law but to attack the Supreme Court and threaten to pack it with judicial advocates.

They thus seek to upend and eradicate 150 years of precedent to further their political agenda, an agenda that they have been unable to pursue through the legislative process.

We know their agenda is both unwise and unpopular amongst the American people and will only serve to politicize a body that was always meant to be independent and impartial. Calls for packing the Supreme Court, whether it be from FDR over half a century ago or from elected Democrat officials in the 21st century, are designed to do one of two things: threaten and hold the Court hostage to control its decisions or to load it with political actors so as to change its nature entirely.

Members of this body and the American public at large should recall that when one branch of government consumes another and controls its functions, the Republic ceases to exist and

we descend into a state of tyranny, which is what the Democrats are seeking and especially the Democratic Socialists of America.

Mr. Speaker, I thank Representative BIGGS and Chairman JORDAN for their leadership on this legislation, and I urge all of my colleagues to support H.J. Res. 1.

□ 1320

Mr. BIGGS of Arizona. Mr. Speaker, I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, quickly, just as Congress has exercised its authority seven different times to reduce the size of the Court or increase the size of the Court according to appropriate historical circumstances, it has rejected numerous proposals to do that, including in the famed Court-Packing Plan.

I don't know why our colleagues insist on thinking that FDR's field proposal is somehow an argument for giving our power away. We exercised our power properly in that moment.

The gentlewoman from Wyoming refers to the Democratic political program. I am not sure what she is referring to, but it is certainly the opposite of the GOP political program of endless war, inflation, corruption, illegal tariffs, and billion-dollar ballrooms.

Mr. Speaker, I reserve the balance of my time.

Mr. BIGGS of Arizona. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Colorado (Ms. BOEBERT).

Ms. BOEBERT. Mr. Speaker, I thank the gentleman from Arizona (Mr. BIGGS) for yielding me time.

Mr. Speaker, I rise today in defense of the judicial branch of the United States Government.

The Supreme Court of the United States is not a partisan prize to be captured. It is an independent branch of our government, and it must remain impartial.

My colleague's amendment to limit the Supreme Court to nine Justices preserves judicial fairness, ensures unbiased decisionmaking, and upholds the constitutional duties of our Nation's highest court.

Some on the left have advocated for expanding the Court to 13 Justices, paving the way for the majority of left-wing ideologues to sit on the Supreme Court under future Presidential administrations.

We cannot simply change the rules because one side thinks that they are not getting their way enough. That is not how a constitutional republic works, Mr. Speaker. This is what happens in the Third World, and it cannot happen here in America.

Democratic Socialists, kind of an oxymoron, are on the rise, and they want to pack the Court so they can impose an agenda the American people never voted for.

Look at what happened yesterday. Democrats could not even vote against socialism because their own party is

overrun by self-proclaimed socialists. We already saw what the far left did under Joe Biden by opening our borders. Just imagine what they would do with a court packed with DSA judges.

The proposed expansion of the Supreme Court is not about faithfully interpreting the laws of the United States and the Constitution. Rather, the expansion would support a radical leftist agenda, repugnant to the ideas in equality, liberty, and impartial justice under the law of our Founding Fathers.

Mr. Speaker, I urge adoption.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am moved by the remarks of the distinguished gentlewoman from Colorado. It seems to me if it doesn't make money for the Trump family, they call it socialist. That is interesting, especially when it is President Trump who is taking large pieces out of American corporations, like Intel. No other American President has done anything like that. He is, obviously, the state socialist and hanging around and palling around with every communist dictator on Earth.

Again, we have not heard a single positive argument for why we should cement for all time nine as the number of Justices on the Supreme Court. I am beginning to conclude that there simply is no argument.

Mr. Speaker, I reserve the balance of my time.

Mr. BIGGS of Arizona. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. SCHMIDT).

Mr. SCHMIDT. Mr. Speaker, you will hear from advocates of Court expansion that the Court is a mere rubber stamp for Trump. This is a Court that defied Trump's efforts to overturn the 2020 election, to deport people without a hearing, to send troops to Chicago, to use emergency powers to impose tariffs, and to revoke birthright citizenship by executive order.

Some of my colleagues on both sides may be surprised that I just uttered those words, but those are not my words. Those are the words of three of my former colleagues, three former State Democratic attorneys general, who strongly support the Keep Nine Amendment and disagree with my friends on the other side: Chris Gorman from Kentucky, Steve Rosenthal, and Tony Troy from Virginia.

Mr. Speaker, it is sad that until this Congress, this was a bipartisan issue. It wasn't a Republican issue. It wasn't a Democratic issue.

Back when I served my State as attorney general in 2020, I wrote to the then-sponsors of this measure in this body and expressed my support for it, and it was a Republican from Virginia and a Democrat from Minnesota.

Mr. Speaker, I include both of these statements and letters in the RECORD at this point.

STATE OF KANSAS,
OFFICE OF THE ATTORNEY GENERAL,
Topeka, KS, October 16, 2020.

Hon. COLLIN PETERSON,
Washington, DC.

Hon. DENVER RIGGLEMAN,
Washington, DC.

DEAR CONGRESSMEN PETERSON AND RIGGLEMAN: I write in support of your proposed House Joint Resolution 95, which proposes to amend our United States Constitution to fix at nine the number of Justices on the Supreme Court of the United States. I commend you for your bipartisan leadership on this matter, the importance of which is apparent in light of recent calls for Congress to "pack the court" by amending statutes to add additional justices if the perceived balance among current justices tips in a manner disfavored by some.

Your proposed amendment is simple and self-explanatory. It would add the following thirteen words to our Constitution: "The Supreme Court of the United States shall be composed of nine justices." If proposed by the requisite two-third majority of both houses of Congress and timely ratified by three-fourths of the state legislatures, this amendment would remove from the Congress authority to increase or decrease the number of justices on the Supreme Court in response to political pressures. The passions of the moment must not be allowed to undermine the independence of our Supreme Court.

The need could not be greater. Twice in the past century—once in 1937 and again today—cries to "pack the court" by adding more justices for the purpose of diluting the influence of those already seated have risen to the fore of our nation's public discussion. The intent and effect of those cries have been to challenge the Supreme Court's independence in exercising judgment in cases and controversies before it. For the past 150 years, no other justification or need for altering the number of justices has gained attention, demonstrating that fixing the number of justices at nine, as is currently the case, is administratively and legally suitable. As the late Justice Ruth Bader Ginsburg famously said just over a year ago, "Nine seems to be a good number."

Our Constitution already provides mechanisms for public and political considerations to influence the composition of the Supreme Court over time—namely, the processes by which Americans elect a President and United States Senators and by which the President, with the advice and consent of the Senate, appoints justices when vacancies arise. Other provisions of our Constitution, such as the granting of lifetime tenure to justices during good behavior, are designed to ensure the independence of the judiciary. So too is your proposal.

By removing from Congress the ability to pack the court with additional justices in response to political pressures—regardless of whether those pressures come from the political left, the political right, or elsewhere—your proposed amendment would reinforce our long and proud American tradition of an independent judiciary that, as Alexander Hamilton put it in Federalist 78, "ha[s] neither FORCE nor WILL, but merely judgment." I commend you for bringing this measure forward and for your bipartisan cooperation in proposing it. I hope the House of Representatives and the Senate will see fit to advance it for consideration by the state legislatures so the American people, through the constitutional amendment process, can decide for themselves whether threats of court packing should remain an option available to Congress. I, for one, think it should not.

If I may be of assistance in your efforts, please let me know.

Sincerely,

DEREK SCHMIDT,
Kansas Attorney General.

THE KEEP NINE COALITION.

DEAR REPRESENTATIVE: As former state Attorneys General who served as Democrats, we write to urge you to protect democracy and the rule of law from authoritarians who would undermine both. We urge you to vote for the proposed "Keep 9" Constitutional Amendment, H.J. Res 1.

The "Keep 9" Amendment was first introduced in Congress in 2020 by a Democrat, Collin Peterson of Minnesota.

The Amendment would preserve an independent Supreme Court and take away the power of politicians from either party to manipulate the number of 9 Supreme Court Justices.

It simply states "The Supreme Court of the United States shall be composed of nine Justices consisting of one Chief Justice and eight associate justices."

If one political party expands the size of the Court to exert control, another party will one day retaliate by expanding the Court again, paving the path for a future authoritarian to make the Court a rubber stamp for the abuse of power.

The Supreme Court cannot remain independent if politicians can manipulate the size of the Court for political advantage.

You will hear from advocates of Court expansion that recent Court decisions restricting abortion and voting rights require expanding the size of the Court. That is simply not true.

If Democrats win control of Congress and the White House, they will have the power to enact legislation to strengthen voting and abortion rights and to curb the future abuse of executive power, without undermining the independence of the Supreme Court.

You will hear from advocates of Court expansion that the Court is a mere rubber stamp for Trump. But this is a Court that defied Trump's efforts to overturn the 2020 election, to deport people without a hearing, to send troops to Chicago, to use emergency powers to impose tariffs, and to revoke birthright citizenship by executive order.

We must preserve an independent Court to ensure that no would-be authoritarian President can ever run for a third term, seize voting machines and recount the votes, or cancel the licenses of broadcasters who criticize the ruling party.

You will hear from advocates of Court expansion that Republicans have already packed the Court, but although Republicans did manipulate the confirmation process, they did not undermine the independence of the Court by altering its size. Democrats must not make this mistake.

The challenge for Democrats in 2026 and 2028 is to win elections and end MAGA control of Congress and the White House.

It will be far easier for Democrats to win over the swing voters who will decide the outcome of these elections if Republicans cannot brand Democrats as the party that wants to pack the Supreme Court. Every Democrat who votes for the Keep 9 Amendment helps to increase the chances of victory for Democrats in close elections.

You, as a Democrat in Congress, have the opportunity right now to go on record for the preservation of an independent Supreme Court that will stand up to authoritarians who abuse power.

You have the power to help build a bipartisan coalition that can take away from Trump and from future authoritarians perhaps their most dangerous power: the power to transform a Court that checks the abuse of power into one that enables that abuse.

We urge you to vote for the "Keep 9" Amendment to preserve an independent Court that protects democracy, the rule of law, and every one of our Constitutional rights as Americans.

Sincerely,

CHRIS GORMAN,
Former Attorney General of Kentucky.

STEVE ROSENTHAL,
Former Attorney General of Virginia.

TONY TROY,
Former Attorney General of Virginia.

THE KEEP NINE COALITION,
To Preserve An Independent Supreme Court.

Mr. SCHMIDT. Mr. Speaker, I have long supported the Keep Nine Amendment because I think it is the right thing to do for our Republic.

As has been stated here many times in today's somewhat jovial but I think very serious debate, turning the Supreme Court into a political football, whose size is expanded first by Republicans, then by Democrats, whoever has the political will and whoever is aggrieved at the moment will undermine that Court's ability to perform its unique and critical constitutional function.

For all of the distress that my friends on the other side have right now in their complaints about the Court, I assure this body those will be magnified manyfold if we allow ourselves to get into a bidding war over the size of the institution across the street.

Mr. Speaker, I have sat there seven times at counsel table. I have argued three causes. I have second-chaired four others—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BIGGS of Arizona. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Kansas.

Mr. SCHMIDT. I will tell you that sometimes I like how the court rules, behaves, and questions. Sometimes I don't like it. I have been on the winning end. I have been on the losing end, but neither of those is a justification to attack the institution itself.

My friend asks why nine and why would we give up our power? And the answer to that is we are not giving up our power because it is not within our power to do so. We are asking the people of this country, through the process that the Constitution establishes, whether they want to restrict our power and protect their Court at nine.

We should say "yes," and I urge my colleagues to support H.J. Res. 1.

Mr. BIGGS of Arizona. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Arizona has 5 minutes remaining.

Mr. RASKIN. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Maryland has 5½ minutes remaining.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, finally, a serious argument. I thank the distinguished gentleman, the former attorney general of Kansas, for responding.

First of all, he describes this as the Keep Nine Amendment. If you want to keep at nine, you don't need a constitutional amendment. You just make that argument in Congress, just like people argued in prior centuries to keep it at ten or keep it at six or let's move to seven, so we don't need to freeze it into the Constitution.

Secondly, he says that this should be a bipartisan issue. It should not be partisan. Agreed. We should have a bipartisan commitment to the handiwork of the Framers. It is in the Constitution that it is up to Congress. Yet, the gentleman leaves us by saying: Well, we are actually going to turn it over to the people to decide whether to revoke this power that the Framers invested in Congress.

Of course, that is what it would mean to amend the Constitution. Why would we want to do that? We have dealt with this in a responsible way throughout American history. We are suspicious that our colleagues first gave away the war power to the President.

Then they give away the spending power by letting him just abolish entire agencies and entities, like the Consumer Financial Protection Bureau, USAID, and the Department of Education.

Then they give the President the power over tariffs, which we have because we have the power to regulate commerce domestically and internationally, and he imposed the largest tax in American history unilaterally. That is what a tariff is. It is not a tax on China or any other country. It is a tax on our businesses and our people.

Now we are in a trade war with Canada. If you travel to the north of Michigan in the Upper Peninsula, you go to the Boundary Waters of Minnesota, you go to the Adirondacks in New York, the small businesses are crying out for help because Canadians are boycotting us because of the whimsical, irrational, and deranged trade policies of this administration.

We have real problems to deal with. We don't really need to be giving away the powers of Congress and upsetting the proper balance of powers that was set by the Framers originally.

Mr. Speaker, I reserve the balance of my time.

Mr. BIGGS of Arizona. Mr. Speaker, I am prepared to close and reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, one still searches in vain for a single justification for why we would surrender and abdicate yet another power that Congress has in the Constitution, this time freezing it into the cement of constitutional architecture for all time, that there will be nine Justices.

Mr. Speaker, they haven't even explained what that means. For example, let's say another Senate decides to do what MITCH MCCONNELL did and hold a seat open for a year. Now that we have written a number into the Constitution for the first time, does that mean that the Supreme Court can't meet or can't vote? It is a serious question.

□ 1330

In other words, can the Supreme Court not operate if it doesn't meet the magic number of nine? They haven't told us, which shows this is just frivolous political confetti that is being thrown into the air. It is not an attempt to really think through the powers of Congress, the powers of the Court, and so on.

My friend from Kansas said that the Court shouldn't be a political football, and I agree with him about that because there are important things entrusted to the Court, like the freedom of speech, the freedom of the press, and due process, all things under attack by this administration.

Their gerrymandered Supreme Court, well, they have done all right sometimes, not as good as the district courts and the appeals courts have done. We have won more than 80 percent of the cases against President Trump in those courts, which is why they have been calling for the impeachment of judges, including Republican-appointed judges like Judge Boasberg, who was appointed by President Bush. They have called for his impeachment. That is making a political football out of it.

We have had colleagues who have put up posters to impeach this judge and impeach that judge. They wanted to have a hearing about it in the Judiciary Committee, where they are talking about it. That is making a political football about it.

I think we can all be intellectually honest. We know after *Brown v. Board*, the right-wingers, the anti-integrationists said to impeach Earl Warren, and the Republican platform for decades had language attacking the Supreme Court for *Roe v. Wade*.

People have a right on all sides of the political spectrum to express what they feel about the Supreme Court, but why suddenly should we amend the Constitution of the United States to revoke our own powers simply because President Trump happens to like this Supreme Court and they voted for his immunity from felony crimes committed while in office, the so-called textualists and the so-called originalists.

Where do you see in the Constitution anything about the President having immunity? When the Framers wanted to write immunity into the Constitution, they did it, like through the Speech and Debate Clause for Members of Congress. Maybe that is what they are going to want to give up next, the Speech and Debate Clause protecting us from prosecution by the executive

branch for saying things that he doesn't like.

That is not in the original Constitution. The President has it, but they made it up. Where did that come from? The stork brought it. They invented it.

They call themselves originalists. It wasn't in the *Federalist Papers*. It wasn't in the original Constitutional Convention records. It is not in any of the ratified convention records. Where did that doctrine come from? They made it up.

Mr. Speaker, we all can argue about what the Supreme Court does, but nobody yet has made a single satisfactory argument about why we should freeze, for the first time in American history, the number of Justices at nine when it has always been up to the Representatives of the people in the House and the Senate.

Let me just close on that thought. The Senate already gets some say over the Supreme Court by rendering the power of advice and consent. The only power we have is the power they want to give up.

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

Mr. BIGGS of Arizona. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I appreciate the consternation my colleague across the aisle has when he says that he hasn't found any arguments persuasive.

Let me tell you something: He would never find any of these arguments persuasive because he wants to pack the Court. His very argument is that if you pass a constitutional amendment, you can never change the Constitution. It is absolutely one of the most specious arguments I have heard because if you amend the Constitution, guess what. Does that mean that that amendment itself, that you have brought in, can never be amended again? No, because the system is clear, the system that he has been arguing against this entire time. The system, the Constitution itself, allows us to say to the American people: We would like to amend the Constitution. We are going to give it to you. We think this should be done.

Mr. Speaker, that is really what we are talking about here. We are talking about this failure to appreciate the position that they sit in. They say that this whole thing, quite frankly, has been about Donald Trump. That is what their whole argument against this has been.

Oh, they passed this immunity clause. Where did that come from? Well, maybe *stare decisis*. That is what they argue. That is where the Court is. Take a peek at that. Yes, go back and read it. You will enjoy it.

Here is the deal. They sit right now upset over a few decisions that this Supreme Court has made. They cannot accept that you have probably three conservatives, three liberals, and three in the middle. That is where the Court sits today.

An amendment freezing this at nine, first of all, doesn't mean that you can

never amend it again, but it also doesn't mean that these are going to be the same nine in perpetuity for eternity.

They want to set aside a tradition that has been in place for over 150 years.

They make this argument regarding the circuits. Guess what. Those circuits have changed and changed, but oddly enough, we have kept it at nine. Instead, they want to negate and have ignored what their personnel have said for the last few years, ever since Donald J. Trump was reelected, ever since you put some new people on the Court, even though, as we take a look, they are winning cases against this administration.

Yet, they say that we have to take and expand this so we can get to 13. That is what they want. Why do they want it? It is because they want to make it progressive. They want to turn the Court around. They want to change its ideological principles or what they perceive to be ideological principles.

That is what they want. They want to pack the Court. That is what packing is. It is where you put a number there. That is why Stephen Breyer said and that is why Ruth Bader Ginsburg said, no, don't do that.

Justice Breyer said that if you do that and it is 13 next time, does it become 21 after that, or 50, or where does it end, because it becomes a political arms race at the Supreme Court.

We are saying not to get into a political arms race. Let's make it permanently nine. Let's give it to the voters. That is a rational thing. It will never be persuasive to these folks, and that is too bad because guess what. This has been comfortable. The Biden administration was comfortable with nine.

This particular provision was proposed in the 116th Congress, in the 118th Congress, and now again in the 119th Congress. It didn't matter whether there was a Republican or a Democrat in the White House. What it meant was let's make sure the Supreme Court is protected from those who want to change it ideologically. That is where they are. That is why everyone should be supporting this particular amendment.

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

The SPEAKER pro tempore (Mr. NEWHOUSE). The question is on the motion offered by the gentleman from Arizona (Mr. BIGGS) that the House suspend the rules and pass the joint resolution, H.J. Res. 1.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RASKIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1340

PROTECTING DOMESTIC MINING ACT OF 2025

Mr. WESTERMAN. Mr. Speaker, pursuant to House Resolution 1499, I call up the bill (H.R. 1501) to amend the FAST Act to include certain mineral production activities as a covered project, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1499, the amendment in the nature of a substitute recommended by the Committee on Natural Resources printed in the bill is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Domestic Mining Act of 2025”.

SEC. 2. DEFINITION OF COVERED PROJECT.

Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended by inserting “mining, mineral processing,” before “or any other sector”.

SEC. 3. PROHIBITION AGAINST FINALIZING, IMPLEMENTING, OR ENFORCING PROPOSED RULE RELATED TO SCOPE OF MINING UNDER FAST ACT.

The Federal Permitting Improvement Steering Council may not finalize, implement, administer, or enforce the proposed rule titled “Revising Scope of the Mining Sector of Projects That Are Eligible for Coverage Under Title 41 of the Fixing America’s Surface Transportation Act” (88 Fed. Reg. 65350; September 22, 2023).

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and the ranking minority member of the Committee on Natural Resources or their respective designees.

The gentleman from Arkansas (Mr. WESTERMAN) and the gentleman from California (Mr. HUFFMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. WESTERMAN).

GENERAL LEAVE

Mr. WESTERMAN. 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 H.R. 1501.

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

There was no objection.

Mr. WESTERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1501, the Protecting Domestic Mining Act of 2025, which extends FAST-41 eligibility to mining and mineral processing projects.

I thank my colleague Representative JEFFERSON SHREVE for introducing this important piece of legislation, which

will bring much-needed efficiency and transparency to our domestic mining permitting process.

On average, it takes 19 years to bring a new mine into operation in the United States. Permitting delays drive up costs, halt economic growth, stifle innovation, and increase our reliance on foreign adversaries.

Since taking office, President Trump has moved swiftly to set America on a path to mineral dominance. President Trump’s March 2025 Executive Order 14241 entitled: “Immediate Measures to Increase American Mineral Production” identified mining as a priority for national security and directed the Permitting Council to publish additional mining projects to its FAST-41 dashboard.

Under this administration, the Permitting Council has published 60 additional mining projects on the FAST-41 dashboard. Mr. Speaker, 22 mining projects and counting have completed the Federal permitting process under the dashboard. I will say, yesterday that was 21. They just completed another project this morning.

This impressive record stands in stark contrast to the Biden administration, which over 4 years, did not complete a single Federal permitting process for a mining project through FAST-41.

Permitting efficiency is crucial to building critical infrastructure projects. Extending FAST-41 eligibility to mining projects would help meet our Nation’s increased demand for energy and mineral resources, and it would provide greater certainty for the domestic mining industry.

It is not enough to just mine here at home. Our country also needs mineral processing capabilities to secure our domestic mineral supply chain. Crucially, this bill extends FAST-41 eligibility to both mining and mineral processing projects. We must have a comprehensive mineral strategy that engages and bolsters the entire supply chain. Developing domestic processing capabilities encourages the onshoring of industrial sectors and strengthens domestic supply chains from mining to manufacturing.

H.R. 1501 would also prohibit any future administration from finalizing or implementing the Biden-era proposed rule to narrow FAST-41 coverage to only critical mineral mining projects. Narrowing FAST-41 eligibility in this manner would further increase our country’s dependence on foreign nations and adversaries for mineral production.

The U.S. Geological Survey annually publishes the “Mineral Commodity Summaries” that provide astonishing data on our net import reliance of certain minerals. The report, which is illustrated behind me, highlights our Nation’s overwhelming reliance on foreign sources of minerals, including from adversarial nations. If you look at this list, and I know the print is small, the major supplier for most of these critical minerals is China.

Mr. Speaker, we need these minerals to build a better future. We have the safest, most sophisticated, efficient, and environmentally friendly mining technology in the world, and we also have the workforce to match it. The United States should be leading the world’s mineral supply chain.

Representative SHREVE’s legislation is an important step in strengthening domestic production, securing supply chains, and ensuring that America leads the way.

I thank Representative SHREVE again for his work on this legislation. I urge all my colleagues to support the bill, and I reserve the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

It is our third day back from a 5-week recess. We have 15 days left here in Washington before the election. It should be a time that we are trying to get some real work done, but instead of doing that, instead of doing a single thing to help our constituents who are struggling under skyrocketing costs of groceries, gas, and electricity bills, Republicans are scraping the bottom of the barrel to come up with any bill that their chaotic Conference can find a way to pass, and one of the surest ways, it seems, is to find a way to do another favor for the President’s friends and for foreign-owned mining conglomerates.

We could actually use some responsible, balanced mineral policy in this country to meet our needs, but, of course, that is not what we are here to do today.

We could all agree that we have been overreliant on adversaries for critical minerals for too long. As demand for these minerals grows, we should also want to strengthen our domestic and allied supply chains strategically with American security, sustainability, and human rights at the center of those efforts.

Unfortunately, this administration seems to have a different approach. They are throwing billions of taxpayers’ dollars at the projects that only seem to benefit themselves. There is a lot of money flying right now in the name of strengthening the mineral supply chain, but when you look beneath the surface, it is going to projects that will not actually help the American people.

We have seen this administration make major investments and backroom deals with mining projects with no transparency about who benefits, about what the national security rationale is, or how these decisions actually reduce our dependence on foreign adversaries.

Who is actually benefiting? The President’s sons, Secretary Lutnick’s sons, and campaign donors are all profiting off their personal investments and business ventures.

Democrats are asking questions. Unfortunately, we are not getting any help from our friends across the aisle. We are getting stonewalled.