

utilities to receive Forest Service approval for long-term transmission maintenance plans, allowing them to take immediate action to remove hazardous trees as soon as they are identified, before they cause a fire.

This is a widely supported rule by rural communities, rural electric cooperatives, and many others. It is a good bipartisan effort. Let's get it done.

THE SMITH FAMILY ACHIEVED THE AMERICAN DREAM THROUGH HARD WORK

The SPEAKER pro tempore (Mr. BERGMAN). Under the Speaker's announced policy of January 3, 2017, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

Ms. FOXX. Mr. Speaker, last month I had the privilege of meeting Lisa and Chad Smith and their charming son Jamil during a visit to Newland, North Carolina, in the Fifth District.

The Smiths are the proprietors of Forage Soaps, which began in 2014 with a \$50 purchase of supplies and a trip to the Avery County Farmers Market to sell their first batch of wild-crafted soaps made in their kitchen. Wild-crafted refers to plants collected from their natural or indigenous habitat. The Smiths handpicked these botanicals fresh from the trail with minimal environmental impact to ensure long-term sustainability.

Well, that first batch turned into a second batch and a third batch, and so on. As they continued to make soap, they bought better equipment and invested in larger orders of supplies. Word spread about their soap, and before they knew it, the Smiths were receiving invitations to attend craft and artisan shows. They were invited to put their soap in several local galleries, and it wasn't long before they were filling their first wholesale order.

Today their business includes a retail location that also functions as their studio as well as several small satellite locations and an online store. Chad works for Mountain Electric Cooperative full time, and Lisa has a master's degree in organic chemistry and biology. She has been making soap for more than 20 years.

The Smiths adopted Jamil when he was 18 months old. They were told he would never be able to speak and may never be able to walk. Today he does both and is attending school and thriving with their loving care. He even helps out with the business, where he loves to mix oils and wild-craft herbs. Their older children help with deliveries and during special events, while their grandchildren like to come on weekends to help stock shelves and run the cash register. It is truly a family affair.

Lisa likes to say she and Chad built their business one bar of soap at a time. They didn't take out business loans or expect to be an overnight suc-

cess. Instead, they started small and grew a little bit at a time, working long, hard hours, and eventually reinvesting in their business.

The Smiths are living proof that one can achieve the American Dream through hard work. It is an honor to represent them in Congress.

Mr. Speaker, I yield to the gentleman from Florida (Mr. GAETZ).

THE FLORIDA EVERGLADES

Mr. GAETZ. Mr. Speaker, I thank the gentlewoman for yielding.

I rise to speak on an issue important to so many Floridians, and that is the Florida Everglades. The Everglades are Florida. They are as iconic as the Blue Angels, the space shuttle, and even the orange. No one in Florida is unaffected by the fate of the Everglades. This is why I join my colleagues on both sides of the aisle in encouraging President Trump to remain focused on Everglades restoration.

Congress has invested in these projects before, and the Everglades ecosystem is improving as a result. But there is debate about how to proceed. In short, the question is: Should the government buy more Everglades land?

I say no. Forty-two percent of the land in south Florida is already owned by the government. We should get the government out of the real estate business, not deeper into it.

Instead of a land buy, we must finish the Comprehensive Everglades Restoration Plan. Since 2000, this plan has enjoyed bipartisan support. Taxpayer dollars go toward important environmental work. The plan respects private property rights, doesn't harm agricultural communities who play a critical role in Florida's economies, and advances the cause of restoration.

Florida's Everglades are a national treasure. We can't afford to lose them. Finishing the Comprehensive Everglades Restoration Plan will ensure that our river of grass will be around for generations to come.

Mr. Speaker, I take particular pride in thanking both Congressmen ROONEYS from my State for their outstanding leadership.

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

□ 1945

CONFIRMATION OF NEIL GORSUCH TO THE SUPREME COURT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, I am very pleased to come to the floor this evening to coanchor the Congressional Black Caucus hour about the present nominee to the Supreme Court, Neil Gorsuch.

I am very pleased that my good friend from Texas, Representative SHEILA JACKSON LEE, a distinguished

member of the Judiciary Committee, has agreed to coanchor this hour with me.

Mr. Speaker, I am chair of the working group for the Congressional Black Caucus that looks at nominees for Federal courts. So, I have buried myself in the record of Neil Gorsuch and wrote the testimony that we submitted to the Senate.

What I will do is speak for a few minutes generally about the nominee, and then I will go to my good friend from Texas. I am very pleased that another good friend, Mr. DON PAYNE, Jr., is here from the State of New Jersey, and we will hear from him as well.

Now, just as the Congress has been polarized so has the court been polarized, if you look at the liberal and conservative blocks in that way. But, of course, since the death of Supreme Court Justice Antonin Scalia, there has been a 4-4 split. Justice Anthony Kennedy, who is still a Member of the Court is not always a predictable conservative, though he tends to vote with the conservatives.

What has happened in the Senate is entirely predictable, at least today. In an unprecedented move, the Senate refused to hear from or even meet the nominee of President Obama. There was almost a full year, yet the Senate refused to take up that nominee.

What happened today was not payback. If you listened to the testimony, you would see that there are good reasons why the Senate Democrats today decided to filibuster Judge Gorsuch.

I want to begin because I am speaking for the Congressional Black Caucus with his views as they affect African-Americans and, by definition, others who depend upon the antidiscrimination laws and the Constitution of the United States.

There is more than enough in the record on race related matters from Judge Gorsuch's 10th Circuit service to oppose his nomination. But let me focus for a moment on his pre-court service, which seems to have predicted what he would do in the court of appeals.

He was a principal deputy to the principal who had jurisdiction over the Civil Rights Division. We have to pay attention to the fact that the inspector general, during Judge Gorsuch's time in the Justice Department, found that the Civil Rights Division, where he had some oversight, had been politicized in order to stifle civil rights enforcement. As you might imagine, the Congressional Black Caucus had to pay attention to that finding by a neutral investigator.

We also are very concerned about how Gorsuch is a Justice Department Official treated a Georgia election law. As we know, election laws from the South—of course, there has been a historic decision that has made the Voting Rights Act far less effective than it was—but certainly during most of the time of the Act, Southern states had to go through the Justice Department to

see if the laws in southern States, that had kept African-Americans from voting for reasons of race, to see if newly enacted laws affecting voting rights, in fact, discriminated against African-Americans and others or not.

A Georgia election law was found by the Civil Rights Division to be discriminatory. Judge Gorsuch was part of the team that overturned the Civil Rights Division. That was, of course, challenged in the courts. And the ruling of the Justice Department that precluded the law—that said it was all right to go ahead with this law that the Civil Rights Division had found discriminated against Blacks—the court overturned that finding of the Justice Department.

It used quite pregnant language. The District Court said that the Georgia election law was reminiscent of Jim Crow laws. Those words have special meaning in our history—and I speak not here about African-Americans alone. But if you have found yourself in the minority on any issue—it could be a First Amendment issue, it could be a criminal justice issue—you want a court that will protect your rights, not only the rights of the majority.

But this nominee has shown a hostility to litigation in the courts that have been the primary ways we have vindicated constitutional rights and the rights of minorities of every kind. In a telling op-ed, this nominee, Mr. Gorsuch, said: “American liberals have become addicted to the courtroom, relying on judges and lawyers rather than elected leaders and the ballot box, as the primary means of effecting their social agenda.”

What? What else was there? The majority had enforced laws against the minority—in this case, African-Americans. He conceded that *Brown v. Board of Education* the school desegregation decision. But he went on to say that liberals should “kick their addiction” to constitutional litigation. This is a man who wants to get on the Court whose most important mission is constitutional litigation.

I submit to you that even the Justice who epitomized conservatism, Justice Scalia, never showed hostility coming to Court to vindicate the rights of people who felt themselves to be offended. So in that respect, I think it is clear that—and this is a very important respect—Judge Gorsuch is more conservative than Justice Scalia was on the Court.

Nothing could be more concerning than a Justice who says: Look, the preferred way to vindicate your rights is the political process.

Who would disagree with that?

It is the failure of the political process that sends people to the court.

It shows, it seems to me, little appreciation for the Bill of Rights itself. The entire Bill of Rights is about the rights of the minority. And again, the word “minority” means any of us could be in that minority at any given point. You could be in that minority when it

comes to religious rights. You could be in that minority because of a search and seizure case. You could be in that minority because of a free speech case. And, yes, you could be in that minority because you are part of a classic minority group.

That is why the 13th, 14th, and 15th Amendments were added to the Bill of Rights. The Framers, of course, shared Gorsuch's preference for the political process. A Constitution is a, small D, democratic document. But they created a separation of powers government knowing full well that majoritarian democracy sometimes treads on the rights of minorities. That is why we have the Supreme Court of the United States which Mr. Gorsuch seeks a seat.

Mr. Speaker, before I go on to discuss some cases, I yield to the gentleman from New Jersey, (Mr. PAYNE), my good friend from New Jersey's 10th Congressional District.

Mr. PAYNE. Mr. Speaker, I appreciate the gentlewoman from the District of Columbia's leadership throughout the years on many of these issues.

Mr. Speaker, confirmation of Judge Gorsuch to the Supreme Court would be detrimental to the interests of working Americans, particularly African-Americans and other vulnerable communities.

Just as President Trump's agenda prioritizes special interests, Judge Gorsuch's record shows that he favors powerful interests and businesses over regular people. His hostility to class action lawsuits would threaten protections for workers, especially African-Americans and other minorities.

What is particularly of concern to me is Gorsuch's opinion in what is known as the “frozen trucker” case. Gorsuch ruled against an African-American truck driver who, after breaking down in freezing weather, ignored his supervisor by unhitching the broken trailer from his truck and driving away in search of assistance.

In freezing cold weather, the truck driver is nearly freezing to death. He has a truck that won't work with frozen brakes. They are telling him to move—to use the truck and drive away. If he takes his truck with frozen brakes, the harm potentially to other citizens is great. An 18-wheeler truck with no brakes, that doesn't seem logical.

Gorsuch believed that the employee should have followed the orders, even though the driver's life was at risk. Gorsuch was the sole vote against the driver, who was put in the position of having to choose between freezing to death, driving an unsafe vehicle and endangering the lives of others, or unhitching his trailer and seeking help.

□ 2000

Judge Gorsuch's record is also troubling when it comes to issues around police accountability. Gorsuch believes in granting police qualified immunity, which protects law enforcement from

being held liable for any excessive use of force. Now, this is deeply concerning given the widespread use of excessive force against African Americans by police and the increasing number of police shooting deaths of unarmed African Americans.

This is particularly concerning to me. I come from Newark, New Jersey, and the police department is being overseen by a Federal monitor following a 2014 review that determined officers repeatedly violated citizens' civil rights.

Additionally, Gorsuch's record on civil rights is deeply troubling. The National Bar Association, our Nation's oldest and largest national association of predominantly African-American lawyers and judges, notes that Gorsuch has shown a strong tendency to be biased in favor of powerful corporate interests and unapologetically biased against workers and victims of civil and human rights violations.

The confirmation of Gorsuch would threaten the protections and the rights of African Americans. Gorsuch is in lockstep with the President, favoring the wealthy over ordinary Americans. This is why I oppose his confirmation.

Even those who disagree that Gorsuch would bring a biased view to the Court should see the necessity in delaying consideration of Gorsuch, given the ongoing controversy over the Trump-Russia connection. It is inappropriate to rush forward with a lifetime appointment made by a President who is under investigation by the FBI and trapped in scandal. The Senate should delay consideration of Gorsuch until an independent commission investigates Russia's election interference and any ties between Trump and Russia.

Let me just say that Judge Gorsuch has put on a very good show in front of the Senate, seeming to be very confident and thoughtful, but never really answering a lot of the questions that were asked of him.

We feel that this jurist should not sit on the highest court in the land because of the bias that he has shown against working people and regular citizens in this country. Justice is supposed to be blind, but it seems that this jurist has a bias against the American working class person, the normal Joe, the minority looking for an equal break, and to have him sit on the highest court in the land would be a grave, grave mistake.

Ms. NORTON. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for those cogent remarks.

I yield to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for his very careful scrutiny of Judge Gorsuch and for participating with us tonight.

It gives me great privilege to join with the distinguished Congresswoman from the District of Columbia (Ms. NORTON) to be able to really articulate

what is at stake with the potential for Gorsuch to be the ninth member of the United States Supreme Court.

As I do that, allow me to offer a personal note of sympathy to my hometown, to the Constable's Office, in the shooting and death of Chief Clinton Greenwood, to his family for his tragic death, and to acknowledge the service that he has given in many, many ways as a law enforcement officer and attorney committed to the implementation of the law. My sympathy goes to his family and to his colleagues.

I also want to acknowledge the tragedy in Russia and the loss of life, which indicates how close all of us are around the world and that we should be committed to the fight against terrorism, wherever it may be.

If I might, I applaud the Democratic Senators, in this instance, in the other body to express my appreciation for taking a fight that many would be critical of. Now, that fight I don't put in the context of politics or partisanship. I have not heard one Senator who is opposing Judge Gorsuch and is not supporting or participating in the filibuster mention one word about the political elections or the process that occurred in 2016.

I have heard truly deliberative analysis that I think is important to recount, Congresswoman NORTON. I am delighted with the gentlewoman from the District of Columbia and the distinguished leadership that the gentlewoman gives us as the chair of the Judicial Nominating Committee for the Congressional Black Caucus, a position that the gentlewoman has served ably for years and has resulted in some outstanding jurists because of her leadership that the Congressional Black Caucus has been able to advocate for.

During the tenure of President Barack Obama, as the gentlewoman from the District of Columbia worked very closely on his nominees, distinguished jurists have been placed on the Federal bench and in the Supreme Court to no one's complaint. In addition, President Obama followed protocol and consulted with Members of the other party in the United States Senate.

Unfortunately, we are now ending this process with the nomination of Judge Gorsuch by the President of the United States, this President who announced it as a campaign trick by issuing a list of individuals that he had not vetted but had been given by those who were bartering: This is a list, and you will have our support in the election.

My fear is that that is not the context in which distinguished jurists should be appointed to the Supreme Court. There is no doubt that this was bait for voters to be able to fall in the column of this particular individual who now holds the office.

So no criticism should go to my colleagues in the other body who realize that this is about life-or-death matters. This is about the millions of

Americans who will suffer at the hands of Judge Gorsuch on the United States Supreme Court. I am more convinced now.

I am grateful for their debate because, as they have debated in a very detailed, passionate manner, I hope that they have been able to provide light and education to Americans who may be watching and trying to understand the "no" vote and the "yes" vote, the filibuster, that it is not in any way anyone's political desire to not have the Supreme Court working on behalf of the American people, adhering to the high calling and ultimate judgment of the Supreme Court, which is to recognize settled law and to be able to respect the rights of all Americans and not skew this Court to the point that some Americans will be left out in the hall of justice.

Why should my friends in the other body who have taken this courageous stand yield to false criticism and pontificating and grandstanding about they have never seen this before, the other persons who have voted "yes" have never seen this before, this is outrageous, a qualified individual.

I have no angst against the person. He has ascended to the Tenth Circuit Court of Appeals. He has colleagues who respect him. He showed himself respectful before the Senate Judiciary Committee; in fact, some called him charming and engaging. Again, I make mention of the fact that this is about life and death.

So let me put in the context a very important statement made by Amanda Bronstad in the National Law Journal article, February 28, 2017: "Neil Gorsuch 'Piercingly Textual' and Often Pro-Defense on Class Actions and Arbitration."

"According to a careful review of Gorsuch's decisions, his textualist approach, more than ideology, is the common theme of his opinions on class actions, arbitration, and mass torts. And yet, though some of his decisions have favored plaintiffs, Gorsuch's careful judicial reasoning and parsing of statutory language has more often led him to side with the defense," leaving most others out in the cold.

In addition, Judge Gorsuch has a disdain for those who seek to redress their civil rights and other remedies of law.

In a 2015 article published in the conservative National Review, these are his words:

"American liberals have been addicted to the courtroom, relying on judges and lawyers rather than elected leaders and the ballot box, as the primary means of effecting their social agenda on everything from gay marriage to assisted suicide to the use of vouchers for private school education.

"This overweening addiction to the courtroom as the place to debate social policy is bad for the country and bad for the judiciary."

Well, Judge Gorsuch, let me tell you a thing or two. I grew up in a segregated America. At my birth, African

Americans were treated unequally in terms of education as well as accommodations, as well as the right to vote. We couldn't even march in some places in the Deep South without being shot at, losing our lives, being hosed at, and dogs making sure that our young kids were intimidated and even bitten.

Maybe he fails to remember the four little girls in the 16th Street Baptist Church in Birmingham, called the bombing in Birmingham, in 1963. Maybe he fails to remember the tragedy of the Edmond Pettus Bridge or Jimmie Lee Jackson shot dead in the streets of Selma. Or maybe he doesn't understand *Brown v. Board of Education*, *Roe v. Wade*, *Miranda v. Arizona*, *Gideon v. Wainwright*, *New York Times v. Sullivan*, *Obergefell v. Hodges*, and *Shelby County v. Holder*. These cases are dealing with issues such as the right to vote, the right to an equal education, the Fourth Amendment interpretation of the right to be protected from unreasonable search and seizure, and the First Amendment right to freedom of the press.

□ 2015

Maybe he doesn't understand that these cases have brought to America the image and the recognition of justice. It doesn't seem that he has that interpretation.

So I just want to read another interpretation of his record by the Leadership Conference on Civil and Human Rights.

"Judge Gorsuch's decade-long record on the Federal bench, as well as his writings, speeches, and activities throughout his career, demonstrate he is a judge with an agenda."

What a frightening proposition, that he goes to the Supreme Court, having given the impression that he is just an open book, genuinely concerned.

"His frequent dissents and concurrences show he is out of the main stream of legal thought and unwilling to accept the constructs of binding precedent and stare decisis when they dictate results he disfavors."

Stare decisis is something that we learned in law school, but that is a very appropriate and important basis of decisions.

"If confirmed to the Supreme Court, which is closely divided on many critical issues, Judge Gorsuch would tip the balance in a direction that would undermine many of our core rights and legal protections. He lacks the impartiality and independence the American people expect and deserve from the Federal bench."

Let me make one or two other points that I think are so very important. I hope to put my entire statement into the RECORD, and we will be engaging, and I know that my colleague will have further comments, but I want to make sure that we point back to those who are criticizing a very courageous stance because they are taking the stance, my friends in the other body, in the backdrop of all these accolades and

how genuine and charming he is. I have said that before.

But he is going against the backdrop of protocol—no engagement with the Democratic Senators, no adherence to the President, when he was President-elect, who pledged to the Nation that he would be the President of all Americans—because it rings hollow to tens of millions of Americans.

My colleague from New Jersey mentioned the truck driver story. It was a 2-1 decision. He was dissenting. No person with common sense and knowledge of the law would reject the understanding that this individual acted not against the instructions of his employer in leaving a truck that—by the way, the cargo area of the truck—nothing was violated, no product was taken, with bad brakes, and in jeopardy of his life, if he had left the cargo portion of the truck and tried to drive away on this frozen night, after waiting 3 hours in a cabin where he was freezing to death, he would have died.

Yet Judge Gorsuch did not think that was important enough to rule in favor of this African-American who had a 2-1 decision. He thought that the employer could fire him; and there was no factual basis for that, that he did something when it was a balmy day, and he just went off recklessly because he didn't want to be bothered or he was tired or he was hungry. That was not the case.

That is cruel, Judge Gorsuch. Your conservative ideology and professed judicial philosophy of original intent has harmed many.

He is not an unbiased judge. At best, he is a younger, more charming version of Judge Robert Bork, who was rejected 58-42 by the Senate in 1987. So he has a history of ruling against people who have used the legal system to hold government officials accountable.

The gentleman who was fired was fired, I think, 7 years ago, and has not been able to find a job yet.

By the way, the truck's heater didn't work.

His words were—Judge Gorsuch dissented and said the employee should have followed orders, even at the risk of serious injury.

In *NLRB v. Community Health Services*, Judge Gorsuch again dissented from a majority opinion that found in favor of employees, where a hospital was required to award back pay to 13 employees whose hours had been reduced, in violation of the National Labor Relations Act.

As the ranking member on the Subcommittee on Crime, Terrorism, Homeland Security and Investigations, we are trying to find the right kind of balance between police and community. But Judge Gorsuch has ruled that there is no reason to give police any punishment, such as the case when an individual used a stun gun and the victim died.

Judge Gorsuch's judicial record on police accountability minimized the Fourth Amendment protections against warrantless search and seizure.

I will continue my discussions of Judge Gorsuch. I will come back again and finish my comments on issues dealing with, again, civil rights and the rights of women.

I am delighted to cohost and command this hour dealing with the nomination of Judge Gorsuch.

Ms. NORTON. I thank my friend for her comments.

Mr. Speaker, I was the chair, before I came to Congress, in another life, of the Equal Employment Opportunity Commission, dealing with job discrimination in our country. I was interested, in my own research on Judge Gorsuch to find that he has written more opinions in discrimination cases than other cases.

Now, the Rocky Mountain States of the Tenth Circuit do not have large numbers of African Americans, but the way in which the Supreme Court has interpreted antidiscrimination laws doesn't, in fact, basically differ from one group.

The EEOC also has jurisdiction over disability discrimination. For example, the Court has always indicated that anti-discrimination laws should be read broadly in order to capture discrimination. Whether we are talking about the antidiscrimination laws as they affect women or racial or ethnic minorities or religious minorities, the Supreme Court simply will not read these laws narrowly.

But that is not how Judge Gorsuch has operated on the Tenth Circuit. He has given a cramped interpretation of the antidiscrimination laws, and yet it is interesting to note that, when there is a claim of discrimination based on religion, he gives a very broad interpretation.

He is perhaps best known for his opinion in the so-called Hobby Lobby case. This is the case in which he found that a closely held corporation was within its rights when it refused to adopt the Affordable Health Care Act's mandate that women and men be granted contraceptive protection as a part of health insurance. Judge Gorsuch found that this was a violation of the rights of the closely held corporation, the first time there has been such a holding.

It is very interesting also to note that right after that, there was a case called *Little Sisters of the Poor*. Now, the *Little Sisters of the Poor*, unlike the closely held corporation, is, in fact, a religious organization, and they too said they do not wish to have contraception be a part of any of the institutions that they govern.

Remember, we had a religious organization there, not a closely held corporation. The Court found that, to accommodate both women and the religious scruples of the *Little Sisters*, the *Little Sisters* had only to acknowledge that they did not desire to enforce the contraceptive mandate, and then it would be taken away from them and would be done by a third party, by the government. That was allowed as a

way to accommodate the *Little Sisters*. Judge Gorsuch opposed that and wrote an opposing opinion.

So to see this difference in the way he treats discrimination, reading antidiscrimination statutes affecting minorities of every kind in a narrow fashion; when he finds religious discrimination by statute, he reads those statutes very broadly.

His technical rulings are of statutes that the Supreme Court has broadly interpreted, would have made these statutes worthless. You simply cannot enforce antidiscrimination statutes by treating them as though they were technical statutes that, for example, govern financial dealings. And yet this nominee has brought that kind of interpretation of antidiscrimination statutes.

I was shocked at his holding in *Hwang v. Kansas State University*, which illustrates what I am saying. There, a professor brought a case because her university had refused to follow the guidance of the Equal Employment Opportunity Commission. She was entitled to a 6-month leave to accommodate her condition. This is a statute involving disability rights. She took that 6-month leave and asked to have it extended until a day certain, not indefinitely, to recover further from cancer and a bone marrow transplant.

Now, the EEOC guidance said that an additional leave beyond 6 months was possible as an accommodation to an employee unless there was an undue hardship. There was no undue hardship.

But this nominee, Judge Gorsuch, found that the "6 months was more than enough to comply with the law in nearly every case"—yes, in nearly every case—but the EEOC guidance said that there obviously could be extensions. I can think of no case that would call for more of an extension than a professor who said: I will come back on a date certain, but I have a cancer diagnosis, and I have had a bone marrow transplant.

I hope that that case would give some pause to anyone who hears about it. The nominee has been quite consistent in how he has ruled in the Tenth Circuit, which gives every reason to believe that he is going to carry that consistency to the Supreme Court.

I was very interested to see how he ruled on a *Planned Parenthood* case where the Governor of Utah had seen these notorious false videos that purported to show the sale of fetal tissue.

□ 2030

Now, those videos—every court that has considered those videos have found that they had nothing to do with *Planned Parenthood* and what it actually did. So this matter has been litigated in a number of circuits. It was litigated in the 10th Circuit in a case called *Planned Parenthood Association of Utah v. Herbert*; and the 10th Circuit found, as the other circuits have, that these videos were not, in fact, associated with *Planned Parenthood*—the false videos that surfaced.

Interestingly, the court, on rehearing, which Judge Gorsuch had sought, characterized his dissenting opinion as “mischaracterization of this litigation and the panel opinion at several turns.”

Here again, we see Judge Gorsuch going out of his way to rule in a fashion that he sees as necessary to sustain his broad views of religious claims. I am trying to give you an overview of Judge Gorsuch’s opinions in a number of different areas, and I am mystified by how he would reach the conclusions he has reached in discrimination cases.

Here is one that is very revealing: *A.F. ex rel Christine B. v. Espanola Public Schools*, where a student was found by Judge Gorsuch not to be able to sue for violation of the Americans with Disabilities Act because she had earlier settled a suit for violations of another act, the so-called IDEA Act.

Well, she has a right under both laws. She would have obviously raised perhaps different claims, but his view was that she should not be in court. This closing of the courts must be taken seriously in evaluating Judge Gorsuch. Because if you can’t get into court in the first place, particularly if you are a member of a minority group, or for the moment find yourself in the minority on a particular issue, then you are out of court before you are in court. You have lost before you cross the threshold.

I can’t imagine why Judge Gorsuch didn’t allow a student to continue when she had, in frustration, left her school because of violations of her disability rights. That frustration, as far as he was concerned, closed the courthouse door to her.

Why would we want to interpret discrimination laws in a fashion that you can’t get into court to make your case?

A particularly cruel case, *Compass Environmental v. OSHRC*, a case where Gorsuch wrote the dissent, involved a worker who was electrocuted and died as a result. The corporation had trained its workers. This worker happened to be hired after the training had taken place; therefore, was not aware of all of the safeguards.

The Occupational Safety and Health Review Commission found that the electrocution of the worker could have been avoided if the corporation, *Compass Environmental*, had provided the necessary training. So it cited *Compass* and it fined *Compass*. Gorsuch dissented. He found that the company had not violated the law. The company hadn’t provided the requisite training. The man was electrocuted, and it is very instructive what Judge Gorsuch said:

“Administrative agencies enjoy remarkable powers in our legal order. Their interpretations of ambiguous statutes control even when everyone thinks Congress really meant something else.”

He didn’t like the administrative ruling, so he dissented and would have ruled against the family of a man who was electrocuted.

That is not a man I want on the Supreme Court. This is not a man who knows how to interpret the discrimination statutes which have always been interpreted broadly by the Federal courts. This is not a man who should sit on the Supreme Court of the United States.

Mr. Speaker, I now yield to the gentlewoman from Texas (Ms. JACKSON LEE), my good friend who is co-anchoring this hour with me, who would like to say a few words.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentlewoman for again articulating the really egregious opinions, judicial approach, and temperament of Judge Gorsuch.

I will conclude my remarks with a focus on the issues of women’s rights as well as some cases dealing with immigration.

Immigration, Mr. Speaker, is a crucial issue that we are addressing now. In fact, I will cite an incident that happened in our district—or in my district or in my community just a few days ago, which means, as we proceed, there may be a number of cases coming to the Federal courts and the district court because I think, as my colleague has indicated—both of us have indicated—that the courts are for petitioning. That is what the courts are for.

It seems that Judge Gorsuch wants to slam the door. And this is a—how should I say it—a metaphor. It is not a precise comment by the judge, but annoyed that people have to come and use the courts. As he has indicated, minorities and women and others want to use the court for their social agenda.

And for fear of being redundant, I feel moved—my passion is so strong because, Judge Gorsuch: Have you walked at any moment in your life in my shoes as a woman and as a minority?

Have you walked in the shoes of the little children who made the plaintiffs of *Brown v. Board of Education of Topeka*?

Were you in any way discriminated against with respect to education?

Have you ever been a victim of stop and frisk?

Have you ever been incarcerated for something you did not do?

Have you ever been a woman who had been subjected to sexual harassment or discrimination?

Do you understand the purpose of title VII?

Do you understand the value of affirmative action both in policy and in law?

Just a few weeks ago we got an effective and important decision on affirmative action out of this Supreme Court, in a court that is 4–4.

I don’t think that is the case. And I just, again, want to take this as I cite these cases. I just want to, again, cite Amanda Bronstad, that some of his decisions may have favored one or two plaintiffs. I am not going to deny that. But Gorsuch’s careful judicial rea-

soning and parsing of statutory language has more than often led him to side with the defense.

That is not the role of a Supreme Court Justice. It is not to side with anyone. It is to have the view on the basis of the appeal within the context of precedence and others how a decision should be rendered.

So these are Judge Gorsuch’s decisions:

In *Strickland v. UPS*, Gorsuch dissented from a ruling giving a female UPS driver a chance to prove sex discrimination, arguing that the plaintiff had not provided evidence that she was treated less favorably than her male colleagues, even though in the documents submitted in the lower court, her coworkers testified and gave written testimony detailing the level of mistreatment they witnessed her receiving while employed by UPS.

In *Hwang v. Kansas State University* involved a professor employed by Kansas State University who was diagnosed with cancer, and after treatments, requested an extension of her disability—another woman—due to a flu outbreak on campus which could potentially compromise her health. And Judge Gorsuch talked about “showing up” as an essential job function, and that the Rehabilitation Act should not be used as a safety net for employees who cannot work. I think her request was an extension, not a forever.

Two women, among others, that he found no reason to be supportive of. He could not find no legal precedent, nothing that would give him the ability to make a decision that was within the law and humane, even though he was in the dissent.

And then in *Planned Parenthood Association of Utah v. Herbert*, the Governor of that State, again, he dissented against the court’s majority, impacting women’s health, to decline a full court review of the case—the court’s majority decision to decline a full court review of the case, in which Governor Herbert of Utah stripped Federal funding away from Planned Parenthood. Neither party requested a full court review; however, Judge Gorsuch decided to deviate from court practices and norms to signal his favor of Governor Herbert’s decision.

Other women—he continues to show hostility toward women’s rights and his willingness to overlook institutions that discriminate against women. His record indicates that.

Let me finish with this comment on immigration—and if I might, Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. DUNN). The gentlewoman has 2 minutes remaining.

Ms. JACKSON LEE. Mr. Speaker, let me finish quickly and let my colleague from the District of Columbia close.

Let me indicate an immigration case, and he voted to affirm the district’s court granting of summary judgment which blocked a title VII national origin discrimination case from going to

trial, despite evidence of animus, unlawful reverification and document abuse by the employer.

Mr. Speaker, as a senior member of the House Committee on the Judiciary, Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, and member of the Congressional Voting Rights Caucus, I rise today to express my views regarding the nomination of Judge Neil Gorsuch to be Associate Justice of the Supreme Court.

The Supreme Court is the highest court in the land and the final arbiter of our Constitution and laws, and its rulings can impact the lives and rights of all Americans as shown in the cases of *Brown v. Board of Education*, *Roe v. Wade*, *Miranda v. Arizona*, *Gideon v. Wainwright*, *New York Times v. Sullivan*, *Obergefell v. Hodges*, and *Shelby County v. Holder*, to name but a few.

Judge Gorsuch is a judge with an agenda, as demonstrated by his record on the federal bench, as well as his writings, speeches, and activities throughout his career.

Judge Gorsuch's frequent dissents and concurrences show he is out of the mainstream of legal thought and unwilling to accept the constructs of binding precedent and *stare decisis* when they dictate results he disfavors.

Judge Gorsuch's appointment to the Court would tip the balance in a direction that would undermine many of the core rights and legal protections Americans cherish.

For the reasons I will discuss in detail, the Senate should reject his nomination and not consent to his confirmation as the next Associate Justice of the U.S. Supreme Court.

On Election Night the President-Elect pledged to the nation that he would be a president to all Americans.

That pledge will ring hollow to tens of millions of Americans in light of his nomination of Judge Neil M. Gorsuch to be an Associate Justice of the U.S. Supreme Court.

Perhaps nothing would do more to reassure the American people that the President is committed to unifying the nation than the nomination and appointment of a person to be Associate Justice who has a record of championing and protecting, rather than opposing and undermining, the precious right to vote; the constitutionally guaranteed right of privacy; criminal justice reform, and support for reform of the nation's immigration system so that it is fair and humane.

That is not to be found in the record or character of Judge Gorsuch.

It should not be forgotten that the vacancy at issue was created in February 2016 by the death of Justice Antonin Scalia and should have been filled by the confirmation of the eminently qualified Judge Merrick Garland, Chief Judge of the U.S. Court of Appeals for the D.C. Circuit.

In fact, the only reason Judge Garland is not now on the Court is because Republican Senators disregarded a century of precedent and their constitutional oaths and refused to consider the nomination because it was made by President Obama.

Judge Gorsuch's conservative ideology and professed judicial philosophy of "original intent," which more accurately should be called the doctrine of predetermined result, has been at the core of his prior legal decisions.

He is not an unbiased judge; at best, he is a younger, more charming version of Judge

Robert Bork, who was rejected 58–42 by the Senate in 1987.

Unlike his predecessors, Presidents Obama, Clinton, Reagan, Eisenhower among them, the current President did not consult in advance with the bipartisan leadership of the Senate and its Judiciary Committee.

Instead, the President selected Judge Gorsuch from the list of names provided him by the right-wing legal group, the Federalists Society.

Judge Gorsuch's adherence to originalism is alarming and should raise concerns for all Americans because on a narrowly divided Court, his could be the deciding vote to dismantle many of the constitutional safeguards and protections upheld by the Court that have moved the country forward and made it better.

Judge Gorsuch has a history of ruling against people who have used the legal system to hold government officials accountable.

He has also used the bench to rule in favor of large corporations routinely and against the rights of workers.

He has been lenient on those that have used excessive force and police brutality.

His record demonstrates hostility towards equal opportunity, worker's rights, women's access to reproductive healthcare services, and protections for persons with disabilities.

For example, in *TransAm Trucking, Inc. v. Administrative Review Board*, the majority held that a trucking company unlawfully fired an employee in violation of federal whistleblower protections.

The employee, Alphonse Maddin, was a truck driver whose brakes broke down in the middle of a freezing January night in Illinois.

The truck heater didn't work either, and he got so cold that he couldn't feel his feet or torso, and he had trouble breathing.

Nonetheless, his boss ordered him to wait in the truck until a repairperson arrived.

After waiting for three hours, Mr. Maddin finally drove off in the truck and left the trailer behind, in search of assistance.

His employer fired him a week later for violating company policy by abandoning his load while under dispatch.

The panel majority said the firing was unlawful, but Judge Gorsuch dissented and said the employee should have followed orders even at the risk of serious injury.

In *NLRB v. Community Health Services, Inc.*, Judge Gorsuch again dissented from a majority opinion that found in favor of employees, where a hospital was required to award back pay to 13 employees whose hours had been reduced in violation of the National Labor Relations Act.

Judge Gorsuch's frequent and recurring dissents in workers' rights cases suggest a refusal to follow binding case law when it leads to results that favor workers rather than businesses and employers.

In *Strickland v. UPS*, Gorsuch dissented from a ruling giving a female UPS driver a chance to prove sex discrimination, arguing that the plaintiff had not provided evidence that she was treated less favorably than her male colleagues even though her coworkers testified and gave written testimony detailing the level of mistreatment they witnessed her receiving while employed by UPS.

Hwang v. Kansas State University involved a professor employed by Kansas State University who was diagnosed with cancer, and after treatments requested an extension for her dis-

ability due to a flu outbreak on the campus, which could potentially compromise her health.

Judge Gorsuch ruled that "showing up" for work is an essential job function and that the Rehabilitation Act should not be used as a safety net for employees who cannot work.

In Planned Parenthood Association of Utah v. Herbert, Judge Gorsuch dissented against the court's majority decision to decline a full court review of the case, in which, Governor Herbert of Utah stripped federal funding away from Planned Parenthood.

Neither party requested a full court review, however, Judge Gorsuch desired to deviate from court practices and norms to signal his favor for Governor Herbert's decision.

This particular case amplifies Judge Gorsuch's inability to remain impartial when deciding cases that may conflict with his personal beliefs.

Throughout his tenure as a Judge, Gorsuch's record indicates his hostility toward women's rights and his willingness to overlook institutions that discriminate against women.

Women will likely be disproportionately impacted by Judge Gorsuch's appointment to the United States Supreme Court and any decisions related to health, labor, and reproductive justice.

Judge Gorsuch's record shows that he believes police officers always should be granted qualified immunity, allowing police officers and other government officials to avoid being held accountable for the excessive use of force.

His record on police immunity aligns with President Trump's belief in police impunity.

In cases where victims of excessive force did not pose an imminent threat to police safety, Judge Gorsuch has a tendency to side with police.

Judge Gorsuch's judicial record on police accountability minimizes the Fourth Amendment protections against warrantless search and seizure.

In three separate cases, Gorsuch ruled in favor of police searches of vehicles without a warrant.

As an Associate Justice of the Supreme Court of the United States, Judge Gorsuch would be one of the nine individuals tasked with one of the most critical systems of American democracy.

Because of the decisions rendered by the Supreme Court of the United States, women have been granted reproductive rights, de jure segregation and discrimination against African-Americans has been abolished and their right to vote protected, workers have been granted security from exploitative labor practices; and marriage equality is the law of the land.

If confirmed to a evenly divided United States Supreme Court, it is unlikely that Judge Gorsuch would have a balanced, unbiased view of important issues.

Judge Gorsuch's extreme judicial philosophy of original intent would likely lead him to cast decisive, out-of-the mainstream votes that reverse significant gains in the areas of police accountability, civil rights and liberties, women's reproductive rights, and workers' rights.

Judge Gorsuch's record in each of these areas should raise concerns for all Americans.

Opposing Judge Gorsuch is not a difficult decision; for members of the communities represented by CBC members, it is a matter of survival, of life and death.

An Associate Justice would be expected to be an independent jurist capable of rendering

judicial decisions that prevent executive overreach.

No senator should vote to confirm the nomination of Judge Neil Gorsuch as Associate Justice if he or she has the slightest doubt that he possesses the character, qualities, integrity, and commitment to justice and equality needed for this position.

There is so much to say about Judge Gorsuch, so much to say about the stance that is being taken by colleagues who are not being political, who are not talking about the 2016 election, who are simply talking about the courthouse door being slammed in the face of the most vulnerable.

I believe that this judge should not ascend to the United States Supreme Court.

Ms. NORTON. I thank my good friend for helping us document why we believe this is not the time for this Justice to be on the Supreme Court.

We recognize that it is not the House of Representatives that decides this matter, but the Congressional Black Caucus represents 17 million Americans who will be deeply affected by who sits on this Court. I appreciate that we have had this full hour to express our views.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today on account of delayed by weather.

ADJOURNMENT

Ms. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 4, 2017, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

953. A letter from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting the Bureau's Consumer Response Annual Report, pursuant to 12 U.S.C. 5493(b)(3)(C); Public Law 111-203, Sec. 1013(b)(3)(C); (124 Stat. 1969); to the Committee on Financial Services.

954. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations; Tazewell County, IL [Docket No.: FEMA-2016-0002] received March 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

955. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations; Ot-

sego County, New York [Docket No.: FEMA-2016-0002] received March 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

956. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 2016 Annual Report to Congress, pursuant to Sec. 1006(f) of the Financial Regulatory and Interest Rate Control Act of 1978 (12 U.S.C. 3305); to the Committee on Financial Services.

957. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final NUREG — Reactor Pressure Vessel Internals [Section 3.9.5] received March 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

958. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Requirements to Submit Prior Notice of Imported Food; Technical Amendments [Docket No.: FDA-2017-N-0011] received March 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

959. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mullin, Texas) [MB Docket No.: 16-362] (RM-11776) received March 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

960. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final NUREG — Control Rod Drive Systems [Section 3.9.4] received March 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

961. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final evaluation of vendor submittal — Safety Evaluation by the Office of Nuclear Reactor Regulation License Renewal Appendix A for "BWRVIP-241: BWR Vessel and Internals Project, Probabilistic Fracture Mechanics Evaluation for the Boiling Water Reactor Nozzle-to-Vessel Shell Welds and Nozzle Blend RADII", and "BWRVIP-108NP: BWR Vessel and Internals Project, Technical Basis for the Reduction of Inspection Requirements for the Boiling Water Reactor Nozzle-to-Vessel Shell Welds and Nozzle Blend" [Project No. 704] received March 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

962. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final NUREG — Dynamic Testing and Analysis of Systems, Structures, and Components [Section 3.9.2] received March 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

963. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final NUREG — Functional Design, Qualification, and Inservice Testing Programs for Pumps, Valves, and Dynamic Restraints [Section 3.9.6] received March 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

964. A letter from the Deputy Assistant Secretary for Export Administration, Bureau

of Industry and Security, Department of Commerce, transmitting the Department's final rule — Removal of Certain Persons from the Entity List [Docket No.: 170103009-7300-02] (RIN: 0694-AH28) received March 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

965. A letter from the General Counsel, Administrative Conference of the United States, transmitting the Conference's FY 2016 No FEAR Act report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Government Reform.

966. A letter from the Director, Equal Employment Opportunity and Inclusion, Farm Credit Administration, transmitting the Administration's FY 2016 No FEAR Act report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Government Reform.

967. A letter from the Director, Equal Employment Opportunity and Inclusion, Farm Credit System Insurance Corporation, transmitting the Corporation's FY 2016 No FEAR Act report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Government Reform.

968. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's FY 2016 No FEAR Act report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Government Reform.

969. A letter from the Director, Office of Equal Employment Opportunity Programs, National Archives and Records Administration, transmitting the Administration's FY 2016 No FEAR Act report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Government Reform.

970. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the Department's FY 2016 No FEAR Act report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Government Reform.

971. A letter from the Acting OEO Director, Securities and Exchange Commission, transmitting the Commission's FY 2016 No FEAR Act report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Government Reform.

972. A letter from the Director, Congressional Affairs and Public Relations, U.S. Trade and Development Agency, transmitting the Agency's FY 2016, No FEAR Act report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of 3/30/2017]

Mr. GOODLATTE: Committee on the Judiciary. H.R. 732. A bill to limit donations