

AMENDMENT NO. 92 OFFERED BY MS. JACKSON
LEE OF TEXAS

Page 468, line 14, strike "in" and insert "opportunities, and risks related to".

The Acting CHAIR. Pursuant to House Resolution 908, the gentleman from Texas (Mr. THORNBERRY) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. THORNBERRY. Mr. Chairman, I have no speakers on this set of amendments en bloc.

Mr. Chairman, I urge its adoption, and I yield back the balance of my time.

□ 1715

Mr. SMITH of Washington. Mr. Chairman, I, too, have no speakers on this amendment. I urge adoption of the en bloc amendments, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Texas (Mr. THORNBERRY).

The en bloc amendments were agreed to.

Mr. THORNBERRY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAMALFA) having assumed the chair, Mr. MARSHALL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5515) to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, had come to no resolution thereon.

HOOR OF MEETING ON TOMORROW

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 774

Mr. LAMALFA. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 774.

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

There was no objection.

PATIENTS' RIGHT TO TRY EXPERIMENTAL DRUGS

(Mr. LAMALFA asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, I rise today to recognize the passage of the Right to Try Act—better late than never.

After months of jumping through parliamentary hoops to pass this legislation out of both the House and the Senate, we are finally able to put the Right to Try Act on the President's desk.

This bill would allow very sick or terminally ill patients to request access to drugs and treatments that have yet to be approved by the FDA. This is a bipartisan issue. So far, 40 States have already adopted Right to Try laws but are unable to actually enforce them. This bill changes that.

While giving terminally ill patients the right to try experimental medicine won't always be successful, it does give patients one final avenue of hope. For those who have exhausted all other possibilities of conventional treatment, they deserve the opportunity to leave no stone unturned. Also, the industry can learn from their experience.

I am disappointed that some in the Senate chose to delay this very time-sensitive bill, but I am pleased the President now can make Right to Try the law of the land.

HONORING THE LIFE OF JOSE FRANCISCO PENA GOMEZ

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

Mr. ESPAILLAT. Mr. Speaker, I rise today to celebrate and commemorate Dr. Jose Francisco Pena Gomez on the 20th anniversary of his passing.

From his lifetime of service, Dr. Pena Gomez will, without question, be recorded in history as a civil rights icon to the marginalized Afro-Latino community and advocate for the poor.

Dr. Pena Gomez personified his motto, "Primero la gente," or "The People First," serving as Mayor of Santo Domingo, vice president of the International Socialist Party for the Western Hemisphere, president of the Dominican Revolutionary Party, and twice nominated for the Presidency of the Dominican Republic.

Dr. Pena Gomez was a fierce proponent of free speech and denounced unfair election practices in the Dominican Republic and around the world. He was fervent in his condemnation of civil and human rights violations in Latin America. The largest airport in Santo Domingo bears his name and welcomes people from all over the world.

It is my pleasure and great honor to celebrate the life of Dr. Pena Gomez with his family and those who fondly remember his model and standard.

Primero la gente.

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of

the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

HONORING THE LIFE OF CAMERON ROBINSON

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

Mr. KIHUEN. Mr. Speaker, today, I rise to remember the life of Cameron Robinson. He attended the Route 91 festival in Las Vegas on October 1.

Cameron found his perfect balance in his boyfriend, Bobby Eardley. They loved each other immensely, and Cameron loved Bobby's children as if they were his own. Bobby describes Cameron as a man who never did anything halfway. Whether it was cooking fancy meals or working in the Las Vegas City Attorney's Office, he put his all in everything he did.

Cameron loved people without judgment and without condition. He is a man who is remembered as being full of spontaneous fun.

I would like to extend my condolences to Cameron Robinson's family and friends. Please note that the city of Las Vegas, the State of Nevada, and the whole country grieve with you.

ECONOMIC INEQUALITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from California (Mr. KHANNA) is recognized for 60 minutes as the designee of the minority leader.

Mr. KHANNA. Mr. Speaker, I rise today to speak about the *Janus v. AFSCME* Council 31 Supreme Court case and economic inequality.

The issue of our time is economic inequality and the challenge of the middle class being left behind. We know that 81 percent of American households between 2005 and 2015 have not had a raise. They have actually either had their wages stagnate or decline. This is an issue that goes to the core principles of our Nation.

As every American knows, in 1968, Dr. King marched with sanitation workers in Memphis, with AFSCME local 1733. The march was not just about racial justice. The march was about economic justice. The march was about the freedom of sanitation workers to earn what Dr. King called a decent living. It was about the dignity of work. It was about the right to join a union.

They fought against so-called right-to-work legislation. They fought for collective bargaining so that people who work hard, who rode on trucks and picked up the trash and did hard labor, earn a decent wage.

Dr. King talked about the importance of economic justice, much as he talked about the importance of racial justice.

Here are the facts that we know. Unionized African American women earn about \$21.90 an hour. That is not a bad wage. Nonunion African American women earned almost \$4 less, on average. That means \$4 per hour is the difference between unionized and non-unionized work for African American women.

Seventy-two percent of African American women in unions have health insurance.

Guess what? Less than 50 percent of nonunion African American women have health insurance.

Some of us have read the horrific studies about how pregnant African American women still face huge issues with infant mortality and problems with child labor. Part of it is because they lack health insurance. If they have health insurance through a union, that is not as much of an issue.

Latinos who join a union see their median weekly income increase by almost 38 percent. They are 41 percent more likely to have employer-provided health insurance. Caucasian working-class families have seen a raise of nearly 20 percent when they are in union jobs compared to nonunion jobs.

Unions are more important now than ever, because the question is: When 81 percent of this country hasn't had a raise for the past 15 years, do we need to have more policies favoring corporations and executives or do we need to figure out how we give Americans a raise? The one institution that gives Americans a raise is unions.

We didn't invent this. We know collective bargaining works in other nations. We know that cooks in Germany make almost \$25 an hour.

The Danish Ambassador was visiting me today, and I said: How much would someone make if they worked at Starbucks in Denmark?

He said: Almost \$20 to \$22 an hour. My jaw dropped.

I said: How is that possible? Is it government prescribed?

He said: No, it is strong union movements across other countries.

It is not that they discourage entrepreneurship or innovation. It is that they believe that working families should have the dignity to earn an honest living; that they can afford rent, that they can afford food, that they can afford healthcare, that they can afford a job.

This is what FDR talked about with the right of a job and healthcare and housing; that the positive rights were necessary to truly have freedom in democracy.

Collective action raises the standard of living for everyone. Guess what? Henry Ford knew it. It led to economic growth. That is why he paid workers more. He said: Someone has got to earn a living to buy the cars.

If we don't have a middle class that can earn, then who is going to buy the iPhones, who is going to buy the new cars and the Teslas? Who is going to buy and have the money to set up new bank accounts?

Our economic growth is dependent on the middle class. That is what America has gotten and China has never understood. China doesn't care about their middle class. They care about the elites.

We have believed in the middle class from FDR to Dwight Eisenhower. We believed that every person in this country is extraordinary; that our success is based on ordinary Americans earning enough to buy things; that every American matters, not just in our democracy but to our economy. It is what makes us different from the Chinese model, and it is why unions matter so much. Unions are what allow ordinary Americans to get the wages they deserve.

Union workers are more likely to have healthcare and retirement benefits. We know that the decline of the middle class is directly correlated to a decline in union membership.

□ 1730

Let me give you this staggering statistic: It used to be, in our GDP, that 90 percent of GDP went to income, of our GDP. That statistic has fallen to the high 50s or low 60s. Most of the loss now goes to capital, to automation, to machinery.

Here is the irony: Corporations, you would think they would invest in human capital. You would think they would invest more in the workforce. But their incentives are not to do that. The Tax Code incentivizes research and development, if they want to open up plants or have automation; but they don't incentivize the investment in actual human capital so that workers and human beings get more of the GDP and not less.

This decline from 90 percent to 60 percent of income is correlated partly with automation but also with the decline of union membership. Guess what: The unions are one of the only institutions in this country that are investing in worker training, that are investing in improving people's human capital.

I know so many apprenticeship programs in my own district you can go in with just a high school degree, no test, no fees required, and become an apprentice to become an electrician, to become a drywaller, a glazer, a painter. These are tough jobs. They are not easy jobs. Once you do the apprenticeship, it doesn't cost you anything. It comes out of the fees of journeymen and other union members. You go and develop the skills, and the unions invest in you.

When you talk to these apprentices, they are so proud of the work they are doing, proud of the investment that the unions are making in them, and they are extraordinary people with an extraordinary work ethic. That is the investment that the unions are making in our workforce.

Don't think that it is just about them making sure people get the wages they deserve. They are making sure

that we have the workers that we need in this country to be productive. They are the ones who are investing in the human capital in our society and the ones who are looking at the investments needed for the future.

Union apprenticeships are what closed the skills gap. They are the ones who are teaching folks about 3D printing. They are the ones who are teaching folks the tech skills that are needed as auto repair mechanics. They are the ones who are teaching folks the basic ways that you now need to operate machines and robots.

High-quality training in our unions is why American workers are the most productive in the world: 6 times more productive than China, 6 times more productive than India, 1½ times more productive than Germany, 1½ times more productive than Japan. That is partly because of our union efforts and training and because of the grit of the American people.

Now, here is what this Janus case is about. The Janus case is about corporate special interests saying unions should no longer have a role in collective bargaining, that the work unions do to represent workers is no longer important, that every person can go fend for themselves.

Really? We tried that before the New Deal, during the Lochner era, where every person had to go fend for themselves. It was the time that F. Scott Fitzgerald wrote about in "The Great Gatsby," the Gilded Age, the largest economic disparities known in American society. It led to the greatest stock market crash. It led to the Great Depression. It led to huge economic instability in the United States and around the world.

And then we said: This system doesn't work. FDR and Harry Truman and Dwight Eisenhower said: Let's build an American middle class with unions, to which ordinary Americans can go to get a higher education, to get a wage where they can afford a house and they can afford food and they can afford to have a decent quality of life.

Unions are what provided that. Collective bargaining is what allowed for that. It balanced the corporate interests. It said: people who do work should be rewarded. That is what unions have done.

I know there are all these complex phrases: fee sharing, right-to-work, and all of that. But cut through all the noise, and here is the basic question: Do you think collective bargaining has a role in American society? If you think it does, if you think people should have the right to organize and bargain and that there should be some counterweight to corporate power, then you should be for AFSCME and the union in this Supreme Court case.

If you think workers are doing fine, working families are doing fine—the painters, the firefighters, the mechanics, the teachers, and the nurses—that they are all doing great and the real people we need to be worried about are

the corporate executives and the investors and the corporate bankers—well, if you have that theory, then I suppose you would be for Janus. You would say: Let's not have collective bargaining.

The question is: What is your theory of the case? Are you for workers having a greater say and greater wages in this country, or are you for corporations having even greater power? That is what this case is about.

I know that our Progressive Caucus stands so firmly in the belief that we need to be on the side of the workers. If the Supreme Court decides against collective bargaining, it will be one of the worst decisions in recent American history, a catastrophe for this court to strike a blow to working families across America, to strike a blow to the heart and soul of the union movement. We need to strengthen working families and unions, not weaken them.

Before I turn it over to one of the strongest champions for working families, I want to thank the leadership of AFSCME—President Saunders, Scott Frey—who have done so much to help not just AFSCME members, not just honor the tradition of Dr. King, but to help the fight for unions.

I want to thank Dr. David Madland and Kevin Fox, on my team, for their research about the role of unions and the leaders of the NEA: Mary Kusler and Marc Egan.

The SPEAKER pro tempore (Mr. CURTIS). The Chair would like to ask the gentleman to suspend.

The Chair would ask occupants of the gallery to cease audible conversation. The gentleman from California may proceed.

Mr. KHANNA. Mr. Speaker, I yield to the gentlewoman from Washington (Ms. JAYAPAL), my good friend.

PRAMILA JAYAPAL, before she was even elected to the State Senate, has been a tireless advocate for unions, for working families. She understands that working families and unions have helped not just minority communities, not just women, but all Americans.

She is our vice chair of the Progressive Caucus. She is one of the strongest progressive voices in our Nation. She is on the front lines, the picket lines, and has traveled across the country standing in solidarity with union members.

It is a real honor now to yield to my friend and colleague, Representative JAYAPAL.

Ms. JAYAPAL. Mr. Speaker, it has been a great honor to be able to come into Congress with Mr. KHANNA and to see the years of work that he has done before coming to Congress now turning into critical legislation around Yemen, around workers' rights, around progressive issues, around healthcare for all.

How proud I am that I get to serve with the gentleman in this Congress, and how proud I am of our Progressive Caucus, which is the largest values-based caucus in the House. We are 78 members strong, and I believe we are going to hopefully have more members added on.

Mr. Speaker, I think the reality of what we are talking about is that the ideas that we are putting forward are not really progressive ideas; they are ideas that serve the interests of working families. Labor unions are at the core of that.

I am proud to come from Washington State. We are one of the most labor-dense States in the country. We have one of the highest minimum wages in the country. Thanks to the labor movement, we have minimum wage that is tied to inflation. We have had that for many years. It is part of the reason our minimum wage has been able to rise in Washington State. Yes, we are the place of the \$15 minimum wage, and I was proud to be on that committee to pass the \$15 minimum wage in Seattle.

We are able to show that these policies, like higher minimum wages, like paid safe and sick days—we have some of the best paid family leave policies in the country. All of that has been brought forward by labor unions representing workers.

When we talk about collective bargaining, what is that? For the average person, who may not be as familiar with terminology, really all that means is that you get to take the power that comes from having more than one individual together to bargain for the things that are really going to help your life. That is what collective bargaining is about: bringing the power of many to the policies and putting policies forward that really help us.

Mr. KHANNA spoke so eloquently about—I think he said—the Danish Ambassador visiting. There is a great TEDx talk out there, TEDxOslo. The title of it is something like, "Where in the World Is It Easiest to Get Rich?" It is a fantastic talk that really puts bullets in the theory that, in social democracies where you provide healthcare, where you have strong labor movements, where you provide free education, somehow you don't have the opportunity to do well in those countries.

In fact, statistics show that, specifically because of a strong labor movement in Scandinavian countries and because of the investment in education, those two factors combined, everybody does well. It is a really simple theory that we are all better off when we are all better off, and that is what labor unions have provided to us.

I am proud to be from a strong labor family. My husband actually started off his career as an apprentice, as a bricklayer, and he worked his way up working for a number of different unions. He ended up being the head of the King County Labor Council, elected by 140,000 workers across our county, and was instrumental in helping us to win on many of these important issues. That is, I think, what we are talking about today.

So, when we look at the Janus decision, this is a critical issue, an issue of critical importance for all Americans. The Supreme Court's decision on this

case is going to help determine whether or not we really have opportunity for all workers, whether or not labor unions are able to do the work that they need to do to collectively bargain and bring the voices of many workers to bear. Because what happens in, particularly, these workplaces, giant corporations: You know that, if there is a wrong done to one, it is difficult to bring it forward just as one. If you have collective bargaining, you have a structure within where those issues can come forward.

So what Janus is looking at is whether or not American workers have the freedom and the right to collectively bargain, which means to fight back against the corporations that are expanding income inequality and decimating the middle class that, frankly, built this country.

Let me be clear that I stand strong with labor unions like AFSCME in opposing corporate efforts to drag working people to the bottom. Unions made our country strong. Unions made our country strong. And Janus has the potential to make it harder for working people to join a union.

Union members are us. They are our teachers, ironworkers, nurses, government workers, bricklayers, firefighters, machinists. They are the backbone of our communities. Our communities only thrive when we help workers to thrive. Janus would do the opposite.

I want to share a statistic with you. My friend RO KHANNA just gave you some incredible statistics. Let me repeat one, which is that workers, on average, in 1973 earned \$16.74 per hour, adjusted for inflation. Since then, our economy has doubled, so we can assume that worker salaries have kept up with the pace, right?

Not so fast. Wrong. Workers today make \$17.86 per hour, which is nowhere near enough to keep pace with growing income inequality and the rising cost of living.

Here is another statistic that has captured my attention and that I now use in every speech: Across this country, 67 percent of Americans do not even have \$1,000 in their bank account to deal with an emergency. Mr. Speaker, 67 percent. It is a remarkable statistic.

That means that, if you have a leak in your roof, your car breaks down, your kid has an emergency or an illness and you have to take off from work for a couple of weeks and you don't have paid family leave like we do in Washington State thanks to the labor movement, all of those things mean that families are no longer thinking about thriving; they are thinking about surviving. That decline is directly tied, if you look at the research, to the decline in the labor movement and the decline in collective bargaining.

So now we are facing an administration that, despite lofty campaign promises, is putting corporations and greed first and workers second.

□ 1745

Just look at the tax bill that the Republicans just passed. The largest transfer of wealth in the history of the United States going straight to corporations and the 1 percent. That is the reality of all of the research is that the majority of those tax breaks went to the largest corporations, the top 1 percent. It was used for stock buybacks and not for any kinds of increases, permanent increases, for workers.

So unions have been fighting back, and that is why we have to ensure that unions remain in fighting shape because they are fighting for us. Janus is nothing more than a political attack underwritten by corporations, and it will not make our economy stronger. It further rigs the economy against workers, and it is, frankly, a disgrace and a slap in the face to the union legacy that has helped our country grow.

We need to be working to make it easier and not harder for workers to join unions, to collectively bargain for fair wages, safe working conditions, and healthcare. And before I yield back, Mr. Speaker, I want to thank my friends in labor, the brothers and sisters who have been fighting for working Americans, winning worker safety protections, sick leave, the 40-hour workweek. Don't forget about the 40-hour workweek brought to you by your labor unions throughout our country's history.

It is not hyperbole to say that we simply would not be where we are without unions. And instead of trying to tear them apart by pushing so-called right-to-work laws—I don't even like to say the phrase, because it isn't right to work. The reality is that we should have the right to have workers collectively bargain and organize.

But by filing these harmful lawsuits like Janus, we are hurting workers across the country. We should be working to educate and to engage a new generation of union workers and leaders, and if history is any indication, our country will be better off when we are all better off. We are all better off when we have unions that represent the voices of working people and can actually build that power, organize together to take on that corporate power, which, frankly, has a lot of money behind it but isn't looking out for the best interest of our workers. With that, I thank Mr. KHANNA for his tremendous leadership.

Mr. KHANNA. Mr. Speaker, I thank Representative JAYAPAL for infusing the Progressive Caucus with a new vision, new energy, and, really, making it the strongest caucus in Congress and sharing some of those facts. I didn't know that 67 percent of Americans live on just \$1,000—can't afford \$1,000 emergency expenditure. So I think talking about these facts and what this case means to real Americans is important. I thank her for being here.

It is now my real honor to give the floor to someone who really built the Progressive Caucus. You know, the

Progressive Caucus used to be a social club where people chatted, before KEITH ELLISON took over and said: You know, we have got to do more than just talk. We have got to actually act on our values.

If you talk to anyone in this Congress, they will tell you that he took a group of 15, 20 Members that used to get together and has turned that caucus, through his leadership, into the largest caucus on the Democratic side, the most effective caucus, and one that has a bold agenda.

Keith has been an organizer his whole life. He understands the importance of working families and believes in these issues from his heart, and he has been a truly effective leader for the caucus in the House.

It is my honor now to yield to Representative KEITH ELLISON.

Mr. ELLISON. Mr. Speaker, I thank Mr. RO KHANNA for organizing this today and holding this particular Special Order about Janus v. AFSCME. But, actually, the larger question is: What kind of shape will America be in if the Supreme Court makes the wrong decision?

We envision, in the Progressive Caucus, an America in which parents can dream about their kids being able to go to college. We believe that you ought to be able to put food on the table. You ought to be able to get a good job and earn a decent pay and have a voice on your job. You ought to be able to turn on the water faucet and drink the water. You ought to be able to drive down the road without busting the axle on your car. You ought to be able to have safe affordable transit to get to where you have got to go.

We don't think this is too much to ask. This is something that other countries in the world have. We think you ought to be able to go to the doctor if you are sick. Now, the guarantor of all those things for so many years has been people coming together and organizing themselves into a group that argued and negotiated with their employer for a fair wage. They negotiated with their employer, and they said: Look, you know, you want us to supply labor? We will do it. You have got to pay us right. You have got to make sure the benefits package is right. You have got to make sure that this thing is making sense, not just for you, but for us, too.

And, for many years, employers who didn't want to see strikes and didn't want to see labor shutdowns, and wanted to stop the turnover that you would see, and wanted to make sure that there was labor peace, came to an agreement, and said: Okay, we will work with you.

And between World War II and right up until about 1970, even a little beyond, that bargain helped create the world's greatest middle class. It wasn't easy to get a cohesive union movement. In fact, there was a time in American history where being in a union was a criminal offense. They

called the Pinkertons in. They beat you down. There is a lot of labor blood that has been spilled in this country in order to have a labor movement, but we have got one.

And by 1957, a year that had racism and segregation, sexism and homophobia, had one thing going, and that was about 35 percent of all Americans were in a union, and about 35 percent more were paid as if they were. So the unions were setting the wage scale, and they helped create an American middle class, which really is what we think of when we think of America at its best economically.

The union movement didn't just stop at labor issues. It went further than that. It was the UAW that helped fund the March on Washington. The march for jobs and justice was funded by organized labor. It was labor that stood with those sanitation workers in Memphis, Tennessee, when they were on strike and Martin Luther King came down to march with them. It was AFSCME—AFSCME, the American Federation of State, County, and Municipal Employees—who had the back of those workers in Memphis. And when we lost the great Martin Luther King just about 50 years ago, AFSCME was by the side of those workers. And those workers literally won that strike, and many of them are still around to talk about it today.

These folks made it so that in 1968 you had a rate of poverty that was much lower than it is today. You had CEOs that made about 20 times more than their average worker. Today, that is 339 to 1, and that is just the median. In fact, you have companies like Mattel that make almost 5,000 times—the CEO makes 5,000 times the average worker. McDonald's, the CEO makes 3,100 times the average worker. Kohl's, the CEO makes 1,200 times the average worker.

But in 1968, with its strong union movement, we had an emerging civil rights movement. We had a minimum wage that was probably in the neighborhood, as has been mentioned, that was livable at the time, if you compare it to inflation. You had a rate of poverty where fewer people were in poverty. You had a ratio between workers and CEO which was much more rational.

And something interesting happened beginning in the 1970s; there came an organized concerted attack on labor. And people will tell you that in 1980, after Ronald Reagan was elected, he went out on the campaign trail saying that he was for working people, but shortly after he got in office, he dismissed the air traffic controllers.

When he broke that strike and he broke those workers, it set working people in this country on a trajectory, which brings us to where we are now, which is stagnating wages for literally three, four decades. The CEOs have done great. And if you ask Donald Trump, he will tell you: Oh, yeah, you know, the stock market is booming out of control. We are doing fine.

But, you know, in this America, our America, this largesse is not shared by most people. My colleague, PRAMILA JAYAPAL, mentioned earlier that about 67 percent of Americans would not know what to do if they were hit with a \$1,000 bill. They don't have it. But there are even other statistics that are as jarring, as equally upsetting. Other statistics would show just how difficult it is for Americans to pay their bills.

Now, I know we are talking about Janus today. I am getting there. But there is a recent story that I want to share with you, and we can submit it for the RECORD, and the title of this story, Mr. Speaker, is "More Than 40 Percent of Americans Can't Pay Their Bills." That is the name of the story, and it says: "Donald Trump thinks the economy is doing great—way, way better than under Obama. Actually, Obama created more jobs on his way out the door than Trump has so far.

"But that's besides the point."

The story says, based on this research, the conclusion of the research: "43 percent of us struggle to pay our bills, and 34 percent are suffering 'material hardships,' including 'running out of food, not being able to afford a place to live, or lacking the money to seek medical treatment.'"

The truth is, Mr. Speaker, is that we live in a Nation that is lurching toward plutocracy. We live in a Nation that is lurching toward oligopoly and oligarchs, because the people who make the hamburgers, they don't benefit in the profits of the company. The CEO does that. The people who make the clothes and work for Kohl's and work their job, they don't benefit. They just get survival wages, and the executives take it all home for themselves.

Part of the reason is a conservative philosophy which says that companies should not have to pay any taxes. They shouldn't have to abide by any regulations. They should be allowed to slam labor cost to the ground, if they can, and then the CEO should be able to walk away with all the money. And then the theory goes that they will use that money to invest in plant and equipment, and then everybody will be better off. But that never happens.

That Republican philosophy, that conservative philosophy, is absolutely and utterly bankrupt. It doesn't work. It is not true. And, yet, we keep on doing it over and over again. But part of this philosophy is the union busting. And they have been on a 40-year trajectory of trying to break the union.

I mentioned PATCO a little while ago, when Reagan broke PATCO. That sent a shockwave that reverberated even until the moment we are in now, and it is culminating in this attack on Janus.

Let me tell you, they have been trolling around for a worker, a public employee, to try to break Janus—break public employees for years. A few years ago, right before the Supreme Court Justice Antonin Scalia passed, there

was a case before the Supreme Court called the Frederick case. And in that case, it is exactly like the Janus case. Why are they similar? Because right-wing law firms are trolling the country looking for any public employee to try to attack the union and attack fair share. That is what they have been doing.

They have been going around: Will you take the case? Can we represent you? Can we represent you? And they finally found somebody, this guy, Janus. And he makes the outrageous claim that he—who benefits from collective bargaining and who the union expends money to make sure he has a decent contract—he is saying: Oh, this is unfair. My free speech rights are going into this union, and I don't want that to happen.

Well, they are not, actually. All they are doing is assessing a reasonable fee that is associated with the cost of negotiating on his behalf to have a better wage. But he says: No, I want to be able to benefit from the work that the union does, but I don't want to pay anything. It is quite ridiculous. But that is the case that is in the Supreme Court right now.

You know, you want to know what is in the First Amendment? The right to freedom of assembly. The right to freedom of assembly is in the Constitution. And if some workers want to assemble together and negotiate for better wages and better benefits with their employer, I believe they have a constitutional right to do so.

□ 1800

What I don't think you have a constitutional right to do is to be a freeloader, which is what Janus is arguing. He is saying: I want to be able to benefit from what the union negotiates on my behalf, but I don't want to pay anything.

He doesn't have to pay into the fund that goes to political stuff. He doesn't have to pay for that. That issue has been decided. It is not required under the law that he help fund candidates or issues that he doesn't want to support. But it is fair, and it is right, and it is reasonable, and the Supreme Court has found in the past that an assessment on employees for the cost of representation is fair and constitutional. Now, this is a case called the Abood case where this was found to be constitutional. What they want to do is flip Abood and say: No, you can now be a freeloader.

Let me just say to my good friend from California, our law has been favoring the employer over the worker for years now. Here is the law right now. If you are an employer and you fire a worker because they are trying to organize a union, that is not legal to do. But guess what? That worker can file, but they can't file a private lawsuit; they have to file under the National Labor Relations Act. They can't get punitive and treble damages. They can't do discovery. They just have to

go through the NLRB process, which takes quite a long time, according to most workers who go through it. And when they do go through it, all they can ever get is back pay, minus whatever they earned after they were fired illegally.

This is a very small price to pay for people who are exercising what I believe is a constitutional right to freedom of assembly and freedom of expression. But why shouldn't you fire them because, hey, it is the worst of the cost of doing business for some employers who don't want a union?

Another example of how unfair the situation is an employer can tell the workers: You better be in the cafeteria tomorrow because there is a union drive, and I want to threaten you and scare you and tell you all the reasons why it is a bad idea.

This is called captive audience.

Can the union go into the same plant and say, "Well, now we want to give you our side of why you do need a union"?

They cannot do it. It is not fair. It is like having an election, where the rights of the workers will be determined by the election, and yet only one side gets to be able to go and argue in the negative.

By the way, if the employer said, "Come to the meeting, we are going to tell you why you do need a union," that would be an unfair labor practice.

It is crazy, really. But it is the kind of world that a guy like Neil Gorsuch thinks would be a good one. This is the guy who was, in my view, illegally put on the Supreme Court of the United States—illegally.

The Constitution says that the sitting President gets to offer a replacement for a vacancy on the Supreme Court. Barack Obama did that, and the head of the Senate Republicans, who was in the majority, said: We will not hear anybody.

Do you know what? The role of the Senate is to give advice and consent. They can say, "We think that this guy is not qualified"; they can say that this guy has a judicial temperament that is not proper; they can criticize that nominee any way they want to. But one thing they cannot do is say: We simply will not discharge our constitutional responsibility. But that is what they did do because nobody can make them do otherwise.

They did it because they could do it, but it was wrong. It was actually immoral, and it was an abuse of their responsibility as Members of the United States Senate. But they didn't care. They want power—raw, naked power. That is what they did, and somehow they got away with it because they got Neil Gorsuch on the Supreme Court. This is the guy who was a deciding vote in a case that, I believe, is a foreshadowing of what we are going to see in Janus.

Just the other day, a case called Murphy Oil was decided—Monday. Neil Gorsuch cast a deciding vote in a Supreme Court decision that ruled, for

the first time, that bosses can forbid their workers from joining together in class action lawsuits to challenge violations of the Federal labor laws. This is an outrageous usurpation.

Bringing a complaint against your boss or your company is expensive and risky, especially for workers who have no safety net. Congresswoman JAYAPAL just got through telling you how stressed to the wall American workers are, and yet those workers, who don't have much money, are now told that they cannot come together in a class action suit to challenge violations of Federal labor law. They have to pursue these claims individually. They don't have a chance. The bargaining position power is absolutely unequal, and yet that is what we got.

Decisions like this are why MITCH MCCONNELL and Republicans have engaged in the historic obstruction to block President Obama from filling the Supreme Court vacancy for nearly a year. They wanted an ideologue like Neil Gorsuch to tip antiworker cases like this.

So what is going to happen in Janus? I hate to admit it, but even I, who consider myself quite optimistic, believe that: Look, they put Neil Gorsuch on the Supreme Court to destroy public employee bargaining; that is why he is there. I have no illusions about what is about to happen. But it is just like other unjust Supreme Court decisions that have happened, along the lines of Shelby County, which destroyed the Voting Rights Act, or along the lines of Citizens United, which basically said that corporations can dump massive amounts of money into elections.

Who has a massive amount of money? You know. America's corporate elites.

And then it goes all the way back to unjust decisions like the *Lochner* case or even *Dred Scott*.

History will look very dimly on this moment in time. I believe that when you crush decency and fairness to earth, it does rise. And I believe that workers of this country, if they are prohibited by the law and the Supreme Court from being treated fairly, they are just going to start going on strike all over the place, just like the teachers just showed us that they would. They are just going to start going on strike, and we will just settle it out in the street. This is unfortunate.

Wouldn't it be much better to have fair bargaining and come to the table and negotiate decent wages and benefits? Of course it would be.

Those teachers didn't want to go on strike. They wanted to be in the classroom teaching those kids.

But whether it is Arizona, North Carolina, or Oklahoma, these people, who dedicated their lives to young people, had to go out on the trail, go out on the strike line, just so that they could get a decent situation for those kids and themselves. Those teachers said: These kids' learning environment is our work environment. Both are bad. So we have to strike. We have been given no alternative but to do so.

So they did, and they got some justice out of it.

This is what the likes of Neil Gorsuch and *Janus v. AFSCME* are pushing the American labor picture towards. It is too bad, but I have great faith in the American worker. They will not take this lying down, and we will be on the picket line with them.

Mr. KHANNA. Mr. Speaker, I thank Representative ELLISON for those words and for explaining so simply and powerfully what is at stake with the *Janus* case and why the constitutional right is actually with the unions, as he put it, to assemble and not to freeload when someone is getting a benefit. I thank him for his leadership and fight on this.

Mr. Speaker, I want to make one other point before yielding to my friend. One of the contemporary examples of the need for collective bargaining is seen with CWA in their struggle with American Airlines when passenger service agents aren't making a living wage. I don't understand it. I pay so much for these American Airline tickets that I wonder who the money is going to.

Would any American think that the passenger service agents aren't getting a fair wage, given what we are paying in airline tickets?

Yet the truth is many of those workers aren't getting a fair wage, particularly those who are working for Envoy Air and those who are working with Piedmont Airlines.

There are many Members of this House—81 of us—who believe that American Airlines needs to do the right thing and pay a living wage and CWA's ability to bargain, to ask for a fair wage for what all of us pay when we pay for tickets, to ask that the workers benefit from that as well. That is what is at stake in this *Janus* case: Can CWA organize and get a fair wage so that workers benefit?

Mr. Speaker, I yield to the gentleman from Florida (Mr. SOTO), a good friend, who is in my freshman class and who is a great leader on so many issues—on issues of technology and the future of work—so that he can speak out on this important *Janus* decision. He has come out to Silicon Valley. But what I respect about him is he has his values in fighting for working families, for the middle class, for people who have been left out. Those are the issues he is most passionate about.

Mr. SOTO. Mr. Speaker, I thank Mr. KHANNA for all of the good work that he is doing. I know he is changing the world in California. There are going to be so many labor issues to come from that that I can't even dream of right now. But I rest assured knowing that someone of his savviness of knowing technology will help us make sure that we are protecting working families going into the future.

I also share his concern and believe that American Airlines should be paying living wages to the folks who are working for them and certainly stand with CWA on that issue.

Today, we are talking about *Janus v. AFSCME*. Mr. Janus is a man who wants to get something for nothing, a man who wants to get the benefit of collective bargaining without having to pay for it, and he is asking the Supreme Court to dismantle unions in the process of that, all because he doesn't agree with some political messaging of the union, in this case, AFSCME.

I would like to take a moment to take this logic to its end. Perhaps every shareholder should be able to object to Fortune 500 companies about political messaging they disagree with. Every single one of them: 1 share; 1 million shares. Perhaps every employee should have the right to object to their Fortune 500 company employers' political messaging if they disagree. But, of course, that is not what is happening because this is a concerted attack on America's unions, leaving corporate dark money to reign unchecked in our political process. Ultimately, it is an attack on the middle class.

Imagine our country without a strong middle class. Imagine a country with just the haves and the have-nots. There are plenty across this globe. There are plenty that aren't making a big difference in this world because when you have the rich control all capital, all political power, that is when they control us, and we don't have the innovation. We don't have the incentive. We don't have the progress that is so critical to capitalism, which I think is being missed on this. If you don't have a fair market, you can't have successful capitalism, and part of a fair market includes having a strong voice for our middle class, for our working folks, through our unions.

It is no surprise that a rise to greatness in this country was tied to the rise of the middle class. Think about it: GIs returning home from World War II, fanning out to the suburbs. Even before that, around World War I and before that, when you had all of these major milestones that we talked about—a 40-day workweek, overtime, child labor laws, OSHA, so many things that happened, antitrust, that created the modern economy—and we surged and prosperity reigned through most corners of the United States.

So I want to just take a moment—and I appreciate Mr. KHANNA for bringing this forward—to urge the Supreme Court to do the right thing: to protect the right to collectively bargain from being dragged down by nonunion free riders just because they disagree with the political message.

Or, in the alternative, allow every employee, every shareholder, to object to corporate political speech they disagree with. Let's keep it fair on all sides then. If I have one share and I am a part-time employee of a major Fortune 500 company and I disagree, I should be able to object, just like this man wants to be able to object. Corporations aren't people; people are people.

Mr. Speaker, I thank the gentleman from California (Mr. KHANNA) for the opportunity to be able to stand with him on behalf of America's working families.

□ 1815

Mr. KHANNA. Mr. Speaker, I thank Representative SOTO for his analogy that the rules for our corporate shareholders shouldn't be different than the rules for workers. We need fairness. We certainly shouldn't be privileging shareholders. I appreciate the gentleman's advocacy for working families and speaking out today.

Mr. Speaker, I want to close with some simple points. People often say that workers have a negative view of unions or don't want unions to be representing them, but here are the facts: Gallup Poll research shows that 60 percent of Americans have a favorable view of labor unions, and that number has been going up as more and more Americans see that their wages have been going down. More and more Americans are saying they need the unions to level the playing field.

When we look at AFSCME and what AFSCME stands for, what Janus is saying that he doesn't want representing him, I think about the trip I took with Representative JOHN LEWIS down to Memphis a few months ago. We went to Mason Temple. In Mason Temple, we heard over the loud speaker Dr. King's voice as he spoke about seeing the promised land.

As that booming voice came over the loud speakers in that temple, there on stage was a man in his 80s who was a sanitation worker at the time that Dr. King marched in Memphis, and he talked about how he still was owed money for his fair work. At the age of 80, Memphis still hadn't paid him.

That person, that man, he didn't shirk from work. He was working still in his 80s. He believed in the dignity of work. He talked about young people needing to believe in the dignity of work. He just wanted to have a fair shot at being paid for that work.

That was AFSCME. That is what AFSCME stands for in this country. That is what is at stake in this Supreme Court fight. Do we stand for the values that Dr. King marched for, and do we stand for the labor union in this Nation?

GENERAL LEAVE

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

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

There was no objection.

Mr. KHANNA. Mr. Speaker, thank you for your graciousness in giving us this hour and moderating this debate.

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

THE PROSPER ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from North Carolina (Ms. FOXX) for 30 minutes.

HONORING TROOPER BULLARD

Ms. FOXX. Mr. Speaker, only days after we commemorated National Police Week, I rise to honor the life of Trooper Samuel Newton Bullard.

The community of Ronda, North Carolina, tragically lost Trooper Bullard in the line of duty on Monday in my district.

A 3-year State trooper veteran, Trooper Bullard was dedicated to the safety and protection of Surry County. Our country could not be so blessed without selfless law enforcement officers like him who protect our communities and uphold the rule of law that our safety rests upon.

My heartfelt condolences go to the family and friends of Trooper Samuel Newton Bullard.

While Trooper Bullard's ultimate sacrifice cannot be repaid, I remain grateful for his sacrifice and remember him and his loved ones in my prayers.

Mr. Speaker, I am here tonight to talk about a serious situation that exists in our country, a very serious situation. Every Member of this body hears every day from employers in our districts that they have jobs that are going unfilled because Americans do not have the skills they need to fill those unfilled jobs. Specifically, there are over 6 million unfilled jobs in this country due to the skills gap.

We have a solution to that problem, Mr. Speaker, and it has come out of the Education and the Workforce Committee. It is called the PROSPER Act.

Today, in The Hill, there was a terrific article encouraging this body and this Congress to pass the PROSPER Act, and I am going to quote some of the article. The article was entitled "Congress, Pass the PROSPER Act for Federal Student Aid Reform." It is written by Rachele Peterson.

"It has been 53 years since President Lyndon Johnson signed the Higher Education Act into law, and 10 years since it was reauthorized, under President Obama. Over the years, the law—which touches nearly every aspect of higher education—has turned into a special interest bonanza. It shields traditional colleges from marketplace competition, weaves a labyrinthine web of student aid options, packs on the pork, and in the last administration served as a pretext for the Department of Education to invent politically charged regulations.

"The PROSPER Act . . . would reauthorize the Higher Education Act and clean up the mess it has become. The bill would streamline Federal programs, relax burdensome regulations, forbid the Secretary of Education from acting outside the scope of the law, and protect the key principles of free speech and religious freedom.

"Today, my organization, the National Association of Scholars, released a top-to-bottom review of the PROSPER Act, concluding that it represents the best opportunity to reform higher education in decades. With a few tweaks, the PROSPER Act should be passed at once. Two especially important areas—Federal student aid reform and protections for freedom of speech and association—show why."

Ms. Peterson goes on: "Currently, Federal student aid is a complicated system that encourages students to take on unmanageable debt and incentivizes colleges to raise tuition. The system has six loan programs, numerous grants, and some four dozen options for paying off or getting loans forgiven.

"The PROSPER Act simplifies Federal student aid, reining in costs and making it easier for students to see their options. It caps the amount of money parents and students can borrow from the Federal Government. It streamlines Federal student aid into a single loan program, a single grant program, and a single repayment program. It eliminates special interest projects, such as public service loan forgiveness, which privileged government employees by forgiving their loans after 10 years of payments."

Mr. Speaker, Ms. Peterson really encapsulates at the beginning of this article the reasons why we should be passing the PROSPER Act.

Again, it passed out of the committee in December, and we are working to find floor time to be able to bring this bill to the floor and be able to have the House vote on it, send it to the Senate, have the Senate vote on it, and send it to the President for his signature.

Again, Ms. Peterson says, "Congress, Pass the PROSPER Act for Federal Student Aid Reform," but as she explains in her quotes as I quoted, she says even more about it.

Let me explain some additional reasons why we need to pass the PROSPER Act.

Eighty-one percent of parents say 4-year schools charge too much. Fifty-four percent of parents think 4-year schools are accessible to middle class Americans.

Mr. Speaker, we have a problem in this country, not just with skills but people who are in poverty. The way for people to get out of poverty is to gain a good education that provides skills for people to be able to get a job.

Mr. Speaker, all my life I have promoted the need for people to get a great education. I myself am a living example of what an education can do for a person. I grew up in a house with no electricity, no running water. My parents had a sixth grade and ninth grade education. I come from no privilege whatsoever, and yet, Mr. Speaker, I and many millions of other people in this country who came from similar circumstances were able to get a good education and use their talents and skills to lead successful lives.