

FREEDOM TO NEGOTIATE

Labor unions and strong labor laws have helped build the middle class in America and protect the rights of workers for generations.

In the 1970s, union participation was around 30 percent, and it was a golden era for the American middle class. Wages went up. Families had benefits and vacations. Parents could pay for college. They could put food on the table and have money left over. The vast, thriving middle class was built on the blood and sweat of labor unions and those who organized the labor unions, often at their physical peril, back in the thirties.

Unfortunately, over the last few decades, union membership has declined and, along with it, middle-class wages and opportunities. In the seventies, union membership was near 30 percent, but it had fallen to just 11 percent of all workers by 2014. That decline is mostly because the union movement and, concurrently, the middle class, with which it is allied, have been under attack from big corporate special interests and the conservative movement for the better part of the last three decades. It is well funded by a small group of very rich and, I might say, greedy people, and it is patient.

Their goal is to, by any means necessary—Congress, the courts, whatever—break up existing unions and prevent new unions from forming. They will pursue any avenue in order to disrupt the ability of workers to organize and collectively bargain for a fair share of the profits they create so that they can make an extra buck.

These forces will do whatever it takes to keep rigging the system in their favor, like asking the Supreme Court to rule on *Janus v. AFSCME*, a case backed by the Koch brothers—\$40 billion each, maybe more; plenty of money—but they hate giving any money to workers. And there is no record evidence of a single lower court ruling in its favor.

If anyone doubts the politicization of the Supreme Court, just look at their being willing to hear this case twice, which comes with a crazy legal theory that a First Amendment basis should be used to destroy collective bargaining. It is merely designed to eliminate the freedom of people to come together in unions. If the Supreme Court endorses the arguments of *Janus*, it will be a dark day for the American worker.

Chief Justice Roberts, who said he would be fair and call balls and strikes, in my view, has lost all pretense of fairness. He wants to keep the Court nonpolitical, but he keeps pushing cases like this. Since his confirmation, under Chief Justice Roberts, the Court has methodically moved in a pro-corporate direction in its constantly and consistently siding with the big corporate interests over the interests of workers. Already, it has been the most pro-corporate Court since World War II. A decision in favor of *Janus* will be

a shameful capstone on that already disgraceful record.

I would say to all of those wealthy people who have plenty of money and to all of those corporate executives who get paid in the tens of millions, who are desperate to take money away from middle-class people whose incomes are declining, that you are creating an anger and a sourness in America that is hurting our country in so many different ways.

American workers deserve a better deal, and Democrats are going to offer it. We are calling it freedom to negotiate. We are offering the middle class, and those who are struggling to get there, a better deal by taking on companies that undermine unions and underpay their workers, and beginning to unwind a rigged system that threatens every worker's freedom to negotiate with their employer.

Our plan would, among other things, strengthen penalties on predatory corporations that violate workers' rights; ban State right-to-work laws that undermine worker freedoms to join together and negotiate; strengthen a worker's right to strike for essential workplace improvements; and provide millions of public employees—State, local, and Federal—with the freedom to join a union and collectively bargain with their employers.

Over the past century, labor unions have fought to stitch into the fabric of our economy a basic sense of fairness for workers. Each worker left on his or her own has no power against the big corporate interests that employ them, but together unions and workers who unite in unions can have some say.

No one taught me better about the lack of fairness than a 32BJ worker I met several years ago at the JFK International Airport, who was named Shareeka Elliot. When I first met Shareeka, she was a mother of two children who was struggling to make ends meet. She was working the graveyard shift cleaning the terminals at JFK and serving hamburgers at McDonald's during the day. She was forced to rely on public assistance since she had gotten so little in wages from those jobs. She lived in a house with six other family members to be able to pay the rent. She was not a freeloader. She was working two jobs, but she got minimum wage and could hardly support herself. She barely saw her children and spent most of her free time in getting to this job—this poorly paid, minimum wage job. She had to take a bus for 2 hours from East New York to the JFK International Airport.

She was not angry, by the way, as she was a churchgoing lady. She had faith in God to provide, but she suffered so.

By the way, 30 years ago, if you had cleaned bathrooms at an airport, you would have been employed by the airlines or by the terminal. But because these companies have learned to farm out the labor to subsidiaries, to franchises, and to other corporations that

have no accountability, now cleaning those toilets is a minimum wage job.

Over the last 4 years, though, I have seen Shareeka and her coworkers start to rebuild their dreams. She said to me: Senator, if I only could get minimum wage, I might be able to take my kids out to a restaurant—I never could—or buy them toys for Christmas. I never could do that.

Shareeka joined the union, and they fought for a \$15 minimum wage. In some parts of the country, that may seem like a lot of money. In New York City, I can tell you that it does not go that far. Costs are higher. Shareeka was able to quit her second job and spend time with her daughters, like all parents want to do. Shareeka and her coworkers won a union contract, and now they are able to gain the tools they needed to protect themselves and do their work in a safer environment.

Shareeka is a metaphor for “American workers,” so many of whom have lost good-paying jobs that have gone overseas or that have been closed due to automation. When they organize in these new types of jobs, they can get the kinds of wages people used to get in the jobs that have gone away.

It is pretty simple: When workers have the freedom to negotiate with their employers, they have safer working conditions, better wages, and fairer overtime and leave policies. Shareeka's story is a testament to that fact.

Our better deal, the freedom to negotiate, will do for so many Americans what Shareeka's union did for her in New York. It will turn things around for our country. Maybe middle-class wages will start going up, and maybe people will start having faith in the future again. We Democrats—hopefully, maybe, joined by a few courageous Republicans—are going to fight to get it done.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I want to thank my colleague Senator BROWN for leading the effort on the floor to speak out against the latest attacks on union rights that are in front of the Supreme Court right now. I am very proud to join him to highlight the contributions unions have made to our middle class, to the economy, and to our country. I want to express my commitment to stand up against any attempts to undermine workers' rights to join a union and bargain collectively.

Since day one, President Trump has broken his campaign promise, which was to put our workers first, by rolling back worker protections and putting corporations and billionaires ahead of our working families, and now we are seeing corporate special interests doubling down on their attempts to undermine the rights of workers to band together. So it is critical now more than ever that we are committed to protecting our workers and their ability to advocate for safe working conditions, better wages, and a secure retirement.

Unions helped create the middle class in this country and helped a lot of our families in the last century become financially secure. But over the last few decades, as workers' bargaining power and union density have declined, we as a country have seen a decline in the middle class and a rise in income inequality in this country. As we all know, too many families today are struggling to make ends meet. Meanwhile, corporations' profits are at an alltime high.

I will continue to fight back against any attempts by this administration and by special interests to rig the rules against the people who go to work every day. I will keep fighting for policies that will help families save just a little more in their bank account, whether it includes raising the minimum wage or fighting for equal pay for equal work or strengthening our workers' rights to seek out and join a union and bargain collectively. I urge all of our colleagues who want to help working families to get ahead to join me in that effort.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. DUCKWORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. DUCKWORTH. Mr. President, I am here to speak out in favor of working families and how we can empower American workers to obtain good jobs, to secure a safe retirement after a lifetime of hard work, and to give them the freedom to join together to negotiate for better pay and safer working conditions.

Unions in the United States are important for our families and for our Nation's economy. Organized labor is one of the greatest forces driving the middle class, which is especially important for our veterans and members of the military. Union jobs help provide our servicemembers and veterans with the economic opportunities that they have earned. Union jobs help working moms and dads put food on the table, and union jobs help power the engine of our economy—our middle class. That is why I am working every day to protect

the rights of working people and why I stand shoulder to shoulder with organized labor.

We must work together to combat the assault on the protections that workers have fought so hard to secure. It is more important than ever that we here in Washington work to expand economic opportunity for hard-working Americans, many of whom come from a union home. That means passing labor law reform to make it easier, not harder to join a union. That also means expanding the use of project labor agreements for major construction projects and opposing efforts to repeal prevailing wage laws. It also means defending the Davis-Bacon Act. The Federal Government can and should be a model employer that encourages companies to pay fair wages.

It is important to note the great progress that collective bargaining is making for all people. More families today have two working parents than ever before, and women's growing role in our unions have increased to nearly half of the labor workforce. In Illinois alone, 44 percent of union workers are women. The labor movement, which had a pivotal role in creating national minimum wage, the 40-hour workweek, overtime pay, and standards for workplace health and safety, is now also impacting women workers and their families in a significant way.

The collective voice that working Americans have is responsible for improving sick leave and paid family leave policies at the State and local levels. These efforts can also lead to reducing our Nation's long-lasting wage gaps between gender and race. Labor unions tend to raise wages and improve benefits for all represented workers, especially for women, and women of all major racial and ethnic groups experience a wage advantage when they are in a union. There is still a long way to go in the wage gap fight, but unions are leading the way to make those gaps smaller.

Unfortunately, organized labor is under attack. In Illinois, the anti-union surge is on the rise. Nationwide, so-called right-to-work efforts are growing. We need to be clear on one thing: These laws do absolutely nothing to strengthen workers' rights, despite their misleading names and rhetoric.

Make no mistake, opponents of organized labor are well funded and relentless in advancing union-busting campaigns. We must work together and challenge these growing dangers to America's middle class.

The U.S. Supreme Court will soon decide a case that could determine the future of American unions. A slim majority of conservative Justices may hand down an anti-worker decision that would dramatically undo existing precedent and sabotage the ability of unions to effectively represent hard-working, everyday Americans. Workers should not be able to reap all the benefits of union negotiations while refus-

ing to pay dues that made those efforts possible. Make no mistake, a decision sanctioning this practice would strip away freedom from millions of Americans. It would steal their freedom to join together to bargain for better wages, it would steal their freedom to join together to insist on worker protections, and, ultimately, it would betray middle-class America, which relies on organizing to effectively negotiate with powerful corporations.

Another way we can support our union workers is by making a serious investment in our Nation's infrastructure, which leads to more good-paying jobs and greater economic opportunity for working families. Improving our Nation's infrastructure is really just common sense. That is why I introduced a bill, which was passed into law, to cut redtape and reduce delays on construction projects in Illinois and our surrounding States. Upgrading our transportation systems will help Illinoisans and all Americans who depend on our roads and transit systems to get to work every day, as well as businesses that need our airports, highways, and our freight network to ship their products.

I am working each day to support our hard-working, middle-class families. Through organizing, unions have become champions for working families both in and out of the Federal Government.

I thank our union representatives for all the work they do for our families, our communities, and our Nation.

Thank you.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, last year, powerful corporate interest groups actually stole a Supreme Court seat and handed it over to their hand-picked choice, Neil Gorsuch. Now those powerful corporate groups are about to use that seat to deal a devastating blow to hard-working teachers, firefighters, nurses, and police all across this country.

On September 28, the Supreme Court announced that it would hear a case called *Janus v. AFSCME Council 31*. AFSCME 31 is a union representing public sector workers in Illinois. This case will determine whether the public sector unions that represent teachers, nurses, firefighters, and police officers in States and cities across the country can collect fees from all the employees in the workplaces they represent.

Many expect that Justice Gorsuch will deliver the deciding vote in that case, that he will force unions to represent employees who do not pay dues and, in doing so, cut off sustainable funding for public union organizing.

Judges are supposed to be impartial, but there is no reason to expect that Justice Gorsuch will be impartial in this case. On the afternoon of September 28—the very same day that the Supreme Court announced that it would hear the *Janus* case—Justice Gorsuch attended a luncheon at the

Trump International Hotel. And he didn't just attend an event at a hotel that makes money for the President. Nope. He gave the keynote speech for a rightwing group funded by one of the Koch brothers and by the Bradley Foundation—billionaires and wealthy donors who are pumping money into the people behind the Janus case.

It is no surprise that these rich guys want to break the backs of unions. After all, unions speak up, unions fight back, and unions call out billionaires who rig the system to favor themselves and to leave everyone else in the dirt.

What is at stake in the Janus case is basic freedom—the freedom to build something strong and valuable, the freedom to have a real voice to speak out, the freedom to build a future that doesn't hang by a thread at the whim of a billionaire. And just as the Supreme Court decides to take up a decision that puts the freedom of millions of working people in jeopardy, Justice Gorsuch shows up as the star attraction for a billionaire-sponsored outing to celebrate an organization that is sponsoring an operation to put workers' freedom on the chopping block.

With this kind of brazen disregard for fairness and impartiality, it is no wonder that Gallup Polls have found that fewer than half of all Americans approve of the way the Supreme Court is now handling its job. In a shameless decision to abandon even the appearance of neutrality, Justice Gorsuch makes it clear that he is on the attack against American unions and American workers.

In the Trump administration, workers have been under repeated attack. Since taking office, President Trump has signed several laws sent to him by the Republican Congress, laws that directly undermine the wages, benefits, health and safety of American workers. In just 10 months, they have rolled back rules designed to make sure that Federal contractors don't cheat their workers out of hard-earned wages. They have delayed safety standards that keep workers from being exposed to lethal, carcinogenic materials. They have given shady financial advisers more time to cheat hard-working Americans out of billions of dollars in retirement savings, and the list goes on.

This is a democracy, and in a democracy, the government in Washington is supposed to work for the people who sent us here. So why is it that the Federal Government seems to be working against the interests of 150 million Americans who work for a living? Well, there is one reason—money.

Money slithers through Washington like a snake. Its influence is everywhere. There are obvious ways that we know about—the campaign contributions from giant corporations and their armies of lawyers and lobbyists—but it is also the think tanks and the bought-and-paid-for experts who are funded by shadowy money, whose point of view seems always to help the rich and powerful get richer and more powerful.

Powerful interests invested vast sums of money in electing President Trump, and with each of his anti-worker actions, their investments are paying off. Powerful interests also spent vast sums of money to push Federal judges who will tilt our courts even further in favor of billionaires and big businesses.

They did it when they spent millions of dollars to hold open a Supreme Court seat for over a year. They did it when they spent millions more to promote Neil Gorsuch to fill that seat. Now that the Court is poised to deliver a massive blow to public sector unions and workers, their investment is paying off big time.

The stakes here couldn't be higher. Millions of teachers, nurses, firefighters, and police officers are looking to the Court for a fair hearing of the case. They are holding out hope that their freedom to come together and to stand up for themselves in the workplace, their freedom to fight for higher wages, their freedom to fight for more generous benefits, and their freedom to fight for a better future for themselves and their children will be preserved.

Unless we make real change, working people are just going to get kicked again and again, and we can make change. We can make the change right here in Washington. We can stand up and fight for our democracy, and we can start by demanding that everyone in our government is accountable, including the President of the United States and the Supreme Court of the United States.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. I also ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, 40 years ago, the U.S. Supreme Court ruled that nonunion public workers who benefit from the work conducted by a union to negotiate contracts that they benefit from should have to pay a fee to cover costs associated with this work. If all workers benefit, it is only right that everyone contributes a fair-share fee.

However, in recent years, there has been a well-funded effort by special interest groups backed by corporate billionaires to dismantle unions and silence the voice of workers. There have been a number of attempts to overturn the 1977 decision in *Abood v. Detroit Board of Education*. Other efforts have targeted State legislatures where they have had success in many States. In other States like Pennsylvania, these efforts were blocked.

Workers already have the right to decide whether to join a union. They have the right to decide. It is common sense that if these workers benefit from the higher wages and better working conditions that result from contract negotiations undertaken by the union, that those workers should have to chip in for the cost of these negotiations. That is just fair. These negotiations get results and they benefit workers. They benefit workers who are in the union and benefit workers who are not in the union.

The right to bargain collectively has been an integral part of raising income and growing the middle class over the course of the last century. Being able to organize and bargain collectively allows workers to demand higher wages and salaries and of course boost their incomes. These workers have more money to provide for their families, to increase consumption, which in turn increases both production and employment. Putting more money in the hands of workers is good for workers and for the country.

Over the last several decades, we have seen the balance of power across our Nation tilt more and more in favor of the wealthy and the largest corporate interests at the expense of working Americans.

The Supreme Court has not been immune from this trend. Under Chief Justice Roberts, the Court has become an ever more reliable ally for big corporations. A major study published in the Minnesota Law Review in 2013 found that the four conservative Justices currently sitting on the Court—Justices Alito, Roberts, Thomas, and Kennedy—are among the six most business-friendly Supreme Court Justices since 1946. So four of the six most business-friendly are serving on the Court at the same time.

A review by the Constitutional Accountability Center—which is an ongoing review and is updated with every case the Supreme Court decides—shows the consequences of the Court's corporate tilt, finding that the chamber of commerce has had a success rate of 70 percent in cases before the Roberts' Court—a significant increase over previous courts.

These are all critical cases. These are cases of critical importance to everyday Americans. These are cases involving, for example, rules for consumer contracts, challenges to regulations ensuring fair pay and labor standards, attempts by consumers to hold companies accountable for product safety, and much more.

Well-funded corporate special interests do not have the best interests of working families at heart. They are pushing these efforts to reduce their bottom line by reducing the incomes of working families.

That is why we are standing today to make sure that the voice of working Pennsylvanians and Americans are heard. To increase incomes and strengthen the middle class, we need to

stop the assault on workers and labor unions, whether it happens in Congress or in State legislatures or, indeed, in the U.S. Supreme Court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PETERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PETERS. Mr. President, I rise today to speak in proud support of America's workers—the men and women who build our cars and our homes, who move American-made products across oceans, lakes, and highways, who teach our children every school day, who take care of our families when they get sick, and who keep us safe in our communities. I have seen firsthand the importance of unions, both in my home State, where I grew up, and across the country.

This is deeply personal for me. My father Herb was a public school teacher and an active member of the Michigan Education Association. My father-in-law Raul was a proud member—and continues to be a proud member—of the United Auto Workers.

My mother Madeleine found economic opportunity as a nurse's aide. As part of providing the best care possible to patients, she fought for a better workplace for her colleagues, and then she went on to help organize her workplace. She later served as a union steward with the SEIU.

My parents raised me in a middle-class, union household. They instilled in me the need, both, to stand up for rights and to never take those rights for granted.

Standing together for fair wages, safer workplaces, and better hours, Michigan's strong labor movement built the American manufacturing sector and a middle class that made the United States a global economic powerhouse.

My parents and their fellow union members embraced the union values that built Michigan: the ability to earn a good life where you grow up, hard work, fairness, and looking out for your neighbor—whether it is your neighbor on the assembly line or in your neighborhood. These are not just union values. These are American values, and I learned to cherish them at a very young age. Now, I am sorry to say, these values are under attack, and I can't help but to take it personally.

This year we have seen new and unprecedented attempts to undermine our Nation's workers and their ability to collectively bargain. Earlier this year, my Republican colleagues passed legislation to repeal Federal rules that simply required businesses to disclose previous workplace safety and fair pay violations before they could contract with the Federal Government. The rea-

son for this rule was fairly straightforward: We should not be sending taxpayer dollars to employers that can't keep their employees safe or that cheat them out of their hard-earned dollars. Yet Republicans repealed the rule.

Now, across the country, we are seeing a wave of so-called right-to-work legislation, which in practice means you can work more hours for less pay. In Michigan we are seeing the impact of this misguided legislation.

Supporters of these policies told us that wages and job growth would increase if Michigan just passed laws to crack down on union membership. Well, Michigan has the law, but workers and their families aren't seeing any of the promised benefits.

In the years since passage of the law, the economic data clearly shows that, yes, corporate profits are up but not wages. In fact, when comparing Michigan to States that haven't attacked union membership, studies suggest that we have fallen behind pro-union States when it comes to worker pay.

I am deeply concerned by the ongoing efforts to implement national anti-union laws, including the *Janus v. AFSCME* case that the U.S. Supreme Court will rule on in the very near future. A negative ruling in this case would be a huge loss for American workers and would undermine the right to collectively bargain.

We should be doing everything we can to support American workers and their right to fight for better working conditions, fair pay, and the ability to care for their families. Instead of attacking our Nation's labor unions, we should be celebrating them.

For generations, unions have helped America build the world's most robust middle class and a powerful economy, second to no other nation. Unions have not only helped workers to take home more pay and have a safe place to work, but they have also built communities. Unions teach their members valuable skills and help them earn a secure retirement and have quality healthcare.

Big corporations are not trying to undermine unions because they are looking out for newly hired employees. They are fighting against unions because of what unions stand for—the right to collectively bargain for better pay, increased workplace safety, hard-earned retirement benefits, and quality healthcare.

I ask my colleagues to take a moment to consider our history and the hard-working men and women who built this great Nation of ours. Union members are our neighbors, our firefighters, our police officers, our teachers, our nurses, our brothers and sisters, our moms, and our dads. They build our cars, our homes, and our infrastructure.

I urge all of my colleagues to honor these men and women by opposing any and all efforts to expand harmful policies designed to undermine American workers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEE). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I wish to thank my colleagues for joining me on the floor today to stand with American workers. We organized a group of close to a dozen Senators who have heartfelt and strong views about the dignity of work, who understand so well that workers are working harder and smarter but earn less and less money, in spite of their hard work, in spite of their commitment.

I have been joined on the floor already by Senator SCHUMER from New York, Senator MURRAY from Washington State, Senator DUCKWORTH from Illinois, Senator WARREN of Massachusetts, Senator CASEY from Pennsylvania, and Senator PETERS from Michigan, and speaking after I speak will be Senator WHITEHOUSE of Rhode Island and Senator MERKLEY of Oregon and Senator DURBIN of Illinois. I thank them for standing up for American workers.

People in Ohio and around the country, as I said, work harder, and they work longer than ever, but they have less and less to show for it. Over the last 40 years, GDP has gone up, corporate profits have gone up, executives' salaries have gone up all because of the productivity of American workers. Again, GDP goes up, corporate profits go up, executive salaries explode upward. Workers are more productive, but workers have not shared in the economic growth they have created. Hard work just doesn't pay off like it did a generation ago.

It is no coincidence that over that same timeframe, we have seen attack after attack after attack on the labor movement. Corporate special interests have spent decades stripping workers of their freedom to organize for fair wages and for benefits. The case the Supreme Court just agreed to take up, *Janus v. AFSCME*, is yet another attempt to chip away at workers' power in the workplace.

These are public service workers. These are public schoolteachers, librarians, police officers, school nurses, firefighters, and postal workers. They are not looking to get rich in these jobs. They are just looking to be paid what they earn, the same as any other worker in this country.

Make no mistake, an attack on public sector unions is an attack on all unions. An attack on unions is an attack on all workers, whether they belong to a union or not, and I mean all workers, whether you punch a time-clock or whether you fill out a timesheet or swipe a badge, whether you make a salary or earn tips, whether you are on payroll, a contract worker,

a temp, working behind a desk, cutting hair, working on a factory floor, or working behind a restaurant counter. I mean all workers.

The fact is, all workers across this country—as profits go up, as GDP goes up, as executive compensation goes up, as workers get more productive, all workers across this country are feeling squeezed. Work doesn't pay off the way it used to.

We have seen what happens when workers have no power in the workplace. Increasingly, corporations view American workers as a cost to be minimized instead of a valuable asset in which to invest.

Look at the news we got last month. This piece of news, when I mention this to some of my colleagues, when I mention it around the State of Ohio, peoples' mouths drop. The Bank of America, Merrill Lynch downgraded the fast food restaurant Chipotle because the company pays its workers too much.

Remember what happened with American Airlines a few months ago. American Airlines announced it was doing a companywide pay increase, and the stock market punished them by knocking their stock down. Imagine that. So when a company wants to do the right thing, Wall Street says: No, you are not going to do the right thing. Wall Street is saying: We want all the money. Don't give any of this money to workers—workers making \$10 or \$12 or \$15 an hour. Think about that. Wall Street and Merrill Lynch didn't say they paid their workers too little, they paid their workers too much. That is why the labor movement matters.

Pope Francis spoke about how unions perform “an essential role for the common good.” He said that the labor movement “gives voice to those who have none . . . unmasks the powerful who trample on the rights of the most vulnerable workers, defends the cause of the foreigner, the least, the discarded.”

I just had the pleasure, for the last few minutes in my office, to speak with Bishop Murry of Youngstown, OH, and we were talking about the Pope and about steelworkers in Youngstown and about the struggles of workers and wages and layoffs and all the things that have happened to—where the winds of globalization have buffeted the workers in that community. Bishop Murry, as does Pope Francis, understands what too many in this town don't: that workers feel invisible, entire communities feel invisible. They feel like they are getting used and abused and some other words I can't say on the Senate floor.

What, exactly, is the point of creating economic growth if workers don't share in it, if ordinary families still can't get ahead?

Everybody here loves to talk about tax reform and bring the corporate rate down, but nobody is talking about paying workers more or giving workers more job security or what we should be doing—in working with companies and creating good jobs.

My legislation, the Patriot Corporation Act, says if corporations do the right thing—if they pay their workers well, if they pay benefits, if they do the kinds of things American corporations should do—then they get a lower tax rate because they have earned it.

We seem to have forgotten that all work has dignity. We have forgotten, as the Pope said, that “the person thrives in work. Labour is the most common form of cooperation that humanity has generated in its history.” Think about that. “Labour is the most common form of cooperation that humanity has generated in its history.”

What Washington and Wall Street don't seem to understand is that workers drive our economy, not corporations. You focus on the middle class, you grow the economy from the middle out, not cut taxes on the richest people and expect the money to trickle down into more money in workers' pockets and more people are hired. You grow the economy by treating workers well, by investing in workers. That is why we need unions to ensure that we spread economic growth to the people creating it, to the people working too many hours for too little pay.

I think about workers like Stephanie in Columbus. She has worked for 25 years as a childcare attendant for students with special needs. She wrote, saying: “Every day I wake up before the sun rises to prepare for three daily shifts aiding students with special needs on their way to and from school.”

That is the person whom—because she belongs to a union, that is the person whom corporate America, that the rightwing of the Republican Party wants to attack? That is the kind of person—Stephanie in Columbus—they want to attack?

She worries that cases like this that undermine her union “could severely limit our voice on the job and hurt our ability to best serve the children we care so much about.” She said: “Unions provide a pathway to the middle class for all people.”

Think about a janitor I met in Cincinnati. I was speaking at a dinner. There was a table down front with seven middle-age women—a pretty diverse group. There was one empty seat at the table. It was told to me by some others that this group of women were janitors, custodians in downtown Cincinnati, southwest Ohio, and these women had signed their first union contract with downtown Cincinnati business owners. So there were 1,200 janitors working in these downtown businesses—in these big buildings downtown—and they had signed their first union contract.

I asked if I could sit at their table, and they said yes. I said to the woman next to me: What is it like to have a union?

She said: I am 51 years old, and this is the first time I will have a 1-week paid vacation in my life.

Think about that. We don't think—I am guessing that most of my col-

leagues think: Well, you know, people have paid vacations and people have paid sick leave. Well, much of the country doesn't, No. 1; and No. 2, those who do often have that because they had a strong union—a union that negotiated sick leave pay for them, a union that negotiated vacation days for them, a union that negotiated family leave for them, and then, when those workers at a company get it, the other nonunionized workers and companies get it, and then those companies compete with other companies.

So the fact is—there is a bumper sticker that says: “If you enjoy your weekend, thank a labor union.”

Labor unions brought to this country things like weekends and more leisure time and decent pay and all that. That is why unions matter. That is why this decision in the Supreme Court matters.

If the Supreme Court rules against AFSCME, it will starve the union for resources they use to organize and grow and advocate for more workers. At the risk of being disrespectful, it would be nice if those nine members of the Supreme Court would follow the admonishment of Pope Francis, the words of Pope Francis, who admonished his parish priests to go out and smell like the flock. Find out where people live and work. Find out what people do.

Find out the living conditions of people.

Abraham Lincoln in the White House one day was talking to his staff. His staff said: You have to stay here in the White House. You have to win the war. You have to free the slaves. You have to preserve the Union.

Lincoln said: No, I have to go out and get my public opinion baths.

It could be important if the Chief Justice of the Supreme Court—who has an Ivy league education, went to the best colleges and the best law schools, grew up in a wealthy family, has done very well as a professional, and is a very smart man—if he would go out and smell like the flock, if he would go out and get his public opinion bath, maybe he would hear some stories, as I have heard in my time in the Senate.

He would hear stories from people who talk about how important it is that Stephanie has union protection. He probably has never really thought much about the fact that janitors, who have worked 30 years as janitors—35 years for some of those women—but never had a paid day off, never had a paid vacation. He might learn something from them and think a little differently about this.

If the Supreme Court rules against AFSCME, it is the opposite of what we need. We should be making it easier, not harder, for workers to come together and negotiate. That is why, this week, I am introducing legislation to strengthen the National Labor Relations Act, to make it harder for employers to deny workers the freedom to collectively bargain by playing games with their job titles and classifications.

Instead of stacking the deck even further in favor of corporate CEOs, we need to make it easier for workers to organize. That is how we make hard work pay off.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, the Janus decision coming up in the U.S. Supreme Court, which Senator BROWN has just spoken about, is one that merits the attention of people who are concerned about the country and the Court.

I wish to make two points in my remarks. The first has to do with the very difficult to explain—or at least very difficult to comfortably explain—pattern of 5-to-4 decisions of the U.S. Supreme Court, in which the five consist entirely of Republican appointees.

The Supreme Court makes a lot of decisions, of course. But there is something that is particularly interesting about the 5-to-4 decisions, where the five Republican appointees line up and roll the other appointees. When we start looking at those decisions, there are some really significant patterns that emerge. The first pattern goes to issues in which the court is treading into the world of politics.

Bear in mind that when Sandra Day O'Connor left the Court, it lost its only member who had ever run for office. What Justice O'Connor left behind was the first Court in the history of the United States that had exactly zero experience with elections and politics. There has never been as ignorant and green a Court in the history of the United States when it comes to politics; yet there has rarely been a Court so flagrantly eager to jump into politics and make very consequential decisions.

When we look at the 5-to-4 decisions—which I think are probably the bulk of those—each one aligns with the political interests of the Republican Party—each one. It is not one or two or even three. It goes on and on and on.

The oldest one in the series is probably Vieth v. Jubelirer, which was the decision in which the five Republicans said: This whole gerrymandering thing is just too difficult for us. We are going to declare open season. There is going to be no judicial remedy. We can't figure out one, so we don't have one.

It is not just me who is saying that. The ABA section on election law said in its volume: Look, basically, it is game over for court review of gerrymandering. What immediately happened after that was the Republican Party went to work with that green-light signal and did the REDMAP project, which created massive, bulk gerrymandering through the battle-

ground States. This was not an easy plan because, in some cases, they had to spend millions of dollars to win one or two State legislative seats, so they could then control the State legislature, so they could then change the districts consistent with the bulk gerrymandering scheme.

The result is what happened in States like Senator BROWN's, where, when he was reelected, he was on the ballot with President Obama, who was also reelected, and the majority of the votes cast in his State for Members of Congress were cast for Democrats, but against that background, many more Republicans than Democrats actually went to Congress in that election.

A similar thing happened in Pennsylvania. My recollection is that on the same set of facts, Senator CASEY, a Democrat, was reelected; President Obama, a Democrat, was reelected; a majority of Pennsylvania votes were cast for Democratic Members of Congress; the delegation was 13 Republicans and 5 Democrats. Somebody is messing around, and it was a 5-to-4 Republican Supreme Court that opened that can of worms and unleashed REDMAP on the political landscape.

They have a chance to review that now. Senator MCCAIN has written a bipartisan brief asking them to wake up and smell the coffee about what has gone wrong here. We will see if they do or not, but, clearly, that was a decision that benefited the Republican Party's polls, and, clearly, it was 5 to 4.

Then you go to the Voting Rights Act cases. There were two of them. In the first one, *Bartlett v. Strickland*, the five Republican members stood up a new standard, which they mentioned, but they didn't really act on it. Then, when it came to the home run pitch, *Shelby County v. Holder*, they created this new theory about which very conservative judges, like Posner, said that, basically, it stands on thin air. It has no basis whatsoever in any real legal theory. They knocked out the part of the Voting Rights Act that requires States with a wretched history of abuse of minorities and Democratic voters at the polls to get preclearance from the Department of Justice or from a court before they can change their State laws to scare people or keep people away from the polls.

With that knocked out, guess what. All these legislatures across the South went straight to work. They passed law after law after law to deny people access to the polls, and over and over again, the courts that reviewed those and the appellate courts that reviewed the district court decisions found that the laws had been intentionally discriminatory, that the legislature had intended to keep people away from the polls, that they had intended to discriminate against Democrat and minority voters, and that they had chosen to do that deliberately.

Of course, you can go back after all that litigation and clean it up and try to get the laws stricken and all of that.

But in the meantime, you have had election after election in which the effect at the polls was had.

They couldn't have been more wrong about the notion that if you lifted the preclearance requirement, everybody was going to be fine. Those were just the bad old days; it was a whole new America; racism didn't exist; efforts by one party to keep the other parties away from the polls weren't anything to worry about. Move along, move along; nothing to see here, folks. They were just plain dead wrong. They had absolutely no clue, and they have been proven dead wrong since. But, again, both of those cases were 5 to 4, all Republicans together.

Then, of course, the big whammy came when the big special interests that so often are the core backers of the Republican Party decided that they felt really constrained by having to live under campaign finance limits. They wanted to be able to spend unlimited money in elections. Well, that is fine. It reminds me a little bit of the story of the French philosopher who touted the majesty and equality of the French law, which forbid both rich and poor alike from sleeping under bridges and begging for bread. Well, guess who actually sleeps under bridges and begs for bread. It is not rich and poor. And guess who can take advantage of a rule that you can spend unlimited money in politics. Only those who meet two conditions: One, they have unlimited money to spend, and, two, they have a good reason to spend it. In other words, really big special interests.

The Court's decision, presuming that this spending was going to be either independent or transparent, has been turned into a mockery by events since. They obviously did not know what they were talking about. Facts have borne out that they did not know what they were talking about. They were completely dead wrong.

Interestingly, since then, despite the presumption of their decision having been cut completely out from underneath it, the Court has shown no interest in a correction. They have shown no interest in correcting their error. They seem completely happy, the 5 to 4—the five Republican appointees—completely happy to have the landscape of American politics polluted with this money.

There again, it wasn't just one decision. It was a bunch of them. Citizens United was the big one; *Tradition Partnership, Inc. v. Bullock* another; *McCutcheon v. FEC* yet another; *Davis v. FEC* yet another; *Arizona Free Enterprise Club's FreedomClub PAC v. Bennett* yet another—all 5 to 4, all the Republicans lining up, all throwing out precedent or laws that had stood for 100 years.

So Janus fits right into this pattern of 5-to-4 decisions. Indeed, it is actually a little bit worse because something weird happened early on when one of those 5 to 4—the Republican five Justices on the Supreme Court—signaled to the corporate supporters of

this ideology that he was interested in taking a whack at unions in a particular way.

There is a pet peeve of the union-busting rightwing and the corporate sector, which was a decision from 1977 called *Abood v. Detroit Board of Education*. That decision allows unions to collect some dues from nonmembers on the grounds that their work for their members has benefit to other members. So you break out their wages work, which helps everybody, from their political work, which you can disaggregate from, and it allows you to collect certain dues—not complete dues, but certain dues—from nonunion members. What *Abood* did was to help unions keep revenues from the service that they give to nonmembers who benefit from their work. Without that rule, employees would be encouraged to be free riders and just get the benefit of what the union is doing without making any contribution to support it whatsoever. Of course, if that were to happen, the balance of power between corporations and unions would shift further toward corporations.

The story is told quite well in the *New York Times* by a reporter named Adam Liptak, who is a Supreme Court reporter. I will read his story.

In making a minor adjustment to how public unions must issue notifications about their political spending, Justice Alito digressed to raise questions about the constitutionality of requiring workers who are not members of public unions to pay fees for the unions' work on their behalf. . . . Justice Sonia Sotomayor saw what was going on. "To cast serious doubt on longstanding precedent," she wrote in a concurrence, "is a step we historically take only with the greatest caution and reticence. To do so, as the majority does, on our own invitation and without adversarial presentation is both unfair and unwise."

Michael A. Carvin, a leading conservative lawyer, also saw what was going on. He and the Center for Individual Rights, a libertarian group, promptly filed the challenge Justice Alito had sketched out.

I would say that he had invited.

Indeed, Mr. Carvin asked the lower courts to rule against his clients, a Christian education group and 10 California teachers, so they could high-tail it to the Supreme Court.

Let me interrupt my reading of the story for a second and make the point that this lawyer wanted to lose his case in the lower courts. It is rare for lawyers to go into a court wanting to lose. You have to have kind of a weird motive to take a case into court that you want to lose. The obvious motive here is that Mr. Carvin had heard the signal from Justice Alito that he was willing to rule his way if he would just bring the right case. So it didn't matter whether he won or lost. Losing is actually quicker. It gets you right up to the Supreme Court. He is not interested in litigating the matter truly on the merits; he is only interested in getting as quickly as possible to the Supreme Court. Why? Because he knew that 5 to 4, he would get the right decision.

When you are a lawyer, the most sickening feeling you can have is to go

into court with the belief that the judges you are going to argue before are prejudged against you. The confidence that Carvin must have had to want to lose a case deliberately below so that he could hightail it at high speed up to a court that he knew was going to rule his way because they told him they would—that is not American justice in the way it should be delivered.

As it turned out, they took up the case. It was called *Friedrichs*. It was going to be 5 to 4, just as expected, and then Justice Scalia unexpectedly passed away. If you read about how the press took that, it was very clear that the fix had been in on this case.

"Corporate America had high hopes," the *Journal* said, because "the Supreme Court appeared poised to deliver long-sought conservative victories."

Since when should a court be poised to deliver long-sought conservative victories, not fair, dispassionate adjudication? But that is the reporting of the friendly *Wall Street Journal*. And those long-sought conservative victories were going to take the form of "body blow[s] that business had sought against consumer and worker plaintiffs." The cases 'had been carefully developed by activists to capitalize on the court's rightward tilt.'"

Come on. This is not adjudication any longer; it is just the exercise of political power. And these 5-to-4 partisan decisions by the Supreme Court are degrading the reputation of the Supreme Court, they are degrading the integrity of the Supreme Court, and they are degrading the role of the judiciary in our vaunted scheme of constitutional government in the United States of America.

With that, I yield to my distinguished colleague from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, our Nation was founded on a powerful principle encapsulated by the first three words of our Constitution: "We the People." We are meant to be a nation, in the words of Abraham Lincoln, "of the people, by the people, and for the people," not a nation by and for the most powerful, not a nation by and for the most privileged. Yet time and time again, we are seeing a complete and total corruption of the vision of our Constitution.

We saw this earlier this year with one TrumpCare bill after another designed to rip healthcare away from 20 to 30 million Americans to deliver tax giveaways to the richest in America. We have seen it just recently in the consideration of a budget that reversed that and said that in order to give \$4.5 trillion of tax giveaways almost entirely to the richest Americans, we will take \$1 trillion out of Medicaid and half a trillion out of Medicare. We have seen this powerful conversion of standing our Constitution on its head, and now we have the Supreme Court fully participating in this effort in a case

called *Janus v. AFSCME*. It is the very epitome of the principle of a nation so corrupted that it honors the opposite of what our Constitution stands for.

The sole purpose of this case, *Janus v. AFSCME*, is to undercut the ability of workers to organize. This is an assault on the freedom of working Americans to associate with their coworkers. It is an assault on the freedom of working Americans to negotiate a fair wage. It is an assault on the freedom of Americans to fight for fairer benefits and a safe workplace. Bottom line: It is an assault on the freedom of workers to participate in the wealth they work so hard to create.

In short, this is the right to exploit that our Supreme Court—majority of five—is so determined to elevate. I have read the Constitution, and I have never seen embedded in it a right to exploit, a right to cheat, a right to take advantage of. Yet here is the majority of the Court prepared to fight for exploitation on behalf of the 1 percent of Americans at the very top.

The key strategy in this case is to attack the finances of workers when they organize. Former President Jimmy Carter once said: "Every advance in this half-century—Social Security, civil rights, Medicare, aid to education, one after another—came with the support and leadership of American labor." It has been workers banding together to say: We can create a better foundation for families to thrive. And that hasn't just created a better foundation for those who belong to unions; it has created a better foundation for all workers. We saw them successfully band together and fight for a 40-hour workweek, fight for minimum wage, fight for sick leave, and fight for healthy and safe working conditions—again, benefits that every worker enjoys because workers were able to organize and fight to receive and win these provisions.

What is really going in the *Janus* case? Any organization, in order to function, has rights and responsibilities. Rights are the rewards you get for participating, and responsibilities are the requirement that you be part of the team and you contribute to the effort.

When I was small, probably just 2 or 3 years old, my mother had a book she would read to me that involved the animals in the barnyard. Animal after animal was asked to participate in making the bread, and animal after animal turned it down, but when the bread was baked, they wanted a full share even though they had refused to participate in the effort to create it. This is what *Janus* is all about. It is about the right to the rewards, divided from any responsibility to get the work done.

When workers organize, they say: We are going to have to be able to have the finances to drive this organization, and to do that, we need to have every worker contribute a fair share. Those fair share fees mean that all the workers

are in it together, they are all contributing, and they all benefit from the rewards.

Forever, the courts have said: Yes, with the reward goes the responsibility. That is true of any organization. It is fundamental in how organizations work. If you don't show up here on the floor, you don't get to vote. Every organization has its responsibilities that go with its rewards. But the 1 percent have chosen a strategy that says: We will take one organization in America—and that is workers organizations—and we will drive an absolute wedge between the responsibility and the reward.

These fees that we are talking about, these fair share fees, are not fees that go to political purposes. They don't go to donations to candidates. They don't go to organizing campaigns walking door-to-door for candidates. They don't go to advertising on the television or the web. They are simply the cost of having a team that works to negotiate an agreement with a company.

I find it absolutely evil that a majority of the Supreme Court is excited about embracing this right to exploit other workers by saying in this one case in America, you get the rewards without the responsibilities. If the Court was applying that to a stockholder in a company, the equivalent would be to say that the stockholder doesn't have to contribute to the costs of the management of the corporation, so they can demand back their share of what the management spends on their salaries, on their office spaces, on their private jets, and on their trips to do whatever they do, of the time they spend negotiating acquisitions to build the size of the company or striking deals to sell their products. That would be the equivalent, that a stockholder gets the rewards of all of that negotiation without having to participate in the cost. But this is not a situation in which five Justices want to apply consistent principle because their goal isn't to honor the Constitution, and their goal is not fairness; their single goal is to demolish the ability of workers to organize, to get a fair share of the wealth they work to create.

We can see that already our Nation is in trouble on this principle. For the three decades after World War II, we had workers who had the strong ability to organize and demand a fair share, and we saw a revolution in the prosperity of workers in those three decades from 1945 through 1975. Individuals who had lived in shacks, individuals who had been wiped out by the Great Depression suddenly were able to buy, on a single worker's income—it didn't even take two incomes—a three-bedroom ranch house with a basement and a single-car garage and were still able to save money for an annual camping trip and perhaps to save some to help their children launch themselves into life. That is what we had when workers got a fair share.

Yet, in the midseventies, the multinational companies said: Do you know

what? Let's undercut the American worker by making our goods overseas in China and importing them. That way, we will demolish the jobs here in America, and we, the company, will have made things at the lowest price in the world, have sold them at the world market price, and have made a lot more money. This strategy worked for the multinational companies. They made vast sums of money for their stockholders and for their executives.

This application of different rules for foreign workers and domestic workers really gave a huge advantage to our competitor overseas and to a company that spanned both shores and could move its production overseas. So we saw the loss of 50,000 factories; we saw the loss of 5 million factory jobs; we saw the loss of an enormous number of supply chain jobs; and we saw, without those payrolls being spent in the community, an enormous loss of retail jobs in the community, but it made the wealthy wealthier, and that was the goal of the strategy.

So here we are, facing this case that will come before the Court later this year, but the members of the Court have, essentially, already declared their positions. Four members of the Court were on the previous version of this when the Court tied 4 to 4, and Neil Gorsuch, who was added to the Court, has been very clear on which side of this he stands.

Should we put an asterisk by Neil Gorsuch's name? Should a 5-to-4 decision, with Gorsuch being in the majority, even carry weight here in our society? This is the seat that for the first time in U.S. history was stolen from one President and delivered to another. The majority of this body right here stole the seat, undermining the integrity, dishonoring the oath, the responsibility for advice and consent, and damaging the legitimacy of the Supreme Court. It was done because it was a strategy to enable the 1 percent to rip off ordinary working Americans. The prize for that was a position on Citizens United that now allows the wealthiest Americans to continue to fund campaigns across this country to drown out the voices of ordinary people and a position on this case, the Janus case, that says that we will take one organization in America, that of the workers, and divide the rewards from the rights.

We know who is behind this strategy. It is the Koch brothers through their organizations, the National Right to Work Foundation and the Liberty Justice Center. They were behind the strategy for the theft of the Supreme Court seat. They were behind the massive increase in third-party spending that polluted the campaigns across this country. They are behind this strategy to destroy the vision that is embedded in our Constitution.

Eleanor Roosevelt once said: I am opposed to this legislation because it gives employers the right to exploit. Eleanor Roosevelt was a real champion

for workers, and she called a spade a spade. The right to exploit is not a right that any Member of this body should pursue, and it certainly should not be pursued by the Supreme Court.

We know that there is a chapter 2 to this strategy. The first is to get the Supreme Court so that you can divide the rights from the responsibilities; therefore, you as a worker do not have to contribute to the cost, but you will benefit from the rewards. Pretty soon, very few people will be contributing; therefore, it will undermine the financial ability of the union to negotiate.

Then they have a second strategy. This fundraising letter was sent out last year by the State Policy Network. By the way, the State Policy Network is an alliance of 66 State-based think tanks that are designed and funded by the Koch brothers and their friends to undercut the ability of workers to get a fair share of the wealth that they create. They said: Here is our plan to defund and defang our opponent, the unions—to deal a blow to the left's ability to control government.

Ah, they are fancy words, but what they really meant was our goal is to take and undo the ability of workers to organize so as to get a fair share of the wealth they create. It is one evil act after another that is funded by the Koch cartel.

In our Nation, we have stood up to this type of abuse time and again. The American historian who created the phrase the "American dream" said, in each generation, there is a group of Americans who rises up to take on the forces that appear to be overwhelming us. We need to call on the people of the United States who believe in the vision of our Constitution, to be that group to rise up and take on this effort to turn our Constitution on its head—to strip "we the people" out of our Constitution and replace it with "we the powerful"—and to stand up against this type of right to exploit, whether it is a bill here on the floor of the U.S. Senate or it is a begotten majority of the Supreme Court.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am not the first guy to stand up here and make this observation, but I have serious concerns with how the nominee confirmation process has been going in this Congress.

There is a blatant lack of respect for the Senate nomination process and an unprecedented level of obstructionism. I have been here for a number of years, so I know what to compare it with. I have never seen so many people being delayed in their confirmations, knowing that they are, ultimately, going to be confirmed and that they are well-qualified civil servants.

The Democrats are forcing cloture votes on nominees who have well over 60 votes in support. Last week, we held a cloture vote on Scott Palk. Scott Palk is from Oklahoma. He is a guy who everybody likes. He doesn't have

any enemies out there. In fact, he was actually nominated by President Obama. He was not even nominated by this President. He ended up getting 79 votes. Still, the stall was there, and we had to wait and wait and wait. Meanwhile, things are not getting done that should be getting done. Furthermore, the agency positions that we have hardly ever held rollcall votes on are being forced to occupy floor time. There is no reason for these votes except to delay the work of the courts and our agencies.

I am very supportive of the leader's commitment to our courts and how he has prioritized judicial nominees. These nominations are extremely important and will ensure that the rule of law is upheld for, possibly, decades to come, benefiting all Americans.

ENVIRONMENTAL PROTECTION AGENCY

However, there is an Agency that is doing work that is also important to all Americans and needs appointments, and that Agency is the Environmental Protection Agency. If there has been one Agency over the last 8 years that has run around and expanded its authority beyond congressional intent, it is the EPA. Putting confirmed appointees in place at the EPA will allow the President and Scott Pruitt to be successful in their efforts to rightsize that Agency. He has talked about that quite a bit. It is a bloated Agency that needs to be rightsized, and he needs help to do that.

Last week, I highlighted the great things that Scott Pruitt is doing as Administrator. I was able to visit with him yesterday at the EPA and witness firsthand the implementation of new policies that will bring about positive changes in an Agency that has run roughshod over the American people. With the repeal of WOTUS and the Clean Power Plan, with the implementation of TSCA, in reforming the Agency by ending sue-and-settle processes, and by creating greater transparency on the EPA's Science Advisory Committee, he is really doing a great job.

By the way, yesterday, we had this event over there which had to do with the scientists. There are three Scientific Advisory Boards in the EPA. These are supposed to be made up of scientists who advise the policymakers as to what they are supposed to be doing. During the last administration, we discovered in just one of these that six out of seven of the appointees were actually recipients of grants from the EPA. In fact, I was over there, and I gave a little talk about those six. They actually received \$119 million, and they are supposed to be unbiased in making policy. Obviously, this is one of the many things that he is going to make sure will no longer exist.

He is making it impossible for anyone who serves on a scientific advisory board to receive any grants from the EPA. How reasonable is that? Yet that is still a practice they use and one of the many things he is cleaning up there.

There is a lot of work still to do. The Agency needs its Assistant Administrators, who will work to implement many of the initiatives I have worked toward for years. The Environment and Public Works Committee has now voted out five Assistant Administrators and General Counsel nominees, and I hope we can move swiftly to get these well qualified nominees over to the EPA to bring their expertise to an Agency that desperately needs them. Unfortunately, Democrats have targeted two of these nominees and have disparaged them, their work, and their backgrounds.

NOMINATION OF DR. MICHAEL DOURSON

Dr. Michael Dourson will be an excellent Assistant Administrator for the Office of Chemical Safety and Pollution Prevention and will bring much needed expertise and experience to the office in charge of the TSCA reauthorization law. The TSCA bill was a huge success last year. It was done on a bipartisan basis. It is the first major reform bill in 40 years, and we were able to get that through. Yet we need to have a person as the Assistant Administrator to make sure it is done right.

Dr. Dourson has endured a coordinated campaign against him that misrepresents who he is and his record. There are groups working to paint Dr. Dourson as an "industry scientist."

What you will not hear from these groups is that much of his career experience comes from the EPA itself, where he worked for 15 years. During his years at the EPA, Dr. Dourson helped establish the Integrated Risk Information System, which helps identify and document the potential dangers of chemicals found in the environment. He also has the honor of having received four bronze medals from the EPA for this commendable work. Dr. Dourson also served on EPA's Scientific Advisory Board for 6 years and has held leadership roles with a number of relevant toxicology organizations, receiving several awards from his peers.

Since his time at EPA, Dr. Dourson has devoted his career to protecting public health by founding his own nonprofit that works to develop, review, and share risk assessments on various chemicals. His nonprofit work is mostly on behalf of government, with a minority of the work done at the request of various industries—many of these industries are very pro-environmental industries—as well as providing pro bono assistance to those in need of help. In other words, he used his expertise to help people who needed help and were not able to get it in any other way.

Naturally, the industry work is the part that environmental activists have focused on to prove their claims that his research is a rubberstamp for dangerous chemicals. They hold the perspective—which is a myth—that working at the request of industry must mean that you are evil.

As always, the reality is much different. On many occasions the non-

profit has developed risk assessments that did not support the industry sponsor and were the same or lower than the safe levels set by government. Furthermore, he has provided expert testimony against industry on several occasions. Unfortunately, the coordinated attack on Dr. Dourson will persist and a good man's reputation will continue to be put at risk.

I ask that the leader find floor time for Dr. Dourson as soon as possible so he can get back to work at an agency that he served commendably for many years and ensure that those who seek to tear him down do not win.

NOMINATION OF BILL WEHRUM

I also ask that the leader prioritize another nominee that has also faced unfair and false attacks. I have known Bill Wehrum for years, and I have no doubt that he is the best choice to head the Office of Air and Radiation. I regret that his first nomination to the EPA back during the George W. Bush administration was blocked by Senate Democrats. It is my hope that we can correct that wrong and confirm him as one of the Assistant Administrators. He has served the public and is widely recognized for his knowledge of the Clean Air Act.

The Clean Air Act has been very successful. In fact, I was one of the original cosponsors of the Clean Air Act Amendments. It has performed very well. He was very much involved in that also. So there is no one more qualified to head that Office of Air and Radiation than Mr. Wehrum, and I am sure of that. He has been consistently recognized as a leader and top lawyer in environmental law by such groups and publications as Chambers USA, the Legal 500 United States, and Washingtonian magazine.

He, too, has worked at the EPA in the past and will once again serve the Agency and the American people with integrity. Mr. Wehrum is also under attack for working on behalf of industry. The environmental industry—and it is an industry, as they, too, are working to secure money for themselves by pursuing an agenda of their sponsors—is lobbying against Mr. Wehrum because he wants to make regulations workable within the scope of the statute for the regulated community.

This is very curious to me because we want environmental regulations to improve our air quality without putting entire industries out of business—a balance that is a part of the Clean Air Act. Those words are used in the Clean Air Act: The rules need to be workable and implementable without undue harm to our economy.

It is time that we returned some common sense and rule of law to the Environmental Protection Agency. We have taken the first and only step with the confirmation of Scott Pruitt, and Bill Wehrum is the next step toward that goal. Right now there has only been one confirmation, and that is for Scott Pruitt.

With the repeal of the Clean Power Plan sitting before the EPA, I ask that