Ms. TORRES SMALL of New Mexico. Mr. Speaker, I rise in support of H.R. 2382, the USPS Fairness Act, which passed today with large bipartisan and union support. I was proud to lead this bill with my friends and colleagues, Chairman PETER DEFAZIO and Representatives BRIAN FITZPATRICK and TOM REED.

The USPS Fairness Act will repeal the mandate for the United States Postal Service to prefund future retiree health benefits. No other government agency or private business is plagued with a mandate like this. Since 2006, the prefunding mandate has wreaked havoc on USPS's finances, costing the agency $5.4 billion each year.

I represent one of the most rural districts in the Nation, and in southern New Mexico, post offices and postal workers are an integral part of our communities, connecting businesses to customers, pharmacies to patients, and families to friends spread across our vast country.

Congress created this prefunding crisis, so I am pleased the House of Representatives took the first step to solve it. I ask that the Senate take the next step with us.

HONORING CHIEF DANIEL SPIEGEL

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

Mr. VAN DREW. Mr. Speaker, I would like to honor Chief Daniel Spiegel on his retirement from the Wildwood Fire Department.

Daniel spent 28 faithful years with the fire department, where he had served as chief since 2016. Daniel has the distinct honor of holding every rank in the fire department. Daniel's father also served as fire chief in Wildwood, the second-ever father-son chief in the department's history.

Daniel served in the New Jersey Task Force 1 Urban Research and Rescue and responded to the September 11 terrorist attacks, searching for survivors. He was the team leader for the Cape May County Regional Urban Search and Rescue Team, which serves all of Cape May County.

Danny was always focused on training. He trained thousands of firefighters in our entire region.

He is planning to spend more time with his wife, daughter, and two stepsons in retirement.

I thank Daniel for his service; his community thanks him for his service; and his country thanks him for his service.

Daniel, may God bless you. You are truly one of our heroes.

FIGHT FOR JUSTICE

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Madam Speaker, our emerging Nation sought to be a bright light for democracy and the rule of law. This afternoon, I sat in the Senate Chamber and watched the Senate one by one announce the words guilty or not guilty: Article I, guilty 48, not guilty 52; Article II, guilty 47, not guilty 53.

I believe the presentation of the Judiciary, Oversight, Intelligence, and Foreign Affairs Committees was brilliantly presented.

I wondered whether there would be one moment for a profile in courage, one understanding that the norm of this Nation cannot tolerate what the Framers were most frightened about, which was the constitutional crime of abuse of power or having a sovereign nation interfere with our elections. Yet, there was one in Article I that made it bipartisan in the guilt, but no one in Article II.

Simply stated, now what is the answer? That this Nation no longer loves its democracy; does not stand by the rule of law; and, therefore, the person who remains in office is a king?

I believe, Madam Speaker, that we must raise the Constitution and fight for justice.

DECORUM AND MAINTAINING CIVILITY IN THE HOUSE

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

Mr. PALMER. Madam Speaker, I rise to note, in regard to the assertion of the majority leader that the act of destroying the House copy of President Trump's State of the Union speech was speech protected under the First Amendment, I rise to assert that not all speech protected under the First Amendment is allowable under the rules of the House.

Moreover, the act of destroying the House's copy of the State of the Union Address diminishes the decorum that is critical to maintaining the civility that is expected of every Member, including and especially the Speaker.

TAKE ACTION FOR GUN VIOLENCE SURVIVORS

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

Mr. LEVIN of Michigan. Madam Speaker, during National Gun Violence Survivors Week, I rise to recognize my State of the Union guest, Mary Miller-Strobel, from my hometown of Berkley, Michigan.

After her brother, Ben, was honorably discharged from the military, Mary grew concerned that Ben was at risk of self-harm. Mary and her father drove to every gun store in their small town, begging them not to sell Ben a gun. But they had no legal recourse to block a store from selling Ben the gun that would end his life. Ben died by suicide soon thereafter.

Had Mary been able to seek an extreme risk protection order, Ben might still be alive today.

Mary is now a Moms Demand Action leader and has turned her tragedy into a triumphant story of fighting to prevent other families from suffering this tremendous and preventable loss.

The House has passed commonsense gun violence legislation, and we will pass red flag legislation, too. Now, we need the Senate to act, for Mary and Ben, and for so many others.

□ 1830

SUPPORT OF U.S. POSTAL SERVICE FAIRNESS ACT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, I rise in strong support of H.R. 2382, or the U.S. Postal Service Fairness Act up for a vote today.

Madam Speaker, 13 years ago, the Postal Service was saddled by this body when we required it—not with my support—to prefund its retirement benefits. Unfortunately, this prevented the Postal Service from addressing critical equipment modernization needs. Thankfully, this legislation allows us to correct this misguided requirement.

The post office is a constitutionally mandated institution. A sense of community is sustained every time the mailwoman or mailman delivers a letter, increasing connectivity in rural and urban districts alike. The Postal Service delivers close to 190 million pieces of mail every single day and is a testament to American ingenuity. Indeed, postal workers are the best ambassadors, receiving an overwhelmingly high public approval rating of 74 percent.

While we work to ensure the post office's financial health, we must also continue to increase innovation, such as through modernizing postal services. For example, creative initiatives could increase access to basic functions in post offices and underserved communities.

I thank my friend, Representative PETER DEFAZIO, for his true leadership on this bill, and urge all my colleagues to support its passage, and thank those who did.

PROTECTING THE RIGHT TO ORGANIZE ACT

The SPEAKER pro tempore (Ms. TORRES SMALL of New Mexico). Under the Speaker's announced policy of January 3, 2019, the gentleman from Michigan (Mr. LEVIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. LEVIN of Michigan. Madam Speaker, I rise today to speak about the Protecting the Right to Organize Act, a crucial piece of legislation that we will take up tomorrow on the floor of this House. It is so important that

we take up this bill because the American economy is not working for most American families.

While corporations and the wealthy continue to capture the rewards of a growing economy, working families and middle class Americans are being left behind. From 1980 to 2017, average incomes for the bottom 90 percent of households increased just 1.1 percent, while average incomes for the wealthiest 1 percent increased by 184 percent.

This inequality is not a natural product of a functioning economy. It is not all due to globalization or technology change. It is the result of policy choices that have stripped workers of the power to join together and negotiate for decent wages, benefits, and working conditions.

The Protecting the Right to Organize Act restores fairness to the economy by strengthening the Federal laws that protect workers' rights to form a union.

You know, our basic labor law, the National Labor Relations Act was passed 85 years ago in 1935. It was a core part of the New Deal. A lot of credit is due to the man for whom it is named, Senator Wagner of New York. Also, in addition to FDR, our President, our amazing Secretary of Labor, Frances Perkins deserves of a huge amount of credit.

And after the Wagner Act was passed, or the National Labor Relations Act in 1935, within just 12 years, one-third of American workers were members of unions. And that figure, about a third of all workers being in unions, persisted for some time. But then employers went on the attack to try to undermine that law.

In 1947, over President Truman's veto, the Taft Hartley amendments were passed, and they gutted a lot of what workers wanted in 1935. And then in 1959, the Landrum-Griffin amendments were passed in the Eisenhower era, and they further eroded workers' rights.

So that while a third of workers were union members in the late 1940s and early 1950s, by the time that I started organizing workers in 1983, about 16½ percent of private sector workers were in unions. And today, in 2020, just 6.2 percent of workers in the private sector in our country have the voice and power of a union. And this has decimated the American middle class. And it has made the American Dream recede from view for so many American workers.

So we are going to spend some time tonight talking about the PRO Act, and I want to invite my esteemed colleague from the great State of Minnesota, Representative OMAR, to join me in saying a few words about the PRO Act.

Madam Speaker, I yield the gentlewoman from Minnesota such time as she may consume.

Ms. OMAR. Madam Speaker, I thank the gentleman from Michigan (Mr. LEVIN) for yielding.

Madam Speaker, I rise today to celebrate the role that organized labor has played in improving the lives of countless working men and women across this country.

Labor unions have been the driving force for all positive change for workers in modern history. As a former union member myself, I can attest to the power that workers wield when they exercise their right to organize. And I have seen the incredible work that unions in Minnesota have accomplished when they came together to fight for working rights.

On average, a worker covered by a union contract, earns over 13 percent more in wages than someone with similar education, occupation, and experience in nonunionized workplaces. And unions are about so much more than wages. They create solidarity between workers across gender, race, ethnicity, and religion. That is why we need the PRO Act, and why we must pass it this week, and pressure the Senate to do the same.

It will address the challenges and attacks that labor unions have been facing for decades that have led to the erosion of wages, a spike in workplace discrimination and a dangerous growth in inequality in our society at every turn.

The PRO Act puts power back in the hands of workers where it belongs. I do not want to envision what workplaces would look like for my children and their grandchildren one day if we do not pass the PRO Act. It is a crucial step to strengthening labor rights so that we can help shepherd through a new generation of victories for working unions and members.

Madam Speaker, I am delighted for our chairman and vice chairman on the Committee on Education and Labor for their work in championing labor rights on behalf of American workers.

Mr. LEVIN of Michigan. Madam Speaker, I thank Representative OMAR for being such a champion of workers in Minnesota and throughout this great Nation and, indeed, throughout our world.

Madam Speaker, I will take a few moments to talk about the breadth of this bill.

What has happened to workers in this country over the last several decades is the result of many administrative actions by various administrations, regulatory actions that administrations have taken that stripped workers of their rights, judicial decisions from the lower courts all the way up to the Supreme Court, and laws passed by the Congress and the States, to the point where millions and millions of workers aren't even covered by the National Labor Relations Act, can't even exercise their rights under the National Labor Relations Act, and the rights that they have are so badly eroded that, functionally, workers don't have the freedom to form unions in this country.

And Representative OMAR referenced Chairman SCOTT. Chairman SCOTT and the staff of this committee have done such an incredible job at looking at the complexity of the workplace in 2020 and including the many ways in which we need to make changes to help workers.

I want to highlight several things: The first is the problem of multiple employers and protecting employees of multiple employers.

The PRO Act will make it so that two or more persons are employers under the National Labor Relations Act, if each codetermines or shares control over the employees' essential terms and conditions of employment. It basically codifies the joint employer standard in the NLRB's Browning-Ferris decision of 2015. And this is extremely important because in a lot of industries, employers have tried to evade their responsibility to workers under the National Labor Relations Act through various schemes of corporate organization so that the company that really is in charge, that really determines what uniform they wear, what route they drive, what kind of products they serve, everything about their job, is not considered an employer under the act.

The PRO Act will fix that, and it is very important to help millions of workers get their rights under the NLRA.

Another huge problem of excluding workers from accessing their rights is misclassification of workers as independent contractors.

The PRO Act will fix this problem by using a simple three-part test to determine whether someone is an employee or an independent contractor. And this will help, again, another set of millions of workers gain access to their rights and clarify that they are covered as workers, as employees under the National Labor Relations Act. So they can form a union, bargain collectively, get a contract, and get justice.

Another major area of the law involves protecting workers in their right to engage in protected activities. So let's talk about workers going on strike.

The PRO Act will prohibit employers from permanently replacing workers who go on strike. This is hugely important, because permanent replacement of strikers has been a tactic used over the last, really, 40 years to deter workers from engaging in strikes at all and taking away this very core right of withholding your labor as a way to try to get better working conditions.

I remember what happened in, for example, the meat packing industry, which used to be a largely unionized industry. And the workers' organizations were largely destroyed by preventing workers from engaging in strikes, to the point where their wages and benefits were cut massively and many of their facilities were moved, and they couldn't do anything about it.

Another thing that the PRO Act will do is prohibit offensive lockouts. Under current law, employers may offensively

lock out employees in the absence of a threatened strike with the goal of the employer being to curtail the workers' ability to strike by removing workers control over the timing and duration of a work stoppage.

Current law also permits employers to hire temporary replacements during an offensive lockout. So if the employer thinks there might be a labor dispute, even if the workers hadn't planned to go on strike, they lock the workers out and temporarily replace them, stripping them of their ability to make their own strategy about how they want to enforce their right under the act.

The PRO Act prohibits any lockouts prior to strike but it maintains employers' rights to respond to strikes with defensive lockouts, which is appropriate.

Another key change that the PRO Act would put into law after all these years from the Taft-Hartley amendments is removing limitations on secondary strikes. The idea here is that the Congress in 1947 said that workers of one company can't engage in collective activity in solidarity with workers in another company.

Workers might picket or strike or support a boycott in solidarity with other workers to improve the other workers on their own, perhaps, wages and working conditions.

□ 1845

Being allowed to protest however you want in America about what some other company might be doing is a fundamental First Amendment right.

This has been something that has bothered me for decades. It is fundamentally unfair in this country, and the PRO Act would fix this by allowing workers to have their full freedoms to engage in secondary activity.

A crucial thing that the PRO Act would do to help workers vindicate their rights under the National Labor Relations Act is prohibiting captive audience meetings.

So it is hard for people who haven't been through a union organizing campaign to really understand how absurd it is to claim that a union election is sort of just like a political election, where you go down to the local school or church or wherever you vote, and you get in line and they check whether you are on the voting rolls, and you cast your ballot in a little booth. You wouldn't dream of putting your job at risk or that anybody could do something to you for how you vote in America; it is a core thing.

That is not how it works in a union election. And one of the things that employers have been allowed to do is they can force you to attend a meeting, the sole purpose of which is to pressure you not to vote for a union. They can do that every time you go to work. They can do it for your whole shift.

If you say, ''I have been to five of your presentations about the union; I don't want to go anymore,'' you can be fired for not going to the employer's propaganda offensive against forming a union. It is something, without parallel, in American law and in our economy only to prohibit or try to prevent workers from forming a union.

So the PRO Act will change this at long last and say that people have their First Amendment rights, we are all grownups here, and your employer cannot make you go to an antiunion captive audience meeting on pain of termination.

I am sorry it took until 2020 for us to get to this point, but at long last we are saying captive audience meetings have no place in workers' decisions about forming unions.

There are a lot of other really important provisions I want to get to, but at this time I want to invite my esteemed colleague from the great State of Massachusetts, Representative AYANNA PRESSLEY, to join in this discussion of why it is so important that we pass the Protecting the Right to Organize Act.

Madam Speaker, I yield to the gentlewoman from Massachusetts (Ms. PRESSLEY).

Ms. PRESSLEY. Madam Speaker, today I rise in solidarity with my union brothers and sisters in support of the Protecting the Right to Organize Act.

Over the last few decades, we have seen the right to unionize, to ban together, and to fight for the collective rights and dignities of working people come under attack.

Throughout our Nation's history, these rights and protections have led to better wages and benefits, safer working conditions, and protections from workplace harassment and discrimination.

The hard-won battles of our Nation's unions have helped push back against the vast economic inequities that too often are fueled by the greed of big corporations and special interests.

I have witnessed many of these victories firsthand, from my early days on the picket lines with my mother, Sandy—may she rest in power—who taught me early on that our destinies are tied, that workers' rights are human rights, and that economic justice is workers' justice.

This is still true today, and the fight continues, from the Stop & Shop workers, who walked out and fought back for better healthcare for workers and their families, to the Battery Wharf Hotel workers, who braved the elements for 79 days fighting for livable wages and protections for immigrant workers, pregnant workers, and workers of color.

We cannot and must not take this power for granted.

But for too many workers, ''right-to-work laws'' and other calculated efforts in States across the country have attempted to diminish the power of workers. This ends this week as the House considers the PRO Act, legislation that will protect critical rights to unionize and protect the rights of workers.

Madam Speaker, I thank Representative BOBBY SCOTT for his leadership on this bill to honor and affirm a union's right to their collective voice. I also thank my colleague, my brother from Michigan, for organizing this effort.

Madam Speaker, I look forward to supporting this bill, and I urge my colleagues to do the same.

Mr. LEVIN of Michigan. Madam Speaker, I thank Representative PRESSLEY for being such a great champion for workers in Massachusetts and in our whole country.

Madam Speaker, I now yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I want to definitely thank my colleague from Michigan and also my colleague from Massachusetts for being here to support workers.

I believe that it is the labor movement that brought us the middle class. The height was really after World War II, where we saw that wages were going up for everyone—the wealthiest, the middle class, poor people could get jobs that would get them out of poverty—and the labor movement, the right of workers to organize, made the difference, to fight together, work together for better wages and working conditions.

So, today, I rise in enthusiastic support before the House of Representatives for H.R. 2474, the Protect the Right to Organize Act, for a vote that is going to take place tomorrow in the House of Representatives.

The right to form a union, which has been eroded over the last several decades, and the right to take collective action in the workplace and the right to exercise one's First Amendment rights in the form of secondary boycotts are fundamental, and it is past time that we as Americans promote their values.

For too long, employers have been able to violate the National Labor Relations Act with impunity, routinely denying workers their basic right to join with coworkers for fairness on the job. As a result, the collective strength of workers to negotiate for better pay and for better benefits has eroded, and income inequality in the United States of America has reached levels that predate the Great Depression.

What is worse is that this is a rather predictable outcome. It is not surprising if workers don't have the right to organize that their wages are not going to go up.

But I want to share a story. It is a story of a woman named Yiran Zhang. She is a graduate worker at Loyola College in my district, in Chicago, Loyola Chicago.

Yiran Zhang's parents raised their child to be a believer that education was the path to a better life. They moved to the United States from China when she was almost 2 years old. So she has grown up here. Her parents moved to the United States to earn their Ph.D.'s and work as graduate workers.

Years later, Yiran decided to follow in her parents' footsteps by pursuing a Ph.D. The philosophy major quickly learned that a lot has changed in the world since her parents were graduate workers like she is now.

We're struggling to make a living. The expectations are the same, but the conditions in higher education are so different.

The expectations of the job, she means, are the same.

She says:

As a graduate worker, I've had to miss paying bills, to skip doctor's appointments, and even work two or three additional jobs to cover living expenses. I'm fighting for a union because I know it is only by standing together with my colleagues that we can change any of this.

So Yiran and other Loyola graduate workers came together to form a union to make improvements in the school's administration. They found that the administration actually dismissed them and used the legal system to fight their efforts.

Yiran sees unions as the only way for graduate workers to be heard. I actually stood with them at a demonstration, and she said:

I've seen that the only way that we've been able to get our administration to listen is by doing sit-ins and walkouts and taking action together. Teachers across the country and people who work at things like Stop & Shop have had the same experience.

In addition to having a seat at the table, Loyola graduate workers are fighting for a higher stipend and the establishment of summer funding, which will give them the ability to do important research and writing over the summer instead of having to take on multiple part-time jobs just to make ends meet. They also want more professional support, including clear grievance procedures and accountability.

So, for young women like Yiran, the ability to join and unionize would mean that she would be able to truly build on the foundations started by her parents. She says:

I am fighting for a living wage, respect for my labor, and a better life. I shouldn't have to seek outside work up to 30 hours a week on top of my graduate worker hours just to make ends meet at the cost of finishing my program on time or being the best scholar and educator that I can be. Academia shouldn't be just for the privileged. Negotiating a fair contract with graduate workers is the first step toward addressing these harmful systemic issues.

I am going to quit. I have taken more than my time, I think. But I wanted to give you a true-life example of a woman who is trying to do her best in her job as a student worker, as a graduate worker, and because she can't organize, she can't get the benefits and the wages that she deserves. This is typical of what is going on in our country and is creating the income inequality that we see right now.

Mr. LEVIN of Michigan. Madam Speaker, I thank Representative SCHAKOWSKY for her words. I am so glad she shared that story from Loyola. It reminds me of another situation of graduate employees that many of us, our colleagues, are working on right now.

Graduate employees of Harvard, in all kinds of labs, in the social sciences and in the arts, all the different departments, formed a union and were recognized something like 18 months ago by the Harvard administration, but they have never achieved a first contract.

I think something like over 20 colleagues joined me in sending a letter to the president of Harvard University, 20-some of us who are graduates. I am a graduate of Harvard Law School, and other people are graduates from the law school, undergraduates from Harvard University, the Kennedy School, doctors, whatever.

We all sent a letter to President Bacow saying we are happy that you recognized the union, but unless workers get a first contract, what have they really achieved? And we hope that both sides will come together and achieve a first contract. We continue to watch that situation.

So graduate employees, like others, need the freedom and the ability to form unions.

I want to hit on a few other areas that the PRO Act deals with, and my theme tonight really is what a comprehensive jobs bill does in trying to fix problems that prevent workers from exercising their rights.

□ 1900

Here is another one. The PRO Act will eliminate employers' ability to unilaterally withdraw recognition from a union. Now, this is problem created more recently.

On July 3, 2019, the Trump NLRB issued a decision in Johnson Controls, Incorporated that would allow an employer to announce that it will withdraw recognition of a union within a 90-day timeframe before the expiration of a collective bargaining agreement, based on its own idea that the union has lost majority support. This is just such a good example of what has happened over and over with workers' rights being chipped away at.

And so the PRO Act would overturn this decision and prohibit employers from unilaterally withdrawing recognition of a union, unless there is an election to decertify the union; just like the workers would have gone through an election to create the union in the first place.

Speaking of first contracts, almost half the time when workers organize in this country, they don't have a first contract within a year or two. And if you don't have a contract by then, you are not likely ever to get one. If you can't bargain collectively, what have you really accomplished by winning a union election?

So it is really crucial that we have first contracts. The PRO Act fixes this problem. It basically sets up a system of mediation and arbitration to ensure workers get a contract. It goes like this: Upon a written request from the union, they have to commence bargaining in 10 days.

If, within 90 days, they haven't achieved a first contract, either party can request mediation. After 30 days of mediation, if there isn't a first contract, the case will be referred to arbitration; and the arbitration panel must be established within 14 days. And there are sensible procedures about a three-person arbitration panel, fairly picked, with each side picking one and then agreeing on the third.

Bottom line here: In 144 days, 7½ weeks from when the election is decided and the union is certified, there will be arbitration. There is no timeline for a decision, but that is reasonable because the arbitrators do this as a profession; they know how to do it; and I think we can count on them to be timely. And the decision of the arbitrators is binding for 2 years.

So bottom line, if the company doesn't want to negotiate, if the workers are having a hard time getting the company to the table, they can go to mediation and arbitration, and in 7½ weeks, they can have an arbitration panel hearing their case. It's a complete sea change from today, and very important.

Another right that workers have been denied is the right to collective action in the courtroom, to sue their employer, to go to court to vindicate their rights.

The NLRA protects workers' rights to engage in concerted activities for the purpose of mutual aid and protection. It is that broad.

But, on May 21, 2018, the Supreme Court held in Epic Systems Corporation v. Lewis that, despite this explicit protection, employers may force workers into signing arbitration agreements that waive the right to pursue work litigation jointly, collectively, or in a class action, despite the specific language of the NLRA.

So, the PRO Act would overturn that decision by explicitly stating that employers may not require employees to waive their rights to collective action in the courtroom, including class action litigation.

I started organizing unions in 1983, and I remember learning about the Excelsior list; the list that employers have to provide unions so that they can know who the workers are and help them organize the union. You can only get this list after you have a showing of interest required under the act, so there is a whole process for this.

But the lists we got were often garbage. They were wrong. They would only have a person's first name or last name. They didn't have the information required.

So the National Labor Relations Board decided in 2014 that there has to be certain information in a list, and it has to be searchable in electronic format; very common sense. Employee's full name, their home address, work location, shift, job classification and, if the employer has it, their land line and

mobile telephone numbers and email addresses.

What is the context here?

I can tell you from personal experience, when we talk about workers having the right to organize, they don't actually have the right to have access to union organizers in their workplace.

When I was organizing for SEIU, and in the 11 years I served as the assistant director of organizing at the national AFL–CIO, if we were helping workers at a facility organize and we walked on to that property, the employer would arrest us for trespassing.

Workers in the United States have no right to actually have access to unions in their workplace; so their only way to talk to representatives of the union is on the phone, or email, or at their homes. So the PRO Act makes clear that those lists have to be adequate, it's another thing that may seem small; but if we fix it, we are going to help a lot more workers exercise their rights.

Another thing that happens very often is that employers gerrymander the bargaining unit that the National Labor Relations Board finds in which to hold an election.

So the PRO Act codifies the National Labor Relations Board's 2011 decision in Specialty Healthcare, and prevents employers from doing this gerrymandering; prevents them from including individuals in the voting unit who have no interest in joining the union, but they are simply put there to try to pad the ''no'' vote to prevent the workers from succeeding in forming a union.

Another thing about union elections that are different from any normal election in a democracy is the workers usually vote in their workplace after an intense campaign from their employer to try to stop them from forming a union.

So the PRO Act enables the board to hold union representation elections electronically, through certified mail, or off-site, at a neutral location, to ensure that the employees can cast their ballots in a neutral, non-coercive environment.

It may seem incredibly basic in any election, but I am telling you, for the last 50 years, all union elections have taken place under physical conditions of pressure and coercion in an employer's workplace, almost all of them.

A related matter that, again, seems shocking to many; if you took a civics class or any class about government or American history and you learned how elections are supposed to take place, this is a unique aspect.

In a union election, where it is just supposed to be workers deciding whether or not they want to form a union, under our system, the employer has been a party to the election. The workers file a petition. The employer is deemed a party, and then they get to engage in litigation, delay, in order to advance their interest, which always is to stop their workers from forming a union.

So the PRO Act says no more. We are not having outside entities interfering with employees' decisions about whether to join a union or not join a union. It is just up to the workers.

This would harmonize the NLRB's procedures with those of the National Mediation Board under the Railway Labor Act, which governs labor relations for railways and airlines and in this area it works much better.

Another question is: What do you do if an employer is found to have systematically interfered with the workers' right to form a union?

What has happened regularly is the employer does anything to destroy a majority who may have signed cards seeking union representation, which leads to the election, and to get the workers to vote ''no'' even if a majority of them signed union cards.

A showing of interest to obtain an election for workers doesn't require a majority. It requires, I think, 30 percent.

But what the PRO Act says is, if a majority of people said they wanted to have a union, an absolute majority, they signed authorization cards, and then the employer set about and destroyed the majority through means that the National Labor Relations Board determined were illegal, the NLRB has a remedy that it shall issue an order requiring the employer to bargain, taking away the incentive and the ability of employers to destroy workers' majorities through illegal activities.

Another area that has been so lacking in our labor laws has to do with penalties. And again, if you are a civil rights lawyer or activist concerned with women's rights, or the rights of religious minorities, or the rights of racial minorities, you wouldn't believe this: In all other areas of civil rights laws, laws protecting rights of Americans, there are various forms of penalties to try to disincentivize violating American's rights; pain and suffering, treble damages, different—it depends on the statute and the area.

Here is the way it works under the National Labor Relations Act. If I am fired for trying to form a union, and the employer does it totally on purpose, just to destroy, scare everybody else, they succeed in killing the union drive, that was their goal; and there is litigation, the union backs me up. If, 3 years later, a judge finds they absolutely fired you for union activity, they violated your rights, you are right, you get your remedy. The remedy is this: Single back pay minus anything you made in the meantime. It is shocking.

Working people aren't going to stop working in the hopes that someday they will be found to have had their rights violated. They have to feed their family. So employers basically have gotten away with violating people's rights, and the penalty has been, often, virtually nothing.

So under the PRO Act, if an employee has been discharged or suffered serious economic harm in violation of the act, now the NLRB will award back pay, without any reduction, front pay, consequential damages, and an additional amount as liquidated damages equal to two times the amount of damages awarded, which is, essentially, the normal kind of punitive damages awarded in this kind of case, to incentivize the employers not to violate the law.

Also, the workers cannot have their relief denied if they are an undocumented worker.

So let me just mention one other area where this law will help workers so much; just to vindicate their basic right of association and speech in the workplace, to come together and form a union and bargain collectively. It refers to the same situation I just mentioned.

If they fire you for trying to form a union, what happens?

Their principal motive really isn't about you as an individual. It is about the group. They are trying to scare you out of forming a union.

□ 1915

They will fire the ringleaders. They will fire one, five, however many people they think are necessary to basically have the workers fear moving forward to vindicate their rights.

Often in these cases, the courts ultimately may determine 6 months, 1 year, 5 years later that you were fired for union activity, but the union drive was killed long ago. It is immediate. It was killed within a day or weeks.

So the PRO Act requires the NLRB to seek temporary injunctive relief whenever there is reasonable cause to believe that an employer unlawfully terminated an employee or significantly interfered with employees' rights under the NLRA. And the district court is directed to grant temporary relief for the duration of the NLRB proceedings.

Essentially, they are saying: I am firing you because you did something wrong on the job. That can be determined after the election, but we are not going to let employers fire workers to scare their coworkers out of exercising their rights.

Madam Speaker, these are just a few of the ways that the PRO Act will help American workers at long last exercise their freedom to form unions and bargain collectively. I am telling you, we have passed so much legislation that would help American workers and their families, the Raise the Wage Act, protection for people with preexisting conditions, lowering prescription drug costs, but there is no bill that comes close to this one and the impact it could have on American families and workers.

MIT did a study, and it found that just under half of nonunion workers say they would like to form a union if they just had the freedom to do it. Gallup every year studies people's attitudes toward unions. They have been

doing this the same way for decades. They found the highest approval rating of unions in decades, yet just 6 percent of private-sector workers have unions.

If workers were free to form unions in this country, and not half of all nonunion workers but just a fraction of them so we got back up to say a third of workers being in unions in this country again, our economy would be completely transformed because when workers form unions it is not just they themselves who benefit. Other employers raise their wages to compete to attract workers or to try to get their workers not to form a union. That is fine. It benefits all workers in this country. It benefits their children and their communities.

It is just an honor to be here to talk about the PRO Act. I am really proud of being one of Chairman SCOTT's lieutenants in this effort. Tomorrow, we are going to pass this legislation and give a leg up to all the working people in this country who just want to get their little piece of the American Dream.

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

STILL I RISE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2019, the Chair recognizes the gentleman from Texas (Mr. GREEN) for 30 minutes.

Mr. GREEN of Texas. Madam Speaker, and still I rise, with the love of my country at heart, and I rise today on this day when the Senate has concluded its trial of the President.

I rise to say that this House can be very proud of the job that it has done because, notwithstanding all that has been said, this House had the courage to do what the Constitution required pursuant to Article II, Section 4, in terms of the standard for finding a President guilty.

The House did what it was supposed to do. The House impeached this President, charged this President with two Articles of Impeachment. One was the obstruction of Congress. I like to think of it as an obstruction of a congressional investigation. The other was abuse of power.

The Senate did not find the President guilty of either of the Articles of Impeachment, but the House still did its job because the House has the duty, the responsibility, and the obligation to move forward, notwithstanding what may be the case in the Senate. The House doesn't act based on what the Senate is perceived to do or not do. The House must act based upon the evidence that is before it.

And the House did act. And the House did impeach. And as a result, regardless as to the finding of the Senate, the President is impeached forever. And it will be forever written in history that this President was impeached for high crimes and misdemeanors.

Why is this so important? It is important because notwithstanding the finding in the Senate, the President knows now that the House has the courage to do its job. The House will put the guardrails up. The President knows that he cannot escape the House because this is where the bar of justice lies in terms of presenting Articles of Impeachment such that they can go to the Senate.

The President has to know now that the House is the sword of Damocles. For those who may not know, Damocles was a courtier. He was a person who would flatter the king, let the king believe and tell the king that he was great and that all of his subjects loved him. The king, on one occasion, decided to allow Damocles to occupy the throne. But in so doing, he wanted Damocles to understand that occupying the throne carries with it more than the accolades and all of the kind words that were being said.

So he had a sword hung above Damocles by a single hair from a horse's tail. As Damocles sat there, he understood that, at any moment, the sword might fall upon him and do him great harm. To some extent, he was proud and pleased to occupy the throne, but the reality was he realized that it was not the easy occupation that he thought it to be. So he begged the king to release him and allow him to remove himself from under the sword that was hanging over him.

The House is the sword of Damocles. We hang there above the President so that he will know that if he commits impeachable acts that the House will act.

Now, I understand that there will be those who will say that the Senate acted and found the President not guilty. Yes, ''not guilty,'' not ''innocent.'' The Senate did not proclaim the President innocent. They simply said he is not guilty—a lot of difference between not guilty and innocent.

To be innocent means you have been found to have done absolutely nothing wrong, you are totally without blame, and you are a person who can claim that you have done absolutely nothing wrong without any blame at all. Well, ''not guilty'' simply means that the evidence presented, as they reviewed it, they did not conclude that the President could be found guilty. So he was found not guilty, but he was not proclaimed innocent by the Senate.

And the Senate cannot proclaim that a President who has been found not guilty cannot be impeached again. The Senate deals with the question of a trial, and there is some question as to whether or not this was an appropriate trial pursuant to the Constitution. But the Senate deals with the trial. It is the House that deals with impeachment.

As such, the House found that the President should have been impeached, did impeach, but also, the law under the Constitution allows the House to impeach again if the President is found to have engaged in impeachable offenses. The House is not allowed simply one opportunity to impeach a reckless, ruthless, lawless President. The House can impeach each and every time the President commits an impeachable act. And if the President has committed an impeachable act, the House can impeach.

There will be those who will say that we are now calling for impeachment again. This is not true. I will make it perspicuously clear: Not the case. Not calling for impeachment at this time, but indicating that the rules, pursuant to the Constitution, allow for impeachment at any time the President commits acts that are impeachable.

Madam Speaker, I must say if the President does commit another impeachable act, I believe that this House will uphold its responsibility, its duty, and its obligation, as it has done.

I am proud to be associated with the House and what it has done because I am proud to say we have upheld the Constitution. This is what we were required to do, to uphold the Constitution of the United States of America and not allow a President to simply do as he would without any restrictions on him. I understand that the President has decided that, as the executive, he can dictate the rules for a trial, the rules for impeachment, but the House did not allow him to do so, such that it would retreat from its responsibility.

The House has said: Mr. President, there are guardrails, and these guardrails we will not allow you to simply ignore. The guardrails are such that you will have to conform to the Constitution.

I believe that what the Senate has done has not benefited the country, but I also know that what the House has done was send a message that the President is not beyond reproach, that the House of Representatives still stands here as a sentinel on duty to assure this country that if the President steps out of line and does something that is impeachable, the House will indeed act upon what the President may have done.

I believe in the separation of powers. I believe that the executive branch has certain powers. I believe that the judicial branch has certain powers and that the legislative branch has certain powers. But I know that only the House has the power to impeach.

And I know that the President cannot withhold witnesses, cannot withhold evidence from the House such that it cannot move forward with the proper investigation. I know that he cannot do this with impunity. He can't do it with immunity of some sort. He is not immune, and the House has demonstrated this, that he is not immune. Notwithstanding his behavior, the House can still move forward with its duty and responsibility as it did and impeach.

It is also now clear that the House does not have to find out a crime has been committed, in the sense of a statutory, codified offense. There does not