

Dan, you have given everything you can possibly give to public service, and I have been a beneficiary. I am grateful. America is grateful. Thanks, Dan Swanson.

I yield the floor.

The PRESIDING OFFICER (Mr. WELCH). The Senator from Vermont.

UNIONS

Mr. SANDERS. Mr. President, tomorrow morning, the Health, Education, Labor, and Pensions Committee will be marking up three landmark pieces of legislation which will make it easier for workers to form unions, it will guarantee up to 7 paid sick days for every worker in America, and it will make sure that women in our country finally receive equal pay for equal work.

If these bills are signed into law, they would represent the most significant set of labor reforms in the modern history of our country and significantly improve the lives of many millions of American workers.

We are living in a moment where corporate America and the 1 percent have more economic and political power than they have ever had in the history of our country. The time is long overdue for Congress to stand up for the working families of our Nation—60 percent of whom live paycheck to paycheck—and not just wealthy campaign contributors and lobbyists.

Let us be clear. The American people are sick and tired of the unprecedented level of corporate greed they see every single day, and they are tired of the outrageous and illegal union-busting that is taking place throughout this country. They are sick and tired of CEOs making nearly 400 times more than the average worker—unheard of in American history. CEOs of major corporations now make 400 times more than their average employee. The American people are sick and tired of billions in stock buybacks going to the people on top, while millions of Americans today are struggling hard to put food on the table and pay their rent.

The American people want justice, and that is what we are going to begin doing tomorrow in the HELP Committee.

The American people look around them, and they see more income and wealth inequality in America today than ever before. Three people on top have more wealth than the bottom half of American society—165 million Americans. Three people here, 165 million people, and that gap is growing wider.

While the people on top do phenomenally well, over 18 million families in our country are paying more than half of their limited incomes on housing, which is soaring in many parts of the country, and some 600,000 Americans are homeless.

American workers want to know why—why it is that despite huge advancements in technology and worker productivity, the average worker in America today makes about \$50 a week

less than he or she made some 50 years ago after adjusting for inflation. In other words, the very rich are getting richer, and the average worker is going nowhere in a hurry.

Now, there are a number of reasons—many, many reasons—why the gap between the very, very rich and everybody else is growing wider and many reasons why wages have remained stagnant. One of the reasons, of course, is that we have a Federal minimum wage today, a starvation wage, of \$7.25 an hour—a wage that has lost nearly 30 percent of its purchasing power over the last 14 years.

Raising the minimum wage is something the HELP Committee is going to address in the near future, but probably above and beyond the need to raise the minimum wage, the most important reason that real wages are lower today in America than they were 50 years ago is the fact that corporate America and the billionaire class have been waging a war against the right of working people to exercise their constitutional privilege to form unions, constitutional right to form a union, freedom of assembly. As a result of that aggressive war against union organizing, trade union membership today is at its lowest level in the modern history of America.

In our country today, 71 percent of the American people approve of labor unions. Labor unions today are more popular than they have been in a very long time. Yet, despite that, only 6 percent of private sector workers belong to a union.

Tomorrow, the HELP Committee will be asking why, at a time of record-breaking corporate profits, why are multibillionaires and CEOs of large corporations doing everything they possibly can to deny the working people of this country the right to join a union. Why? Why in their never-ending greed are they doing all kinds of illegal actions to prevent workers from forming unions and negotiating for decent wages and benefits?

The answer to that question really is not that complicated. Corporate America understands what most people in this country understand, which is that when workers join a union, they earn better wages, they receive better benefits, and they work with better working conditions. In fact, union workers today earn nearly 20 percent more on average than nonunion workers. Corporate America also understands that 64 percent of union workers have a defined benefit pension plan that guarantees an income in retirement, compared to just 11 percent of nonunion workers. Corporate America understands that union workers are half as likely to be victims of health and safety violations compared to nonunion workers.

For all of these reasons—the fact that union workers do better than nonunion workers, have better working conditions, better benefits—all of these reasons and more are why we are see-

ing a significant uptick in union organizing in America today. In fact, it is higher than we have seen in many decades. Workers understand that when they stand together in solidarity and can negotiate a decent contract, they are going to do a lot better than when they have to go begging to their employer.

So what we are seeing today is more and more union organizing at blue-collar jobs. A couple of months ago, a factory in rural Georgia organized a steelworkers local. We are seeing it at white-collar jobs all over this country. We are seeing it on college campuses.

Furthermore, very interestingly, as healthcare becomes more corporatized in America, we are seeing more and more nurses form unions. We are even seeing doctors form unions. At the University of Vermont Medical Center, among many others, resident doctors voted overwhelmingly to form a union.

With that growth in union organizing, what we are also seeing in this country is a vicious corporate response, and that is that major corporations all across this country are taking unprecedented and illegal actions against employees who are fighting for economic justice. That is why major corporations like Starbucks and Amazon and others have spent hundreds of millions of dollars on union-busting campaigns and anti-union law firms. They hire these fancy consultants at outrageous prices because at the end of the day, they would rather spend millions and millions of dollars trying to prevent workers from forming a union than pay those very same workers decent wages and decent benefits.

Part of the corporate strategy is the reality that over half of all employers in America threaten to close or relocate their businesses if workers vote to form a union. Imagine that. You work for a company for years. You want to form a union, and then your employer says: If you form that union, we are going to China; we are going to Mexico; we are going to leave this State.

That is why, when workers become interested in forming a union, they almost always will be forced to attend closed-door meetings to hear anti-union propaganda. What employers do is bring people into a room, they have all of their executives there, and they tell them how terrible a union would be and the consequences to them if they formed a union.

As Human Rights Watch has said, “Freedom of association is a right under severe, often buckling pressure when workers in the United States try to exercise it.” In other words, yes, in America, you have the constitutional right of freedom of assembly. You have the constitutional right to form a union. But if you exercise that right, all kinds of corporate power will be thrown at you to prevent you from succeeding.

Here is something that really is quite incredible: Even when workers overcome all of these incredible obstacles

and when they win their union elections, 63 percent of workers who vote to form a union do not get a union contract a year later. So what corporations do is they do everything they can to stop workers from forming a union. Then, if by some miracle workers vote to form a union, what corporations do is stall and stall and throw all kinds of legal minutia into the process to delay a first contract.

Incredibly, on average, because of corporate obstructionism, it takes 465 days on average to sign a first contract after a union wins an election. Imagine that—well over a year after you win the election can you actually get a contract. One-third of successful organizing campaigns cannot get a contract in the first 3 years after a union victory. That is what corporate obstructionism is about, and that is what corporate greed is about.

All of that is unacceptable. That should not be happening in the United States, and starting tomorrow, the HELP Committee will fight to change that reality by passing the Protecting Workers Right to Organize Act, otherwise known as the PRO Act.

The PRO Act will make it easier for workers to exercise their constitutional right to form a union free from fear, intimidation, or coercion by their corporate bosses.

Look, not every worker in America wants to form a union, and that is part of what freedom in America is about; but if you do want to form a union, you should not be hit with illegal activities to prevent you from doing so. This legislation will make it easier for workers to collectively bargain for better wages, benefits, and working conditions. It will finally hold corporate CEOs accountable for the unprecedented level of illegal union busting that is taking place all over this country.

Under the PRO Act, corporations will finally be held accountable for violating Federal labor law.

Mr. President, incredibly, in America today, corporations are charged with breaking labor law in more than 40 percent of all union elections. And yet—and this is the important point—the penalties for this illegal behavior are virtually nonexistent. In other words, you can break the law with impunity. Pathetically—pathetically—far too many corporations have made the calculated decision that it is much more profitable and beneficial to their bottom line to break the law than to follow the law. Ordinary people follow the law. Average people follow the law—not large corporations. As they have figured out, you can break the law, you can stall this thing out forever, and nothing is going to happen to you.

In fact, the financial penalty for corporations retaliating against pro-union workers in America, today, under current law, is zero—no penalty at all. That will change under the PRO Act. Under this legislation, corporations will be fined up to \$50,000 for violations

of the National Labor Relations Act and up to \$100,000 for each repeated violation. In other words—shock of all shock—large, profitable corporations will have to obey the law. I know that is a very radical concept in America today, but that is what I think should be happening.

Under the PRO Act, we will ban captive audience meetings that are designed to intimidate, coerce, and threaten workers who support forming a union. Under the PRO Act, we will make sure that all workers have a first contract within 1 year after winning a union election to binding arbitration. In other words, it should not take years to work out a first contract. This is nothing more than a stalling tactic on the part of the corporate world.

Under this legislation, we will ban, once and for all, the permanent replacement of workers who go on strike. No longer will companies be able to hire replacement workers or withhold benefits from workers who go on strike to improve their wages and working conditions.

Mr. President, this legislation will override so-called “right to work” laws that have eliminated the ability of unions to collect dues from those who benefit from union contracts. This legislation will end the ability of corporations to misclassify workers as independent contractors or label ordinary workers as supervisors to prevent them from organizing.

And yet, Mr. President, that is not all that the HELP Committee will be doing tomorrow. The second bill that we will be marking up is the Healthy Families Act, which will end, once and for all, the international embarrassment of the United States of America being the only major country on Earth not to guarantee paid sick days to workers. This legislation would guarantee that every worker in America receives up to 7 paid sick days from their employers.

You know, we hear a lot of talk here in this town about family values. Everybody is deeply concerned, presumably, about family values. So let me be clear: When a wife is diagnosed with cancer and a husband cannot get time off of work in order to take care of her or spend time with her when she is struggling with cancer, that is not a family value. That is, in fact, an attack on everything that a family is supposed to stand for.

When a working mom is forced to send her sick child to school because she cannot afford to stay home with that child, that is not a family value. That is also an attack on everything that a family is supposed to stand for.

I don't think it is a terribly radical suggestion that in the wealthiest country in the history of the world, in 2023, people should not get fired because they stay home with sick children.

Let us be clear: The United States of America is the only major country on Earth that does not guarantee 1 single day of paid sick days—not one.

In Germany, workers are entitled to a total of 6 weeks of sick days at 100 percent of their salary. In France, workers are entitled to a total of 90 days of paid sick leave at 50 percent of their salary. In Denmark, workers are entitled to at least 30 days of paid sick leave capped at about \$638 per week. In Canada, workers are entitled to 10 paid sick days at 100 percent of their salary and are eligible to receive 26 weeks of paid sick benefits at up to 55 percent of their salary. That is what Germany does, France does, Canada does—countries all over the world do.

In the United States of America, the wealthiest country in the history of the world, workers are entitled—workers are guaranteed a total of zero paid sick days. That's the reality, and that, my friends, has got to change. Last place is no place for the United States of America. We can't go around telling people we are the greatest country on Earth and be the only major country that doesn't guarantee 1 day of paid sick leave.

It is time for the United States of America to join the rest of the industrialized world and guarantee at least 7 paid sick days to every worker in America. And in doing that, we will still be way behind most of the industrialized countries.

Just a few months ago, the American people learned about what railworkers in this country were going through and the fact that they, as workers doing difficult, dangerous work, often in inclement weather, were not guaranteed one single day of paid sick leave—and we had a big discussion on that. I offered an amendment on that issue, which failed. But I am happy to tell you that as a result of a strong grassroots trade union movement and, I think, the railroad companies getting a sense of how the American people feel—that is beginning to change.

Today, unlike a few months ago, over 50,000 railworkers are now guaranteed up to 7 days of paid sick leave. And I have the feeling that in the weeks and months to come, more and more railroad workers will get that benefit. We need to build on that momentum by guaranteeing 7 paid sick days, not just to rail workers, but to every worker in America.

Last but not least, the third bill that the HELP Committee will be voting on tomorrow is the Paycheck Fairness Act introduced by Senator MURRAY. This legislation would end the absurdity—the unfairness—of women in America being paid just 84 cents on the dollar compared to men. As bad as that figure is, 16 percent less for women than for men, it is even worse—much worse—for women of color. In America today, Asian women make just 80 cents for every dollar a man earns; for black women, it is just 67 cents; and for Hispanic women and Native American women, it is just 57 cents.

So, I don't think it is too much to ask in this country that people be paid equal pay for equal work, no matter

who you are. And the truth is, of course, the current situation does not have to be that way.

In Belgium, another industrialized country, the gender wage gap is just 1.2 percent. Women make virtually the same amount as men do. In Spain, Norway, and Denmark, the gender wage gap is 5 percent or less—women make 95 percent of what men make. Across the European Union, the gap is just 10.6 percent, and in the United States, it is 16 percent.

The Paycheck Fairness Act would close this gap by guaranteeing equal pay for equal work and making it easier for women to come together to file and win lawsuits against unscrupulous employers who commit wage discrimination.

These bills are not only good policies, they are precisely what the American people want. According to the last polls I have seen, 87 percent of the American people support guaranteeing paid sick leave to every worker in our country; 84 percent of the American people support equal pay for equal work; and 59 percent of the American people support the PRO Act.

The bottom line is that most Americans understand we live in a rigged economy. People on top are doing phenomenally well—have never done better. Ordinary workers are struggling to put food on the table, to purchase the healthcare they need, to take care of their families, to send their kids to college, to take some time off for a vacation. That is not what America is supposed to be about.

Tomorrow, the HELP Committee begins the difficult and long journey of beginning to bring justice to the working class of this country and tell the CEOs and the corporate executives and the 1 percent that they cannot have it all, that this economy has got to work for working people and not just for the people on top.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### NOMINATION OF JULIE RIKELMAN

Ms. WARREN. Mr. President, I rise today in support of the nomination of Julie Rikelman to serve as a judge on the United States Court of Appeals for the First Circuit.

Based on a recommendation of a bipartisan advisory committee on Massachusetts judicial nominations in Massachusetts, Senator MARKEY and I were pleased to recommend Julie Rikelman to the President for this important role on the Federal bench. She received bipartisan support from the Senate during her cloture vote last week, and I expect the same will be true shortly, when we vote on her confirmation to the First Circuit.

Julie Rikelman is an accomplished lawyer who has significant experience in both private practice and public interest and whose career demonstrates an unwavering commitment to the rule of law.

Ms. Rikelman's commitment to the rule of law and the Constitution is in-

formed by her personal experience fleeing religious persecution. In the late 1970s, she and her family came to the United States from Ukraine as Jewish refugees seeking equal opportunity denied to them in the former Soviet Union.

Ms. Rikelman went on to graduate from Harvard College and Harvard Law School. After law school, she clerked for Justice Dana Fabe on the Alaska Supreme Court and then Judge Morton Ira Greenberg on the U.S. Court of Appeals for the Third Circuit.

Following a 2-year stint as a Blackmun fellow at the Center for Reproductive Rights, Ms. Rikelman entered private practice—first, as an associate at Feldman & Orlansky and then as senior associate at Simpson Thacher & Bartlett LLP. In 2006, she joined NBC Universal as litigation counsel before being promoted to senior litigation counsel in 2008 and vice president of litigation in 2011. She has worked on issues related to securities, breach of contract, employment discrimination, intellectual property, and constitutional law matters.

In 2011, Ms. Rikelman returned to the Center for Reproductive Rights as a senior staff attorney. One year later, she was appointed U.S. litigation director, and, in that role, she argued two cases before the U.S. Supreme Court.

Ms. Rikelman's exceptional qualifications are bolstered by the support she has received from lawyers in public and private practice, from prosecutors, from defenders, from academics, and from former judges representing a range of political perspectives.

Whether appointed by Republicans or Democrats, her supporters "share a strong belief that Ms. Rikelman is a lawyer of uncommon talent and ability, broad experience, sound and fair-minded judgment, and unquestioned integrity." Her former NBC Universal and Simpson Thacher Bartlett colleagues describe her as "thoughtful" and "open-minded" and observed that she "carefully considered every argument without prejudice and without regard to her personal views."

There it is—fairminded, experienced, thoughtful, and exceptionally talented. These are the qualities a Federal judge should possess, and these are the qualities that Julie Rikelman has exhibited throughout her career.

In addition, her personal and professional experiences will bring important diversity to our Federal bench and underlie her respect for the rule of law.

Finally, it is important to note, now more than ever, that we have judges on the Federal bench who deeply understand reproductive rights law, and Ms. Rikelman's experience in this area makes her an exceptionally qualified nominee.

I have every confidence that Julie Rikelman will continue to uphold the rule of law and our Constitution as a First Circuit judge.

I want to thank our bipartisan advisory committee in Massachusetts for

all of the work they did to identify and recommend candidates like Julie Rikelman, and I want to thank President Biden for nominating her to this position.

I urge my colleagues to support the confirmation of Julie Rikelman, a supremely qualified candidate who will bring her commitment to delivering equal justice under the law to the First Circuit Court of Appeals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Ms. HIRONO. Mr. President, this week marks the 1-year anniversary of the Supreme Court's Dobbs decision overturning Roe v. Wade. This disastrous decision has sown chaos and confusion across the country and led to dozens of States restricting or banning abortion care.

Republicans are obsessed with banning abortion nationwide, and they are using every vehicle possible to advance their radical anti-abortion agenda.

Tomorrow, my colleagues and I on the Armed Services Committee will begin our markup of the fiscal year 2024 National Defense Authorization Act. The NDAA is an annual bill that sets our Nation's defense policy. Despite our differences, Congress has come together to pass an NDAA on a bipartisan basis every year for the last 62 years.

While Republicans and Democrats may disagree about military policy, we have always kept the readiness of our forces above politics. From combating threats abroad to rebuilding DOD infrastructure at home, we have no shortage of important issues to work through in this year's bill, but right now my Republican colleagues are threatening to derail the bill by injecting anti-abortion provisions into a bill that has nothing to do with abortion.

After the Supreme Court's disastrous Dobbs decision, the Department of Defense clarified their travel policy to enable servicemembers stationed in States with abortion restrictions to travel in order to receive reproductive care. This updated travel policy in no way, shape, or form authorizes the DOD to pay for abortion care. There is no language in these provisions that pays for abortion. They simply allow servicemembers to access care they would otherwise be able to access but for being stationed in States that do not allow such care.

My Republican colleagues are hell-bent on outlawing abortion nationwide and exerting control over servicemembers' freedom by preventing their travel to receive healthcare. Amending the NDAA is just one way to impose their will on the Department of Defense.

In another example, one of my Republican colleagues on the committee currently has a hold on more than 250 general and flag officer promotions within the Department of Defense because he objects to the DOD's travel policy and wants to make a point