

or reject what the private party does. Otherwise, the Congress will have delegated power to private people without the proper limits. This legislation clearly violates the Vesting Clauses of the Constitution.

That's exactly what this bill would do. After forcing employers and workers into arbitration, it would assign their case to a panel of private arbitrators. These arbitrators would then be authorized to write an agreement and impose it on the parties. Parties might object to the mandated agreement. But no party would have any way to challenge it. Once the arbitrators made a decision, the decision would be final. No public official would review it; no public official would make sure that it was fair. The arbitrators are private people, and this bill would give them ultimate power to regulate the workplace. That's a major Vesting Clause problem.

Some might argue that H.R. 5408 does not delegate any government power. Is not this all about labor contracts? But that would be wrong. These contracts are not really contracts. A contract is a legally binding agreement that parties mutually agree to; and parties under this proposed legislation will have no right to challenge the imposed contract terms. Instead, the terms are imposed by law—this law. They are effectively regulations. And regulating the workplace is a government power. So, the government cannot give that power to private people without building in public oversight. This bill has no oversight. It is flagrantly unconstitutional.

There are also Appointments Clause and delegation issues under the proposed legislation. Under the Appointments Clause, all officers of the United States have to be appointed by the President and confirmed by the Senate. Likewise, inferior officers have to be appointed by the President, the head of a department, or a court. The line between officers and inferior officers can be unclear. But it is clear, however, that if someone has final say imposed by legislation, that person is an inferior officer. So at minimum, the person must be appointed by the president, a department head, or a court.

This bill has nothing like that. Instead, one arbitrator is appointed by a union, one by an employer, and the third arbitrator, unless mutually agreed upon by the parties, would be appointed by the Federal Mediation and Conciliation Service—which, as previously noted, does not have sufficient personnel to even begin to undertake the mandated mediation and arbitration procedures contained in this legislation. So, private parties will have appointed individuals acting as government officers, and there is no requirement that they be appointed by a department head. And once they're appointed, they have final say over the agreement's terms. At minimum, that makes them inferior officers, who exercise "substantial executive power." This is clear from the holdings in cases like the Supreme Court's decisions in *Freytag v. Commissioner* and *Lucia v. SEC*, both of which dealt with lower-level adjudicators. And in fact, in both cases, the parties who had their cases tried by the adjudicators could at least appeal to someone. The parties would have no right to appeal under this bill. These arbitrators would have even more power. This bill makes no effort to comply with the Constitution's appointment rules.

Perhaps the most important constitutional defect of this bill is that it would turn every initial collective bargaining agreement written by government-mandated private arbitrators into a constitutional litigation battleground.

Normally, private contracts do not have to satisfy the Constitution. That's because the

Constitution only concerns government action. Under well-established NLRA case law, employers and unions are required to bargain in good faith, with the ultimate objective of reaching an agreement. It is important to note, however, that well-established law also permits any party in collective bargaining to refuse to agree to the other party's proposals or positions. They can always stand on their own positions. So anything they do agree on is ultimately a private decision. And because it is a private decision, the government does not have a say over the final terms. In other words, the agreement involves no "state action." And when there's no state action, there's nothing to trigger a constitutional analysis.

This bill turns that principle on its head. It forces employers and employees to accept an agreement imposed over their objection. And it imposes that agreement by law. The agreement, therefore, is not really an agreement at all: it is a regulation. And because it's a regulation, it is state action. Everything in it has to pass constitutional muster.

That's a real problem. Today, if collective bargaining agreements had to satisfy the Constitution, most of them would fail. Let's just run through a few common examples. Start with compulsory dues. Compulsory dues and fees are payments that non-member employees have to pay to the union in order to keep their job. In right-to-work states, they're illegal. But twenty-four (24) states still allow them. And when they are included in an agreement, employees have to pay the dues or fees whether they want to or not.

But the government cannot impose compulsory payments. In *Janus v. AFSCME*, the Supreme Court said that the government could not force public employees to pay fair-share fees because there was not a sufficient government interest. That was classic compelled speech, which the Constitution does not allow.

To date, courts have understood *Janus* as being limited to the public sector. That's because only in the public sector does the state directly force employees to pay the fees. But once this bill passes, that distinction will disappear. The government will be involved whenever an arbitral-created contract requires fair-share fees. All of those contracts will be open to attack in our courts. All of them will be subject to First Amendment scrutiny.

Today, many contracts give the union the right to come into the workplace and speak with the employees at certain times. In a private contract, that's fine. But under constitutional analysis, it's a "taking." In *Cedar Point Nursery v. Hassid*, the Supreme Court held that California could not force farmers to give unions access to their property. In effect, California had extracted a right to access—an "easement." An easement is property. And the government cannot take property without just compensation. California gave the farmers no compensation, and neither would this bill. So any time this bill imposed a contract with union access rights, it would take property and violate the Fifth Amendment.

There are even more problems in the constitutional area regarding this legislation. For example, grievance procedures would have to comply with constitutional due process. No-strike clauses would have to comply with the Thirteenth Amendment. The problems are endless. We have no idea how far they would go, because the people who wrote this bill didn't think about them. The authors have never explained how we're going to deal with constitutionalizing every government-mandated initial collective bargaining agreement. They have never explained how we're going to deal with the flood of litigation that will wash over our

courts. They have never explained any of it—because they can't. This bill is a constitutional disaster waiting to happen.

Sincerely,

G. ROGER KING,
King Labor Law.
ALEX MACDONALD,
Co-Chair, Littler Mendelson
Workplace Policy Institute.

COMMEMORATING 100 YEARS OF
THE FRANCISCAN SISTERS OF
THE IMMACULATE CONCEPTION

HON. J. LUIS CORREA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2026

Mr. CORREA. Mr. Speaker, I rise today to commemorate the legacy of the Franciscan Sisters of the Immaculate Conception and acknowledge their dedication to education, healthcare, and pastoral work, which has persisted through religious hardship and continued to sustain the values of consecrated life.

June 13, 2026, signified the 100th anniversary of the Franciscan Sisters of the Immaculate Conception's mission in providing homes, education, and healthcare across the globe. The Congregation continues to extend its mission, addressing the needs of the communities they serve.

We recognize the service of the Franciscan Sisters of the Immaculate Conception and their ongoing contributions to the reparation of society. By following the example of Saint Francis of Assisi—especially in their contribution to their mission in the face of religious persecution—the Congregation embodies the effort inspired by the Holy Spirit that drives the Congregation.

Their commitment to prayer, community, and service remains central to the Congregation and their work today.

I extend my heartfelt congratulations to Franciscan Sisters of the Immaculate Conception and honor their mission in maintaining housing and social outreach to their communities on this significant occasion celebrating 100 years of mission.

RECOGNIZING MASTER SERGEANT
DAVID "LUCKY" LUCIANO

HON. SCOTT PERRY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2026

Mr. PERRY. Mr. Speaker, I rise to recognize Master Sergeant (MSgt) David "Lucky" Luciano on the auspicious occasion of his retirement upon nearly 30 years of service to our Nation in the Pennsylvania Air National Guard.

MSgt Luciano first enlisted in the Air National Guard with the 201st RED HORSE Squadron in October 1997. He attended Basic Training at Lackland AFB, Texas, and became an Engineering Assistant after completing Technical Training at Ft. Leonard Wood, Missouri. Over the course of his nearly 30 years in service, MSgt Luciano ultimately earned promotion to the rank of Master Sergeant and became the Non-Commissioned Officer in Charge of the Pennsylvania Air National Guard Engineering Section.

During his decades of service, MSgt Luciano has received numerous awards and commendation for his service and performance, as well as completing myriad deployments around the globe, to include: Qatar and Bagram Air Base, Afghanistan (2002); Camp Taji and Camp Victory, Iraq (2004); Ali Air Base, Iraq (2010); Ali Al Salem Air Base, Kuwait (2014); U.S. Virgin Islands for Hurricanes Irma and Maria recovery efforts (2017); and Tinian Island, Commonwealth of the Northern Mariana Islands (2025).

Mr. Speaker, I am honored and privileged to recognize Master Sergeant David "Lucky" Luciano on his retirement upon nearly 30 years of uniformed service to our Nation. His tireless service and dedication to his fellow Airmen, the Commonwealth of Pennsylvania, and the United States of America set the standard by which all should be judged.

HONORING DETECTIVE LIEUTENANT SHARON ESTON-LASSITER

HON. NELLIE POU

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2026

Ms. POU. Mr. Speaker, I rise today to honor Detective Lieutenant Sharon Easton-Lassiter of Paterson, New Jersey, upon her retirement after a distinguished career dedicated to public safety, community service, and the empowerment of others.

A lifelong resident of Paterson and proud graduate of the Paterson Public Schools, Detective Lieutenant Easton-Lassiter has devoted her life to serving the city she calls home. In 1989, she fulfilled a lifelong dream by joining the Paterson Police Department and embarked on a career that would leave a lasting mark on her community. Her groundbreaking journey reached a historic milestone in 2016 when she became the first Black American woman promoted to the rank of Lieutenant in the department's history.

Over more than four decades in law enforcement, Detective Lieutenant Easton-Lassiter served in numerous assignments and earned a reputation not only as a dedicated professional, but also as a trusted leader and bridge-builder committed to strengthening relationships between law enforcement and the community.

In 2023, she was appointed to lead the Paterson Police Department's Community Partnership Bureau, where she expanded violence prevention, youth mentorship, and community engagement efforts that strengthened trust between residents and law enforcement while creating new opportunities for young people.

Beyond her professional accomplishments, Sharon has remained deeply committed to faith, family, and community. Whether guiding young people, supporting neighborhood initiatives, or serving alongside her husband, Reverend Dr. Randall Lassiter, she has consistently demonstrated a belief that public service is about uplifting others and helping communities thrive.

Mr. Speaker, Detective Lieutenant Sharon Easton-Lassiter's career reflects the very best of public service. Her leadership, courage, and unwavering commitment to the people of Paterson have made our community stronger.

I am proud to recognize her extraordinary contributions and wish her and her family continued success and happiness in the years ahead.

RECOGNIZING PRESIDENT ILHAM ALIYEV AND THE BOND BETWEEN AMERICA AND THE REPUBLIC OF AZERBAIJAN

HON. ABRAHAM J. HAMADEH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2026

Mr. HAMADEH of Arizona. Mr. Speaker, I rise today to recognize President Aliyev of Azerbaijan.

Azerbaijan stands as a historic bridge between Europe and Asia. For centuries, the nation served as a vital crossroads on the ancient Silk Road, connecting different cultures, languages, and global trade. From the vibrant capital of Baku on the Caspian Sea to the rich cultural traditions, Azerbaijan represents a long history of resilience, trade, and national pride.

The admiration Americans hold for Azerbaijan is deeply rooted in our shared respect for the ideals of liberty and self-determination. In 1918, the nation made history by establishing the Azerbaijan Democratic Republic, creating the first secular parliamentary democracy in the Muslim world and granting women universal suffrage well before many Western nations. This monumental achievement resonated deeply across the Atlantic, prompting U.S. President Woodrow Wilson to famously observe in 1919 that the leaders of Azerbaijan spoke the exact same language of liberty, right, and justice as the American republic.

These shared values created the foundational roadmap for our modern partnership. Today, our Nations work closely together to protect global energy security. This strong bond began with major international energy projects in the 1990s that successfully connected Caspian oil and gas directly to Europe. Today, this cooperation lives on through secure global trade routes that bypass volatile regions, strong security ties, and an ongoing commitment to economic growth and reform.

These historical connections serve as reminders that although our Nations are separated by geography, we share a deep respect for independence, national identity, and human progress.

As representatives of two Nations shaped by a strong sense of purpose, may we continue to strengthen the bonds of friendship, mutual respect, and strategic cooperation between the United States of America and Azerbaijan.

RECOGNIZING THE 80TH ANNIVERSARY OF THE LION TAMERS SOCIAL AND CIVIC CLUB

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2026

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to recognize the 80th anniversary of the Lion Tamers Social and Civic Club. The

organization was established in 1946 in the City of Opelika.

The organization was formed and founded by Charles Black, John T. Carr, Sr., Dr. Frank W. Clark, Hugh Burt, and Clarence McKay. For more than 35 years, the organization has hosted a Family Funday and Gospel Explosion including a Juneteenth celebration and scholarship for deserving students. Mr. Wilbert D. Payne, Jr. serves as the coordinator for this annual event that is hosted at Covington Recreation Center, providing a fun and free experience with refreshments and activities provided to all who attend.

Mr. Speaker, please join me in wishing the Lion Tamers Social and Civic Club the best for their upcoming event and a very happy 80th anniversary.

HONORING DR. AMY MCCORMACK'S RETIREMENT FROM CALUMET COLLEGE OF ST. JOSEPH

HON. FRANK J. MRVAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2026

Mr. MRVAN. Mr. Speaker, I rise to honor and congratulate Dr. Amy McCormack. President of Calumet College of St. Joseph (CCSJ), upon her upcoming retirement. Dr. McCormack will retire on June 30, 2026, after an extraordinary tenure marked by tremendous growth and progress at CCSJ.

Dr. McCormack was raised in Frankfort, Indiana, with a strong work ethic and a passion for learning. Like many of the students who passed through CCSJ's doors over the last 75 years, Dr. McCormack is a first-generation college graduate. She has not only broken barriers in earning her academic degrees, but Dr. McCormack has dedicated her professional career to helping students further their education as well. A dedicated scholar, she earned her bachelor's degree in accounting from Indiana University's Kelley School of Business, a master's degree in business administration from Dominican University's Brennan School of Business, and her doctoral degree in higher education management from the University of Pennsylvania.

In 1991, after working as a Certified Public Accountant in Chicago for several years, Dr. McCormack sought to return to academia, at which time she was hired at Dominican University in Illinois. She first served as the school's controller and later as Vice President for Business Affairs. In 2008, leadership at the university recognized Dr. McCormack's outstanding abilities and named her Senior Vice President for Finance and Administration. In addition to her administrative responsibilities, Dr. McCormack also spent time in the classroom instructing courses in accounting and auditing. Later, Dr. McCormack's commitment to education and passion for learning earned her a Fulbright Scholarship for the International Education Administrators Program where she focused her studies on the higher education systems in France, Ireland, and Spain.

In 2017, Dr. McCormack's vast experience and expertise made her a perfect fit to lead CCSJ, at which time she made history becoming the college's first female president. It is an understatement to say that, under her guidance, the institution has thrived. Over the past