lane. Concrete curb and gutters will border the roadway. The goal of the corridor project is to provide relief for: (1) the current and impending mainline and intersection congestion, (2) the evident operational problems (crash frequency), and (3) the current impending seasonal congestion in downtown Monticello during the time when Indiana Beach is open creating a more direct alternate route. The improvements to the Sixth Street corridor will significantly benefit traffic destined to Indiana Beach and also many commercial, industrial and residential properties along the corridor by relieving current congestion.

Requesting Member: Congressman STEVE BUYER (IN–04)

Bill Number: H.R. 3288

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Greater Lafayette Public Transportation Corp.

Address of Requesting Entity: CityBus, 1251 Canal Road, Lafayette, IN 47902

Description of Request: Provides $450,000 for the redevelopment of Riehle Plaza which is a new transit transfer center. This transit hub will leverage existing linkages between CityBus, Greyhound and Amtrak commuter rail service. The saw tooth design of the transfer center accommodates enough buses for its existing operations in addition to accommodating potential growth. This design also provides designated parking for specific bus routes. For riders, this takes the guess work out of trying to locate their connections and provides better accessibility for disabled riders. The transfer center will also provide shelters which will keep riders protected from snow and rain in the winter and provide much needed shade in the hotter months. CityBus understands that for citizens to use transit, transit must work for them. The proposed transfer center has been designed with this in mind. A key component of the planned development is a downtown annex for Ivy Tech Community College. This will allow for easier access for students who are dually enrolled in both the Community College and Purdue University. Ivy Tech is filling a critical need for Purdue students that are not able fulfill their core curriculum graduation requirements at Purdue. At present, these students spend a minimum of an hour driving between the Purdue and Ivy Tech campuses. The Riehle Plaza site is less than two miles from Purdue and provides students a reliable transit option to get to and from class. A 20% local match is committed towards this project. The local match will be generated with revenue from CityBus and PMTF through the State of Indiana. This local match, and any Federal support, will be used to leverage greater private investment for the overall project. The Greater Lafayette Public Transportation Corporation is embarking on a proposal that will reshape downtown Lafayette into a livable, walkable and vibrant community. Nestled between two existing education centers, Purdue University and Ivy Tech Community College, the Riehle Plaza location is an ideal site for transit-oriented development. The project will provide much needed shelter for riders as well as better access to transit for disabled riders. It will also reduce vehicle miles traveled by creating a downtown annex for Ivy Tech Community College. Federal funds received for this project will help to leverage a private investment in the redevelopment of the Riehle Plaza area. This is a true public-private partnership. Already downtown Lafayette has benefited from redevelopment that has been focused along Main Street. However, the area north of Main Street is ripe for redevelopment and will be greatly enhanced by the proposed project. The planned redevelopment has strong support from the cities of Lafayette and West Lafayette, Ivy Tech Community College and the Wabash River Enhancement Corporation.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, Departments of Transportation, Housing and Urban Development Appropriations Act, 2010:

REQUEST NUMBER 1

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3288, Departments of Transportation, Housing and Urban Development Appropriations Act, 2010

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Westmoreland County Industrial Development Corporation

Address of Requesting Entity: 40 North Pennsylvania Ave.; Greensburg, PA 15601

Amount: $750,000

Description of Request: Funding would be used for transportation improvements along the Jeannette Truck Route. The project will provide an improved route from Route 30 to the Jeannette Industrial Park by creating a new roadway connection between Division Street and Lowry Avenue. Federal funding would be used for design and construction of roadway improvements. These improvements will improve access to the Industrial Park and enhance the safety of motorists.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Jeannette Truck Route appropriation is of particular interest to my district and importance to my constituents.

REQUEST NUMBER 2

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3288, Departments of Transportation, Housing and Urban Development Appropriations Act, 2010

Account: AIP—Airport Improvement Program

Legal Name of Requesting Entity: Washington County Planning Commission

Address of Requesting Entity: 100 West Beau Street, Washington, PA 15301

Amount: $500,000

Description of Request: Due to increased aircraft operations, including heavier corporate traffic, the entire runway surface needs a bituminous overlay and grooving for safety and operational usefulness. In addition the project will help to repair deficient pavement on taxiways and T-hangar and ramp areas. This project is important to meet the needs for safe infrastructure improvements to airport operations.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Washington County Airport Runway 9/27 Overlay Project appropriation is of particular interest to my district and importance to my constituents.

HONORING PAUL M. WEYRICH

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. RYAN of Wisconsin. Madam Speaker, I rise today to pay tribute and express my gratitude for the life of Paul M. Weyrich, a stalwart leader in the conservative movement. More importantly, Paul Weyrich was a man of true character and one who is well-respected both in Washington and throughout the country.

Born in the Belle City of Racine, Wisconsin to Ignatius and Virginia Weyrich, Paul first became interested in politics during high school—eventually joining the Racine County Young Republicans and taking an interest in Barry Goldwater's presidential campaign.

Mr. Weyrich moved to Washington in 1966, taking a job as press secretary to Senator Gordon L. Allot of Colorado and later Carl T. Curtis, of Nebraska.

Dedicated to the promotion of conservative public policies based on the principles of free enterprise, limited government, individual freedom, and a strong national defense, Paul became frustrated by the lack of strong statistical research available to combat the growing anti-business tax and regulate liberals in Washington. To combat them, he sought to establish an effective and reasoned conservative voice in American public policy. Today, the Heritage Foundation is one of the largest—and certainly the most prominent—conservative think tanks in the world.

Not content, however, with only protecting the family wallet and local business from the sticky fingers of liberal politicians, Paul also wanted to defend traditional family values and religious freedom. His vision led to the creation of the Free Congress Research and Education Foundation, Christian Voice and the Moral Majority to rally the American public to the defense of traditional Judeo-Christian values.

A true visionary in outreach efforts and utilizing technology, Paul launched National Empowerment Television, a cable network designed to mobilize the religious right. Mr. Weyrich was truly one of the first conservatives to put emphasis on using the power of citizen initiatives. The efforts of his vision were felt worldwide.

From 1989 to 1996, Mr. Weyrich served as President of the Kreible Institute of the Free Congress Foundation, which was founded to train and support democracy movements in the states comprising the Former Soviet Empire. Today, millions experience the taste of freedom due in large part to his efforts.

Ronald Reagan said, "There are no constraints on the human mind, no walls around

the human spirit, no barriers to our progress except those we ourselves erect." Paul Weyrich did not believe in constraints or barriers. He was a man of the possible, a man of great passion and vision, who truly made a difference in the lives of the individual—fighting tirelessly for what he believed.

His tenacity, perseverance, and ideas have inspired many to become involved in the political process, here at home and abroad. The legacy he leaves is the belief that all have a stake and the ability to change things. . . that the true dynamic of political participation stems from citizen coalitions, not the rulings of elites. And that our principles can be successfully defended by those who live them regardless of the machinations of the left. For that he is owed much gratitude. Virginia and Ignatius can be proud; their son made the most of the talents entrusted him.

I wish to express my sincere gratitude to a fellow patriot, Paul Weyrich, for his significant contributions to the conservative movement and for promoting traditional values and a democratic vision for the world. I also wish to express my profound sorrow of his passing, and my condolences to his family, friends and colleagues.

IN SUPPORT OF EMPLOYEE FREE CHOICE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I would like to submit for the record a speech, titled "What Would Employee Free Choice Mean in the Workplace" given by Professor William B. Gould IV, Charles A. Beardsley Professor of Law, Emeritus at Stanford Law School; Chairman of the National Labor Relations Board in the Clinton Administration (1994–1998); member of the National Academy of Arbitrators since 1970; Independent Monitor for Freedom of Association Complaints, First Group America, 2008, to the 58th Annual Conference of the Association of Labor Relations Agencies on July 20, 2009 in Oakland, California.

WHAT WOULD EMPLOYEE FREE CHOICE MEAN IN THE WORKPLACE?

It is a pleasure to be with you here today. By my rough count, this is my third speech to this organization during the past couple of decades. I have enjoyed the chance to speak to and with you in the past and look forward to today's program. I am particularly pleased to renew my contact with Maria-Kate Dowling, Associate General Counsel of the National Mediation Board.

Kate was my Deputy Chief Counsel at the NLRB in 1997–98, one of the youngest women (perhaps the youngest) to ever hold that senior of a position. She is illustrative of the very best and brightest who should—and I believe now will—receive great recognition in Washington today.

I want to commend the Association of Labor Relations Agencies for holding this session here today on the practical implications of the Employee Free Choice Act. This significant legislative proposal warrants dispassionate examination in an arena which has been too frequently divided and polarized. My sense is that the bill even with proper amendments—and I am quite confident that if it is enacted it will be amended—will have a considerable impact on the workplace. EFCA and labor law reform contain some of the assumptions that I have held for more than four decades, i.e., that the Act is plagued with lethargic enforcement, creaky and convoluted administrative procedures and ineffective remedies, that it is not working well and that, as a result, some employees who wish to join unions are unable to do so. No one can say with certainty what the precise union membership impact of law reform will be, given the fact that so many other factors are responsible for the precipitous decline of trade unions. But it is safe to say that it is unlikely that any statutory reform in the foreseeable future can by itself accomplish the desirable objective of restoring the middle class—though its proponents so often claim it will!

The fundamental need for reform relates to the rule of law. The National Labor Relations Act, once considered a bedrock of labor rights of freedom of association, has not been performing as advertised. There is nothing terribly new about this story. The overriding theme is that justice is being denied through its delay! The loopholes, disproportionately exploited by employers, have dilated into a ''black hole'' in Washington headquarters where complaints can sit for more than five years while workers await reinstatement and back pay.

How can we properly address this? I think that the Employee Free Choice Act is right on the mark in establishing a treble damage award for back pay. For too long, an award of back pay minus interim earnings has been regarded by everyone involved on all sides as a ''license fee'' for employer misconduct because back pay is cheaper than a union contract.

EFCA also provides for fines up to $20,000 for each employer violation as well as new contempt sanctions. And again, I think that the new law has it right in expanding and making more effective the Board's injunctive authority for employer unfair labor practices—in much the same manner that the statute has established them for union unfair labor practices since the Taft-Hartley amendments. Judge (and I hope soon-to-be Justice) Sonia Sotomayor's opinion in Silverman v. Major League Baseball Player Relations Committee, Inc. upholding my Board's view that an injunction was appropriate in the baseball players' 1994–95 strike has made this provision's importance about as well known as anything.

On other key issues I think that there is much more room for debate. While card checks are evidence of employee support in some circumstances, I think that they are, as the Supreme Court has characterized them, second best. And in Canada, where the consensus in the 1960s favored card check, a majority of provinces have now settled on secret ballot box elections. Moreover, there will be fewer disputes over the way in which employees mark secret ballots than there will be over cards; fewer disputes means less litigation and less delay.

But the unions are right to say that the election system (and indeed many other provisions of the statute) is broken. Accordingly, my view is that the principal breakdown in the election scheme—which has led to the card check proposal—is delay through which employees are subjected to a one-sided, anti-union campaign by employers for at least two months, and in a minority of instances a much more considerable period of time. The answer here is to both expedite elections—to require that they be held within a couple of weeks of the union's petition, as is done in the provinces of Ontario and British Columbia—and to reverse Supreme Court precedent excluding non-employee union organizers from company premises so that they can carry their side of the message to employees more effectively in the run-up to the ballot itself.

Another reform can provide for postal ballots which give employees a greater opportunity to cast their vote privately in a neutral facility of their choosing outside of the employer's control. In truth, the statute already provides for this, as I noted in my concurring opinion in San Diego Gas & Electric—but I think that Congress can be helpful by explicitly providing that postal ballots can be available within the Board's discretion along the lines that I set forth in San Diego Gas. The plurality in that case, which limited such ballots only to cases where employees are scattered and unavailable, did not rely upon any provision of the statute as it is written today and the Board, as well as Congress, can reverse that poorly-reasoned opinion at any time that it wants.

The third important feature of EFCA provides for interest arbitration in first contract negotiations. Clearly, as Professors Ferguson and Kochan have established, there is a problem here—only 56% of newly-certified bargaining units reach a contract, and only 37% do so within the first certification year—that cannot be easily remedied by refusal-to-bargain litigation. The surface bargaining cases have not been an effective avenue through which to establish or restore collective bargaining relationships that should have been less dysfunctional in the first instance.

However, EFCA-sponsored interest arbitration, in contrast to the ''grievance'' or ''rights'' variety, is relatively untested in the private sector in the United States. In Canada, which has first contract arbitration in most provinces, the process is rare and used sparingly (except in Manitoba where it is automatic after a specific time period). The conundrum is that the potential for a mechanism like this must be available to rescue bargaining which is at a stall, and yet its mere availability can undermine the collective bargaining process itself which is furthered by the Act.

The proper approach here, it seems to me, is to provide that the mediator—perhaps in consultation with the NLRB itself—should certify after extensive mediatory efforts that collective bargaining is either at an impasse or dysfunctional. As it presently stands, EFCA simply allows for arbitration to be invoked after three months of collective bargaining and subsequent mediation. Not only is this period of time too abbreviated, but by spelling out a specific period of time after which arbitration is automatic, it encourages the parties to maneuver in anticipation of arbitration in a way which can erode the voluntary collective bargaining process. Moreover, this approach fails to take into account the fact that both sides are frequently learning for the first time as they put together their very first collective bargaining agreement.

Arbitration must be used sparingly, although it should remain available in the final analysis so as to shore up a relationship which might otherwise disappear. This must be what the law encourages not only because of the considerations above but also because experience with interest arbitration in the public sector—where it is available in many jurisdictions for police and fire—is itself extensive and time-consuming. Amongst the interest arbitrations that I have done was one between the Detroit Board of Education and the Federation of Teachers twenty years ago where hearings continued day and night for a week, detailed briefs were filed thereafter, and the arbitration