

opportunity, to work to ensure that kids get the best education in the world so we can drive the economic engine of today and tomorrow, invent new technologies, propel future generations of American ingenuity and leadership.

□ 1000

This kind of political gridlock in this do-nothing Congress does not help America move forward. This bill's singular goal is to delay and ultimately prevent workers from voting in workplace elections. These rights have helped to create the American middle class in the last century. In recent decades, the erosion of these rights has lowered paychecks for families, led to jobs outsourcing overseas, and widened the income disparities in our society.

Are environmental and workplace laws, which have been around for decades, the reason the economy is lagging? Of course not. Yet these are the types of so-called solutions that are being put forward in bill after bill after bill.

Let's talk about preventing a looming increase on taxes in the middle class. I encourage the supercommittee and, if it need be, standalone legislation to ensure that we can keep payroll taxes at their current level. It's time for Congress to take up the President's Jobs Act, which includes extending the middle class tax cut. The American Jobs Act, which Republicans still refuse to consider, includes job-creating proposals, including rebuilding our schools, tax breaks for small businesses to create jobs, and modernizing our air traffic control system.

It's time for this Congress to stand up for the American people, to offer solutions, to get serious about getting our economy back on track instead of just scoring political points that appeal to the base.

I urge a "no" vote on this rule and the underlying bill, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I want to point out that I neglected to say earlier in response to my colleague who said we hadn't passed any House bills, that those were bipartisan bills that passed. Every one of the jobs bills that we passed has received bipartisan support, and the American people want us to be bipartisan, and I hope that they have noticed in the debate today that the vitriol about this bill has not come from our side of the aisle.

House Republicans are committed to reducing government red tape as a way to encourage job creation. The rule before us today provides for consideration of yet another bill to reduce government interference in job creation by reinstating the traditional standards for unions organizing elections and ensuring that employees' and employers' voices are heard.

Therefore, I urge my colleagues to vote for this rule and the underlying bill.

I yield back the balance of my time, and I move the previous question on the resolution.

Mr. BLUMENAUER. Mr. Speaker, I am disappointed by the House passage of H. Res. 470, which ensures that the so-called "Workforce Democracy and Fairness Act" will receive a vote in the House of Representatives. This legislation is anti-democratic, anti-union, and anti-middle class.

If enacted, H.R. 3094 would allow companies to indefinitely delay workers elections, allowing companies to choose when and how workers will vote to form a union. The legislation encourages wasteful litigation and overrides the current National Labor Relations Board decision-making process, replacing it with one that will be more expensive and difficult to navigate, that will take longer to finalize, and that fails to protect the rights of workers.

Passage of H. Res. 470 once again demonstrates that the Republican majority is failing to support American workers and American families. While I am proud to have voted against H. Res. 470, I am disappointed by its passage.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H. Res. 470, the Rule providing for consideration of H.R. 3094, the Workforce Democracy and Fairness Act.

The misleadingly named Workforce Democracy and Fairness Act has one overriding goal—to frustrate workers' right to vote in a union election.

Seventy-six years ago, this body passed the National Labor Relations Act, which stated: "It is declared to be the policy of the United States to . . . encourag[e] the practice and procedure of collective bargaining . . . for the purpose of negotiating the terms and conditions of [workers'] employment."

The legislation being considered today would undermine the very intent of the NLRA by setting aside decades of labor jurisprudence set by the National Labor Relations Board (NLRB) and our nation's courts, and replace it with new and untested processes that would cause uncertainty, delay elections, and prevent rather than encourage collective bargaining.

The Workforce Democracy and Fairness Act would do this by mandating a set of waiting periods and a full, pre-election hearing over any issue that is raised by a party.

For instance, no election would be allowed to occur no sooner than 35 days after the filing of a petition. However, there is no limit on how long an election may be delayed.

Delay gives unscrupulous employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

Also found in this legislation are provisions that would encourage frivolous litigation for the purpose of slowing the election process and stalling any vote. This will create a massive backlog of cases on the taxpayer's dime.

This bill would also give employers the ability to gerrymander elections through the proposed legislation's one-size-fits-all test in defining who would be allowed to vote in an organizing election, thereby making a majority vote all the more difficult to achieve.

It is time for this Chamber to put aside its war on the American worker and his or her right to organize and collectively bargain.

I ask my colleagues on both sides of the aisle to stand up for working Americans and vote against this rule and the underlining legislation.

Ms. SLAUGHTER. Mr. Speaker, my colleagues have pointed out, rather than minimizing undue delay in union voting procedure, today's bill mandates delay.

The bill would also empower employers to interfere in union elections by adding anti-union employees to voting blocks—gerrymandering union elections.

Letting an employer delay and manipulate union elections is a blatant attempt to put the fox in charge of the hen house. It is a direct attack on the ability of workers to unionize.

The truth is that unions continue to play an invaluable role in maintaining America's middle class—no small feat in the age of shrinking middle class incomes and rising inequality.

The proposed bill is yet another corporate favor that we are considering in this Congress. Its singular goal is to delay and ultimately prevent workers from exercising their hard won right to organize in the workplace.

In the last year, we've watched politicians in power try to strip thousands of Americans of their right to collectively bargain, and we've watched as those very same Americans have taken to the streets and gone to the polls to protect their rights.

The message from the American people is clear—they will not accept attempts to destroy the middle class and American unions. Neither will I.

I urge my colleagues to oppose today's rule and the underlying bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 18, 2011.

Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 18, 2011 at 8:52 a.m.:

That the Senate passed with amendments H.R. 2056.

That the Senate passed with an amendment H.R. 1059.

That the Senate passed with an amendment H.R. 3321.

That the Senate passed S. 99.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

FEDERAL COURTS JURISDICTION  
AND VENUE CLARIFICATION ACT  
OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, with Senate amendments thereto, to the end that the House concur in Senate amendment No. 1 and concur in Senate amendment No. 2 with the amendment I have placed at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments and the proposed House amendment.

The Clerk read as follows:

Senate amendments:

On page 9, line 17, strike "1454" and insert "1455."

On page 12, after line 4, strike "1454. Procedure for removal of criminal prosecutions." and insert "1455. Procedure for removal of criminal prosecutions."

House amendment to Senate amendment No. 2:

Add at the end the following:

Redesignate section 104 as section 105 and insert the following after section 103:

**SEC. 104. TECHNICAL AMENDMENT.**

Section 1446(g) of title 28, United States Code, is amended by striking "subsections (b) and (c)" and inserting "subsection (b) of this section and paragraph (1) of section 1455(b)".

Amend the table of contents of the bill by striking the item relating to section 104 and inserting the following:

Sec. 104. Technical amendment.

Sec. 105. Effective date.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask that the reading be dispensed with.

The SPEAKER pro tempore. Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

APPEAL TIME CLARIFICATION ACT  
OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1637) to clarify appeal time limits in civil actions to which United States officers or employees are parties, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the bill is as follows:

S. 1637

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Appeal Time Clarification Act of 2011".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure provide that the time to appeal for most civil actions is 30 days, but that the appeal time for all parties is 60 days when the parties in the civil action include the United States, a United States officer, or a United States agency;

(2) the 60-day period should apply if one of the parties is—

(A) the United States;

(B) a United States agency;

(C) a United States officer or employee sued in an official capacity; or

(D) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States;

(3) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure (as amended to take effect on December 1, 2011, in accordance with section 2074 of that title) should uniformly apply the 60-day period to those civil actions relating to a Federal officer or employee sued in an individual capacity for an act or omission occurring in connection with Federal duties;

(4) the civil actions to which the 60-day periods should apply include all civil actions in which a legal officer of the United States represents the relevant officer or employee when the judgment or order is entered or in which the United States files the appeal for that officer or employee; and

(5) the application of the 60-day period in section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure—

(A) is not limited to civil actions in which representation of the United States is provided by the Department of Justice; and

(B) includes all civil actions in which the representation of the United States is provided by a Federal legal officer acting in an official capacity, such as civil actions in which a Member, officer, or employee of the Senate or the House of Representatives is represented by the Office of Senate Legal Counsel or the Office of General Counsel of the House of Representatives.

**SEC. 3. TIME FOR APPEALS TO COURT OF APPEALS.**

Section 2107 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) In any such action, suit, or proceeding, the time as to all parties shall be 60 days from such entry if one of the parties is—

"(1) the United States;

"(2) a United States agency;

"(3) a United States officer or employee sued in an official capacity; or

"(4) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States, including all instances in which the United States represents that officer or employee when the judgment, order, or decree is entered or files the appeal for that officer or employee."

**SEC. 4. EFFECTIVE DATE.**

The amendment made by this Act shall take effect on December 1, 2011.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROPOSING A BALANCED BUDGET  
AMENDMENT TO THE CONSTITU-  
TION

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 466, proceedings will now resume on the motion to suspend the rules and pass the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed on Thursday, November 17, 2011, 2 hours and 42½ minutes of debate remained on the motion.

The gentleman from Virginia (Mr. GOODLATTE) has 1 hour and 27½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 1 hour and 15 minutes remaining.

Without objection, the gentleman from Texas (Mr. SMITH) will control the time of the gentleman from Virginia (Mr. GOODLATTE).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 2, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Yesterday, we began debate on the balanced budget amendment, debate that I hope culminates today with a bipartisan two-thirds vote in its favor. The American people of all political stripes and from all walks of life demand we pass this amendment. Recent polling by CNN indicates that a constitutional amendment to require a balanced Federal budget garners more than 70 percent support among men, women, whites, nonwhites, every age group, every income level, and people from every region of the country. Why do Americans overwhelmingly support a balanced budget amendment? Because they understand that unending Federal deficits wreck our economy and steal prosperity from future generations.

President Obama has set the wrong kind of new record. The national debt has increased faster under his administration than under any other President in history. This runaway government spending paralyzes the job market, erodes confidence among America's employers, and has caused the worst economic recovery since the Great Depression.

The balanced budget amendment is not an untested idea. Forty-nine States