Mr. Speaker, these bills do that today: balance benefits and burdens, provide that information to the American voter, and let's make sure that what we're doing is worth it.

Mr. Speaker, this is an example of how one ought to do a rule, how one ought to open up the process, how one ought to encourage debate on all of the ideas that are brought to this House floor. I encourage strong support for this rule. I encourage strong support for the underlying legislation.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 477 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new section:

SEC. 5. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: 'Payroll Tax Holiday Extension Act of 2011.'.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. WOODALL. 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.

WORKFORCE DEMOCRACY AND FAIRNESS ACT

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3094.

The SPEAKER pro tempore (Mrs. ROBY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 470 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3094.

□ 1427

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. KLINE) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise in support of H.R. 3094, the Workforce Democracy and Fairness Act, and I yield myself such time as I may consume.

The legislation we are considering today is straightforward. It reaffirms workforce protections that have been in place for decades.

Across the country, the American people are asking: How can we get this economy moving again? What will it take to finally put people back to work? And Washington is responding with a number of answers. Some think we should support more spending, more taxes, and more regulations. In essence, they are asking the country to double down on the same failed policies of the past.

My Republican colleagues and I believe we should chart a different course, one that includes removing regulatory roadblocks to job creation. The Workforce Democracy and Fairness Act is part of that effort. The legislation says we shouldn't allow unelected bureaucrats to dictate policies that make our workplaces less competitive.

In June the National Labor Relations Board proposed sweeping changes to the rules governing union elections. Under the board's radical scheme, employers would have just 7 days to find an attorney and navigate a host of complicated legal issues before confronting an NLRB election official. Employees will have as little as 10 days to decide whether they want to join a union, denying them an opportunity to gain valuable information and make an informed decision.

The NLRB is already telling employers like Boeing where they can and cannot create jobs. Now the board wants to take away a worker's right to make a fully informed decision in a union election. This proposal largely prohibits employers from raising additional legal concerns, denies answers to questions that can influence the vote, and turns over to union leaders even more personal employee information.

Let's get something straight: The board's scheme isn't about modernizing the election process. This is a draconian effort to stifle employer speech and ambush workers with a union election. Less debate, less information, and less opposition—that's Big Labor's approach to workers' free choice, and it is being rapidly implemented by the activist NLRB.

□ 1430

For 4 years Democrats controlled this Congress. To my knowledge, not once did they try to streamline the union election process. Not once. They did champion a failed effort to strip workers of their right to a secret ballot, but they didn't bother to offer any solutions to the alleged problems they now say plague the election process.

Today, union elections take place in an average of 31 days, giving workers a month to consider the monumental

question of whether or not to join a union. One month. Are there cases where delays have occurred? Yes. But without a doubt, these are the exceptions to the rule. And former and current members of the NLRB have cited partisan shifts on the board as the leading cause of such delay. A broken board is no excuse for trampling on the rights of American workers.

I'm aware the board recently revised—recently being yesterday—its earlier proposal and set aside some of the more egregious provisions. However, the latest iteration still denies employers access to a fair election process, still deprives workers of the opportunity to make a fully informed decision, and still perpetuates the threat of more punitive measures in the future. The board seems utterly determined to finalize a flawed proposal, regardless of the damage to the integrity of the board and our workplaces. We must act now.

The Workforce Democracy and Fairness Act reaffirms workforce protections our Nation has enjoyed for decades. Employers currently have a fair opportunity to prepare for a preelection hearing. The bill ensures employers have at least 14 days—2 weeks—a fair opportunity to prepare for the hearing. Employers and unions can currently seek board review of issues raised before the election. The bill preserves their right to seek board review before the election. Workers currently have an average of 31 days to decide their vote. The bill guarantees workers at least 35 days.

Before the board's reckless Specialty Healthcare decision, a commonsense standard determined which employees would participate in the election. Once again, H.R. 3094 takes steps to restore a traditional standard, ensuring employees continue to have freedom and opportunities in the workplace and employers can effectively manage their labor costs.

Despite the heated rhetoric we will hear from opponents today, the bill is a responsible effort to set in law, Mr. Chairman, protections workers and employers have long enjoyed. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER), a member of the Rules Committee.

Ms. SLAUGHTER. I appreciate the gentleman yielding.

Mr. Chairman, with millions of Americans out of work, job creation certainly should be the number one priority of this Congress. And yet, where are we today? We're not creating any new jobs here, but we're using the precious floor time considering a bill that attacks the rights of all American workers and has no chance of becoming law. That, unfortunately, is something we do week after week here.

As my colleagues have pointed out, rather than minimizing the delay in union voting procedures, today's bill mandates delay. The bill empowers employers to interfere in union elections by adding anti-union employees to voting blocs—gerrymandering the elections. That, by itself, should be enough to vote against this bill.

Letting an employer deny and manipulate union elections is a blatant attempt to put the fox in charge of the henhouse. It is a direct attack on the ability of workers to bargain collectively to protect their rights. And we've seen in America, with all the protests and uprisings, that American citizens don't like that so much.

Wherever you work, whether it's union or not, if you appreciate a 40-hour work week, sick leave and vacation days, safer working conditions, don't blame the men and women of the unions for the unemployment crisis that they didn't cause. Thank them for bringing those things to you. It was not a benevolent employer that gave you those. It was the union movement.

So rather than considering a bill to attack the American worker, we should be working together. As we plead on the floor day after day to create jobs for the American people, the situation grows more dire every day.

I urge my colleagues to oppose this bill and see if we can get to work to really create jobs.

Mr. KLINE. Mr. Chairman, the gentlelady just said that we should be addressing legislation to create jobs. That's exactly what we are doing today.

At this time I am very pleased to yield 3 minutes to the chairman of the Subcommittee on Health, Employment, Labor, and Pensions, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I rise today to urge my colleagues to support the Workforce Democracy and Protection Act.

Our country is in the middle of a jobs crisis. The national unemployment rate is hovering at 9 percent. In Tennessee, where I live, it's higher than that. Millions of American families are struggling to make ends meet. Amidst this economic uncertainty, the House has passed over 20 jobs bills that would help spur our economy that are sitting over on the Senate side, right down the hallway here, not voted on. Sadly, the Senate isn't the only roadblock to economic recovery. That's why we're here today—to rein in a National Labor Relations Board that has run amok.

I grew up in a union household. My father was a member of the United Rubber Workers Union. And I know about this. I lived with it, grew up with it.

In June, what problem were we trying to fix? Currently, elections are held, as the chairman said, within 31 days. And unions win almost 70 percent of the elections held. So let's say the 1st of October of this year you wanted to have an election. By the end of that month you could vote on whether a worker wanted to be in the union or not. A very fair process. If this rule goes into effect, as he said, 7 days for an employer to find representation to go through over 400 pages of rules just on this very complicated subject.

It gets worse. As little as 10 days to vote. So a worker would have to make their mind up, in some cases, it could be as quick as 10 days. Imagine voting on the President of the United States in 10 days.

And it gets worse. Workers would then be required by law to hand over personal information. What we want to do is to allow the employee to decide what information is given to the union about how they want to get contacted.

Mr. Chairman, this just isn't right, nor is the National Labor Relations Board's decision to redefine how a bargaining unit is determined. Instead of creating jobs, employers will be forced to negotiate with a multitude of small bargaining unions, which will raise labor costs and destroy the possibility of advancement opportunities. Something must be done to restore the fairness to the union election process. And that's why I'm a proud cosponsor of this legislation.

The bill simply does this. It gives 14 days to pass before a preelection hearing is held. This hearing will allow both sides to raise any relevant or material issues in a non-adversarial environment. It would protect the worker's right to make an informed choice by requiring an election take place in not less than 35 days. We owe it to our constituents to let them hear both sides of the story and make up their own minds. A worker's privacy should also be protected, allowing the unions access to only what the employee decides is their contact information. This bill also restores longstanding rules for defining what a bargaining unit is. It's over three decades of rules.

Mr. Chairman, there's only one way I can describe this bill—it's common sense. I respect the right of the workers to form unions. That's their right under the law. But I believe that the union election should follow a process that is balanced and protects the rights of employees and employers, not just the unions.

I urge support of this bill.

Mr. GEORGE MILLER of California. I yield myself 4 minutes.

Mr. Chairman, Members of the House, during the depths of the Great Depression, Congress gave the American worker the right to ban together with coworkers and to bargain for a better life. For more than 75 years, the National Labor Relations Act has vested the ultimate decision on whether or not to form or belong to a union with the workers themselves. The principle underlying this law is that when workers decide they want to have a union, they should get a union.

□ 1440

These rights and this law have served this country well. They built the middle class. They brought us the 40-hour

workweek. They brought us safer workplaces. The exercise of these rights ensured economically secure families and the prospect that our children could build an even better life. These rights have been an unqualified success. They helped to create an economic engine unparalleled in the history of the world.

But especially this year, forces have gathered that will do anything to take away those rights from American workers, from American families. These forces subscribe to the perverse ideology that says workers should just accept whatever the powerful decides is good enough for them, and that's the end of the discussion. They use real crises as an excuse to gain more power. We've seen them try it in Wisconsin and in Ohio and all across the country, where the real goal was to take away the rights of workers, not to solve the economic problems of those States; where the real goal was to constrain workers in the collective bargaining process, not to deal with the economic problems of those States; and where they don't control the statehouses and State legislatures, they have come to the Congress of the United States.

This bill today is part of that scheme. This bill is part of a national effort by the Republican Party, by the Chamber of Commerce, and much of the business community in this country to strip workers of their rights at work; to take ordinary working men and women and tell them they will have no rights to join a union; they will not be able to gather for an election because this legislation prevents that election from happening.

How does it do that? It does that, one, by having the employer decide who will be in the bargaining unit, not the employees as is dictated under the law and as affirmed by this Congress over and over again that decision belongs to them.

How does it do that? So it stuffs the ballot box at the outset, and the employer making up the bargaining unit as opposed to the employee. Then they throw in the ability to have whatever frivolous appeals, whatever frivolous issues you want to raise, no matter how frivolous, they must be raised before this time, before the election, and all of the appeals must be decided. So while they talk about how this gives you a tight time frame, in fact what we see is endless delays. It's the endless running up of legal costs of attorneys on both sides, all in the idea of buying time for the employer to intimidate the employees from joining a union, to constantly hold businesses and the workplace—face to face, businesses to advocate against the union so that they can turn around the decision that the employees essentially have made when they say, We want to go to an election; we want to have a union; this is our bargaining unit. And that's the goal here is to destroy the ability of this law to function.

You cannot have a situation where that exists in this country, because this law is not only important to employees in the workplace. It's important to millions of Americans who are in the middle class in this economy today. These are people who are there because of the collective bargaining rights of people over the last 75 years in this country to bring the benefits, to bring the wages, to bring the job security, to bring the health care benefits, to bring the pension benefits and the protections to middle class families.

We have seen, as the unions have declined, so have the wages, so have the benefits of workers to their own productivity. The American worker continues to increase their productivity. They are the most productive workers in almost every sector of our economy in the world, and yet more and more of their productivity is being syphoned off by the 1 percent, if you will, by the employers that decide they need more bonuses, by the employers that decide they need bigger paychecks, by the employers that decide they need more shareholder dividends, by the employers that decide that they need more golden parachutes, they need more arrangements to get rid of people at the elite level.

That's what this is about. It's about stealing from the American workers and not giving them a right to continue to bargain for the benefit of their families and their communities, and we ought to reject this bill today.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the chairman of the Subcommittee on Workforce Protections, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank the chairman for yielding.

Mr. Chairman, as I, a former United Steelworkers Union member, stand here today, the unemployment rate in Michigan stands at 10.6 percent, and in areas of my district it is as high as 14 percent.

Our primary focus in Congress, as passed in the Republican jobs plan and seated in the Senate right now, our primary focus is to get burdensome government regulations out of our way and out of the way of the American people and let them get back to work.

The National Labor Relations Board has taken actions that directly oppose American job providers and job creators. How can any Michiganian operating a business expect to compete on a level playing field with NLRB membership like Craig Becker, who once wrote, ''Employers should be stripped of any legally cognizable interest in their employees' election of representatives.'' And also, ''Employers have no standing to assert their employees' right to fair representation.''

In their recent action to create an ambush-style election process, the NLRB has taken the side of a former special interest attorney over the will of the American working people. The rogue majority of the NLRB wants to set conditions that stifle job creation and expansion. Job creators are terrified of the NLRB's actions to create an ambush-style election process that will prevent employees from making an informed decision. And more stunningly, they reversed 30 years of precedent through their Specialty Healthcare decision, which would allow unions to carve up a worksite however they use.

America's job creators and workforce deserve fairness to ensure that union representation elections, like elections for our political leadership, are done in a just manner that allows all participants to make an informed decision on their representation status.

The Workforce Democracy and Fairness Act will ensure that employees and employers will have a level playing field at the NLRB and its special interest allies are determined to tilt.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, for years the American Dream has been based on a basic deal: If you go to work every day and work as hard as you can, you will make a decent wage. If you get sick and have to go to the hospital, you'll have health benefits that mean that you won't lose everything you have because you got sick. At the end of the 40th hour of the week, your time belongs to you and your family, not to your boss, unless your boss is willing to pay you time and a half. And you don't have to work until the day you die because you can earn a decent pension and spend the golden moments and days of your life taking care of your grandchildren and your family. That's the deal.

None of that existed for most Americans before collective bargaining existed. America has a middle class because America has collective bargaining.

This bill is not about the number of days before an election or the size of a bargaining unit. This bill raises the issue of whether you truly believe in collective bargaining. And what this bill does is say to the minority of employers in America—and I think they are the minority by far—who would choose to subvert an election process, who would choose to intimidate and coerce their workers into voting against the union, this bill gives them a roadmap of exactly how to do that. It is a subversion of the American middle class because it's a subversion of collective bargaining.

Our grandfathers and grandmothers stood on picket lines to fight for collective bargaining. The people of Ohio stood on election day to fight for collective bargaining. Colleagues, let us together stand today against this legislation and for collective bargaining and the American middle class.

Mr. KLINE. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the chairman for yielding.

Mr. Chairman, I rise today in support of H.R. 3094, the Workforce Democracy and Fairness Act, a bill I proudly sponsor.

As a Representative from Alabama, a right-to-work State, the continued activist agenda of the National Labor Relations Board is alarming.

□ 1450

Its proposed rules to alter longstanding Federal labor practices and policies are a clear example that the White House and the NLRB are committed to a culture of union favoritism. The NLRB's proposals undermine the rights of employers and employees by empowering unions to manipulate the workforce for their own gain.

The Workforce Democracy and Fairness Act is one of many bills put forward by my Republican colleagues that will prevent the NLRB from imposing sweeping changes to our Nation's workplaces. Additionally, and most importantly, this bill restores key labor protections that both workers and employers have enjoyed for decades.

I want to say that again: This bill restores key labor protections that both workers and employers have already enjoyed for decades. Congress has the responsibility to ensure that the NLRB's labor interests are not undermining an employer's efforts to create jobs and grow their businesses.

At a time when approximately 14 million Americans are unemployed and searching for work, not to mention the millions that have given up, Congress must implement policies that encourage new jobs, not hinder them. This legislation will rein in the activist NLRB and reaffirm protections workers and job creators have received for decades.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a ranking subcommittee member of the committee.

Ms. WOOLSEY. Mr. Chairman, H.R. 3094, the so-called Workforce Democracy and Protection Act, what a great title for legislation that assaults the majority's year-long war against unions, against workers, and the National Labor Relations Board. This is just the latest of that. And they gave it this wonderful title.

And since they took control of this body in January, my colleagues on the other side of the aisle have been doing everything in their power to stack the deck against labor unions and those who aspire to join them. Seemingly, the bills that they bring to the floor are designed to make life easier for the corporate special interests and, as usual, harder on workers who just want a fair shake.

Curious, since the labor movement is the most powerful force for economic security and upward mobility that we have in this country, and unions are the reason there is a strong middle class in the United States of America, that they would want to attack it. We need to remove obstacles to union elections, and we need to create ways for members to join unions, not prevent them from being union members.

It's baffling to me that my Republican friends have absolutely no plans to create any kind of jobs, but a carefully orchestrated plan to undermine the rights and protections of working people. Instead of helping people who are reeling from this sluggish economy, they work to create distractions and to create scapegoats.

Mr. Chairman, workers deserve better than a government of, by, and for the wealthiest 1 percent.

Vote ''no'' on H.R. 3094.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington DC, November 18, 2011.

Hon. JOHN P. KLINE

Chairman, House Education and the Workforce, Washington, DC.

Hon. GEORGE MILLER

Ranking Minority Member, House Education and the Workforce, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MINORITY MEMBER MILLER: On behalf of the AFL-CIO, I urge you to vote against H.R. 3094, the Workforce Democracy and Fairness Act, when it is considered by the House of Representatives. Masquerading as a bill to protect the status quo with respect to elections supervised by the National Labor Relations Board, H.R. 3094 would actually mandate delays, giving companies more power to wear down support for the union and creating new opportunities for stalling elections. The result of this bill will be to make workers wait months, perhaps years before they are allowed to vote on whether to form a union. The bill would also destroy 75 years of NLRB case law that has governed the appropriateness of bargaining units, giving companies more power to gerrymander the eligibility of voters in a union representation election in order to unfairly skew the results.

Under H.R. 3094, no election may occur sooner than 35 days after the filing of an election petition, even if all parties agree to an earlier date. But the bill does not limit how long an election may be delayed as a result of employer claims, challenges and litigation. The bill would mandate a full pre-election hearing on any ''relevant and material'' issue, broadly defined to include virtually any issue, even those that are not in dispute and not material to the appropriateness of the bargaining unit. By incentivizing marathon pre-election hearings, the bill would reward wasteful litigation and increase taxpayer costs by requiring findings on unnecessary and extraneous issues.

In a further effort to deny workers their right to choose whether to form a union, H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of companies to force workers to listen to their anti-union propaganda, under the threat of discharge if they try to object. Moreover, it fails to protect workers who are fired, threatened, or interrogated because they want to exercise their federal statutory right to form a union. In fact, current remedies for well-documented, wide-spread violations of workers' rights have been regularly criticized as paltry and ineffective, treated by companies as merely a cost of doing business.

H.R. 3094 would also overturn the recent Specialty Healthcare decision, in which the NLRB applied to non-acute health care facilities, mostly nursing homes, the same community-of-interest standard that it has traditionally applied to determine the appropriateness of bargaining units in other industries. While the U.S. Court of Appeals for the District of Columbia upheld that standard in 2008, the bill broadly applies a one-size-fits-all test in disregard of the particular needs of specific industries and circumstances. The bill's newly minted test will create uncertainties for the parties as this vague new standard is repeatedly litigated.

H.R. 3094 has one goal: to empower companies which want to delay elections so they can mount one-sided, anti-union campaigns, both legal and illegal, to discourage workers from freely choosing whether or not to form a union. At a time when more and more experts are recognizing that middle class incomes are falling in tandem with the declining rate of union membership, Congress should be finding ways to protect workers' freedom to form a union, not throwing up roadblocks to the exercise of this fundamental right.

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs Dept.

Mr. KLINE. Mr. Chairman, I am very pleased to yield 1 minute to another member of the committee, the gentleman from Nevada, Dr. HECK.

Mr. HECK. I thank the chairman for yielding.

Mr. Chairman, I rise today to pose an important question to Nevadans. How would you feel about having only 10 days' notice that an election would be held? That would give you only 10 days to research the candidates and find out where they stand on the issues, 10 days to decide who best represents you, your voice, your values.

And to my distinguished colleagues in this body, how do you think your constituents would react if we changed the law so that they had only 10 days' notice that an election would be held?

It would be unconscionable for Congress to abdicate its responsibility and allow a board of unelected bureaucrats to do something that this body would never do itself. That's the debate today, whether or not Congress allows the National Labor Relations Board to radically change the way union elections are governed, with little to no input from those most affected by this decision.

I urge my colleagues to vote for the Workforce Democracy and Fairness Act to prevent the National Labor Relations Board from doing something we would not do ourselves.

Mr. GEORGE MILLER of California. I yield 2¼ minutes to the gentleman from New Jersey (Mr. PAYNE), a member of the committee.

Mr. PAYNE. Mr. Chairman, H.R. 3094, the Workforce Democracy and Fairness Act, really, as you know, should be called the Election Prevention Act.

I'm gravely concerned about today's legislative proposal. Current law recognizes that workers should be able to associate with other units into any appropriate bargaining unit. This bill creates a presumption that all workers should be in a bargaining unit unless it is proven otherwise. That's just the reverse of the way law should be.

It allows employers to stuff the ballot boxes with workers who are not engaged in the organizing drive in the first place, therefore likely to vote ''no.''

It also increases the chances that workers' petition for an election will be rejected, which would cancel elections because they do not obtain the 30 percent signatures from this vast bargaining unit, all ways to try to thwart the election.

The NLRB has proposed rules which would eliminate loopholes in current law that allow unscrupulous employers to delay elections, frustrating workers' efforts to organize. This bill would essentially impose arbitrary delays and block those pending NLRB rules to eliminate avoidable delays.

The fact of the matter is that that bill encourages frivolous litigation. The original bill provided employers with an unqualified right to consistently raise a new issue at any point during the pre-election hearing in order to drag out the hearing. This would include any issue that may reasonably be expected to impact the election's outcome.

This bill does not limit these problems, but states that these issues, even when immaterial to an election, are considered relevant. Based on this fact, a hearing could therefore go on indefinitely, and that's what the purpose of this is.

Furthermore, parties could bring up issues such as economic conditions, or unfair labor practices, or other items not normally considered in pre-election hearings. Additionally, this bill seems to require that the board must finish a request for review before an election can be directed. This will encourage employers to file requests for review, even frivolous ones, to create a backlog at the board and further delay elections.

The current election process needs to be fixed. Employers easily delay and prolong elections giving themselves a unfair advantage to our American workers.

The fact that we are even discussing the ''Workforce Democracy and Fairness Act'' is a mockery. There are millions of unemployed workers across the nation and yet we are here to limit the rights of those who are employed. We should be here passing the American Jobs Act to help the unemployed.

A recent survey, conducted by the National Employment Law Project, NELP, of four of the top job search websites—CareerBuilder.com, Indeed.com, Monster.com, and CraigsList.com—found over 150 job advertisements that specified applicants must be currently employed. That is simply unacceptable.

However, the provisions in the American Jobs Act will prevent qualified Americans, who are unemployed through no fault of their own, from being unfairly screened from employment opportunities.

For over 300 days in the House majority, the GOP has refused to put forward a clear jobs plan. Now is the time to help our workers and not harm them.

Again, I would like to reiterate my strong opposition to H.R. 3094 and I request my Congressional colleagues to do as well.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
Upper Marlboro, MD, November 28, 2011.

Re. H.R. 3094 Workforce Democracy and Fairness Act.

DEAR REPRESENTATIVE, On behalf of the International Association of Machinists and Aerospace Workers, I strongly urge you to vote ''NO'' to the ''Workforce Democracy and Fairness Act'' H.R. 3094. This anti-worker legislation should be called the ''Election Prevention Act'' because it would give unscrupulous employers more opportunities to thwart workers' efforts to organize and also add more delays to an already broken National Labor Relations Board (''NLRB'') election process.

This bill was introduced in direct response to the NLRB's proposed rule to minimize undue delay in union elections. Instead of minimizing delay, H.R. 3094 mandates it. For example, no election may occur sooner than 35 days after filing of an election petition. However, there is no limit on how long an election may be delayed as a result of employer claims, challenges and litigation. Delay gives employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of employers to force workers to listen to their antiunion propaganda, under the threat of discharge if they try to object.

H.R. 3094 also manipulates the procedure for deciding who is in the bargaining unit. The bill encourages the ''gerrymandering'' of bargaining units by codifying a test that destroys 75 years of Board decision-making.

In sum, H.R. 3094 would delay and ultimately prevent union representation elections, encourages frivolous litigation, and manipulates the procedure for deciding who is a bargaining unit. For the above reasons, I ask that you oppose this latest attack on workers' rights by voting ''NO'' to the ''Election Prevention Act.''

If you have any questions, please contact Matthew McKinnon, Legislative Director.

Sincerely,

R. THOMAS BUFFENBARGER,
International President.

BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AMERICAN FEDERATION OF LABOR–CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, November 28, 2011.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the approximately 2 million skilled craft professionals who comprise the Building and Construction Trades Department, AFL–CIO, I write to urge you to vote against H.R. 3094, the Workforce Committee Democracy and Fairness Act.

This bill represents an unfair attack on workers and the mechanisms in place that protect their ability to freely choose to form a union. H.R. 3094 amends the National Labor Relations Act (NLRA) to allow for obstructive delays in the scheduling of a union election. This bill would mandate that workers wait at least 35 days before voting on joining a union once petitions have been filed seeking the vote. Not only would this flawed legislation call for delays, but H.R. 3094 would also empower employers to engage in anti union campaigns to discourage workers from making an unconstrained decision on whether to form a union.

Further, H.R. 3094 undermines the ability of the National Labor Relations Board to protect workers who are fired, threatened or otherwise harassed because they want to exercise their federal statutory right to form a union.

This troubling and misguided attack on workers' rights must be stopped.

With kind personal regards, I am,

Sincerely,

MARK H. AYERS,
President.

SERVICE EMPLOYEES INTERNATIONAL UNION,
Washington, DC, November 18, 2011.

DEAR REPRESENTATIVE: On behalf of more than 2.1 million members of the Service Employee International Union (SEIU), I strongly oppose H.R. 3094, the Workforce Democracy and Fairness Act, and urge you to vote against this bill when it comes to the House floor for a vote.

H.R. 3094 is yet another attack on workers' rights and the NLRB's mandate to protect them. We encourage you not to force American workers to choose between their rights and their jobs. During these tough economic times, it is vital to support good-paying jobs and protect workers' rights to bargain collectively for better compensation. Good-paying jobs are necessary to rebuild the middle class and they support job creation by bolstering consumer demand.

H.R. 3094 undermines workers' rights by limiting the NLRB's ability to serve as an adjudicator of workforce fairness and democracy by increasing litigation and representation delays indefinitely; undermining a union's ability to communicate with workers; and removing employees' right to determine their bargaining unit. In a time when 54 percent of employers threaten workers during work time about union membership, it is vital that unions have fair access to communicate with employees about their rights.

If passed, H.R. 3094 will disrupt 75 years of NLRB experience configuring appropriate bargaining units. It undermines employees' ability to form a union by removing employees' right to self-organize bargaining units and allowing employers to manipulate the pool of eligible voters for the representation election.

Employers have the ability to drag the election process out at least over six months. H.R. 3094 would allow the elections to be delayed even further by first reversing the NLRB's proposed rule to efficiently serve and standardize election procedures and secondly by allowing virtually any issue, including frivolous appeals, to be litigated in representation case proceedings prior to the election. During this delay, many employers hold captive audience meetings and threaten workers to prevent them from exercising their democratic right to representation in the workplace. Finally, H.R. 3094 would overturn 50 years of NLRB procedure regarding the list of eligible voters provided to the union and making it difficult for unions to communicate with workers.

SEIU strongly opposes H.R. 3094 and urges you to vote NO when this bill comes to a vote. It not only overturns the NLRB's recent proposed rules but sets American workers' rights back decades.

Votes on this legislation will be added to the SEIU Congressional Scorecard found at www.seiu.org. If you have any questions, contact Josh Nassar, Assistant Director of Legislation.

Sincerely,

MARY KAY HENRY,
International President.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to another distinguished member of the committee, the gentleman from Florida (Mr. ROSS).

Mr. ROSS of Florida. Thank you, Mr. Chairman, for the recognition and also

for bringing forth this most necessary legislation.

I rise in support of H.R. 3094. Quite simply put, the National Labor Relations Board has lost all credibility. From its anti-American attack on Boeing to its inability to allow Delta employees to choose their own labor future, the NLRB has become nothing more than a taxpayer-funded Big Labor advocate.

The Workforce Democracy and Fairness Act is just what it says it is, legislation that, if passed, will enshrine in law the rights of the American worker to both information and choice, two things my friends on the other side of the aisle believe in as well.

What is truly sad, Mr. Chairman, is that taxpayers, already living under the burden of exploding debt and record unemployment, are paying the salaries of NLRB attorneys and administrators to stifle employment and to ship jobs overseas. The proposed NLRB rule remedied by this legislation requiring elections be held in as little as 10 days gives workers virtually no opportunity to inform themselves about their rights.

□ 1500

To show just how radical this NLRB has become, we must ask ourselves, when in the history of this great Republic has shortening the time for an election been considered more fair? We hear Members from the other side of the aisle say that even requiring some to show identification to vote is unfair and restrictive. But drastically cutting short the time for an election is more fair?

As if that was not radical enough, the NLRB's decision on micro-unions overturns 30 years of successful precedent. For example, at retail stores, multiple labor unions could target unorganized different groups of workers. Sales persons, merchandise managers, department managers, stock clerks, and security guards could each form separate unions. This will put worker against worker, and employers will spend more time negotiating with unions than they do on focusing on their jobs and on their business.

The question we must ask is, what are they so afraid of? The answer is they're afraid of an American worker free to work hard and earn the fruits of that labor. They're afraid of the American worker given the right to choose their own future. I don't know about anyone else, but I trust the American worker to make the right decision. I don't trust the government.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. The right to organize is a fundamental right in a democratic society. In fact, workers' rights are human rights. This bill seeks to frustrate workers' rights to an election through attacking the National Labor Relations Board.

Today workers have to wait an average of 101 days to cast a ballot in an election, 101 days to wait for union representation. How long should workers have to wait to be able to assert their fundamental rights in a democratic society if we really believe in democracy?

Some of us believe that when a majority of workers want to be able to have a union, they should be able to do so forthwith.

We believe in government of the people. Why then would corporations want to block or frustrate the right of workers to be able to organize? I think it's pretty obvious. When workers are organized, they have the ability to participate in being able to say what their wages are worth. So this is about wages. It's about benefits. It's about workplace safety, about working conditions.

Workers rights are human rights. And this assault on the NLRB actually ends up being translated into a fundamental assault on our democracy. If we believe in a democracy, then we believe in a right to organize, a right to collective bargaining, a right to strike, a right to decent wages and benefits, a right to a secure retirement, a right for workers to participate in a political process.

This is America. Let's lift up the standard of workers—not attack it by making the day of their election and claiming a union farther and farther away almost to the point of nullification. Stand up for the American workers. Defeat this bill.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the Workforce Democracy and Fairness Act offered by Chairman KLINE, and I thank the chairman for his leadership on this issue.

For the past 3 years, we have seen a vast expansion in the size and scope of the Federal Government, which has resulted in a suffering economy and job market and an unfriendly business environment for job creation and investment.

A recent troubling example of this government overreach is the National Labor Relations Board's proposed rulemaking that would alter the longstanding precedent of procedures that govern union elections. These new rules would do little more than empower Big Labor bosses by restricting employers from communicating with their employees during the process, preventing the employees from gaining access to critical information necessary to make informed decisions on their votes, and diminishing the fundamental rights of both employees and employers across the country.

This sort of government intervention in the workplace is an attack on our economic freedom and will only provide more uncertainty in our economy at a time when we are struggling to recover.

With far too many Fifth District Virginians and Americans out of work, we must put an end to the arbitrary rulemaking of the unelected bureaucrats that comprise the NLRB. Instead, we must provide our job creators the opportunity to hire and grow without the uncertainty caused by unnecessary and burdensome government regulations. And we must preserve the protections and freedoms that American workers deserve, allowing them to participate in a full and fair election process.

I urge my colleagues to support this important legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and for his leadership on behalf of America's working families and for bringing the opposition to this legislation to the floor today.

Mr. Chairman and my colleagues, more than 75 years ago, President Franklin Roosevelt signed a bill which created the National Labor Relations Board and said he did so to give every worker ''the freedom of choice and action which is justly his.'' Today we say which is justly his or hers. That was a very important moment for workers because it said that they could negotiate, they could bargain collectively, giving great leverage to workers in our country, and it was necessary.

The freedom of choice in action has rested at the core of a growing, thriving American workforce. It has created the American middle class that has made our country great and is the backbone of our democracy.

This legislation on the floor today undermines freedom of choice in action. It will weaken our middle class, and again weaken our democracy.

For months in Wisconsin, Ohio, and other States nationwide, Americans have seen Republican Governors and legislatures attack teachers, firefighters, police officers, and other public servants. We've seen American workers, union and non-union alike, fight back, inspiring the Nation.

My colleagues on the other side of the aisle have promoted many myths about their misguided legislation which they're bringing forward today and how it will impact the National Labor Relations Board. So I would like to clarify a few facts.

First, this bill mandates delay rather than minimizes it. It encourages frivolous litigation rather than discourages it. It convolutes and distorts elections rather than simplifying them.

Simply put, this legislation would deny workers their right to a free and fair election to form a union. It adds extensive delays to the process as workers organize with the clear intention of, as my colleague, Congressman GEORGE MILLER, the ranking member of the Education and Labor Committee has said, wearing down workers so they give up fighting for a better deal. It's an age-old tactic. It must be rejected.

At a time when Americans are demanding jobs and job growth, economic

growth for our country, today's legislation is the wrong priority. We need to be solving the problem and challenge of creating jobs, and not adding to the problems, as this bill would do.

There is a great deal of work to be done to reignite the American Dream. Igniting the American Dream is what Franklin Roosevelt did when he signed this bill and many other initiatives of that era. And they corrected many ills in our economy and our society in communities across the country in terms of fairness and American value.

So we want to reignite the American Dream, to build ladders of success for all who want to work hard and play by the rules, and remove obstacles to fuller participation in our economy so that many more workers can participate in America's prosperity.

□ 1510

This is about, again, strengthening the middle class, the backbone of our democracy. Yet this legislation will have the opposite effect of eroding rights and opportunity. I urge my colleagues to vote ''no.''

Mr. KLINE. Mr. Chairman, I submit for the RECORD this letter from the Coalition for a Democratic Workplace, with 243 associations and organizations in support of this legislation.

COALITION FOR A
DEMOCRATIC WORKPLACE,
November 29, 2011.

DEAR REPRESENTATIVE: On behalf of millions of job creators concerned with mounting threats to the basic tenets of free enterprise, the Coalition for a Democratic Workplace urges you to support H.R. 3094, the Workforce Democracy and Fairness Act. Congress needs to immediately pass this much-needed legislation. The bill directly addresses recent and economically crippling actions of the National Labor Relations Board (Board or NLRB). Specifically, the bill would block the Board from moving forward with its ambush election proposal. If left unchecked, the proposal will effectively deny employees' access to critical information about unions and strip employers of free speech and due process rights. H.R. 3094 also would reverse the Board's recent decision in Specialty Healthcare, which poses an immediate and direct threat to our economy by opening the door to swarms of micro-unions.

The Coalition for a Democratic Workplace, a group of more than 600 organizations, has been united in its opposition to the so-called ''Employee Free Choice Act'' (EFCA) and EFCA alternatives that pose a similar threat to workers, businesses and the U.S. economy. Thanks to the elected officials who stood firm against this damaging legislation, the threat of EFCA is less immediate this Congress. Politically powerful labor unions, other EFCA supporters, and their allies in government are not backing down, however. Having failed to achieve their goals through legislation, they are now coordinating with the Board and the Department of Labor (DOL) in what appears to be an all-out attack on job-creators and an effort to enact EFCA through administrative rulings and regulations.

While the Board's actions have gained recent notoriety from the unprecedented attempt by the agency's Acting General Counsel to mandate where and how one company—Boeing—can operate and expand its business, the Boeing case is just the tip of the iceberg. During the last few years, the Board and DOL have issued a barrage of anti-business and anti-worker decisions and rules, which collectively amount to the greatest upheaval in U.S. labor law in over 50 years. The Workforce Democracy and Fairness Act directly remedies ambush elections and micro-unions (Specialty Healthcare), which are two of the Board's most damaging and outrageous actions.

On June 21, the Board proposed a rule on ''ambush elections.'' According to Board Member Brian Hayes, these new procedures could result in union representation elections held in as few as 10 days after the filing of a union petition. The NLRB's own statistics reveal that in 2010, the average time to election was 31 days, with over 95 percent of elections occurring within 56 days. The current election time frames are not only reasonable, but permit employees time to hear from both the union and the employer and make an informed decision, which would not be possible under the proposed timetables. In fact, the reduced time frame would leave employers barely enough time to secure legal counsel, with little to no opportunity to talk with employees about union representation or respond to promises union organizers may have made to secure union support, even though many of those promises may be completely unrealistic. Given that union organizers typically lobby employees for months outside the workplace without an employer's knowledge, these ''ambush'' elections would often result in employees' receiving only half the story. They would hear promises of raises and benefits that unions have no way of guaranteeing, without an opportunity for the employer to explain its position and the possible inaccuracies put forward by the union. Ambush elections would be particularly damaging to small businesses as the proposed changes would effectively eliminate any measure of due process by forcing elections before most employers could even understand what was happening or even obtain legal advice and representation.

The proposal also tramples over employer due process rights. As Member Hayes noted, the proposed rule will ''substantially limit the opportunity for full evidentiary hearing or Board review on contested issues involving, among other things, appropriate unit, voter eligibility and election misconduct.'' The proposal would require that all pre-election hearings occur within seven days of the petition. Businesses must file a statement within those seven days setting forth their position on all relevant legal issues. Any issues not identified in the statement would be waived forever. These unnecessary time limits put enormous pressure on all businesses, but like the NLRB's ambush election proposal, the impact will be especially damaging to small business, who will have enough problems finding counsel within these time frames, let alone obtaining any meaningful understanding of their rights and obligations under this complex law.

In Specialty Healthcare, the NLRB paved the way for the formation of ''micro-unions,'' which make it easier for unions to organize by permitting them to form smaller bargaining units that often exclude those similarly situated employees who oppose unionization. This effectively disenfranchises them. Prior to the decision, bargaining units had to include employees who share a ''community of interest.'' Smaller units were only permissible where the employees in the proposed unit had interests that were ''sufficiently distinct from those of other employees to warrant the establishment of a separate unit.'' This prevented swarms of small, ''fractured units,'' of similarly situated employees. As a result of the Board's decision, businesses now face the possibility of having to manage multiple, small units of similarly situated employees with increased chances of work stoppages, as well as potentially different pay scales, benefits, work rules and bargaining schedules. This will greatly limit an employer's ability to cross-train and meet customer and client demands via lean, flexible staffing because employees will no longer be able to perform work assigned to other units. Employees also will suffer from reduced job opportunities, as promotions and transfers will be hindered by organizational unit barriers.

Again, we urge you to support passage of H.R. 3094, the Workforce Democracy and Fairness Act. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers they have hired or would like to hire, and consumers.

THE COALITION FOR A DEMOCRATIC WORKPLACE

NATIONAL ORGANIZATIONS (118)

60 Plus Association;
Aeronautical Repair Station Association;
Agricultural Retailers Association;
AIADA, American International Automobile Dealers Association;
Alliance for Worker Freedom;
American Apparel & Footwear Association;
American Bakers Association;
American Concrete Pressure Pipe Association;
American Council of Engineering Companies;
American Feed Industry Association;
American Fire Sprinkler Association;
American Foundry Society;
American Frozen Food Institute;
American Health Care Association;
American Hospital Association;
American Hotel and Lodging Association;
American Meat Institute;
American Nursery & Landscape Association;
American Organization of Nurse Executives (AONE);
American Pipeline Contractors Association;
American Rental Association;
American Seniors Housing Association;
American Staffing Association;
American Supply Association;
American Trucking Associations;
American Wholesale Marketers Association;
Americans for Tax Reform;
AMT—The Association for Manufacturing Technology;
Asian American Hotel Owners Association;
Assisted Living Federation of America;
Associated Builders and Contractors, Inc.;
Associated Equipment Distributors;
Associated General Contractors of America;
Association of Equipment Manufacturers;
Automotive Aftermarket Industry Association;
Brick Industry Association;
Building Owners and Managers Association (BOMA) International;
Center for Individual Freedom;
Center for the Defense of Free Enterprise Action Fund;
Coalition of Franchisee Associations;
College and University Professional Association for Human Resources;
Consumer Electronics Association;
Custom Electronic Design & Installation Association;
Environmental Industry Associations;
Fashion Accessories Shippers Association;
Food Marketing Institute;
Forging Industry Association;
Franchise Management Advisory Council (FRANMAC);
Heating, Airconditioning & Refrigeration Distributors International (HARDI);

HR Policy Association;
IEC National;
INDA, Association of the Nonwoven Fabrics Industry;
Independent Women's Voice;
Industrial Fasteners Institute;
International Association of Refrigerated Warehouses;
International Council of Shopping Centers;
International Foodservice Distributors Association;
International Franchise Association;
International Sign Association;
International Warehouse Logistics Association;
Kitchen Cabinet Manufacturers Association;
LeadingAge;
Metals Service Center Institute;
Motor & Equipment Manufacturers Association;
NAHAD—The Association for Hose and Accessories Distribution;
National Apartment Association;
National Armored Car Association;
National Association of Chemical Distributors;
National Association of Convenience Stores;
National Association of Electrical Distributors;
National Association of Home Builders;
National Association of Manufacturers;
National Association of Wholesaler-Distributors;
National Club Association;
National Council of Chain Restaurants;
National Council of Farmer Cooperatives;
National Council of Investigators and Security Services (NCISS);
National Council of Textile Organizations (NCTO);
National Federation of Independent Business;
National Franchisee Association;
National Grocers Association;
National Mining Association;
National Multi Housing Council;
National Pest Management Association;
National Precast Concrete Association;
National Ready Mixed Concrete Association;
National Restaurant Association;
National Retail Federation;
National Roofing Contractors Association;
National School Transportation Association;
National Small Business Association;
National Solid Wastes Management Association;
National Systems Contractors Association;
National Tank Truck Carriers;
National Tooling and Machining Association;
National Utility Contractors Association;
NATSO, Representing America's Travel Plazas and Truckstops;
North American Die Casting Association;
North American Equipment Dealers Association;
Petroleum Marketers Association of America;
Precision Machined Products Association;
Precision Metalforming Association;
Printing Industries of America;
Professional Beauty Association;
Retail Industry Leaders Association;
Snack Food Association;
Society for Human Resource Management;
Society of American Florists;
SPI: The Plastics Industry Trade Association;
Steel Manufacturers Association;
Textile Care Allied Trades Association;
Textile Rental Services Association;
The Real Estate Roundtable;
Truck Renting and Leasing Association;
U.S. Chamber of Commerce;
United Fresh Produce Association;
United Motorcoach Association;
Western Growers Association.

STATE AND LOCAL ORGANIZATIONS (125)

A & K Earthmovers, Inc.;
American Society of Employers (Michigan);
Arkansas State Chamber of Commerce/Associated Industries of Arkansas;
Associated Builders and Contractors, Inc. California Chapter;
Associated Builders and Contractors, Inc. Central Florida Chapter;
Associated Builders and Contractors, Inc. Central Pennsylvania Chapter;
Associated Builders and Contractors, Inc. Chesapeake Shores Chapter;
Associated Builders and Contractors, Inc. Delaware Chapter;
Associated Builders and Contractors, Inc. Eastern Pennsylvania Chapter;
Associated Builders and Contractors, Inc. Florida East Coast Chapter;
Associated Builders and Contractors, Inc. Florida Gulf Coast Chapter;
Associated Builders and Contractors, Inc. Hawaii Chapter;
Associated Builders and Contractors, Inc. Heart of America Chapter;
Associated Builders and Contractors, Inc. Indiana Chapter;
Associated Builders and Contractors, Inc. Inland Pacific Chapter;
Associated Builders and Contractors, Inc. Iowa Chapter;
Associated Builders and Contractors, Inc. Keystone Chapter;
Associated Builders and Contractors, Inc. Massachusetts Chapter;
Associated Builders and Contractors, Inc. Mississippi Chapter;
Associated Builders and Contractors, Inc. Nevada Chapter;
Associated Builders and Contractors, Inc. New Mexico Chapter;
Associated Builders and Contractors, Inc. New Orleans/Bayou Chapter;
Associated Builders and Contractors, Inc. Ohio Valley Chapter;
Associated Builders and Contractors, Inc. Oklahoma Chapter;
Associated Builders and Contractors, Inc. Pacific Northwest Chapter;
Associated Builders and Contractors, Inc. Rhode Island Chapter;
Associated Builders and Contractors, Inc. Rocky Mountain Chapter;
Associated Builders and Contractors, Inc. South East Texas Chapter;
Associated Builders and Contractors, Inc. South Texas Chapter;
Associated Builders and Contractors, Inc. Western Michigan Chapter;
Associated Builders and Contractors, Inc. Western Washington Chapter;
Associated Industries of Massachusetts;
Builders Association of Northern Nevada;
CA/NV/AZ Automotive Wholesalers Association (CAWA);
CAI–Capital Associated Industries Inc. (Raleigh, NC);
California Delivery Association;
Carson City Chamber of Commerce, Carson City, NV;
CenTex Chapter IEC;
Central Alabama Chapter IEC;
Central Indiana IEC;
Central Missouri IEC;
Central Ohio AEC/IEC;
Central Pennsylvania Chapter IEC;
Central Washington IEC;
Centre County IEC;
Charleston Metro Chamber of Commerce;
Eastern Washington IEC;
El Paso Chapter IEC, Inc.;
Employers Coalition of North Carolina (Raleigh, NC);
Fairfax County Chamber of Commerce;
Greater Bakersfield Chamber of Commerce;
Greater Columbia Chamber of Commerce;
Greater Montana IEC:
IEC Atlanta;
IEC Chesapeake;
IEC Dakotas, Inc.;
IEC Dallas Chapter;
IEC Florida West Coast;
IEC Fort Worth/Tarrant County;
IEC Georgia;
IEC Greater St. Louis;
IEC Hampton Roads Chapter;
IEC NCAEC;
IEC New England;
IEC of Arkansas;
IEC of East Texas;
IEC of Greater Cincinnati;
IEC of Idaho;
IEC of Illinois;
IEC of Kansas City;
IEC of Northwest Pennsylvania;
IEC of Oregon;
IEC of Southeast Missouri;
IEC of Texoma;
IEC of the Bluegrass;
IEC of the Texas Panhandle;
IEC of Utah;
IEC Southern Colorado Chapter;
IEC Southern Indiana Chapter-Evansville;
IEC Texas Gulf Coast Chapter;
IEC Western Reserve Chapter;
IECA Kentucky & S. Indiana;
IECA of Arizona;
IECA of Nashville;
IECA of Southern California, Inc.;
IEC–OKC, Inc.;
Iowa-Nebraska Equipment Dealers Association:
Little Rock Regional Chamber of Commerce;
Lubbock Chapter IEC, Inc.;
Manufacturer and Business Association;
MEC IEC of Dayton;
Mid-Oregon Chapter IEC;
Mid-South Chapter IEC;
Midwest IEC;
Minnesota Grocer Association;
Montana IEC;
NAIOP Colorado;
Nebraska Chamber of Commerce & Industry;
New Jersey Food Council;
New Jersey IEC;
New Jersey Motor Truck Association;
North Carolina Chamber;
Northern New Mexico IEC;
Northern Ohio ECA;
NW Washington IEC;
Ohio Manufacturers' Association;
Plumbing-Heating-Cooling Contractors Association of California (CAPHCC);
Portland Cement Association;
Puget Sound Washington Chapter;
Rio Grande Valley IEC, Inc.;
Rocky Mountain Chapter IEC;
Rogers-Lowell Chamber of Commerce (Arkansas);
San Antonio Chapter IEC, Inc.;
South Carolina Trucking Association;
Southern New Mexico IEC;
State Chamber of Oklahoma;
Texas Hospital Association;
Texas State IEC;
Tri State IEC;
Virginia Manufacturers Association;
Virginia Trucking Association;
Western Carolina Industries;
Western Colorado IEC;
Western Electrical Contractors Association;
Wichita Chapter IEC.

I am now pleased to yield 2 minutes to another member of the committee, the distinguished gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Mr. Chairman, I rise today in strong support of the Workforce Democracy and Fairness Act.

In the last few years, the National Labor Relations Board has had a clear bias toward Big Labor in decisions and rulemaking. Although this bill addresses several onerous rules and decisions from the NLRB, I would like to focus on one in particular.

On August 26 of this year, the Board overturned decades—let me repeat—decades of precedent with its decision in the Specialty Healthcare case. By standing up today and voting for the bill before us, we can stop an out-of-control agency from causing irreparable harm to industries across the Nation. The Board has decided it will no longer determine if the interests of a bargaining unit are sufficiently different from other current units. This will encourage unions to create the smallest so-called ''micro-unions'' possible, and it could result in employers having to negotiate with multiple units within their own businesses. This undermines a worker's ability to make an informed choice about whether to join a union, and it may potentially fractionate the workplace.

H.R. 3094 reinstates the traditional standard for determining which employees make up an appropriate bargaining unit. This bill is about fairness for workers and employers. It returns the Board to the precedent that it has operated under for the last 20 to 30 years under both Republican and Democratic administrations. Returning to this precedent will provide certainty and clarity to workers and employers, and it will undo the biased behavior of the current Board.

I support this bill, and I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. I thank the gentleman for yielding.

Mr. Chairman, today the majority is showing the American public again that the majority doesn't think we have a jobs crisis in America. Getting Americans back to work is not their top priority. Getting the American economy back on track and creating jobs is my first, second, and third priority. Until the majority gets to work, we're not going to move this country forward.

Democrats remain committed to creating jobs immediately and to expanding educational opportunity for all Americans. Rather than bringing to the floor legislation to help create jobs, we're wasting time with this attempt to undermine workers' rights—the right to organize, to have safe working conditions, fair wages.

On Monday night, I had a town hall. Not one person—not one—wanted to talk with me about the NLRB or its rulemaking; but many wanted to talk about job creation and wanted to make sure we were investing in our children's education. I offered an amendment to this bill to help keep teachers in the children's classrooms. I offered a real solution to a real problem, not a special interest giveaway to big business. Unfortunately, the majority blocked my amendment on procedural grounds.

Now, across the country, budget cuts and teacher layoffs have forced schools to reduce the days of the school year, to cut classes in literacy or arts or music or physical education, to increase class sizes, or to reduce library hours. My amendment would have invested in our workforce and our educational system. My amendment would have supported nearly 400,000 education jobs, enough for States to avoid the harmful layoffs and to rehire tens of thousands of teachers who lost their jobs over recent years.

Tom, a student from East Brunswick, wrote me recently. ''Teacher layoffs in the eyes of this student is a bad thing,'' he said. ''This past year, I had many oversized classes.''

Our children don't get a second chance to succeed in school. Our future economic growth depends on a well-educated and innovative workforce. That's what we should be dealing with today. My amendment would have supported our children. This flawed bill ignores those pleas for help.

Mr. KLINE. Mr. Chairman, I am very pleased to yield 4 minutes to another distinguished member of the committee, the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. I want to thank Chairman KLINE not only for yielding but also for his leadership on this and on so many other issues on the Education and the Workforce Committee.

Mr. Chairman, when so many of our fellow citizens are looking for work, when so many of our fellow citizens want nothing more than to be able to meet their familial obligations and their obligations to the community, when so many of our fellow Americans want nothing more than the most fundamental of all family values, which is a job, and when they look and they see that America is increasingly competing with other countries for work, it is no longer just competition among the States. We are competing with other countries for work.

The NLRB continues to pursue an activist, politically motivated agenda, thwarting economic recovery and continuing to place our companies at a competitive disadvantage worldwide.

Mr. Chairman, virtually everyone is familiar with the most glaring example of NLRB overreach and union pandering, which is the complaint against Boeing. Despite not a single example of a job being lost in Washington State, despite not a single example of a worker losing a single benefit or right in Washington State, the NLRB sued Boeing, seeking to have Boeing close its South Carolina facility, mothballing a $1 billion facility, displacing 1,000 workers and returning the work to Washington State.

Then they had the unmitigated temerity, as we recently learned, to joke about it in emails, to joke about a competitor called Airbus, which is Boeing's number one competitor. Wanting work and not getting it is not a laughing matter. Boeing is exhibit A among the evidentiary reasons that the NLRB has overreached its statutory mission, but it is not the only piece of evidence, Mr. Chairman. Currently, union elections take place, on average, within 31 days of the filing of an election petition. Additionally, unions are victorious more often than not when there is an election.

But that's not good enough. The NLRB wants more.

So they proposed sweeping changes to the election process, shifting the balance of power even further towards unions seeking employees by promoting rush elections and ruling that elections can take place in as little as 7 to 10 days. The Board severely limits the opportunities for workers to hear all sides of an issue and make an informed decision. Additionally, employers would only have 7 days to retain legal counsel and decipher the complex labyrinth of Federal labor law before presenting their cases before an NLRB hearing officer.

So Education and the Workforce Chairman JOHN KLINE smartly introduced H.R. 3094, the Workforce Democracy and Fairness Act, to simply level the playing field. This legislation requires that no union election occur in less than 35 days, thus granting all parties the ability to present their arguments and ensuring workers have the ability to reach an informed decision. H.R. 3094 acknowledges that full and complete information is treasured when employees are contemplating how they will vote.

Ironically, some unions have already endorsed President Obama in an election that is well nigh a year off; but somehow 31 days is too long for employers in an election that's every bit as important to them. The hypocrisy and blind advocacy has to stop.

The purpose of the NLRA is to balance the rights of employers, employees, and the general public. The NLRA is not calculated to drive up union membership, because they're a loyal constituency for the Democrat Party. Because the NLRB through its filings and proposed rules and regulations has lost all pretense of objectivity in labor issues, fair, even-handed pieces of legislation, such as this one, are necessary.

□ 1520

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, this legislation will delay workers' attempts to unionize and will deny Americans their fundamental right to bargain collectively.

In the next 3 weeks, we have jobs legislation to consider, middle class tax cuts and unemployment benefits to extend, a 2012 budget to pass. The Labor,

Health and Human Services, Education Appropriations Subcommittee has not even seen a bill yet; and yet just as they have all year long, the majority has chosen to waste precious time—time that we should be spending on the people's business—to continue their misguided war against workers' rights.

Once again, the majority has put forward a bill that has no other purpose than to roll back hard-won gains by American workers and erode the right of collective bargaining in this country. The legislation before us attempts to deny the right to form a union by imposing excessive delays on the process, stifling the flow of information to workers, and looking the other way while workers' rights are being violated.

How long is this majority going to persist in this wrong-headed crusade against hardworking American men and women, the same hardworking men and women who built the middle class of this Nation? Last month the CBO found that wages have stagnated in this country and median income has fallen in recent times, even as the income of the top 1 percent has tripled. It is no coincidence that this has happened while union membership has decreased. But the majority persists in trying to squeeze middle class workers and accelerate this race to the bottom.

This is not the American way, and it is not what the American people want. In Ohio last month, they rejected yet another Republican attempt to eviscerate the right to collective bargaining. It is time to stop these attacks on basic American rights. It's time to roll up our sleeves and get to work on creating jobs, reducing the deficit, and restoring economic growth to this Nation.

Say ''no'' to this legislation.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to another member of the committee, the distinguished gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. I appreciate the gentleman yielding.

Mr. Chairman, I cosponsored and rise today in support of H.R. 3094 because it aims to restore key protections to the American workplace, protections for both workers and their employers from overreach by the National Labor Relations Board.

This important legislation intends to protect job growth by deterring harmful NLRB regulations. The NLRB's recent notice of proposed rulemaking would significantly alter NLRB union election procedures, thus undermining the rights of employers and employees alike. The proposed rules will unacceptably shorten the time between the filing of a petition and the election date, which will limit the opportunity for a full hearing of contested issues, including the appropriate bargaining unit, voter eligibility and election misconduct.

I share the concerns of my constituents regarding the shortened timeframe for union elections and the potential it may have on an employer's ability to communicate with his or her own employees regarding unionization. H.R. 3094 aims to ensure that employers and employees are able to participate in a fair union election process by providing 14 days for employers to prepare their case to present before the NLRB, providing employees with at least 35 days to deliberate over the pros and cons of unionizing prior to voting on this issue, discouraging the so-called practice of ''ambush elections,'' and guaranteeing the right of employers to discuss the pros and cons.

This legislation is not about whether employees should have the right to unionize. As a former Teamster member who worked his way through college, I certainly strongly support that right. This legislation is about giving employees a fair and deliberate opportunity to make that decision, one of the most important decisions they'll make in their life, because it deals with their livelihood.

Outside of family matters and health concerns, deciding where you work and in what type of environment you work is going to be probably more important than anything else you do related to your career. What this legislation says is we think employees should have a fair opportunity to make that decision.

I support this legislation and urge a ''yes'' vote.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the Workforce Democracy and Fairness Act.

This bill would severely undermine workers' rights to organize and, if implemented, will eventually silence and end unions as we know them.

Congressman GEORGE MILLER was correct in referring to this bill as the Election Prevention Act. H.R. 3094 would require the National Labor Relations Board to hear useless and trivial appeals from companies in order to stop elections. This is an outright assault on middle class workers and the families they support.

The middle class is in decline. A CBO report found that between 1979 and 2007, the top 1 percent of earners experienced income growth of 275 percent. That's the top 1 percent, while the middle-income earners saw only 40 percent in growth over the same period. Statistics like these are startling and paint a distinct picture of this country as one that is quickly evolving into a two-tiered society with no room at the top at all for the middle class.

The Workforce Democracy and Fairness Act is nothing more than an outright assault on the middle class. If this misguided and dangerous legislation is passed, you will see an even more rapid decline of the middle class in our country. I urge all Members of the House to rebuke this misguided legislation and instead focus on policies that will encourage and facilitate job growth.

Mr. KLINE. Mr. Chairman, may I ask how much time remains.

The CHAIR. The gentleman from Minnesota has 6 minutes remaining, and the gentleman from California has 9¾ minutes remaining.

Mr. KLINE. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this misnamed bill, which would promote neither democracy nor fairness in the workplace. Now, I have just been on this floor a few minutes, but it is ironic that I have heard speaker after speaker in favor of this bill but who vote consistently against working men and women's right to organize and bargain collectively.

Ironic, perhaps, the right of workers to organize and bargain collectively for better and fairer conditions has been protected by our laws since the era of the New Deal, which was opposed by so many.

This legislation is part of an agenda, frankly, that the Republican Party continues to pursue, which no economist believes creates jobs in the coming year. This bill before us won't do anything to help the economy or create jobs, period; and it places obstacles in front of workers seeking to exercise their right to organize.

I want to point out to my friends that interestingly enough, in terms of trying to protect elections, there's all about you can't have an election before, but there's nothing in this legislation you have to have an election by. That would perhaps be more credible, if it said not sooner than this, but not later than this.

That would show that you really wanted to pursue elections for working men and women so they could organize and bargain collectively for pay and benefits and working conditions.

□ 1530

But it doesn't say that. It says you simply can't have it before. It never says you have to have it. It never says you can't delay it by suit after suit after suit. It never says you've got to get to issue. It never says you've got to give the employees the right by a certain date.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 1 minute.

Mr. HOYER. This bill before us won't do anything to help the economy or create jobs, as I said. I continue to have the strongest faith in the American worker, that they are the most talented and most productive in the world. We should not be rolling back their protections. Instead, we should focus on helping to get more Americans back to work.

And as for the NLRB, the real trauma is it is now a pro-worker and employer NLRB, as opposed to simply a pro-employer NLRB. That's the problem you have.

The courts ought to ensure equal treatment. The NLRB ought to ensure equal treatment. It has not been doing that for some period of time; and now, in my view, it is. God bless them. That's what they should do.

Employers and employees ought to get a fair shake and a fair election, and I agree with that premise. Timing is obviously of concern to both parties. I would hope we would defeat this bill, and then if we want to talk about assuring elections, let us do so to protect democracy and protect workers.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

I come before you as an ironworker for 18 years before coming to Congress. I actually practiced before the National Labor Relations Board, and I've actually represented a number of unions in election proceedings, and I wish I could point out every inaccuracy offered by my colleagues on the other side of the aisle, but I only have 1 minute.

Let me start off by saying that I've heard time and time again by my colleagues that the NLRB is an advocate for unionism; it's an advocate for Big Labor; it's nothing more than overreaching and trying to create unions. For those who believe that, I ask you to look at the American workforce. What percentage, since the NLRB is creating all of these unions and is overreaching, what percentage of the American workforce is working under a union agreement right now? The answer is 11 percent.

So if those guys are in the tank, the NLRB is in the tank for creating unions, they're batting about 110. They're doing a lousy job. I've heard a lot about 31 days for an average election. That's where the union and the employer agree; it's 31 days. If the union and the company don't agree, it's over 100 days.

I urge my colleagues to vote against this bill. This is an attack on the middle class in America. We need to put people to work instead.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Why aren't we talking about jobs today? We are here on the floor to talk about this bill, this so-called Workforce Democracy and Fairness Act. Not surprisingly, it is neither democratic nor fair. It is, in fact, a blatant attack on workers' rights, the latest in a long line of Republican assaults on workers. This time the right wing is attacking the very right to organize.

Labor unions helped create the middle class and build the American dream. They helped establish for all American workers much-needed protections and bargaining rights for wages and workforce conditions. This bill would undo that progress.

The anti-worker bill would also empower employers to engage in anti-union campaigns and weaken the NLRB and their ability to protect people from unfair treatment at work.

Just as voters in Wisconsin and Ohio stood together to stop the Republican assault on workers, today I stand here on the floor against yet another assault on working families. When will we get beyond yet another Republican sideshow and get back to talking about jobs?

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong opposition to the so-called Workforce Democracy and Fairness Act. The sponsor of this bill recently said it would remove an obstacle standing in the way of a stronger and more competitive workforce. I find that statement puzzling. This bill, if passed, would actually make the organization process even longer, less efficient, and more litigious. It would drag out union elections so that the deck is stacked even higher against American workers.

But the truth is unions have been at the forefront of workers' rights for over a century in the United States. They've been instrumental in achieving the 40-hour work week, the right to collectively bargain, safer workplaces, and the guarantee of compensation for injuries sustained on the job. They have created an entire generation of middle class Americans and helped build the most prosperous country in the world today. I think we'd all agree that unions have made the American workforce stronger.

So how can legislation that makes it harder to form unions strengthen the American workforce? If someone has an answer, I'd like to know. If not, then let's get back to the job of creating jobs for the American people, strengthening the economy, and creating more jobs for these people. I urge Members to vote ''no'' on this bill.

Mr. KLINE. I continue to reserve the balance of my time.

The CHAIR. The gentleman from Minnesota has 6 minutes remaining, and the gentleman from California has 3¾ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. This particular piece of legislation that undermines unions makes it more difficult to organize and generally frustrates American working men and women from organizing on the job takes place just a few weeks after the Republican majority was trying to take down the Clean Air Act and the EPA. When you look at the Republican job approach, their argument seems to be that workers and people who want to breathe are the problem with the American economy. People who want to drink clean water and breathe clean air and people who want to have some rights to the job, they're the reason why the American economy doesn't work. Well, that happens to be about 99 percent of us, Mr. Chairman.

I hope that as people are watching this debate on this floor today, that they're taking careful note of who is on the side of the American worker, who is on the side of Americans trying to breathe and to have clean air. And what in the world does getting rid of the Clean Air Act and gutting unions have to do with making American jobs?

The fact is the Republican majority is abandoning their responsibility to create jobs, and I hope the American worker is watching today.

TRANSPORTATION TRADES
DEPARTMENT, AFL–CIO,
Washington, DC, November 29, 2011.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL–CIO (TTD), I urge you to vote against the Workforce Democracy and Fairness Act (H.R. 3094) when it is considered by the House of Representatives this week. Despite its misleading title, this bill has nothing to do with ''democracy'' or ''fairness'' but instead is intended to interfere with a worker's basic right to freely decide whether or not to be represented by a union under the National Labor Relations Act (NLRA). Instead of wasting time on bills that would make it hard for workers to negotiate for fair wages and good jobs, Congress should focus on helping the 14 million Americans looking for work every day.

H.R. 3094 would complicate and delay the union election process. Specifically, the bill creates a mandatory waiting period of 35 days after the filing of an election petition, even if the employers and employees agree to an earlier date. This waiting period is designed to give unscrupulous employers time to mount aggressive campaigns to pressure workers into abandoning their organizing efforts. At the same time, the bill does nothing to limit how long an election can be delayed, leaving the door open for employer claims, challenges and litigation that could prevent fair elections from being held for months or years after a petition is filed. Moreover, this legislation encourages wasteful litigation by mandating a full pre-election hearing on any broadly defined ''relevant and material'' issues. The result would be to incentivize time-consuming pre-election hearings, and increase taxpayer costs.

This legislation would also make it more difficult for workers to choose to form a union and tip the scales further toward employers in the election process. Additionally, the bill would allow employers to effectively gerrymander the bargaining unit to artificially create a workforce that is more likely to reject union representation.

H.R. 3094 is nothing more than an attack on the right of America's workers to collectively bargain. At a time when unemployment remains high, and our economy continues to struggle, this legislation is an unfortunate distraction from what the American people need: job-creating legislation

that invests in our nation's aging transportation system while helping our economy recover. Please vote against H.R. 3094 and stand up for America's workers.

Sincerely,

EDWARD WYTKIND,
President.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
Washington, DC, November 28, 2011.

Hon. JOHN P. KLINE,
Chairman, House Education and the Workforce, Rayburn House Office Building, Washington, DC.

Hon. GEORGE MILLER,
Ranking Minority Member, House Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MINORITY MEMBER MILLER: On behalf of the AFL–CIO, I urge you to vote against H.R. 3094, the Workforce Democracy and Fairness Act, when it is considered by the House of Representatives. Masquerading as a bill to protect the status quo with respect to elections supervised by the National Labor Relations Board, H.R. 3094 would actually mandate delays, giving companies more power to wear down support for the union and creating new opportunities for stalling elections. The result of this bill will be to make workers wait months, perhaps years before they are allowed to vote on whether to form a union. The bill would also destroy 75 years of NLRB case law that has governed the appropriateness of bargaining units, giving companies more power to gerrymander the eligibility of voters in a union representation election in order to unfairly skew the results.

Under H.R. 3094, no election may occur sooner than 35 days after the filing of an election petition, even if all parties agree to an earlier date. But the bill does not limit how long an election may be delayed as a result of employer claims, challenges and litigation. The bill would mandate a full pre-election hearing on any ''relevant and material'' issue, broadly defined to include virtually any issue, even those that are not in dispute and not material to the appropriateness of the bargaining unit. By incentivizing marathon pre-election hearings, the bill would reward wasteful litigation and increase taxpayer costs by requiring findings on unnecessary and extraneous issues.

In a further effort to deny workers their right to choose whether to form a union, H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of companies to force workers to listen to their anti-union propaganda, under the threat of discharge if they try to object. Moreover, it fails to protect workers who are fired, threatened, or interrogated because they want to exercise their federal statutory right to form a union. In fact, current remedies for well-documented, wide-spread violations of workers' rights have been regularly criticized as paltry and ineffective, treated by companies as merely a cost of doing business.

H.R. 3094 would also overturn the recent Specialty Healthcare decision, in which the NLRB applied to non-acute health care facilities, mostly nursing homes, the same community-of-interest standard that it has traditionally applied to determine the appropriateness of bargaining units in other industries. While the U.S. Court of Appeals for the District of Columbia upheld that standard in 2008, the bill broadly applies a one-size-fits-all test in disregard of the particular needs of specific industries and circumstances. The bill's newly minted test will create uncertainties for the parties as this vague new standard is repeatedly litigated.

H.R. 3094 has one goal: to empower companies which want to delay elections so they can mount one-sided, anti-union campaigns, both legal and illegal, to discourage workers from freely choosing whether or not to form a union. At a time when more and more experts are recognizing that middle class incomes are falling in tandem with the declining rate of union membership. Congress should be finding ways to protect workers' freedom to form a union, not throwing up roadblocks to the exercise of this fundamental right.

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs Department.

THE ELECTION PREVENTION ACT

FACTS ON THE REPUBLICANS' H.R. 3094

(Prepared by the House Committee on Education and the Workforce Democrats, November 2011)

While Americans across the country are rejecting the special interest attacks on workers' rights and demanding action on jobs, Republicans in Washington are continuing their overreach against working families. Their latest effort to roll back workers' rights is H.R. 3094, which should be called the 'Election Prevention Act.' The bill's singular goal is to delay and ultimately prevent workers from voting in workplace elections.

The Republican agenda's obsession with busting workers' unions comes at the expense of rebuilding the middle class and getting America back to work.

H.R. 3094 favors wealthy special interests at the expense of Americans' rights in the workplace.

These rights helped to create the American middle class in the last century. In recent decades, the erosion of these rights has helped to lower families' paychecks, decrease health and retirement security, and widen the gap between rich and poor.

A key to growing and strengthening our nation's middle class is empowering Americans to bargain for more of the wealth they create, not stripping them of rights.

The 'Election Prevention Act' denies workers' right to a free and fair election in three key ways:

The 'Election Prevention Act' bill mandates delay, rather than minimizing undue delay in elections. The bill's overarching concern is that workers' choice be postponed with mandatory and arbitrary waiting periods. For instance, no election may occur 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.

Rather than discouraging frivolous litigation, the Election Prevention Act encourages it. The bill incentivizes a mountain of litigation for the sole purpose of gumming up the election process and stalling any vote. This will create a massive backlog of cases, including frivolous ones, on the taxpayer's dime.

The 'Election Prevention Act' bill manipulates the procedure for deciding who is in a bargaining unit. Employers would get an edge in preventing an election from ever being triggered by gerrymandering elections through stuffing the ballot boxes with voters who were never engaged by the organizing drive. And, although employers already have the information, this bill would require that voter information be hidden from those supporting a union until right before the election.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentleman is recognized for 2¾ minutes.

Mr. GEORGE MILLER of California. If anybody thinks that this is just a technical change, let's understand what has gone on since the Republicans have taken control of the House. The first effort was they cut $50 million out of the NLRB account. Then there was an amendment on this floor to try and zero out the money for the NLRB. Then they passed a rule that said that you could retaliate against workers and you could move work away from those workers. You could outsource it, and they enshrined the right to outsource work to retaliate against workers. And now we have the effort to try and prevent elections from taking place. This is a systematic effort joined in by a number of States and the Republicans in this Congress to take away the rights of workers at the workplace in America, the basic rights that have built the middle class.

And while they've continued this campaign against the NLRB, thank God the NLRB has continued to work because we see today that a settlement has been reached in the Boeing case, and you don't get to retaliate against workers. The new 737 work will go to Washington; the 787 will continue to go to South Carolina. The NLRB worked that agreement out between employer and employee. And let's remember, Boeing is on the record they didn't support the legislation that was put on in behalf of their name. So that worked out.

And just a few minutes ago, the NLRB apparently voted on a compromise rule dealing with elections. And so that compromise rule hopefully will now become a permanent rule and that will go forward. That's what the NLRB does: It works out these arrangements between employers and employees over these issues about how the American workplace will be managed, but it does not strip away the basic rights of workers to choose to join a union. It does not allow you to retaliate against the union.

□ 1540

It does not allow you to delay elections to such a point that you finally beat the union into submission or people give up, they get dispirited and move away. It doesn't allow that. That's the basic labor law of this country.

So today the NLRB, working with employers and employees, has reaffirmed that principle. Today in this House, they continue the effort to try to strip workers of their rights. They continue the effort in light of the evidence that these things get worked out in the workplace. Yes, these are contentious. They're big issues. But we have a vehicle that's 75 years old that has worked well on behalf of this economy. Not only did it build the middle

class in this country, it also built one of the largest economies. Why? Because we have the most productive workers in the history of the world industry after industry after industry, however you measure it.

Why aren't our steelworkers competitive with China? Because our plants are cost competitive on ton of steel, but when you manipulate the currency, our people can't win. But our workers continue to be there every day. And now, thank you to the work of the NLRB working out these arrangements, the NLRB will continue to be there every day for employers and employees to settle their differences.

Mr. KLINE. Mr. Chairman, I yield myself the balance of my time.

Let's clear up a few things today we've heard in this debate. It's very interesting. We clearly have a different view, there's no question about it.

We've heard repeatedly that this bill strips workers of their rights. Sometimes my colleagues confuse workers with Big Labor leaders. This bill in fact protects workers' rights—union workers' rights, nonunion workers' rights. The proposed regulations—which apparently are under modification, as we speak, from the NLRB—were in fact an attack on workers' rights, a demand that more personal information be provided union organizers whether or not the workers approved of that, and shrinking the amount of time that workers might have to make a decision on one of the most important aspects in their life to as little as 10 days. This bill protects workers' rights and makes sure they have time to make this important decision.

We've heard today that bargaining units would be gerrymandered by employers. In fact, this bill puts us back to the standards that have been in place for decades to make sure that workplaces aren't fractured and fragmented and you have worker against worker, worker against employer, making it harder for employers to run an effective business, making it harder for them to have confidence to hire Americans.

We've been told that we're wasting time today and that we ought to be having a jobs bill, which apparently means spending more borrowed money. We're already borrowing 42 cents on every dollar, Mr. Chairman, that we're spending now, and yet apparently you can't create a job in this country unless government does it with borrowed money. Well, we disagree.

We think, we believe that we have been moving legislation in this House which will in fact help American job creators put Americans back to work. One of the obstacles is confusion. It's uncertainty. It's worry about the regulatory climate and what is coming down the path.

The President of the United States has said this economy needs a jolt, Mr. Chairman. I disagree. It needs certainty. It needs predictability. Employers, employees, and consumers need confidence in the future. They don't need to be jerked.

The distinguished minority whip said the NLRB ought to be fair. He said employers and employees ought to get a fair election. I couldn't agree more. Employers and employees ought to have a fair shake. They ought to get a fair election. And that's what this bill does.

So the choice today is pretty simple. If you support an employer's right to speak to his or her employees during an organizing campaign, then support the Workforce Democracy and Fairness Act. If you support a worker's right to make an informed decision in a union election, then support the Workforce Democracy and Fairness Act. If you support giving workers a say in the personal information, Mr. Chairman, available to union leaders, then support the Workforce Democracy and Fairness Act. And if you support reining in an activist NLRB and reaffirming Congress' responsibility to write the law, then support the Workforce Democracy and Fairness Act.

I urge my colleagues to stand by our workers and their employers by supporting this simple, commonsense legislation.

I yield back the balance of my time.

Ms. MCCOLLUM. Mr. Chair, I rise today in strong opposition to the so-called "Workforce Democracy and Fairness Act" (H.R. 3094).

The changes to union election procedures promoted in this bill are the exact opposite of the kind of fair and democratic policies that our working families need. Instead of focusing on job creation and the revitalization of our middle class, the Republicans in this chamber are once again promoting legislation that undermines the rights of American workers.

This proposed legislation would limit the ability of the National Labor Relations Board to interpret our nation's labor laws and to protect worker's right to unionize. For over 75 years, the National Labor Relations Act has guaranteed the rights of employees to organize and bargain collectively, or to refrain from such activity if they choose. During the New Deal, our predecessors in this body created the National Labor Relations Board as an independent agency charged with the oversight and enforcement of these rights. H.R. 3094, which overturns the rulings of the NLRB, undermines its charge to maintain fair and democratic relationships between unions and employers.

This legislation allows the problem of prolonged delays in union elections to continue unchecked by adding mandatory and arbitrary waiting periods. It seizes from workers the right to determine their own representative membership groups, which would allow unscrupulous businesses to suppress election drives and vote down union representation. It would also make it possible for irresponsible and frivolous litigation to endlessly delay the election process, effectively barring workers from their fundamental right to collective bargaining representation in the workplace.

Supporting and protecting America's workers is an essential part of rebuilding our economy and ensuring that all families and communities share in our nation's prosperity. Our middle class was built on the rights and safeguards that labor unions fought to obtain. From the 40 hour workweek to ending child labor, union representation has helped to guarantee rights that many of us take for granted today. Unions negotiate for safe working conditions, living wages, and basic benefits that impact all workers. Efforts to decrease the power of collective bargaining in this country in recent decades have been accompanied by an erosion of workers' benefits and greater income inequality. This year in Wisconsin and Ohio, we have seen voters reject recent attempts to strip away the rights of government workers, and we should likewise reject this attempt to limit access to these rights for those in the private workforce.

This bill does nothing to protect and support working families, and I urge my colleagues to stand up for workers rights and oppose this bill.

Mr. TOWNS. Mr. Chair, H.R. 3094, is a bill more aptly named the Election Prevention Act—not the Workforce Democracy and Fairness Act. There is nothing particularly fair about a bill intended to diminish the right of private-sector workers to organize union elections, promote delays for the sake of delays, and encourage unnecessary litigation. At a time when American workers are suffering from layoffs, unemployment, and stagnant wages it is quite simply irresponsible to roll-back basic labor protections. This bill does nothing to put the country back on a track of sustained economic growth. Instead of preserving the ability of workers to unionize and demand fairer wages, this legislation will keep wages low and economic recovery stagnant.

We should be working together to identify ways to keep people employed and providing more Americans with opportunities to return to work. We should not be spending valuable time contemplating measures that make workers weaker and more vulnerable to unemployment or unfair compensation for their hard work. In the state of New York, which has the highest rate of union membership, the 7.9 percent rate of unemployment is well below the national average and the latest statistics show it is decreasing. Nation-wide, between 2004–2007 unionized workers enjoyed wages 11.3 percent higher than workers with similar characteristics who did not belong to a union. The more money workers have, the more they spend, and the more consumer demand grows. And yet, here we are considering a measure designed to prevent union elections across the nation and depress wage growth, instead of contemplating legislation to create teacher jobs, construction jobs, and economic reforms to address the deep structural causes of persistent unemployment.

There is a good reason why people do not want to see their labor rights trumped. Our rights in the workplace are the basis for the middle class. These rights were essential to securing higher paychecks for everyday people, and obtaining health and retirement security for the average worker. At a time when we are facing the possibility of deep cuts in health, education, and social security it is all the more imperative that we keep in place whatever power people have to demand a fair compensation and a fairer share of the wealth we create through diligent work. Workers should be empowered to bargain for a bigger share of the wealth they create; they have earned it. But this is not what this legislation is interested in doing. It would rather protect employers at the expense of employees,

which history has shown will not distribute the wealth created by the workers.

The main purpose of H.R. 3094 has nothing to do with democracy and fairness in the workplace. Making elections difficult or almost impossible, whether it be in society or the workplace, is neither democratic nor is it fair. The Election Prevention Act preemptively blocks the National Labor Relations Board's proposed rules to streamline the election process and use modern administrative measures to improve communication between all parties involved—the workers, employers, unions, and the Board. It does this because the more protracted the delays during an election process, the greater the chance workers will give up demanding a union and the power to bargain collectively.

A basic American value is that we should all be able to choose how and with whom to form into an association for the purpose of voicing our interests and views. This same idea that we ought to be able to choose how and with whom to form a community of interests is enshrined in the National Labor Relations Act. The bill before us seeks to deprive workers of this basic right so fundamental to our understanding of democracy by giving employers the power to determine who should be included in an ''appropriate'' bargaining unit instead of allowing people to decide for themselves. This is unacceptable.

Supporting this bill means contradicting our basic values about fair representation, ignoring the message that Americans have sent regarding their wish to retain their rights in the workplace, and putting ideology above the need to create employment. Voting for this bill will not only hurt our chances of an economic recovery—it is equivalent to cutting people's rights and preventing them from securing a fair portion of the wealth they have created.

I urge my colleagues on both sides of the aisle to vote ''no.''

Mr. DINGELL. Mr. Chair, I rise in strong opposition to H.R. 3094, the Workforce Democracy and Fairness Act. This bill should be defeated because it does nothing to help create jobs or put this country back on the path to sustainable economic recovery. Rather, H.R. 3094 is an unconscionable assault on the right of every American worker to organize, a right that I have defended for my entire congressional career.

The Workforce Democracy and Fairness Act is a partisan reaction to a recent rulemaking by the National Labor Relations Board (NLRB) concerning union elections. This one-sided bill carries on in the fine Republican tradition of stifling any attempt of working men and women to gain any leverage on management by unionizing. This frightens my Republican colleagues to no end, and while they will tell you that H.R. 3094 allows workers equal opportunity to hear both sides of the story, the hard truth of the matter is it will not. The bill we consider today allows employers to use all manner of litigious rascality to postpone union elections and fire workers for objecting to having to listen to anti-union propaganda. That is neither democratic nor fair, and is certainly undeserving of our support at a time when our country's middle class is being decimated.

Vote down this bill, and stand up for America's working families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise today in opposition of H.R. 3094, the Workforce Democracy and Fairness Act. Contrary to what the title suggests, there is nothing democratic or fair about this biased attempt to weaken labor unions and hurt working families all across the country.

This partisan bill does nothing positive for the high unemployment rate in this country or our vulnerable economy. Instead of utilizing our limited time on the House floor to consider real solutions to the economic problems we are facing today, this legislation seeks only to exploit these difficult times in order to advance a Republican ideological agenda against union organizing and the National Labor Relations Board (NLRB).

The goals of this legislation are simply to undermine the ability of American workers to organize and bargain collectively. H.R. 3094 will create barriers to union elections through waiting periods and more stringent criteria, dilute voter pools, and disproportionately tip the scales of power in favor of employers.

We have seen similar attempts to disarm the NLRB in this Congress before, also deceptively titled to deliberately mislead the American people. The Protecting Jobs from Government Interference Act, which I opposed, sought to gut the NLRB of its authority entirely. Under the guise of protecting jobs, this bill also sought purely to advance a partisan agenda.

It is these same partisan tactics that are preventing this Congress from making any significant progress on the real important issues at hand.

Mr. Chair, it is shameful that my Republican colleagues insist on bringing such partisan bills such as H.R. 3094 to the House floor. At this critical time for our economy, it is absolutely vital that we spend our time constructively to work toward shoring up our economy and creating jobs here at home. Instead, they have demonstrated that radical ideology is a more important priority than compromise in the name of finding real solutions to our nation's problems.

Mrs. MALONEY. Mr. Chair, I rise today to oppose yet another attempt at rolling back workers' rights, H.R. 3094, the Election Prevention Act. This assault on union employees is anti-democratic and harmful to the American middle class. Instead of legislation to create jobs and to grow the American workforce, the House Majority is attempting to undermine worker protections and put workers at risk.

It is a strength of our democracy that employees have the freedom and the federal statutory right to choose whether or not to be represented by a union. However, this legislation would effectively end collective bargaining rights by putting power exclusively in the hands of employers. It gives employers the ability to delay indefinitely a union election, allowing for intimidation and harassment of employees. It does nothing to protect workers who are fired, threatened, or interrogated for exercising their right to form a union. It also prevents individuals to choose the coworkers with whom they wish to seek representation. Furthermore, this legislation incentivizes wasteful litigation prior to union elections and would increase taxpayer costs by creating a backlog of required findings on superfluous issues.

Unions have helped to improve the wages and working conditions of all Americans and to grow the American middle class. This war on union employees that is being waged in states across the country and here on Capitol Hill must not continue. It is time for us to turn our efforts to strengthening protections for American working men and women as well as to helping those outside the workforce to find good jobs. I urge my colleagues to vote ''no.''

Mr. PRICE of North Carolina. Mr. Chair, I rise in strong opposition to the cynically named ''Workforce Democracy and Fairness Act,'' which is neither fair nor democratic and would do nothing to create a single job or improve conditions for American workers. Instead, this legislation represents just the latest Republican attack on the workers' rights that are at the core of American democracy.

Look around you today. Fourteen million Americans—our neighbors, friends, and family members—are unemployed, searching for a job. They, and millions more citizens from every congressional district in America, are demanding that we, as their elected Representatives, proactively address our nation's economic crisis, create jobs, and reduce unemployment. But these demands continue to fall on the deaf ears of the Republican majority. No wonder we see such unrest around the country. Instead of attempting to put people back to work, the House Republican majority, in between its manufactured fiscal crises, spends its time attacking the rights of American workers. Instead of crafting bipartisan legislation aimed at helping unemployed Americans find work, the majority has instead focused on stripping those Americans fortunate enough to have a job of the rights they already possess.

Today is Wednesday, the middle of the work week—a day when millions of unemployed Americans would love nothing more than to pull on their work boots, tie their ties, or put on their suits and head to work. But today on the floor of the House of Representatives, we're not considering a jobs bill. Instead, we face the latest product of the majority's single-minded obsession with the dismantling of American worker rights. H.R. 3094 does not create one single job. Instead, this legislation would undermine a private-sector worker's right to vote, to exercise his right to bargain collectively. This bill will effectively gum up, delay, and obscure the election process overseen by the National Labor Relations Board, opening the door for unscrupulous employers to undermine their employees' rights.

What's worse, in order to pay for the changes made in this bill, tomorrow we will be considering a bill to eliminate the Presidential Public Financing System and the Election Assistance Commission—key safeguards against the influence of special-interest money in politics and abuses of voting rights, respectively. The irony should not be lost on anybody who is paying attention: in order to undercut the democratic rights of organized workers, this majority is undermining the democratic rights of the entire American electorate.

Let's be clear: this bill, like all of the other unambiguously partisan, anti-worker bills brought to a vote in the House by the Republican majority over the course of this year, has no chance of being signed into law. It's simply an ode to special interests that does nothing to move our economy forward. After 11 months of control, the House majority has made clear that it has no interest in reigniting our economic recovery and helping put people back to work. I encourage my colleagues to defeat H.R. 3094 and to continue to push for the consideration of jobs legislation to help put Americans back to work.

Mr. WILSON of South Carolina. Mr. Chair, I would like to thank our Chairman and I am thankful for his leadership on this very important issue.

Once again, the President's National Labor Relations Board is trampling on the rights of American workers and employers by denying them the opportunity to participate in a free election. Current policies have been in place for decades to ensure each worker is given a fair amount of time to make a decision about joining a union. With the proposal set forth in June, the NLRB will decrease the amount of time given for a worker to consider joining a union from an average of thirty days to as little as ten days. This radical policy of rush elections will limit the amount of knowledge and information available to each union worker.

Moreover, this new proposal will give unions the capability to branch out and form smaller collective bargaining groups, creating a bigger burden on employers as costs will rise to manage multiple unions. Our Nation does not need more government involvement that negatively impacts the way employers operate their businesses.

The job killing influence of the NLRB such as the attack on Boeing workers in South Carolina must be stopped before it tramples the rights of American workers. Congress has a responsibility to ensure every American is given the right to a free election, an opportunity granted by the laws of our country.

I am proud to be an original cosponsor of this commonsense legislation and encourage my colleagues to vote in favor of The Workforce Democracy and Fairness Act which protects our employers and union workers from the Big Labor policies of the President's National Labor Relations Board and promotes more freedom for job creation.

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 3094, the Workforce Democracy and Fairness Act. This bill is just one more Republican attack on workers and middle class Americans under the guise of protecting the ''job creators'' we hear so much about from the other side of the aisle.

In case you missed the recent Republican Presidential debate when front runner and former House Speaker Newt Gingrich said we should do away with child labor laws, the Republican message is clear: laws that protect workers are not needed. Instead, workers should just rely on the benevolence of ''job creators'' to pay them for the hours they worked or to hold a fair union election. Today's legislation is another attempt to undermine workers' rights.

For eighty years, the National Labor Relations Board, NLRB, has operated as an intermediary between workers and employers. I applaud the NLRB's decision to modernize union election rules with standardized election timelines and electronic petition filing, and a streamlined hearings process. House Republicans responded to these modest and overdue changes by bringing up legislation to interfere with workers' rights to organize.

Every aspect of this legislation would make it more difficult for workers to form a union. It would allow companies to obstruct any attempt by workers to unionize and create infinite avenues for employers to delay elections, including litigation. These delays empower those employers who want to intimidate and harass workers and bring in union-busters. It would also allow employers to gerrymander bargaining units to skew election results in their favor.

When I hold town meetings in my district, my constituents are not clamoring for Congress to make it harder to join a union. They want our economy fixed and they want jobs. Attacking working men and women, as this bill does, will not create a single job or help a single family pay their bills. I urge all of my colleagues to vote no.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chair, I rise today in opposition to H.R. 3094, the Republican plan to crush workers' rights and destroy any glimmer of hope our working families have at economic recovery. The Republicans designed this bill to destroy 75 years of National Labor Review Board case law in their attempt to dismantle the middle class.

Collective bargaining and the right to organize helped build a strong American middle class. It doesn't cost the federal government one dime in real money. Instead of taking steps to create jobs and strengthen working families, Republicans are dismantling key worker protections. All workers should have the ability to negotiate with their employer about salary and benefits, whether they're in a union or not. Organized labor is great for business. Thousands of companies across the country thrive with a unionized workforce.

Those businesses recognize that their employees deserve to have a safe workplace and fair wages and benefits. That's just good business. This bill encourages corporations to stall NLRB elections while they mount a one-sided, anti-union campaign. At its core, this is an undemocratic bill that undermines our values.

We have a long established process for workers to attempt to form a union and collectively bargain with employers. Employers and employees should stay on equal ground in the process. There is no need to deny workers their right to a free and fair union election.

Many of my Republican friends like to talk about the issue of Tort Reform. They like to tell us that we have to prevent frivolous lawsuits—they cost taxpayers millions and millions of dollars and they drag down the economy.

I have news for my Republican friends: the Election Prevention Act encourages frivolous litigation. This bill will mean mountains of litigation before union elections can be held. The result is a massive backlog. Guess who picks up the tab? The American taxpayer!

We have important issues facing our country and it boggles my mind that we are taking up yet another bill that does nothing to get our friends and neighbors back to work. We need to focus on lowering the unemployment rate and creating jobs—not taking away the rights of hardworking Americans.

I urge my colleagues to recognize this veiled attempt to destroy the rights of American working families.

Mr. VAN HOLLEN. Mr. Chair, today in the United States, 13.9 million people are unemployed. Nine percent of the American workforce is out of a job, worrying how to make ends meet. Nearly half are long-term unemployed, jobless for over 27 weeks.

These Americans are looking to Congress for help. The President sent us a comprehensive plan for job creation and this House has not acted. We have over thirteen percent unemployment in the construction sector and roads and bridges to repair all over the country and this House has not brought an infrastructure bill to the floor. Local governments are facing tough budgets and laying off teachers and police and this House has provided no relief.

Today we have a bill on the floor that will not create a single job nor help a single American worker. Instead, it will make it more difficult for them to assert their rights in the workplace and almost certainly encourage frivolous litigation.

The time we spend on legislation like this is time we fail to spend addressing the real needs of the American people. I urge my colleagues to vote no on this bill.

Ms. HIRONO. Mr. Chair, it is sad for our country that today the U.S. House is voting on H.R. 3094, yet another bill to roll back workers' rights.

Today's bill does nothing for the number one issue on people's minds in Hawaii and around the country: creating new, good-paying jobs.

We're seeing unemployment on Hawaii Island at nearly 10 percent.

On Kauai, it's nearly 9 percent. In Maui County, it's nearly 8 percent.

Instead of addressing this top issue of jobs, today's bill is part of a continuing assault against organized labor around the country. This bill is just like the attacks we saw in Wisconsin and Ohio.

But Ohio's families said no.

And so do Hawaii's.

Because Hawaii families believe working men and women should be able to have a voice at the table.

This belief helped build the middle class in Hawaii and across our country through legislation enabling workers to bargain collectively for better wages and working conditions.

Congress should be focusing on creating jobs—

Not making it easier for a few companies to prevent workers from having a voice in the workplace.

While most employers in Hawaii want to support their workers, I have heard from workers in Hawaii that some companies exploit the current system to prevent workers from having a voice in the workplace.

For example, in February 2003, National Labor Relations Board Administrative Law Judge Gerald Wacknov ruled against a Hawaii business where a labor dispute had been going on for years.

In 2002, workers at this company, who had not been given a raise in six years, asked the International Longshore and Warehouse Union (ILWU) for help in organizing a union.

Judge Wacknov ruled that ''the Employer's conduct prior to the election . . . substantially interfered with the employees' free choice.''

In the run-up to the union election, the workers were forced to attend one-on-one or group meetings on work time, where the management could convince workers to vote against the union.

Under current law, we know that a company can talk to their workers at any time and urge them to vote against joining a union.

The company can scare workers into thinking that voting for a union will cost them their jobs.

Meanwhile, unions are not allowed to visit the worksite to make their case for joining a union.

They do not have access to complete contact information that will enable them to effectively contact workers.

This company even hired a private security firm and posted large, threatening security guards outside the voting area during the vote.

After Judge Wacknov's ruling in February 2003, the company appealed the decision. A year and a half later, in summer 2004 the overburdened National Labor Relations Board upheld Judge Wacknov's ruling and ordered a new election.

In August 2004, a second election was held for the company's workers, and a majority voted to join the union.

The company appealed yet again.

In February 2005, NLRB Administrative Law Judge James Rose found that the company had effectively stuffed the ballot box in its favor by unfairly adding ineligible voters.

In July 2005—40 months after a petition was first filed to hold an election—the NLRB Board finally certified the ILWU Local 142 as the union for the workers.

Still, the company has continued to offer appeal after appeal of the election's results.

It's now the end of 2011.

The workers still do not have their first bargaining contract for better wages and conditions.

Today's bill on the House floor would make this unfairness even worse.

H.R. 3094 would make it nearly impossible, in contested situations, for workers to come to the table and have a voice in the workplace by voting to join a union.

Nationwide, in contested cases, workers already have to wait an average of four months to vote whether to join a union. Various delays can already occur.

Today's bill would make this problem even worse. It would add an extra minimum waiting period of two weeks before a hearing, and five weeks before an election. This is in addition to the already long wait time.

And each day of delay allows an employer to continue to scare their employees into voting against a union.

Today's bill would add to the NLRB's paperwork burdens. H.R. 3094 would require the NLRB to hear frivolous appeals from a company to stop an election.

This would completely overwhelm the NLRB with thousands of frivolous appeals and delay elections even longer.

Clearly, the current system is already stacked against workers trying to have a voice at the table.

This bill should really be called the ''Election Prevention Act.''

I urge my colleagues to join me in voting against this bill.

Instead, let's stand with working men and women of this country and focus on what people really want—getting back to work.

Mahalo.

Ms. RICHARDSON. Mr. Chair, I rise in strong opposition to H.R. 3094, the deceptively named ''Workforce Democracy and Fairness Act,'' and I appeal to my colleagues to join me in rejecting this dangerous legislation designed to undermine the collective bargaining rights of America's workers.

I oppose this legislation for three principal reasons:

First, it flies in the face of 75 years of judicially-approved, National Labor Review Board (NLRB) case law governing the eligibility of bargaining units, transferring that power away from workers wishing to organize.

Second, it would open the door to indefinite delays within the union election process, inviting frivolous litigation designed to cripple the system and prevent fair elections.

Third, it would unfairly impose restrictions on the opportunity of workers to receive union information while allowing employers free reign to bombard their workers with anti-union propaganda.

In short, this legislation would reduce the power of workers to organize for fair treatment to a level not seen since the late 19th century.

At first glance, the Workforce Democracy and Fairness Act sounds like a reasonable bill, but its glib appeal vanishes when one examines its intent closely.

Proponents argue that by inserting delays prior to a union election, so-called ''ambush elections'' would be avoided. It claims not to interfere with the NLRB's supervision of elections.

Mr. Speaker, this claim is disingenuous. The argument that creating employer based delays for a union election will somehow give a union member more time to make a better and more informed decision is questionable at best.

Letting an employer delay union elections is unfair to the American worker who wants his or her voice heard. Big Business is not supporting this bill to help unionized workers make more thoughtful decisions. H.R. 3094 is a blatant attempt to silence and confuse.

Enacted in 1935, the National Labor Relations Act (NLRA) was designed explicitly to encourage collective bargaining. Since then, the NLRB and the courts have interpreted this law and developed processes for handling workers who seek to form and manage unions.

H.R. 3094 would substitute 75 years of expertise and decades of case law for new and untested processes that favor wealthy special interests and corporate litigators.

Creating a legal precedent for unfairly stalling or even halting union elections is the true aim of this act. This legislation takes away the ability of unions to function as a democratically elected entity, prevents it from communicating with its members, and saps its organizational strength.

Moreover, the resounding defeat of Ohio's Senate Bill 5, which tried to restrict collective bargaining rights of more than 360,000 public employees in that state, plainly demonstrates the American people's opposition to a legislature's attempt to stifle the rights of workers.

Equally troubling is that under H.R. 3094 companies are free to force their workers to listen to anti-union information under the threat of discharge if they try to object. This provision is truly an act of coercion which has no place in the American workplace.

The result of this strategy is obvious. H.R 3094 permits employers to intimidate their employees and discourage them from securing workplace rights.

This is why the White House recently released a statement describing H.R. 3094 as an attempt to ''undermine and delay workers'' ability to exercise their right to choose whether or not they will be represented by a union.''

Imagine if H.R. 3094 passed. Imagine a working environment where a union wants to cast a ballot, but its obstructed by the employer with a steady stream of delays, bureaucracy, and litigation. Imagine a working environment where one's livelihood is threatened if a worker refuses to attend an anti-union meeting. Imagine a working environment where dissent is not permitted. This would be the reality under H.R. 3094.

At one time, this was the reality in our country. It existed in the days of child labor, when the 12-hour workday was the standard, when there were no weekends, no safety regulations, or any of the other workplace protections that we take for granted.

America no longer lives in the Gilded Age. American workers fought for over 100 years to achieve the right of collective bargaining for a better future. The democratic core of the right to unionize is under attack by this legislation.

H.R. 3094 would be a great leap backward for our country. I urge my colleagues to reject this deceptive legislation and secure the rights of American workers.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3094

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 ''Workforce Democracy and Fairness Act''.

SEC. 2. TIMING OF ELECTIONS.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is amended—

(1) in subsection (b), by striking ''The Board shall decide'' and all that follows through ''Provided, That the'' and inserting: ''In each case, prior to an election, the Board shall determine, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining. Unless otherwise stated in this Act, and excluding bargaining unit determinations promulgated through rulemaking effective before August 26, 2011, the unit appropriate for purposes of collective bargaining shall consist of employees that share a sufficient community of interest. In determining whether employees share a sufficient community of interest, the Board shall consider (1) similarity of wages, benefits, and working conditions; (2) similarity of skills and training; (3) centrality of management and common supervision; (4) extent of interchange and frequency of contact between employees; (5) integration of the work flow and interrelationship of the production process; (6) the consistency of the unit with the employer's organizational structure; (7) similarity of job functions and work; and (8) the bargaining history in the particular unit and the industry. To avoid the proliferation or fragmentation of bargaining units, employees shall not be excluded from the unit unless the interests of the group sought are sufficiently distinct from those of other employees to warrant the establishment of a separate unit. Whether additional employees should be included in a proposed unit shall be based on whether such additional employees and proposed unit members share a sufficient community of interest, with the sole exception of proposed accretions to an existing unit, in which the inclusion of additional employees shall be based on whether such additional employees and existing unit members share an overwhelming community of interest and the additional employees have little or no separate identity. The''; and

(2) in subsection (c)(1), in the matter following subparagraph (B)—

(A) by inserting '', but in no circumstances less than 14 calendar days after the filing of the petition'' after ''hearing upon due notice'';

(B) by inserting before the last sentence the following: ''An appropriate hearing shall be one that is non-adversarial with the hearing officer charged, in collaboration with the parties, with the responsibility of identifying any relevant and material pre-election issues and thereafter making a full record thereon. Relevant and material pre-election issues shall include, in addition to unit appropriateness, the Board's jurisdiction and any other issue the resolution of which may make an election unnecessary or which may reasonably be expected to impact the election's outcome. Parties may raise independently any relevant and material pre-election issue or assert any relevant and material position at any time prior to the close of the hearing.'';

(C) in the last sentence—

(i) by inserting ''or consideration of a request for review of a regional director's decision and direction of election,'' after ''record of such hearing''; and

(ii) by inserting ''to be conducted as soon as practicable but not less than 35 calendar days following the filing of an election petition'' after ''election by secret ballot''; and

(D) by adding at the end the following: ''Not earlier than 7 days after final determination by the Board of the appropriate bargaining unit, the Board shall acquire from the employer a list of all eligible voters to be made available to all parties, which shall include the employee names, and one additional form of personal employee contact information (such as telephone number, email address or mailing address) chosen by the employee in writing.''.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–291. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–291.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike ''and''.

Page 9, line 19, strike the second period and insert ''; and'' and after such line insert the following:

(3) by adding at the end the following:

''(f)(1) Prior to presenting any objection, filing, pleading, statement of position, paper, or appeal (in this subsection referred to as 'filing') in any proceeding prior to an election under this section, an attorney or other party representative has a duty, to the best of his or her knowledge, information, and belief, and formed after an inquiry reasonable under the circumstances, to assure that—

''(A) such a filing is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

''(B) the claims, defenses, positions, and other legal contentions in the filing are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

''(C) the factual contentions in the filing have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or development of the record; and

''(D) any denials of factual contentions in the filing are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

''(2)(A) At any stage of a representation proceeding prior to an election under this section, including pre-election hearings, requests for Board reviews, or Board reviews, the Board or its agents, upon their own motion or that of a party to the proceeding, shall have discretion to impose sanctions against a party for presenting a frivolous or vexatious filing or raising a frivolous or vexatious matter to the Board under this section, or upon a finding that an attorney or other party representative breached his or her duty under this subsection. Sanctions may include reasonable litigation costs, salaries, transcript and record costs, travel and other reasonable costs and expenses. If the Board determines that a party has raised a frivolous or vexatious matter for purposes of delaying an election, the Board shall immediately direct that an election be conducted not less than 7 days after such determination.

''(B) For purposes of this section, a frivolous or vexatious filing is one that an attorney of ordinary competence would recognize as so lacking in merit that there is no substantial possibility that the Board would accept it as valid. The Board shall be guided by Rule 11 of the Federal Rules of Civil Procedure in determining whether an objection, filing, pleading, paper or appeal is frivolous.''.

The CHAIR. Pursuant to House Resolution 470, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple. If a party makes a frivolous or vexatious filing during a preelection representation hearing, the NLRB or an administrative law judge will have the authority to impose sanctions. Potential sanctions include reimbursement of attorney fees and costs. Further, if the Board determines that a party has presented a frivolous filing and further finds that such filing is for purposes of delaying an election, an election will be ordered to take place not less than 7 days after the determination.

My amendment is rooted in well-established law—Rule 11 of the Federal Rules of Civil Procedure. Rule 11, which sanctions frivolous filings in Federal court, is a longstanding and tested standard that has been in practice for nearly 70 years, but it is currently inapplicable to representation proceedings at the NLRB. Why should we continue to allow the filing of frivolous litigation at the NLRB but defer it in the courts? The short answer: We shouldn't. There is no good reason. This amendment simply harmonizes NLRB practice with the national standards used in our court system.

While I urge the adoption of this amendment, the underlying bill before us today is nothing more than another attempt by the majority to distract the public from the most important issue facing our country—job creation. Because my colleagues on the other side of the aisle apparently lack any plan to get unemployed Americans working again, they are relying on the false specter of powerful unions and burdensome regulations as the bogeymen in the American labor market.

However, a recent national poll by the Bureau of Labor Statistics shows that only 0.2 percent of employers cite ''government regulations and interference'' as their reason for laying off employees. That's 0.2 percent. The main reason cited for layoffs is lack of demand. We need real solutions to create American jobs, not phony distractions that attempt to steer the conversation to problems that don't exist.

While current law allows union elections to proceed while requests for full Board review are considered, H.R. 3094 mandates that elections be delayed until the full Board decides whether or not to grant a request for review by the full NLRB, no matter how frivolous the arguments. In doing so, this bill incentivizes parties opposed to unionization to file frivolous lawsuits to delay union elections. Not only is this unfair to hardworking Americans, but it adds tremendous cost to taxpayers. This built-in incentive for delaying tactics makes my amendment all the more important.

In the past, many of my Republican colleagues have argued passionately about the evils of frivolous lawsuits; therefore, I am confounded to hear opposition to my amendment that seeks to discourage frivolous litigation. Why is it that litigation that thwarts the ambitions of working families, no matter how frivolous or misguided, is now suddenly okay? Don't construction workers matter?

Unfortunately, such frivolous litigation is too often used by unscrupulous employers to oppose unionization. In my own district, 14 T-Mobile technicians attempted to organize a local chapter of the Communications Workers of America, only to discover that their employer had undertaken several subversive measures aimed at derailing the path to union organization.

□ 1550

One such legal challenge included a dispute over the definition of whether or not the CWA is a legitimate labor organization. Let me say that again: a dispute over whether or not the CWA is a legitimate labor organization. The CWA, we should all know, represents over half a million American workers.

Under H.R. 3094, T-Mobile's frivolous challenge would have to be completely adjudicated by the NLRB before the union election could occur, giving T-Mobile the ability to legally hammer employees with anti-union messaging for weeks, months, or even years.

A constituent of mine wrote to me regarding the T-Mobile incident, and I

quote: ''It is abundantly clear to us that the company is only engaged in this effort in order to buy enough time to continue with an intimidation campaign as an effort to prevent us from exercising our right to organize and bargain collectively. We want to exercise our legal right in a timely and efficient manner, to decide for ourselves through the established election process whether or not to join the CWA. This process of delay and intimidation being exercised by T-Mobile management is wrong and should not be allowed to happen in the future. After several months of this verbal and emotional assault, I will stand firm in my commitment to gaining a voice at work. What I am asking for is a fair chance to vote.''

A fair chance to vote. What can be more American than that?

This is a fundamental matter of standing up for the American worker. This bill is an affront to one of our most principled values. The ability of workers to collectively bargain has been one of the basic pathways for workers to gain the protections and pay necessary to access the American Dream. We should not undermine this shared principle, and yet this is precisely what the underlying bill does. My amendment would provide at least some protections for employees who seek to organize their workplace.

Mr. Chairman, I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. GOWDY. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. I yield myself such time as I may consume.

Let me first thank Mr. BISHOP for raising the important issue of frivolous, vexatious litigation. I am thrilled almost beyond words—not quite—almost beyond words that our colleagues on the other side of the aisle recognize the deleterious impact that frivolous, vexatious litigation has on our economy.

We very much support, Mr. Chairman, a more effective use of rule 2011. We have consistently supported tort reform that correctly sanctions frivolous and vexatious lawsuits. So, again, I thank our colleague from the other side of the aisle for bringing attention once again to the impact frivolous litigation has on our economy.

Nevertheless, Mr. Chairman, this amendment is not the right vehicle for a number of reasons.

The purpose of the underlying bill is to correct the misguided effort of the NLRB to have quick elections, which means the time is compressed for litigants, especially those caught off guard by the legal filing, to respond. What do litigants and their counsel do when they're given an inadequate time to prepare for litigation? They overplead, they over-answer, they throw everything they can into the answer because to do otherwise is to risk missing an issue and being sued for illegal malpractice or, worse yet, failing to adequately represent your client. So in a very counterintuitive way, the NLRB's rush to have elections is more likely to result in over-pleading than the status quo would be.

Mr. Chairman, this amendment also gives increased power to the very agency that we are trying to rein in. That, too, is counterintuitive. To reward an activist, agenda-driven executive branch entity with even more power to wield incorrectly is an invitation we are loathe to accept.

This amendment does not even provide all the safeguards of rule 11 in the Federal Rules of Civil Procedure. And I heard my colleague and friend on the other side of the aisle make reference to rule 11. If this were simply rule 11, we may very well be standing up to join in support. It's not rule 11. It doesn't provide notice and a reasonable chance to respond. It doesn't provide an appeal procedure. It denies an opportunity to withdraw the frivolous matter before sanctions are imposed. Even current NLRB provisions require due notice and an opportunity for a hearing in allegations of misconduct cases.

This amendment, I am sure—I am convinced—is well intended, to root out frivolous filings and pleadings; but it has to be done in an evenhanded, fair manner, not one calculated to skew the balance even more in favor of those seeking unionization and away from job creators.

Other than union membership being at a historic low, Mr. Chairman, why the rush to change the rules? Is 31 days too long? Is a 70 percent success rate in elections not good enough? I appreciate the motive behind the amendment, but I must oppose it because of the mechanism; and I would encourage my colleagues to do the same.

I reserve the balance of my time.

The Acting CHAIR (Mr. YODER). The gentleman from New York has 15 seconds remaining.

Mr. BISHOP of New York. I will only say in my 15 seconds that rule 11 gives the person who files a frivolous motion or the entity that files a frivolous motion 20 days to withdraw that filing, which would defeat the purpose of what we're trying to accomplish here, which is to see to it that we ultimately do get elections.

And I would repeat what the minority whip said, which is I think is lot of us would feel differently about this underlying bill if there were not just a minimum time for which there was an election to take place, but a maximum time in which the election had to take place. This is one means for us to try to get that.

Mr. Chairman, I yield back the balance of my time.

Mr. GOWDY. May I inquire of the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from South Carolina has 1½ minutes remaining.

Mr. GOWDY. I just find it instructive again—and we need to give pause and reflect on why we're here. We're not here because Chairman KLINE had an idea out of the blue. We're here because an activist, agenda-driven NLRB is dissatisfied with 31 days to have an election. They're dissatisfied with a 70 percent success rate. So what Mr. KLINE has done—and smartly so—in this bill is try to get us back to the status quo ante and have a level playing field where employees can have enough information to make what may be one of the most important decisions of their lives.

And again I will say to my colleague, rule 11 has built-in procedural safeguards. And we had a very civil, constructive, I thought, conversation about this amendment in committee, and I commend our friend for that. And I commend him for bringing up frivolous and vexatious lawsuits. And I'm happy to work with him on how to get it done. This vehicle, while well intended, is not the vehicle to get it done.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BISHOP of New York. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–291.

Mr. BOSWELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike ''and''.

Page 8, line 20, insert ''(except those designated parties described in subparagraph (C))'' after ''parties''.

Page 9, line 19, strike the second period and insert ''; and'' and after such line insert the following:

(3) by adding at the end of subsection (c)(1) the following:

''(C) The designated parties referred to in subparagraph (B) are employers that paid any executive bonus compensation in excess of 10,000 percent of the total annual compensation of the average employee during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.''.

The Acting CHAIR. Pursuant to House Resolution 470, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BOSWELL. Mr. Chairman, I yield myself such time as I may consume.

I rise to encourage my colleagues to support my amendment to the underlying legislation. I first want to thank my colleagues, Mr. MILLER and Mr. ANDREWS, for their work on this important issue.

I'm concerned that this legislation creates an opportunity for parties to abuse the preelection hearing process to engage in open-ended litigation. The majority would allow parties in a hearing to raise any ''relevant and material'' issues at any time before the close of the hearing. Yet they define ''relevant and material'' as ''any other issues'' that may possibly impact the election. Practically, this means that any workplace issue, however frivolous, could be raised and litigated before the hearing closes.

As we've seen, there are always some—though not all—that seek to enrich their CEOs while denying their workers a fairer and safer workplace. This amendment would only apply to companies that have given bonuses—now hear this—bonuses to their executives that amount to 10,000 percent more than the average yearly salary of their employees. Those employers would be required to state their issues and positions at the onset of a hearing and would be prohibited from engaging in open-ended litigation.

This is a simple principle: If your average employee makes $50,000 and you can afford to pay the CEO a bonus of $5 million, then you can also afford to be prepared for the hearing in 14 days and state your position up front.

□ 1600

I'm not sure why we're considering H.R. 3094 right now. It won't create one job, and it won't reduce our deficit by $1. It won't add one job for unemployed construction workers to fix Iowa bridges that need to be repaired. It won't help one member of the Iowa National Guard that recently returned from Afghanistan and is still looking for a job.

All this bill does is help a small number of companies make it harder for their workers to organize. The very least we can do is make sure those companies aren't abusing their process while handing out executive bonuses that are 10,000 percent more than what their workers earn.

Support this amendment for fairness.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, I yield myself such time as I may consume.

It's kind of ironic sometimes, but this Occupy Wall Street sort of inspired amendment is an effort to dismantle a successful union election process and deny workers an opportunity to make an informed decision. Under the guise of fighting greed on Wall Street, this amendment will actually punish workers if their company executives receive bonuses deemed too big by officials in Washington.

Mr. Chairman, while most of the time, employer and unions can agree to the terms of the union elections, often a preelection hearing convened by an NLRB official is needed to address questions and concerns raised by both sides. The preelection hearing ensures all relevant and material preelection issues may be addressed before a worker is required to cast his or her ballot in the election, providing workers an opportunity to make an informed decision in the union election.

Forcing a vote before these issues can be addressed at the preelection hearing will severely undermine an employee's free choice. This is the workers, the employees we're talking about here. In fact, this amendment may lead to needless delay in the election process. The courts have overturned the results of elections because important issues were not properly addressed at the preelection hearing.

No worker should be denied a fair union election process because of the bonuses paid to company executives. Yet that is precisely what this amendment would do.

Congress should not be picking winners and losers here, determining that some workers deserve greater protections than other workers. They all deserve protection. The Workforce Democracy and Fairness Act reaffirms longstanding protections for all workers.

I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. BOSWELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

My friend from Minnesota, the chairman of our committee, says that Congress shouldn't be picking winners and losers. I think the Congress has already picked a lot of winners in the last number of months. They've picked the people who are the subject of Mr. BOSWELL's amendment, those whose bonuses are 10,000 percent more than the average salaries of their workers. They've picked them for the largest tax cut in American history.

They picked a winner by saying that if that person manipulates a hedge fund or financial institution, the regulators will look the other way as our 401(k)s become 201(k)s and our home values shrink.

Most decidedly, this Congress has picked a set of winners, and those winners are those at the very top of American society who have gotten 93 percent of the pay raises. Ninety-three percent of the pay raises given out in this country have gone to that top group.

So Mr. BOSWELL is trying to create a significant disincentive that says, you know what? If you pay yourself 10,000 percent more than your average worker, maybe there should be a separate set of circumstances you have to abide by and live by. It's a novel idea around this Congress, very novel idea that those at the very top of American society should have to live by a set of rules that protects the rest of American society.

For that reason, I strongly support Mr. BOSWELL's amendment and would urge a ''yes'' vote.

Mr. KLINE. Mr. Chairman, I yield myself such time as I may consume.

I, like my colleagues on the other side of the aisle, and Americans across the country, can get pretty angry when some officials, corporate officials receive extraordinarily high salaries. I'm not here to defend that.

What I'm talking about here is, why would you punish the workers because the employers are paying themselves too much money? I don't think we should do that, and that's what this amendment does. It denies workers the opportunity to make an informed decision. We shouldn't be punishing those workers because executives have paid themselves too much money.

I reserve the balance of my time.

Mr. BOSWELL. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Iowa has 1½ minutes remaining.

Mr. BOSWELL. Thank you very much, and I appreciate the discussion.

Thank you, Mr. ANDREWS, for those very astute remarks that have applied to workers.

My friend from Minnesota, Congressman, I recall we both have led troops, and I'm proud of you for having done that. I'm proud that I had the opportunity.

I see these top CEOs as—who are their troops? Their troops are the workers. Thank heavens we have got those people that are willing to be entrepreneurs and get out there and invest and do those things, but they've got to have workers to get the job done just like you and I had to have troops to take the objective.

What's the difference? Our troops had to be well-fed, trained, equipped, morale had to be good, and then we could take our objective. Any sergeant, any lieutenant, any lieutenant colonel, any general, they can't take their objective without troops. And how do CEOs and people, entrepreneurs that we appreciate—we rely on them, but they've got to have those workers; they've got to treat them fairly, and they've got to realize that they too want to have the American Dream.

And I was concerned where is that American Dream going to be as I was surrounded by my grandchildren just a few days ago at Thanksgiving. Is it going to be there for them? Then we'd better be thinking about it.

We don't pull the ladder up, we leave it down. Let's let everybody have a part of the American Dream.

And 10,000 percent, and you're worried about that? Come on, give me a break.

I urge support of this amendment. I think it is fair and it's the right thing to do.

I yield back the balance of my time.

Mr. KLINE. May I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Minnesota has 2 minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman.

I, too, want to thank my friend and colleague from Iowa for his service. He, like me, made an early mistake and chose to fly and, even worse, to fly helicopters. He just perhaps was better at it than some of us.

But this amendment is going in the wrong direction. It's not the percentage. How many percent? 10,000, 100,000, 1,000 percent more money that an executive makes—I don't want to defend that either. And I don't want to defend the leader who eats before his troops. I don't want to defend the leader who thinks he can get it done without the troops.

But this amendment takes away the rights and the protections of the employees and the workers. We shouldn't punish the workers because we're mad at the executives. We shouldn't punish the troops because we're mad at the colonels. I agree with the gentleman on that.

Let's don't punish the workers. Let's defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BOSWELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF MINNESOTA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–291.

Mr. WALZ of Minnesota. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike ''and''.

Page 8, line 20, insert ''(except those designated parties described in subparagraph (C))'' after ''parties''.

Page 9, line 19, strike the second period and insert ''; and'' and after such line insert the following:

(3) by adding at the end of subsection (c)(1) the following:

''(C) The designated parties referred to in subparagraph (B) are employers that have been found liable for any labor law violation against a veteran of the Armed Forces during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a preelection hearing that were not raised prior to the commencement of the hearing.''.

The Acting CHAIR. Pursuant to House Resolution 470, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

First of all, I rise to offer an amendment that would reinforce our commitment to protecting the employment rights of our brave servicemembers.

We've all seen this show before, Mr. Chairman. Let's not insult the intelligence of the American public. When we had an Employee Free Choice Act the other side argued we only want to protect the secret ballot. Now it's no, we want to protect the ability to let you vote on a secret ballot, but only when we decide that time has come.

We've seen this song and dance in Ohio, we've seen it in Wisconsin. Let's just be honest that we have a fundamental difference about labor rights and the ability to collectively bargain. We probably are not going to agree on that, but let's find some bipartisan ground where we can agree. I think my amendment is the one that will do that.

□ 1610

It's very straightforward. It simply prevents this piece of legislation, H.R. 3094, from applying to businesses that have been cited for violations of labor laws against employees who are veterans in the previous year. It is very simple. These are not the vast majority of employers who are playing by the rules. These are those who have had egregious violations, specifically against veterans, and this will help us protect those.

I wholeheartedly agree we've got a lot of good, strong employers out there supporting our Guard and Reserve, but labor laws are still being violated. We need these laws—last year, 3,000 cases of employers who violated the Uniform Service Employment and Reemployment Rights Act, USERRA, the main Federal law that protects veterans. My amendment provides a means for Congress to enforce veteran-related labor laws by removing the ability for violators to present unnecessary barriers to a free and expeditious union election process.

Keep in mind, these are the very people who fought to protect the basic American right to organize collectively for a safe workplace; yet, when they come home, we're going to throw barriers in their way even by companies that have already violated veterans' employment rights at a time when we have high unemployment amongst veterans. This is one on which we can come together.

By the way, 2 million veterans are in labor unions of their choice now, so this isn't a small number. This is a large number. Why would Congress hinder the ability for a veteran to choose whether or not they want representation? It's what they fought for.

While my colleagues and I can debate the role of government in collective bargaining, I don't believe there should be any difference in where we believe that this should not apply to violators of veterans' employment rights and allow them to make the choice.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. I yield myself such time as I may consume.

Of course I always hate to oppose something presented by my Minnesota delegation colleague, a veteran himself, but again I think we have a misguided amendment here.

In the last amendment, we were sort of taking an Occupy Wall Street moment to express our outrage at the salaries or bonuses or compensation for executives, and we were going to punish workers because of our outrage. Unfortunately, we're sort of doing the same thing here.

If you're a veteran and your employer has harmed any number of your rights under Federal labor law, they've broken the law and action ought to be taken against them. But now with this amendment, this would give this activist NLRB an excuse to undermine the free choice of your coworkers in a union election. I don't think we want to do that. We want to support the rights of all workers.

As the distinguished minority whip said, employers and employees ought to get a fair election. We want a fair election for employers and employees, for workers—whether they are veterans or not veterans. I, having spent some time in uniform myself, have a special place for veterans. I want to make sure they get everything, everything that's coming to them. We owe them so much. But this amendment, unfortunately, would end up punishing them and their coworkers in, I think, a misguided effort to help them. We shouldn't do that.

Let's support the underlying legislation and oppose this amendment.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

I respect the chairman and the gentleman's opinion on this, but I want to be very clear. The only people this applies to is violators of veterans' workplace employment. These are veterans returning home who choose to have union representation, who have fought for that right in uniform and are now being told this.

The NLRB said this is no problem being able to be put in. It's at no cost to the taxpayer to be able to do this. And the thing that I hear coming up in the discussion today was we need to have more time to explain it to them.

I have tremendous faith in the ability of our folks who served in split-second, life-and-death decisions overseas

serving in combat to be able to, after a few days, make a decision with the information they're given whether they want representation or not, not being drug out in litigation for 2 years so they can protect their rights against employers previously cited in the 1 year. These are not the good actors. These are the bad actors.

I don't like the underlying bill. I'm trying to make it better. Why are we protecting the 1 percent of bad actors in this at the expense of a veteran who has the right to organize?

With that, I reserve the balance of my time.

Mr. KLINE. Again may I inquire as to how much time remains on either side.

The Acting CHAIR. The gentleman from Minnesota (Mr. KLINE) has 3 minutes remaining, and the gentleman from Minnesota (Mr. WALZ) has 1½ minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman. I yield myself such time as I may consume.

I think there is some confusion here. The other gentleman from Minnesota says that these are talking about veterans who have chosen to have a union. The point is we don't know if they've chosen to have a union. We don't know that. That's what the election is for. And they deserve the time and the opportunity to ask questions, get answers, hear from all sides and make an informed decision.

What the underlying bill does, it says you get at least 35 days. And I would remind my colleagues that the current mean time, average time, is 31 days and the median time is 38 days. It's not out of line. But we think a month, 5 weeks, ought to be time for workers to be able to receive the information, ask the questions, challenge information from the employer and from the union organizer, and then make an informed decision.

While it's true, certainly, sometimes in combat that you have to make split-second decisions to save your life or the lives of colleagues or to achieve the mission, you shouldn't be required to do that here in making this decision for you and your families. You ought to have time to do it.

Because an employer has misbehaved, in the example of this amendment, the employer should be punished for that if he's a broken law, but the employees should not be deprived of the opportunity to make an informed decision, and that's what this amendment would do. So, again, reluctantly, I oppose this amendment and support the underlying bill.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself the balance of my time.

I express my disappointment with the gentleman. I do respect his service, and we have a fond attachment to our veterans in getting this right.

Let me do something that doesn't happen down here very much to show you how small this is. I'll read you the entire amendment:

''The designated parties referred to in subparagraph (B) are employers that have been found liable for any labor law violation against a veteran of the Armed Forces during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a preelection hearing that were not raised prior to the commencement of the hearing.''

No matter how you feel about the underlying bill, if we really want to make this better and try and reach across together, maybe this is one area we could do it.

I would urge my colleagues on both sides of the aisle: Do what's right. Pick off these bad employers so they can't engage in these tactics against veterans. Let's get our folks back to work and let's agree to disagree on the fundamental underlying bill on labor. On this one, we shouldn't.

I yield back the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Thank you, Mr. Chairman, and thank you for keeping track of the Minnesotans here as well.

I'm sorry, but again we just have a fundamental difference here. If an employer is liable, has made mistakes, has broken the law, they should be punished under the law, whichever law they have violated in violating the rights of employees, veterans or not.

But this amendment is an attempt to dismantle a successful union election process that is fair to veterans and nonveterans, to employees and to employers. This amendment, in an attempt to punish employers who have misbehaved, who ought to be punished under the law under another law, is simply going to deny the rights of workers to have the opportunity to make an informed decision.

I oppose this amendment and support the underlying legislation.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WALZ of Minnesota. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

□ 1620

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–291.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, beginning on line 4, strike ''subparagraph (B)—'' and all that follows through ''(B) by inserting'' on line 8, and insert ''subparagraph (B), by inserting''.

Page 8, line 24, strike ''last sentence—'' and all that follows through page 9, line 9, and insert ''last sentence, by inserting 'or consideration of a request for review of a regional director's decision and direction of election,' after 'record of such hearing'; and''.

The Acting CHAIR. Pursuant to House Resolution 470, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

The question to my colleagues is whether workers come as Republicans or Democrats or if they come simply as Americans operating under a constitutional provision that we all celebrate, and that is the First Amendment.

The First Amendment clearly allows the American people to petition, to have freedom of expression and, in essence, freedom to assemble. We also recognize that, in the course of power, there is the worker and there is the employer. The employer, in many instances, intimidates, and the National Labor Relations Board recognized the unevenness of power. Whether they are returning troops and veterans or whether they are single mothers and working families who want to better their lives, they understand that there needs to be fairness in order for this little, small book, the Constitution, to actually operate.

My amendment is very simple. My amendment attempts to make an even playing field. It takes away the power of the underlying legislation, which is to limit how long the election may go on—in fact, delay the election, if you will. This amendment strikes the provision that deals with the timeframe in which the election can go on and in which the employer can interfere with that election. Delay gives unscrupulous employers more time to use the timeframe to delay the election.

It's a simple premise that you win or lose elections; but if you allow employers to use the hand of intimidation and to stop the election, you take away some of the privileges of being an American.

I, frankly, believe that in this time that we're on the floor we really should be debating the extension of the unemployment benefits, and I believe that we should be discussing the passage of the American Jobs Act. We're not doing that. We're here to limit the rights of Americans. So I'd ask my colleagues to support the amendment that stops employers from delaying the rights of Americans by participating in delaying litigation, raising their power while limiting the power of the worker. I hope my colleagues will join me in supporting my amendment.

Mr. Chair, I rise today in support of my amendments to H.R. 3094, ''The Workforce Democracy and Fairness Act.'' My amendment eliminates the provisions in this bill that would allow employers to unnecessarily delay an election. The bill in its current form rolls back decades of earned collective rights for workers and prevents workers from simply voting in workplace elections.

This legislation is an assault on working Americans. H.R. 3094 is designed to delay and ultimately prevent union representation elections, rendering the National Labor Relations Board (NLRB) powerless and undoes decades' worth of improvements for worker's rights.

In order to prevent needless delays in conducting elections I propose my amendment which simply strikes the text which requires that an election must be delayed for at least 35 days from the date the petition was filed. This amendment would restore current law.

While my colleagues on the other side of the aisle seemed focused on the NLRB decision and their claim to minimum delays, there is no provision in H.R. 3904 to limit the time that an election can be delayed. This would ensure that an election would be conducted as soon as practicable following the pre-election hearing, consistent with the facts determined by the Regional Director.

By setting a floor that an election will always be held at least 35 days from the filing of a petition, H.R. 3094 imposes delay for delays sake, even if an election could practically be scheduled before 35 days from the filing of a petition. A witness testified before the Education and Workforce Committee's that: ''This [35 day delay] would apply even where the union and employer are willing to stipulate to an earlier date. Other than facilitating an employer in ramping up an antiunion campaign, it does not appear to have any meaningful purpose.''

The National Labor Relations Act provides workers with essential protections; protections that have resulted in a strong middle class. This law prevents companies from retaliating against workers who exercise their rights, such as the right to strike, petition for better pay, demand safer working conditions, and form a union.

H.R. 3094 would amend the National Labor Relations Act to define how the National Labor Relations Board should determine a unit for purposes of collective bargaining. In addition, it allows an election to occur sooner than 35 days after the filing of a petition. However, there is no limit on how long an election may be delayed. Delay would provide employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

This legislation would perpetuate undue delays in union elections, a blatant attempt to undermine American worker's right to organize to protect their rights. This bill is an attack on collective bargaining, and on the American workforce as a whole.

Delaying elections grants employers the necessary time to use legal and illegal means to discourage employees' interests in forming unions for the purpose of collective bargaining. The bill encourages legal but frivolous appeal litigation, further delaying elections for several months or years. The measure will severely cripple and undermine elections process. A procedure intended to empower workers.

Consequently union voters lose zeal for elections and unscrupulous employers are able to manipulate elections for their desired outcome, stalling the plight of workers' advancement.

Further, The bill misconstrues the procedure for deciding who is a bargaining unit. What effect will this have on the progress union workers have made over the last 75 years?

Employers will use this disruption to gerrymander elections, induce uncertainty regarding elections, thus being able to manipulate workers and flood the ballot boxes with voters not engage in the organizing drive.

For 75 years union workers have fought for basic rights to maintain improved and safer workplace environments. How does this measure effect these achievements?

After the bill's implementation will workers view their workplace favorably? Will their wages match the growth rate of the company and economy? And will workers feel like American employers, supported by government, provide meaningful safety for community survival?

This legislation undermines American workers by eliminating laws that prevent employers from gerrymander elections when employees consider whether or not to form a union. Employees have a right to unionize. They have the right to exercise their rights collectively bargain for competitive wages, benefits, and safe working environments. I am extremely disappointed that my Republican friends are willing to create an atmosphere that forces the voice of hard working Americans to be diluted by their employers. In many cases employees would have to settle for accepting the lowest wages, worst benefits, and harshest working conditions. This bill creates a race to the bottom that is simply not worthy of a great nation, and certainly not worthy of America.

Time after time, throughout the 20th century, the nation turned to the labor community to build infrastructure, supply the Armed Forces, and manufacture the materials that constructed our great American cities, and time after time, hard working Americans answered the call and made this country great.

It appears that my colleagues on the other side of the aisle have decided to repay the American workforce by forcing them to choose between their rights and their jobs. I will fight, as I have throughout my tenure in Congress, to protect the middle class by protecting their right to vote in any capacity.

My Republican friends have not passed a single bill to create jobs, and this bill is no exception. In fact, this reckless legislation threatens American jobs and undermines worker's rights while safeguarding special interest. I urge my colleagues to oppose this harmful legislation, and instead focus our efforts on a bipartisan jobs bill that will foster a new age of American ingenuity and prosperity.

I reserve the balance of my time.

Mr. GOWDY. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. I yield myself such time as I may consume.

This amendment would strike provisions of the Workforce Democracy and Fairness Act that ensure employers have at least 14 days to find legal counsel and prepare their cases for the preelection hearings. Additionally, it would strike the provisions that ensure employers have 35 days to educate their workers and that employees have 35 days to determine whether they wish to join a union.

Information is power, and I, frankly, don't understand the antagonism towards information. I don't understand the antagonism towards employers. We give garden-variety, common-criminal shoplifters 180 days to find lawyers—180 days for a shoplifter to find a lawyer—but we can't give employers 2 weeks? Is 2 weeks really too much to ask to find a lawyer?

There have been unions, Mr. Chairman, that have already endorsed this President and his reelection bid. Already, 360-something days out, was the first one I noted. So they need 365 days to prepare for an election, but we can't give employers 35 days? You can check out a library book for longer than you want to give employers the ability to prepare for an election.

This is an important decision, not only in the lives of the employees but of the employers, many of whom are small business owners. They've got to negotiate the legal labyrinth that is our Federal labor law, and you're going to give them 35 days and 14 to get lawyers.

Mr. Chairman, this amendment will restrict employers' free speech and will undermine workers' free choice. Information is power. Sometimes that takes time. I don't think 35 days under anyone's calculus is too much time to prepare for an election. If we can give a shoplifter or a speeder or a drunk driver 180 days to hire a lawyer, surely to goodness we can give a small business job creator a couple of weeks.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

Very briefly, in listening to my good friend from South Carolina, it's time to take out the white hanky and begin to cry for the employers against these deafening and deadly workers, some of them veterans and single parents.

Hear me very clearly: there are 35 days for the filing of a petition, but there is no limit to the amount of time the employer can delay the election through litigation. If that isn't an imbalance against the vulnerable worker—the worker who is behind a cashier, the worker who is manufacturing a made-in-America trinket of some kind, the textile worker, the returning soldier on the battlefield—then what is?

God bless the employers with their constitutional rights. I applaud them. But what this bill is doing and what this section is doing is taking a spear and going on and on and on with dilatory litigation tactics to disallow the organizing that is protected under the Constitution and the due process under the Fifth Amendment.

Go ahead, employers, get your lawyers. Move on.

But the question is, how long is too long?

I reserve the balance of my time.

The Acting CHAIR. The gentleman from South Carolina has 2½ minutes remaining.

Mr. GOWDY. Thank you, Mr. Chairman. I yield myself such time as I may consume.

My first job was delivering newspapers. My job after that was bagging groceries at a local grocery store. My job after that was working at a tobacco warehouse.

I don't recall ever being hired by an employee.

I don't understand the antagonism towards employers. I don't understand the antagonism towards people who are willing to invest their fortunes and have the unmitigated temerity to want to be successful and hire other people. I don't understand the antagonism towards job creators.

Mr. Chairman, I will say it again: We give 180 days to someone who shoplifts from a store to go find a lawyer, but we can't give 14 days to the small business owner who wants to defend against a suit—to negotiate the legal labyrinth that many of the lawyers in this body don't understand, present company included. There are experts in labor law; but unless you have corporate counsel hired, you're going to have to go find a lawyer and educate him on your issues.

Mr. KLINE gives them a whopping 2 weeks. Fourteen days is eminently reasonable, and 35 days for something as potentially transformative as an election is not too much to ask for, and there is nothing in the Constitution of the United States that says otherwise.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

What I say to my good friend from South Carolina is that I have the greatest respect for employers. I'd like the gentleman to join me in passing the American Jobs Act to give them payroll tax relief and to give them tax credits for hiring new employees. But you have to ask the question:

After this bill's implementation, will workers view their workplaces more favorably? Will their wages match the growth rates of the companies and economy? Will workers feel like American employers, supported by government, provide meaningful safety for community survival?

This legislation, frankly, undermines the American workers. Can we all get along? Can we find a way to address the concerns of making sure that we are fair to the employer but not have delay after delay after delay to deny someone his constitutional right of organizing freedom of expression? I think we can.

□ 1630

The elimination of the provisions that I have spoken of is a dilatory upper hand of employers to get the better hand of our employees.

I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Texas has 15 seconds remaining, and the gentleman from South Carolina has 45 seconds remaining.

Mr. GOWDY. Thank you, Mr. Chairman.

I would invite my friends on the other side of the aisle to join us in addressing what I hear from every small business owner back in South Carolina, which is fix the regulatory apparatus, fix the tax structure, fix the litigation structure, quit spending money you don't have.

Mr. Chairman, the President, who was standing not 3 feet in front of you, said we should have no more regulation than is necessary for the health, safety, and security of the American people. That's not a Republican that said that; it's the President of the United States.

So I would ask the NLRB, what part of health, safety, and security are you trying to fix with quick elections, the placing of posters in the workplace, and other regulations that do nothing except punish job creators?

With that, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. In my hand I have H.R. 3094 and in this hand I have the Constitution. I don't know who you would stand with. Support my amendment, support the Constitution, provide workers the opportunity for freedom and the right to organize.

I ask my colleagues to join me in supporting the Jackson Lee amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

MOTION TO RISE

Ms. MOORE. Mr. Chairman, I have a preferential motion at the desk.

The Acting CHAIR. The Clerk will report the motion.

The Clerk read as follows:

Ms. Moore moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes in support of her motion.

Ms. MOORE. Thank you, Mr. Chair.

I rise to make this motion today because I am opposed to the underlying bill, the so-called Workforce Democracy and Fairness Act.

Mr. Chair, I hope that all of my colleagues have gotten their tickets for this show, because once again my Republican colleagues have turned these hallowed Halls of Congress into a place for political theater or, better yet, a circus, and the joke is on working class Americans.

Today's so-called Workforce Democracy and Fairness Act is another scene in this unfolding plot to undermine American workers.

It would be comedy if it weren't such a tragedy for the American people. Every day, the American people are forced to play the part of the clown Pagliacci. They watch Republicans put on this performance, claiming to want to protect American jobs and workers while behind the scenes they work to dismantle the rights of the American worker and, like Pagliacci, the American people must learn to laugh with tears in their eyes.

Today's installment of tragic theater stars a bill which has been more appropriately renamed by my Democratic colleagues as the Election Prevention Act.

This bill would permit employers to delay indefinitely a union election by mandating delays in the union election process and failing to place limits on how long an election can be delayed. These delays would allow more intimidation and harassment of employees, including hiring union-busting companies.

This bill perverts the notion of employee free choice in the face of the power of an employer to indefinitely postpone an election.

In Wisconsin, Mr. Chair, we have seen this song and dance before under the guise of deficit reduction. Governor Walker undermined the workers' rights, rammed through legislation that cut State employee benefits and stripped unions of their collective bargaining rights.

Ohio, too, has seen this horrific curtain call. Governor John Kasich and the Ohio Republican legislature's passage of S.B. 5. But what Governors Walker, Kasich and so many others are not prepared for is the second act of this drama.

When the curtain opened on November 8 in Ohio, voters flocked to the polls in record numbers with a resounding voice and repealed S.B. 5. The staging continues in my State of Wisconsin, where in just 2 weeks we have garnered 300,000 signatures poised to recall Governor Scott Walker.

Mr. Chair, the American people will not be upstaged by this anti-union, anti-worker, and anti-family play. Our Nation's middle class is demanding to bargain for more of the wealth that they created.

Mr. Chair, this clear attack on workers' rights departs from a long-preserved tradition of American democracy in the workplace. It's time for us to close the curtain, pull the hook out on this circus act, and bring up the lights on real legislation that creates real jobs.

Mr. Chair, I would now yield to my colleague, the gentlelady from Ohio, BETTY SUTTON.

Ms. SUTTON. I thank the gentlewoman for yielding and I thank her for the motion.

What's it going to take to get this body to focus on priority one, which is

getting America back to work? Why, Mr. Chair, are we here yet again debating an anti-worker bill when we should be working together to help foster jobs? Instead of trying to disempower workers and further weaken the middle class, why aren't we trying to create opportunities for them and their families? Every day that the focus is on attacking workers instead of generating job opportunities is one day longer we're mired at unacceptable rates of unemployment, and it's one more day that far too many unemployed Americans will struggle.

And yet here we are debating this extreme and lopsided bill to give big corporations the upper hand over working families, a bill that does nothing to bolster our recovery but does a lot to stack the deck against American workers. We have seen this fight before, as the gentlewoman has pointed out, in other places, and the American people are voicing their opposition to these types of fundamentally unfair attacks that stack the deck against workers.

In my State of Ohio, we saw a Governor try to silence our firefighters, teachers, our police officers, our nurses, and other people who serve Ohio. Instead of focusing on jobs, the Governor and his allies pushed the bill through and unleveled the playing field for working families. It wasn't right there and it's not right here, and the American people urge the defeat of this bill.

The Acting CHAIR. The time of the gentlewoman from Wisconsin has expired.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the motion.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, this clearly, in fact, in the language of the motion, is designed to kill the bill. I understand the gentlelady doesn't like the bill, but the characterization of it is incorrect. We heard today on this floor some distinguished Members of the other party say that the NLRB ought to be fair, that employers and employees ought to get a fair election. We agree with that.

We have heard today that the majority party has done nothing to improve the economy and help job creators create jobs. Clearly we disagree. Member after Member has stood up here and said we have a plan, we've been advancing legislation, we continue to advance legislation, we have over 20 bills passed by this House sitting over in the Senate waiting for Majority Leader REID to take them up, jobs that will clear the way for job creators, the private sector, to put Americans back to work.

Clearly there is a blizzard of regulations that is descending on the workplace. The Speaker got a letter back from the administration some 2 weeks ago that said there were some 219 regulations in the pipeline, each of which would have an impact on the economy of over $100 million, and I think seven that would have an impact of over a billion dollars, regulations coming from every direction. My colleagues pointed out that even the President of the United States said we shouldn't be having more regulations that don't directly affect the safety and security of the American people, or words close to that effect.

The gentlelady, my friend from Wisconsin, said that there was an unfolding plot. Well, I agree, there does seem to be an unfolding plot. It's coming from the administration through the NLRB to advance the special interest of Big Labor bosses. We don't think that's right. That's not giving employers and employees a fair election; that's advancing the special interest of big union bosses.

It's not protecting the rights of workers, whether they're in a union or not.

□ 1640

Employees and employers ought to get a fair election. The NLRB should not be slanting it, handing it to Big Labor bosses.

So this is an effort to kill the bill. I believe it is a good bill that restores practices that have been in place providing fair elections for decades. I would encourage my colleagues to support the underlying legislation and vote against this motion to kill the bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the preferential motion.

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. MOORE. Mr. Chair, I would note that there is no quorum, and I request a rollcall.

The CHAIR. The Chair will count for a quorum.

Ms. MOORE. I am not asking for a quorum call. I am just asking for a rollcall.

The Acting CHAIR. Does the gentlewoman withdraw her point of order of no quorum?

Ms. MOORE. Yes.

The Acting CHAIR. The Chair will count for a recorded vote. Those in favor of a recorded vote will rise and be counted.

A sufficient number having risen, a recorded vote is ordered. Members will record their vote by electronic device.

Pursuant to clause 6(g) of rule XVIII, this 15-minute vote on the preferential motion to rise will be followed by 2-minute votes on the following amendments:

Amendment No. 1 by Mr. BISHOP of New York.

Amendment No. 2 by Mr. BOSWELL of Iowa.

Amendment No. 3 by Mr. WALZ of Minnesota.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

The vote was taken by electronic device, and there were—ayes 176, noes 241, not voting 16, as follows:

[Roll No. 863]

AYES—176

Ackerman
Altmire
Andrews
Baca
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—241

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth

Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—16

Bachmann
Baldwin
Berman
Dicks
Dreier
Giffords
Gutierrez
Mack
McKeon
Paul
Rogers (MI)
Ros-Lehtinen
Ruppersberger
Smith (WA)
Wasserman Schultz
Young (FL)

□ 1713

Mr. BARTLETT and Mrs. MCMORRIS RODGERS changed their vote from ''aye'' to ''no.''

Mr. DAVIS of Illinois changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. ROS-LEHTINEN. Mr. Chair, on rollcall No. 863 I was unavoidably detained in a national security briefing. Had I been present, I would have voted ''no.''

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 228, not voting 18, as follows:

[Roll No. 864]

AYES—187

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—228

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—18

Bachmann
Baldwin
Berman
Dicks
Dreier
Giffords
Gutierrez
Harris
Mack
McKeon
Paul
Pearce
Pelosi
Rogers (MI)
Ruppersberger
Smith (WA)
Wasserman Schultz
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1718

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. BOSWELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 239, not voting 13, as follows:

[Roll No. 865]

AYES—181

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bachmann
Baldwin
Broun (GA)
Cantor
Dreier
Giffords
Gutierrez
LaTourette
Mack
Paul
Pearce
Pelosi
Wasserman Schultz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1722

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF MINNESOTA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. WALTZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 221, not voting 12, as follows:

[Roll No. 866]

AYES—200

Ackerman
Altmire
Andrews
Baca
Barrow
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—221

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy

Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—12

Bachmann
Baldwin
Cantor
Coffman (CO)
Dreier
Giffords
Gutierrez
Mack
Paul
Pearce
Pelosi
Wasserman Schultz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1727

Mr. DUNCAN of Tennessee changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. COFFMAN of Colorado. Mr. Chair, on rollcall No. 866 I was unavoidably detained and I would have voted "no."

PERSONAL EXPLANATION

Mr. PEARCE. Mr. Chair, on rollcall Nos. 864, 865, and 866 I was unavoidably detained. Had I been present, I would have voted ''no.''

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 236, not voting 9, as follows:

[Roll No. 867]

AYES—188

Ackerman
Altmire
Andrews
Baca
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—236

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bachmann
Baldwin
Cantor
Dreier
Giffords
Gutierrez
Mack
Paul
Wasserman Schultz

□ 1732

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. CHAFFETZ). The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. CHAFFETZ, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, and, pursuant to House Resolution 470, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. SUTTON. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SUTTON. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Sutton moves to recommit the bill, H.R. 3094, to the Committee on Education and the Workforce with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, insert the following:

SEC. 3. ADDITIONAL PROVISIONS TO ENSURE A LEVEL PLAYING FIELD FOR EMPLOYEES AND EQUAL ACCESS TO VOTERS AND TO DISCOURAGE OUTSOURCING.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is further amended by inserting at the end of subsection (c)(1) the following new subparagraph:

''(C) LEVEL PLAYING FIELD FOR EMPLOYEES AND CORPORATE DIRECTORS.—Once an election by employees is directed by the Board, nothing in this subsection shall require a longer delay for employees to vote for a bargaining representative than is required for the board of directors to vote for a chief executive officer under the incorporation laws of the State where the employer is located.

''(D) FREE AND FAIR ELECTIONS AND EQUAL ACCESS TO VOTERS.—Upon the filing of a petition for an election, the Board shall ensure an equal opportunity for each party to access and inform voters prior to the election, including by prohibiting campaign meetings for which employee attendance is mandatory or employee time is paid unless both parties mutually agree to waive such prohibition.

''(E) PROHIBITION ON CORPORATIONS THAT OUTSOURCE JOBS.—Notwithstanding subparagraph (B), an employer that outsourced jobs to a foreign country or announced plans to outsource jobs to a foreign country during the 1-year period preceding the filing of a petition under this subsection may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.''.

Mr. KLINE. Mr. Speaker, I reserve all points of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentlewoman from Ohio is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I am opposed to this bill, but let me begin by saying that this final amendment, if adopted, will not kill the bill or send it back to committee. Instead, the bill, as amended, will immediately be voted upon for final passage. We may strongly disagree on the bill in question, but surely no one in this Chamber can disagree that, in these hard times, working families in this country deserve a fair shake. Unfortunately, the underlying bill, as written, is fundamentally unfair.

Mr. Speaker, a few weeks ago, in my home State of Ohio, voters, in an exercise of direct democracy, voted to overwhelmingly repeal the infamous senate bill 5, which was a fundamentally unfair and extreme attack on workers. In a resounding victory for middle class Ohioans, many Democrats and Republicans alike went to the polls and soundly rejected the union-busting effort that would have unfairly silenced workers and stacked the deck against them. At a time when public officials across every level of government should be focused on getting Americans back to work, the underlying bill before us today, like Ohio's recently repealed senate bill 5, would unfairly stack the deck against our workers and American jobs.

But the good news, Mr. Speaker, is that it doesn't have to be that way. Right here, right now, Democrats and Republicans together, like so many voters in Ohio joined together, can stand up for fairness and the middle class, and can pass this amendment. Our amendment would improve the bill in three very important ways:

First, it would level the playing field between employees and corporate boards.

It's only fair.

When workers choose whether to organize a union, they're choosing who their representative will be in the workplace. When a board of directors takes a vote on whether to hire a CEO, it's choosing management's representative in the workplace. I doubt that proponents of this bill would ever think of leaving a corporation voiceless or would ever think of throwing obstacles in the way of a corporate board of directors' ability to choose its next CEO. Yet that's exactly what this bill before us does to workers.

It's not right. Workers shouldn't have to wait any longer than a corporate board of directors. So this amendment levels things out by saying that nothing in this bill will impose any longer of a waiting period for workers to vote for a union than any State law imposes on a board of directors voting on a CEO.

Second, this amendment will make sure that elections proceed legitimately and fairly.

Everyone can agree that workers deserve to be fully informed. So this amendment requires that, when a petition for an election is filed, the board must ensure an equal opportunity for workers to hear from all sides. Under current law, Mr. Speaker, only one party—the employer—can engage in what is called ''captive audience meetings.'' Only one party can force the voters to attend campaign speeches, rallies, and meetings or be fired. Under this motion, under this amendment, the parties would agree to equal access to voters.

It's only fair. No more captive audience meetings unless the parties agree, unless there is fair and equal access to voters so that all sides may be heard and so that workers can judge for themselves and make fully informed choices when it comes time to vote.

Finally and importantly, this amendment discourages job outsourcing. With 9 percent unemployment in the country and with our economy barely growing, the last thing we want to do is reward companies that ship jobs overseas.

□ 1740

The underlying bill provides employers with a nasty weapon for tactical delay. It allows employers to drag out preelection hearings indefinitely, preventing an election from ever happening.

Employers can raise any issue at a time prior to the end of the hearing, even issues that have nothing to do with the conduct of the election or the question of whether there should be an election at all. Outsourcers should not have the benefit of a tactical delay to help ship jobs overseas. We should not allow it.

This amendment says if you have outsourced jobs or announced plans to outsource jobs in the past year, you don't get that privilege. You have to do what every party to a Federal case must do: state your claims at the beginning of the hearing. We shouldn't extend privileges to outsourcers.

I urge a ''yes'' vote on this final amendment to the bill.

Mr. KLINE. Mr. Speaker, I withdraw my reservation of the points of order.

The SPEAKER pro tempore. The gentleman's reservation is withdrawn.

Mr. KLINE. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Speaker, this motion to recommit is similar to amendments we have seen earlier today. We had an amendment sort of trying to capitalize on the Occupy Wall Street movement and limit workers' rights because of behavior of executives.

This motion attempts to rewrite existing rules regarding union access to employer property. Mr. Speaker, the point is the current system has been providing fair elections, as the distinguished minority whip said, for employers and employees. The NLRB's job is to see that employers and employees have fair union-organizing elections.

At a time when millions of Americans are searching for work, the Democrats have introduced yet another proposal that will make it more difficult for job creators, employers, to put Americans back to work. Rather than promoting a balanced election process, this motion to recommit will further tilt the playing field in favor of Big Labor bosses.

It's time for the Democrats here to stop standing in the way of the Nation's job creators and work on commonsense solutions that will allow job creators to put Americans back to work. Mr. Speaker, the underlying bill protects employers' free speech and employees' opportunity to make an informed decision.

This motion to recommit undoes that. We need to defeat this motion to recommit for what it is and support the underlying legislation. Let's vote ''no'' on this motion.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; ordering the previous question on House Resolution 477; and adoption of House Resolution 477, if ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 239, not voting 9, as follows:

[Roll No. 868]

AYES—185

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bachmann
Baldwin
Dreier
Giffords
Gutierrez
Mack
Nunnelee
Paul
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1801

Ms. BERKLEY changed her vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 188, not voting 10, as follows:

[Roll No. 869]

AYES—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee

Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—188

Ackerman
Altmire
Andrews
Baca
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (AK)

NOT VOTING—10

Bachmann
Baldwin
Braley (IA)
Dreier
Giffords
Gutierrez
Mack
Paul
Ross (AR)
Wasserman Schultz

□ 1808

Ms. JACKSON LEE of Texas and Mr. CARSON of Indiana changed their vote from ''aye'' to ''no.''

Mr. SULLIVAN changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3463, TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION; PROVIDING FOR CONSIDERATION OF H.R. 527, REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 3010, REGULATORY ACCOUNTABILITY ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 477) providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 184, not voting 10, as follows:

[Roll No. 870]

YEAS—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—184

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre