

backs of working people and those who care for our Americans.

# PROVIDING FOR CONSIDERATION OF H.R. 3094, WORKFORCE DEMOCRACY AND FAIRNESS ACT

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 470 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 470

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. WOMACK). The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

## GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, House Resolution 470 provides for a structured rule providing for consideration of H.R. 3094, the Workforce Democracy and Fairness Act.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentlelady for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

I rise today in opposition to the rule and the underlying bill.

Mr. Speaker, with this rule and underlying bill, Congress continues months of inaction on job growth, months of ignoring real solutions, choosing instead to use our economic struggles as an excuse to push partisan and ideological legislation.

The American people deserve jobs now rather than bills aimed only at stoking the rhetorical fires and antagonizing political opponents. It's time to stop the games and seek compromise for the betterment of our Nation.

A middle class tax increase is looming. With the extension of the payroll tax, many middle class families earning \$70,000 to \$80,000 a year will be forced to pay over a \$1,000 a year more in taxes. Apparently, the Republicans believe that the government knows how to spend their money better than American families.

As a businessman and an entrepreneur, I'm proud to have created many jobs and many businesses. I meet with the businesses in my district on a regular basis. Not a single business has raised this issue as any kind of impediment to job growth, any kind of impediment to getting the economy growing again. This is simply a non-related subject that pursues a longtime agenda to destroy the ability of workers to organize.

This bill represents the Ohio-ization of America. Just as Republicans attempted in the State of Ohio, House Republicans are simply union busting. But we saw what happened in Ohio, where Ohioans across the ideological spectrum overwhelmingly said "no" to this kind of anti-worker agenda. And the American people reject it as well.

This bill's singular goal is to shut down workplace elections. It would overturn the proposed National Labor Relations Board rule, it would modernize the union election process and avoid delays. But instead of creating efficiency in government, the workplace election prevention actually mandates inefficiency; it makes inefficiency the norm rather than the exception. The bill puts in place 35-day delays in holding elections after filing petitions. The bill includes no limit on how long the elections can be delayed.

□ 0920

In the case of workplace elections, delay is a critical issue. The intent of delaying an election is to give anti-union employers a chance to prevent workers from organizing. Despite Republicans' professed outrage over frivolous lawsuits and tort reform and many other areas, H.R. 3094 incentivizes a mountain of litigation for the sole purpose of stalling workplace elections. This creates a massive backlog of cases, including frivolous ones, all on the taxpayers' dime. Republicans don't seem to have a problem with trial lawyers as long as they're suing unions.

This bill even allows managers to stuff the ballot boxes of employer elections.

Now, Mr. Speaker, I'm sure many of us in this body here are following our State redistricting processes to see how various districts across the country are gerrymandered. What this bill would allow employers to do is effectively gerrymander what the negotiating unit is at the company. If there's a group of employees that's interested in forming a union, it would give the employer the ability to say, no, that's actually not a valid group; it needs to include this other group or this other group, and decide on what the electoral body is, what is the electorate, choosing their own electorate, as too many Members of Congress attempt to do through the redistricting process, choosing their electorate to try to rig the election against the workers.

This bill is just the latest assault on workers' rights and it's, again, typical of this do-nothing Congress. The Republicans have been fixated on attacking the National Labor Relations Board, the board that is in place to strike a balance between labor and employers by cutting the agency's funding, by holding up new appointments and, now, by reversing a rule on notice-posting to inform employees of their rights.

Mr. Speaker, the people are wise to see what's going on here in Congress. Every week we're in session, we see a parade of special interest bills paraded on the House floor, while taxes for middle class families risk going up because the Republicans believe that government knows how to spend their money better than the American people. The big energy companies have got numerous exemptions from the Clean Air and Clean Water Acts. The rest of us got pollution, asthma, and other illness.

Look, is it possible to create jobs by lowering standards? It is. If you want to remove workplace safety standards you can create jobs, unsafe jobs. If you want to reduce the minimum wage to \$2 an hour, you can create jobs, \$2-an-hour jobs.

Is that the America we want? Is that the America we want for our children and grandchildren? We can do better, and we must do better.

Why are we here? When will Americans get the jobs bill that we desperately need to the floor of the House of Representatives?

If you've got some ideas to create jobs, let's get them out, put them in front of us and discuss them. Let's start by preventing the payroll taxes from going up for middle class Americans.

It's obvious why this body has an approval rating that's actually lower than communism now, and even lower than President Nixon when he resigned. It's time for this Congress to get to work to provide solutions to help get this economy going, or it's going to be time to get a new Congress. I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, our colleagues across the aisle are constantly reminding the American people of what a great economy we had when President Clinton was President.

Why did we have such a great economy? Because 6 of the 8 years that he was President, we had a Republican-controlled Congress. The first 2 years of his administration was a disaster in this country, and then we had 6 years of the Republicans in control. They balanced the budget. They reduced spending.

And did we have a horrible economy? Did we have horrible workplace situations? No.

They want to lead you to believe that with Republicans in control and passing Republican bills that we'll somehow or another destroy this country. That is not going to happen. Under Republican control we have, generally, a booming economy, but not under Democrats.

I now would like to yield 3 minutes to my distinguished colleague from South Carolina (Mr. SCOTT).

Mr. SCOTT of South Carolina. Thank you, Dr. FOXX.

Mr. Speaker, I would like to submit for the RECORD the following email from Mr. Lafe Solomon, acting chief counsel of the NLRB.

The article gave me a new idea. You go to Geneva and I get a job with Airbus. We screwed up the US economy and now we can tackle Europe.

Mr. Speaker, I would say that there's no question that the NLRB is not under attack. Employees' freedom is under attack. The workplace fairness concept is under attack, but certainly not the NLRB.

There's no question that the NLRB was thought to be an impartial referee for our employers and our employees, but that has not been the case. They have been anything other than impartial. And their email trail will show that in just a few seconds.

But despite the fact that today we have 2 million more unemployed Americans, the NLRB continues to choose sides in the disputes, as opposed to being a referee. Their lack of judgment and common sense has been magnified, and it can be seen clearly in the email conversations within the Department of the NLRB.

Mr. Solomon apparently thought the following was funny, despite his current efforts which threatens more than 1,000 jobs in the great State of South Carolina and in my district in North Charleston. Emailing a colleague regarding criticism from a magazine article, this is what he said. I want you to hear this clearly. I'm going to say it slowly because we need to understand and appreciate that the NLRB has lost their marbles, without any question.

His quote: "The article gave me a new idea. You go to Geneva and I get a job with Airbus," Mr. Solomon said. "We screwed up the U.S. economy, and now we can tackle Europe."

Let me repeat that because this is the chief counsel at the NLRB stating very clearly his intentions and his lack of humor. "The article gave me a new idea," saying to one of his colleagues. "You go to Geneva. I'll get a job with Airbus. We screwed up the U.S. economy and now we can tackle Europe."

Only in an alternate universe is this funny or does it make any sense whatsoever. It is no secret that the NLRB's reckless actions have a direct impact on my district, without any question. But it is also no secret many on both sides of the aisle have recognized the danger of those actions.

Earlier this year the House passed my bill, H.R. 2587, which removes the ability from the NLRB to destroy jobs because, simply put, they cannot be trusted to do anything other than undermine the fragile recovery here in America. Unfortunately, Senator REID has done with my bill what he has done with the other 22 job-creating measures: nothing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman another minute.

Mr. SCOTT of South Carolina. Thank you, Dr. FOXX.

In an effort to appease the President and his union supporters, the NLRB has gone off the tracks and begun proposing harmful rules, left, right, up, down. It is ridiculous.

One of these rules is why we're here today, an effort to allow for quickie union elections. This rule, quite simply, puts the rights of all employees at risk. By allowing as little as 7 to 10 days for employees to decide whether they want to join a union or not, the NLRB is preventing many from having the time to do the necessary research and make a good decision on whether or not they join a union.

Currently, the average time is 35 to 40 days, a reasonable amount of time. This is a significant difference. Going from 35 to 40 days down to 7 to 10 days is ridiculous.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Ms. FOXX. I yield the gentleman another minute.

Mr. SCOTT of South Carolina. Thank you, Dr. FOXX.

The new rule also makes it impossible for anyone to challenge the bar-

gaining unit chosen by the union, dividing employees and raising employers' labor costs.

We stand here today with an opportunity. We can either allow the NLRB to continue to create bad policy and bad rules, or we can put America and the job creators back on the right track. The question could not be simpler, and the choice has been made easy because of the inability of the NLRB to do what they were chosen to do, which was to be the impartial referee on issues between employers and employees, and I find that challenging.

□ 0930

Mr. POLIS. Mr. Speaker, it is my honor to yield 5 minutes to the gentleman from California, the ranking member of the Education and Workforce Committee, Mr. MILLER.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Seventy-five years ago this Nation decided as a matter of right and a matter of law that the decision of whether or not workers wanted a union belonged to those workers, and this Congress passed the National Labor Relations Act to give workers this right and an election to decide.

Ever since that time, companies have fought to take away the right of the workers because they believe that the companies control all of the rights in the workplace. They believe that the workers should simply take and do as they say, and that's the end of the discussion. And this has been a battle throughout the economic history of this country since the passage of the National Labor Relations Act.

But the fact of the matter is that when workers decide they want an organization, they go out and they talk to their fellow workers, they form a union, and they have an election.

But what we now see is the companies constantly trying to insert themselves into that worker-controlled process by trying to disrupt the elections of those workers and trying to keep them from exercising their rights under the law. And this is the goal of this very antiworker, antifamily legislation. It would end the collective bargaining rights for working people in this country because it would so skew the process that you would never get to that election that workers are guaranteed under the law.

This is Wisconsin and Ohio all wrapped up into one. This goes across the Nation. What they can't do in the States where they don't control the governorship or the legislature, where they made the attempt right after the election to take away workers' rights at work, where they can't do that, they now seek to do in the Halls of Congress, to so change the process and to discriminate against the rights of workers so that, in fact, the process ceases to exist.

How do they do that? They do that by having endless delays. Why are endless delays important to employers? So that they can hire union-busting law firms to come in and intimidate and teach employers how to intimidate workers because, don't forget, the employer has the right from the moment they're served notice to have captive meetings in the workplace where they threaten the workers with the loss of jobs, where they threaten the workers with being fired, where they threaten the workers of sending work to China or elsewhere, where they threaten the workers that they won't get the promotion, where they change the workers' shift time from maybe day shift to graveyard shift and keep rotating them around to show them that they're in control and the workers have no rights. And if you can do it for 7 days, you have a chance. If you can do it for 10 days, you have a better chance. If you can do it for as many as 2,000 days that these law firms have kept the process open, you can kill the drive for a union. You can intimidate the workers.

How else do they do it? When workers decide among themselves that we want a unit within this company, within this factory to represent us, this bill now says that the employer can come in and rearrange the members of the unit that would have that election. They can stuff the ballot box. They can pick your candidates to stand for election. Doesn't sound very Democratic to me. But that's what they get to do under this bill that's proposed.

The workers no longer get to decide, as the law says they get to decide. The workers no longer get to decide, as the Supreme Court says they get to decide. The employer gets to decide. The arrogance of these people to suggest that they should pick the leaders of the workers, that they should pick the organization of the workers who have a right to organize.

So they get to delay the elections. They encourage and provide for and define the right to continue to file frivolous lawsuits so that this process never ends. You can bankrupt these workers if they try to run head-on-head with these big law firms that are specialized in this, that travel around the country to take away the rights at work.

What does this mean? This means underpinning the basic organization in the American workplace today that speaks on behalf of the middle class. This is from the organization that brought you the great American weekend. This is the organization that brought you the 8-hour day. This is the organization that brought you overtime pay if you work longer than 8 hours. This is the organization that brought you sick leave. This is the organization that brought women their rights at work. This is the organization that makes safe work places. This is the organization that provided, for the first time, pensions and retirement benefits for workers.

Any wonder why these corporations, why the Chamber of Commerce is so

set against this? Because they don't want to do this anymore. They want to ship the jobs to China. They want no minimum wage. They want a sub-minimum wage. They want no rights for workers. How will the American families survive that? They've already off-loaded all of the health care costs they possibly could.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. GEORGE MILLER of California. They've off-loaded all of the pension costs they possibly could on the backs of these workers.

We should not allow that to happen, not in this country, not in this Congress. We should not allow it to happen to American workers and to their families. We should defeat this very anti-family piece of legislation.

Ms. FOXX. Mr. Speaker, regular order.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I did yield an additional 30 seconds to the gentleman from California.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. GEORGE MILLER of California. As for regular order, I would like to remind the gentlewoman from North Carolina that when the vote came, there wasn't a single Republican vote back in the Clinton era. Not a single Republican vote. Once again, you balked when it came time to vote.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to the gentleman from Tennessee, Dr. ROE, a southern gentleman who understands the rules.

Mr. ROE of Tennessee. Dr. FOXX, I thank you for yielding.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill. Our country is in the middle of a jobs crisis, no question. Both sides understand that. The national unemployment rate has hovered around 9 percent for the longest time in my lifetime, and in Tennessee it's even higher, 9.8 percent. Millions of American families are struggling as we speak.

Amidst all of this uncertainty, the House, with bipartisan support, has passed 22 jobs bills. Right down this hallway here this week the U.S. Senate worked so hard they voted two times on two Federal judges. That's all the work that took place with 22, many of them bipartisan bills, passed, Mr. Speaker.

I think right now we've seen in this country, to hold up jobs, the delay of the Keystone pipeline, which would essentially, over time, provide us as much oil from Canada as we're getting from OPEC right now. 1.3 million barrels a day would essentially relieve us and help our national security and create thousands of jobs.

So why are we here today? What happens currently?

Mr. Speaker, I grew up in a union household. My father was a union worker at that time for the United Rubber Workers Union. He worked in a factory and he made shoe heels. And the union, we have a right in this country, employees have a right to organize and to vote in a union or not.

So what's happening right now? Well, currently in 2010, 92 percent of the initial union elections were held under a voluntary election agreement of when they had an election, 92 percent. Only 8 percent went to the NLRB election official, at which time then they had to sit down together—that's what happens—to agree on the rules of the election. And as the gentleman from South Carolina (Mr. SCOTT) pointed out, the NLRB is supposed to be a fair arbiter—like you're playing a basketball game and you go to someone's home gym; you expect the referees there to carry out a fair game for both sides—so that both sides have a chance to give their side of the story.

So in June of this year, what's happened? The NLRB issued a rule that would say that an employer has 7 days to find an attorney to present their side of the case. And remember, in this, just the description of this, there are over 400 pages of rules that you have to go through or information that the lawyer has to go through and has 7 days to get that done, and an employee would have just 10 days to decide whether they want a union or not. And they have that right.

Today, almost 70 percent of the elections held, the union wins. And what's the average time of the election? Thirty-one days. So that means if you want to vote on the 1st of October of 2011, the average time, by the end of that month, 70 percent, almost three out of four, would be picked, yes, we want a union.

□ 0940

So what happens after this, after these 10 days?

The second thing that the union wants is the amount of information that's required that an employee give up. What would that be? Well, that would be personal information, including your work schedule, your home address, phone numbers, etc. Right now, what we want and what this bill says is that the employees get to decide with regard to just their names and what other ways they want to get contacted. I think that's fair. I think that's right. Let the employees decide.

Mr. Speaker, also what my colleague from California spoke of is the bargaining unit. For over two decades, the NLRB has used a standard to define what a "bargaining unit" is. This is a new definition. We have done this for almost 30 years in this country, and we want this to change. As I understand the law, it's against the law for an employer right now—and it has been for over three decades—to threaten a worker.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional minute.

Mr. ROE of Tennessee. I thank the gentelady for yielding.

This bill would give the employer 14 days on a preelection hearing to find representation. It would allow the workers 35 days to get the information that they need to make an informed decision to vote in a secret ballot so that they can decide and so that the employer or the union cannot intimidate these workers. It would allow the employees, the workers—not the union—to decide what information they want to give up.

This is a commonsense bill. This just basically redefines what has been going on for over three decades. I respect the right of anyone to belong to a union if he wants to—as I said, I lived in a union household. Yet I believe this will allow both sides a free and fair way to decide whether they want to.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman from Colorado for yielding time.

Mr. Speaker, I played a little basketball in my day. I grew up on a schoolyard, and we chose teams. We didn't need referees, quite frankly, because we chose teams fairly. You don't need referees here either if you have the opportunity to pick the other team. You're the A team, but you get to say who you're going to play. You don't need referees in that kind of a game because you know the outcome. You know what the outcome is going to be.

That's what this legislation is about—trying to undo the fair playing field.

Now, I have heard that the job losses in this country are because of President Obama and the health care bill. I've heard that the job losses in this country are because of Speaker PELOSI and HARRY REID and all the bad legislation. I've heard they're because we have a Department of Education, and I've heard they're because we have a Department of Commerce, and I've heard they're because we have a Department of—oops, I'm sorry. I forgot. You got me—the NLRB.

Mr. Speaker, I rise today in strong opposition to this legislation. My colleagues on the other side of the aisle have a common refrain that they want to make the Federal Government more efficient, work better for the American people, and move obstacles to create a mantra that I am very much in favor of.

But this bill will do exactly the opposite.

In fact, repealing the NLRB's proposed rule will actually make government less efficient, more burdensome, and will introduce costly delays to a process that is already rife with abuse. I think the American people deserve to know why the GOP prioritizes this bill

and brings it to the floor for debate. The answer is pretty clear:

It's a thinly veiled—and a very thinly veiled—effort to make it all but impossible for American workers to organize in labor unions. That's it. It's an effort to place ideology over practicality. It has nothing to do with job creation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. CROWLEY. In over 300 days here on the floor, there has not been a single jobs bill offered by my Republican colleagues to put Americans back to work. Instead, once again, they've put on the floor a bill to hurt the American worker, the American family.

Have you no shame? Is there no end to this? Are there any other departments we can get rid of in these few remaining days of this session?

Put Americans back to work. Stop beating up on the fair players on this playing field. Put Americans back to work.

Ms. FOXX. Mr. Speaker, I would like to remind my colleague from New York, as well as remind all of my colleagues across the aisle, that Republicans have passed over 20 bills this session that would create jobs and have passed bills that would bring down the cost of gasoline. Those are the two things that my constituents are most concerned about. If my colleagues across the aisle are talking to their constituents or, more importantly, are listening to their constituents, they would know that's what their constituents are concerned about also. However, those bills are tied up in the Democrat-controlled Senate.

I now would like to yield 5 minutes to my distinguished colleague from South Carolina, who did such a wonderful job on C-SPAN this morning, Mr. GOWDY.

Mr. GOWDY. I want to thank the gentelady from North Carolina for her leadership on this issue and on so many other issues on the Education and Workforce Committee.

Mr. Speaker, when so many of our fellow citizens are hurting, when so many of our fellow citizens are looking for work, when so many of our fellow citizens are striving to meet their familial and societal obligations and when all they want is the most basic of all family values, which is a job—and as my friend TIM SCOTT, my friend and colleague from Charleston, so eloquently put it this morning—the NLRB thinks it's a joke, Mr. Speaker, a joke. They're making jokes about it.

Airbus is not just another plane manufacturer; they're a direct competitor to Boeing. Virtually everyone is familiar with the most glaring example of NLRB overreach, which is the complaint they filed against Boeing. Not a single example of job loss has been cited. Not a single worker has lost a single benefit in the State of Washington. Nevertheless, the NLRB sued Boeing. They seek to have Boeing

mothball the facility in north Charleston, displace 1,000 workers, and return the work to a union State.

That is exhibit A in NLRB's activist agenda, and I regret to say this: As a former prosecutor who actually values impartiality and fairness, Mr. Speaker, they have become a sycophant of Big Labor.

And while Boeing is exhibit A, it is by no means the only evidence of an activist, politically motivated agenda. 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. But unions want more, so they persuaded the NLRB to propose sweeping changes to the rules and regulations governing the election process, shifting the balance of power even further towards those employees seeking unionization.

By promoting rushed elections and ruling that elections can take place in as little as 10 days, Mr. Speaker, the NLRB severely limits the opportunity for workers to hear all sides of the 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 case before an NLRB hearing officer.

Education and Workforce Committee Chairman JOHN KLINE smartly introduced H.R. 3094, the Workforce Democracy and Fairness Act, to level the playing field. This legislation requires 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's reelection bid, which is a year off. Clearly, they believe they need the time, the 12 months, to inform their members, but somehow a week is enough for employers to inform their employees of all salient facts before an election.

The hypocrisy and blind advocacy towards Big Labor has to stop, Mr. Speaker. The purpose of the National Labor Relations Board is to enforce the National Labor Relations Act, and the purpose of the National Labor Relations Act is to balance the rights of employers, employees, and the general public. The act is not calculated to drive up union membership because they happen to be a loyal constituency of the Democrat Party.

□ 0950

Because the NLRB, through its filing of proposed rules and regulations, has lost all pretense of objectivity in labor issues, fair, evenhanded pieces of legislation, like Chairman KLINE's Workforce Democracy and Fairness Act, are necessary.

In conclusion, Mr. Speaker, I encourage my colleagues to help us protect

American jobs, to stand up for equal access to justice, and promote a level playing field. I encourage my colleagues to support the rule and support the underlying bill.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, when the sun rose over the country this morning, a lot of Americans got out of bed to go to a job that doesn't pay them enough to support their family. They're working part time to pay full-time bills. A lot of other Americans who have good jobs, good full-time jobs woke up this morning and worried if this was going to be the day they got their pink slip and got their layoff notice. And far too many Americans, at least 15 million of them, got up this morning and didn't have a job to go to.

Ninety percent of the people surveyed in a recent survey of this country said the American Dream is either dead or on life support. Because, see, the deal in the country has always been, if you work as hard as you can and do your fair share, then the country will give you the opportunity to move your family forward. People don't buy that anymore. They don't believe in it anymore.

And so what are we doing about it here this morning? We're having a debate about a bill that changes the rules for the way people decide whether or not to have a union in their workplace. This is an important consideration; it's a worthy consideration. I think the bill is a very bad one, but it's a credible debate to have. But it's the wrong debate to have.

Members of our caucus have gone out over the last month and have spoken to thousands of small business people, the real job creators in this country who create two out of every three jobs created in America; and here's what they've said: We're not hiring people largely because we don't have enough customers; and if we think we do have enough customers, we can't get loans from banks that we bailed out with our tax money.

That's what we ought to be discussing here today.

Now, the other side will say, no, no, these small business people aren't hiring because of their deathly fear of regulations. Well, here's what the Bureau of Labor Statistics says: When they interviewed employers who had laid people off in 2010 and said, Why did you lay people off, about 40 percent of those employers said, We laid people off because we don't have enough customers. Two-tenths of 1 percent said they laid people off because of regulation. That's what the facts are.

How do you get more customers for businesses? One idea would be to put construction workers back to work building schools and libraries and roads and bridges so they'd eat in the res-

taurants and buy in the stores. There's a bill pending before the House to do that, the President's jobs bill; but we're not voting on that today. We have something better to do. Another way would be to avoid a massive tax increase on the middle class of this country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield 1 additional minute to the gentleman from New Jersey.

Mr. ANDREWS. I thank my friend.

If we don't act by January 1, there will be a \$1,500 tax increase on every middle class family in this country. The President says we should postpone that tax increase so people have more money to spend, but we're not voting on that bill today. We have something more important to do.

How about the idea of a tax cut for small businesses that hire people? That's in the President's jobs bill. But we're not voting on that today because we have something more important to do. How about saying to teachers who have been laid off from the classroom, firefighters and police officers not on the job because of tax cuts in local government, how about saving their jobs so they can serve their communities and spend more in the stores and restaurants and on products in this country? That's in the President's jobs bill, but we're not voting on that because we have something more important to do.

There's a reason why 90 percent of the people of this country think the Congress is not doing a good job. It's because the Republican leadership of this Congress is voting on the wrong bill at the wrong time, and today's another sad chapter in that reality.

Ms. FOXX. I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this rule and to the underlying bill, H.R. 3094, the so-called Workforce Democracy and Fairness Act.

Since the start of the 112th Congress, a certain faction guiding the Republican majority has undertaken what amounts to a full-scale attack on America's working families and America's working class and against the bedrock principles that have helped create America's middle class.

This latest effort is more of the same. The so-called Workforce Democracy and Fairness Act is another piece of legislation that weakens the rights and protections that workers have fought long and hard to obtain.

Section 9(b) of the National Labor Relations Act gives employees the right to organize in "an appropriate unit," giving them choice on how best to bargain with their employer. And that's all this is about. When an employee group organizes, all it requires

is that they sit down across from their employees and bargain, talk to them about terms and conditions of employment and benefits.

What this bill would do is establish a one-size-fits-all approach to organizing, forcing together employees who have very little in common and making it much more difficult to organize. That's gerrymandering, basically, to protect employer interests, plain and simple.

But this bill doesn't stop at changing existing rules, however. This bill would overturn proposed rules that have not even been finalized by the National Labor Relations Board. The NLRB has proposed practical rules modernizing and streamlining the union election process. The proposed rules are a genuine improvement over the existing procedures and are designed to encourage the use of technology, discourage unnecessary litigation, and save taxpayer dollars.

Look, I was an ironworker for 18 years, a union ironworker. I am very proud of that fact. I was the union president. I also was involved in very many union organizing drives, not only for my own union but for the carpenters, stage hands, and wardrobe workers. And the National Labor Relations Act is actually set up to reduce the likelihood of unrest, of workforce disputes. It's really to help business and workers reduce that economic conflict. This bill will have the opposite effect. This bill will actually increase the likelihood of labor disputes.

And we have seen in this country a great disparity between the haves and the have-nots. This is going to make matters worse. Instead of putting people to work, this is going to cause strife and reduce the efficiency and productivity of America's workers. This is shameful.

All these union workers, this is the middle class in America. You are destroying the middle class in America. You are increasing that disparity between the haves and the have-nots. We've got to do better than this. The American people deserve it.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. I will inquire of the gentlelady if she has any additional speakers.

Ms. FOXX. We do not, and I am prepared to close, if the gentleman from Colorado is prepared.

Mr. POLIS. Very well.

I yield myself the balance of my time.

Mr. Speaker, the middle class of this country doesn't need a higher payroll tax, more dirty air, dirty water, fewer workers' rights; and they certainly don't need more partisan gridlock in this do-nothing Congress. Yet that is what is being offered here today.

The American people and the American economy need jobs, need optimism. Our Nation needs to know that we're working to ensure American competitiveness and access to hope and

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

□ 1000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

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

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 18, 2011.  
Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

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

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

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

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

That the Senate passed S. 99.

With best wishes, I am  
Sincerely,

KAREN L. HAAS.