

Isn't it time for this Congress to stop the senseless gun violence?

Mr. Speaker, let us vote.

□ 1240

AMERICA WORKS ACT

(Mr. SCHNEIDER asked and was given permission to address the House for 1 minute.)

Mr. SCHNEIDER. Mr. Speaker, this week, Mr. HOYER launched his Make It In America initiative to strengthen our manufacturing sector and spur job growth. American manufacturing has been a bright spot in our economic recovery, but too often I hear from my district that a lack of skilled workers is limiting their opportunities for growth. In Illinois' 10th District, we have nearly 700 manufacturing facilities employing over 98,000 people. These businesses, and our country, will remain globally competitive only if we continue to develop and train our workforce with the skills necessary for the highly technical work that 21st-century manufacturing requires.

That's precisely why I introduced the AMERICA Works Act. I'm proud to have it included in the Make It In America agenda. This commonsense legislation promotes collaboration between industry leaders, colleges, and job-training programs to prepare students and workers with the precise skills and jobs where talented people are most needed. AMERICA Works and the Make It In America agenda is the comprehensive approach we need to ensure success for American workers and manufacturers.

PROVIDING FOR CONSIDERATION OF H.R. 1120, PREVENTING GREATER UNCERTAINTY IN LABOR-MANAGEMENT RELATIONS ACT

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 146 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 146

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1120) to prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-6, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question

shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). 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 146 provides for a closed rule providing for consideration of H.R. 1120, the Preventing Greater Uncertainty in Labor-Management Relations Act. Although the Rules Committee solicited amendments last week, we received only two amendments, one Democrat and one Republican, neither of which was germane to the bill.

Mr. Speaker, my colleagues on the House Education and Workforce Committee and I have been hard at work conducting oversight and challenging the National Labor Relations Board on its anti-jobs agenda. In January 2012, President Obama made three so-called "recess appointments" to the National Labor Relations Board while Congress was not in recess, in violation of the Constitution. The U.S. Court of Appeals for the District of Columbia recently ruled these appointments were unconstitutional. This decision calls into question every action the Board has taken since these so-called recess appointments were made.

The bill before us today, H.R. 1120, would provide greater certainty for employers and unions by requiring the Board to cease all activity that requires a three-member quorum and prohibits the Board from enforcing any decision made since the appointments in question were made in January 2012.

It is important to note also what this bill does not do. It does not prohibit the National Labor Relations Board's regional offices from accepting and processing charges of unfair labor practices. The bill also allows the Board to resume activities if one of the three following conditions is met:

The U.S. Supreme Court rules on the constitutionality of recess appointments;

A quorum of the Board is confirmed by the Senate;

The expiration of the recess appointees' terms at the end of this year.

Finally, H.R. 1120 ensures any action approved by the so-called "recess appointees" is reviewed and approved by a future Board that has been constitutionally appointed.

As my colleagues across the aisle are sure to point out, the President has recently nominated three individuals for Senate confirmation, in addition to the two he nominated in February. The bill before us remains necessary as a commonsense pause button on the Board's activities while the legal uncertainty is resolved. It would give employers and unions the certainty they need to operate in the interim.

Mr. Speaker, I urge my colleagues to vote in favor of this rule and the underlying bill, and I reserve the balance of my time.

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

Mr. Speaker, I rise today in opposition to both the rule and the underlying bill. The bill is inaccurately named. In fact, quite to the contrary, the bill should be called the Creating Greater Uncertainty in Labor-Management Relations Act, throwing into question actions of this Board, decisions on both sides, as well as agreements that have been reached through the process in the interest of business, as well as working Americans.

Two weeks ago, Congress approved a continuing resolution on a bipartisan basis to prevent the Federal Government from closing. There were give-and-takes. There were things in it from both sides that weren't perfect. Nevertheless, the majority and minority in this House, the Republicans and Democrats, worked together in good faith, successfully, to prevent a government shutdown, consistent with what the American people wanted and consistent with any responsible stewardship of the public trust.

After achieving that, I was initially optimistic that when the House reconvened this week, we might be able to build on the spirit of compromise, perhaps tackling the difficult issue of fixing our broken immigration system and replacing it with one that works, that restores the rule of law, perhaps dealing with some of the gun safety issues that are being debated across society, perhaps dealing with tax reform and bringing down our rates and broadening the base, perhaps dealing with finally battling our budget deficit.

But, instead, here we are back in Congress, picking up where we were before we worked together on the continuing resolution, passing pointless bills for presumably political reasons—bills that have no sign of passage in the Senate, bills that have a direct veto threat from the President of the United States, which is in his Statement of Administration Policy which I entered into the RECORD last night in the Rules Committee, and just as importantly, a bill that has no positive impact on the

most important issue facing our country today—job creation and economic growth.

Mr. Speaker, this bill is an attack on American workers; this bill is an attack on American businesses. Pure and simple, H.R. 1120 would effectively shut down the National Labor Relations Board, invalidate all 569 decisions that the NLRB made between January 12 and March of this year.

My colleagues claim this is a response to the D.C. Circuit Court decision. But when have we ever enshrined an intermediate court decision into statute? It makes absolutely no sense. This court decision found that nearly all recess appointments are invalid; but the reality is the decision of the D.C. Circuit conflicts entirely with judicial precedent and past practice.

President Reagan made 232 recess appointments. George H.W. Bush made 78. George W. Bush made 171. So far, President Obama has made 32—far fewer than his predecessors. In fact, every President since Reagan has appointed a member of the NLRB through a recess appointment.

In the absence of legislative action, any responsible Chief Executive takes the prerogative to make our laws and system of government work. If this body fails to pass immigration reform, the President might build upon the deferred action program and try to do what he can for detention reform. We need to change the laws. But failing that, what can a President do besides try to make those laws work?

□ 1250

In the absence of taking up ESEA reauthorization, in the absence of replacing No Child Left Behind with a Federal education law that gets accountability right and expands and replicates what works in public education and improves what isn't working, in the absence of doing that, the President and Secretary Duncan have taken the prerogative to grant waivers for States on a statutory framework that we know is insufficient and doesn't work.

So, again, it's no surprise that, in the absence of taking up nominees, the President used his recess appointment power to make sure that the important functions of government could continue.

When have we ever, as a House, responded directly to intermediate circuit court decisions by instantly making them statutes? Look, the majority of this House of Representatives wasn't so confident in the D.C. Circuit when it said that ObamaCare was constitutional. We didn't see bills instantly to say ObamaCare is constitutional because the D.C. District Court said it was constitutional. What about when the D.C. District Court upheld the constitutionality of civil unions in Washington, D.C.? Was there a bill from my colleagues on the other side to instantly say that civil unions are constitutional?

Look, this is in process through the judicial branch of government. We need to wait until the Supreme Court has decided if they will even rule in this case before we decide what to do on a statutory basis.

The executive branch needs to make the mechanisms of government work to the best of their ability. The legislative branch makes the laws. The judicial branch determines if either of the other two branches impugn the rights of one another or of the American people. It is a system that has served us well since our founding, and it's one that this bill flies in the face of.

Again, despite this bill's title, "Preventing Greater Uncertainty in Labor-Management Relationships," it actually achieves the exact opposite—creates greater uncertainty in labor-management relationships. It throws judicial precedent and nearly 600 NLRB rulings into limbo.

American businesses would be severely harmed if this bill were to become law, which, of course, there is no chance of. It won't be taken up by the Senate. The President would veto it.

But were it to become law, like many other political measures that have been pursued in this body, it would generate regulatory uncertainty that would hang over business, hurting their valuations, preventing hiring of new employees, hurting the public marketplace, impacting entrepreneurs, employers, and workers to the detriment of our economy, destroying jobs in this country. Without a forum in which to mediate disagreements, labor and management, alike, have no recourse to iron out their differences and less incentive to iron out their differences. Passage of this bill could cause more strikes from workers, damaging businesses and hurting workers.

The underlying bill could very well be named the "Strike Promotion Act." Instead of allowing Members and encouraging both sides of labor-management disputes to offer improvements and find common ground, quite the contrary, it destroys the very incentives that they have to reach agreement.

Mr. Speaker, it's too bad that the NLRB has become such a political punching bag, because I and many of my colleagues would certainly enjoy the opportunity to debate common-sense proposals to improve the relationship between employers and employees. If we want to have a debate about the NLRB, let us have that debate directly, not through some imposition into judicial prerogative. Let's bring in representatives from businesses and labor organizations. Let's hear from workers and businesses across America.

Look, if there's improvements to be made to the process that can lead to quicker response times, that can lead to fairer adjudication, if there's improvements that American businesses and American workers can agree on to make the process work better for eco-

nomie growth and prosperity, let's do it. This bill does none of that. It leads to more strikes, leads to greater economic uncertainty, leads to destruction of jobs, leads to an interruption in the ability of a Chief Executive of this country—whomever he or she may be—from implementing the law to the best of their ability; and it's a bill that is, frankly, a waste of our time to even debate here on the floor of the House since we know that it has no chance of passage.

This bill is purely put before us for political intentions to perhaps satisfy some fringe element somewhere that likes this bill and likes to bash the rights of workers. But there's a lot of important work to be done, work that is too important for us to waste our time on this form of political posturing, which only stands to destroy jobs, hurt the economy, and create greater uncertainty, damaging American businesses and American workers.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, we need jobs in this country. There are nearly 12 million Americans unemployed and anxious to find work.

President Obama and the Senate Democrats' policies of higher taxes, record spending, and bigger government have failed to create jobs or boost economic growth. Put simply, this economy is growing too slowly to replace the millions of jobs lost. The failure of the President's runaway spending, deficits, and debt is being felt by every family struggling to put food on the table and pay their mortgages.

The March 2013 labor force participation rate is the lowest since 1979, and the 1-month increase in March 2013 of 663,000 new people not in the labor force is the largest increase ever recorded for the month of March since this data started being collected in 1975. If these individuals "not in the workforce" were counted in the official unemployment rate, that rate would increase to 11.2 percent.

Additionally, there are 47.3 million Americans receiving food stamps, which is equivalent to 15 percent of the population and represents, by far, the largest number in history. This number stands in stark contrast to when President Obama took office and there were only 31.9 million Americans using food stamps. Today, nearly one in seven Americans is on food stamps. What a sad commentary about our country.

All these statistics ultimately say the same thing: everyday Americans will keep struggling until our economy turns around. Fortunately for the American people, House Republicans have a plan for helping to restore economic growth and create jobs throughout the country.

The liberal elite simply cannot understand that more spending does not mean more jobs. Reckless deficit spending, mounting debt, growing red tape, higher taxes, a confusing Tax Code, higher energy prices, and rampant uncertainty all have job creators playing defense.

Campaigning for another failed stimulus and more job-destroying taxes, President Obama has repeatedly and falsely asserted that “Congress isn’t willing to move” legislation to facilitate job growth.

While the President plays politics, House Republicans have been working and approving legislation to promote economic growth and job creation. The Republican plan for growth tears down barriers to job creation because jobs are priority number one.

As part of this plan, we are working diligently to cut job-killing red tape that costs small businesses \$10,585 per employee each year; reduce gas prices; create jobs by producing more American energy, which is important since every penny increased per gallon of gas costs consumers \$4 million per day; simplify the job-killing Tax Code that cost Americans \$168 billion in 2010 just to comply with it; prevent job-killing tax hikes on small businesses; reduce uncertainty by tackling the debt crisis with responsible spending cuts; and the Republican plan will get Washington out of the way and put American job creators back on the offense.

Growing jobs and eliminating the deficit go hand in hand. To balance the budget, we need both spending cuts and real economic growth.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Well, it sounds like I agree with the gentlelady on many of our national priorities. For goodness sake, let’s reform the Tax Code; let’s bring down rates. Gas prices, my constituents are complaining about them; let’s take action. Preventing tax increases, balancing the budget, making sure that we have a business climate that’s friendly for small businesses, why aren’t we talking about any of that on the floor of the House today instead of enshrining a D.C. District Court decision into statute, to the detriment of job creation, to the detriment of American business, against many of those great concepts that my colleague, Dr. FOXX, espoused?

So, I mean, I think there’s got to be a connection here. I think the American people are smart enough to make it. It’s great to pay lip service to all these wonderful things that Democrats and Republicans want to pursue, but what are we doing with our legislative time that taxpayers pay for here in the House? We’re trying to prevent the President from implementing the law that Congress has made.

With that, Mr. Speaker, I’d like to 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. I thank my friend for yielding.

In the summer of 2011, as the country continued to see rising deficits, Members of the Congress knew that they had to do something about that in connection with the extension of what we

call the debt ceiling, which lets the country borrow money to pay its bills.

□ 1300

As a part of that agreement, a large number of people from both parties voted for something that hasn’t turned out very well, and it’s called sequestration. This is not something that’s just a word that gets tossed around in this Chamber and has political consequences; it is having a real and negative impact on the country.

I just came from a hearing of the Armed Services Committee where the chairman of the Joint Chiefs of Staff and the Secretary of Defense told us that nine battle groups and three bomber groups of our Air Force and our Navy planes have been grounded. About one-third of the Nation’s air capacity isn’t flying.

Across the country today, people who are on Medicare who need chemotherapy treatments from their doctors’ offices are finding that many doctors are declining to do chemotherapy treatments for cancer patients because of the cuts that take place in sequestration.

I met earlier this week with employees of the Naval Sea Systems engineering command in Philadelphia, whom I represent. They are looking at a 20 percent pay cut because of furloughs. These are real problems that are affecting real people. The House is opting to do nothing about this—nothing.

The economists have told us that these ill-advised sequestration cuts will cost the economy 750,000 jobs this year. Mr. VAN HOLLEN, my friend from Maryland, has a bill, and that bill says that we should save an amount of money equal to what the sequestration is allegedly saving and not have these cuts in cancer care and not have a third of our air power grounded and not have Federal employees take a 20 percent pay cut.

Mr. VAN HOLLEN proposes that we cut subsidies to huge oil companies, that we cut subsidies to huge agribusinesses, and we have people who make more than \$1 million a year in income pay a slightly higher tax rate. I understand, ladies and gentlemen of the House, that some would agree with that proposal and others would disagree with that proposal. That’s democracy.

We’re not even taking a vote on that proposal because the majority Republican leadership has refused to put on this floor any piece of legislation that would stop this harm to the country. I know they’ll say it’s the President’s fault or it’s the Senate’s fault or it’s whoever.

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

Mr. POLIS. I yield the gentleman an additional minute.

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, I know that there will be lots of back and forth about whose fault it was that we got into this posi-

tion. It’s everyone’s fault. There are people on both sides of the aisle that made a bad judgment on this. I’m one of them. But now we have a responsibility to fix it; and if the majority has an idea as to how we could fix the sequester problem, bring it to the floor.

Since the new Congress took office on January 3 of this year, there has not been one hearing, not one markup, not one bill, not one vote on fixing this problem that threatens the jobs of 750,000 Americans. Rather than this metaphysical legal debate we’re about to have about the National Labor Relations Board, why don’t we put on the House floor legislation that would create jobs in this country, postpone the sequester, and deal with the problems that we talked about here today. The House is in session, but it’s missing in action when it comes to addressing the real problems of the American people.

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

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

If we defeat the previous question, I will offer an amendment to this rule that will allow the House to hold a vote on the Paycheck Fairness Act. Here we are in 2013—2013—and yet women make 77 cents for every dollar made by a man for equal work. Equal pay is not just a problem for women, but for all American families who work hard to pay their bills. It’s high time that this body took up the Paycheck Fairness Act, which we will do if we defeat the previous question.

To discuss our proposal, I would like to yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the previous question. Defeat of the previous question will allow the gentleman from Colorado to amend the rule to provide for consideration of the Paycheck Fairness Act, an act that addresses the persistent problem of unequal pay in our economy.

It has now been 50 years since Congress passed the Equal Pay Act to confront the “serious and endemic” problem of unequal wages in America. President John F. Kennedy signed that bill into law to end “the unconscionable practice of paying female employees less wages than male employees for the same job.”

But that practice persists today. Today, even though women are now half of the Nation’s workforce, they are still only being paid 77 cents on the dollar as compared to men. This holds true across occupations and education levels. Don’t let anyone fool you or tell you that if you hold constant for education and other areas that, in fact, there is no wage gap; it is just not true. A simple piece of legislation that says: men and women—same job, same pay. Those of us who serve in the Congress, men and women, all parts of the country, different education skills, different skill sets in general, we get paid the same amount of money. It’s true in the military as well.

This week, we once again recognize Equal Pay Day, the day in 2013 when a woman's earnings for 2012 catch up to what a man made last year. Unequal pay not only affects women; it affects families all across the country who are trying to pay their bills, trying to achieve the American Dream, and are getting less take-home pay than they deserve for their hard work.

Everyone here agrees that women should be paid the same as men for the same work. That is what paycheck fairness is all about—same job, same pay.

It is why President Obama called for passage of the Paycheck Fairness Act in the State of the Union address in January.

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

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

Ms. DELAURO. Because it is time for us to come together and take the next steps to stop pay discrimination—by putting an end to pay secrecy, strengthening workers' ability to challenge discrimination, and bringing equal pay law into line with other civil rights laws.

I urge my colleagues to defeat the previous question, support the Paycheck Fairness Act and unequal pay for good. Fifty years after the Equal Pay Act, it is finally time to give women the tools they need to ensure that they are paid what they deserve for the same day's work. What are we waiting for in this body?

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

This is a typical liberal habit: do as I say, not as I do.

I think, Mr. Speaker, that our colleague from Connecticut should direct her comments to the White House. There is absolutely nothing to stop the White House from correcting the egregious pay differentials that exist there among the most liberal group in the country.

With that, I reserve the balance of my time.

Mr. POLIS. Before further yielding, I am going to yield 30 seconds to the gentlelady from Connecticut to respond.

Ms. DELAURO. Mr. Speaker, I would tell my colleague that, in fact, this body, under different leadership than this current majority, passed the paycheck fairness bill twice. It has to be done through the Congress; we have the ability to do it. I would suggest to my colleagues, who on the other side of the aisle would like to talk about pay equity for women, that they sign the discharge petition. We have 200 Members who are aboard. Let's get this bill out of the committee, onto the floor, vote for it as we did in the past, and send it to the Senate so that it could be passed there as well.

I thank the gentleman for yielding.

Mr. POLIS. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Maryland (Mr. DELANEY).

□ 1310

Mr. DELANEY. I appreciate my good friend from Colorado yielding me this time.

Mr. Speaker, I also rise in support of the Paycheck Fairness Act.

Last year, 58 percent of the college graduates in this country were women. Right now in this country, over 50 percent of the individuals that have college degrees are women, and last year in corporate America, 53 percent of new hires for positions that required a college degree were given to women. This reflects broad, gender-based parity with respect to universities and with respect to entry-level positions in corporate America.

However, Mr. Speaker, when we look at what's going on with respect to advancement—in other words, women's ability to climb or ascend the corporate ladder—we see a very different story emerging. Even though 50 percent of the workers with college degrees in corporate America are women, when it came to promotions for managers, only 37 percent of those went to women. When it came to promotions for vice presidents, only 25 percent went to women. And when it came to promotions towards the executive committee level or the C-suite, if you will, only 15 percent went to women. This reflects a significant talent drain that occurs with respect to women as they advance in corporate America.

Mr. Speaker, this is a very significant problem for this country and for every American. It's a problem if you care about our economy. To have a productive and growth-oriented economy, we need diversity, diversity of ideas, and we cannot have that unless women are represented in policymaking decisions of corporations.

This is a problem, Mr. Speaker, if we care about competitiveness because we cannot have a competitive economy if we make decisions based on gender and not based on merit.

This is a problem, Mr. Speaker, if you care about working families. More than 50 percent of the breadwinners in this country are women. If they don't have the same access that men do, it not only affects them, but it affects their children.

Mr. Speaker, this is a problem if we care about women, if we care about young women in particular and our daughters. And as a father of four daughters, I care very deeply about making sure my daughters have a view that they have equality of opportunity regardless of whatever career they choose.

We have to change the mindset of institutions, the mindset of individuals, and this legislation helps do that.

Ms. FOXX. Mr. Speaker, I'd like to reiterate again—and my colleague from Connecticut has left—that there is absolutely nothing that would prevent the White House from giving equal pay to people in jobs there. We don't need new legislation to do that. It's certainly possible for the White

House to do it now. And that is one of the most egregious situations of differential pay that exists in the country right now.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

I would respond to the gentlelady that most women in this country don't work for the White House. Most women in this country work for private sector employers, public sector employers, and others.

We care about all women. We want to ensure paycheck fairness—same work, same pay. But somehow addressing this among a handful of women in the White House hardly addresses the real needs of American families, where women across our country in Colorado, in California, North Carolina, and Texas are earning 77 cents on the dollar.

It's unfair. And as my colleague Mr. DELANEY pointed out, it doesn't enhance American economic competitiveness. It hurts us as a country to have pay based on bias rather than merit. It's simply the wrong way to go.

President Obama needs this body to act and pass the Paycheck Fairness Act for us to be able to make sure that pay discrimination cannot endure in this country.

With that, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, I thank my colleagues and friends who are managing this legislation.

We are in the Judiciary Committee passing something called the REINS Act because our friends on the other side of the aisle don't believe that the President is omnipotent.

Frankly, as my good friend from Colorado said, the President doesn't control the bus drivers and school aides and nurses aides and doesn't control the secretaries and doesn't control the construction workers who happen to be women. They don't control those individuals. Oh, and let's not forget the office workers who happen to be women.

Many of my constituents who get up every morning—I saw one young woman, Mr. POLIS, get on a city bus, drop her child off at the school, really do a marathon dash to the school in order for the bus to make a U-turn around—not a school bus, a city bus—to get on that bus to track all the way across to get to her job. I can assure you that she is not getting probably equal pay for equal work because that is the dilemma that we have.

So I support ordering the previous question and voting "no" so that we can move forward and do the right thing.

And that just compounds my reason for coming to oppose this rule on the Preventing Greater Uncertainty in Labor-Management Relations Act because it is, in essence, a complete opposite. I would call it something else, but

I'm going to restrain myself. H.R. 1120 is ridiculous.

In actuality, my friends, what it does is put a spear through the relationships that corporate and workers are able to have before the NLRB. The President has just finished appointing Republicans and Democrats—three Democrats and two Republicans—to do the work that brings businesses together for a fair assessment of their issue with working people.

Many resolutions of issues dealing with fair pay, dealing with working conditions are done at the NLRB.

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

Mr. POLIS. I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. I thank the gentleman.

Do you know what this bill does? It puts a knife in the process that has been used by President Bush 140 times—recess appointments—to keep the work of the American people going forward. How backwards is that?

I love my friends, but we need to put on the floor sensible gun legislation, we need to be talking about immigration reform. But to talk about blocking the NLRB from work when President Bush used the same process. And the fact that a court ordered something—300 other opinions said the recess appointments are legitimate.

I ask my colleagues to vote down the rule, vote down the bill, stand with your working friends in America, stand with our unions, stand with making America great, and stand with peace and reconciliation by a working NLRB.

Mr. Speaker, I rise to oppose this rule, and the underlying bill, H.R. 1120, the "Preventing Greater Uncertainty in Labor-Management Relations Act."

This bill effectively prevents American employees from seeking remedies when their rights under the National Labor Relations Act, or NLRA, are violated.

The NLRA guarantees American workers in the private sector the right to act collectively to improve the conditions of their workplace. This applies for formal meetings with supervisors, as well as to employees who gather in the break room to discuss a new company policy or compare their paychecks. It also protects workers when they act together to protest working conditions, such as leaving the building because the employer refuses to turn on the heat. Recently, these laws protected employees who discussed their salaries with each other on facebook. You don't need to be part of a union to be protected by these laws.

Under the NLRA, employees can go to the National Labor Relations Board, or NLRB, with these grievances.

The NLRB is also charged with conducting elections for labor union representation and with investigating and remedying unfair labor practices involving unions.

Recently, the D.C. Circuit, one of our federal appellate courts, ruled that the National Labor Relations Board, or NLRB, cannot carry out its congressionally delegated duties of enforcing the NLRA because it deemed President Obama's appointments to the Board invalid.

The entire decision hinged on a controversial interpretation of the word "the" in our Constitution. Article II states that "The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate." The court decided that this clause of our Constitution refers to some recesses, but not others. Many other federal courts have disagreed with this stretched reading of our Constitution, and in areas of the U.S. covered by these courts, the D.C. Circuit decision does not apply.

While we eagerly await the Supreme Court's verdict on the meaning of the word "the," the NLRB is still allowed to continue carrying out its statutory duties under the NLRA, and American workers still retain their rights under the NLRA.

That is why I am opposing. This bill merely eliminates the rights of American workers in places outside the D.C. Circuit to seek a remedy when their employer violates our National Labor Relations Act. Without a remedy, rights are meaningless. Depriving employees of this remedy during these difficult economic times is merely a stab in the back to hard working Americans across the country. This Congress should not take actions that undermine American employees and working families.

The argument that an active NLRB produces economic uncertainty is unfounded. America has prospered since the creation of the NLRB. Other countries that have much stronger laws protecting worker rights and are much more heavily unionized, such as Australia, Canada, Germany, and the Netherlands, are doing better or at least as well as the United States in this economic downturn. H.R. 1120 merely seeks to add more uncertainty and create fewer rights for American workers during these tough economic times.

Mr. Speaker, I oppose this rule, and the underlying bill. Congress should not remove the ability for employees to seek redress for workplace wrongs. Instead, we need to stand up for our employees and working families.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I want to respond again to my colleague from Colorado in his saying that we have to pass a bill on pay equity to get the President to do the right thing. That just seems incomprehensible to me.

I think the President should be our leader in this country and should practice what he preaches, and so should our colleagues across the aisle. I think that the White House could show itself as a model for the rest of the country by paying the women in the White House the same as the men are being paid. I find it interesting that our colleagues have simply ignored what is happening in the White House and call for a bill to be passed to make the President do what is the right thing. In the past, our country and the people in our country have looked to our President to be a role model for us.

With that, Mr. Speaker, I reserve the balance of my time, and I would ask the gentleman if he is ready to close.

Mr. POLIS. Mr. Speaker, I have one remaining speaker.

I happen to have a gentlelady currently working for the Rules Committee sitting next to me here and

helping with our research on this bill, and she informs me she used to work for the White House. She's a female. She tells me she was paid the exact same amount as her male colleagues.

With that, I'd like to yield 2 minutes to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank Congressmen Polis, a leader on these issues, for yielding me time.

I rise, Mr. Speaker, in opposition to the rule and the underlying bill, which would prevent the National Labor Relations Board from doing its job.

The NLRB is tasked with protecting employees' rights to organize by helping employees determine whether they want a union to represent their interests or not.

Nations with bargaining rights have middle classes; those that don't have bargaining rights don't have middle classes.

The NLRB also investigates charges of unfair labor practices from both employees and employers, facilitates settlements rather than expensive lengthy litigation, and enforces rules by administrative law judges that provide orderly procedures to prevent the disruption of the flow of commerce due to a labor dispute.

This bill before us is just another partisan ploy to undermine union workers and continues the Republican war against the middle class.

First we had the Ryan budget, which would put the burden of paying for two wars and tax cuts for the wealthy on the backs of seniors and our middle class families. Now we have a bill that would result in violations of worker rights going unpunished, union elections not being certified, and that would end recourse for workers who are wrongfully terminated.

Instead of letting the courts do their job, Republicans want to take a Big Government action by preempting any decision from a higher court.

□ 1320

This bill ignores the fact that Republicans in the Senate would not allow for a vote on any of the President's nominees, and said publicly that they just wanted to make the NLRB inoperative.

It is ironic that when President Obama follows the path as President Reagan and President Bush did, that of appointing individuals to carry out the work of our government, the Republican House proposes a bill to completely undermine an independent Federal agency.

Finally, studies show that the world's best performing economies and strongest middle classes have high union density and a high level of cooperation between labor and management. If Republicans care about creating jobs and strengthening our economy, then why are they considering a bill that would take away a forum for employers and unions to work out their differences?

Mr. Speaker, I urge my colleagues to join me in opposing this rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I assume the gentleman is ready to close, so I reserve the balance of my time.

Mr. POLIS. I am ready to close, and I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 4 minutes.

Mr. POLIS. Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. POLIS. Mr. Speaker, rather than addressing a number of issues that my colleagues have talked about here today, whether that issue is gas prices, whether it's equal pay for women, whether that's equal pay in the White House or equal pay for Main Street America, that's something that's important to American families. Whether it's balancing our budget, whether it's keeping taxes low and making sure that American businesses can go and create jobs, none of those things are being talked about here today. Instead, we are bringing forward a bill that would be a bureaucratic nightmare, all without protecting a single American worker and without protecting a single American business.

This bill was reported out of the Education and the Workforce Committee, on which I serve, without a single Democratic vote, and it is being rushed to the floor for consideration at a time when we face record deficits, record gas prices, have a crisis for which we need to create jobs; yet here we are, debating a bill that will go nowhere, and if it did, it would destroy jobs in our country.

I'd love to see us spending more time balancing the budget and in training and educating our workforce—preparing kids for the jobs of the future. We have limited floor time here in Washington. Every moment that we have is sponsored by the taxpayers of this great country. We owe it to those who elect us and those who pay for this body to be open as they pay for the very cameras which allow Americans to watch us here today. We owe it to them to invest the limited time we have here wisely, on critical issues of national importance, including making sure that women across our country are paid the same amount for equal work.

If we are going to have a discussion of the NLRB, let's at least do it in a serious way rather than trying to enshrine a D.C. District Court decision into law. Let's bring businesses and workers together and have serious discussion; involve Senate Republicans, involve Senate Democrats, involve the

administration to come up with a better framework for ensuring that labor and management can work together to promote American competitiveness, to grow jobs and to grow the middle class.

That's not what today's process is about, but these are just a few of the ways we could improve the broken process. Unfortunately, again, it seems like the Republicans have chosen none of the above.

I urge a "no" vote on the rule and on the bill, and I urge my colleagues to vote "no" and defeat the previous question.

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

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time.

In closing, Mr. Speaker, House Republicans are committed to upholding the Constitution and providing certainty for employers, employees, and unions. The rule before us today provides for the consideration of a bill that ensures that certainty by pressing "pause" on the National Labor Relations Board's activities until the legal uncertainty is resolved.

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

Mr. CHABOT. Mr. Speaker, research released this week from the National Federation of Independent Business indicates that more small businesses are decreasing their number of employees than increasing. On top of that, the net percent of owners planning to hire new employees fell last month to zero percent.

Some of this unfortunate news can be attributed to the legal chaos created by the Administration's recess appointments to the National Labor Relations Board, NLRB—appointments that a U.S. Court of Appeals rendered unconstitutional. Despite this ruling, the NLRB continues to issue job-crushing edicts.

Unfortunately, this confusion is only creating more costly litigation—not jobs.

The Preventing Greater Uncertainty in Labor-Management Relations Act, H.R. 1120, will resolve this confusion by preventing the NLRB from implementing, administering, or enforcing any new decisions, until a duly appointed and confirmed board can be organized.

I am proud to support this legislation on behalf of businesses through Southwest Ohio, and I hope the Senate will act quickly on it in order to provide some certainty for employees and employers.

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

AN AMENDMENT TO H. RES. 146 OFFERED BY
MR. POLIS OF COLORADO

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

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, 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. 377) To amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes. 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. All points of order against provisions in the bill 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. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the H.R. 377 as specified in section 2 of this resolution.

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 Democratic minority 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."

The Republican majority may 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.

Ms. FOXX. 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 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 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 146, if ordered, and approving the Journal.

The vote was taken by electronic device, and there were—yeas 226, nays 192, not voting 13, as follows:

[Roll No. 97]

YEAS—226

Aderholt	Crenshaw	Hanna
Alexander	Culberson	Harper
Amash	Daines	Harris
Amodei	Davis, Rodney	Hartzler
Bachmann	Denham	Hastings (WA)
Bachus	Dent	Heck (NV)
Barletta	DeSantis	Hensarling
Barr	DesJarlais	Herrera Beutler
Benishek	Diaz-Balart	Holding
Bentivolio	Duffy	Hudson
Bilirakis	Duncan (SC)	Huizenga (MI)
Bishop (UT)	Duncan (TN)	Hultgren
Black	Ellmers	Hunter
Blackburn	Farenthold	Hurt
Bonner	Fincher	Issa
Boustany	Fitzpatrick	Jenkins
Brady (TX)	Fleischmann	Johnson (OH)
Bridenstine	Fleming	Johnson, Sam
Brooks (AL)	Flores	Jones
Brooks (IN)	Forbes	Jordan
Broun (GA)	Fortenberry	Joyce
Buchanan	Fox	Kelly (PA)
Bucshon	Franks (AZ)	King (IA)
Burgess	Frelinghuysen	King (NY)
Calvert	Gardner	Kingston
Camp	Garrett	Kinzinger (IL)
Campbell	Gerlach	Kline
Cantor	Gibbs	Labrador
Capito	Gibson	LaMalfa
Carter	Gingrey (GA)	Lamborn
Cassidy	Gohmert	Lance
Chabot	Goodlatte	Lankford
Chaffetz	Gosar	Latham
Coble	Gowdy	Latta
Coffman	Granger	LoBiondo
Cole	Graves (GA)	Long
Collins (GA)	Graves (MO)	Lucas
Conaway	Griffin (AR)	Luetkemeyer
Cook	Griffith (VA)	Lummis
Cotton	Grimm	Marchant
Cramer	Guthrie	Marino
Crawford	Hall	Massie

McCarthy (CA)	Radel	Smith (TX)
McCaul	Reed	Southerland
McClintock	Reichert	Stewart
McHenry	Renacci	Stivers
McKeon	Ribble	Stockman
McKinley	Rice (SC)	Stutzman
McMorris	Rigell	Terry
Rodgers	Roby	Thompson (PA)
Meadows	Roe (TN)	Thornberry
Meehan	Rogers (AL)	Tiberi
Messer	Rogers (KY)	Tipton
Mica	Rogers (MI)	Turner
Miller (FL)	Rohrabacher	Upton
Miller (MI)	Rokita	Valadao
Miller, Gary	Rooney	Wagner
Mullin	Ros-Lehtinen	Walberg
Mulvaney	Roskam	Walden
Murphy (PA)	Ross	Walorski
Neugebauer	Rothfus	Weber (TX)
Noem	Royce	Webster (FL)
Nugent	Runyan	Wenstrup
Nunes	Ryan (WI)	Westmoreland
Nunnelee	Salmon	Whitfield
Olson	Scalise	Williams
Palazzo	Schock	Wilson (SC)
Paulsen	Schweikert	Wittman
Pearce	Scott, Austin	Wolf
Perry	Sensenbrenner	Womack
Petri	Sessions	Woodall
Pittenger	Shimkus	Yoder
Pitts	Shuster	Yoho
Poe (TX)	Simpson	Young (AK)
Posey	Smith (NE)	Young (IN)
Price (GA)	Smith (NJ)	

NAYS—192

Andrews	Grayson	Nadler
Barber	Green, Al	Napolitano
Barrow (GA)	Green, Gene	Neal
Bass	Grijalva	Negrete McLeod
Beatty	Gutierrez	Nolan
Becerra	Hahn	O'Rourke
Bera (CA)	Hanabusa	Owens
Bishop (GA)	Heck (WA)	Pallone
Bishop (NY)	Higgins	Pascarella
Bonamici	Himes	Pastor (AZ)
Brady (PA)	Hinojosa	Payne
Brown (FL)	Holt	Pelosi
Brownley (CA)	Honda	Perlmutter
Bustos	Horsford	Peters (CA)
Butterfield	Hoyer	Peters (MI)
Capps	Huffman	Peterson
Capuano	Israel	Pingree (ME)
Cárdenas	Jackson Lee	Pocan
Carney	Jeffries	Polis
Carson (IN)	Johnson (GA)	Price (NC)
Cartwright	Johnson, E. B.	Quigley
Castro (TX)	Kaptur	Rahall
Chu	Keating	Rangel
Cicilline	Kennedy	Richmond
Clarke	Kildee	Roybal-Allard
Clay	Kilmer	Ruiz
Cleaver	Kind	Ruppersberger
Clyburn	Kirkpatrick	Rush
Cohen	Kuster	Ryan (OH)
Connolly	Langevin	Sánchez, Linda T.
Conyers	Larsen (WA)	Sanchez, Loretta
Cooper	Larson (CT)	Sarbanes
Courtney	Lee (CA)	Schakowsky
Crowley	Levin	Schiff
Cueellar	Lewis	Schneider
Cummings	Lipinski	Schrader
Davis (CA)	Loeb sack	Schwartz
Davis, Danny	Lofgren	Scott (VA)
DeFazio	Lowenthal	Scott, David
DeGette	Lowey	Serrano
Delaney	Lujan Grisham	Sewell (AL)
DeLauro	(NM)	Shea-Porter
DeBene	Luján, Ben Ray	Sherman
Deutsch	(NM)	Sinema
Dingell	Maffei	Sires
Doggett	Maloney,	Slaughter
Doyle	Carolyn	Smith (WA)
Duckworth	Maloney, Sean	Swalwell (CA)
Edwards	Matheson	Takano
Ellison	Matsui	Thompson (CA)
Engel	McCarthy (NY)	Thompson (MS)
Enyart	McCollum	Tierney
Eshoo	McDermott	Titus
Esty	McGovern	Tonko
Farr	McIntyre	Tsongas
Fattah	McNerney	Van Hollen
Foster	Meeks	Vargas
Frankel (FL)	Meng	Veasey
Fudge	Michaud	Vela
Gabbard	Miller, George	Velázquez
Gallego	Moore	Visclosky
Garamendi	Moran	Walz
Garcia	Murphy (FL)	

Wasserman	Watt	Wilson (FL)
Schultz	Waxman	Yarmuth
Waters	Welch	

NOT VOTING—13

Barton	Costa	Pompeo
Blumenauer	Hastings (FL)	Speier
Braley (IA)	Huelskamp	Young (FL)
Castor (FL)	Lynch	
Collins (NY)	Markey	

□ 1351

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. COLLINS of New York. Mr. Speaker, on rollcall No. 97, H. Res. 146, On Ordering the Previous Question, had I been present, I would have voted "yea."

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 11, 2013.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Mr. Rupert T. Borgsmiller, Executive Director, Illinois State Board of Elections, indicating that, according to the unofficial returns of the Special Election held April 9, 2013, the Honorable Robin L. Kelly was elected Representative to Congress for the Second Congressional District, State of Illinois.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

Enclosure.

STATE BOARD OF ELECTIONS,
STATE OF ILLINOIS,
Springfield, IL, April 11, 2013.

Hon. KAREN L. HAAS,
Clerk, House of Representatives, The Capitol,
Washington, DC.

DEAR MS. HAAS: Although it is not the normal practice of the Illinois State Board of Elections to release unofficial election results, in response to a request from your office, we are hereby transmitting UNOFFICIAL election results for the April 9, 2013 Special Election in the Second Congressional District in the State of Illinois.

Sincerely,

RUPERT T. BORGS MILLER,
Executive Director.

SWEARING IN OF THE HONORABLE ROBIN L. KELLY, OF ILLINOIS, AS A MEMBER OF THE HOUSE

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois, the Honorable Robin Kelly, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.