I believe in helping to attract and create new jobs and in protecting and saving the good ones we have. That's why I am proud to introduce my new initiative, the Job Opportunities Between Our Shores, or JOBS, Act. The JOBS Act will address the challenge industry faces of growing jobs without workers who have the necessary skills to fill them locally.

Southern Illinois has the advanced manufacturers who are leading the way for the future of manufacturing and creating new, good jobs. We have talented workers, and we have the educational programs to get them a great, new job that can support their family.

My JOBS Act is a way of bringing communities, workers, and employers together to protect good jobs and invest in our future.

SENATE GUN CONTROL PROPOSALS HOLD SERIOUS THREATS TO SECOND AMENDMENT RIGHTS

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

Mr. DAINES. Mr. Speaker, today, on the other side of the Capitol, our friends in the Senate are considering a number of proposals that hold serious threats to our Second Amendment rights.

I agree that we need to have a serious conversation about how to reduce violent crime. But the Senate's recent decision to focus debate on restricting the rights of law-abiding citizens is the wrong approach. These proposals will do nothing but expand Washington bureaucracy and further complicate the ability of law-abiding Montanans to purchase firearms while doing little to actually address the underlying problems behind violent crimes.

Thousands of Montanans have reached out to my office, expressing their concern over these threats to their Second Amendment rights. As a fifth-generation Montanan and lifelong sportsman, I too am deeply concerned about the Senate's proposal to expand background checks for private sales to Montana citizens, which would criminalize the private transfer of firearms between law-abiding Montanans.

Let me point out, the Second Amendment is not about hunting; it is about freedom. So let me be clear. I am strongly opposed to and will fight back against any efforts that infringe upon Montanans' Second Amendment rights.

SOCIAL SECURITY

(Mrs. KIRKPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK. Mr. Speaker, I stand here on behalf of my district's seniors, veterans, and working families to say that I strongly oppose cuts to Social Security in the President's budget. Every week, my case workers in Arizona report back to me about our constituents, and every week I hear about another senior who is struggling or another veteran who is struggling.

Our rural towns are filled with hard workers, but work is hard to find. These are folks who may never have the protections of a pension, so they must have the protection of Social Security.

The President's budget uses a formula called chained CPI. It recalculates how the cost of living is calculated, and it will not keep up with inflation.

So let's call this formula what it really is: a shrinking Social Security check for the people who need it most. Yes, we have to make cuts, and we need to do more with less, but seniors and veterans are already doing that. We can do better than sticking them with the tab.

PREVENTING GREATER UNCERTAINTY IN LABOR-MANAGEMENT RELATIONS ACT

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 146, I call up 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, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 146, in lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–6 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1120

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preventing Greater Uncertainty in Labor-Management Relations Act''.

SEC. 2. ACTIVITIES BY THE NATIONAL LABOR RELATIONS BOARD PROHIBITED.

Effective on the date of enactment of this Act, the National Labor Relations Board shall cease all activity that requires a quorum of the members of the Board, as set forth in the National Labor Relations Act (29 U.S.C. 151 et seq.). The Board shall not appoint any personnel nor implement, administer, or enforce any decision, rule, vote, or other action decided, undertaken, adopted, issued, or finalized on or after January 4, 2012, that requires a quorum of the members of the Board, as set forth in such Act.

SEC. 3. TERMINATION.

The provisions of this Act shall terminate on the date on which—

(1) all members of the National Labor Relations Board are confirmed with the advice and consent of the Senate, in accordance with clause 2 of section 2 of article II of the Constitution, in a number sufficient to constitute a quorum, as set forth in the National Labor Relations Act (29 U.S.C. 151 et seq.);

(2) the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012; or

(3) the adjournment sine die of the first session of the 113th Congress.

SEC. 4. EFFECT OF CERTAIN BOARD ACTIONS.

In the event that this Act terminates pursuant to paragraphs (1) or (3) of section 3, no appointment, decision, rule, vote, or other action decided, undertaken, adopted, issued, or finalized by the Board on or after January 4, 2012, that requires authorization by not less than a quorum of the members of the Board, as set forth in the National Labor Relations Act, may be implemented, administered, or enforced unless and until it is considered and acted upon by a Board constituting a quorum, as set forth in the National Labor Relations Act, or the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. KLINE) and the gentleman from New Jersey (Mr. ANDREWS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1120.

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

There was no objection.

Mr. KLINE. Mr. Speaker, I rise today in strong support of the Preventing Greater Uncertainty in Labor-Management Relations Act, and yield myself such time as I may consume.

America's workplaces are facing significant challenges. Consumer demand remains weak. Threats of new regulations and higher taxes continue. And a looming debt crisis threatens the growth and prosperity our Nation is working so hard to attain. Washington should not be in the business of making these challenges worse. That is why we are here today.

Many Americans may not even know a Federal labor board exists, let alone the role it plays in their everyday lives. Despite its obscurity, the authority of the National Labor Relations Board governs virtually every private business across the country. Our Nation needs a labor board that will appropriately and responsibly administer the law, or else the rights of both workers and employers are diminished.

Unfortunately, partisan politics have left the board in a state of dysfunction. A year ago, President Obama made three recess appointments to the board while Congress was not in recess.

□ 1020

The President's action was unprecedented, and a Federal appeals court has ruled it was also unconstitutional.

As a result, the work of the Board is tainted. Every decision it issues is ripe for appeal on the basis that the Board itself is not legitimate. In fact, employers and unions are now citing the recent court ruling as a reason why Board decisions should be overturned.

A story in The Wall Street Journal helps illustrate the real-life consequence of the President's recess appointment scheme. Five years ago, a truck driver alleged that her union failed to follow the rules and assign her work. The NLRB agreed and ordered the union to pay the driver back wages and benefits. So far, the union has refused, and the current chaos offers a new opportunity to toss out the Board's decision. According to the union's attorney:

I'll explore every opportunity to make sure my client doesn't have to pay anything.

This is the reality we now face. Unions, employers, and workers are forced to spend more time and money defending themselves before the Board and in Federal court. Our Nation has relied upon the Board for more than 75 years. Never has it faced this level of confusion and uncertainty.

The current crisis began with the President's power grab, and it is up to him to fix it. Just this week, the President announced he was submitting three Board nominees to the Senate for its approval. This is certainly welcome news and long overdue. However, it does nothing to mitigate the chaos surrounding the NLRB. Roughly 600 Board decisions are constitutionally suspect, and that number continues to grow.

The legislation before us today simply tells the Board to stop exacerbating the problem that is already wreaking havoc across the country. H.R. 1120 prevents the Board from taking action that requires a quorum until one of three events occurs: the Supreme Court rules on the constitutionality of the appointments; a Board quorum is constitutionally confirmed; or the terms of the so-called ''appointees'' expire.

The bill does not—I repeat—does not stop the NLRB from overseeing union elections or processing claims of wrongdoing. The narrow scope of the bill is directed at the Board and only the Board.

The Preventing Greater Uncertainty in Labor-Management Relations Act is an appropriate congressional response to an unprecedented situation. I expect we will hear a lot of false accusations today from our friends on the other side of the aisle, but I doubt we'll hear any denial of the serious challenges facing the Board.

The question then is this: Should we do nothing, or should we advance responsible legislation to help prevent further harm?

I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield 5 minutes to myself.

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

Mr. ANDREWS. Mr. Speaker, this is a Friday across our country, and there are millions of Americans who are going to work under circumstances that exist because of the union movement and collective bargaining in the history of this country.

If they work the 41st hour, they'll get time-and-a-half for working overtime. Many find themselves protected by good health benefits and good pension benefits that will guarantee their family a good situation while they're working and a safe and secure retirement. The whole concept of the weekend—that for many American workers will begin this afternoon—exists because of the hard-fought gains of collective bargaining.

We wouldn't have a strong America without a strong middle class, and we would not have a strong middle class without collective bargaining. This bill strikes at the heart of collective bargaining by paralyzing the agency that enforces the ground rules of collective bargaining, the National Labor Relations Board.

This is really part 2 of a strategy by the Republican majority in the House and the Republican minority in the other body to paralyze the rights of Americans to organize and bargain collectively.

Act 1 has occurred since President Obama took office. He has made nominations to the National Labor Relations Board, and not one of those nominees has ever received a vote on the floor of the other body. Understand this: the minority in the other body has not voted against these nominees; they just refuse to put the nominees up for a vote.

Today, there are five nominations pending before the other body. If the Senate were to act on those nominations and reject them, the President would presumably make other nominees until he could find people who could clear the process. If the other body were to confirm those nominees, we would not be here having this discussion today because the Board would be functioning.

But a functioning Board is clearly not the objective of the other side here. So then act 2 comes along, and this is act 2. This bill says that the National Labor Relations Board can do effectively nothing. My friend, the chairman, referenced the story of a woman who is seeking back pay because of alleged violations of her rights by her union, and she's unable to proceed with the collection of that remedy because the minority in the other body has refused to confirm or refused to even consider any nominees of the National Labor Relations Board; and should this legislation go through here today, we are guaranteeing that nothing will happen because the Board cannot go to court to enforce one of its orders if the Board cannot act. Under this proposed statute, the Board could not act.

We are here today because a recalcitrant minority in the other body has steadfastly refused to even take a vote on the President's nominees to the National Labor Relations Board. This bill compounds that travesty. This bill creates chaos. It says that decisions of the Board cannot be taken to court to be enforced, which means as a practical matter those decisions will never be enforced. It says that 11 regional directors of the National Labor Relations Board now have their appointments in jeopardy since their appointments were made since January of 2012 when this bill—it says anything following that is invalid.

Employers and employees and unions go to the regional offices of the NLRB to resolve disputes, to prevent strikes, to achieve justice; but this bill paralyzes that effort.

There are some who believe that an America in which the bosses make all the decisions and the rest of us stand up, salute and say, yes, sir, is how the country should function. We do not believe that. We believe in a country where workers can freely organize, speak for themselves, sit at the bargaining table, and stand up for their rights.

The agency entrusted by law to enforce those rights is being paralyzed by this bill, collective bargaining is being paralyzed by this bill, and we should oppose it.

I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, before I yield to our next speaker, I would just note that the remarks made by my good friend and colleague, frankly, I believe, ignore the reality of the crisis that currently exists. No one, employer, worker, or union, can rely upon a Board decision today. A court of appeals has ruled that it's not constitutional, and it is that same court to which every appeal is made.

Now I'm very pleased to yield 3 minutes to the chairman of the Health Subcommittee, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Speaker, I rise today in strong support of H.R. 1120, the Preventing Greater Uncertainty in Labor-Management Relations Act.

First, some history. The National Labor Relations Act was passed in the mid-thirties, and the National Labor Relations Board of five members—three from the majority party and two of the minority party—are to act as a fair arbiter. Basically, the referee for disputes.

And there was a ruling of the Supreme Court not long ago with regard to New Process Steel that said that two members—one Democrat and one Republican—both who agreed on over 600 decisions, that a quorum was not present and all of those decisions had to be thrown out. Therein calls the question.

The President made a pro forma recess appointment. Presidents, as has been stated here many times, have

made recess appointments to various boards and they had the constitutional right to do that; but no President has ever made a recess appointment during a pro forma session. Let me read here from the Senate CONGRESSIONAL RECORD of November 16, 2007. This is Leader REID:

□ 1030

Mr. President, the Senate will be coming in for pro forma sessions during the Thanksgiving holiday to prevent recess appointments.

The recent ruling of Noel Canning stated that the appointments were unconstitutional. The unique part of the National Labor Relations Board is that any other court circuit ruling in the country can be appealed to the D.C. circuit. So they have standing, and the standing says that the aggrieved party can do one of two things: they can ask for a vote of the entire court or they can appeal it to the Supreme Court.

This is a very simple bill. It does several things, and it asks the following:

One, that the Supreme Court rule;

Two, that the President go ahead and make the appointments;

Three, that the Board not issue any further rulings that may be overturned and create this uncertainty; and that once a board is approved, that it goes back and reviews all of the various rulings that have been made in order to get rid of this uncertainty.

We need the certainty for both labor and management to move forward. It's a very confusing time, and I would ask for the support of this bill.

Mr. ANDREWS. I yield myself 15 seconds.

Mr. Speaker, President George W. Bush used the same legal authority to make appointments to the National Labor Relations Board that President Obama used here. There was not a word of challenge from the other side ever in that process.

At this time, I am pleased to yield 5 minutes to the leading champion of workers' rights in the House of Representatives, the senior Democrat on the House Education and the Workforce Committee, the gentleman from California (Mr. MILLER).

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

Mr. Speaker, more than 75 years ago, Congress empowered the American worker through the National Labor Relations Act to form or join a union and bargain for a better life. That law and the rights it guarantees have served this country well—it has built the middle class; it has brought us the 40-hour workweek; it has brought us safe workplaces. These rights have given to millions of families economic security and the prospect that their children could build even better lives, but for the last 2 years, these rights have been under persistent and unrelenting attack by this House and this Republican leadership.

There are more unemployed workers in this country today than private sector union members. Instead of working to create decent jobs for the unemployed, the majority insists on attacking the rights of the employed. At a time of stagnant wages and when businesses across the country are explaining that their number one problem is a lack of customer demand, we could be doing something useful today, like raising the minimum wage. Instead, we are debating a bill that undermines the ability of workers to bargain for better wages or for decent pensions or for safe workplaces.

H.R. 1120 would stop the National Labor Relations Board from enforcing labor law. While the bill is in effect, the agency would not be permitted to issue any new decisions, enforce existing decisions, or advance any rulemaking. That means it's open season on working people. The bill tells employers: if you want to retaliate against a worker for trying to speak out or to organize, if you want to fire her, go ahead, because there won't be any effective government response. By eliminating the authority of the government to enforce the law, this bill effectively takes away every labor right that Congress gave workers to help them better their own lives.

It's that simple.

Take, for instance, a single mother who works at a hospital, changing bedpans, lifting patients day in and day out. She works hard. She likes her job, but she thinks that she and her fellow employees deserve a raise. After her shift, a supervisor overhears her chatting with a coworker about organizing a union. The next day, she is called into the manager's office, and she is fired for talking union—something that is a protected right under the law.

This firing is illegal, and she is entitled to her job back, but under H.R. 1120, she would be out of luck. Not only would she be out of luck, but over 23,000 workers a year would be out of luck because they simply exercised the rights that are legal under the law. The law says that employers don't get to retaliate, but for those thousands of workers now, they will have lost their jobs, lost their livelihoods, lost the ability to support their families. They will have no recourse because of this legislation if it becomes law.

How fair can that possibly be?

I would also add that, in 2010, about 17,000 unfair labor practices were filed against employers by employees, but over 6,000 were filed against the unions for unfair labor practices.

The fact of the matter is, for this legislation, it works against both employers and employees, and it brings chaos to the workplace. It gives the right to illegal strikes. It gives the right to illegal firings. It gives the right to illegally take away the wages of a worker. That simply cannot be tolerated in this country, but that's what this legislation does. It's an effort that started out a number of years ago on this committee with the Republicans attacking the National Labor Relations Act and the National Labor Relations Board, and we should not allow this to stand.

We understand that they're upset with the recess appointments, but they weren't upset with some 300 other recess appointments. In fact, Mr. ROE just said that those were constitutional, but that's not what the court said. The court said that all of these recess appointments were unconstitutional.

So where are we today?

We have sitting before the Senate, offered by the President, a panel of appointments that they can approve, and they can cure this problem if this problem, in fact, really exists. We don't know that yet because the Supreme Court hasn't ruled on it.

While we are waiting for the Supreme Court to rule, they want to pass this legislation; and if they pass this legislation, the fact of the matter is both employers and employees are going to be hurt. It's going to cost them a great deal of money, and it's going to cause a great deal of chaos in the workplace because of what the circuit court said.

I worry, while they complain about the recess appointments, that it's the very filibusters by the Republicans that demanded that the recess appointments take place.

Mr. KLINE. Mr. Speaker, I am now pleased to yield 2 minutes to a member of the committee, the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. I thank the chairman for yielding.

Mr. Speaker, I rise in support of H.R. 1120.

This bill is important for our employers, employees, and our Constitution. It has already been said, but I'd like to make that point again: the President does not have the authority to decide when the Senate is in session. His recess appointment of three members to the National Labor Relations Board was against the law and the tradition of separated powers inherent in the Constitution.

Some on the other side will say that the impasse at the NLRB is the fault of Republicans, that our colleagues in the Senate are acting as obstructionists; but I will remind my colleagues that, during the Bush administration, Senator REID used pro forma sessions to block recess appointments just the same, and he did not make recess appointments when the Senate was in pro forma session, which is different than the situation here.

The real solution isn't to appoint board members that a Democratically-controlled Senate can't approve; it is to nominate reasonable individuals who will adjudicate our Nation's labor laws without bias and with an eye towards the goal we all share—a healthy economy with adequate worker protection. That's what this bill before us does.

This bill would prohibit the NLRB from enforcing any actions that required a quorum, or from issuing new decisions requiring a quorum, until a

Board quorum is confirmed with the advice and consent of the Senate, the Supreme Court rules on the constitutionality of the January 2012 recess appointments, or the term of the 2012 recess appointments expires.

Unless Congress provides relief, employers and unions will be forced to either comply with costly orders that may be overturned or to litigate them on a case-by-case basis. Both of these paths are cost prohibitive. I urge the passage of this important bill.

Mr. ANDREWS. I yield myself 15 seconds.

Mr. Speaker, what President George W. Bush did 171 times—the legal authority he relied on 171 times—is the legal authority relied on by President Obama, which is the subject of this discussion this morning.

I am now pleased to yield 2 minutes to someone who understands the value of collective bargaining to America's middle class, the gentleman from Connecticut (Mr. COURTNEY).

□ 1040

Mr. COURTNEY. Mr. Speaker, there is a basic principle of Anglo-American common law that reaches back to antiquity that goes as follows:

Without a remedy, there is no right. Ubi jus, ibi remedium.

That is the common-law doctrine which was the cornerstone of the National Labor Relations Act, which recognized that workers' rights only exist when there is a place to go to enforce fair elections, unlawful terminations, and retaliation cases. In fact, it is that legal doctrine which formed the basis of the Supreme Court's decision of Marbury v. Madison, which basically established the legal authority of the U.S. Supreme Court.

This law shamefully tramples on that decision and strips the National Labor Relations Act of its power, and you have to only look at line 10 of the bill which states very clearly:

The Board shall not implement, administer, or enforce any decision, rule, or vote on or after January 4, 2012.

This is a shameful day for this House. The rights of workers to collectively bargain were not only recognized by the National Labor Relations Act; they were recognized by the Vatican in the 1890s by Pope Leo XIII. They were recognized by the United Nations Human Rights Charter after World War II as a basic criterion of civilized society.

Today, when this law passes, America will go on record basically saying that workers who are seeking to have elections to form unions, to have workers who try to protest unlawful terminations, to workers who are trying to protest unlawful retaliation, you have no place to go. You are living in an undeveloped country right now in terms of your legal rights.

Shame on this House for bringing up a measure like this which strips the rights of people which common-law doctrine, reaching back beyond the birth of this Nation, has recognized for centuries.

Mr. KLINE. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from Indiana (Mr. MESSER), another member of the committee.

Mr. MESSER. Mr. Speaker, I rise today in support of the Preventing Greater Uncertainty in Labor-Management Relations Act. Despite the rhetoric on the other side of the aisle, this important legislation will ensure the integrity of the National Labor Relations Board. The other side has talked about how this legislation would somehow throw this process into chaos. The truth is that it's the President's unconstitutional actions that have thrown this process into chaos.

The U.S. Court of Appeals for the District of Columbia unanimously ruled that the President's so-called recess appointments were unconstitutional, calling into question approximately 600 decisions by the Board. All 600 of these actions are now ripe for legal challenge. By operating without legal authority, the Board has created more uncertainty for employers, unions, and workers in an already fragile economic climate. The President's actions are an indefensible overreach of power; and, unfortunately, they are part of a broader trend.

Time and again, this President has demonstrated a with-or-without Congress mentality in pursuit of his political agenda. This mentality shakes the foundational principles of checks and balances our Founding Fathers put forward in the Constitution. The Constitution is our ultimate law. No one is above it, not even the President.

Mr. Speaker, this legislation will ensure the integrity of the National Labor Relations Board and will help eliminate uncertainty in the workforce. When the President begins to operate within the law, the NLRB's work will begin again. I strongly urge my colleagues to support this bill.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

President Obama is relying on the same constitutional provision that President Reagan relied on when he appointed Alan Greenspan as head of the Federal Reserve, the same constitutional provision he relied upon when he appointed Ambassador Jeane Kirkpatrick.

At this time, Mr. Speaker, I'm pleased to yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), someone who stood up against the assault on collective bargaining and the middle class.

Ms. BONAMICI. Mr. Speaker, being a middle class American today often means being caught in the middle, caught in the middle of the partisan posturing in Washington. And the situation we are in here today is yet another example.

The Senate's filibuster of appointees to the National Labor Relations Board left the President with two options: make recess appointments or stop enforcement of the laws. Because the latter was not acceptable, the President appointed NLRB members in a recess appointment, a process used by several Presidents before him. Unfortunately, the D.C. Circuit Court invalidated those appointments, and the question is presently pending before the Supreme Court. Now, it's too bad we're not here working together to request expedited consideration by the Supreme Court, but instead we're considering a bill that essentially seeks to shut down the NLRB.

Freight workers in my home State of Oregon will feel the consequences. In September of 2008, Oak Harbor Freight Lines, in violation of the law, announced that they would stop making payments to employee pension funds following a work stoppage during contract negotiations. In May 2012, a unanimous panel at the NLRB, a panel of Republicans and Democrats, found the company to be in violation of multiple sections of the National Labor Relations Act and ordered the company to reimburse the trust for missed payments. The law before us today, if passed, will invalidate this decision, as well as many others; stop the enforcement of the National Labor Relations Act; allow unlawful activity to continue; and exact a toll on workers across the country.

The NLRB is the referee between management and labor, and it helps guarantee the fundamental rights of middle class workers to organize, to bargain for better wages, benefits, and workplace conditions. This bill eliminates the referee and does real harm to hardworking men and women in my district and across the country. I urge my colleagues to oppose this bill.

Mr. KLINE. Mr. Speaker, I am now pleased to yield 2 minutes to another gentleman from Indiana (Mr. BUCSHON), a member of the committee.

Mr. BUCSHON. Mr. Speaker, I rise today in support of the Preventing Greater Uncertainty in Labor-Management Relations Act. This legislation provides much-needed clarity for employers, employees, and other stakeholders affected by the unconstitutional actions of the National Labor Relations Board.

The issue here is the Constitution. You're hearing from the other side of the aisle that this is about policy disagreements with the NLRB decisions or about how previous Presidents have done recess appointments similar to these. They're wrong on both accounts. They're attempting to reframe the debate and confuse the American people about what this really is about.

Previously, the Senate was not in session when previous Presidents made appointments, and decisions by their appointees were accepted as constitutional. In this case, the Senate was in a pro forma session. They were in session, and this has precedent that has been stated already here today. In 2007, Senator REID announced that the Senate would be coming in for pro forma sessions during the Thanksgiving holiday to prevent recess appointments. I

guess my friends on the other side of the aisle only want to follow the Constitution when there's a Republican in the White House. Appointments at that time in 2007 would have been unconstitutional, as these appointments are now.

The American people deserve a Board that will fairly and objectively administer the law without bias towards management or labor. I urge my colleagues to support H.R. 1120, the appropriate congressional response to help ensure certainty and fairness in America's workplaces.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, every Member of this House, I'm certain, wants to follow the Constitution. On our side, we think that the Constitution means the same thing whether George W. Bush is President or Barack Obama is President, and that Constitution vests the President with recess power appointments which were never challenged by the other side in the Bush administration.

At this time, I'm pleased to yield 2 minutes to the gentleman from New York (Mr. BISHOP), a long-time fighter on this committee for the rights of the middle class.

Mr. BISHOP of New York. Mr. Speaker, I rise in opposition to H.R. 1120. What we are doing here this morning is simply more of the same. For the past 28 months, House Republicans have used their majority to engage in a relentless campaign to tear at the fabric of organized labor by voting to defund, abolish, or greatly curtail the powers of the NLRB more than 40 times. Let me repeat that: more than 40 times. None of the attempts to crush the authority of the NLRB have become law; nor will they ever become law. And yet House Republicans keep trying.

At the same time, more than 22 million people remain unemployed or underemployed in this country, sequestration cuts continue to devastate middle class families, and the most severe cuts are yet to come. Total payroll compensation as a share of gross domestic product is at its lowest point since the 1950s. House Democrats seek solutions to these problems, and yet House Republicans continue to waste our time on a bill that will never see the light of day in the United States Senate. And if this bill were to ever pass into law, its impact would be to hurt workers, not help them.

How many more times do we need to waste taxpayer dollars on political messaging bills like this, rather than pursue legislation that will actually help the middle class?

□ 1050

Ten more times, 20 more times?

Is this all we can expect to accomplish over the next year and a half?

Americans want Democrats and Republicans to work together. Let's end the political posturing. Let's get America back to work.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. WOMACK), a real leader on this issue.

Mr. WOMACK. Mr. Speaker, I thank the chairman.

Mr. Speaker, our Framers were visionaries. They had the foresight to not only establish constitutional principles and processes that address the challenges of their day, but that still sustain and guide this country 230-plus years later.

Now, I don't think there's any question that this particular government, this Federal Government, has gotten away from proven and time-tested processes required by our Constitution and has stretched constitutional authority to its limits.

We're operating under continuing resolutions. That seems to be normal today. We've submitted budgets that are now over 2 months late. And we have taken other steps, right here in these Halls, that have served to usurp the rights that belong to our States.

Doing so has left us vulnerable, Mr. Speaker, to rulings like the D.C. Court of Appeals ruling on February 8 that said that the President's recess appointments to the National Labor Relations Board were unconstitutional.

Now, like my friends on the other side of the aisle, and like you, Mr. Speaker, we have all raised our hand and said that we're going to support and defend the Constitution of the United States against all enemies, foreign and domestic, and you know the rest. We've all taken that oath.

The Noel Canning decision holds the President's recess appointments are in direct contradiction to what the Framers outlined in article II, section 2, clause 2 of the Constitution. And, as a result of the ruling, each decision made by that Board since that time has been called into question.

Mr. Speaker, I, personally, don't have anything against the individuals who have been appointed to the NLRB. And it's irrelevant whether I agree or disagree with the Board's rulings.

My concerns are, and the concern of each and every Member of this House should be the fact that we continually push the limits of our Constitution, the checks and balances outlined in this sacred document.

At its best, this Court of Appeals ruling provides uncertainty, and the last thing that this country, this economy needs is uncertainty.

I recognize the weight of the decisions made on the interpretation of the Constitution. They are tough. It is no easy task. And that's why I don't think it's unreasonable to press the pause button on the decisions emanating from this Board until we get a final ruling. It is irresponsible, in my strong opinion, not to.

That's why I appreciate my friend from Tennessee (Mr. ROE) for authoring this legislation. I support it wholeheartedly and recommend its passage.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

With all due respect to the last speaker, this bill doesn't push the pause button. It pushes the erase button. It erases the rights of American workers to bargain collectively and organize.

At this time I am pleased to yield 2 minutes to my friend and neighbor from New Jersey (Mr. HOLT), a member of the committee, and someone who understands that there's a direct connection between economic growth and collective bargaining.

Mr. HOLT. I thank my friend and colleague from New Jersey.

Let's understand, the issue here is not about recess appointments or the Board quorum at a Federal agency or the Constitution. My Republican friends never raised this issue in hundreds of previous occurrences.

Instead, what's happening now, the majority is using this misguided bill as a platform to continue a coordinated attack on the National Labor Relations Board and on American workers.

H.R. 1120 is simply an attempt to effectively shut down the Board and deny all private sector employees their rights.

The NLRB is an independent agency which serves as the only avenue for private sector employees to bargain collectively, to file unfair labor complaints, to conduct union elections if desired.

The National Labor Relations Act stabilizes workplaces and ensures industrial peace. We must not continue these warrantless attacks on the only established avenue which brings employees to the bargaining table with their employers.

What H.R. 1120 would do is roll back the clock three-quarters of a century, to the days of brutality and humiliation, the days before the institution of the Wagner Act, the days in which workers and their families suffered indignities, strife, even bloodshed.

Having laws for orderly labor and management processes helps businesses. It helps industry. It helps citizens of all economic levels. It helps our economy.

I regret that the majority is wasting time that could be used to address the real problems facing Americans. At every town hall citizens ask me: What about jobs? What about economic growth?

But instead of helping workers raise their wages, improve workplace safety, ensure fair retirement, House Republicans continue their attack on the National Labor Relations Board and ignore the economic crisis facing American workers, and making the American Dream that much harder for Americans to achieve.

This is not about abstract worker rights. This is about a productive economy where workers and their employers can work together.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), the chair of the Workforce Protection Subcommittee.

Mr. WALBERG. I thank the chairman.

Mr. Speaker, I am proud to be in the battle for the middle class of Michigan's great Seventh District, as well as the middle class of the United States.

Today, Michigan's unemployment rate is nearly 9 percent, and the actions of this dysfunctional Board have only hindered Michigan's attempts to grow and develop a healthy economy and have more people able to climb to the middle class.

For our State to recover and thrive, we need Michigan to be open for business. What our employers need now, more than ever, is certainty. Unfortunately, this Board has done little to help foster their success.

In fact, the NLRB has been a chilling factor to economic success for employers and employees. In January 2012, President Obama attempted to make three unconstitutional recess appointments to the National Labor Relations Board. However, a year later, on January 25, 2013, they were found, indeed, to be unconstitutional by the U.S. Court of Appeals for the District of Columbia.

In that year, the Board made numerous decisions, oftentimes with significant consequences for job creators and for employees. They made it more difficult for employers to investigate employee complaints or misconduct and undermined employee rights to not engage in partisan political activities of their union bosses.

In spite of the decision of the U.S. Court of Appeals, the Board has continued to issue rulings and decisions. I would urge all of my colleagues to support this legislation and help bring much-needed certainty and stability to America's workforce and increase in our needed middle class.

Mr. ANDREWS. Mr. Speaker, I'm pleased to yield 1½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a Member who fought for these kind of rights before she got here as a litigator and has fought for them since.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today in opposition to H.R. 1120, the Republican plan to shut down the NLRB. This plan is just the latest in a seemingly unending series of Republican attacks on working people.

Make no mistake: the real goal of this legislation is to attack workers' rights. This bill will make it harder for workers and employers to settle disputes. It will essentially end the National Labor Relations Board's ability to hear cases until the Senate confirms the President's NLRB nominees. And we all know that that deliberative body is often better at obstruction than getting the people's business done.

Instead of trying to shut down the NLRB, shouldn't my colleagues on the other side of the aisle be calling on the Senate to have an up-or-down vote on the President's nominees for the NLRB?

Allow me to separate fact from fiction. This bill is not about certainty. This bill is about making it harder for working people to have their voices and their cases heard.

This bill is not about making the NLRB function efficiently.

□ 1100

This bill is a partisan move to gut the NLRB's implementation of the law. After all, if you fire all the judges, there's nobody there to hear your case.

Once again, the Republican leadership has decided to waste time making political points at the expense of working class Americans. We should be working on legislation to grow jobs. The American people are sick of politics. They want Congress to work on creating jobs and economic certainty. What our Republican friends are giving the American people today is more of an assault on workers' rights.

This legislation doesn't do anything to help the 23 million Americans looking for good-paying jobs. Vote ''no'' on this turkey of a piece of legislation.

Mr. KLINE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. I thank the chairman.

Mr. Speaker, I rise in strong support of the Preventing Greater Uncertainty in Labor-Management Relations Act.

If you're sick of government, spend a couple of years here.

We talk about the American people. Please tell me that these debates have anything to do with getting people back to work. This is about a constitutional process that we're supposed to follow. This is about unconstitutional appointments to the National Labor Relations Board. That Board, by the way, protects employers, management, and labor—it's not just labor—so let's make sure we understand that.

As we come here and do this posturing, no wonder the American people are losing faith in the way this body works. If we're really concerned about getting people back to work, if we're really concerned about letting this Nation rise again, this is not a Republican issue or a Democrat issue. This is not a Board that's supposed to be made up of all Republicans or all Democrats, but it's supposed to be constitutionally appointed. My Lord, what are we talking about today? These are unconstitutional appointments.

You know what the certainty of this is? Here's the certainty. And this is a President that always talks about if you play by the rules, if you follow the rules and you work really hard in this country, you have a chance to make it. But the footnote is: unless you don't agree with me, I'll go ahead and do it the way I want to do it. Even though I'm a professor of constitutional law, put that aside. I know an end run on this.

Now, I would tell my colleagues, please, this is a process that we have to protect. This is not a political football to go back and forth with. My goodness. This is about fairness. Fairness is not a Republican issue or a Democrat issue. It's an American issue. It doesn't matter who struck John or what did past Presidents do. This has been found unconstitutional.

The only certainty of what's going on here are three things regarding the Board's current decisions: those decisions cannot be relied upon; every losing party will be justified in filing an appeal; and no prevailing party can be assured that they will ever benefit from any Board-ordered remedy.

How do you fix it?

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

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

Mr. KELLY of Pennsylvania. Take it to the Senate; run it through the process it's supposed to run through; get them appointed the right way; and then to go forward. Isn't that the American way? I'm not talking about a Republican way. I'm not talking about a Democrat way. It's what's best for the country.

This political posturing is ridiculous. We know what the law is here; we know what the process is; we know what the Constitution says; and we're here today making it something else. This is not about class warfare. This is about denying the process.

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

My friend talks about playing by the rules. President Obama followed the rules that President Reagan followed, President Bush followed, President Clinton followed, President George W. Bush followed. The other body has the ability to resolve this dispute by taking votes on the five nominees that are presently before the United States Senate.

I am pleased to yield 1 minute to a consistent voice for America's working families across the country, the gentlelady from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE. I thank my good friend.

I'm so glad my good friend talked about the question of fairness because I believe in fairness as well; and I ask my colleagues to enthusiastically, with great presence, to vote this legislation down because it is unfair because I believe in the working man and working woman and working families who desperately need a fair body that is in regular order, the NLRB, that allows companies, corporate America, to come to the table of reconciliation on issues like pay equity, of which my good friend ROSA DELAURO is a champion of and I'm joining her, on good issues like the quality of life in the workplace, the idea of income and negotiations on plants being shut down.

What my good friends want to do is deny the process to this President that Ronald Reagan used some 240 times, the hundreds of recess appointments in

the 1980s, to ensure that regular order occurred in this Nation on behalf of the working men and women of America. This is a direct stab at them. This is a direct affront to them. And I would ask my colleagues to vote against this and for the working men and women of America. This is a bad bill.

Mr. KLINE. I am now pleased to yield 3 minutes to a member of the committee, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the chairman for yielding.

I'm struck by the mention of fairness from the gentlelady who just spoke. What is fair is the rule of law, and that's what this country was founded on. That is the ultimate fairness. And that's what this bill is fundamentally about—the core American value about respect for the rule of law.

Now, our President chose to violate the law by unconstitutionally appointing new members to the National Labor Relations Board in January of 2012. And while the President claimed he had this authority and while our friends are claiming he had this authority because the Senate was ''in recess,'' there was one problem: the Senate wasn't in recess. The Senate was actually in session.

Last year, in response to this, I led in a letter to our President, with 26 of our colleagues, Mr. Speaker, protesting these appointments and asking the White House to obey the law so that we wouldn't have the uncertainty that we do now, so that we wouldn't have to have the argument that we're having now, unfortunately; but by making these appointments, the White House and the executive branch has essentially claimed the authority to determine when the Senate is unavailable to perform its constitutional duties.

The executive branch should not be deciding whether the Senate is unavailable to provide its advice and consent. Our Founding Fathers, who created a government marked by a separation of powers, would be shocked and dismayed by the utter disregard the President has shown to the Constitution of the United States by making these appointments.

Now, Mr. Speaker, with all due respect to my colleagues on the other side who continually make this argument as though if they said it 20 times it actually makes it more true—it does not—the suggestion that President Obama's actions were similar to past Presidents is patently false. No President ever made recess appointments while the Senate was meeting regularly in pro forma session—until this current President.

If President Obama had followed the practice set by his predecessors, there wouldn't be a cloud of uncertainty hanging over the NLRB today. And this uncertainty, to the point made by my colleagues earlier, is hurting jobs; because when you have Commissioners who are appointed unconstitutionally, their rules are now unconstitutional. Businesses can't follow them. Unions can't follow them. Workers can't follow them. And when that's the case, what job creator is going to hire more people? And that's the real situation we find ourselves in here today, unfortunately.

Now the issue is pending before the United States Supreme Court. It's my hope that the Court will acknowledge that no one, including this President, Mr. Speaker, is above the law in this country, from the poorest of our citizens to himself.

The SPEAKER pro tempore (Mr. LATHAM). The time of the gentleman has expired.

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

Mr. ROKITA. We can never afford to forget that.

For these reasons, I simply urge all my colleagues to support H.R. 1120 and to not listen to the nonsense that we're hearing from the other side. We believe in the worker. We believe in workers' rights. We believe in the rights of businesses. We believe in the rights of unions. We believe the President, above everyone else in this country, should follow the law.

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, the prior speaker's own words indicate the contradiction of his position. He said it is unconstitutional that these recess appointments took place. He then just said that the appeal of this matter is pending before the United States Supreme Court. Marbury v. Madison does not give the D.C. circuit the final say on constitutionality or the Supreme Court that authority.

I am pleased to yield 2½ minutes to someone who has made a career here of fighting for the rights of working Americans and collective bargaining, the gentlelady from Connecticut (Ms. DELAURO).

□ 1110

Ms. DELAURO. I rise in strong opposition to this ill-conceived bill. It aims to effectively shut down the National Labor Relations Board—another direct attack by this House majority on workers' rights.

As we have been debating, a D.C. court recently ruled that two of the Board's current appointments made during a recess within a congressional session are invalid, and therefore NLRB currently lacks a quorum. This ruling is at odds with three other court rulings on the same matter and, in fact, the court did not order the NLRB to stop performing its duties. Nevertheless, the majority is trying to use this one decision as a pretext to stop the Board from issuing any decisions or taking any other actions on behalf of workers. This is a transparent attempt to effectively shut down the NLRB.

What we need to do here is have the Senate take up the five pending nominations and act quickly so that we can have a functioning NLRB.

This one court decision is squarely at odds with longstanding practice. Presidents of both parties have routinely made recess appointments during intrasession recesses and without regard to when the vacancy first arose.

The Congressional Research Service has identified a total of 329 intrasession recess appointments made since 1980. All of these would presumably be invalid under this court's decision, and that includes four such NLRB recess appointments by President Reagan and four by the second President Bush. Tell me, were these eight appointments by President Reagan and President Bush also in violation of the Constitution? If so, then why is this one particular court decision considered the ''right'' one despite the fact that all other courts and past practices disagree with it?

The majority simply wants to prevent the NLRB from functioning so that workers who want to invoke their basic right to organize have no recourse. What recourse, for that matter, would employers have against actions by unions that violate labor laws, such as secondary boycotts or unlawful picketing? Under the terms of the National Labor Relations Act, its provisions can only be enforced through the NLRB. There is no provision in the act for private lawsuits.

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

Mr. ANDREWS. Mr. Speaker, I yield the gentlelady another 30 seconds.

Ms. DELAURO. Without the NLRB, we simply do not have a fair workplace that works for everyone.

This is another in an endless series of Republican attacks on the foundations of the American middle class. It aims to undermine worker protections and accelerate a race to the bottom.

Let the NLRB do its work. I urge my colleagues to stand up for workers and employers and oppose this bill.

Mr. KLINE. Mr. Speaker, can I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has 6½ minutes; the gentleman from New Jersey has 5½ minutes.

Mr. KLINE. Mr. Speaker, we have another speaker reportedly en route from another committee, so I will reserve the balance of my time and give him a chance to get here.

Mr. ANDREWS. I thank my friend, Mr. Speaker.

Mr. Speaker, at this time, I'm pleased to yield 1½ minutes to someone who has walked in the shoes of those collectively bargaining and organizing, the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I oppose H.R. 1120. This is just a naked attempt to neuter the National Labor Relations Board. This is done in concert with the United States Senate, which refuses to confirm any nominees by the President to the NLRB, and in concert also with the right-wing ideologues on the D.C. Circuit Court of Appeals, who have gone against 150 years of practice by Democratic and

Republican Presidents alike in appointing through the recess appointment constitutional process.

Now we have the U.S. Congress, the House of Representatives, with this H.R. 1120, Preventing Greater Uncertainty in Labor-Management Relations Act. This would straitjacket workplace fairness and hurt middle class workers. It would also create uncertainty, interfere with judicial proceedings still on appeal, and undermine the NLRB's core functions.

This is a bill that's anti-worker, it's obstructionist, and it represents the machinations of a Republican Party more interested in impeding the NLRB and blindly attacking this administration at every opportunity than finding solutions to unemployment.

This bill represents a party that has lost touch with middle class values, and I urge my colleagues to vote against it.

Mr. KLINE. Mr. Speaker, I would advise my colleague that the speaker we're waiting for has not yet arrived. I'm not sure how many speakers are left on your side.

I continue to reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I would advise my friend and the Speaker that we have no more speakers at this time.

What I would propose, with the Speaker's discretion, is I'd like to speak for about 1 minute. Perhaps if your other speaker arrives, we could accommodate that person. If not, I would then close for our side and then the chairman defending the bill would close.

Mr. KLINE. I have no objection.

Mr. ANDREWS. Mr. Speaker, I yield myself 1 minute.

The House deserves an accurate record of where this matter stands legally.

After the Senate refused to cast a vote on any of the President's nominees to the National Labor Relations Board, the President acted through the recess appointments clause that his predecessors have relied on far more often than he has. The D.C. Circuit ruled that those appointments were invalid. The case is presently under consideration under writ of certiorari to the United States Supreme Court, which either will or will not hear the appeal.

The majority is advancing a rather novel legal theory that a decision by one circuit court of appeals establishes with finality the constitutionality or lack of constitutionality of a provision. This is truly a novel theory. Marbury v. Madison makes it clear: only the United States Supreme Court has finality in these sort of matters. The President acted in good faith under a constitutional provision that others have followed before.

I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, our speaker has not yet arrived, so I will be ready to close after the gentleman from New Jersey.

I reserve the balance of my time.

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

I thank the Speaker and colleagues of both parties for the spirited nature of this debate. At its core, this debate and this bill is about the primacy and value of collective bargaining in our country.

There really are two different points of view on collective bargaining: one is that it's a nuisance; the other is that it's an engine of economic growth.

There are those who believe that the proper organization of our economy is that the bosses decide what happens, everyone else salutes, and that's what happens. This led us to situations where we had children working in sweatshops, people working 80 or 90 or 100 hours a week, and people being forced out and fired for all sorts of invalid and irrational reasons.

In our country's history, we're fortunate that there was a great movement of collective bargaining among the working people of this country. In the 1930s, those who preceded us here enshrined the rights of collective bargaining in various statutes. Since then, for nearly 90 years these statutes have worked to promote fairness, equity, and economic growth in our country.

Collective bargaining works—not just for those in a union, but for all those in the United States of America. This bill is a direct assault on collective bargaining. It is an assault that has seen its manifestation in other parts of the country—against public workers in Wisconsin, against all workers in Ohio.

Collective bargaining is one of the main engines of the development of America's middle class, and America's middle class is clearly the main reason for the development of the strongest economy on the face of the Earth. A vote against this bill is an affirmation of the value of collective bargaining. A vote for this bill is an erosion of that precious right that Americans have always enjoyed and should enjoy.

□ 1120

We have the opportunity to stand up for those who wash the dishes, patrol the streets, build our buildings, teach our children. We have the opportunity to stand up for the right of collective bargaining. I urge both my Republican and Democratic friends to stand up for America's middle class and vote ''no'' on this bill that paralyzes and assaults collective bargaining in our country.

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

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

I think it is important to remember why we are here today. More than a year ago, the President took an unprecedented step despite all of the discussion from the other side of the aisle. No other President made a recess appointment when the Senate was in session, in pro forma session, or any session. So despite how many times President Reagan or President George H.W. Bush or President George W. Bush made recess appointments, this was unprecedented.

Now, it's still an open question to be decided. The D.C. Court of Appeals made a ruling that the President's appointees to the National Labor Relations Board were unconstitutional. And it's going to be an ongoing debate, I'm sure, going forward for days and weeks, the sooner the better, to determine what it means under article I, section 5, clause 2 of the United States Constitution, where it says the Senate is vested with the power to ''determine the rules of its proceedings.'' The Senate determined that the rules of its proceeding said that the Senate was in session.

We heard mention today by a number of my colleagues that Senator REID had announced, when President Bush was in office, that the Senate was going to stay in pro forma session in order to keep the President from making recess appointments. That's an important debate going forward.

The problem is, as we stand here today, with a lot of discussion from the other side of the aisle, unfortunately some of which was questioning our motives, my motives, called action shameful, that's a shame. Because what we've got today is a Board that has been ruled unconstitutional by the D.C. court, which by the way is the court that reviews every single challenge to an NLRB ruling. You can't get relieved by a court in San Diego. If you don't like the ruling of the Board, you're going to appeal to the court that has already ruled that that Board is unconstitutional.

This is dysfunctional. This doesn't have anything to do with whether or not I, or anybody else, believe in collective bargaining rights. We have a Board that under the National Labor Relations Act is supposed to be an arbiter, a fair arbiter. It's the place where you go to get a determination; and the problem there is you can't go there to get a determination, or you get one that is immediately suspect and open to appeal to a court that has already said that they're unconstitutional.

We already have over 600 rulings by this Board since these appointments were made January a year ago. Every time this Board makes another decision, another ruling, it pours more uncertainty into an economy that is, frankly, still desperately struggling to come out.

We've heard accusations about, well, it's the Senate's fault, and I'm sort of inclined to always think that it's the Senate's fault when something doesn't happen. I just remind my colleagues that this is a bipartisan Senate problem.

In 2011, a Republican Board nominee languished in the Democrat-led Senate for a year—no hearing, no debate, no vote. So this is not a new circumstance.

There is an answer to this: the President of the United States can bring forward nominees that can be confirmed—that can be confirmed—and then we would have a constitutionally constituted Board to go forward and resolve the disputes that were brought up so many times by my colleagues on the other side of the aisle. That's not what we have now. We have a dysfunctional Board that is worse than useless because they are making decisions which are entirely suspect.

Congress should not allow this situation to get worse. The Preventing Greater Uncertainty in Labor-Management Relations Act is an appropriate response to a horrible situation. This ought not to be Republicans versus Democrats. This is a chance for us to say we have an intolerable situation. This Board needs to stop issuing decisions that are immediately suspect and challengeable to the very court that has ruled them unconstitutional.

I urge my colleagues to vote ''yes'' on H.R. 1120, and I yield back the balance of my time.

Mr. SWALWELL of California. Mr. Speaker, I rise in strong opposition to H.R. 1120, the so-called Preventing Greater Uncertainty in Labor-Management Relations Act.

House Republicans today are continuing their assault against workers' rights. The bill before us would retroactively invalidate National Labor Relations Board, NLRB, decisions made after January 2012 and prevent the board from making or enforcing new decisions until the Senate confirms a quorum of members.

There is an ongoing debate in the courts about the extent of the President's recess appointment powers, and there is no reason for Congress to interject itself now. Moreover, this misguided bill would hurt both workers and businesses by creating chaos. The NLRB protects workers rights to bargain collectively, but it also works to protect businesses by setting orderly standards for labor disputes.

We cannot afford to have both workers and employers face further uncertainty in resolving cases, which will negatively impact our economy. While our economy continues to recover, we should instead be supporting growth by providing stability to both workers and businesses.

Instead of attacking workers and curtailing their rights, I would hope Members would be willing to work together find common sense solutions to help working families. I urge my colleagues to vote no on H.R. 1120.

Mr. BLUMENAUER. Mr. Speaker, it is disappointing that House Resolution 1120, the so-called ''Preventing Greater Uncertainty in Labor-Relations Act'' would actually create greater uncertainty for labor unions and businesses and wreak havoc on the middle class. I do not understand the interest in scapegoating America's unions for the economic problems that beset us. It was not America's grocery clerks, nurses, teachers, postal workers, or electricians that nearly caused the meltdown of the economy. America's working men and women didn't engineer poor loans, systematically cheat consumers, and transform financial institutions into giant casinos. However, there are some in this Chamber who seem convinced that getting rid of labor unions will advance their agenda.

This bill essentially shuts down the Labor Relations Board, by refusing to allow them to issue decisions, enforce existing decisions, or move forward with rulemaking. It means that labor and business issues that are currently unclear will remain unclear. It increases the chance of a strike, because without the National Labor Relations Board to help mediate, workers will be more likely to strike to protest unfair working conditions.

Let's remember that it's not just union members who benefit from America's unions. Our entire society benefits from their efforts. It was organized labor that spearheaded efforts for a 40 hour work week, brought safety to the workplace, fought for environmental protection, and championed pay equality for women. It is not just rhetoric that unions brought you the weekend. Unions are among the few strong voices who continue to stand up for a strong livable wage for our workers.

It's important to be thoughtful about the best way to navigate labor-business relations. I'm all for fine tuning the system, but I am adamantly opposed to gutting rights and protection of workers. We must start by acknowledging the debt we owe to unions and to stop this wholesale assault. I will vote no on H.R. 1120, and I will be disappointed if I am not joined by more of my colleagues.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to H.R. 1120, the ironically and unfortunately-named ''Preventing Greater Uncertainty in Labor-Management Relations Act.'' The National Labor Relations Board is a crucial federal agency, mediating disputes between workers and employers, upholding labor laws, and ensuring the integrity of union elections. This bill would undermine the NLRB's authority and lead to an unstable labor-management relationship for the foreseeable future.

Under H.R. 1120, countless labor cases would go unheard, decisions would be unenforceable, violations of workers' rights would go unpunished, and union elections could not be certified. All current unfair labor practice proceedings in the country could be brought to a standstill. Instead of removing uncertainty, this bill would in fact do just the opposite.

Not only would this bill hamstring the NLRB in fulfilling its duties, but it increases the chances of labor strikes. Without a functioning board, wronged workers would have nowhere to turn for the enforcement of their rights under the law. There would be no one to enforce reinstatement orders for workers who were wrongfully terminated, and businesses would lose a forum to address disputes. Without the guarantee of the NLRB's protections, workers will be more likely to strike to seek redress of grievances.

We are told this bill is necessary to enforce the decision in *Noel Canning* v. *NLRB*, which invalidated recent recess appointments to the Board. This partisan decision, which runs contrary to mountains of legal precedent, has already been appealed to the Supreme Court. I recall that we opened this Congress with a reading of the Constitution. I hope my colleagues have taken to heart the Separation of Powers enshrined therein, and will allow the judicial branch to work through this issue. Should the ultimate decision run contrary to the will of the House, I have no doubt we will be able to revisit the topic then.

If my colleagues across the aisle are truly interested in ensuring the integrity of the NLRB, they should urge their Senate colleagues to stop holding up these nominations and allow them an up or down vote.

I urge a ''no'' vote on this bill.

Mr. CROWLEY. Mr. Speaker, I rise today to urge my colleagues to vote ''no'' on yet another attack on workers' protections.

The National Labor Relations Board has provided stability between workers and employers for decades. And yes, it has helped ensure that workers have a voice. Yet, in just the past two years, my colleagues on the other side of the aisle have tried numerous times to paralyze the operations of the board. Each time, they came up with a new angle. I appreciate their creativity. But the goal is the same: to put labor rights out of reach. This time, the majority has tried to say their bill will promote ''certainty''. But without a functioning Board, none of the labor rights in the landmark Wagner Act can be enforced. So it seems the only ''certainty'' we're providing is that there will be even more economic turmoil than we already have.

Whether its women's rights or workers' rights, bill after bill advanced by the majority is aimed at taking our country backwards. I know that not all my friends on the other side of the aisle agree with this bill. I appreciate that. It is unfortunate that some of my colleagues are seeking a return to the past, before we had protections for workers. But I hope that most will focus on the present, and get on with building a better workforce and a brighter future.

So I again urge my colleagues to stand with millions of middle-class American workers and vote ''no'' on this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to oppose this attempt to strip worker protections in this country by shutting down the National Labor Relations Board.

The Majority argues that this bill somehow removes ''uncertainty'' in the economy. In reality, it does exactly the opposite. By removing all authority from the Board that enforces labor law, it creates unworkable deadlock. The NLRB orders union elections, certifies and decertifies unions after elections, and makes decisions on unfair labor practices when they are filed by employers or employees. Without a functional NLRB, there is no enforcement of workers' rights. And with no alternative means of resolving disputes, workers may resort to strikes.

The President has nominated two Republicans to fill the vacant seats on the NLRB and has renominated the Board members in dispute in the DC Circuit case. If the Majority is really interested in a functional Board, they should urge their colleagues in the Senate to vote on those nominations without delay. Today's bill will destabilize labor relations and I urge a ''no'' vote.

Mr. CONYERS. Mr. Speaker, I rise today in opposition to H.R. 1120, the Preventing Greater Uncertainty in Labor-Management Relations Act. This legislation is anti-worker, anti-management, and rather than creating certainty, it would throw the world of labor relations into complete chaos by shutting down the final arbiter—the National Labor Relation Board. And it would do this all in the name of upholding a single decision that overturns decades of court precedent and executive practice upholding intra-session recess appointments as constitutional.

If H.R. 1120 becomes law, it would put us in a situation where employees and employers

would be denied recourse in the courts—a fundamental guarantee in our society. Final review of decisions would be all but impossible to obtain, effectively nullifying the consequences for unfair labor practices. The National Labor Relations Act, overseen and enforced by the National Labor Relations Board, protects working Americans' rights to form unions, bargain collectively for fair wages, and ensure they work in a safe environment. The National Labor Relations Board also protects employers, who have recourse before the Board in the same way employees do. Eliminating the Board helps only those who wish to violate labor laws without consequence. That is not a constituency this Congress should be representing.

H.R. 1120 does two things. First, it prevents the NLRB from operating, which is in and of itself a reason to oppose it—America's workers depend on a functioning Board. Second, H.R. 1120 legitimizes the obstructionism of the minority in the Senate, which led President Obama to make these recess appointments in the first place. It is responding to hostage taking by giving the hostage-takers everything they want and more. This creates a no-win situation where neither side has any incentive to compromise for the good of our country.

The Framers of the United States Constitution included the recess appointment clause in Article II of the Constitution to ensure that our government could function even if the Senate is unavailable to confirm the President's appointments. It is time that we honor their wisdom. That means that here in the House of Representatives, we vote down this wrongheaded bill; in the Senate, that means getting to work and voting on whether the Presidents' appointees are qualified or not.

I urge my colleagues to vote ''no'' on this legislation and uphold over a half-a-century of precedent and practice, and ensure our working men and women are not denied justice by way of delay.

Ms. JACKSON LEE. Mr. Speaker, I rise to oppose 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.

The NLRA 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 have been applied to protect 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 (''NLRB'') with their workplace grievances.

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

On January 25, 2013, in *Noel Canning v. NLRB,* 678 F.3d. _____, No. 12–1115 (D.C. Cir. 2013), a case challenging the constitutionality of certain appointments made to the NLRB by President Obama pursuant to his authority under Article II, Section 2, Clause 3, the United States Circuit Court of Appeals for the District of Columbia issued a ruling invalidating President Obama's appointments on the alleged ground that they violated the Recess Appointments Clause.

The D.C. Circuit's decision in Noel Canning rests upon its novel and controversial interpretation of the word ''the'' in Recess Appointments Clause, which states that ''The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate.''

The court held that the Recess Appointments Clause applies only to ''intersessional'' recesses, that is, only to the recess occurring between the first and second session of a Congress but not to ''intrasessional'' recesses, which are those occurring during either the first or second session.

The decision in Noel Canning is squarely at odds with that of every other circuit court that has considered this issue going back as far as 1880. Indeed, until the D.C. Circuit issued its bizarre ruling, this was thought to be a long settled issue, most recently affirmed by the Eleventh Circuit in 2004 in *Evans v. Stephens,* 387 F.3d 1220, 1226–27 (11th Cir. 2004), cert. denied, 125 S.Ct. 1640 (2005).

In Evans, the court upheld the intrasessional recess appointment of Judge William Pryor to the Eleventh Circuit made by President George W. Bush. The court rejected the same argument that was advanced by the petitioner in Noel Canning, stating:

> ''interpreting the phrase to prohibit the President from filling a vacancy that comes into being on the last day of a Session but to empower the President to fill a vacancy that arises immediately thereafter (on the first day of a recess) contradicts what we understand to be the purpose of the Recess Appointments Clause: to keep important offices filled and the government functioning.''

387 F.3d at 1226–27.

The Supreme Court has granted certiorari and will review the Noel Canning decision, and I expect the Court to reverse the judgment of the D.C. Circuit.

Mr. Speaker, the nonpartisan Congressional Research Service has estimated that had the decision in Noel Canning been the controlling precedent over the last the 30 years, it would have invalidated more than 325 appointments made by Presidents of both parties, including the following conservative icons: Jeanne Kirkpatrick, Alan Greenspan, and John Bolton.

In fact, of the 326 total intrasession recess appointments made over the past three decades, 76.7 percent, or 250, were made by Republican presidents: 72 from President Reagan; 37 from President George H. W. Bush; and 141 from President George W. Bush. In contrast, less than 1 in 4 appointments (79) were made by Democratic presidents: 53 from President Clinton; a mere 26 from President Obama.

Mr. Speaker, H.R. 1120, the bill before us, is a solution in search of a problem. Until and unless the Supreme Court affirms the Noel Canning decision, the NLRB remains empowered to administer the National Labors Relations Act and protect the rights of workers and management as it has since its inception in 1935.

The proponents of H.R. 1120 simply dislike the NLRB and are using this bill as an excuse to try the neuter the agency. Rather than preventing greater uncertainty, this ill-considered and unwise legislation would inject uncertainty in labor-management relations.

Mr. Speaker, the American people are not fooled. They understand this bill is nothing more than a thinly disguised attempt to weaken the ability of organized labor to protect the interest of working families. And I am proud to stand with the President and the following organizations in unyielding opposition to this legislation:

1. AFL–CIO
2. AFSCME
3. SEIU 3
4. International Brotherhood of Teamsters
5. International Association of Machinists
6. Airline Pilots Association International
7. Transportation Trades Department
8. International Brotherhood of Electrical Workers
9. Building and Construction Trades Department
10. United Steelworkers

Mr. Speaker, I stand for fairness. I stand for justice. I stand with working families. I stand for certainty in labor-management relations. And that is why I stand in strong opposition to H.R. 1120, the misnamed ''Preventing Greater Uncertainty in Labor-Management Relations Act.''

I urge my colleagues to vote me in voting against this assault on working families.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to H.R. 1120, the Preventing Greater Uncertainty in Labor-Management Relations Act.

This bill's very title is fundamentally misleading. H.R. 1120 will, in fact, lead to more uncertainty in labor-management relations. The bill is part and parcel to the Republicans' ongoing war against working American men, women, and their families. Its purpose is nothing less than the wholesale abrogation of the right of workers to protect themselves from unfair labor practices.

H.R. 1120 will neuter the National Labor Relations Board (NLRB) and give employers greater rein to intimidate workers who have the temerity to try to organize or protest unjust workplace practices. The bill will prevent the NLRB from certifying union elections, enforcing orders to comply with existing labor laws, and taking to trial employers accused of unfair labor practices.

Mr. Speaker, my father nearly lost his life because of his union activities. All he sought to do was make a better life for himself and his family. He lost his job and was sent west to die of tuberculosis, which very well could have happened if not for the Union Printers Home and the union of which he was a founding member. I will not stand idly by as my Republican colleagues seek to destroy his productive legacy. H.R. 1120 is another legislative expression of the contempt in which my Republican colleagues hold American working men and women and the unions they founded for their protection. I am grateful that this bill will never be taken up by the Senate, much less signed by the President. It saddens me, however, that Republicans continue their march at every opportunity to demolish the capacity of the federal government to protect the health and well-being of Americans not fortunate enough to have been born with silver spoons in their mouths.

I urge my colleagues to vote down this shameless excuse for a bill.

Mr. LEVIN. Mr. Speaker, as our economy continues to recover, Congress should avoid any action that would destabilize employer-employee relationships—something that we can all agree is essential for our Nation's economic success. In my home state of Michigan, we have seen the resurgence of the domestic auto industry in large part due to cooperation between labor and management and their shared desire to succeed.

With that example in mind, I cannot understand why House Republicans are supporting H.R. 1120, the so-called Preventing Greater Uncertainty in the Labor Management Relations Act, which would effectively shut down the National Labor Relations Board. Instead of assuring productive employer-worker relations, a vital part of which is giving workers a voice in the workplace, this bill would actually create more uncertainty by rendering inoperable the very agency that protects workers and businesses from unfair and illegal activity.

This country has labor laws for a reason—to protect workers from exploitation and ensure a working environment that benefits both labor and management. And we should not forget that these labor laws helped create the middle class, providing generations of Americans with good pay and quality benefits, safe workplaces, and job security.

If Congress wishes to take action regarding the National Labor Relations Board, I would recommend that action to be the swift Senate confirmation of President Obama's three candidates for the Board. As for H.R. 1120, I will oppose this partisan effort to shut down the National Labor Relations Board.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong opposition to the Preventing Greater Uncertainty in Labor-Management Relations Act (H.R. 1120).

H.R. 1120 requires the NLRB to cease all activity that requires a quorum of Board members. This prohibits the Board from implementing, administering, or enforcing any decision finalized on or after January 4, 2012, that requires a quorum. This would essentially shut down the NLRB.

I understand the concerns regarding the Constitutionality of the appointments, but on February 13, 2013, President Obama asked the Senate to confirm the two recess appointments to the NLRB. Both sides have agreed the President is doing what is required of him by the Constitution.

The NLRB is an essential component of worker protections available to working men and women. The NLRB prevents and remedies unfair labor practices by employers and labor organizations. Elimination of the NLRB would leave millions of Americans without adequate protections.

I urge my colleagues to join my opposition to H.R. 1120 to protect the hardworking men and women in the United States.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong opposition to H.R. 1120, the Preventing Greater Uncertainty in Labor Management Relations Act. The 112th Congress was laden with baseless attacks against labor unions and middle class workers. Sadly, it appears that my Republican colleagues in Congress are working once again to make the 113th Congress just as partisan and divisive as the last.

H.R. 1120 is simply another attack on the rights of workers and their ability to form unions and bargain collectively. H.R. 1120 seeks to prevent the NLRB from carrying out its core responsibilities and will undermine the critical ability to protect Americans from abuse and exploitation by employers.

If enacted, H.R. 1120 would have devastating consequences for the millions of workers belonging to unions. The NLRB issues legally-binding decisions that protect workers who have been illegally fired, denied the right to collectively bargain with their employer, or have experienced any other violation of their legal rights. With the NLRB effectively disarmed, these workers will have no recourse if any labor law violations are committed against them.

Mr. Speaker, Republicans in Congress have repeatedly resorted to deceitful tactics to carry out their agenda. H.R. 1120 is no different, and is just one small part of a larger effort to dismantle the NLRB and weaken protections for workers to the benefit of businesses. I strongly urge my colleagues to oppose H.R. 1120, and any other partisan pieces of legislation that also seek to undermine the rights of workers all across America.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 146, the previous question is ordered on the bill, as amended.

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

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

MOTION TO RECOMMIT

Mrs. BUSTOS. Mr. Speaker, I have a motion to recommit at the desk.

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

Mrs. BUSTOS. I am opposed.

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

The Clerk read as follows:

Mrs. Bustos moves to recommit the bill (H.R. 1120) to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, insert the following:

SEC. 5. PROTECTING THE EMPLOYMENT AND ELECTION RIGHTS OF VETERANS AND THE AMERICAN WORKFORCE AGAINST OUTSOURCING, ABUSE BY FOREIGN FIRMS, UNSAFE WORKING CONDITIONS, AND DISCRIMINATION.

This Act shall not apply to any case or matter before the National Labor Relations Board involving any of the following:

(1) Any former members of the Armed Forces fired from a job in violation of the National Labor Relations Act or the processing of an election for representation for collective bargaining sought by any former member of the Armed Forces.

(2) Any attempt by a U.S. employer to outsource jobs or work overseas in violation of such Act.

(3) Any violation by an employer that is a foreign-owned firm against the rights of American workers under such Act.

(4) Workers seeking good faith bargaining under such Act to address issues related to health and safety, including hazardous working conditions involving underground mines, exposure to toxic chemicals, or explosions.

(5) Workers seeking good faith bargaining under such Act to address discrimination based on age, sex, disability, race, religion, or other personal characteristics.

(6) Any employer found to have violated child labor laws during the five-year period before the case or matter involving such employer comes before the Board.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois is recognized for 5 minutes in support of her motion.

Mrs. BUSTOS. Mr. Speaker, this is the final amendment to the bill. It will not delay or kill the bill or send it back to committee. If adopted, the bill will proceed immediately to final passage as amended.

This past November, Illinoisans and people across our country sent a strong, but simple, message to Congress, that the middle class needs to be a priority, not an afterthought.

The people I talk with back home are worn out by Washington putting politics before people. I was honored to take my oath of office in January with a mission to be part of the solution here in Congress.

Like so many other Members of the freshman class of this session of Congress, I ran for office to fight for the American worker and for a stronger middle class. I believed I could make a difference, and I still do.

The hardworking middle class people from my district in Illinois are counting on us to remember them as we deliberate in this Chamber. That begins with standing up against attempts to cut the legs out from beneath American workers, which is exactly what this bill does that's being presented today.

□ 1130

Mr. Speaker, without the support of organized labor, my family wouldn't be where we are today. My father-in-law, Joe, was born in a boxcar to immigrant parents from Mexico. With just an eighth grade education, he worked the line at John Deere Harvester Works in East Moline, Illinois. And because of organized labor, he earned an honest wage and benefits for his hard work. He was able to provide for his family and make sure his four children had a better life and more opportunities than he did.

Joe's youngest son is Gerry, my husband, who, with the help of organized labor, has helped lift our own family to success. I'm proud of my husband's nearly 30-year law enforcement career, and he is now the undersheriff of Rock Island County, where I live, and the commander of the Quad-City Bomb Squad.

I know my family story is not unique about how organized labor helped lift us and that so many American families share this same type of experience. Far too many people across this great Nation of ours are still struggling but are still hopeful that, if they work hard and play by the rules, they too can live the American Dream.

Unfortunately, the bill before us today tells American workers they're on their own. Instead of adding certainty and stability to our communities, this bill creates chaos and undermines decades of progress.

My amendment pleads for just a morsel of common sense. It provides a few simple but critical exceptions to the chaos that the bill otherwise promises. It protects workers who have risked their lives for our country on the battlefields abroad. These are heroes like Clarence Adams, who was among the first American marines to set foot in Iraq 10 years ago.

After Clarence returned home, he tried to exercise his right to organize at his workplace. The election was held, the union won, and then the union busting began. Clarence and 21 of his fellow workers were even fired at one point. He had one place to go, and that was to turn to the National Labor Relations Board.

Voting for this bill means stripping away those rights for Clarence and countless other brave veterans. My amendment would protect the rights of veterans to organize in the workplace.

As far too many hardworking families across our Nation feel each day, our economy is still healing.

I pledged to fight for the American worker, and that's a pledge I'm committed to keeping. The middle class is stronger because of organized labor.

If a company takes American jobs and outsources them overseas simply to avoid the formation of a union, that must not be allowed. My amendment would protect these jobs.

If a foreign company abuses our American workers' rights, we need a strong NLRB to stand up for them. My amendment does this.

If American workers face dangerous working conditions that could cost them their lives and they seek the right to organize for their own protection, we need the NLRB to function on their behalf.

If a person faces sexual harassment at the workplace or a worker faces racial discrimination, they should be allowed to join with their coworkers so they can address these issues. My amendment gives these workers a voice.

The NLRB was created to decide cases on a fair and an independent basis and has traditionally been made up of both Republican and Democrat Board members. It is there to fight for the rights of workers and the middle class against the worst abuses. They are depending on us.

I urge my colleagues on both sides of the aisle to vote ''yes'' to put aside partisanship and begin focusing on the middle class and to remember all those people getting up early, working hard, and playing by the rules who deserve the same chance that my family has had to realize the American Dream.

I yield back the balance of my time.

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

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

Mr. KLINE. Mr. Speaker, this is an interesting political stunt.

My friends on the other side had ample opportunity, both in committee markup and before the Rules Committee, to offer an amendment of this nature. They did not.

It does nothing to fix the problem that we're faced with today. Making an exception in statute that says a Board that has been ruled unconstitutional can act any way for some people and not for others, frankly, makes no sense.

I'll stand behind no one in my desire to protect our men and women in uniform, those who are serving and those who have served, but that's not what this motion to recommit is really about.

Our bill brings certainty and an impetus to our friends at the other side of the Capitol to move the President to fix a dysfunctional National Labor Relations Board that can address the very issues that my colleagues have brought up.

I urge defeat of the motion to recommit and support the underlying bill.

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

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

There was no objection.

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

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

Mrs. BUSTOS. 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 the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and approval of the Journal.

The vote was taken by electronic device, and there were—yeas 197, nays 229, not voting 6, as follows:

[Roll No. 100]

YEAS—197

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

NAYS—229

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy (CA)
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus

Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—6

Barton
Castor (FL)
Garamendi
Maloney, Carolyn
McCaul
Ros-Lehtinen

□ 1200

Messrs. GOSAR, BRADY of Texas, and CHAFFETZ changed their vote from ''yea'' to ''nay.''

Messrs. FATTAH, DEFAZIO, Mrs. BEATTY, Ms. LEE of California, and Messrs. RAHALL and HUFFMAN changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. ANDREWS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 219, noes 209, not voting 4, as follows:

[Roll No. 101]

AYES—219

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly (PA)
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (FL)
Young (IN)

NOES—209

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

NOT VOTING—4

Barton
Castor (FL)
Maloney, Carolyn
Ros-Lehtinen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1210

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 277, nays 131, answered ''present'' 1, not voting 23, as follows:

[Roll No. 102]

YEAS—277

Aderholt
Alexander
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Beatty
Becerra
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Calvert
Campbell
Cantor
Capito
Capps
Cárdenas
Carney
Carter
Cartwright
Cassidy
Castro (TX)
Chabot
Chaffetz
Cicilline
Clay
Cohen
Cole
Collins (NY)
Conaway
Connolly
Cook
Cooper
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Daines
Davis (CA)
Davis, Danny
DeGette
Delaney
DeLauro
DelBene
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duncan (SC)
Ellison
Ellmers
Engel
Eshoo
Esty
Farenthold
Farr
Fattah
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Grayson
Griffith (VA)
Grimm
Guthrie
Hahn
Hall
Hanabusa
Harper
Harris
Hastings (WA)
Heck (WA)
Hensarling
Himes
Hinojosa
Horsford
Huffman
Hunter
Hurt
Issa
Jeffries
Johnson (GA)
Johnson, Sam
Kaptur
Kelly (PA)
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kline
Kuster
Labrador
LaMalfa
Lamborn
Langevin
Lankford
Larson (CT)
Levin
Lipinski
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maloney, Sean
Marchant
Marino
Massie
Matsui
McCarthy (CA)
McCarthy (NY)