

NATIONAL LABOR RELATIONS
BOARD RULE

Mr. BROWN. Mr. President, I rise in opposition to S.J. Res. 8 which was passed by this body earlier last week but without a veto-proof majority. It would protect corporations looking to rig union elections, always at the expense of working families. Our labor movement helped build the middle class and fought for protections so many Americans take for granted: overtime pay brought about because of collective bargaining, child labor laws, collective bargaining, and talking to Members of Congress. Child labor laws, safer workplaces, unemployment insurance, workers compensation were all brought about because people came together in unions to organize and bargain collectively and came together in unions to talk to State legislators and Members of Congress in support of unemployment insurance and in support of safer work laws, child labor laws, and workers' compensation.

I am wearing my lapel with a picture of a canary in a birdcage. It was given to me 20 years ago at a workers' Memorial Day rally in Lorain, OH, a city on Lake Erie, about 25 miles west of Cleveland. This picture illustrates what the mine workers used to do 100 years ago. They took a canary down to the mines. If the canary died from lack of oxygen or toxic gas, the mine worker got out of the mines.

He was on his own. He did not have a union in those days strong enough to protect him. He did not have a government in those days that cared enough to protect him. Since the days of the canary in the birdcage down in the mines, we have seen Congress move forward on workers' compensation, on minimum wage, on unemployment insurance, on prohibition of child labor. Much of that progress, many of those advancements were because of the labor movement.

The growing voice of workers at the table was critical to all of these advancements made especially in the early part of the 20th century. Then it was Social Security, then it was Medicare and Medicaid, and then it was all of the other things that helped us together, from Head Start to Pell grants, that helped create a middle class.

The labor movement got children out of the sweatshops and into the classrooms. We expanded the rights of workers, we expanded the rights of women, we expanded the rights of people of color, and prosperity followed, shared by a growing portion of the country.

This week I led a delegation with Senator SCOTT—a Republican from South Carolina—to Selma, AL, and also to Montgomery and Birmingham to mark the 50th anniversary of Bloody Sunday, where the young—mostly students—were nonviolently walking across the Edmund Pettus Bridge in Selma, and they were attacked by State troopers and local police and local deputized citizens of Alabama who participated in the melee and beat

up a number of those students. That got the Nation's attention, and the Nation pushed Congress to pass the Voting Rights Act. Labor unions were there. Labor unions were there to ensure if we work hard and we take responsibility, we can work in a safe environment, with decent wages and benefits that allow us to take care of our family. But over the last decade that has changed. Workers in working families have paid the price. It used to be as profits went up, wages went up with those profits because the workers who helped those companies be profitable shared in the wealth they created.

That is not socialism. That is what happened in American capitalism for decades after World War II. When profits went up, wages went up, in large part because unions at the bargaining table—through the process of collective bargaining—made sure that as their workers were increasingly productive and companies did better and better and executive salaries went up, workers got a piece of the pie. But since the 1970s, profits have gone up, but wages have been pretty stagnant. American workers, our workers, continue to be the most profitable and most productive and talented in the world, but the rewards for productivity gains go to an ever-dwindling number of the richest Americans. So as companies do better and better and stockholders do better and better, as profits go up and up, workers simply have not shared in the wealth they have created. They have not gotten their piece of the pie that they have earned. A big part of that is the decline of the labor movement. Today the middle class accounts for the smallest share of our national income since World War II. I will say that again. The middle class accounts for the smallest share of our national income since World War II.

It is not a coincidence that workers are reaping fewer of the rewards of their work while union membership has declined. That is why the National Labor Relations Board proposed the rule change which is so important and why it is critical that Republican efforts—Republicans, again, doing it on behalf of the largest corporations in America—are not successful. This change would make modest, common-sense reforms to modernize and streamline the election process by which workers form unions.

Right now companies seeking to block workers' rights to form a union can delay elections sometimes up to 2 years, and they can drag out anti-union campaigns, they can intimidate workers, and they can find reasons to fire organizers. Delay works in the corporations' favor, as workers leave the jobs, as workers who wanted the union get discouraged from the union, and delay almost always works on the side of the employer.

Workers have a right to timely elections, the right to make up their own minds free of intimidation. Choosing one's representation is a right we cher-

ish as Americans, and the National Labor Relations Board rule preserves it for our workers. The NLRB rule would cut back on the frivolous court cases these corporations file over and over, these frivolous court cases that companies use to stall elections. It would allow NLRB hearing officers to move forward with an election despite pending litigation, the stalling tactics of frivolous lawsuits to ensure workers aren't silenced by expensive legal battles.

These reforms will not only help workers but also help businesses that act in good faith by streamlining the election process. This isn't an antibusiness move the workers and unions want to engage in, it is a cooperative move because moving quickly will bring everybody to the table more quickly.

Right now the election process varies widely from State to State. It relies on outdated forms of communication. This change will provide certainty to workers and businesses alike and will allow both to file electronically instead of only by mail, saving everyone time and money.

The lobbying effort by corporations on this is opposed to filing electronically. Imagine that. It is 2015. Why do they want to do that? Because they want to slow down the process. We know the consequences. Stalling tactics have real consequences for workers. We have seen that over and over again.

In Massillon, OH—a city near Canton, south of Akron, in Northeast Ohio—nurses at Affinity Medical Center elected to form a union in August 2012. Ann Wyat, who was awarded Nurse of the Year, was fired for leading the activities for unionization. The company did everything it could to crush the unionizing efforts. I have been to that hospital. I have met with those nurses. I have talked to them about this. The NLRB found in favor of the workers, ruling that Affinity Medical refused to bargain and used illegal coercion and intimidation tactics, but still the company refused to comply with Federal labor law. The matter went to Federal court, which ruled in favor of the nurses and filed an injunction against Affinity Medical for failing to follow NLRB rulings, for breaking Federal law.

Last month a jury in a civil court ruled unanimously and awarded the wrongfully terminated nurse \$2 million in damages. It was serious enough what they did to this nurse that the jury ruled this nurse was due \$2 million, not just because of the inconvenience to the nurse and the denial of her rights but the punishment for a company that breaks the law.

Two and a half years later Affinity Medical is still stalling, and no contract has been agreed to. The nurses in Massillon deserve better. All workers deserve better. That is the importance of this NLRB ruling, to make it a more level playing field.

That is what the American labor movement and our commitment to our workers is about—to speak out on behalf of honest pay for an honest day's work. It is a story of a nation—and a government—respecting the dignity of work and reflecting the decency and dedication of workers.

It has been nearly 80 years since American workers' right to collective bargaining has been confirmed. We have been doing this experiment for 80 years. Rather than ending that right—and, with it, squeezing the middle class—we should be working to preserve and expand the rights of workers.

We need equal pay for women, and we need a minimum wage that supports families. The minimum wage is worth 30 percent less today in real purchasing dollars than it was 30 years ago. Rather than eroding that, we need to strengthen and grow the middle class, and we need paid family leave and paid sick leave.

We need to be able to make it a little bit easier for a union, for workers to stand up to corporate interests when workers' interests are not respected.

That should be on the Senate's agenda, but sadly it is not. Instead, we have wasted our time on a resolution that we know will fail—all to pay back political scoring points for those corporations that fund campaigns and continue to dissolve organized labor. Without a veto-proof majority—and the resolution wasn't even close to that last Tuesday—we know it is nothing more than an empty gesture. Just as importantly, we know that if this resolution succeeded, it would do real damage to working Americans by impeding their ability to come together to organize and to build the power they have in numbers to be able to get their fair share of the American dream.

EXTENSION OF CHIP FUNDING

Mr. BROWN. Mr. President, it has been 1 month since I took to the floor of this body to urge my colleagues to work together to extend funding for the Children's Health Insurance Program, or CHIP. Just this past month, I have held roundtables at almost every major city in Ohio to hear more about what CHIP means to people in Ohio. At each of these roundtables, I spoke with families who depend on CHIP to get their kids the care they need.

Please understand that there are 130,000 Ohio children who are eligible for CHIP and who have benefited from CHIP, and in almost every case they are the sons and daughters of parents

who work. These are parents who don't make enough money and don't work at a place where the employer provides insurance. They may be \$9, \$10, \$11 or \$12 an hour jobs. They are working, and the income they are making simply isn't enough to buy insurance for their kids and for their families. So that is the importance of rewarding work. These 130,000 children now have insurance because of a bipartisan bill, the Children's Health Insurance Program. They have had it for 20 years.

It is in jeopardy now. Last week I was at the John R. Maloney Health Center in Columbus, where more kids rely on CHIP than anywhere else in the State. Some 13,000 children in Franklin County alone have health coverage because of CHIP.

I spoke with Meredith Mendoza, a mother living in Gahanna, OH. She works full time as a medical interpreter and makes too much to qualify for Medicaid but not quite enough to afford health insurance, and her employer doesn't provide it. Three of her four children have affordable, comprehensive coverage because of CHIP.

CHIP provides a sigh of relief for parents such as Meredith because CHIP means better access to comprehensive care for their children. Providing health insurance to low-income children isn't just the right thing to do; it is the smart thing to do.

This is why it is the smart thing to do. It allays the anxiety that so many families have about one of their children getting sick. It helps families feel more secure that they won't be wiped out financially and in other ways by a sick child. It helps that child do better in school because the child will miss fewer days and the child will feel better. It gives that child preventive care. It means vaccines, preventive health care, getting physicals, and it means dental care. It means better performance in school. CHIP means all of that.

But the problem is that the CHIP law is until 2019. We authorized it a couple years ago. The funding runs out in September. My Governor, the Republican Governor of Ohio, wants to see us fund CHIP through 2019 so we can continue to provide this insurance to all 130,000 children in my State.

If we don't act now, States will have to assume that CHIP is expiring, as they go through their budget process. In other words, CHIP funding runs out in September, but States—through their legislative process, where fiscal years often end during the early or mid-summer—need to begin to work this through their budgets right now.

The Utah legislature adjourns this week, March 12; New Mexico, March 21; Idaho, April 3; Tennessee, April 17; Alaska, April 19; Iowa, April 21; and Montana, April 27. All but seven State legislatures adjourn before September. That makes the need to act even more dire.

That is why I was proud to introduce legislation last month called the Protecting And Retaining Our Children's Health Insurance Program Act, or PRO-CHIP. It has been endorsed by every children's hospital in Ohio, almost all of them around the country, several national groups—the March of Dimes, the American Academy of Pediatrics, the Children's Hospital Association, Families USA—all kinds of people, and all kinds of groups.

CHIP just makes sense. Protecting health coverage, protecting health insurance, and providing health insurance to low-income children isn't just the smart thing to do; it is the right thing to do.

I call on my colleagues to pass the CHIP refunding bill so that it doesn't run out in September. Then States can plan so we can provide the health insurance to 10 million children—almost all of whose parents work for a living and who simply don't make enough money to provide insurance for their families.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

THE PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:04 p.m., adjourned until Tuesday, March 10, 2015, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 9, 2015:

EXECUTIVE OFFICE OF THE PRESIDENT

DANIEL HENRY MARTI, OF VIRGINIA, TO BE INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR, EXECUTIVE OFFICE OF THE PRESIDENT.

DEPARTMENT OF COMMERCE

MICHELLE K. LEE, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

FARM CREDIT ADMINISTRATION

JEFFERY S. HALL, OF KENTUCKY, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING OCTOBER 13, 2018.

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2020.