authority of States to tax certain income of employees for employment duties performed in other States.

S. 394

At the request of Mr. CASEY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 394, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 402

At the request of Mr. FRANKEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 402, a bill to establish a Science, Technology, Engineering, and Mathematics (STEM) Master Teacher Corps program.

S. 404

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 404, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. RES. 40

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. Res. 40, a resolution expressing the sense of the Senate regarding efforts by the United States and others to prevent Iran from developing a nuclear weapon.

S. RES. 69

At the request of Mr. INHOFE, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. SCOTT) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. Res. 69, a resolution calling for the protection of religious minority rights and freedoms worldwide.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. GRASSLEY):

S. 413. A bill to amend the Internal Revenue Code of 1986 to deny tax deductions for corporate regulatory violations; to the Committee on Finance.

Mr. REED. Mr. President, today I am reintroducing, along with Senator GRASSLEY, the Government Settlement Transparency and Reform Act. This bill aims to end the subsidization of illegal corporate behavior by taxpayers by closing a loophole that allows corporations to reap tax benefits from payments made to the government stemming from settling corporate misdeeds.

Corporations accused of illegal activity routinely settle legal disputes with the government out of court because it allows both the company and the government to avoid the time, expense, and uncertainty of going to trial. Under Federal law, money paid to settle corporate civil or criminal penalties is not deductible. But under the tax code, offending companies may often write off any portion of a settlement that is not paid directly to the government as a penalty or fine for violation of the law. Corporations exploit this provision by later characterizing settlement penalties as restitution and a tax-deductible business expense.

I think most would agree that, for example, a corporation should not come to an agreement with the government to pay $500 million in criminal or civil fines and then when they file their taxes count those very fines as a business expense and take a tax windfall. Corporations that do this are effectively using taxpayer dollars to subsidize their illegal behavior. In 2005, the Government Accountability Office found that of the 34 companies and $1 billion in settlements they examined, 20 companies took a tax deduction for some or all of the money it paid to the government. Those settlements were silent on whether that $1 billion to the government counted as penalties or restitution. According to GAO, in two of those settlements, company representatives said they made a mistake in deducting civil penalty payments totaling $1.9 million and said they would amend their tax returns.

To address these practices, the Reed-Grassley bill would amend 162(f) of the tax code and require the government and the settling party to reach pre-filing agreements on how the settlement payments should be treated for tax purposes. Our bill also clarifies the rules about what settlement payments are punitive and therefore non-deductible. Furthermore, it increases transparency by requiring the government to file a return at the time of settlement to accurately reflect the tax treatment of the amounts that will be paid by the offending party.

Last Congress it was estimated that over a ten-year budget window this legislation would raise $218 million in revenue.

With this legislation we can close this tax loophole that flies in the face of sensible and fair tax policy. The tax code should not be used to subsidize illegal activity by corporations. Indeed, when a fine is levied, that fine should not be construed as a legitimate business expense. Instead, it should be paid in full, with no tax deduction taken.

I want to thank Senator GRASSLEY for working with me again on this legislation. He has long championed closing this loophole. I urge our colleagues to join us by cosponsoring this legislation and seeking its passage.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 414. A bill to proide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am introducing the California Desert Conservation and Recreation Act, a piece of legislation that serves as an update to the historic California Desert Protection Act of 1994.

This bill reflects our attempt to achieve consensus among the various uses of desert land and the many stakeholders involved. This bill is bipartisan and it charts a commonsense path forward for the California desert.

It protects additional desert land. It helps manage my State's natural resources. It balances competing interests. It includes provisions on recreation and renewable energy development.

Overall, it ensures that the California desert will remain what it is today: a true American treasure.

This bill has been a long time in the making.

Only three months after I was sworn in as Senator, in January 1993, I introduced the Desert Protection Act. I picked up where my predecessors left off, and President Clinton signed the bill into law in October 1994.

This law was the largest land conservation designation in the continental United States:

It protected or increased existing protection for 9.6 million acres of desert land.

It established the iconic national parks of Joshua Tree and Death Valley, as well as the Mojave National Preserve.

It helped save habitats for endangered species.

It continues to attract millions of tourists to southern California—a boon for the economy.

It has ensured that the beautiful landscapes will be enjoyed for generations.

I recently visited the desert to celebrate the 20-year anniversary of that legislation becoming law. I was once again reminded how stunning the special land is. Simply put, it is an icon of the American West.

I became even more convinced: now is the time to do even more.

This is why I am introducing new legislation—to build upon the legacy of 1994.

The bill I am introducing today has a simple goal: to help manage California's desert resources with a well-planned approach that balances conservation, recreation, energy production and other needs.

This bill is first and foremost a bipartisan bill. It brings so many groups together:

Environmental groups; State and local governments; the off-road community; cattle ranchers; mining interests; the Defense Department; energy companies; California's public utility companies; and many others.

To account for all the uses of the desert, this whole effort was based on

an attempt to find consensus. We have worked very hard over the years to build that consensus.

We have consulted these stakeholders over the past 6 years. We have had thousands of hours of discussions. They have provided invaluable input and I am grateful for all of them coming to the table.

The cornerstone of the legislation is the creation of two new national monuments:

First is the Mojave Trails National Monument, which would encompass 965,000 acres. Of that, 196,000 acres is Caetellus lands, the areas acquired or donated to the Federal Government between 1999 and 2004 with the purpose of conserving land for the American public.

It should be noted that this donated land, which stretches from the Mexican border to San Bernardino county, was the largest land donation to the U.S. Government in the continental United States. But recently, the aim to conserve it was threatened by the development of some solar energy projects. That is why this bill is necessary: to ensure that the intention of those generous donors, to protect this land in perpetuity, is actually realized.

The second monument designation is the Sand to Snow National Monument. This would be made up of 135,000 acres of land from the desert floor in the Coachella Valley to the top of Mount San Gorgonio.

The Mojave Trails National Monument is essential as it contains important wildlife corridors and habitats. The Sand to Snow National Monument, likewise, would be one of the most environmentally diverse monuments in the country, including habitat for 240 species of migrating and breeding birds.

The bill has many other conservation provisions including: designating six BLM wilderness areas, covering 250,000 acres of land, designating 77 miles along 4 waterways as Wild and Scenic River; adding land to the Death Valley National Park, 39,000 acres, Mojave National Preserve, 22,000 acres, and Joshua Tree National Park, 4,500 acres.

Conserving pristine desert land such as this is most definitely in the interests of our country. The California desert is a very special place and it deserves to stay that way.

The bill also designates five existing BLM Off-Highway Vehicle Areas, covering approximately 142,000 acres of desert, as permanent Off-Highway Vehicle, OHV, recreation areas.

As has been stated, the desert has many uses, and motorists have long used the area for recreation. These provisions give off-highway enthusiasts the certainty they need. Their use of the desert will be protected as much as conservation areas are.

In fact, in this regard we have had success in recent years. Congressman PAUL COOK and I brokered an agreement for the mixed use of Johnson Valley, which was the subject of debate between the Marine Corps and off-road vehicle enthusiasts. We brought the parties together and reached a compromise. We made clear what land was for off-roading, what land was for Marine Corps training only and what land was to be shared.

This model of compromise should be instructive. When the parties come together, as they have in the case of this bill, we can achieve an equitable and fair distribution of the land.

Another use of the desert land that we must take into account is renewable energy.

Let me be clear: developing cleaner energy is important for California's economy and for our efforts to fight global warming.

But I also feel strongly that we must be very careful where these facilities are located.

Balancing conservation, development and other uses is possible, we just need to come up with the right solutions. Thankfully, some of these compromises are already in place.

In April 2009 there were 28 solar and wind energy proposals on lands proposed to be included in the Mojave Trails National Monument, including sites on former Catellus lands intended for permanent conservation.

I visited some of those sites at the time, including one particularly beautiful area known as the Broadwell Valley, where thousands of acres of pristine lands were proposed for development. Seeing it first hand, I quickly came to the conclusion that those lands were simply not the right place for renewable energy development.

Since then, 26 of the 28 applications have been withdrawn. So what happened in the nearly 6 years since then?

First, the Energy and Interior Departments developed new solar energy zones. These zones allow projects to be developed on lands least likely to harm plant and wildlife species, and allow projects to be completed faster and with fewer conflicts. This is a smart compromise.

Second, California has worked closely with Federal agencies to develop the Desert Renewable Energy Conservation Plan. This blueprint will help identify pristine lands that warrant protection and direct energy projects elsewhere.

Today, none of the land proposed for renewable development or transmission as part of these initiatives conflicts with the conservation proposed in this bill.

This is a fair balancing of priorities, and I think it provides a clear path forward.

The bill I am introducing also takes additional action to help promote responsible renewable energy development.

Specifically, the bill requires the Interior Department to exchange approximately 370,000 acres of small, isolated parcels of State land for Federal land. By swapping state land that is often surrounded by wilderness and national parks for other federal land, these exchanges will provide California with sites for renewable energy production, recreation or other uses.

I strongly urge my colleagues to take a good look at this legislation. I hope they understand that the many stakeholders involved have made their voices heard. The text of this legislation represents a consensus effort.

Most importantly, I hope they recognize the simple fact that desert conservation has never been a partisan issue.

Over the years, legislators have come together across party lines to preserve this great piece of land.

Given our past success, I am hopeful this Congress will take this legislation up and move it forward. It is the right thing to do, and the California desert needs it.

By Mr. ALEXANDER (for himself, Mr. ENZI, Mr. MCCONNELL, Mr. BLUNT, Mr. CORNYN, Mr. HATCH, Mr. ISAKSON, Ms. AYOTTE, Mr. BURR, Mr. SESSIONS, Mr. RISCH, Mr. PERDUE, Mr. COATS, Mr. SCOTT, Mr. ROBERTS, Mr. KIRK, Mr. BARRASSO, Mr. THUNE, Mr. RUBIO, Mr. BOOZMAN, Mr. CORKER, Mr. FLAKE, Mr. CASSIDY, Mr. HELLER, Mr. WICKER, Mr. SHELBY, Ms. COLLINS, Mr. PAUL, Mr. COTTON, Mrs. CAPITO, Mr. LANKFORD, Mr. VITTER, Mr. MCCAIN, Mr. HOEVEN, Mr. MORAN, Mr. JOHNSON, Mr. GRAHAM, Mr. INHOFE, Mr. GRASSLEY, Mr. COCHRAN, Mr. GARDNER, Mrs. ERNST, Mr. DAINES, Mrs. FISCHER, and Mr. CRUZ):

S.J. Res. 8. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation case procedures; to the Committee on Health, Education, Labor, and Pensions.

Mr. MCCONNELL. Mr. President, recently the Senate has had a lot of discussion about partisan overreach. We have talked about an administration that seems to view democracy as what it can get away with, not what it can work cooperatively to achieve. It is worrying for our country, and we keep seeing more examples of it.

Consider the administration's effort to weaken workers' rights. This administration's appointees on the National Labor Relations Board released their so-called ambush rule back in December. It is designed with one purpose in mind: to fatten the wallets of powerful political bosses by weakening the rights of middle-class workers.

Republicans believe a worker has a right to make her own informed choices about joining a union. We don't think powerful political bosses should attempt to make that decision for her, but that is just what this rule aims to achieve. These bosses think they can enrich their own coffers if they can deny workers real opportunities to

weigh the pros and cons of joining a union. For instance, in an era of stagnant wages, does a worker want to see her paycheck shrink so a political boss can attend more campaign fundraisers? Republicans think that is a choice for the worker to make. Does a worker want to give up her right to demand better pay or a promotion that she deserves and cede those decisions to a distant political organization?

Republicans think she has a right to make those choices for herself and she has a right to make them in an informed way, but the administration's ambush rule would dramatically weaken her ability to do so. In many cases it wouldn't even allow her more than a handful of days to weigh the pros and cons of such a costly and important decision. It is really not fair. And it is not just me saying that; consider the words of John F. Kennedy. Here is what he had to say about it. ''There should be at least a 30-day interval'' for union elections, he said. He noted that these 30 days represent a safeguard against ''rushing employees into an election where they are unfamiliar with the issues.'' Kennedy was right.

There is another important issue at stake here too. Just as Republicans think a worker has a right to make her own informed choices, Republicans also think her personal information is none of the business of powerful political bosses. But the administration's ambush rule would allow those bosses to access things such as her email address and cell number without—without—her permission. It also would allow those bosses to track her, to know exactly when and where she is working—again, without her permission. She can't opt out and she can't unsubscribe. This is really chilling. This is really extreme.

What about the men and women who rise early every day to fulfill their dreams, the men and women who provide so many opportunities for others to fulfill theirs? This ambush rule is also aimed at preventing someone with a small business of her own from even having a real conversation with her employees about the cost and the benefits of joining a union. The ambush rule would give extraordinary power to political bosses on the outside, while shutting her voice down—the one person who probably knows more about and cares more about her employees than anyone else. After years spent building a dream and caring about the men and women who helped her get there, this rule is an insult—an insult—to entrepreneurs like her.

Moreover, it is not the men and women on the assembly line who are demanding the ambush rule. There is no demand for this coming up with the workforce in America. So who is demanding it? It is the powerful political bosses who worry that more and more workers are making an informed choice not to join a union. Those bosses are worried about what informed choices could mean for them—less money, less power.

So this far-reaching rule—the so-called Mt. Everest of regulations—is not the result of the administration seeking out the best policy; it is just another example of the administration seeing what it can get away with. It is a brazen attempt to enrich powerful political friends of the White House by weakening workers' rights. It is not fair for workers, and it is not right for our country.

My good friends the Senators from Tennessee and Wyoming are here on the floor to explain what Congress plans to do to stand up for basic fairness in the workplace. They are going to talk about this latest example of partisan executive overreach—the kind of overreach that is coming to define the Obama administration—and what Congress plans to do next.

Madam President, I see the Senator from Tennessee is on his feet, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Chair for the recognition and the majority leader for his remarks and his leadership. I am also glad to be here with the Senator from Wyoming, who over the years has been the leading Republican Senator on the issue of ambush elections.

We are here today, as the majority leader said, to introduce a Congressional Review Act resolution to stop a new National Labor Relations Board rule. I would like to speak about that for a few minutes and then let the Senator from Wyoming continue.

Last December the NLRB issued a final rule that shortened the timeline between when pro-union organizers ask an employer for a secret ballot election and when the election actually takes place. I refer to this as an ambush election because it forces a union election before an employer has a chance to figure out what is going on. Even worse, it jeopardizes employees' privacy by requiring employers to turn over personal employee information—including email addresses, phone numbers, shift hours, and locations—to union organizers.

The effect of this resolution will be to permit the majority leader to bring this resolution to the floor after the congressional recess. There will be 10 hours of debate. The resolution cannot be amended, and it needs a majority vote to pass. The House of Representatives is following a similar procedure. Both Houses must vote on it. If it passes both Houses, the President can sign or veto the resolution. If the President decides to veto, it would take 67 votes to override. If the NLRB's new ambush election rule is disapproved, the Board cannot issue a substantially similar rule without congressional approval.

Today, more than 95 percent of union elections occur within 56 days after a petition is filed, but under this new rule elections could take place in as few as 11 days after a petition is filed. This rule will harm employers and employees alike, and here is how.

If you are an employer who gets ambushed—in other words, a union election happens before you really know what is going on—on day 1 you get a faxed copy of an election petition that has been filed at your local NLRB regional office stating that 30 percent of your employees support a union. The union may have already been quietly trying to organize for months without your knowledge. Your employees have been able to hear only the union's pitch.

By day 2 or 3 of this process, you must publicly post an election notice in your workplace and post it online as well if you communicate with your employees electronically.

By noon on day 7, you must file with the NLRB what is called a statement of position. This is a comprehensive, written legal document in which an employer sets out legal positions and claims. Under this new NLRB rule, you, the employer, waive your rights to use any legal arguments not raised in the document. On day 7, you must also present the union and the NLRB with a list of prospective voters as well as their job classifications, shift hours, and work locations.

On day 8, a pre-election hearing is held at the NLRB regional office, and an election date is set.

By day 10, the employer must present the union with a list of employee names, personal email addresses, personal cell phone numbers, and home addresses.

Day 11 is the earliest day on which the NLRB could conduct the election under the new rule. The union has the power to postpone an election by an additional 10 days at this point, but the employer has no corresponding power.

Under this new NLRB rule, before the hearing on day 8 an employer will have less than 1 week to figure out what an election petition is, find legal representation—many employers don't have a labor lawyer as a matter of course—determine legal positions on the relevant issues, learn what statements and actions the law permits and prohibits, gather information required by the NLRB, communicate with employees about the decision they are making, and correct any misstatements and falsehoods employees may be hearing from union organizers. Making even the slightest mistake in the lead-up to an election can result in the NLRB setting aside the results and ordering a rerun election or, worse, the Board could require an employer to automatically bargain with the union.

But it is the employees who stand to lose the most under this new rule. First, because of this ambush election, employees may only hear half the story about what unionizing may mean for them and for their workplace. When a workplace is unionized—especially in a State that does not have a right-to-work law—employees have their dues money taken out of every paycheck,

whether they like it or not. Employees lose the ability to deal directly with their employer to address concerns, or ask for a promotion or raise, and instead have to work through the union.

Important considerations, such as which of their fellow employees will be included in the bargaining unit, will no longer be determined before the election. As the two dissenting members of the NLRB put it: Employees will be asked to ''vote now, understand later.''

Second, employees lose their privacy because the final rule we seek to overturn requires employers to hand over employees' personal email addresses, cell phone numbers, shift locations, and job classifications, even if the employee has made it clear he does not want to be contacted by union organizers.

This rule appears to be a solution in search of a problem. Only 4.3 percent of union elections occur more than 56 days after the petition is filed. The current median number of days between when the petition is filed and the election is held is just 38 days.

These figures are well within the NLRB's own goals for timely elections. Unions won 64 percent of elections in 2013. In recent years, the union win rate has actually been going up. So what is the problem?

The majority leader said it very well when he referred to a 1959 debate over amendments to the National Labor Relations Act. Then-Senator John F. Kennedy warned against rushing employees into a union election. Senator Kennedy said:

> There should be at least a 30-day interval between the request for an election and the holding of the election...in which both parties can present their viewpoints.
>
> The 30-day waiting period is an additional safeguard against rushing employees into an election where they are unfamiliar with the issues.

It is clear to see this rule is wrong. That is why Senator ENZI, Senator MCCONNELL, and I are asking the Senate to disapprove the rule and prohibit the National Labor Relations Board from issuing any substantially similar rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I thank the Senator from Tennessee, Mr. ALEXANDER, for his comments.

I don't think I have ever heard it put quite as concisely or the timeline explained quite as well as he did. I hope people are paying attention. I hope people take a look at the journal and see exactly how short a timeframe that is for both the employer and the employees.

So I rise to support the resolution of disapproval that would repeal the National Labor Relations Board's ambush election rule.

I again thank my friend Senator ALEXANDER for his leadership as the chairman of the Health, Education, Labor and Pensions Committee and for leading this effort to prevent yet more misguided Federal regulation that will hurt American businesses and employees.

Unfortunately this isn't the first time we have had to fight this rule from the NLRB. When I led the Congressional Review Act resolution to stop this rule in 2012, I truly appreciated Senator ALEXANDER's support and am proud to support him now. I didn't have the votes to pass the resolution in 2012, but we have had some elections and some changes in the Senate since then.

The rule the National Labor Relations Board has proposed would be a tremendous burden on employers, especially small businesses. If this rule goes into effect, it will mean employers will barely have time to meet their preelection legal obligations. It will mean employees will be rushed into an election without time to study and consider what the unionization would mean for them, for their workplace, and for their community. Also, Big Labor will be able to force elections through in order to boost revenue from union dues and increase the influence of Big Labor.

Our economy is already grappling with Federal rules and regulations that hold back businesses. This rule from the National Labor Relations Board will be yet another break, slowing down our economy at a time when we need to encourage employers and businesses to grow. It would be especially harmful to small businesses, which are the backbone of our economy and the most important factor in maintaining our fragile economic growth.

Small businesses that don't have human resource departments and more particularly don't have in-house legal counsel already face a significant burden when they have to navigate union elections. This rule would only make it harder. This rule would hurt businesses for the sole purpose of helping unions that don't need it.

Union elections are supposed to be held in a timely and fair manner, which is what the current system achieves. The average time between filing an election petition, as has been mentioned, and holding the vote is 38 days, and nearly all elections happen within 2 months.

That process allows employers to understand their rights and meet their legal obligations. It allows employees to educate themselves about what unionization means for them personally and for their work, and it ensures that union elections will be a fair opportunity for workers to decide whether to organize.

Under the current system there is a 25-day waiting period between the setting of an election and the actual secret ballot election. That window of time is crucial. Employers use that time to understand their rights and restrictions in the process and to meet their legal obligations.

The union election process is not simple, nor is it straightforward for employees. There are numerous places where a well-meaning employer working to meet their obligations could misstep and face heavy penalties from the National Labor Relations Board.

Employers also use this time to communicate with their employees about the decision they are making and to clear up misstatements, rumors or falsehoods that have been going around.

The time between petitioning for election and voting is also used for parties to study decisions by hearing officers or the National Labor Relations Board's regional director and ask for clarification or review.

Under the National Labor Relations Board's rule, all the opportunities for anyone involved with the process to understand their legal obligations, to exercise their rights, to study or debate the arguments for or against unionization or even to learn about the issue would be squeezed into as little as 14 days.

Is it fair for an employee to only have 10 days to learn how his or her vote will affect the rest of their time with that employer—we have to remember they are going to be working during that time probably—or how much money membership in a union is going to cost them or what it means for their ability to negotiate directly with their employer for raises or other benefits or concerns or any of the countless other issues an employee might want to approach his or her employer about?

Under current law, both parties are able to raise issues about the election at a preelection hearing, covering such issues as which employees should be included in the bargaining unit and whether particular employees are actually supervisors.

Under the new regulation, parties will be barred from raising these questions until after the election. Employees will be forced to vote without knowing which other employees will actually be in the bargaining unit with them. This is important information that weighs heavily in most employees' votes.

Under current law, when either party raises preelection issues, they are allowed to submit evidence and testimony, and file post-hearing briefs for the hearing officer to consider, and then they have 14 days in which to appeal decisions made with respect to that election.

Under the new regulation, the hearing officer is given the broad discretion to bar all evidence and testimony unrelated to the question of representation and all post-election briefs and no appeals or requests for stays are allowed. This could be quite a disadvantage for employees as well as employers.

What this all adds up to is an extremely small window of time for filing

the petition to the actual election, little opportunity for employers to learn their rights or communicate with their employees their rights, and less opportunities for employees to research the union and the ramifications of forming the union.

The NLRB is ensuring that the odds are stacked against the employees and the businesses. This vote is an opportunity to tell the National Labor Relations Board to reverse course.

I hope this resolution will convince the National Labor Relations Board to pull back from this disastrous rule and encourage them to focus on their statutory mission rather than overturning decades of settled practice that ensures that this process is held in a timely manner and that there is a fair opportunity for all sides to understand, to participate, and to exercise their rights.

The NLRB's purpose is to enforce the National Labor Relations Act, which is a carefully balanced law that has only rarely been changed. When changes have occurred, they have been the result of careful negotiations, with input from stakeholders and thoughtful debate.

The NLRB is attempting a sneak attack through the rulemaking process. This is an ambush on the National Labor Relations Act to set up ambush elections.

The National Labor Relations Board is an agency that has historically issued very few regulations. Most of the questions that come up under the law are handled through the decisions of the Board. Board decisions often do change the enforcement of the law significantly, but they are issued in response to an actual dispute and a question of law.

In contrast, the ambush election is not a response to a real problem because the current election process for certifying whether employees want to form a union is not broken. The rule was not carefully negotiated by stakeholders, it was not made with careful debate, and there was no attempt to reach a consensus.

In the late 1950s Congress worked to pass the Landrieu-Griffin Act, which protected the rights of both rank-and-file union members and their employees. This was a carefully constructed piece of legislation that came out of a special committee to study the issue, that heard from more than 1,500 witnesses over 3 years. And Congress debated the issue of how long a period of time there should be between the request for an election and the actual election coming up during those negotiations.

My colleagues may be surprised to learn—although they wouldn't if they were listening to the previous two speeches—that it was Senator John F. Kennedy who argued vigorously for a 30-day waiting period prior to the election. He said:

> There should be at least a 30 day interval between a request for an election and the holding of an election . . . in which both parties can present their viewpoints. . . . The 30 day waiting period is an additional safeguard against rushing employees into an election where they are unfamiliar with the issues.

Again, that was a quote by Senator John F. Kennedy, speaking directly to the need for fairness to employees. The 30-day waiting period provision he supported did not ultimately become part of the law, and obviously it is not a law today. Instead, the NLRB adopted the practice of a 25-day waiting period in almost every case.

This caution about the need for employees to have a chance to become familiar with the issues is just as true today. Employees who are not aware of the organizing activity at their worksites and even those who are need to have an opportunity to learn about the union they may join. They will want to research the union to ensure it has no signs of corruption. They will want to know how other worksites have fared with this union and whether they can believe the promises the union organizers may be extending. Employees should have every chance to understand the impact of unionization. Four decades ago Senators recognized that employees deserved the opportunity to gather this and all other relevant information before casting their votes. Unfortunately, the NLRB is choosing to ignore this caution, and rank-and-file employees will suffer.

This situation is exactly what the Congressional Review Act was intended for. When an agency goes too far and tries to impose rules and regulations that are unnecessary or harmful—in this case, both—the Congressional Review Act gives Congress an expedited process for repealing that regulation. It is a process that cannot be held up and cannot be stalled or put off to ensure that Congress can act when it needs to stop an out-of-control agency.

By any measure, the current law and certification system for union elections ensures that the process is fair for all parties and that all parties have the opportunity to exercise their rights and to fully understand the implications. The National Labor Relations Board has not made the case that elections are being held up or stalled. They cannot make the case because the data doesn't support it. I want to repeat. The National Labor Relations Board has not made the case that elections are being held up or stalled. They cannot make that case because the data doesn't support it. There is no need for this rule, which is just a handout to Big Labor, which relies on pushing unions forward before businesses and employees have a chance to study and understand the full effects.

This resolution will preserve the fairness and swift resolution of claims which occur under current law. It will not disadvantage unions or roll back any rights. It is important to say that again because there is going to be a lot of misinformation about what this resolution does. This resolution does not disadvantage unions or roll back any union rights. What it does is it ensures that small business employers and employees in America are not unfairly disadvantaged by a burdensome process and that employees are not misled with insufficient or incorrect information during the union election process.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Under a successful Congressional Review Act disapproval, the agency in question is prohibited from issuing any substantially similar regulation. That means the National Labor Relations Board could not just reissue this regulation again and again, as they have currently done.

I encourage my colleagues to support this resolution to ensure that the National Labor Relations Board understands that this rule is a no-go and that we will stand up to ensure a fair process.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I wish to make a unanimous consent request that Lt. Col. Anthony McCarty, a defense fellow in my office, be granted floor privileges for the remainder of this year.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel: