ETHICS IN THE JUSTICE DEPARTMENT

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

Mr. EMANUEL. Madam Speaker, today's Washington Post details more allegations of political influence in the recent firing of eight U.S. attorneys. Yesterday, in a press conference, a New Mexico U.S. Attorney, David Iglesias, asserted that he was fired for purely political reasons. The reason? Mr. Iglesias says that prior to November elections, two elected officials, Federal elected officials, asked him to speed up the probes of local politicians. He did the right thing, refused; and now he is fired.

We know that the White House officials intervened and replaced seasoned prosecutors with individuals short on experience but long on political ties. I thought that is what FEMA was for.

Yet Attorney General Gonzalez said he would never ever dismiss attorneys for political reasons. So this administration either originally hired incompetent U.S. Attorneys in the first place or hired competent U.S. Attorneys, but incompetently fired them. Which is it?

Many Americans believe these U.S. Attorneys are not being fired because they failed to go after public corruption, but because they did and were successful.

This Congress will not sit idly by. Madam Speaker, this Congress passed the most sweeping ethics changes since Watergate. We're cleaning up our mess. It's time the Justice Department did the same.

TEXAS INDEPENDENCE DAY

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

Mr. POE. Madam Speaker, in the rainy season in central Texas at a place called Washington on the Brazos, Texas decided they had had enough of the new dictator of Mexico and declared themselves to be a free nation on March 2, 1836.

Spain had control of what is Texas and Mexico for centuries. Mexico revolted and set up a constitutional government in 1824. But in 1825, Santa Anna, the Saddam Hussein of the 19th century, became dictator of Mexico and used military force to subject all of Mexico, including Texas.

Hispanic and Anglo Texans resisted, and wanting a return to constitutional government declared independence, stating that Santa Anna had forced a new government upon them at the point of a bayonet. Santa Anna massacred freedom fighters at Goliad and the Alamo, but independence was gained at the swampy marshes at the Battle of San Jacinto, when Sam Houston and his boys routed and defeated the invaders.

Texas was an independent nation for 9 years. Some say we are still an independent nation. Then later Texas joined the Union. And, Madam Speaker, the rest, they say, is Texas history.

And that's just the way it is.

□ 1015

EMPLOYEE FREE CHOICE ACT

Ms. SUTTON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 203 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 203

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). The gentleman may inquire.

Mr. WESTMORELAND. Madam Speaker, I believe on the opening day of the session, did we or did we not pass House Resolution 6, that was the rules package?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WESTMORELAND. Parliamentary inquiry, ma'am, is how many rules of that standing rules package did this Rules Committee waive in order to do this bill?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry

The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

Ms. SUTTON. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS).

All time yielded during consideration of the rule is for debate only.

Madam Speaker, I yield myself such time as I may consume.

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

Ms. SUTTON. Madam Speaker, House Resolution 203 provides for consideration of H.R. 800, the Employee Free Choice Act, under a structured rule with 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and Labor.

Madam Speaker, I am so honored to be here to talk about this rule and this bill. There is no fear quite like the fear of losing your job. It is paralyzing, because to fear for your job is to fear for your family, for their well-being and for your ability to provide for them.

I know this fear because I have seen it on the faces of the people who help to make our world turn, the workers who struggle every day to do the jobs we could not live without.

Before I was elected to Congress, I had the honor to serve as an attorney representing many of those workers. And Madam Speaker, when you work as a labor lawyer, unfortunately, often you see people with that fear in their eyes. They come to you because their jobs are being threatened, or worse, because they have been wrongfully terminated because they were attempting to organize a union or promote union activity to improve their lives and the lives of their coworkers.

But it doesn't have to be this way. In this country, employees who actively promote union organizing have a 1-in-5 chance of getting fired for their activities. Every 23 minutes, a United States worker is retaliated against for their support of a union.

In 1958, about 1,000 workers received back-pay awards because their employers violated labor organizing laws. In 2005, over 31,000 workers received back-pay awards.

It is a common tactic of those who oppose workers' rights to cast those who support them as relics of another era. They speak of unions as entities

that were necessary remedies for abuses of a different time, and then they point to the dwindling union membership as evidence that organizing is no longer needed.

But smaller union rolls are a symptom of a larger disease, not evidence of a cure.

The quality of life we know in this Nation was built on the back of the American labor movement. More than half of the United States workforce says they would join a union right now if they could, yet only 12 percent of them are in one.

Less people are joining labor unions, not because less people want to be a part of them; less people are joining labor unions because far too often irresponsible employers have perfected coercive tactics to fight their creation.

Imagine if tomorrow you are taken into a room with your supervisor who sits you down and tells you, if you support organizing a union and the union wins, your business will close down. And then your boss tells you, if the union doesn't win, you will be fired anyway.

The situation is not hypothetical. Research shows us that these threats and intimidation tactics are used to inhibit union organization. It sure may be illegal to fire an employee for voting in support of a union, but it is done anyway. And as things stand today, there are no real repercussions for doing so, because there are no fines or civil penalties for breaking the law.

Let me tell you about a journeyman welder from Northeast Ohio and what he and his family have endured, all because he and others where he worked tried to form a union. His name is Dave, and the company he worked for was intent on keeping the union out. And as you will learn, the company was willing to go to extraordinary and egregious lengths to do it.

So what happened to Dave? Since he began his efforts to help organize, he has been relegated to picking up cigarette butts at company headquarters instead of plying his skill in the field in an attempt to humiliate him.

He has been singled out at captive audience meetings with verbal abuse by his employer that was so bad that Dave feared it would get violent. He has had supervisors make physically threatening remarks to him while he was in inherently vulnerable positions working in the field. And in a particularly reprehensible action, Dave's wife has been targeted for harassment that escalated to such a point that she was hospitalized, all to keep the union out.

There is one thing that is clear, these tactics work. They are effective in suppressing the creation of unions, but they are not acceptable and they must stop.

The Employee Free Choice Act establishes real penalties for employee intimidation by increasing the back-pay award when a worker is fired or illegally discriminated against. It also provides for civil penalties for willful or repeated violations. It will act as a disincentive for such egregious behavior.

Furthermore, this legislation allows employees to unionize when a majority of workers sign cards in support of organizing, and forces the NLRB to recognize that union as a bargaining entity without giving the employer the opportunity to unilaterally veto that decision and demand an election that offers an opportunity for coercion and manipulation.

This bill also continues to give employees the choice to form a union through a traditional secret ballot election as current law does.

Now, let's be clear. It does not eliminate the opportunity for employees to have a secret ballot election. It simply eliminates the opportunity for an employer to require an election by secret ballot after employees have already voted for union representation through their chosen route of card check.

Another important aspect of this bill is that it requires the NLRB to step in and stop illegal behavior when it is happening.

And finally, and equally important, this legislation provides a path towards binding arbitration for first contracts. Right now, in 34 percent of cases a first contract is not reached, they are dragged out with the hopes of employees giving up and disbanding the union.

This law pushes both sides to bargain in good faith. And that is really where we should be going; a world where both employers and employees approach the table with an intention to make a good faith attempt to come to an agreement.

The old paradigms do not need to exist as they once did. I have witnessed partnerships between giants of industry and the workers on the line that have enabled businesses to thrive.

Lessons can be learned from situations where employers have respected their employees' stated desire to form a union through the majority card signing method. Companies like Kaiser Permanente and Cingular. Veering away from anti-union tactics, these employers have focused on and enjoyed success working with their employees, not against them.

Cingular has not stood in the way of its employees forming unions, and the model they have committed to has not stopped them from becoming the Nation's top cell phone carrier.

It doesn't have to be an either/or process, but it does have to be a fair process. And that is what this bill will accomplish.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I rise today in strong opposition to this modified closed rule and to the Democrat leadership bringing legislation to the floor of this House which will provide for an unprecedented intimidation of employees by union bosses under a fundamentally anti-democratic process known as ''Card Check.''

Today, the Democrat leadership has scheduled a vote on the most dramatic change to our Nation's labor laws since the Taft-Hartley Act of 1947, which identified and disallowed the most egregious union practices of its day. And every single Member of this body will have an opportunity to answer very plainly and clearly whether they think our economy should be nimble and adaptive to compete with countries that present tomorrow's challenges, or mirror the politics of Europe which will continue to keep our former competitors on the continent from realizing the jobs and the economic growth of the United States. We do not believe the policies of Europe are the way to go.

This legislation will give every single American voter a chance to see whether their Member of Congress supports the private ballots, a right which is given to every single American voter for obvious reasons, or if they support government protection and special treatment for labor unions by silencing one side over the debate of unionism.

Of course, as we watch what is going on today across America, everyone will be tuning in to C–SPAN to watch this debate to see how we are going to answer a number of statements from the majority about how this legislation will provide fairness and will improve conditions for American workers.

What they will not hear from the other side of the aisle is an explanation about why 16 Democrat cosponsors of this legislation previously signed a letter to the Mexican government imploring it to use the secret ballot in all union recognition elections because it would ensure that workers would not be intimidated into voting for a union that they would not have otherwise had.

Madam Speaker, I could argue this sentiment even more. I would like to insert a copy of this letter into the CONGRESSIONAL RECORD, and I doubt that that body will get an explanation from these signatories why they believe it is a matter of fairness that Mexican workers deserve protection from coercion, while American workers do not. We will find out. Perhaps they will take an opportunity to enlighten us later today.

AUGUST 29, 2001.

JUNTA LOCAL DE CONCILIACION Y ARBITRAJE DEL ESTADO DE PUEBLA, LIC. ARMANDO POXQUI QUINTERO,

7 Norte, Numero 1006 Altos, Colonia Centro, Puebla, Mexico C.P. 72000.

DEAR MEMBERS OF THE JUNTA LOCAL DE CONCILIACION Y ARBITRAJE OF THE STATE OF PUEBLA: As members of Congress of the United States who are deeply concerned with international labor standards and the role of labor rights in international trade agreements, we are writing to encourage you to use the secret ballot in all union recognition elections.

We understand that the secret ballot is allowed for, but not required, by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.

We respect Mexico as an important neighbor and trading partner. and we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

Sincerely,

George Miller, Marcy Kaptur, Bernard Sanders, William J. Coyne, Lane Evans, Bob Filner, Martin Olav Sabo, Barney Frank, Joe Baca, Zoe Lofgren, Dennis J. Kucinich, Calvin M. Dooley, Fortney Pete Stark, Barbara Lee, James P. McGovern, Lloyd Doggett.

Madam Speaker, the supporters of this legislation will also avoid coming to the floor to explain the fairness of allowing for the certification of unions through card check, but forcing workers who want to decertify their union to go through the same ballot process.

□ 1030

Once again, rather than providing ''fairness,'' it seems like this legislation is providing special consideration and privileges for unions.

Supporters of this legislation will be notable by their silence in today's debate about how intimidating workers through harassment, lies, and fear tactics into signing these cards improves workers' conditions. In fact, sending card check collectors to workers' homes and providing unfair labor practices in order to legitimize a card check campaign, as testified by former union organizers in the only House hearing on this legislation, seems to do exactly the opposite for American workers.

Finally, I fail to see how fining employers who take the initiative to provide improvements in compensation or working conditions during a unionization attempt is about ''improving workplace conditions.'' If this legislation's supporters were supportive of improving working conditions, it would seem like an employer's unenforced offer to improve them would be something that they would obviously support. Perhaps they will enlighten us. I am certainly not holding my breath.

I don't think that the Members of this body or the American voters will hear the explanations for these or other contradictions between the Democrats' bumper sticker slogans and what the bill actually does because this legislation is not about ''providing fairness'' or ''improving workers' conditions.'' It is about shielding unions from competition and stacking the deck in favor of union bosses at the expense of the workers.

It is obvious why union bosses would be pushing for this special consideration when one looks at membership trends over the last 60 years. In 2006, the percentage of employees in unions was 12 percent. This is down from 20 percent in 1983 and 35 percent in the 1950s. Today's increasingly mobile workforce no longer sees the value that unions add to their careers and increasingly resent being forced to pay compulsory dues, which can total thousands of dollars a year, to union bosses that are unresponsive to their needs and increasingly support policies that are counter to their interests.

Let me give one short example from my hometown in Dallas, Texas. Last July the Department of Transportation announced it was opening up a new route to China, and American Airlines, which is based in Dallas/Fort Worth Metroplex, filed a proposal to serve this route from the DFW Airport. Unfortunately for consumers, servicing this flight would have exceeded the flying time cap demanded by the Allied Pilots Association by an average of 15 minutes. Despite having waived this cap a year earlier during negotiations on another route from Chicago to Delhi, India, and despite the fact that this route would have established a new foothold in Asia for America to produce more jobs for members of the union in the future, union bosses for the pilots dug in their heels and cratered the deal.

So an opportunity that meant a great deal to creating more pilots' jobs, and also meant a great deal to the future of an airline fresh off bankruptcy and other employees, travelers, and shareholders impacted by the deal, was stopped by a few bosses in the union leadership who said simply ''no'' and put an end to the entire process.

Madam Speaker, with cases like these, it is no wonder that fewer and fewer Americans believe that unions speak on their behalf and that union bosses must now come hat in hand to the House floor asking Members of Congress to stack the deck in their favor.

I am asking every single one of my colleagues to stand up and oppose this process, this rule and the underlying legislation. This bill is a blatant attack on the free enterprise system as we know it in America today because it is a new government intervention into personal decision-making that allows the deck to be stacked in favor of the union bosses looking to pad their dues-paying membership. It will submit employees to intimidation tactics of hired union guns without regard to improving their working conditions.

Madam Speaker, I reserve the balance of my time.

Ms. SUTTON. Madam Speaker, before I yield, I would like to remind the gentleman from Texas that this does not eliminate the right of employees to have a secret ballot. They still have that choice. It simply eliminates the practice of employers superseding the employees' will by requiring them to submit to a secret ballot election.

Madam Speaker, I yield 2 minutes to the gentleman, the distinguished member of the Rules Committee, from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Madam Speaker, our American democracy depends on a strong middle class, and our middle class has relied on institutions that support working Americans. The American institution that has done more to strengthen the backbone of our democracy and the rights of American workers is the labor union.

At a time when you would least expect it, the middle-class American is losing ground. Corporate profits are up. Executive pay is up. Productivity of our workers is up. And yet our middle class is under assault. Worker incomes haven't kept pace with rising costs for education, health care, energy, transportation, child care, and housing. We haven't faced greater income inequality since before the Great Depression.

Why is it that as our economy grows and CEOs have unfettered freedom to negotiate lavish contracts, our workers are left behind?

Many believe, as I do, that strengthening the rights and opportunities of workers will increase opportunities for all and strengthen the American economy. Our economy has done best when all share in a stake in its success and all share in its rewards.

Congress can help our workers achieve better wages, benefits, and working conditions. We can help level the playing field. The Employee Free Choice Act is based on the simple proposition that workers should have a protected right to organize when they choose to do so. That right must be straightforward, enforceable, and fair. If a majority of workers sign up for a union, they form a union. It is that simple.

Congress today can play a positive role in promoting the vibrancy of our democracy and helping workers get ahead. Last month we began to do so by raising the minimum wage, making college more affordable, and lowering the cost of prescription drugs. Today we act to protect the rights of workers as they pursue the American Dream.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 5 minutes to the gentleman from the Rules Committee, LINCOLN DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I thank my friend from Texas for yielding the time.

Madam Speaker, I come to this debate as a strong supporter of the right of collective bargaining. I, in my personal experience not only as a lawyer but someone obviously who has been long interested in issues related to our rule of law including the right of collective bargaining, have witnessed examples of coercion in the workplace and many more examples I have witnessed actually coming from management than from labor. And I think that that is unacceptable. As a matter of fact, as I told the distinguished author of this legislation when he appeared before the Rules Committee, I think there are important aspects of this legislation, from my vantage point, that are positive, such as increased enforcement with regard to unfair labor practices that I would like to see move forward and actually could very much support because I think that coercion goes at the heart and attacks, attacks our rule of law in a most insidious manner.

But I also think that the right to the secret ballot is extraordinarily important. And I know that my good friend

Mr. SESSIONS made reference to a letter, which I think is important because the letter deserves not only attention but respect, a letter that was sent by the distinguished author of this legislation and other distinguished Members of this House just a few years ago when there was an organizing campaign going on in the state of Puebla in Mexico, and this letter was sent to the Junta Local de Conciliacion y Arbitraje del Estado of the state of Puebla. I guess that could be translated as the mediation and arbitration board of that state.

And the distinguished signers pointed out not only, and I quote, ''We encourage you to use the secret ballot in all union recognition elections,'' but the letter goes on to say, ''We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union that might not otherwise be their choice.''

Now, it is important to recognize, as I did before, that I think there are more examples of intimidation from management than from unions, but the reality of the matter is that in this life I have never met a saint, much less an angel, and intimidation is a fact of life. And that is why in our human development, our imperfect human development, what we have achieved in terms of the ability for men and women to express their true sentiments is the secret ballot. And current law, by the way, permits, yes, it can be negotiated away. We give great weight and credence in our system to the right to contract, and the right to the secret ballot can be contracted, can be negotiated away. But it has to be mutually agreed to, according to current law, or if it is not mutually agreed to by employer and employees, then according to current law, 30 percent of the employees, if they sign cards, can have an election. So 30 percent of the workers in a unit can, by signing cards, get an election scheduled.

Now, I think we should work on expediting elections by the NLRB, and we should work to make sure that elections for certification are as expedited as they are for decertification. That is another issue that I would like to work with my colleagues on. But I cannot support this legislation which goes to the heart of that most essential aspect of the right of human beings to express themselves in private, which is the secret ballot.

Ms. SUTTON. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CASTOR), distinguished member of the Rules Committee.

Ms. CASTOR. Madam Speaker, I thank my colleague, Representative SUTTON from Ohio, who has been fighting her whole career for the hardworking families in Ohio and now in the Congress is fighting for American workers throughout our country.

I am proud to be a cosponsor of the Employee Free Choice Act. This legislation serves as tangible evidence of the new direction being charted by this new Congress under Speaker NANCY PELOSI.

A few weeks ago, this new Congress voted to raise the minimum wage. Well, like the minimum wage, the Employee Free Choice Act demonstrates our values and our commitment to stand beside hardworking men and women against powerful interests. This bill will restore the balance in the workplace and restore the National Labor Relations Act to its original purpose.

It is unfortunate that in the blinding zeal for profits, inordinate profits, for a few, there are unscrupulous employers that stall for time after they learn that employees want to band together to advocate for a better workplace.

□ 1045

Let me give you some real life examples from my part of Florida. One very large Central Florida employer used delays and its insistence on a secretive election to put together a highly structured unlawful campaign of coercion and intimidation. Hundreds of supervisors were trained to conduct scripted meetings with small groups of employees and then the employees were forced to attend meetings replete with promises and threats. Day after day, week after week, the company ground down these folks in this illegal psychological war on employees. This must end.

In another example, one central Florida company used the time waiting for the election to film employees in the workplace and then produce a film that wove in their pictures, their smiling faces, into a virulent anti-union film. In this illegal activity, the employees were forced to watch the film, which was slanted to give the false impression that those employees who had supported the UAW had switched sides. These are real-life examples, but it should not be this way.

The people of America know what has been going on. For too long, powerful special interests have held sway in the halls of Congress. Well, this new Congress in its first 100 days has stood up to these powerful special interests, whether it is raising the minimum wage, standing up to the big drug companies, standing up to the big oil companies.

There is a new day in America, and I am proud to stand today with my hardworking neighbors against powerful interests that would like to keep the act of joining a union more of a risk, rather than a right. I am proud to stand today with our Speaker and this new Congress to chart a new direction for our country.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, it is now March 1, the third month since the Democrat Party took over Congress. For the first 2 months, after campaigning on a platform of reform, after years of complaining about alleged unfair process abuse by Republicans, Americans have been able to watch an unprecedented continued abuse of power in this House.

After the abuse of power during the first 100 hours, we thought the aberration would end. Surely basic voting rights would return. In February, the abuse of power continued. The minority was deprived of basic voting rights through most of February as well.

The American people voted last fall for change. They don't want to hear us complain about process. But process does matter. We are a republic, where we expect a democratic process, minority protections and the right to vote.

Now, to start month 3 of Democrat control, the Democratic Party has brought forth a bill that deprives the American workers of the right to a private ballot. They have moved from abuse of power and undemocratic methods in Congress to applying this abuse of power directly to the American people.

Put yourself in the shoes of an average American worker trying to decide whether they want to vote for or against establishing a union at the workplace. You would get lobbied on every side, but at least you get a private ballot. The bill before us today would deprive you of that private ballot. The card check replaces the vote. If a majority signed the card, there is no private vote. So a friend comes up to you with a card asking you to sign and you say you want to think about it. So a group comes encouraging you to sign, maybe even shunning you if you don't.

But it gets worse. The process called ''salting'' allows roaming union organizers to go from company to company, not as long-term employees committed to keeping the plant profitable and the jobs in the community, but committed to expanding their special interest union. Often they are heavy influencers, sometimes even a thug or two. You may receive visits from them as well.

In the Education and Labor Committee, the Democrats unanimously even voted down an amendment that would have said only American citizens can vote. You now, as an American worker, can have the majority of illegals sign a card and you are now bound to a union.

This bill, because of its overt hostility to business, has unfair stiffer penalties for business than unions for the same violation of the law. We wanted to offer an amendment to equalize the playing field, but Congress was denied the right to vote on this and other amendments.

The Democratic Party seems determined to eliminate the right to fairness and a private vote in union organizing elections and they won't even let Congress have clear votes on many of the amendments to protect the workers. Yet people wonder why some of us refer to them as the Democrat

party rather than the Democratic Party. Their actions speak louder than their words.

Ms. SUTTON. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Speaker, I rise in strong support as a family member from a strong union background. My father was a shop steward for the Teamsters and my mother was a proud worker for the United Rubber Workers, who worked tireless for 20 and 25 years. Without the health protection we received and the retirement benefits, I know myself and my seven siblings wouldn't be where we are today.

It is important for people to have the ability, especially in this day than a time, when new women, new immigrants, are coming about, and want to be part of the American fabric. One of the ways they can do that is by joining the union, being part of that, to have those protections in place.

When union people get paid good wages, that money stays in the community, it helps to provide a vibrant economy, it helps to also even send their children, like me, who is a child of immigrants and of a union household, to be able to come to college and to eventually even run for office. Wow. Outstanding.

The unions always get a bad name by certain people in this area, but I will tell you one thing: I am very proud to stand with many of our union members to see how they have revitalized many of our communities, especially in Los Angeles.

I ask for you to support H.R. 800.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the distinguished gentleman Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from Texas for yielding.

Madam Speaker, I rise in opposition to this modified closed rule today. Although several worthy amendments were offered in the Rules Committee last evening, and I am grateful I will have the privilege to offer one here on this floor later on today, but only three were made in order, and three of those that were not made in order deserve special mention, I believe, here in this rules debate that we are having.

The first would be Representative MUSGRAVE's amendment to repeal those provisions that permit employers to require employees to join or pay dues or fees to a union as a condition of employment, that being the right to work amendment. I have long supported that language, going clear back into the seventies as an employer and a small business owner.

Secondly, Representative EMERSON and I both submitted separate amendments that would exempt businesses employing 50 individuals or less from the legislation.

Third, Representative CHABOT attempted to exempt small businesses by using the Small Business Administration definition.

I have spent my life in small business. I started one in 1975. I met payroll for over 28 years. That is over 1,400 consecutive weeks. I faced the regulations day by day by day, and one of the reasons I stepped into public life was to try to reduce the regulations that are so oppressive to small business.

One of the things that you will realize when you are a small business owner and entrepreneur is that you have to be an expert in all things. You can't have a whole floor of lawyers that are there to sort out all the regulations, and you surely cannot have union members that are in there that are there to organize your employees in a fashion that is unfair.

If you are a small business, and say you have 12 or 15 employees, and I actually saw this happen on a job where there were 18 heavy equipment operators back in the early '70s asked to vote on whether we would go union or not, and I know exactly how every single member of that crew voted today. I can name them. I can tell you how they voted. You know that in that kind of an environment.

We are here without a secret ballot. That is what is taken away from this. I hopefully will be able to offer a motion to recommit based upon that. But that is the Charlie Norwood language that needs to be considered here. There has got to be a secret ballot to protect small employers' employees, especially because the intimidation effect is far greater in a small company than it is in a large company. If I can remember over a period of 34 years how they voted on that vote back on that job in the interstate in Iowa City, then you will know every week how your colleagues are going to vote.

We need to respect the initiative of Charlie Norwood, our good friend. We need to protect small business. We need to exempt small businesses from this. We are not going to get that real debate on exempting small businesses here, Madam Speaker, and that is unfortunate.

I appreciate the fact that this process has been opened up some, but I do think if there is an idea that is good enough that you can present it and say this should be etched in stone for all of America, which this overall bill does, this card check bill, then we ought to at least have the courage of our convictions and debate those convictions here on the floor of the House of Representatives here in the United States Congress. A rule that doesn't allow that then is a rule that tells me the courage of your convictions really aren't there.

Ms. SUTTON. I yield 1½ minutes to the distinguished gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Madam Speaker, I rise in support of the rule.

Like many of my colleagues who we have heard from today, my family was built on good working class union jobs. My grandfather and great-grandfather worked at Fafnir Ball Bearing in New Britain, Connecticut, and I am, in some sense, the product of that American dream, a dream in which my grandfather's daughter could be the first woman in her family to go to college, a dream in which his grandson could be standing here on the floor of the House of Representatives, fighting for what is right and what is fair in the workplace.

But, Madam Speaker, this disappearing middle-class has no lobby here in Washington, DC. They are not organized as a special interest. And maybe because of this, their interests haven't been very well represented on this floor in the past several years. But things are changing.

Workers who belong to unions on average earn 30 percent more than nonunion workers. They are 63 percent more likely to have health care. They are four times more likely to have pension benefits. But unfortunately, over the years, the rights of these workers to join unions and to bargain collectively with their employers have eroded because of anti-union campaigns, employee intimidation and ineffective penalties for employers who violate worker rights.

Today, we are making standing up for what is right in the workplace a little easier, Madam Speaker. This isn't about making doing business more difficult; this is about strengthening the society in which families like mine were allowed to succeed.

Mr. SESSIONS. Madam Speaker, I would like to yield 5 minutes to the gentleman from San Dimas, California (Mr. DREIER), the ranking member of the Rules Committee, who argued very strenuously yesterday on behalf of the free enterprise system for America.

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

Mr. DREIER. Madam Speaker, I thank my friend from Dallas for his very able handling of this rule, and I congratulate my friend from Ohio as well.

Madam Speaker, I have to rise in strong opposition to this rule. We were yesterday on the House floor listening to the very distinguished chairman of the Committee on Financial Services argue passionately in support of the need for an open amendment process and how great it is. And yet today we are given a rule that denies 12 of the 15 amendments that were submitted to us.

It is interesting, the bill yesterday that was controversial enough that we had an open rule for it passed by a vote of, I think 423 to zip, 423–0. There was no controversy whatsoever. We had three amendments that we voted on here. But it was an open rule.

Now we have a bill that is slightly controversial. In fact, it is extremely controversial. And yet we have closed down the amendment process, preventing Democrats and Republicans from having an opportunity to participate in this process, as they should.

We, Madam Speaker, when we proceeded with the Rules Committee

meeting last night, my very good friend from Martinez, California, the distinguished chairman of the Education and Labor Committee, Mr. MILLER, proceeded as he was sitting with the distinguished ranking Republican, Mr. MCKEON, at the table, to tell me that I hadn't read the bill and I knew nothing about labor law.

Well, I will tell you this: I admitted at that moment that I had not read the bill. But I have read the bill since that time, Madam Speaker. And I have not become a labor lawyer overnight, but I will say that I have talked to a lot of people who are expert on this issue, and I have come to the conclusion that the sanctity of the secret ballot is something very, very important and very, very precious.

We in the Rules Committee spent a lot of time on the issue of institutional reform and, as we all know, for the first time ever, we got the Federal Government involved in providing Federal resources for local elections. Why? In the wake of the 2000 election, there was clearly a lot of controversy. Especially our friends from Florida raised a lot of understandable concerns.

So the Federal Government got involved and we have put literally billions of dollars into our quest to ensure the sanctity of that secret ballot. Yet at this moment, for this institution, we are embarking on legislation which will take a retrograde step on the very important secret ballot for the American worker.

Obviously, in the last half century we have seen a great diminution in the numbers of people who are in unions today. In the 1950s, roughly 35 percent of the American workers were members of unions. Today, it is something like 7.5 percent. It has dropped dramatically. And that is due to the choice that exists that people have made.

We have a strong economy, a 4.5 percent unemployment rate, growing increasing incomes that are taking place right now, and as we look at the challenge that many union organizations have with the auto industry and other industries, I believe that union control has really played a role in jeopardizing their potential for even greater success.

We got the report yesterday that Tupelo, Mississippi, is going to be the site of a new Toyota plant, 2,000 employees, who will be earning $20 an hour, substantially higher than the wage rates that are paid in other parts of that region, high wage rates for virtually anyone around the country. It is very, very impressive that we are looking at this growth. And there is a sadness that many people have over the fact that the big three auto makers here in the United States are faced with real difficulty.

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Well, Madam Speaker, I argue that part of that challenge has been the overwhelming control that unions have had and the union leadership has really jeopardized the opportunity for individual choice for members.

I don't stand alone. Mr. MCKEON just handed me a copy of this morning's Los Angeles Times. I do not always agree with the editorial policy of my friends of what I call my hometown paper, the L.A. Times, but I know them well and try to find areas of agreement. As I say, I don't always agree with them.

But today, they have provided an editorial and I think it is very enlightening. The close of this editorial said: ''Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing, and the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot ensures that their choice will be a free one.''

Madam Speaker, we are undermining that with this legislation that we are about to embark upon here today. I urge my colleagues to oppose it.

The SPEAKER pro tempore. The gentlewoman from Ohio has 14½ minutes remaining. The gentleman from Texas has 7½ minutes remaining.

Ms. SUTTON. Madam Speaker, before I yield to the honorable gentleman from Texas, I would just like to point out to my distinguished friend from the Rules Committee that the sanctity of the secret ballot is preserved in this bill. We have said it before, but the option for employees to have a secret ballot remains. The difference is just that under this bill, the employees cannot be forced by an employer after they have expressed their desire to form a union to submit to a secret ballot to drag things out.

Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN).

(Mr. AL GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. AL GREEN of Texas. Madam Speaker, let's not forget that it was with the help of organized, unionized workers that we acquired the 40-hour work week, that we instilled child labor laws, that we have paid leave, that we have pensions, and that we have health care.

Madam Speaker, in a world where loyalty to workers is becoming an endangered species, the passage of the Employee Free Choice Act helps to level the playing field between industry and workers, and it will give workers a fair chance to organize and fight invidious outsourcing. Our jobs are being taken overseas. We need to have workers on the ground in a position to fight this. It will give workers an opportunity to preserve health benefits and an opportunity to protect pensions.

Workers are the first line of defense when it comes to protecting the standard of living that we have in this country. We must level the playing field and pass the Employee Free Choice Act. I encourage all of my colleagues to do so.

Madam Speaker, I stand here today in support of giving our working men and women a fair chance and a free choice to form a union. As one of 234 cosponsors of this legislation I can confidently tell the men and women who literally make this country run that you are not alone in your fight for higher wages, improved benefits, and better working conditions. I can confidently tell you that we understand that the right to unionize is the right to pursue the American dream.

It is as a result of unions that we can enjoy weekends with our families. It is as a result of unions that we can benefit from basic health and safety protections. It is as a result of unions that we can take advantage of family and medical leave.

Unfortunately, under the current labor law system, employers often use a combination of legal and illegal methods to silence employees who try to form unions. The law says that employers cannot intimidate, coerce, or fire employees for attempting to exercise their democratic rights.

Yet, in reality: Every 23 minutes a worker is illegally fired or discriminated against for their support of a union. 34 percent of employers coerce workers into opposing unions with bribes or special favors. 51 percent of employers illegally threaten to close down worksites if employees vote for union representation. 75 percent of employers hire anti-union consultants to help kill union organizing drives. 91 percent of employers force workers to attend intimidating one-on-one anti-union meetings with their supervisors.

Madam Speaker, some people say that liars figure and figures lie, but I want the American people to hear these figures and decide for themselves whether they believe that American workers should have the right to unionize:

Workers who belong to unions earn 30 percent more than non-union workers. Workers who belong to unions are 63 percent more likely to have employer-provided health care than non-union workers. Workers who belong to unions are 77 percent more likely to have jobs that provide short-term disability benefits than non-union workers. Workers who belong to unions are nearly 400 percent more likely to have guaranteed pensions than non-union workers.

This discrepancy is even more pronounced among women, African Americans, and Latinos:

Women in unions earn $9,300 more a year (31%) than their non-union counterparts. African Americans in unions earn $9,700 more a year (36%) than their non-union counterparts. Latinos in unions earn $11,300 more a year (46%) than their non-union counterparts.

It is astonishing that some would try to prevent some of the hardest working Americans the right to organize at a time when:

The average CEO in the United States makes more than 260 times the pay of the average worker. A CEO earns more in one day than an average worker earns in one year.

We have seen an increase in:

The number of people who are classified as poor (from 32 million in 2000 to 37 million in 2004). The number of low-income households paying more than half their income on housing (from 9.4 million to 11.6 million). The number of Americans who lack health insurance (from 40 million in 2000 to 46 million).

Madam Speaker, I urge my colleagues to hear the voices of our 60 million working brothers and sisters: Who say they want a voice at their workplace, Who say they want a choice at their workplace, Who say they want unions.

I urge my colleagues to join the distinguished Chairman of the Education and Labor Committee, GEORGE MILLER, and vote ''yes'' on the Employee Free Choice Act.

EMPLOYEE FREE CHOICE ACT

SUMMARY

1. Certification on the Basis of Majority Sign-Up. Provides for certification of a union as the bargaining representative if the National Labor Relations Board (NLRB) finds that a majority of employees in an appropriate unit has signed authorizations designating the union as its bargaining representative. Requires the board to develop model authorization language and procedures for establishing the validity of signed authorizations.

2. First-Contract Mediation and Arbitration. Provides that if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days, either party may refer the dispute to the Federal Mediation and Conciliation Service (FMCS) for mediation. If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute will be referred to arbitration, and the results of the arbitration shall be binding on the parties for two years. Time limits may be extended by mutual agreement of the parties.

3. Stronger Penalties for Violations While Employees Are Attempting to Form a Union or Attain a First Contract. Makes the following new provisions applicable to violations of the National Labor Relations Act committed by employers against employees during any period while employees are attempting to form a union or negotiate a first contract with the employer:

(a) Civil Penalties: Provides for civil fines of up to $20,000 per violation against employers found to have willfully or repeatedly violated employees' rights during an organizing campaign or first contract drive.

(b) Treble Back Pay: Increases the amount an employer is required to pay when an employee is discharged or discriminated against during an organizing campaign or first contract drive to three times back pay.

(c) Mandatory Applications for Injunctions: Provides that just as the NLRB is required to seek a Federal court injunction against a union whenever there is reasonable cause to believe the union has violated the secondary boycott prohibitions in the act, the NLRB must seek a Federal court injunction against an employer whenever there is reasonable cause to believe the employer has discharged or discriminated against employees, threatened to discharge or discriminate against employees or engaged in conduct that significantly interferes with employee rights during an organizing or first contract drive. Authorizes the courts to grant temporary restraining orders or other appropriate injunctive relief.

QUESTIONS AND ANSWERS

Why do we need new federal legislation, the Employee Free Choice Act?

America's working people are struggling to make ends meet, and our middle class is disappearing. The best opportunity working men and women have to get ahead is by uniting with co-workers to bargain with their employers for better wages and benefits.

But the current labor law system is broken. Corporations routinely intimidate, harass, coerce and even fire people who try to organize unions—and today's labor law is powerless to stop them. Every day, employers deny working people the freedom to make their own choice about whether to have a union:

Employees are fired in one-quarter of private-sector union organizing campaigns;

78 percent of private employees require supervisors to deliver anti-union messages to the workers whose jobs and pay they control;

And even after workers successfully form a union, one-third of the time they are not able to get a contract.

What does the Employee Free Choice Act do?

It does three things to level the playing field for employees and employers:

(1) Strengthens penalties for companies that illegally coerce or intimidate employees in an effort to prevent them from forming a union;

(2) Brings in a neutral third party to settle a contract when a company and a newly certified union cannot agree on a contract after three months;

(3) Establishes majority sign-up, meaning that if a majority of the employees sign union authorization cards, validated by the National Labor Relations Board (NLRB), a company must recognize the union.

What's wrong with the current law?

The National Labor Relations Act states: ''Employees shall have to the right to self organization to form, join, or assist labor organizations . . .'' It was designed to protect employee choice on whether to form unions, but it has been turned upside down.

The current system is not like any democratic election held anywhere else in our society. Employers have turned the NLRB election process into management-controlled balloting—the employer has all the power, controls the information workers can receive and routinely poisons the process by intimidating, harassing, coercing and even firing people who try to organize unions. On top of that, the law's penalties are so insignificant that many companies treat them as just another cost of doing business. By the time employees vote in an NLRB election, if they can get to that point, a free and fair choice isn't an option. Even in the voting location, workers do not have a free choice after being browbeaten by supervisors to oppose the union or being told they may lose their jobs and livelihoods if they vote for the union.

What is majority sign-up, and how does it work?

When a majority of employees votes to form a union by signing authorization cards, and those authorization cards are validated by the federal government, the employer will be legally required to recognize and bargain with the workers' union.

Majority sign-up is not a new approach. For years, some responsible employers such as Cingular Wireless have taken a position of allowing employees to choose, by majority decision, whether to have a union. Those companies have found that majority sign-up is an effective way to allow workers the freedom to make their own decision—and it results in less hostility and polarization in the workplace than the failed NLRB process.

Does the Employee Free Choice Act take away so-called secret ballot elections?

No. If one-third of workers want to have an NLRB election at their workplace, they can still ask the federal government to hold an election. The Employee Free Choice Act simply gives them another option—majority sign-up.

''Elections'' may sound like the most democratic approach, but the NLRB process is nothing like any democratic elections in our society—presidential elections, for example—because one side has all the power. The employer controls the voters' paychecks and livelihood, has unlimited access to speak against the union in the workplace while restricting pro-union speech and has the freedom to intimidate and coerce the voters.

Does the Employee Free Choice Act silence employers or require that they remain neutral about the union?

No. Employers are still free to express their opinion about the union as long as they do not threaten or intimidate workers.

Will employees be pressured into signing union authorization cards?

No. In fact, academic studies show that workers who organize under majority sign-up feel less pressure from co-workers to support the union than workers who organize under the NLRB election process. Workers who vote by majority sign-up also report far less pressure or coercion from management to oppose the union than workers who go through NLRB elections.

In addition, it is illegal for anyone to coerce employees to sign a union authorization card. Any person who breaks the law will be subject to penalties under the Employee Free Choice Act.

Isn't this law really about unions wanting to increase their membership?

This law is about restoring to working people the freedom to improve their lives through unions.

More than half of people who don't have a union say they would join one tomorrow if given the chance. After all, people who have unions earn 30 percent more than people without unions and are much more likely to have health care and pensions. With a free choice to join unions, working people can bargain for better wages, health care and pensions to build a better life for their families.

With the economic pressures on working people today, the freedom to pursue their dreams is crucially important.

Who supports the Employee Free Choice Act?

The Employee Free Choice Act has the support of hundreds of members of Congress of both parties, academics and historians, civil and human rights organizations such as the NAACP and Human Rights Watch, most major faith denominations and 69 percent of the American public.

(For a detaiIl list of supporters, visit www.EmployeeFreeChoiceAct.org.)

Who opposes the Employee Free Choice Act?

Corporate front groups are waging a major campaign to stop the Employee Free Choice Act. They do not want workers to have the freedom to choose for themselves whether to bargain through unions for better wages, benefits and working conditions. The anti-union network includes discredited groups like the Center for Union Facts, led by lobbyist Richard Berman, who is infamous for fighting against drunk driving laws and consumer and health protections, and the National Right to Work Committee and Foundation, the country's oldest organization dedicated exclusively to destroying unions.

Mr. SESSIONS. Madam Speaker, I would inquire if my colleague has additional speakers. I believe she has about twice as much time remaining as we do.

The SPEAKER pro tempore. Does the gentleman reserve his time?

Mr. SESSIONS. Madam Speaker, I reserve the balance of my time.

Ms. SUTTON. Madam Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Madam Speaker, I will vote for this bill. It can help working people, and it will send a strong message that we need a National Labor Relations Board committed to fairness in the workplace.

But as I said 2 years ago, I have serious reservations about lessening the role of the secret ballot in union elections. Workers should not be intimidated by pressure from either business or labor in making decisions about organizing a union.

However, it is clear that the NLRB has clearly failed to protect workers from intimidation and union-busting. That is why I support this bill even though it is far from perfect.

And while I support the rule because it allows the House to consider some meaningful amendments, I am disappointed that others were not included. For example, I thought we ought to have made changes to make the procedure for decertifying unions like those for establishing unions. We should also have considered setting deadlines for NLRB decisions.

I would hope those amendments, and others, maybe even a sunset clause, will be considered in the Senate not only because they could improve this legislation but because open debate on amendments might help reduce the divisions and polarization about this bill.

But the House should pass the bill, imperfect though it is, so the Senate can continue the process of reforming our labor laws to better protect workers' rights while also working towards balance, fairness, and objectivity in the way that the NLRB must do its job.

Mr. SESSIONS. Madam Speaker, I yield 4 minutes to the ranking member of the Education and Labor Workforce Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I rise in opposition to this bill and to this rule. The bill we are scheduled to debate today, the so-called Employee Free Choice Act, represents what I believe is the worst piece of legislation I have come across in 20-plus years of public service.

What is wrong with it, let me count the ways.

Number one, it undermines the secret ballot process in the workplace, a process all of us in this House rely upon, treasure, and would fight to defend when it comes to our own political careers, but apparently for some, not when it comes to the rights of workers.

Number two, it leaves workers wide open to coercion and intimidation from those seeking to organize in the workplace. In an Education and Labor Subcommittee hearing last month, a former union organizer described such coercion through a practice organizers call a ''blitz.'' In a blitz, organizers go directly to the homes of workers to get them to sign an authorization card. And how do they find out where these workers live? From license plates and other sources that were used to create a master list.

According to this witness: ''Workers usually have no idea that there is a union campaign under way. Organizers are taught to play upon this element of surprise to get 'into the door.' ''

Number three, it strips workers of their right to privacy in organizing elections and makes their votes completely and utterly public so their coworkers, their employers, and union officials know exactly how they voted.

Number four, not only does it strip workers of their right to vote in organizing elections, but it also strips away their right to vote on contracts as well. Instead, that right is given to a third-party mediator.

Number five, it levies civil penalties upon employers if they coerce an employee during a card check campaign. However, the bill remains silent on coercion from unions, looking the other way and providing tacit approval for such intimidation.

Frankly, Madam Speaker, I can go on and on. In short, this bill is not only undemocratic; it is dangerous. And I will be proud to manage time in opposition to it in just a short while.

When I think about how important secret ballot is, I remember when I first learned about it in grammar school. When we would elect our class officers, we put our heads down on our desk and raised our hand for the person we were supporting because it was important then, just as it is important now, that when we vote, no one knows how we vote.

From those days in elementary school until now, having been elected many times to office, I prize the importance of that secret ballot. And I prize that secret ballot for the workers that are facing intimidation, the possible intimidation from either side, from labor or from management. They should be free of that, and the only way they can be free of that is secret ballot and that is what we are trying to preserve for them at this time.

Yesterday, I appeared before the Rules Committee in support of several amendments that would have made this debate as fair, open, and robust as possible. While I am pleased that they made in order my substitute amendment, this rule before us still is harsh and one that will stifle debate.

Madam Speaker, we had an opportunity to strengthen this debate and address head-on the many flaws of the underlying legislation, but we were denied that opportunity; and as such, I urge my colleagues to join me in opposing this rule.

Ms. SUTTON. Madam Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, I thank my friend for yielding and thank her for her great work in shepherding this bill along.

I deeply respect the ranking member of the full committee, and I know his intentions are very sincere, but I think the Members of the House deserve a record that is accurate. Let me review the five points that he made and set forth what the bill actually says.

The gentleman says that the bill does away with secret ballots. That is not the case.

If those choosing to organize a union wish to have a secret ballot, they can follow the same procedure that is in the law now: get 30 percent-plus to sign a petition for a secret ballot, and have one.

The gentleman says that the bill legalizes coercion by unions. That is not the case.

Coercion by a union against a worker is and still will be an unfair labor practice. The bill says if a signature is acquired by coercion and is involuntary, it is not presumably going to be a valid signature and therefore does not count.

The gentleman says that the bill takes away the right of privacy from workers. Not so.

The same process essentially by which people sign petitions under the present law, they would sign cards under the new bill. Perhaps the gentleman should be more concerned about the loss of privacy of workers during campaigns by employers to coerce and intimidate people to vote against the union.

The gentleman says the bill takes away the right to vote on contracts. Absolutely not so.

What the bill says is if there is not an agreement for a contract between management and labor, after negotiation, after mediation, then and only then there would be arbitration. It does not take away the right to vote on contracts.

Finally, the gentleman says that penalties are somehow out of balance, but I think the gentleman respectfully misunderstands.

If in a union-organizing drive the unions are found to have coerced people into signing cards, the cards are invalid and it is the death penalty for the union because they lose the organizing drive. That is the most significant penalty there can be.

We are all entitled to our own opinion; we are not entitled to our own facts.

Mr. SESSIONS. Madam Speaker, I reserve the balance of my time.

Ms. SUTTON. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. HALL).

Mr. HALL of New York. Madam Speaker, I stand here to support the Employee Free Choice Act because it is necessary.

This bill would not be necessary were the administration and the NLRB neutral in labor relations. However, they are not and have not been. Therefore, I am hearing from my constituents, such as citizens of my district who work for a school bus company which won an election many months ago which has not yet been certified by the NLRB.

While the NLRB is dawdling, there have been 16 consecutive labor charges filed against the union by the management. This company, by the way, is owned by another company in England which is 96 percent unionized in England. So apparently it is good enough for them to have union representation there, but not here.

I speak and vote in favor of my constituent who distributes dialysis equipment and supplies around the New York and Hudson Valley area who was called in for repeated meetings with his supervisors when they learned that he was helping to organize a union drive. Even after the election was won, management filed an appeal and lost.

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If it were not for such, I could go on for a long time with stories I have heard in my districts from my constituents, and what I am hearing is about harassment, intimidation, about anti-union propaganda on the lunch table, in the lockers, on the bus seats. Look at the evidence. Look at the disparity in income. Look at the increase in poverty rate and the explosion of wealth at the top of our income scale.

What we are seeing here is the result of a systematic tilting of the playing field. This bill tends to tilt it back towards working families.

Ms. SUTTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on this rule.

I am pleased that after 12 years of not just ignoring the needs of working men and women and their needed labor protections, but actually what we have seen is a concerted, specific program that has undermined those rights, I am pleased to see this legislation come forth today.

I am pleased that the gentleman from California will have the opportunity to put his substitute before us and be able to debate back and forth.

As the gentleman from New Jersey pointed out, there are clear differences of opinion, but the facts are that we are simply strengthening opportunities for working men and women to overcome the serious abuse of the organizing process in this country.

Time after time, we have had examples of where there have been clear cases of unfair labor practices that have undercut the opportunity for men and women to represent themselves. Often they win a sort of hollow victory because long after the fact, there is a slap on the hand for the company that doesn't play by the rules long after the damage has been done.

What we need to do is have an appropriate process that guarantees the rights of working men and women in this country to organize. This legislation provides additional, valuable tools.

I am under no illusion, given the attitude of this administration, and perhaps what will happen in the other body, that this bill which I hope passes today in the House, is going to become law anytime soon. It is however a long overdue signal that people in this House are going to stand up for the rights of working men and women, give them an opportunity to organize, and that we are going to reestablish a level playing field. We will be able to help organized labor, the people who brought us the 8-hour day, the people who brought us the weekend. It is time to allow them the opportunity to extend the rights of organized labor to other folks in the workforce.

One of the first things I did as an elected official was be involved with collective bargaining rights for public employees in Oregon. There were all sorts of dire predictions about what was going to happen, but in fact, what has occurred is that we were able to provide a framework for solving issues that affected people in the workforce.

As luck would have it, later in my career, I was on the other side of the bargaining table, working to represent management, but I never regretted having an aggressive, effective program for organized labor to be able to collectively bargain.

This is the most civilized, effective and appropriate way to resolve workforce issues, and this legislation today is an important step in that direction.

I urge support of the rule. I urge support of the bill.

Mr. SESSIONS. Madam Speaker, Washington is under a barrage of people from all over the country, union organizers, union bosses, the business community, this week talking about this bill. They are talking about this bill because they recognize what it will mean. It is the biggest change since Taft-Hartley in 1947 to the workplace.

I believe that you have heard today a story that this is an attack on the American free enterprise system, but Madam Speaker, I would also say that there are lots of groups that also understand the problems with this bill.

GROUPS IN OPPOSITION TO H.R. 800, THE EMPLOYEE FREE CHOICE ACT

Coalition for a Democratic Workplace, 60 Plus Association, Alabama Chapter of ABC, Alaska Chapter of ABC, Alliance for Worker Freedom, Aluminum Association, American Apparel & Footwear Association, American Beverage Association, American Conservative Union, American Frozen Food Institute, American Hospital Association, American Hotel & Lodging Association, American Meat Institute, American Seniors Housing Association, American Shareholders Association, American Society for Healthcare Human Resources Administration, American Society of Employers, American Supply Association, and Americans for a Limited Government.

Americans for Prosperity, Americans for Tax Reform AMT—The Association for Manufacturing Technology API, Arizona Builders Alliance of ABC, Arizona Hotel & Lodging Association, Arizona IEC, Arkansas Chapter of ABC, Arkansas Hotel & Lodging Association, Arkansas IEC, Asheboro/Randolph (NC) Chamber of Commerce, Ashland & Tri State Area Chapter IEC, Assisted Living Federation of America, Associated Builders & Contractors Heart of America Chapter, Associated Builders and Contractors, Associated Industries of Massachusetts, Atlanta Hotel Council, Automotive Aftermarket Industry Association, Baltimore Metro Chapter of ABC, and Bearing Specialists Association.

BKSH & Associates for National School Transportation Association, California Hotel & Lodging Association, Capital Associated Industries Inc, Carolinas Chapter of ABC, Center for Freedom & Prosperity, Center for Individual Freedom, Center for the Defense of Free Enterprise, CenTex Chapter IEC, Central Alabama Chapter IEC, Central California Chapter of ABC, Central Florida Chapter of ABC, Central Indiana IEC, Central Michigan Chapter of ABC, Central Missouri IEC, Central Ohio AEC/EIC, Central Ohio Chapter of ABC, Central Pennsylvania Chapter of ABC, Central Pennsylvania Chapter of IEC, Central Texas Chapter of ABC, and Central Washington IEC.

Centre County (PA) IEC, Charleston (SC) Metro Chamber of Commerce, Chesapeake Chapter of ABC, Chesapeake IEC, College and University Professional Association (The), Colorado Hospital Association, Colorado Hotel & Lodging Association, Connecticut Business & Industry Association, Connecticut Chapter of ABC, Cornhusker Chapter of ABC, Council for Citizens Against Government Waste, Cumberland Valley Chapter of ABC, Dakotas Inc IEC/Dallas Chapter IEC, Delaware Chapter of ABC, East Tennessee Chapter of ABC, East Tennessee IEC, East Texas IEC, Eastern Pennsylvania Chapter of ABC, Eastern Shore Chapter of ABC, and Eastern Washington Chapter IEC.

El Paso Chapter IEC, Empire State Chapter of ABC, Environmental Industry Associations, Federation of American Hospitals, Florida East Coast Chapter of ABC, Florida First Coast Chapter of ABC, Florida Gulf Coast Chapter of ABC, Florida Restaurant & Lodging Association, Florida West Coast Chapter IEC, Food Marketing Institute, Fort Worth/Tarrant County IEC, Freedom Works, Georgia Chamber of Commerce, Georgia Chapter of ABC, Georgia Hotel & Lodging Association, Georgia IEC, Golden Gate Chapter of ABC, Greater Cincinnati IEC, Greater Columbia (SC) Chamber of Commerce, and Greater Elkhart (IN) Chamber of Commerce.

Greater Houston Chapter of ABC, Greater Raleigh (NC) Chamber of Commerce, Greater Spokane Incorporated, Greater St. Louis IEC,

Guam Contractors Association of ABC, Hampton Roads Chapter IEC, Hawaii Chapter of ABC, Hawaii Hotel & Lodging Association, Heart of America Chapter of ABC, Heating, Airconditioning & Refrigeration Distributors International, Hospitality Association of South Carolina, Hotel Association of New York City, Hotel Association of Washington DC, HR Policy Association, Idaho IEC, Illinois Chapter of ABC, Illinois Hotel & Lodging Association, Illinois IEC, Independent Electrical Contractors Inc, and Indiana Chamber of Commerce.

Indiana Chapter of ABC, Industrial Fasteners Institute, Industrial Supply Association, Inland Pacific Chapter of ABC, International Council of Shopping Centers, International Foodservice Distributors Association, International Franchise Association, International Warehouse Logistics Association, Iowa Association of Business & Industry, Iowa Chapter of ABC, Iowans for Right to Work, Kansas City IEC, Kentuckiana Chapter of ABC, Kentucky & Southern Indiana Chapter IEC, Kentucky Electrical Contractors Association, Keystone Chapter of ABC, Las Vegas Chapter of ABC, Los Angeles-Ventura Chapter of ABC, Lubbock Chapter IEC, and Maine Chapter of ABC.

Maine Innkeepers Association, Management Association of Illinois (The), Maryland Hotel, Motel & Resort Association, Massachusetts Chapter of ABC, MEC-IEC of Dayton, OH, Medical Savings Insurance Company, Metro Washington Chapter of ABC, Mid Gulf Coast Chapter of ABC, Mid Tennessee Chapter of ABC, Mid-Oregon Chapter IEC, Mid-South Chapter IEC, Midwest IEC, Minnesota Chapter of ABC, Mississippi Chapter of ABC, Mississippi Economic Development Council, Montana Chamber of Commerce, Montana IEC, Montana Innkeepers Association, and Motor & Equipment Manufacturers Association.

Nashville IEC, National Alliance for Worker & Employer Rights, National Association of Convenience Stores, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Council of Chain Restaurants, National Federation of Independent Business, National Grocers Association, National Lumber & Building Material Dealers Association, National Mining Association, National Petrochemical & Refiners Association, National Restaurant Association, National Retail Federation, National Solid Wastes Management Association, National Stone, Sand & Gravel Association, National Taxpayers Union, Nebraska Chamber of Commerce & Industry, Nebraska Hotel & Motel Association, Nevada Hotel & Lodging Association, and Nevada Manufacturers Association.

New England IEC, New Hampshire Lodging & Restaurant Association, New Hampshire/Vermont Chapter of ABC, New Jersey Business & Industry Association, New Jersey Chapter of ABC, New Jersey Hotel & Lodging Association, New Jersey IEC, New Mexico Chapter of ABC, New Mexico Lodging Association, New Orleans/Bayou Chapter of ABC, New York State Hospitality & Tourism Association, North Alabama Chapter of ABC, North Carolina Chamber of Commerce, North Carolina Restaurant & Lodging Association, North Florida Chapter of ABC, North Texas Chapter of ABC, Northern Michigan Chapter of ABC, Northern New Mexico IEC, Northern Ohio Chapter of ABC, and Northern Ohio Electrical Contractors Association.

Northwest Pennsylvania IEC, Northwest Washington IEC, Offshore Marine Service Association, Ohio Hotel & Lodging Association, Ohio Valley Chapter of ABC, OKC Inc IEC, Oklahoma Chapter of ABC, Oklahoma Hotel & Lodging Association, Oregon IEC, Oregon Lodging Association, Oregon Restaurant Association, Pacific Northwest Chapter of ABC, Pelican Chapter of ABC, Pennsylvania Tourism & Lodging Association, and Plumbing-Heating-Cooling Contractors Association.

Printing Industries of America, Property Rights Alliance, Public Service Research Council, Puget Sound Washington Chapter IEC, Real Estate Round Table, Redwood Empire Chapter IEC, Retail Industry Leaders Association, Rhode Island Chapter of ABC, Rio Grande Valley Chapter of IEC Inc, Rocky Mountain Chapter of ABC, Rocky Mountain IEC, Saginaw Valley Chapter of ABC, San Antonio Chapter IEC, San Diego Chapter of ABC, San Diego North Chamber of Commerce, Sierra Nevada Chapter of ABC, Society of Human Resource Management, South Carolina Chamber of Commerce, South Florida Chapter Inc IEC, and South Texas Chapter of ABC.

Southeast Missouri IEC, Southeast Pennsylvania Chapter of ABC, Southeast Texas Chapter of ABC, Southeastern Michigan Chapter of ABC, Southern Arizona IEC, Southern California Chapter of ABC, Southern California IEC, Southern Colorado Chapter IEC, Southern Indiana Chapter—Evansville IEC, Southern New Mexico IEC, Stuart-Martin County (FL) Chamber of Commerce, Tennessee Hospital Association, Tennessee Hotel & Lodging Association, Texas Coastal Bend Chapter of ABC, Texas Gulf Coast Chapter IEC, Texas Gulf Coast Chapter of ABC, Texas Hotel & Lodging Association, Texas Mid-Coast Chapter of ABC, Texas Panhandle IEC, and Texas State IEC.

Texas Warehouse Association, Texoma IEC, Tooling & Manufacturing Association, Treasure State IEC, Tri-State IEC, U.S. Chamber of Commerce, U.S. Hispanic Chamber of Commerce, U.S. Human Recourses and Ethics Services, Uniform and Textile Service Association, Utah Chapter of ABC, Utah Hotel & Lodging Association, Utah IEC, Ventura Chapter IEC, Vermont Hospitality Council, Virginia Chamber of Commerce, and Virginia Chapter of ABC.

Washington IEC, Washington State Hotel & Lodging Association, WECA IEC, West Tennessee Chapter of ABC, West Texas IEC, West Virginia Chapter of ABC, West Virginia Hospitality & Travel Association, Western Colorado Chapter of ABC, Western Colorado IEC, Western Michigan Chapter of ABC, Western Pennsylvania Chapter of ABC, Western Reserve Chapter IEC, Western Washington Chapter of ABC, Wholesale Florist & Florist Supplier Association, Wichita Chapter IEC, Wisconsin Chapter of ABC, Wisconsin Manufacturers & Commerce Association, and Wyoming Lodging & Restaurant Association.

American Bakers Association, Americans for Prosperity, Fraternal Order of Police, and The Small Business & Entrepreneurship Council.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, February 27, 2007.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong opposition to H.R. 800, the so-called ''Employee Free Choice Act,'' which was favorably reported by the House Committee on Education and Labor.

This ill-named legislation attacks the very meaning of free choice. Without Federally supervised private ballot elections, our democratic process would be extremely susceptible to corruption, and the very foundation of our Republic could be undermined. This bill would do the same thing to our nation's workers by robbing them of their privacy, power and voice in deciding who should represent and defend their rights as employees. The scheme proposed by the legislation would replace the current democratic process of secret ballots with a ''card check'' system that invites coercion and abuse. Under this process, the identity of workers who signed—or refused to sign—union organizing cards would be made public to the union organizers as well as to the worker's employer and co-workers, leaving these individuals vulnerable to threats and intimidation from union leaders, management, or both.

Today, the most common method for determining whether or not employees want a union to represent them is a private ballot election overseen by the National Labor Relations Board (NLRB). The NLRB provides detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially without pressure or coercion from unions, employers, or fellow employees. Indeed, law enforcement officers are uniquely susceptible to such pressure. The FOP is an organization run by law enforcement officers for law enforcement officers and without the anonymity of the secret ballot, the FOP would probably not exist today. We would be forced into competition with much larger, much richer unions, but ones without any professional law enforcement background.

The courts have repeatedly ruled that Federally supervised private ballot elections are the fairest method to determine whether a union has the support of a majority of employees. The Fourth Circuit Court of Appeals wrote that ''It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a 'card check.' '' Similarly, the Second Circuit ruled that ''It is beyond dispute that the secret ballot election is a more accurate reflection of the employees' true desires than a check of authorization cards collected at the behest of a union organizer.'' The Sixth Circuit also shared this view, stating that, ''An election is the preferred method of determining the choice by employees of a collective bargaining representative.''

The only way to guarantee worker protection from coercion and intimidation is through the continued use of a Federally supervised private ballot election so that personal decisions about whether to join a union remain private. I urge you and your House colleagues to join us in opposition to H.R. 800 and, instead, continue to protect the rights of the American worker. If I can be of any further assistance on this matter, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

One of those groups that opposes this strenuously is the Grand Lodge of the Fraternal Order of Police. They are a union organization, and they note in their letter to Speaker NANCY PELOSI: ''The Fourth Circuit Court of Appeals wrote that, 'It would be difficult to imagine a more unreliable method of ascertaining the real wishes of an employees than a card check.' '' They also note, ''Similarly, the Second Circuit Court of Appeals ruled that 'It is beyond dispute that the secret ballot election is a more accurate reflection of the employees' true desires than a check of authorization cards collected at the behest of a union organizer.' ''

Madam Speaker, this is an assault on a free enterprise system. Today, what we see going on is directly related to the partisanship of a political party winning power and paying back the union bosses for their support for all these years.

This bill, quite honestly, is about tilting the law in favor of those union bosses, not in favor of the workers. We have had person after person who has come and talked about how great this is for workers, how they are going to do things for workers.

I would like to say, Madam Speaker, the prior majority, the Republican Party, for years has been trying to gain health care rights for workers. That is why the Republican Party believes that every single American should get their health care on a pretax basis. But today, what we understand is that the Democratic Party is for that, but you have got to join a union to get it. That is really what this is about. This is about being able to have the things available that unions offer in their argument to make life better for normal, average, working people.

Madam Speaker, I believe that this new majority, the Democrat Party, should offer this same opportunity to every single American, to make their life better, the opportunity to have health care and better working conditions for their own families. We should include in the legislation not just this but the legislation that should be next by this new Democrat majority that says every single worker in America gets their health care by pretax basis.

But instead, what do we do? We go to an attack on the free enterprise system. We beat up the employers who employ people, make us less able to be adaptive and nimble, and make us more susceptible to making sure we will lose jobs overseas.

Madam Speaker, the free enterprise system works. It is alive and well in America today. It has produced the greatest amount of jobs in the history of this country. It is producing more and more revenue that soon will offer us the chance to balance our budget, and yet what do we find today? We find where this new Democrat majority is bringing union bills to the floor of the House of Representatives that will bind the hands of the free enterprise system.

Madam Speaker, I oppose this bill.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. SUTTON. Madam Speaker, we have made it clear this morning why passing this bipartisan Employee Free Choice Act is so vital for workers and their families all across this Nation.

Let me add that it is also important to the working families like the one I come from in Lorain, Akron, Barberton and other communities in my congressional district and all across Ohio.

I stand before you as a person who practiced labor law but I also stand before you as a person, a daughter of a man who worked in the boilermaker factory his whole life, the wife of a former firefighter, the sister of a teacher, the aunt of a united food and commercial worker, the sister of a steelworker.

This bill is about fairness for those who make the world turn, who provide for their families, who are good citizens that care about their communities.

The EFCA will help end years of discrimination against workers who simply wish to be able to bargain for better wages, benefits and working conditions. We have a moral responsibility to stand up for these workers, and I will not sit idly by while their fundamental rights are being trampled on.

For working families in Ohio and across this Nation, I urge a ''yes'' vote on the rule and on the previous question.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in support of this rule and the underlying legislation.

As a longtime cosponsor of the Employee Free Choice Act, I applaud our Leadership for bringing this bill expeditiously to the floor. American workers from coast to coast are standing up to cheer because their voices no longer fall upon deaf ears in the House of Representatives.

Under this Democratically-controlled House, worker pleas for fairness in organizing are finally being answered.

Consider, over the last 60 years, there have been only 42 instances where union misconduct was found by the National Labor Relations Board. In direct contrast, over 30,000 workers received back pay from employers who illegally fired them for their union activities in 2005 alone.

In my district, I have walked the picket lines with literally hundreds of workers who were wrongfully fired or laid-off for trying to organize a union. Whether it has been at a body armor plant or hospitals and nursing homes as well, I have seen, firsthand, employer intimidation aimed at discouraging union involvement.

This legislation cracks down on intimidation and coercion. It also gives employees the choice—through a public or private ballot process—to decide whether or not they want to organize a union and experience all that one has to offer, including higher wages and better healthcare for its members. Whatever their decision, under this bill, the choice is theirs.

Madam Speaker, when I was a child, my parents took us out of Florida in search of higher wages. Like every other American family, they wanted a better life for them and for me.

When workers seek to organize and take advantage of their collective bargaining rights, they too are searching for an improved life for them and their families. They aren't trying to take advantage of the system or run the company which employs them out of business. All they want is fair pay and benefits for an honest day's work.

The Employee Free Choice Act preserves and enhances the American worker's right to organize. I stand by these efforts and this much needed legislation. I urge my colleagues to do the same.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. SESSIONS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the rule.

The vote was taken by electronic device, and there were—yeas 228, nays 197, not voting 8, as follows:

[Roll No. 112]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)

Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
Davis, Jo Ann
Green, Gene
Hunter
Inslee
Jefferson
Maloney (NY)
McCrery

□ 1152

Messrs. GARRETT of New Jersey, MCHUGH, SULLIVAN, POE and YOUNG of Alaska changed their vote from ''yea'' to ''nay.''

Mr. PASTOR changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 112, had I been present, I would have voted "yea."

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

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

RECORDED VOTE

Mr. SESSIONS. Madam 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 230, noes 195, not voting 8, as follows:

[Roll No. 113]

AYES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
Davis, Jo Ann
Hunter
Inslee
Jefferson
Maloney (NY)
Musgrave
Reynolds

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1201

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CLEAVER). Pursuant to House Resolution 203 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 800.

□ 1202

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, with Ms. ZOE LOFGREN of California in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. At this time I would like to yield 1 minute to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Madam Chairman, I rise to strongly support this bill. The principle at stake here is the freedom that all workers should have to organize, to bargain for better working conditions, fair wages and real benefits.

There are many employers around the country who honor this freedom. Unfortunately, there are also many employers who do not. These employers attempt to prevent workers from unionizing by using tactics that amount to intimidation and harassment, if not outright firing. In fact, one in five people who try to organize unions are fired. These tactics are already illegal, but the penalties are so minor, they are not effective deterrents.

Even after overcoming these obstacles and successfully organizing, many workers do not see the benefits of unionization for years because employers can drag their feet as in signing a first contract.

The system destined to protect workers' rights needs fixes, and the Employee Free Choice Act is landmark legislation to do just that. I urge my colleagues to support this bill.

Mr. McKEON. Madam Chairman, I yield myself such time as I may consume.

Any time democracy itself is placed at risk, it is the responsibility of each Member of this body to rise in strong opposition. I do so today, and I urge my colleagues to do likewise.

Just under 4 months ago, in 435 separate elections, the men and women we represent in this Congress took part in a democratic process not unlike others that have come before it. Whether on paper ballots or by electronic voting, through absentee ballots, or at the polls on election day itself, they cast their votes and registered their voices. No one was looking over their shoulders when they did it. And unless they chose to discuss it on their own, no one needed to know for whom they cast their ballots ever.

The privacy and sanctity of the secret ballot is the beauty and the backbone of this democratic process. And it is a right, not a privilege, that has become so customary that we probably have grown to take it for granted.

The results of the election led to a change in the majority of this Chamber and on the other side of the building as well. And we have accepted it because we know when the ballots were cast, they were done so in a way we can all trust, privately and secretly, free from coercion. The people spoke, and as we move through this debate today, let none of us forget this: We are standing on this floor, considering this bill, and ultimately casting our votes at the end of the debate because of the power of the secret ballot.

Not one voter signed a card to send us here. None of us sent our campaign workers out to voters' houses armed with candidate information, a stack of authorization cards, a pen and a great, or possibly threatening, sales pitch. No. We trusted democracy. We trusted the voters to cast their ballots like adults, freely, openly, without intimidation, and we live with the results.

So here we are, amazingly, but given the agenda the new majority and the special interests that helped it get here, not surprisingly, poised to advance legislation to kill a secret ballot process enjoyed by many of the same men and women who sent us here last November.

Let's be clear right at the outset. Every American has the right to organize. No one is debating that. Even if some on the other side of the aisle would like this debate to be mischaracterized as just that. This is a right we believe in so strongly we have codified it and made it possible for workers to do in the exact same way they elect their President, their Representatives of Congress, their Governors, their State legislatures, their local government, that is, through a secret ballot.

Think about that. So fundamental and so sacred is the right to organize that we have guaranteed and protected in through the same process we elect our Commander in Chief and the 535 men and women who hold the power of the purse.

Through the last 7-plus decades, that right has remained firmly intact. And in spite of occasional and admitted difficulties for which the law has built-in safeguards, workers have relied upon it.

In the 1950s, about 35 percent of all workers chose to unionize. In the early eighties, that number slipped to about 20 percent. And last year it dipped to 12 percent; and a meager 7 percent in the private sector alone. However, regardless of the percentage of workers choosing to unionize, regardless of upward or downward trends for organized labor, there has been one constant, the right to a private ballot.

That is really what today's debate is all about. That right is squarely in the cross hairs, and this Chamber is about to pull the trigger. Some of us will be tempted to make this a business-versus-labor debate. Others may equate joining the union through a card check to joining the Republican or Democratic Party as if a person doesn't join one of those parties with the intention to vote in secret ballot elections that really count. And still, others may incorrectly claim that the bill before us still provides the right to a secret ballot, a myth put to rest by a Clinton-appointed National Labor Relations Board official in an Education and Labor Subcommittee hearing last month.

Those are all distractions to what is really happening today. Brimming with hypocrisy and bluster, falsely defending free choice and workers rights, an untold number of duly-elected Members of the United States Congress will pull out their voting cards today, cards they are entitled to only because of a secret ballot election held less than 4 months ago and cast an historic vote against workplace democracy and against the secret ballot.

Last month, I took an oath in which I solemnly swore that I would bear true faith and allegiance to the Constitution of the United States. Madam Chairwoman, because of that, I will not be one casting a vote in favor of this bill today. I urge my colleagues also to vote against it.

Madam Chairman, I yield the balance of my time to the gentleman from Minnesota, and I ask unanimous consent that he be allowed to control the time.

The CHAIRMAN. The gentleman from Minnesota will be recognized as the minority manager.

Mr. KLINE of Minnesota. Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself 3 minutes.

Madam Chairman, Members of the House, my colleague from the other side said that every American is guaranteed the right to organize, and that is what this legislation is about. You have a guaranteed right to organize, but when you do, very often what you find out is you do not get the right to organize on behalf of better wages or a pension plan, or holding onto your health care benefits, or the hours that you get paid at work, or the tension between your family life and work, the kinds of things that people organize for.

In many workplaces, when you exercise your right to organize, you get fired, you get intimidated, you get harassed, you get followed home, your kids get followed to school, people park their cars outside your house. Your work shift has changed, you are on the graveyard shift instead of the daytime shift. That is what you get.

What we are here about today is to redeem what has been in the law for almost 70 years, and that is the law that gives you the right to organize. It says you can either choose to go through an NLRB election or you can choose to have a majority sign-up. But then they inserted in the law many years later the right of the employer to veto that right to majority sign-up.

So what the Republicans are suggesting in their opposition to this bill is that we should take away the choice from those workers that has been in the law for 70 years. So that those people, when a majority of people in a workplace decide that they need to organize their workplace to protect their jobs, to protect their salaries, to protect their pensions, to protect their health care, that they will be able to have that organization come into being.

Today, you get harassed, you get intimidated, you get an election, and after the election, you get appeals. And you get endless bargaining that in our

own State of California, people have been waiting 7, 8, 9 years for a union that they won in an election. Apparently the secret ballot isn't enough to win your full share of democracy, and has not been enough for millions of workers across this country.

So this legislation is very simple, it is only eight pages long. It says the worker gets to choose. That is the basis of American labor law. It is up to the employees to choose their organization and to choose how they want to arrive at that organization. They can choose an NLRB election or they can choose a card check majority sign-up. And we are simply saying, let the law work. Let the employees have the choice. And stop the illegal intimidation of workers.

This last year, 30,000 workers had their pay restored to them because illegal actions were taken against them by employers because those workers did nothing else than exercise what the gentleman on the other side of the aisle spoke to, the right in America to organize. But 30,000 workers lost pay, lost hours at work, got fired. All of those things happened to them. And the year before it was 20,000, 20,000 and 20,000.

This has gone on far too long. It is time to empower the employees to make this choice about their workplace.

Madam Chairman, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, at this time, I am very pleased to yield 2 minutes to the distinguished gentleman from Texas, a member of the Ways and Means Committee, and the former chairman of the Subcommittee on Employer-Employee Relations, Mr. JOHNSON.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Thank you, I appreciate that.

Madam Chair, I rise in strong opposition to the effort to straggle employee free choice. This bill will strip individual workers of their right to vote anonymously when deciding to be involved in a union or not. Taking away this privacy right will subject workers to coercion and abuse.

As the former chairman of the Employee-Employer Relations Subcommittee, I studied this issue for the last 6 years. And I want to tell you this bill will replace private ballot union elections with the interfere card check system. This means that a union could simply organize if a tiny majority of the workers sign a card. When truth be told, a worker might vote differently if given the option of the sacredly held practice of secret ballot. This would dramatically change the way small businesses operate, run from the outside by a union, and would have a devastating impact on the small business community. Card checks can be conducted so quickly that mom and pop employers rarely have a chance to address employees during an organizing campaign, resulting in a one-sided discussion between union and an employee.

This vote is a Democrat way of paying back the labor unions for bankrolling their win in November. Over $2 million to the top Democrats.

Small business owners are trying to live out the American Dream, which just so happens to be fueling our economy.

□ 1215

This bill forces them to do away with the longstanding freedom of voting by secret ballot. We can't let this happen to America.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, the National Labor Relations Board was created to ensure that workers enjoyed the same freedom of association in the workplace that they did in the political arena, to guarantee free and fair union elections. And today the democratic principles in the workplace that built our vibrant middle class are at risk. Instead of holding companies who violate labor law accountable for their actions, the board routinely rules on the side of employers.

In my community we have had several disputes in which a strong, just NLRB would make such a difference: employees at a hospital, a uniform company, graduate teaching assistants at a local university.

The time has come for Congress to reform the NLRB. That is why I support the Employee Free Choice Act. It simplifies the organizing process. It expands remedies for employer interference and intimidation. It commits labor and management to collective bargaining.

This legislation is about standing up for the efforts of working people to improve their lives, honoring their commitment and dedication that they bring to their jobs. It is our core responsibility as government to support the Employee Free Choice Act.

Mr. KLINE of Minnesota. Madam Chairwoman, I am pleased to yield 2 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Chairwoman, here we are back to Orwellian democracy. We are here considering the Employee Free Choice Act, which better is described as the ''Employee Intimidation Act,'' and we are here because it is the number one legislative priority of organized labor, and for Democrats it is the cost of doing business to gain the majority. Big Labor has given their marching orders and Democrats are executing them to a tee.

The ''Employee Intimidation Act'' is incompatible with the interests of workers, individual liberty, and the principles of sound democracy. If this legislation passes, then Congress will effectively be stripping away the protection of secret ballot elections.

Employers and union organizers alike shouldn't fear elections conducted by secret ballot. It is the only manner to protect an individual's choice without subtle or overt coercion. Secret ballots are the cornerstone of democracy.

This card check process is not only biased and inferior; it is also rife with coercion and abuse. In fact, card checks have been challenged on the basis of coercion, forgery, fraud, and peer pressure. Testimony before our committee only three weeks ago revealed the practices union organizers undertake to manipulate the card check system and get employees to sign at any cost, including home visits and workplace intimidation, and granted, yes, intimidation that can occur on both sides, from the employer or from the union.

The intent of this Employee Intimidation Act is to reverse the decline of union membership. Only 12 percent of workers belong to labor unions, down from 20 percent in 1983. But secret ballot elections remain the most effective way to determine the true wishes of the majority of employees at a work site. In fact, Federal courts have ruled that the secret ballot elections are the most foolproof method to determine support. Signing an authorization card in public before employers and the union and fellow employees is often done to avoid offending anyone or getting organizers off one's back. It is not a true gauge of union support, and I urge my colleagues to oppose H.R. 800, the Employee Intimidation Act.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Madam Chairwoman, let me thank the leadership for bringing forth this very important human rights act. Human rights are labor rights; labor rights are human rights. And for the last several years, the only intimidation that has been going on has not been by labor unions but by employers.

Ten employees of the Brinks Home Security Minnesota branch met in secret in 2004 to discuss problems with their employer. They feared for their jobs if talk about a union became public. But they decided a life with a living wage, some health care, and a pension plan was worth the risk. They signed authorization cards to have the IBEW represent them. This was in January of 2005. The National Labor Relations Board certified the IBEW as the employees' bargaining agent. That was on March 16, 2005. Contract negotiations began with Brinks in April, and they have dragged on for nearly 2 years now with no contract in sight.

This is a company with an average monthly income of $27 million. Why should they work for a company who insists on contracts with their customers but not with their own employees?

We need the Employee Free Choice Act to make sure we can get a contract. Thank you, leadership. Thank you very much.

Mr. KLINE of Minnesota. Madam Chairwoman, I am pleased to yield 2 minutes to the distinguished gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Madam Chairman, I thank Mr. KLINE for his leadership in protecting American workers.

Madam Chairman, I rise today in support of Ranking Member BUCK MCKEON's alternative to the misnamed Employee Free Choice Act. Mr. MCKEON's substitute, originally championed by the late Congressman Charlie Norwood, guarantees employees the right to hold secret ballot elections when deciding whether to form a union and prohibits the implementation of a coercive card check authorization.

Just as American voters are free to elect their public officials in secrecy, so should American workers be free to vote for or against union representation. While no one would approve of exposing voters to public ridicule or intimidation at the voting booth, this is exactly what proponents of the Democrat card check bill are seeking to force upon American workers.

Several of our colleagues wrote to Mexican officials in 2001 urging the sanctity of secret ballot elections be upheld. Specifically they penned: ''We feel that the secret ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may not choose otherwise.'' I hope today all of our colleagues adopt the original position of 2001 for a secret ballot.

Evidence suggests that under card check agreements, employees are likely to be coerced or misled or falsely told the forms are nonbinding ''statements of interest,'' requests for an election, or even benefits forms or administrative paperwork. The McKeon alternative will ensure workers are not left vulnerable to this type of arm twisting.

A poll will be released today by the Coalition for a Democratic Workplace demonstrating that 87 percent of Americans believe workers should have the right of a secret ballot. In fact, 79 percent oppose the incorrectly named bill.

I urge my colleagues to join with me in supporting the wishes of the majority of Americans and voting in favor of Ranking Member MCKEON's alternative.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Chairman, 60 days ago I was still a small employer and a member of the chamber of commerce, which I had been for 25 years. And as someone coming from that background, listening to the claims from the other side about stripping workers of their right to a secret ballot or subjecting employers to coercion and duress, I was concerned about my good friends in the small business community who are wonderful people and work every day and have control of their own lives, that somehow we were harming them.

Read the law. Section (c)(1) of the National Labor Relations Act, which guarantees workers the right to a secret ballot election if a ''substantial number,'' only 30 percent, ask for it, is still preserved. It is not being repealed.

Secondly, this bill provides in section 2 that people who have claims of duress, coercion, fraud on the part of union organizers have an avenue, have a remedy with the National Labor Relations Board.

These cards are not the back of a napkin. There will be a process and a procedure which will be fair to employers and to workers.

What this bill is about is restoring balance in the law, which, as the chairman indicated, the facts demonstrate is hurting workers, and it is our job to restore that balance.

Mr. KLINE of Minnesota. Madam Chairwoman, at this time I am pleased to yield 2 minutes to the distinguished gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. Madam Chairwoman, I thank the gentleman for yielding.

Madam Chairwoman, I rise in opposition to H.R. 800.

The secret ballot is absolutely critical to the integrity of the election process. Workers shouldn't be intimidated by corporate executives, labor bosses, or fellow workers. That is why nine out of ten Americans oppose stripping workers of their right to a private vote when determining whether or not to join a union.

Now, let us be honest about what this bill is really about. Union membership is down, Democratic influence is up, and the secret ballot is headed out. I have to admit that I find it very ironic that just months after our Nation went to the polls and voted in secret ballot elections putting our Democratic friends in control of the Congress, they are now in turn trying to strip that very same right away from workers across this country.

I believe that unions have done a lot of good for our society and have played an integral role in establishing and protecting the rights of workers. They have a very proud history and continue to provide competitive benefits, training programs, and workplace protections for millions of workers across the country.

However, this legislation does nothing to level the playing field for a worker trying to determine whether or not to be represented by a union. Rather, it undercuts the law that it was designed to protect workers' rights in and terminates a vital right afforded to our Nation's workforce.

The bottom line is that workers should want to join a union because of the benefits of that union, not because they are scared not to do so. I hope my colleagues will listen to the union workers for whom this legislation is purported to benefit. In 2004 Zogby International polled 70 union members regarding this very issue. Seventy-eight percent of these union workers said that Congress should keep the existing secret ballot election process in place and not replace it with another process.

I urge my colleagues to listen to the rank and file union workers and vote to protect the sanctity of the secret ballot. Vote ''no'' on H.R. 800.

Mr. ANDREWS. Madam Chairman, I am pleased to yield 1 minute to my friend and colleague from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chairman, I thank my friend for yielding.

Madam Chairman, this is not really about secret ballots or any of the other kinds of red herrings that are being dragged across here. It is about whether we want an even playing field so workers will have the opportunity to protect their rights and interests and advance the American economy. It should be obvious that an individual worker is in a position of lesser influence relative to the employer. Going back now 70 years, the labor relations laws were put together so that there would be an even playing field. Now we need some adjustment in that because there is still not an even playing field.

The track record of unions is clear. Unions help lift working men and women and, in fact, the entire economy. Union members earn median wages that are higher. They have more employer-provided health insurance than nonunion members do. They have better defined benefit pension plans.

Unions benefit workers and benefit society. That is what this is about.

Mr. KLINE of Minnesota. Madam Chairwoman, I would like to yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Chairman, I thank the gentleman from Minnesota for yielding.

I rise in opposition to this misnamed bill, which should be called the Worker Intimidation Act.

Madam Chairman, the National Labor Relations Act gives the private sector workers the right to join or form a labor union and to bargain collectively over wages and hours. However, this bill would eviscerate the protections for workers choosing to join or not to join a union by eliminating the requirement of a secret ballot system and requiring employees to make their ballots public. This bill strikes a blow to the privacy rights of workers throughout the country and would create opportunities for intimidation and coercion by union organizers and employees.

Whom then does this bill benefit? Certainly not the American workforce, a large majority of which, as cited by the gentleman from Florida, overwhelmingly opposes this bill; nor the

American people. Maybe it is the Mexican workforce. The sponsor of this bill and 15 other Democrats, after all, seek to protect the privacy of Mexican workers in a letter that they sent where they said: ''We understand that the secret ballot is allowed for but not required by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.''

The words of those proposing to support and protect Mexican workers are not willing to do that for American workers. It is a crime.

Madam Chairman, it strikes me as extremely ironic that the sponsor of this bill prefers to uphold the fundamental privacy protections of the Mexican workforce at the same time that he strips American workers of their privacy protections in their jobs here at home.

I urge my colleagues to vote down this bill that amounts to a betrayal of American workers.

Mr. ANDREWS. Madam Chairman, I yield for the purpose of making a unanimous-consent request to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Chairman, I rise today in support of the Employee Free Choice Act.

As President Franklin Delano Roosevelt once said, ''It is one of the characteristics of a free and democratic nation that it has free and independent labor unions.''

Today we are considering legislation that, in the spirit of FDR, would allow workers seeking free and independent labor unions a fair shot. The Employee Free Choice Act would change our current system, one prone to intimidation, harassment and discrimination; into a fairer, more democratic process.

In most cases, to get elected to public office in the U.S.—whether at the Federal, State or local level—you need to win a majority of the votes. Based on this democratic principle, The Employee Free Choice Act provides that when at least 50 percent plus one of the employees decide to form a union, the will of that majority is carried out.

The current system for organizing a union has some very undemocratic components. Under existing law, employers hold all the cards when it comes to the election process for employees to decide whether they want to form a union. The result is often a bitter, divisive, drawn-out process, in which union supporters are frequently spied on, harassed, threatened, strong-armed, and even fired. Surveys show that in 25 percent of elections campaign workers are fired and that 78 percent of the time employers force supervisors to deliver anti-union rhetoric to workers whose jobs they oversee. While this type of coercive action might seem reminiscent of a banana republic, it is happening today in 21st century America.

Madam Chairman, despite the views of some in this body, unions do benefit the working man and woman. Union workers earn 30 percent more than non-union workers; they are 63 percent more likely to have employer-sponsored health care and four times more likely to have guaranteed pensions.

We should be removing undemocratic hurdles impeding the formation of unions, not protecting them.

Since 1935, the majority sign-up process has been available and used by fair-minded employers. It is a tried and true method, having stood the test of time. Making that process mandatory prevents employer abuse and gives workers a fair shot to form a union.

Madam Chairman, our workers need good representation at the bargaining table and unions best provide that leadership. I urge my colleagues to vote in favor of this legislation which would make the unionizing process fairer, more democratic and more representative of the will of the American worker.

Mr. ANDREWS. Madam Chairman, I am pleased to yield 1 minute to a strong voice for American workers, my friend from Ohio (Mr. KUCINICH).

□ 1230

Mr. KUCINICH. Madam Chairman, I am sure the American people may find it ironic to see a drumbeat here for a secret ballot in the very House of the people where we depend on having our votes for all the world to see.

Workers rights are human rights, and the fight to broaden and increase workers' rights is a fight to bring economic justice and dignity to those who have created the infrastructure, the wealth and the prosperity of our Nation.

In this fight, no tool is more fundamental than the right of workers to organize. Organization is power, and when wielded effectively, the results are obvious. Union members' weekly wages are 30 percent higher than the wages of nonunion members. Sixty-eight percent of union members have a guaranteed, fully insured pension, while only 14 of nonunion workers can say the same. Over three-fourths of union members receive health coverage from their employers. Less than a majority of nonunion workers have that same coverage.

Despite protection in Federal law by the National Labor Relations Act, the right to organize has increasingly come under attack. This is a chance to stand up for the right to organize.

Mr. KLINE of Minnesota. Madam Chair, I yield myself 15 seconds only to point out in response to the gentleman pointing out that when we vote it is displayed on the board, I would remind the gentleman that when we vote it is on behalf of some 700,000 people who have a right to see how we voted. That is different in this case.

Madam Chair, I yield 3 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the ranking member.

Madam Chairman, I rise in opposition to this bill. Frankly, I am disappointed that many of the amendments my Republican colleagues and I hoped to offer today were not made in order by the Rules Committee last night.

My amendment would have provided workers the right to have their card returned if they had a change of heart. They don't have that buyer's remorse protection under current law.

There are examples in Louisiana where employees tried to get their cards back, but were informed by a regional NLRB office that they had no authority to require the return of a signed card.

Now, a cooling off period is standard in many areas of business. We allow it for purchases of homes and cars, but my colleagues on the other side of the aisle don't think we should allow it for employees deciding whether or not they want the union as their exclusive bargaining representative in the workplace.

A few years back, a company in South Louisiana, Trico Marine, became the unwilling target of a campaign to organize the vessel personnel who service our offshore oil and gas industry in the Gulf of Mexico. Louisiana is a proud right-to-work state and many hard-working mariners quickly came forward to protest the tactics used by the union. After eight visits, one vessel officers had to have an arrest warrant issued against a union organizer.

But even more troubling, mariners were misled and told that they should sign the cards, and if they had a change of heart, they could vote their conscience in a secret ballot election. But the union's intent from the beginning was to bypass the secret ballot, gain the 50 plus one signed cards, and then publicly pressure the company to recognize them. That attempt failed and the union office has since disbanded. But that is what this legislation allows. It allows a union to gather a majority of signed cards, often under questionable circumstances, and bypass a secret ballot election where workers are free to vote their conscience in private without coercion or outside influence. This example provides some balance to the arguments made by my friends on the other side of the aisle.

And let's be straight, there are bad actors on both sides. But our number one priority here should be protecting the right of all hard-working Americans. If the system is broke, let's work together to fry to fix it. But denying workers the fundamental right to a secret ballot election isn't the answer.

I urge my colleagues to oppose this legislation.

Mr. ANDREWS. I yield myself 15 seconds to respond to the gentleman.

Section 6 of the bill makes it clear that if a card is invalid, it will not be counted, and an employee who asks for his or her card back clearly would be an invalid card.

I am pleased to yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH), a gentleman who has run a successful small business.

Mr. YARMUTH. Madam Chairman, this week, opponents of the Employee Free Choice Act have tried to frame this debate as unions versus workers. I don't think it is working, but what a

miraculous bit of political gerrymandering it would be if it did.

The opponents are trying to create the illusion that somehow unions and workers are on different teams. But the truth is that in today's economy, the only consistent advocate for America's workers, both union and nonunion, have been America's unions.

This bill isn't employers versus employees, and it is certainly not unions versus workers. This is simply Americans for America, because when our working families thrive, all of us benefit.

Therefore, on behalf of not only the employees, who are the backbone of our economy, but on behalf of all our citizens, I urge my colleagues to support the Employee Free Choice Act.

Mr. KLINE of Minnesota. Madam Chairwoman, in the interest of balancing time, I reserve my time.

Mr. ANDREWS. I am pleased to yield 1 minute to my friend from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Chairman, I rise in support of the Employee Free Choice Act. I think it is very important for people listening to know that this piece of legislation does not take away the right for a secret ballot. It adds an additional right and a protection of a card check. In addition to that, even though that is what the other side is focused on, it adds other protections that are necessary to protect a worker's right to organize in this country.

This country is filled with wonderful employers, and certainly my district has about the best employers that you could find anywhere. But there are abuses and there are problems that this piece of legislation addresses.

I have a woman from my district, Anishya Sanders, who is here in Washington this week to tell her story, and let me very briefly tell you about her.

She has worked as a traffic control flagger for 3 years, helping to make sure that everyone gets around construction sites safely. In Las Vegas, that is a big deal, because every road is a construction site. This is a woman who has fought for the right to unionize and we should pass this on her behalf.

Anishya, a single mother of five, has fought to form a union because she needs health insurance so she can take her children to a doctor when they are sick, because she wants to be paid enough to provide for her children's basic needs, and because she wants to be safe at work.

Anishya coordinated the effort that led to a majority of employees at her company choosing to form a union. Instead of respecting the employees' decision, the company fired two workers and has harassed and intimidated Anishya and others. Under the current system, these workers are treated like second-class citizens.

It is up to us to protect workers against the injustice that has been done to Anishya and her coworkers. I urge my colleagues to support the Employee Free Choice Act so that all Americans can freely decide whether they want to organize in order to negotiate for better working conditions.

Mr. KLINE. I continue to reserve.

Mr. ANDREWS. Madam Chairman, I am very pleased to yield 3 minutes to my friend the gentleman from Massachusetts (Mr. TIERNEY), a member of the subcommittee who has worked very hard on this issue for a number of years.

Mr. TIERNEY. Madam Chairman, it is the policy of the United States to encourage the practice and procedure of collective bargaining. It is the policy of the United States to protect the exercise of workers of full freedom of association. It is the policy of the United States to protect their self-organizing and their ability to designate representatives of their own choosing.

You wouldn't think that were true to listen to what we are hearing from the other side. It is the best man-bite-dog story we have heard, and the irony is not lost when people stand up there professing to care about the workers on this, while all the while, the National Labor Relations Act, section 7, protects those rights, and section 8 prohibits a variety of practices, and is not doing a very good job of that.

It would prohibit employers from interfering with or coercing or intimidating or discriminating against employees in the exercise of their rights. It has not been successful in that fact at all.

These protections have not been enough. The reality is when employees want to try to organize a union, one out of every four get fired illegally. Fired. Twenty-five percent of the people for the union activity. Their remedy? Go to court for years and years, and then if you are successful, you might get rehired, you might get some back pay, but, of course, you would have to offset that with whatever you earned in the meantime. Too many employers think that is a pretty good deal, a risk worth taking.

In 2005, 31,000 workers received back pay because of illegal employer discrimination. That should do away with any thought that this is just a minor problem. Over three-quarters, 78 percent of employers in organizing drives forced their employees to attend one-on-one meetings against the union with their own supervisors. There is no ''truth squad'' in there and nobody making sure what they say is fair and balanced. Ninety-two percent of employers force employees to attend mandatory captive audience meetings, again, the union, and three-quarters of employers in organizing drives hire consultants or union busting firms to fight the organizing drive. How naive would we have to be to think that those union busters are in there to make a fair and level playing ground?

The fact of the matter is employers have also been notorious in dragging out the initial negotiations, for years. That is not good faith bargaining as it is supposed to be protected in that Act. They are making a mockery of the National Labor Relations Act, unless we have this bill take effect.

If this were internationally, if we were looking at elections, we would expect that people would be able to have a playing field. We would expect there would be some protection against being pressured to support one particular position. We would expect that there would be some protection against a direction that you vote for a specific candidate. But that is not what is happening here.

Madam Chairman, let me tell you that what we are doing here is simply altering the playing field a bit back to fairness. We have had, for years, the ability that you could either have an election, or you could have an ability to sign a majority of people that you wanted. At some point, a few decades ago, they changed that dynamic and said we are going to let the employer veto that choice.

We are rebalancing this here. We are going to give the choice and the ability to balance back to the worker, so they can choose whether they want an election to indicate their ability to organize or whether they want a majority of people to sign a card. They want that fair process. We need it because their ability to do that protects them, and that is what we should be about.

Mr. KLINE of Minnesota. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding.

Madam Chairman, I rise in strong opposition to this bill. One of the most cherished protections in our democracy is the ability to vote freely and anonymously and without fear of retribution. The bill before us today would take this right from American workers when deciding whether or not to bargain collectively and open the doors to fear and intimidation and coercion.

The underlying bill would hit small businesses particularly hard because they operate in smaller environments. Card checks could cause serious management problems in these smaller environments, because each employee could know how every other employee voted, the results of which could be seriously disruptive for the small business.

This bill would also mandate compulsory, binding arbitration between the employer and the employee, where all decisions would be made through a third party government official. In essence, this means that the fate of a small business owner, the one who has built a company through years of hard work, the one who may have placed every penny earned back into the business, and the one who employs families, friends and neighbors and who contributes to the local economy, in the hands of organized labor and bureaucrats in Washington. Is that fair? No.

I submitted an amendment to the Rules Committee that would have exempted small businesses and protected small business employees from this ill-conceived legislation. Unfortunately, the majority blocked consideration of it on the floor today. They seem intent on limiting debate on this bill, and with a bill this bad, that is understandable.

Madam Chairman, this bill sacrifices the right of American workers to freely determine their future on the altar of big labor, and it dares small businesses to survive after having the rug of independent elections pulled out from under them.

This is a bad bill, and I urge my colleagues to oppose it. It is a very dangerous bill.

Mr. ANDREWS. Madam Chair, I yield myself 15 seconds to respond to the gentleman's point about small business.

The minority was given and has taken advantage of a full substitute here. If the minority had chosen to include the provision in the substitute, it was in their prerogative. They failed to do so.

I am pleased at this time to yield 1 minute to the gentleman from Illinois (Mr. DAVIS), a strong voice for working people in this country.

Mr. DAVIS of Illinois. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act, which is designed to level the playing field for those wishing to form and join labor unions.

Thomas Wolfe once said, ''To every man his chance, his golden opportunity to become whatever his talents, ambitions and hard work combine to make him.'' That is the premise of America. And I would imagine if he was alive today, he would just say, to every man and to every woman, their golden opportunities to become.

The ability to join like-minded people in pursuit of fairness, equity and increased opportunities should be the right of all people. This legislation affirms that right and helps to protect the greatest economy in the world, working class Americans who belong to unions.

I agree with those who say that every American has the right to organize. But those rights must be protected, promoted and made real. H.R. 800 does exactly that, I and strongly urge its passage.

Mr. KLINE of Minnesota. Madam Chair, I reserve my time.

Mr. ANDREWS. Madam Chair, I am very pleased to yield 2 minutes to the gentleman from Illinois (Mr. HARE), a new Member of Congress who speaks with authority on this issue and many others.

Mr. HARE. I thank the gentleman.

Madam Chairman, I rise today in strong support of the Employee Free Choice Act, and I appreciate the opportunity to speak on this vital and important legislation.

For 13 years, I cut suits at Seaford Clothing Company in Rock Island. I would not be here today as a Member of the United States Congress if it weren't for my union. My membership in my local union, Local 617, gave me access to higher wages, good benefits and invaluable workplace safety protections. My union helped me send my kids to college, it helped me buy a house and to begin to build a secure retirement. But, sadly, more and more Americans are seeing these opportunities slip away.

□ 1245

Worker productivity is up, but wages are declining. Corporate CEOs are enjoying record profits, yet average workers are struggling to pay their home heating bills, affordable health care, and save for college for their kids.

Current law allows employers to refuse recognition of a union when the majority of employees sign cards saying they want a union. In addition, there are weak penalties for employers who intimidate, coerce or fire workers who try to organize a union or secure a first contract.

The bipartisan Employee Free Choice Act levels the playing field between employer and employee relations by requiring employers to recognize a union formed by a majority sign-up, stiffening the penalties for employers who violate the law, and providing an arbitrator if labor and management cannot agree on a contract.

In closing, let me just say that I chose to join a union. I was able to make it from the cutting room floor of the Seaford Clothing factory to the floor of this Chamber.

I urge Members to give every American that same opportunity by voting ''yes'' on the Employee Free Choice Act.

Mr. KLINE of Minnesota. I yield 2 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Madam Chair, let's be clear about what this act does: it sidesteps a free and fair election process, and it subjects hard-working Americans to coercion and intimidation.

At a time when my hometown is proud to report twice the national average in job growth, job growth in manufacturing, high-tech construction, this bill heads us in the wrong direction.

I want to focus on health care. We have all heard the concerns about a growing workforce shortage in this country. The card check process for unionization further puts health care at risk. It would discourage much-needed health care professionals from entering into the health care field.

I have heard from Ferry County Hospital and from Dayton General Hospital, both small, critical-access hospitals in eastern Washington, that this bill would increase costs and is a slap in the face for collaboration between management and employees.

What is the biggest concern for these hospitals, the undue pressure on their employees. Rich Umbdenstock, who is the president of the American Hospital Association and past president of the former Providence Services in Spokane, Washington, said, ''The hard-working men and women of our Nation's hospitals are entitled to choice.'' I couldn't agree more. They have it right.

Hospital employees should have the same right in choosing their labor representative as they do in choosing their elected representatives.

As eastern Washington's voice in this House, I must object on behalf of individuals and families that I represent. I will vote against this bill in public so as to preserve the citizens' right to do so in private.

Mr. ANDREWS. Madam Chair, it is my pleasure at this time to yield to someone who has walked in the shoes of the people who will be best helped by this act, the gentlewoman from California (Ms. WOOLSEY), 2 minutes.

Ms. WOOLSEY. Madam Chair, actually I am going to speak today as a former human resources manager and human resources professional for over 20 years. I know what it takes to manage competitive and productive workforces; and believe me, I know the difference that paying a decent wage, having health and retirement benefits make in a worker's life, and how work performance is enhanced when workers know that a full workday results in pay that they can actually afford to live on, to raise their family on.

Unfortunately, today workers are facing falling wages, they are facing fewer benefits, and that is a fact that is directly related to the disappearance of our middle class here in the United States of America.

Since union workers earn about 30 percent more than nonunion workers per week, are almost twice as likely to have employer-sponsored health benefits and defined pension plans compared to only one in seven nonunion workers, the ability to organize will make a huge difference in bringing our middle class back.

Madam Chair, H.R. 800 is the prescription that we need to right a weakened middle class, bring it back to health again. I urge my colleagues to support this bill, support American workers.

Mr. KLINE of Minnesota. Madam Chair, I yield 1 minute to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. I thank the gentleman for yielding.

The feedback I get from individual workers in my district, they believe that stronger laws are needed to protect the secret ballot election process in the workplace. H.R. 800 would strip away this right from workers, and this is simply unfair.

Removing secret ballot elections is unfair to individual workers because it opens them up to retaliation. By having to publicly express support for or against any measure, this legislation would leave workers vulnerable to coercion and intimidation, and I cannot in good conscience support it.

Secret ballots actually enhance collective bargaining. Because I believe a worker's right to a secret ballot should be protected, I am cosponsoring the Secret Ballot Protection Act. This legislation would guarantee individual workers the right to secret ballot elections and ensure them the right to freely choose whether or not to join a union.

I urge my colleagues to stand up for individual worker's rights, to protect the secret ballot, and to vote against H.R. 800.

Mr. ANDREWS. Madam Chair, it is my honor to yield 1 minute to an individual who has turned the direction of this institution and the country towards the forgotten middle class, the Speaker of the House of Representatives, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Chairwoman, I thank the gentleman for yielding, and I thank him for his great leadership, along with Chairman GEORGE MILLER, in bringing this important legislation to the floor.

I proudly rise in support of the Employee Free Choice Act. I salute again the leadership of the committee. This legislation has long enjoyed bipartisan support; it took a Democratic majority to give us a chance to vote on it on the floor.

The Employee Free Choice Act is the most important labor law reform legislation of this generation. But this legislation is about more than labor law: it is about basic workers' rights. It is about majority rule. It is about ending discrimination and harassment in the workplace over organizing, and it is about protecting jobs. Under this bill, when a majority of workers say they want a union, they will get a union.

It is important to note, Madam Chair, that many of the benefits all workers, union members and others, all workers enjoy today are the results of the struggles of organized labor. Their victories have not just benefited union workers, but all workers. Millions of those who have never had the chance to join a union enjoy better wages, safer workplaces, and greater rights because of the battles fought by union members. Unions have helped make America the most prosperous, most productive Nation in the world with a vibrant middle class, so essential to our democracy. Organized labor has helped put America in the lead.

Today, 57 million workers say that they would join a union if they had a chance, to be part of an effort to keep America number one. And many, many hundreds of thousands of employers throughout this country work cooperatively with their unions representing their employees. In fact, this bill is very fair to employers, giving them recourse should they question the validity of the signatures on the card check.

The Employee Free Choice Act puts democracy back in the workplace so that the decision to form a union can be made by the employees that the union would represent. This is a standard right that we routinely demand for workers around the world. And it illustrates not only a respect for workers but a commitment to democracy. We should accept no less a standard here in America.

Many people, including the NAACP, Mexican American Legal Defense and Educational Fund, many religious organizations support this legislation because it is fair. It has been cosponsored by 226 House Democrats. It has the support of 69 percent of the American people.

Democrats believe that we must make our economy fairer, and we began in the first 100 hours by passing the minimum wage bill with a strong bipartisan vote.

Today, we will take the next step with a strong bipartisan vote to ensure that America's working families have the right to organize, because the right to organize means a better future for them and for all of us. It means a future that is economically and socially just. It is that economic and social justice that drew so many religious organizations in support of this legislation, a future where the workplace is safe, a future where retirement is secure.

Madam Chair, every day when we begin the Congress, we begin with a pledge to the flag and how proud we are to do that. And we all take great pride in pledging the flag, to very clearly enunciate ''under God,'' ''one Nation under God, indivisible, with liberty and justice for all.'' That is the pledge we make every morning, and we pledge it under God, liberty and justice for all.

Well, it is I think a disservice to that pledge and a dishonor to God whom we invoke in that, if we don't do in our work here, work that promotes liberty and justice for all. And that is what this bill does. It is about justice for all: all who want to express themselves in a way so they can bargain collectively, so that workers have the strength and the leverage to strengthen our middle class, to reach the fulfillment for their families, to make our democracy stronger.

I believe that this bill, the Employee Free Choice Act, is an honest continuation of the pledge that we make in the morning for liberty and justice for all.

Mr. KLINE of Minnesota. Madam Chairwoman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Madam Chairman, well, renaming things does not change the facts. A few minutes ago we just heard that somehow the Pledge of Allegiance has something to do with banning secret ballots, and that somehow those of us who favor private elections and secret ballots are anti-God. I just simply do not understand the escalation of that rhetoric.

Secondly, one of the senior Members of the other party was just down in the well and said why are we Republicans complaining about a secret ballot, more or less admitting that is what, in fact, they are eliminating, saying that votes are publicly posted. We represent, as Mr. KLINE said earlier, 700,000 people. Think why you wouldn't want your vote posted. Are we heading towards posting in private elections and fall elections where there is no longer the secrecy of the private voting box? If you posted who you voted for, you could be subject to all sorts of discrimination.

The practical fact here, as I said earlier in the rules debate, is an individual is going to be approached to sign his card that would circumvent a secret ballot. Then other people are going to come up to him. Furthermore, through salting, there are likely to be organizers inside that workplace putting further pressure on him. He may get shunned. He doesn't have the right to change his mind. There are all sorts of subtle, indirect, direct, physical, verbal, and business pressures put when you lose a secret ballot. A card is denying the vote. It is denying the secret ballot, and no tricky wording can change the fundamental fact of what is happening here.

I would like to insert into the RECORD a letter from 16 Members of Congress led by the distinguished chairman of this committee, Mr. MILLER, that was sent to Mexico regarding the right to a secret ballot. What he says in this letter, and we have heard it described several ways, that it had to do with a particular question around a particular Mexican election. It states: ''We are writing to encourage you to use a secret ballot in all union recognition elections.'' Apparently what is good for the Mexican worker is not good for U.S. workers.

AUGUST 29, 2001.

JUNTA LOCAL DE CONCILIACION Y ARBITRAJE DEL ESTADO DE PUEBLA, LIC. ARMANDO POXQUI QUINTERO,

7 Norte, Numero 1006 Altos, Colonia Centro, Puebla, Mexico C.P. 72000.

DEAR MEMBERS OF THE JUNTA LOCAL DE CONCILIACION Y ARBITRAJE OF THE STATE OF PUEBLA: As members of Congress of the United States who are deeply concerned with international labor standards and the role of labor rights in international trade agreements, we are writing to encourage you to use the secret ballot in all union recognition elections.

We understand that the secret ballot is allowed for, but not required, by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.

We respect Mexico as an important neighbor and trading partner, and we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

Sincerely,

George Miller, Marcy Kaptur, Bernard Sanders, William J. Coyne, Lane Evans, Bob Filner, Martin Olav Sabo, Barney Frank, Joe Baca, Zoe Lofgren, Dennis J. Kucinich, Calvin M. Dooley, Fortney Pete Stark, Barbara Lee, James P. McGovern, Lloyd Doggett.

Madam Chairman, I rise today to speak in opposition to H.R. 800, the so called Employee Free Choice Act.

Madam Chairman, the right to a private ballot is fundamental to a democratic society such as yours. Private ballots preserve individuals' freedom of conscience and protect them against coercion, pressure, and intimidation. Incredibly, however, by allowing workers to unionize through the ''Card Check'' system, the ridiculously-named Employee Free Choice Act would tell American workers contemplating whether to join a union that they don't deserve this cherished democratic right. Indeed, passage of this bill would put an end to workers' ability to freely choose whether they want to unionize, while the opportunities for union organizers to pressure or intimidate workers would multiply considerably.

Furthermore, Madam Chairman, this bill is entirely one-sided. It imposes penalties for unfair labor practices on employers, but does nothing to punish union organizers who coerce workers. This is grossly unfair. Both employers and unions should be harshly penalized for illegally interfering with organizing drives. But in H.R. 800, only employers are singled out for penalties. H.R. 800 exposes workers to increased coercion from organizers, while at the same time muzzling employers with new penalties. This is a shameful inequity and demonstrates an utter lack of respect for those who have driven the recent job growth of our economy. Employers and employees will always have their disagreements when it comes to union organizing, but surely, Madam Chairman, Congress can do better than this.

Federal law simply should not provide endorsement to a process like ''Card Check'' that stifles workers' free speech and undermines the very essence of our democracy—the right of all Americans to think and act with coercion. I strongly oppose this bill, and urge my colleagues to do the same.

□ 1300

Mr. ANDREWS. Madam Chairman, I yield myself 3 minutes.

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

Mr. ANDREWS. Madam Chairman, this bill has the potential, I believe, to do great good for the working people in this country. I believe it has the potential to reenergize the middle class of our country. But I believe the opponents of the bill have grossly overstated the severity and magnitude of the changes that are proposed.

We repeatedly hear the phrase that we are ''doing away with the secret ballot.'' This is false. The bill sets up two mechanisms for people to organize and join a union. The first is to get a majority of those eligible in the bargaining unit to sign a card, at which time there will be an investigation by the National Labor Relations Board. It will determine the validity or invalidity of the cards. If the board determines that a majority of the bargaining unit has signed a valid card, then there is a union recognized.

There is one key difference between this provision in the bill and the law under which we have lived for the last 6 decades-plus. We have had the majority sign-up procedure for more than 60 years, but present law says even if a majority sign valid cards, the employer can arbitrarily veto that choice of a majority. This bill transfers the power from the employer's veto to the employees' majority.

Secondly, if the employees instead wish to organize by pursuing the election path, by getting at least 30 percent to manifest their intention to have an election, then there is an election. It is very important, and we have heard different points about who the union leadership is.

In my district, I will tell you who the union leadership is. They coach baseball teams. They read the epistle at mass. They volunteer in fire companies. They sign up and recruit people for the United Way. They are the first people to show up if there is a fire or a flood. They are the hardworking, basic core of this country.

I know there have been instances of intimidation on both sides, but it is important we look at the record. A group that is strongly opposed to this bill scoured over 60 years of court cases, and in those 60 years, they could find only 42 examples which they chose to highlight where there was a finding of coercion by a union person in an organizing job.

By contrast, in 2005, more than 31,000 workers in 1 year were awarded back pay because it was found that their rights had been violated. Yes, there is coercion on both sides, but the record shows that the coercion has been disproportionately on the management side. That is why this leveling of the playing field is needed.

This bill replaces the employer's arbitrary veto with a valid expression of majority will. It does not eliminate the secret ballot. It eliminates the systemic coercion under which we live today.

Madam Chairman, I reserve the balance of our time.

Mr. KLINE of Minnesota. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, this bill stands for the principle that: Americans should not have a right to a secret ballot, but 89 percent of Americans want their Member of Congress to defend a secret ballot; Americans do not want their votes made public, but this bill stands for the principle that your vote will be made public, despite the fact that 89 percent of Americans want their votes to remain private. In sum, this bill lacks support from 79 percent of Americans who oppose its provisions.

Madam Chairman, the Fraternal Order of Police opposes this bill. The American Hospital Association opposes this bill. Thirty other major organizations oppose it because it is ironic that as we insist on free elections with secret ballots for Afghans, we remove that right for Americans.

I am sorry that over 300,000 Americans dropped their union memberships last year, but this Congress cannot rescue big labor from its own loss of popularity.

Mr. ANDREWS. Madam Chairman, since we have only one speaker at this point, I would reserve my time. I will tell my friend that the majority leader is en route to the floor. We are waiting for him as well, but we simply have the majority leader and the chairman of the full committee left on our side.

I reserve the balance of my time.

Mr. KLINE of Minnesota. We are doing some math here, Madam Chairman. Could you give us, again, the time remaining on each side? We have been trying to keep track of the minutes here, but I have kind of lost a little bit.

The Acting CHAIRMAN (Ms. DEGETTE). The gentleman from Minnesota (Mr. KLINE) has 4½ minutes remaining. The gentleman from New Jersey (Mr. ANDREWS) has 7 minutes remaining.

Mr. KLINE of Minnesota. Would you like to take some of that time now?

Mr. ANDREWS. If the gentleman will yield, I will yield to the majority leader, yes.

Madam Chairman, I am honored to yield 1 minute to the majority leader of the House who has brought this consequential legislation to the floor, my friend from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend for yielding.

I want to congratulate GEORGE MILLER, to start out with, as the chairman of the Education and Labor Committee. GEORGE MILLER has been, throughout my career, all 26 years that I have been here, he and I have served together. He has been one of the most courageous, emphatic and faithful speakers on behalf of working Americans that we have in this House.

I want to thank my friend, ROB ANDREWS, who has been an indefatigable advocate of making sure that working Americans had opportunities in our country.

Mr. Speaker, this bipartisan legislation, the Employee Free Choice Act, is simply about establishing fairness in the workplace and providing America's workers with a free choice to bargain for better wages, benefits and work conditions.

I think that is absolutely essential if we are going to stop this growing disparity between the very wealthy and the haves and the increasingly have-nots.

America is a great and strong country because of its middle class. That is shrinking. That is a challenge to our country. This is an effort to address that.

The fact of the matter is the current system for forming labor unions is badly broken and undemocratic. Far too often, employers intimidate, harass, coerce or even fire workers who support a union.

To address this blatant unfairness, this legislation simply allows workers to form a union if a majority signs cards saying they want a union. Under current law, workers may use the majority sign-up process only if their employer agrees.

In contrast, the Employee Free Choice Act would leave this choice, whether to use the National Labor Relations Board election process or majority sign-up, with the employees, not the employer.

It is simply a red herring to claim that the legislation abolishes the NLRB election process. Although I will say as an aside that the delays, the underfunding, the rule complication essentially abolishes in some respects the NLRB's intent. In any event, it does not abolish the NLRB. The NLRB process is still available if workers choose it.

We all know what is really going on here today. It is no secret. The administration and many in the Republican Party have a long-standing, deep-seated animosity toward the organized labor movement, despite the fact that working men and women are the backbone of our economy and have built this country into what it is today.

Now, I am a strong proponent of the free market system. I am a strong proponent of business and those who grow businesses and create jobs. I say all over this country, the Democratic Party is the party of workers. If we are going to be the party of workers, we have to be the party of employers, but we need to make sure there is a balance.

We are not the representatives of either. What we are representatives of is the American people. We need to make sure that it is a fair opportunity.

Over the last 6 years, the administration, among other things, has dropped an ergonomic safety standard, tried to eliminate Davis-Bacon protections, denied collective bargaining rights to Federal employees. 800,000 Federal employees, we have denied bargaining rights, 800,000 Federal employees. Now, there are about 1.8, 1.9 million civilian Federal employees, and we just reached in and said, oh, no, if you are a DOD, Defense Department employee or a Homeland Security employee, you cannot have collective bargaining rights.

I asked the Office of Personnel Management to cite me one instance in the last half a century where collective bargaining rights have put at risk any national security issue. They could not name one in the last half century, not one. I have the gentleman there pointing at himself; I can name you one. Well, this administration's Office of Personnel Management could not.

It is no surprise today that they would oppose this legislation, which seeks to give workers a meaningful choice in selecting their representation and stiffen penalties for discrimination against workers who support a union.

Madam Chairman, hardworking families today are increasingly squeezed by stagnant incomes and the rising costs of education, health care, transportation, food and housing, and there is not an employee who is on even footing as an individual. I say that. Perhaps that is not correct.

I was with Alonzo Mourning just the other day. He is almost 7 feet tall. He may be on equal footing because his employer needs him very, very, very badly, and there may be some few like that, but if you are 6 foot 2 you may not be in that position.

American workers deserve to be fairly compensated for the dedication, loyalty and skill they bring to their jobs, and this legislation will help restore fairness to the workplace.

I urge my colleagues on both sides of the aisle not to be pro-labor or pro-business but to be pro-worker, pro-middle class, pro-growing America. Vote for this bill.

Mr. KLINE of Minnesota. Madam Chair, I yield myself such time as I may consume.

I could not agree more with what the distinguished majority leader just said. This is not about business versus labor. We should all be pro-worker, and I believe that this bill is anti-worker.

I agreed with the distinguished Speaker of the House who said it is about liberty and justice. I would add it is about the American way. It is about the sanctity of the private ballot, the secret ballot. It is about preserving the security of our workers, and make no mistake, despite claims to the contrary, the effect of this bill would be to eliminate the secret ballot and the process of selecting a union. Now, there is a subparagraph in there, 6(c) or something like that, but the effect of this will be to eliminate the secret ballot.

Madam Chairman, let us, today, protect the essence of democracy. Let us protect the American workers. Let us support Mr. MCKEON's substitute and let us oppose this bad legislation.

Madam Chairman, I reserve my time.

Mr. ANDREWS. Madam Chairman, I am pleased to yield 1 minute to the very proactive Member from Texas, my friend, Ms. JACKSON-LEE.

Ms. JACKSON–LEE of Texas. Madam Chair, I thank the distinguished manager and I thank the distinguished speaker, and as well, GEORGE MILLER, the chairman of the Education Committee, for his statement he made just a few weeks ago, how he had seen an absence of recognition of middle class workers in America being addressed in his committee and he was going to address it.

I want my friends to know that the first amendment guarantees the right to freedom of association. That is what the Employee Free Choice Act does in H.R. 800.

Let me thank the president of my local union AFL–CIO, Mr. Wortham, the Secretary/Treasurer of the AFL–CIO, Mr. Shaw and SEIU because I want them to know that my presence with them in the janitorial organizational effort over the last couple of weeks reinforced the importance of this Employee Free Choice Act.

My standing with the old PACE union in front of energy refineries years ago reinforces the need of the Employee Free Choice Act. It is a simple process. All it does is it allows individuals to form unions and to engage in collective bargainig. Without this protection, many union organizers and members would be fired.

I thank the distinguished gentleman, and I ask that this legislation be supported, because middle-class working America deserves this protection.

Madam Chairman, I rise today in strong support, and as a proud co-sponsor of H.R. 800, the Employee Free Choice Act (EFCA). I support this bill because despite several years of economic growth and high corporate profits, middle- and working-class families like the ones I represent in Houston have actually lost ground. They are squeezed between shrinking or stagnating incomes and rising costs for the basic necessities of modern life such as education, health care, transportation, food, and housing. One of the most effective and practical ways of reversing this undesirable trend is to restore the freedom of workers to join together to bargain collectively for better wages, benefits, and working conditions.

Madam Chairman, on average, workers who belong to a union earn 30 percent more than nonunion workers. Members of unions, on average, receive 15 days of paid vacation annually, which is almost 50 percent more than their nonunion counterparts. Union members also fare better when it comes to health care: 80 percent of union members have employer-provided health care; only 49 percent of nonunion workers have the same benefit. And, perhaps most important of all, workers who belong to a union earn on average 30 percent more than nonunion workers.

Madam Chairman, no group or association deserves more credit than organized labor and the trade union movement for the creation and rise of the American middle class, the 5-day work week, the 40-hour work week, the existence of employee pension plans, and many of the other employment benefits which we take for granted today.

The right to form a union is a fundamental human right and an essential element of a free and democratic society. But today, the right to organize and bargain collectively, protections that the National Labor Relations Act was enacted in 1935 to protect, have been so weakened that immediate action is needed to restore them.

The National Labor Relations Act (NLRA) was enacted in 1935 to protect the rights of workers to join unions and to bargain collectively with their employers. Unfortunately, over the years these rights have been dramatically eroded because of aggressive and intimidating employer anti-union campaigns, ineffective NLRA penalties for employers who violate worker rights, and lengthy employer appeals of National Labor Relations Board (NLRB) cases in the courts. As a result, it is now increasingly uncommon for workers to successfully organize by going through an NLRB-conducted election. When workers do choose to be represented by a union, moreover, employers use a variety of legal and illegal tactics to keep the union from obtaining a first contract.

H.R. 800 will help restore the worker protections in the NLRA by: (1) requiring employers to bargain with a union when a majority of workers sign valid authorization cards; (2) providing for mediation and arbitration for a first contract; and (3) increasing penalties for employer violations of the NLRA. I support each of these provisions.

MAJORITY SIGN-UP

Madam Chairman, a large and growing percentage of employers either take advantage of loopholes in the NLRA or simply violate the NLRA to spy on, harass, threaten, intimidate, suspend, fire, deport, and otherwise victimize workers who attempt to exercise their right to act collectively through a union. According to a highly respected Cornell University survey, 36 percent of workers who vote ''no'' in union representation elections explain their vote as a response to employer pressure.

This statistic is not surprising given the intensity of employer anti-union campaigns. According to the Cornell survey, employers illegally fire at least one worker in 25 percent of all organizing campaigns. And 92 percent of employers make their employees attend ''captive audience'' meetings, where they are required to sit through one-sided, anti-union presentations. (Union supporters are given no opportunity to speak.) Also, 78 percent of employers hold repeated closed-door, ''one-on-one'' meetings with workers, which are very intimidating to most employees. In the manufacturing sector, over 75 percent of companies threaten or ''predict'' the workplace will close or move if workers vote for the union.

EFCA requires employers to recognize and bargain with unions when a majority of workers have signed valid authorization cards. With majority sign-up, workers are able to decide for themselves whether they want to form a union, free from the assault of an intimidating employer anti-union campaign, which is generally triggered at the moment a union files a representation petition with the NLRB.

MEDIATION AND ARBITRATION

Madam Chairman, when workers do manage to get over the obstacles to forming a union, they often face employer resistance to negotiating a first contract. With the use of anti-union consultants, delay, and the inadequacies of the NLRA, many employers drag out negotiations for a first contract until one year passes, at which time employees who were active in the ''vote no'' committee file a petition to decertify the union. In fact, 32 percent of workers who demonstrate majority support for union representation lack a collective bargaining agreement one year later. Without a contract as a bar, the decertification often goes forward and the union—seen as weak and ineffective—is frequently voted out.

EFCA provides that if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days, either party may refer the dispute to the Federal Mediation and Conciliation Service (FMCS). If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute is referred to arbitration and the results of the arbitration are binding on the parties for 2 years. The time limits may be extended by mutual agreement of the parties.

STIFFER PENALTIES FOR EMPLOYER VIOLATIONS

Madam Chairman, the NLRA has woefully inadequate remedies for employer violations. There are no punitive damages. There are no provisions for repeat violators, as there are under the Occupational Safety and Health Act or the Environmental Protection Act. And the limited back pay penalty is so weak that it is in the economic interest of most employers to fire key union supporters to chill an organizing drive.

To rectify this situation, the third prong of EFCA would strengthen the penalties for certain employer violations of the NLRA during an organizing drive or negotiations for a first contract. Specifically, it would: (1) require the NLRB to seek a federal court injunction whenever there is reasonable cause to believe that the employer has illegally discharged an employee or otherwise engaged in conduct that significantly interferes with employee rights; (2) provide for triple back pay when an employee is illegally discharged or discriminated against, and (3) provide for civil fines of up to $20,000 per violation against employers found to have willfully or repeatedly violated employees' rights.

Madam Chairman, these are modest and reasonable but necessary protections if the fundamental right to organize is to be preserved. It is difficult to understand how anyone could be opposed to such sensible legislation. But opponents of H.R. 800 have launched a major campaign to derail the bill. As discussed below, there is little or no merit to any of the major claims being raised to scare and intimidate supporters of the bill.

The Employee Free Choice Act does not abolish the National Labor Relations Board's ''secret ballot'' election process. That process will still be available under the Employee Free Choice Act. The legislation simply provides an alternative means for workers to form a union through majority sign-up if a majority prefers that method to the NLRB election process. Under current law, workers may only use the majority sign-up process if their employer agrees. The Employee Free Choice Act would make that choice—whether to use the NLRB election process or majority sign-up—a majority choice of the employees, not the employer.

The Employee Free Choice Act will not result in intimidation and harassment by labor unions against workers. Research has found that coercion and pressure actually drops when workers form a union through a majority sign-up process. But more importantly, harassment by unions is not the problem. In a study covering a period of more than 60 years, the Human Resources Policy Association listed 113 NLRB cases involving allegations of union deception and/or coercion in obtaining authorization card signatures. A careful examination of those cases, however, revealed that union misconduct was found in only 42 of those 113 claimed cases. By contrast, in 2005 alone, over 30,000 workers received back pay from employers that illegally fired or otherwise discriminated against them for their union activities.

Contrary to the claims of opponents, the Employee Free Choice Act does not require a secret ballot election in order for workers to get rid of a union. Under current law, if an employer has evidence, such as cards or a petition, that a majority of workers no longer supports the union, then the employer is required by law to withdraw recognition of the union and stop bargaining, without an election, unless an election is pending. Under current law, the employer can and must withdraw recognition unilaterally, without the consent of the NLRB. The Employee Free Choice Act would not change this.

The Employee Free Choice Act does not require ''public'' union card signings. Under current law, employees must sign cards or petitions to show their support for a union in order to obtain an election. And, under current law, when an employer agrees to a majority sign-up process, employees must sign cards to show the union's majority status. Signing a card under the Employee Free Choice Act is no different from these card signings under current law.

The union authorization card under the Employee Free Choice Act is treated no differently than a petition for election or a card under a majority sign-up agreement. As with petitions for an election, under the Employee Free Choice Act, the National Labor Relations Board would receive the cards and determine their validity.

Madam Chairman, opponents of H.R. 800 claim the bill is hypocritical because some of its sponsors support secret ballot elections for workers in Mexico, but not in the United States. This is a short horse soon curried. Members of Congress wrote to Mexican authorities in 2001 arguing in favor of a secret ballot election in a case where workers there were trying to replace a sham incumbent union with a real, independent union. The Employee Free Choice Act is consistent with this; it requires an NLRB election in cases where workers seek to replace one union with another union. Indeed, the original framers of the National Labor Relations Act intended elections for precisely those cases where multiple unions were competing—particularly where one was a sham company union and another was a real independent union.

All in all, Madam Chairman, H.R. 800, the Employee Free Choice Act, is good for working- and middle-class families and that means it is good for America. Adopting this legislation is another step in the right direction for our country. A new and better direction is what Americans voted for last November. By supporting H.R. 800, as I do strongly, we are delivering on our promise to the American people.

□ 1315

Mr. KLINE of Minnesota. Madam Chair, I reserve the balance of my time.

Mr. ANDREWS. I am pleased to yield at this time to the new Member from Ohio who knows these issues very well, my friend from Ohio (Mr. WILSON) 1 minute.

Mr. WILSON of Ohio. Madam Chair, today the administration says that our economy is moving. And in my section of eastern Ohio, it is moving, it is moving overseas. The middle class of our country is being left behind. It is time for some much needed fairness and relief to what is going on in our labor movement.

Madam Chair, the Employee Free Choice Act is a step in the right direction. The facts speak for themselves: Workers who belong to unions earn an average of 30 percent more than ones who do not belong. Union workers are also much more likely to have health care and pension benefits and a better opportunity in life.

As our middle class continues to feel the squeeze, it is time that we give workers a fair chance for representation and the benefits they deserve. Right now that isn't happening. The current system is broken. Workers are often denied the right that they need to form a union. Those who take part in legal organizing activities are often

punished. Some even lose their jobs. The Employee Free Choice Act also cuts through the red tape and delays.

Finally, Madam Chairman, the Employee Free Choice Act puts into place another important common sense measure. It provides workers with union representation when a majority of those workers have signed up for union representation. This option doesn't eliminate the existing "secret ballot" election process. It just gives workers another choice in how to select a union.

Madam Chairman, our middle class is hurting. Costs for basic needs like health care and transportation are climbing, but wages are not keeping up. The Employee Free Choice Act helps open up important opportunities for working families, and it brings balance to a system that sorely needs it.

Mr. ANDREWS. With the indulgence of the minority, which we appreciate, I am pleased to yield 1 minute to a member of the committee whose expertise is matched only by her passion in this area, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) 1 minute.

Ms. LINDA T. SÁNCHEZ of California. Madam Chair, I rise in strong support of the Employee Free Choice Act.

The ability to form a union and bargain has been instrumental in helping families reach the middle class. Workers who belong to unions earn more and have better benefits than workers who don't.

The Employee Free Choice Act is about ensuring that workers can join a union. More than half of U.S. workers would join a union if they could.

But to prevent workers from forming a union, 92 percent of employers will force employees to attend anti-union propaganda sessions, and 25 percent will illegally fire at least one employee for pro-union activity.

I learned from an early age how difficult it can be to organize a workplace and also how important unions can be to families. At the factory where she worked, my mother helped lead an effort to organize shop workers and get health benefits and pensions.

Later, I tried my own hand at organizing janitors and home health care workers, and, like my mother, faced staunch opposition from employers. It took the pleas of the religious community to get many workers reinstated.

Current law is simply not strong enough. Management-controlled campaigns, firings, and intimidation are not the hallmarks of the democratic process—but they are the hallmarks of the current system in which employers hold all the power.

I urge a "yes" vote on the Employee Free Choice Act.

Mr. KLINE of Minnesota. Madam Chair, I am now very pleased to yield the balance of our time to the ranking member on the Committee of Education and Labor, the distinguished gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Chairwoman, I thank the gentleman for yielding.

This debate has been exactly as we expected it would be, provocative, passionate, and, yes, quite predictable. After all, the script that was written many, many years ago by special interests chomping at the bit to see this bill come to the floor, and as we near its conclusion they won't be disappointed. They have gotten the payback they have long sought.

When you strip away all the statistics, all the rhetoric, all the letters to foreign governments, and all the talking points, this debate comes down to a basic struggle between those defending democracy and those defending hypocrisy. Those opposing this bill do so because it offends the very concept of democracy itself. It undermines it in the workplace, and it turns its back on those who count on it when they expect to have their privacy protected when it matters most.

On the other hand, those supporting this measure find themselves defending the staggering record of hypocrisy that card check proponents have amassed through the years. They have struggled to explain how a card check is inherently prone to intimidation some of the time, just not all of the time. They have attempted to square their self-proclaimed title of "protectors of the working class" with their support of a bill that strips the working class of one of its most fundamental rights of all, the right to vote. And they have grappled with their staunch support of a bill purported to safeguard free choice when it actually eviscerates it.

The last point is perhaps the most important of all, and on this question, card check supporters never have had a consistent or rational answer: How exactly does this bill protect free choice? When you sign a card, everyone knows how you voted, and right away. Your co-workers, your boss, the union organizers, and the union bosses. Anyone associated with that unionization drive knows exactly how you came down on the issue. And once that vote is exposed for all the world to see, there is no turning back. And that is not free choice, not in this country, anyway.

You know, we have agreed that there could be intimidation from both sides. The secret ballot is the only way to free people from any intimidation.

I would like to conclude by inserting in the RECORD an editorial that was in The Los Angeles Times, not noted for being a conservative newspaper today. They ran an editorial titled, "Keep Union Ballots Secret." Doing away with voting secrecy would give unions too much power over workers. Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing, and the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot ensures that their choice will be a free one.

Vote against this bill today to take away that right of the workers of America.

[From the Los Angeles Times, March 1, 2007]

KEEP UNION BALLOTS SECRET

DOING AWAY WITH VOTING SECRECY WOULD GIVE UNIONS TOO MUCH POWER OVER WORKERS

THE HOUSE of Representatives is expected today to approve a bill, favored by organized labor, whose stated purpose is glaringly at odds with its key provision. The Employee Free Choice Act is portrayed by its supporters as a way to allow workers to choose whether to join a union.

Unfortunately, the legislation would do away with a secret ballot in so-called organizing elections, making it easier for union leaders to pressure co-workers in what should be a free choice. Instead of having the option of insisting on a secret ballot election, employers would have to accept a union formed on the basis of authorization cards signed by workers—not by a secret process.

Unions and their supporters in the Democratic-controlled Congress say the so-called card-check system is the only way to overcome aggressive (and sometimes illegal) anti-union tactics by employers. In announcing support for the bill, Rep. George Miller (D-Martinez) complained that employers often fire workers who seek to organize. Such reprisals are illegal, and part of the Employee Free Choice Act increases the sanctions for employer violations.

Unfair labor practices deserve tougher penalties. But improper influence can work both ways. As a rule, union membership improves worker prosperity and safety. Even so, the bedrock of federal labor law is not unionism under any conditions, but the right of workers to choose whether they want to affiliate with a union.

Obviously, employers shouldn't punish workers for wanting to join a union, float falsehoods in trying to influence an organization election or bar union representatives from the workplace. Just as obviously, the penalties they face for doing so are laughable and need to be strengthened. By the same token, however, supporters of unionization shouldn't be able to pressure unwilling or hesitant employees to join a union. And you don't have to be a critic of unions to recognize that the card-check system invites such abuses.

Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing, and the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot ensures that their choice will be a free one.

Mr. ANDREWS. Madam Chair, I am pleased to yield the balance of our time to someone whose diligent efforts are about to pay off with a victory on this vote, the chairman of our committee, the author of the bill, our friend from California, Mr. MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I thank all of my colleagues who participated in this debate.

At a time when the middle class standard of living in America for millions of Americans is at greater risk than at any time in recent history, at a time when people see employers arbitrarily terminating their pensions, freezing their pensions, shifting the cost of their health insurance, cutting the benefits under health insurance; at a time when they see that they have no new money to take home in their wages, that their wages have been flat;

at a time when CEOs are awarding themselves golden handshakes, golden parachutes, and golden hellos, worth hundreds of millions of dollars, at that time at that moment we have an opportunity here to redeem a provision of the law which has been in the law for 70 years to simply give the workers a choice. They can choose an NLRB election, or they can choose a majority signoff.

That is a simple choice that these adults in the workplace can make. It is a choice that was given to them 70 years ago, and it was a choice that later was taken away by a veto of the employer.

Imagine, a majority of the Americans get together and they do something and one person gets to veto it. One person gets to veto it in the workplace. Think of what the relationship is between that employer and those employees. Think about how those employees must have felt that they needed to organize in the workplace, because employees know that they do if they are going to stop the trend and the bleeding that they see today, against the benefits that they have at their workplace, against their salaries, against their hours at work, against their right to a retirement nest egg that means something.

Every day you pick up the business journals of this country and you read where again another employer has terminated a pension, has restricted the pension, won't pay into the pension, puts the pensions into bankruptcy. You want to know why people need card checks? People need card checks so they can have the freedom of choice to choose do they want an election, do they want a card check. It is in the National Labor Relations Act today, it is the law, but for the veto, the veto of the employer.

How more arbitrary can you possibly get that a single employer could override the desires of a majority of the employees in its workplace? How more arbitrary can you get? It is the same arbitrariness those employers show when they cut your health care benefits and your pensions and your retirements without any say by the employees, without any negotiations. That is why millions of Americans want representation at work, so that they can have a voice in that workplace, they can have a voice in their future, they can have a voice in whether or not they are going to be able to buy a home, buy a car, educate their children, have a health care policy that they can afford that will be there when they need it.

That is what this is really about. This is about whether or not we are going to strengthen and help maintain and grow the middle class in this country. Because it is not happening under the arbitrary policies that are imposed on workers today by their employers. This Employee Free Choice Act gives the workers that choice, the choice that is currently in the law.

I urge my colleagues to vote in support of this legislation when it comes time for passage. Again, I thank all my colleagues for participating in this debate, I thank the Chair for the courtesy they have shown both sides.

Madam Chairman, We all know that workers in the U.S. are among the most productive workers in the world. Yet for far too long, they have not been reaping the benefits of their hard work.

For years and years now, many workers have found themselves working harder and harder just to stay in place. And many more have been losing ground financially despite their work.

This is troubling enough on its own. But what makes it even more troubling is that, over the last several years, our economy has been growing. The stock market is doing well. Corporate profits are high.

Consider the facts.

Since 2001, median household income has fallen by $1,300. Wages and salaries now make up their lowest share of the economy in nearly six decades.

The number of Americans who lack health insurance has grown by 6.8 million since 2001, to 46.6 million, a shocking record high.

The number of Fortune 1000 companies that have frozen or terminated their pension plans has more than tripled since 2001.

Indeed, the middle class itself has shrunk. Over 4 million more Americans have joined the ranks of the poor since 2001.

And meanwhile, corporate profits make up their largest share of the economy since the 1960s.

Madam Chairman, there are a lot of explanations for the growing inequality in our economy. Congress' failure to raise the minimum wage for 10 long years is an obvious example. But perhaps the most significant explanation is that workers' rights to join together and bargain for better wages, benefits, and working conditions have been severely undermined.

Today, when workers want to form a union, their employers can force them to undergo a National Labor Relations Board election process. That process is broken, because it allows irresponsible employers to harass, coerce, intimidate, reassign, and even fire workers who support a union.

Take the example of Ivo Camilo. Mr. Camilo is from Sacramento, not far from my district. For 35 years, he worked at a Blue Diamond Growers plant in Sacramento. In 2004, he and several dozen coworkers sought to form a union. For that, Mr. Camilo was fired. After 35 years of service, Blue Diamond tossed Mr. Camilo out on the street, just because he wanted a union.

The same thing happened to Keith Ludlum when he supported union representation for him and his coworkers at a Smithfield foods plant in Tar Heel, North Carolina. Mr. Ludlum, a veteran of the first Gulf War, was fired in 1994 because he wanted a union. It took him 12 years of litigation to get his job back.

What happened to Mr. Camilo and Mr. Ludlum happens with distressing frequency in this country. In 2005 alone, over 30,000 workers were receiving back pay from employers that had committed unfair labor violations.

Earlier this year, the Center for Economic and Policy Research estimated that employers fire one in five workers who actively advocate for a union. A December 2005 study by American Rights at Work found that 49 percent of employers studied had threatened to close or relocate all or part of the business if workers elected to form a union.

And Human Rights Watch has said, "[F]reedom of association is a right under severe, often buckling pressure when workers in the United States try to exercise it."

Corporate executives routinely negotiate lavish compensation packages on their own behalfs, but then they deny their own employees the ability to bargain for a better life.

This debate is about restoring workers' ability to choose for themselves whether or not they want a union. To make that happen, the Employee Free Choice Act does three things.

First, it says that when a majority of workers sign cards authorizing a union, they get a union. The legislation requires the National Labor Relations Board to develop model authorization language and procedures for establishing the validity of signed authorizations.

The legislation does not take away workers' ability to have a National Labor Relations Board election instead of majority sign-up if that's what they want. It gives them the choice. If 30 percent sign cards saying they want a union and petition the Board for an election, they get an election. But, if a majority of workers sign cards saying they want a union and they want recognition now, they get a union.

This majority sign-up is not a new idea. Under current law, when a majority of workers sign cards authorizing a union, then they can have a union if their employer consents to it. But instead of consenting, employers often reject the employees' choice and force them through an NLRB election process that is dramatically tilted in the employer's favor. The Employee Free Choice Act would simply take this veto power away from employers. Under current law, it's the employer's choice that matters. Under the Employee Free Choice Act, it's the employees' choice that matters.

Majority sign-up has a proven track record for reducing coercion and intimidation. In cases where responsible employers, like Cingular Wireless, have permitted their employees to form a union through majority sign-up, both sides have praised the process for increasing cooperation and decreasing tension.

Second, the legislation increases penalties against employers who fire or discriminate against workers for their efforts to form a union or obtain a first contract.

Under current law the National Labor Relations Board is required to seek a federal court injunction against a union whenever there is reasonable cause to believe that the union has violated the secondary boycott prohibitions in the National Labor Relations Act.

Under this legislation, the Board must seek a federal court injunction against an employer whenever there is reasonable cause to believe that the employer has discharged or discriminated against employees, threatened to discharge or discriminate against employees, or engaged in conduct that significantly interferes with employee rights during an organizing or first contract drive. The legislation authorizes the courts to grant temporary restraining orders or other appropriate injunctive relief.

Employers found to have discharged or discriminated against employees during an organizing campaign or first contract drive must pay those workers three times back pay, instead of the simple back pay required under current law. Employers found to have willfully or repeatedly violated employees' rights during

an organizing campaign or first contract drive would receive civil fines of up to $20,000 per violation.

Under current law, remedies are limited solely to make whole remedies: back pay (minus any additional interim wages the employee did or should have earned), reinstatement, and notice that the employer will not engage in violations of the National Labor Relations Act. Many employers conclude that, even if caught, it is financially advantageous to violate the law and pay the penalties rather than to comply.

And third, the legislation provides for mediation if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days. After 30 days of mediation the dispute would be referred to binding arbitration. Under current law, employers have a duty to bargain in good faith, but are under no obligation to reach agreement. As a result, a recent study found that 34 percent of union election victories had not resulted in a first contract.

Madam Chairman, we have heard a lot of shamefully misleading claims from the critics of this bill. Those critics claim that they have workers' best interests at heart, and that they are trying to protect democracy.

Yet their claims are belied by the fact that some of the nation's leading workers' rights and prodemocracy organizations support this bill, including Human Rights Watch, Interfaith Worker Justice, and the Drum Major Institute—among many, many others.

These are organizations that are dedicated to the mission of improving the lives of American workers. I can tell you that if this bill would do the kind of harm that its critics claim it would, then these respected organizations would not be supporting it today.

I want to close by just reminding people how much is at stake here.

We can continue on our nation's current path, where our society grows more and more unequal and polarized. If we stay on the same path, then our middle class will keep getting squeezed, and will struggle to pay for just the basic necessities of life, like housing, healthcare, education, and transportation.

We can stay on that path, or we can go in a new direction. We can ensure that every American worker gets his or her fair share of the benefits of a growing economy.

To strengthen America's middle class, we have got to restore workers' rights to bargain for better wages, benefits, and working conditions.

After all, union workers earn 30 percent more, on average, than non-union workers. They are much more likely to have retirement and health benefits and paid time off.

I urge all of my colleagues to support H.R. 800 so that we can finally start to reverse the middle class squeeze and create an economy that benefits all Americans.

Mr. KENNEDY. Madam Chairman, today, the House of Representatives took a long awaited step toward improving the lives of America's working-class and middle-class families. For far too long, the playing field has been tilted against workers and the unions that represent them. Today's House passage of the Employee Free Choice Act, which I strongly supported, will help balance the inequity in the relationship between management and workers; an inequity that management has far too often used to stifle the will of workers.

An objective review of the recent history of labor relations in this country shows that in the majority of cases employer coercion, intimidation, and harassment have been used as tools to manipulate and successfully thwart union organizing drives.

Workers are often fired or otherwise discriminated against because of their efforts to organize. One out of every four employers illegally fire at least one worker for union activity during an organizing campaign; 78 percent of employers force their employees to attend one-on-one meetings with their supervisors to hear anti-union messages; and 92 percent force employees to attend mandatory, captive audience anti-union meetings.

Clearly, even when a solid majority of employees have requested employer recognition of union representation, the more likely reaction of management has been to launch repressive anti-union campaigns rife with illegal tactics.

During the minority party's 12 years of power in Congress, and now 6 years in the White House, case after case of illegal employer intimidation leveled against union organizing efforts would arise. That little was often done in response only encouraged impunity among the forces opposed to negotiating with workers in good faith.

Now, is the Democratic Party's turn to hold the reins of power in this institution, and with this legislation, the Democratic majority demonstrates its unyielding commitment to workers' rights and a decent life for all working Americans and their families.

Mr. ETHERIDGE. Madam Chairman, I rise in support of H.R. 800, Employee Free Choice Act, and I urge my colleagues to join me in voting in favor of it.

I support the Employee Free Choice Act because I believe in protecting America's workers and their rights in the workplace. The National Labor Relations Act of 1935 was landmark legislation that allowed workers to organize and bargain collectively. These rights need to be safeguarded for the benefit of our working men and women who make up America's middle class. However, in a time of economic growth and high corporate profits, these middle class families have actually lost ground. Ensuring their freedom to join together and bargain for better wages, benefits, and working conditions is crucial to improving their plight in today's economy.

H.R. 800, Employee Free Choice Act protects workers in several ways. The bill increases penalties for employers who violate the National Labor Relations Act while employees are attempting to organize. It enables both the employer and the union to seek arbitration and mediation during talks for their first contract. Finally, H.R. 800 allows workers to form a union if the National Labor Relations Board finds that a majority of workers have signed authorizations to designate the union as their bargaining representative. This "card check" process means workers can still choose to unionize through the current secret ballot method if they wish, but they also would have an avenue that is more protected from intimidation and manipulation from employers who act in bad faith.

In addition, I oppose any amendments designed to weaken this bill. The substitute amendment presented by Representative MCKEON would strip the Employee Free Choice Act of its original intent. The amendment would prohibit employers from recognizing a union despite a majority of workers signing authorization cards. The amendment introduced by Representative STEVE KING would outlaw the organizing tactic known as "salting." The Supreme Court has expressly upheld this practice under the National Labor Relations Act. In addition, the amendment presented by Representative FOXX concerning "Do Not Call List" would have the effect of cutting off communication between organizers and workers. It could be too easily used as a tool by unscrupulous companies to pressure employees.

I urge my colleagues to join me in voting for H.R. 800, Employee Free Choice Act and protecting the rights of our working men and women.

Mr. SMITH of New Jersey. Madam Chairman, I rise in support of H.R. 800, the Employee Free Choice Act to allow America's workers to make their own free decisions about whether or not they want to freely associate and form unions.

H.R. 800 is designed to tighten rules and regulations and close labor law loopholes that have been either manipulated or exploited by those seeking to stifle or defeat organizing efforts through methods other than open and transparent debate. Employers have increasingly hired consultants to file motions and appeals aimed at delaying elections that could be easily certified by the National Labor Relations Board (NLRB). These delays have frequently resulted in denial of workers' rights. If the system were not in disrepair; if the NLRB was working as intended, this legislation would not be necessary. Unfortunately, the system is broken and we must act to repair it.

Accordingly, H.R. 800 will replace the current two-step process that now requires 30-percent of employees to sign a card followed by an NLRB election, with a simpler, fairer single step process. Under the bill, a majority of employee signatures, 50 percent plus 1, on an authorized card establishes a designated union as the official bargaining unit. My state of New Jersey has already implemented an Employee Free Choice Act for its public employees; H.R. 800 would do so for everyone in the Untied States.

Employers utilize union busting consultants more than 80 percent of the time, and use delaying tactics that can prevent any final decision for years. Moreover, the NLRB is less prepared to handle the legal dealings than it was 20 years ago. At last count, the staff is only about one-third the size of what it was in the early '80s.

In addition to reforming the process, H.R. 800 would also impose new and increased penalties for unfair labor practices, including higher civil penalties such as a $20,000 fine for each violation of coercion.

Recently at Rutgers University in New Jersey attempts were made to discourage the organization process. For example, emails sent from the Human Resources Department for

the employees stated in part ''we believe the facts strongly support the conclusion that union representation would not benefit you, and we will be providing important information that supports our belief.

Fortunately, a neutrality agreement, currently in force, was signed on January 25, 2007. It forbids all anti-union campaigning on behalf of the University and prevents the University from making disparaging remarks about the union, and discussions on the question of unionization are permitted at work as long as they do not disrupt educational functions. I want to commend President Richard McCormick for signing a comprehensive neutrality agreement.

Coercion of any kind is now expressly forbidden by either the University or the American Federation of Teachers (AFT). Rutgers is forbidden from holding captive audience meetings, one-on-one meetings, and the University can't question or monitor employees about unionization. The organization process at Rutgers is now working. One study shows that 91 percent of employers force employees to attend anti-union briefings and meetings. This is not expected to happen at Rutgers.

Pursuant to the neutrality agreement and relevant law, no employee can be subjected to any intimidation, threats or reprisals, promises of benefits or other offers, or subjected to speech designed to influence his or her decision to join the union.

None of these actions, as well as others, are permitted as of the date of the neutrality agreement and mechanisms are also now in place to adjudicate any infractions. These protections are essential, necessary, and justified.

Amazingly, it is the research done in part by Rutgers Professor Adrienne Eaton and the Eagleton Institute that has suggested that ''while pro-union workers and union organizers can attempt to make their case persuasively, it is the employers who control the workplace and frequently use their power to hire, fire, and change work schedules to pressure workers during the weeks leading up to an NLRB election.''

Another long labor organizing effort in New Jersey involves nurses and other employees at South Jersey Healthcare. While these healthcare workers finally got their union several weeks ago, organizing was not easy. Michele Silvio, a registered nurse for 13 years, who spent her last eight years in the emergency room, was told ''like it or leave it'' when she and other employees tried to make their concerns known. According to Michele, problems began after the consolidation of several facilities into one large medical center. Up to three times the patient volume was being experienced and Michele and her other co-workers felt they needed a voice to make their concerns about quality patient care known.

During the process, however, management used the tools of a captive workforce to try to ''persuade them'' to change their minds. Nurses were forced to sit through mandatory meetings on work time where management gave anti-union presentations. Workers were also interrogated and sometimes intimidated by management during one-on-one meetings.

When faced with organizing drives, the research has found that 30 percent of employers fire pro-union workers; 49 percent threaten to close a worksite if the union prevails, and 51 percent coerce workers into opposing unions with bribery or favoritism.

This is not free or fair, and the right to associate and form labor unions must be protected. The Employee Free Choice Act will level the playing field and bring fairness to the organizing process.

Mr. LEVIN. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act.

Despite the rosy economic forecast provided by the administration, a broad array of indicators shows otherwise—namely that despite record levels of corporate prosperity, the economic pressures exerted on our middle class continue to build.

Middle class families have and continue to lose ground, faced with stagnant incomes and rising costs of essential services like health care, gasoline and a college education.

One of the most important things we can do to relieve this middle class squeeze is to restore workers' freedom to join together to bargain for better wages, benefits and working conditions. Indeed, on average, union workers earn 30 percent more on average than non-union workers and are much more likely to have health care and receive pension benefits.

Yet the current system governing the formation of unions is badly flawed, and permits an unfair process greatly tipped in favor of employer efforts to block unionization drives. At present, organizers can present cards signed by a majority of the workforce in support of union representation, but the employer has absolutely no obligation to recognize this effort. Instead, employers can force a National Labor Relations Board election, which can take months to take place, during which time employers are free to erode union support using company resources through mandated anti-union activities at the workplace. Any pro-union activities are explicitly prohibited at the workplace.

H.R. 800 levels the playing field by requiring employers to recognize the card-checking procedure, ensuring a fair and equitable process that balances the rights of employers with the rights of workers to form a union.

This bill also provides negotiation benchmarks to ensure that initial collective bargaining agreements are negotiated in earnest. These provisions address problems with the current system which relies entirely on both parties engaging in a ''good faith'' effort to reach an agreement. In reality, this system permits employers to indefinitely delay negotiations during which time they can rekindle efforts to disband the newly elected union representatives.

Lastly, the bill includes tougher penalties for violations of workers' rights. Currently, about one in five pro-union employee activists are illegally fired for their union activities, in large part because the remedies for these employer violations are so weak. By strengthening these penalties, we are further ensuring that employers follow the rule of law.

The middle class is the backbone of our society. And the middle class is stronger when workers can join together to bargain for a higher standard of living. Years ago, it was unions that helped pave the way towards employer sponsored health care and pensions benefits. Now more than ever, it is vital that we address the current inequities faced by those who are fighting for workers' rights to bargain collectively. In doing so, we foster a stronger middle class and a more prosperous nation.

I urge my colleagues to join me in supporting H.R. 800.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I rise today in strong support of H.R. 800, the Employee Free Choice Act. Madam Speaker, this legislation is long overdue.

Under the previous majority, Congress was quick to provide tax cuts for large corporations, but legislation to improve the lives of working families was kept off the floor of this chamber.

Labor unions are responsible for almost every benefit to wage earners in this country:

Unions created the 40 hour work week, overtime pay, maternity leave, and worker's compensation.

Unions represent the people that make our country work—The grape harvesters, the home builders, telecommunications workers, ice cream scoopers at the SavOn Drug store in Anaheim. When I had that job, I was represented by Local 324 of the United Food and Commercial Workers, and proud of it.

In every sector of the economy, laborers have always looked to their unions to make sure that their interests were put ahead of the interest in the bottom line.

And it's about time Congress do the same.

Opponents of this legislation will claim that this bill is undemocratic. But how democratic is it for an employer to intimidate or fire workers before they even get a chance to vote?

Let's look at the numbers: 75 percent of employers will hire union-busters to stop organizing drives. 92 percent will mandate employees to attend anti-union meetings, and one quarter of companies illegally fire pro-union employees during organizing drives. How can you have a ''free and fair vote'' with this kind of intimidation going on?

All this bill does is level the playing field. It removes institutional barriers and gives workers a chance to organize if they want to.

You know, government is actually behind the private sector on this issue. Many employers already allow for this type of organization. They recognize that it is good for workers, and it's good for management too. These leading companies have seen growing job satisfaction, better retention of qualified professionals and increased productivity.

Madam Chairman, I urge Congress to do the right thing. Let's pass this legislation and give employees a real opportunity to organize.

Mr. LARSON of Connecticut. Madam Chairman, today I rise in strong support of H.R. 800, the Employee Free Choice Act, which would ensure that employees have the right to choose how they will organize their own unions. I am proud to be an original cosponsor of H.R. 800 because it is a key step toward strengthening America's middle class.

Current law allows a majority of workers to sign cards to form a union. However, an employer can veto that decision and demand an election through the National Labor Relations Board (NLRB). Under H.R. 800, if a majority of workers sign cards indicating their support for a union then the NLRB must certify the union as a bargaining agent for those workers. This legislation would not eliminate the election process and would allow workers to choose an NLRB election if they wish. This bill gives employees a voice and choice in the work place, and eliminates the unilateral employer decision for an NLRB election. The legislation also puts teeth to good faith collective bargaining by establishing a system of mediation

and arbitration that would apply to an employer and union that are unable to reach a first contract. Finally, the bill would toughen employer penalties for violating workers' rights during an organizing drive.

The reality is that workers in unions earn 30 percent more in weekly wages than non-union workers. Unionized workers also receiver better benefits and working conditions than non-union workers. It's time to move this country in a new direction. I believe that passage of this legislation is crucial and will give working families the freedom to bargain for a better life.

Mr. ORTIZ. Madam Chairman, when overzealous employers opposed to union organizing can exert undue pressure on workers, the whole idea of workers having a say in their own future means nothing.

The Employee Free Choice Act supports working families by eliminating pressure from employers, who will no longer be able to demand a second election after a majority of workers have already voiced their will. This bipartisan legislation has 234 cosponsors and is supported by 69 percent of the American people . . . and it is long overdue.

Workers will retain their right to voice their will on union organizing, either through the standard methods of holding an election or turning in pledge cards. Employee Free Choice Act merely eliminates subsequent—or ''do-over''—elections forced by employers.

In addition to eliminating ''do-over'' elections, the bill also strengthens employer-union mediation and arbitration provisions, and it strengthens penalties for violations of the union organizing process. Workers must have the ability to make their union decisions without hostility directed towards them. Those that flout the law should be held accountable.

Despite several years of economic growth and high corporate profits, middle-class American families have actually lost ground—squeezed between stagnating incomes and rising costs for health care, education, and housing.

Giving workers a free choice to join together to bargain for better wages, benefits, and working conditions is a critical step to easing the squeeze and strengthening the middle class. The current system for forming unions is badly broken and undemocratic, with employers routinely intimidating, harassing, coercing—or even firing—workers who support a union.

Responsible employers already voluntarily recognize a union when a majority of workers sign up for one. It is time that all workers have this free and fair choice in selecting their representative, so they have a fighting chance to bargain for better wages, benefits and working conditions.

I urge my colleagues to support this bill—and I hope the Senate will follow us quickly—to put real teeth in the law by strengthening the penalties for discrimination against workers who favor a union.

Ms. GINNY BROWN-WAITE of Florida. Madam Chairman, I rise today to express my disappointment over the iron-fist manner in which the majority brought this measure to the floor. I offered a common-sense amendment in the Rules Committee that Democrats soundly rejected. My amendment would have prevented labor unions from collecting any membership fees from one of their employees without verifying that the individual is a citizen or lawful resident permitted to work in the United States. With our immigration problem, taking the time to verify the legal status of their membership is certainly an area in which labor unions could help.

Listen up America. This flawed piece of legislation will do nothing to address our country's problems. Instead, it is nothing more than a piece of red meat being thrown to the foaming-at-the-mouth liberal wing of the Democratic Party. This bill is so bad that the communist party has gone on the record in support of it.

In closing, I urge my colleagues to oppose H.R. 800.

Ms. WATERS. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act, and I thank the Gentleman from California [Mr. GEORGE MILLER] for introducing this legislation and for bringing it to the Floor for workers in America. I am a proud original co-sponsor of H.R. 800.

H.R. 800 contains three very strong protections for unions. First, it streamlines the process for obtaining National Labor Relations Board certification when a majority of employees have signed up for representation. Second, it provides for easy referral to mediation and arbitration when an employer and a union cannot reach an agreement within 90 days of negotiations so that employees are guaranteed an opportunity to reach an agreement. Third, it enhances penalties for discrimination, unlawful discharge, and other violations of the labor laws.

According to a study conducted by the National Labor Relations Board, the probability of a pro-union worker being fired during an organizing campaign went up from half a percent in the period between 1970 and 1974 to one percent in the period between 1996 and 2000; between 2001 and 2005, this figure rose to 1.4 percent. America needs this legislation because workers are being mistreated and need strong and effective representation.

My State of California is home to the largest number of stakeholders in support of this legislation. Nationally, there were 15.4 million union members, and a little under half (7.5 million) lived in six states—California, New York, Illinois, Michigan, New Jersey, and Pennsylvania. One of the main reasons why we need this legislation is because although these six states make up about half of the union members in the entire country, they only account for a mere one-third of the national wage and salary employment.

In California, there were 2,424,000 union members (16.5 percent of the state's workforce) in 2005 and 2,273,000 union members (or 15.7 percent of the state workforce) in 2006—which is the largest percentage in the country.

The Bureau of Labor Statistics showed that nationally, in 2006, there were about 1.5 million wage and salary workers who were represented by a union—even though they were not members themselves. Therefore, this legislation will help America's workers even if they do not belong to a union.

This trend of retaliatory firing has played a major part in the sharp decline in organized labor. Organized labor went from 30 percent in the 1960s to just 13 percent in 2003—and during this period, America saw the largest upward redistribution of income in its history—according to a report by Human Rights Watch.

In addition, according to the Bureau of Labor Statistics, between 2005 and 2006, the percentage of national union members fell from 12.5 percent to 12 percent. The actual number of union members decreased by 326,000 in 2006 to 15.4 million, and there has been a steady rate of decline from 20.1 percent in 1983.

Madam Chairman, this legislation is necessary and drafted to address very specific problems that organized labor faces. Livable wages, a decent work environment, and a fair dispute process are rights that we should all enjoy.

I support H.R. 800, and I urge my colleagues to support its passage.

Mr. LEWIS of Georgia. Madam Chairman, today there are powerful forces in America that want to take us backward, not forward. In the name of global competition, there are some who say that in order to be competitive in the world market that we must give away our standard of living and our high working standards. To those people, I say ''no.''

We have to ask ourselves, as a nation and as a people, what kind of nation do we want to be? Are we really free and successful, if too many of our citizens are harassed and intimidated on the job when they are trying to form a union to protect their rights?

People living in a democracy should not have to work in an atmosphere of fear and oppression. And they should be able to exercise their rights to organize. There are many corporations in Atlanta, like UPS, Coke and others, that are profitable international institutions who do not sacrifice the dignity and the integrity of their employees.

We have to ask ourselves whether we can be truly comfortable, if somewhere in America somebody is working hard, struggling to make ends meet, but they fear the retaliation of their employer if they try to protect their dignity and worth on the job? How long can we live in comfort before this injustice comes knocking at our door?

I have always been a strong supporter of labor and working Americans, and why I am an original co-sponsor of the Employee Free Choice Act. It is our duty as members of Congress to protect our workers and to encourage citizens and corporate citizens to implement these values of respect in our society. I urge all of my colleagues to support this legislation.

Mr. PASCRELL. Madam Chairman, the legislation we have before us today is not a debate between the interests of big business versus the interests of unions; this legislation is instead intended to serve the interests of the American worker. The Employee Free Choice Act is a bipartisan agreement that America's workers are not being served by our current system. We already know that workers who are able to unionize enjoy a higher standard of living than their nonunion counterparts and that those higher standards contribute to a stronger middle class. In fact, union workers' median weekly earnings are 30 percent higher than nonunion workers' and a full 80 percent of union workers have employer-provided health insurance while only 49 percent of nonunion workers do.

Those facts are clear and so is the fact that the current NLRB election process is broken. The current system does not allow workers the ability to fairly judge for themselves if they want to join a union, instead it allows their employers to unfairly place pressure upon them to reject unionization. This is demonstrated by the fact that 75 percent of employers hire unionbusting consultants to help fight union organizing drives. It's not surprising then to learn

that 25 percent of employers in organizing drives fire at least one worker for union activity and a striking 51 percent of employers threaten to close the business if the union wins the election. Under the current broken system these employers are allowed to threaten, harass and fire employees without any real consequence. The Employee Free Choice Act fixes this broken system and puts the onus back on employers to provide the American workers the rights they have so truly earned.

Mr. CUMMINGS. Madam Chairman, I rise today in support of the ''Employee Free choice Act,'' H.R. 800. This is a historic moment for working families, and I am proud to be a part of it. Unions matter. The Washington Post reported yesterday that 12-year-old, Maryland resident Deamonte Driver died from a bad tooth. A routine, $80 tooth extraction might have saved him. Instead, the infection from the bad tooth spread to his brain. Unfortunately, the bakery, construction and home health-care jobs Deamonte's mother has held did not provide the insurance necessary to pay for his care.

This tragedy might have been avoided if Deamonte's mother were a union employee. Eighty percent of union workers have employer-provided health insurance, compared with on 49 percent of nonunion workers. Our health care system is broken in this country, and unions provide a solution for so many families. I would like to thank Chairman MILLER for his leadership on this issue, and I urge all my colleagues to vote in favor of it.

Mr. RODRIGUEZ. Madam Chairman, I rise in support of H.R. 800, the Employee Free Choice Act. Now, more than ever, American workers need effective bargaining tools to negotiate with their employers for higher wages, safer working conditions and better benefits. As the income gap between the wealthy and the middle class widens, it becomes more important to protect and support American workers.

Being part of a union can provide invaluable benefits to American workers. According to the National Bureau of Labor Statistics the median weekly income for unionized workers is 30 percent higher than that of non-union employees. We need to facilitate organization among workers, not impede it. The card check method authorized by this legislation will help to do just that.

For decades, workers have had the right to join a union and for that union to be recognized. Secret ballots have been beneficial in determining support for unions in the past, but a growing number of reports of worker intimidation and even job termination prove that secret ballots are no longer enough.

Secret ballot elections, a sacred and long-held tradition in American government, take on vastly different consequences in the workplace. Such elections often follow widespread harassment and coercion and the results become a byproduct of the fear and intimidation initiated by employers. If an election process cannot be conducted in a fair manner, then we must provide a legal alternative for unionization.

This legal alternative is the card check method authorized by the Employee Free Choice Act, which will allow employees to express their support for unions without being subject to anti-union propaganda leading up to a secret ballot. This legislation also enacts strict penalties that will deter employers from abusing and manipulating their workers. Our workers deserve the rights and protections that are required by the Employee Free Choice Act.

Mr. JORDAN of Ohio. Madam Chairman, I rise in opposition to this bill because it will hurt our economy and deny working Americans the right to vote—free from intimidation—by secret ballot.

I'm sure that each of my colleagues can boast of successful union and non-union employers in their districts. I had the opportunity to tour a number of these businesses in Ohio's Fourth District over the recess.

These companies and the workers they employ represent the best America has to offer. They are the reason our economy is the envy of the world.

Today, our economy is growing faster than in the 70s, 80s, and 90s. We've improved our competitiveness with good public policy like tax cuts. But we still draw our strength from good old fashioned hard work and values. This bill is antithetical to every principle that makes America great.

Removing the secret ballot protection for workers invites the type of coercion described by one of our constituents, Clarice Atherholt of Upper Sandusky, Ohio, in testimony before the Senate. She told of unsolicited home visits by union organizers and other high-pressure tactics, saying that ''[m]any employees signed the [union authorization] cards just to get the UAW organizers off their backs, not because they really wanted the UAW to represent them.''

So much for ''employee free choice.''

Madam Chairman, America faces a number of critical challenges. We must continually focus on improving our economy and remaining competitive in the world marketplace.

We're making progress, but this bill represents a step backward. It has drawn opposition from every pro-growth, pro-business voice imaginable, and I urge my colleagues to join me in opposing it as well.

Mr. HONDA. Madam Chairman, I rise today in support of the Employee Free Choice Act (EFCA), H.R. 800. This bipartisan bill brings forth long overdue changes to the broken National Labor Relations Board (NLRB) system. EFCA would add the option of majority sign-up for forming unions and bargaining; provide an efficient timeline for good faith mediation and arbitration, and stronger penalties for violations during the organizing and initial contract negotiations. Ultimately, EFCA would restore workers' freedom to form unions and bargain.

Responsible employers voluntarily recognize unions when a majority of workers signal their desire to unionize. Studies have shown that workers believe the sign-up method to be a fair process, free of the pressures and coercion stemming from NLRB elections. Asian-American and Pacific Islander communities share the strong work ethic and desire for advancement at the core of the American Dream and labor membership is a key component to a fair and open competition for jobs.

Our Nation is stronger when workers join together and bargain for a better life. Union membership helps to offset some of the race and gender disparities in the labor market. Activism by organized labor has given Americans better wages, paid sick leave, child labor laws, paid vacations, stronger work safety regulations, and more secure retirement. Union workers receive better benefits and higher weekly earnings than their non-union counterparts. Furthermore, workplaces unionized through majority sign-up have better employee relations and greater employee focus on the business.

Madam Chairman it is time we allow the workers to choose, not the employer. I urge my colleagues to cast a vote in favor of the American worker and in support of H.R. 800, the Employee Free Choice Act.

Mr. DINGELL. Madam Chairman, I rise today in support of H.R. 800, the Employee Free Choice Act.

In the words of President John F. Kennedy, ''The American labor movement has consistently demonstrated its devotion to the public interest. It is, and has been, good for all America. Those who would destroy or further limit the rights of organized labor—those who cripple collective bargaining or prevent organization of the unorganized—do a disservice to the cause of democracy.''

Like my dad, I have always supported working families and am happy to see this bill on the floor today.

For the past few years, workers in this country have been under relentless attack by those who seek to abolish their fundamental right to organize.

Simply put, the legislation we are debating today will provide that a majority of workers is sufficient for the formal recognition of a union.

Quite frankly, I don't see what the controversy is all about. If the majority of employees want to be represented by a union, they should have the right to do so. Labor unions stand for decent wages and benefits and safe working conditions. They fight against poverty and unemployment, and for equal justice and human rights.

Unions represent the basic right to a fair day's pay for a fair day's work. They provide a voice for individual workers to express their concerns without fear of retribution. Unions understand that raising the bar for workers helps raise the bar for all Americans. We are all much better off today because of the efforts of unions over the years.

I am proud to be an original cosponsor of this legislation and to be here today to vote for it. I urge all of my colleagues to join me in standing up for the rights of hardworking Americans by supporting the Employee Free Choice Act.

Mr. UDALL of Colorado. Madam Chairman, when I agreed to cosponsor this important legislation two years ago I made clear in a floor statement that I had serious reservations about weakening the secret ballot in union organizing elections. I believe American workers ought to make decisions about organizing unions in a way that is free from intimidation by labor or employers.

It is because the National Labor Relations Board (NLRB) has largely failed in their responsibilities to protect the rights of American workers to organize that we even have to consider this legislation.

Despite my reservations, therefore, I am persuaded that we ought to pass this imperfect bill so that the Senate may take up reforms in the labor-business relationship that will protect the rights of workers to organize, and at the same time preserve balance, fairness and objectivity in the way the National Labor Relations Board (NLRB) conducts elections.

Before I get to the merits of this legislation, however, I want to register my disappointment that more amendments were not allowed for our consideration. The majority may not be well served by an open process that allows for deeper debate and the consideration of amendments, but our country would be better served. And on legislation with such far-reaching consequences for the balance between business and labor, I believe we are ill-served by not debating and considering more amendments.

There are other improvements to this bill that we should have considered, and that I hope will be considered in the Senate. For example, I hope the Senate will consider amendments that address decertification procedures and deadlines for the NLRB to reach decisions. And I am hopeful the Senate will consider carefully whether this legislation should apply equally to small businesses. Perhaps the Senate will also consider the wisdom of a sunset provision for this legislation so that we can revisit it later—in order to determine whether it will have the desired effect for workers and for our economy.

As I said in 2004, I am reluctant to endorse changes in current law that could be seen as preventing workers to make decisions in private about union representation.

I agree with those who say a secret ballot process is preferable in most cases, and think that the burden of proof is on those who say that an alternative should be used.

However, I have been and remain disturbed by reports of employers using heavy handed techniques to discourage workers from organizing in the first place and intimidating and even illegally firing workers who decide to join.

But there is a real possibility that the NLRB won't do that—which is the primary reason I support this bill.

I am disturbed—I think we should all be disturbed—by the serious questions that have been raised about whether the NLRB is doing its job. And I am worried that recent NLRB decisions tilt too far toward allowing employers to intimidate union organizers.

For example, the NLRB has decided that as workers are considering whether to form a union, an employer may explicitly ''inform'' them that workers in two other facilities lost their jobs after they decided to organize.

I understand that in the case in question the regional NLRB director ruled this ''clearly implied'' the union was responsible for the firings and insinuated the same would happen to others who chose a union. In other words, the NLRB official closest to the case saw this as an example of an illegal threat of retaliation.

But in a 2–1 party line vote—with two appointees by the current Administration in the majority—the NLRB overruled the regional director's decision and claimed the memo ''did not exceed the bounds of permissible campaign statements.''

I think that decision shows just how far the playing field has been tilted away from a fair balance between employers and employees who want to bargain collectively.

And the purpose of this legislation is to move back toward a fairer balance.

Consider what the law says about ending—not establishing, but ending—union representation. Under the National Labor Relations Act, if 50% or more of the employees in a bargaining unit sign a petition that they no longer want to be represented by their union, the employer can withdraw recognition without an election.

And if just 30% of the employees in a bargaining unit sign a Decertification Petition, the NLRB will conduct a secret ballot election on the question of ending union representation. Not a majority—just 30%

In other words, the current law makes it harder for workers to get a union than to get rid of one—and, as I just said, current policies of the NLRB add to the burden of people who want to have a union. I don't think that's balanced. Why should it be harder for workers to get a union into their workplace than it is for them to get the union out?

This bill would not completely change that. But it would say that just as signatures of a majority of workers can end union representation, a majority of signatures could start it. And I think that is reasonable and equitable.

Also, the bill would correct some of the problems with the current NLRB by changing parts of the law under which it operates.

Current law says the NLRB must go into federal court and ask for an injunction against a union if the NLRB thinks there is reasonable cause to believe that the union has violated the law's prohibition of secondary boycotts. Under the bill the NLRB would have to take the same action to enforce the law that protects workers against pressure to reject a union as it does to enforce the law's limits on what a union can do to put pressure on employers. I think that is fair.

And the bill also increases the amount a worker could collect if he or she has been unlawfully discharged or discriminated against during an organizing campaign or first contract drive and by providing for civil fines of up to $20,000 per violation against employers found to have willfully or repeatedly violated the law. Again, I think these are improvements over the current law.

Finally, I think some of the attacks on this bill have been exaggerated. For example, some have said it is intended to deprive workers of their right to an election. But under current law, elections are not always required—if a majority of workers sign cards saying they want to have a union, their employer can agree, and then the union is established without any election. So what the bill does is to deprive employers of the option of insisting on an election any time a majority of the workers have signaled that they want a union.

Madam Chairman, this bill is not perfect, and in some ways I think it might have been better to take a different approach to the problem, with even greater emphasis on changing the law governing the operations of the NLRB rather than the card-check process. But I think it can, and should be improved before final passage by the Congress, and should go forward to the Senate for further and, hopefully more deliberate, consideration.

Mr. BISHOP of New York. Madam Chairman, I rise today in support of H.R. 800, the Employee Free Choice Act. We will hear today about how this bill will deny workers their fundamental right to a secret ballot. It sounds compelling but it's just not so.

Here is what the bill will deny: it will deny the employer the ability to veto a workforce's effort to form a union by virtue of majority sign up. Under current law, if a majority of workers sign cards indicating their support for a union, it is the employer, not the workers, who gets to choose if there is a secret ballot election. Under current law, therefore, if the employer doesn't like the result of the sign up process, he can, in effect, demand a do-over. How is this fair to workers?

Our bill places the power to choose to seek a union affiliation where it should be—with the workers, not with the management. If the majority of workers want a union—they get a union.

As a son of a union member, I witnessed firsthand the advantages of a unionized workforce. In fact I stand here today because of the protections my father's union afforded him, as they allowed him to provide for his family and send kids to college.

This bill will finally give workers the protection they need. I urge my colleagues on both sides of the aisle to support this straightforward legislation.

Mr. LYNCH. Madam Chairman, I rise today in proud support of H.R. 800, the Employee Free Choice Act.

There has been much said during this debate about what effect this bill will have for American workers and for our business community.

In the simplest terms, the operative language of this bill allows American workers to have a voice in the workplace. It allows individual workers greater ability to come together and bargain collectively with their employer.

In some cases it would mean that workers would have the opportunity to have a say when the company closes its pension fund or moves jobs overseas and lays off its workers.

In some cases these hard-working Americans would have a chance to question exorbitant salaries paid to company CEOs. These workers may actually have a chance to bargain with their employer over health benefits.

Now, it may seem threatening to some folks, that these workers will have a better chance to have a voice in the workplace. But that's basically it, that's what this bill is all about.

Giving a little bit of power to workers who may have had their pensions eliminated and their jobs eliminated.

These workers who would be powerless to have any effect individually will be able to get together, to associate, and bargain as one.

For twenty years I worked as a union ironworker, one of the most dangerous occupations in our society.

The safety standards that were maintained and enforced to make the job as safe as possible were made possible by the Ironworkers International Union and my brothers and sisters of the American Labor Movement.

I can honestly say that I often find it strange that in a country as great as the United States, founded on individual freedom, freedom of expression and freedom of association, that it is necessary to actually have a Federal statute passed so you can join with your fellow workers in order to have a voice in the workplace.

This bill actually allows human beings to exercise a moral right, a God-given right. The time is now, our cause is just, Mr. Speaker, I urge my colleagues to support H.R. 800, The Employee Free Choice Act and I yield back the remainder of my time.

Mrs. CAPPS. Madam Chairman, an original cosponsor of the Employee Free Choice Act, I rise in strong support of the bill.

Last November, Americans responded to our commitment to change, and voted in the

new Democratic majority. Last month we affirmed that commitment by voting to increase the minimum wage—the first increase in over a decade. Today, we further that commitment by helping to increase access to health care, better pay, and better retirement benefits for millions of American workers by passing the Employee Free Choice Act.

America's workforce desperately needs our help. During this period of so-called economic growth, American workers have seen their incomes flat-line while the salaries of the wealthiest one percent have skyrocketed. They have seen the costs of basic necessities such as health care, education, transportation, food and housing rise while the number of quality jobs falls.

The Employee Free Choice Act will help narrow this growing income disparity by making it easier for American workers to unionize if they so choose. Statistics show that unionized workers earn higher wages, have greater access to health care, and receive better retirement benefits. This bill will level the playing field and help narrow the growing income gap that is plaguing our Nation.

The ability of workers to unionize is a fundamental right that must be protected. While many employers treat their workers fairly, and respect their right to unionize, many more do not. For far too long, some employers have routinely restricted the rights of workers by threatening, coercing and even firing employees who attempt to form a union.

Opponents of the bill claim that current law adequately protects the rights of workers who want to form a union. However, any American worker will tell you that it does no such thing.

Under current law, employers can force employees to attend mandatory, closed-door meetings to listen to anti-union propaganda, while employees I are denied the right to rebut.

Under current law, employers can block the formation of a union by dragging out negotiations indefinitely, while employees are denied the collective representation they voted for.

And, under current law, employers routinely fire workers for merely discussing union activities, and employees are denied their pay while the NLRB takes months to take action.

The truth is that the system is badly broken, and must be repaired. This bill would begin to fix the system by making it easier for employees to form unions and giving workers a fair seat at the bargaining table by establishing a system of mediation and arbitration.

Too many employees have been denied their rights for far too long. It is time that we stand up and protect America's workers from the abuse, coercion, and intimidation they have endured for generations. While much work still must be done to protect these workers, the Employee Free Choice Act is a strong step in the right direction.

I urge my colleagues to help America's workers, and vote ''yes'' on H.R. 800.

Mr. STEARNS. Madam Chairman, today we vote on a bill that quite frankly hurts American workers. The derisively named ''Employee Free Choice Act'' removes employees' choice in choosing to organize by having them reveal their vote on an authorization card, under the watching eyes of union officials; not on a secret ballot.

This is wrong, not only in the workplace, but in any scenario where peer pressure can exert itself. In government elections, secret ballots are the foundation of democracy worldwide. We send election observers to developing nations to see that, among other elements, their ballots are cast in private.

The Fraternal Order of Police labor union wrote to our Speaker on Tuesday against this bill, saying: ''This ill-named legislation attacks the very meaning of free choice. Without federally supervised private ballot elections, our democratic process would be extremely susceptible to corruption, and the very foundation of our Republic could be undermined. This bill would do the same thing to our Nation's workers by robbing them of their privacy, power and voice in deciding who should represent and defend their rights as employees.''

Employees who just want to go about their business and peacefully do their jobs without fear of reprisal from either their employers or union bosses deserve the same secret ballot with which all of us were elected.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chairman, I rise today as an original cosponsor and strong supporter of the Employee Free Choice Act.

Abraham Lincoln once said, ''If any man tells you he loves America yet hates labor, he is a liar.'' President Lincoln's words are no less true now then they were when he spoke them over a century ago.

Organized labor has played a critical role throughout our history. Without it we would never have witnessed the rise of the greatest middle class that the world has ever seen. But there is more to be done. Madam Chairman, over the last six years, our middle class families, including those in my district in Pennsylvania, have been squeezed by the anti-worker policies of this administration.

The late Senator Wellstone, a champion of organized labor used to tell this story about the great abolitionist Wendell Philips. One day Philips, in his usual fashion, gave a fiery speech, and said that slavery was unconscionable, an outrage and should be abolished. He finished speaking and a friend came up to him and said, ''Wendell, why are you so on fire?'' He turned to his friend and said ''Brother May, I'm on fire because I have mountains of ice before me to melt.''

We too have mountains of ice to melt. Madam Chairman, there is much to be done to strengthen our middle class and to make sure that they, like their parents, can ensure that their children will have more than they did. For middle class families, the Employee Free Choice Act is a good start down the path to greater prosperity.

Everywhere families turn they face ever increasing costs. Health care, education, gas, food, housing. Prices are up, wages are down and middle class families are struggling. People can sit around and argue all day about why the middle class is getting squeezed, but when I think about my friends and neighbors back home in Pennsylvania, it is clear that arguments are no longer good enough—we need to do something. Letting workers organize fairly is a good start.

Madam Chairman, I would like to use my time here to set the record straight. For too many years now and for far too many Americans, joining a union has been a risk, rather than a right. I don't think that it's too much to ask that if a majority of workers want to join a union, they should be free to do so. And they should be free to do so without coercion and without misinformation campaigns.

Mr. MICHAUD. Madam Chairman, I rise today in strong support of the Employee Free Choice Act.

As a 30 year veteran of the Great Northern Paper Company mills and a proud union member, I know firsthand how crucial it is for workers to have the right to organize and bargain together to secure their rights in the workplace.

On average, workers who belong to unions earn 30 percent more than nonunion workers, and they are much more likely to have health care and pension benefits. Polls tell us that 58 percent of eligible workers would join a union if they could, yet union membership in the private sector plummeted to 7.4 percent in 2006, a record low.

The Employee Free Choice Act would allow workers more freedom to form unions, so they can seek their share of America's prosperity, and fair treatment for an honest day's work.

The current system for forming unions and bargaining is broken. EFCA is the right bill to fix it, and I urge my colleagues to give it their support. I yield the remainder of my time.

Mr. BLUMENAUER. Madam Chairman, the history of organized labor in the United States goes beyond the colorful to include stories of drama, heated conflict, and even violence.

Any objective view of history shows that legitimate efforts of workers to organize and represent themselves have been subjected to an amazing array of extraordinarily aggressive behaviors on the part of employers and at times even of the government itself. Indeed it was regarded by many business and government leaders as a subversive activity. There has been violence and intimidation on both sides but systematic repression against workers is certainly one of the darker chapters in our history.

Over the last century, organized labor has brought about the five-day workweek, overtime pay, and workplace protection; ultimately, unions helped create America's middle class. These are benefits that we now take for granted, but which were fought by many business interests who had taken advantage of unorganized workers. These issues arose out of intense conflict and were faced with great difficulty. There are numerous examples in today's workplace that attest to the continuing need for workplace protection.

Recently we have found that the Federal Government has no longer been serving as a neutral protector of collective bargaining within the organizing process. I'm convinced that legitimate rights have been systematically undercut and the Federal Government has been indifferent, at best, to providing a level playing field to workers and redress against abuse.

Today's Employee Free Choice Act is a small step in correcting that imbalance by restoring choice in a system that is currently driven by aggressive employers and coercion, as well as anti-union consultants. Instituting a level playing field for workers who want to unionize will ultimately improve wages, working conditions and job security for workers.

While it is highly unlikely, given this administration's antagonism toward organized labor, that this legislation would ever find its way into law, passage of this bill today in the House is a vital and important step in giving workers a toehold again.

This legislation will help end the official hostility and indifference by initiating a process that spotlights workers' opportunities and employers' responsibilities. I am confident that

the passage of the Employee Free Choice Act will ultimately give unionizing rights to all workers.

Mr. PEARCE. Madam Chairman, today the Democratic Majority has brought to the House floor legislation chairman representing one of the greatest assaults ever on the American worker. Today the Majority in Congress will strip American workers the right to a secret ballot election when deciding whether or not to unionize. This freedom stealing legislation, complete with a misleading title, does nothing to enhance ''free choice''—rather it undermines workers' freedom of choice to vote by secret ballot.

Our country is a democratic society committed to preserving and protecting the rights of American citizens to vote for those who represent them. Secret ballot elections are conducted when electing our state legislators, our congressmen, our senators and our President. Secret ballots are used by Unions to elect their own leadership and pass resolutions changing their bylaws. Yet the Democratic Majority wants to strip that right away from Americans in their own place of work.

More accurately characterized as the ''Secret Ballot Elimination Act'', this legislation opens the door wide for union organizers to use intimidation, coercion and compulsory tactics on workers who hesitate to join their efforts. In fact, the Fraternal Order of Police, a union representing thousands our nation's law enforcement officers, has urged opposition to this legislation stating, ''The scheme proposed by the legislation would replace the current democratic process of secret ballots with a 'card check' system that invites coercion and abuse.''

It is clear that Big Union organizers said ''Jump'' and the Democratic Majority asked ''How high?'' as they crafted this legislation that panders to their Big Union bosses by allowing them to force workers to join their unions.

Today, Democrats are trying to justify their support of allowing union organizers to intimidate workers by debating the pros and cons of unionizing. Not only does this further the agenda of Big Union leaders, it avoids the true issue at hand—the basic right of American workers to vote by secret ballot when choosing whether or not to unionize.

Working families in New Mexico and America deserve to decide whether or not to join a union without the threat of coercion and intimidation. The denial of secret ballots is something you only expect in nation's like North Korea, Cuba or other Dictatorships where citizens and workers don't have the right to organize at all. The Democratic Majority is once again chipping away from the freedoms of our democracy and I stand in opposition to the bill.

Mr. KIND. Madam Chairman, I rise today to provide my strong support for H.R. 800, the Employee Free Choice Act of 2007. Representing Wisconsin's workers in Congress is a privilege I am honored to have. That is why I am an original co-sponsor of H.R. 800, because protecting workers ability to form unions is of the utmost importance for the continued prosperity of our country.

Our Nation's economic success depends on the viability of the American workers, but the current Administration's policies have created an unfavorable climate. I fear that if Congress doesn't act to protect employee free choice and change current labor law to discourage unfair labor practices by employers, the legislative victories of the past will be at stake. With the Employee Free Choice Act, which amends the National Labor Relations Act to establish a more efficient system for monitoring labor relations, I see an opportunity for Congress to do just that.

Americans have waged countless battles to improve conditions in the workplace and to pave the way for a better life for all working families. Yet today they lack the adequate measures to address workplace inequities and to safeguard against unfair labor practices. The National Labor Relations Act, enacted by Congress in 1935, no longer works to protect the right of workers to form and join unions. But the need to monitor relations between unions and employers is just as important today as it was 72 years ago.

The Employee Free Choice Act would combat obstructionist behavior by: 1) guaranteeing free choice through majority recognition; 2) facilitating initial labor agreements through mediation and arbitration; and 3) providing more effective remedies against employer coercion.

Having grown up in a labor household, I know there is no question that union workers benefit from a collective voice, thus improving the lives of all working Americans and their families. The wages of workers are 26% better than for non-union workers; and union workers generally have better healthcare benefits, pensions and disability compensation than workers not associated with a union. Therefore, it is clear to me that protecting the right to form a union is critical.

The current system fails to provide a responsive mechanism for workers when their rights have been unjustly denied. The Employee Free Choice Act makes necessary changes to the National Labor Relations Act to fill in the gaps of the current law and guarantee workers a voice without the threat of unwarranted penalties.

The rights of the American worker are far too important to ignore and not preserve. I promise to continue the fight against any changes that will reduce workers' benefits and pay while supporting initiatives that increase workers' rights and protections in the workplace. Madam Chairman, I urge my colleagues to support this bill and the rights of their constituents.

Mr. DELAHUNT. Madam Chairman, I am pleased to rise in strong support of H.R. 800, the Employee Free Choice Act. Today, American workers' freedom to form unions is not only at risk. It is in serious jeopardy.

We've seen lax enforcement of labor laws. Judicial decisions under-cutting organizing protections. Administration interference in collective bargaining efforts.

At the same time, business interests have aggressively worked to strip overtime protections from millions of workers. Corporate America has pushed through trade deals sending American jobs overseas, further weakening workers' power to organize and bargain.

The Employee Free Choice Act is a critical measure that restores workers' freedom to form unions. It protects America's hard-working middle class families. The legislation protects workers against employer interference in organizing drives. It safeguards workers against practices of intimidation. Practices that are increasingly common.

This is a deeply personal issue for me. I know what happens when workers have no protection.

My grandfather was a Boston police officer who was fired for trying to organize a union. When he worked as a police officer, the work week was 96 hours. There was no vacation or overtime. There were no benefits.

Worker rights have advanced in this country only when unions are strong, but today those rights are being trampled. The hard-earned worker protections are disappearing. This should not happen in America, a country built on the efforts of workers across the decades.

During our history, the rise in the American middle class has directly paralleled the rise in the number of unionized American workers. The more workers in unions, the larger and stronger the American middle class is. The stronger the American middle class, the stronger our democracy. Today, we are regressing—at an alarming rate. Median family income has dropped every year of the Bush Administration—every single year. American worker paychecks have been flat or declined in more than half of the 65 months of the Bush Administration.

When workers are able to make their own decisions—freely and fairly—about whether to form a union, they can bargain for better treatment on the job. The middle class standard of living improves. Workers who belong to unions earn 30 percent more than non-union workers, and they are much more likely to have healthcare and pension benefits.

And the American people know it. In a recent survey, 68 percent of respondents believe that unions can make a difference for today's workers. An even higher percentage support the Employee Free Choice Act.

Every day, millions of Americans work hard and play by the rules. Yet they still struggle—just to get by.

Workers represented by unions are far more likely to have health insurance and guaranteed pensions, access to job training opportunities and higher wages. If we want to improve working conditions for America's workers, strengthen America's families and rebuild America's middle class, we need to pass the Employee Free Choice Act.

Mr. CROWLEY. Madam Chairman, I rise in support of the Employee Free Choice Act.

Currently, more than 15.4 million workers in America are enjoying the right to unionize, earning an average 30 percent more than workers without unions.

New Yorkers make up approximately 2 million out of the 15.4 million unionized employees nationwide—making it the second most unionized state in the Nation.

But far too many workers looking to have collective bargaining rights are denied and the people who are often looking to organize are those working in the service industry—many of whom do not have access to collective bargaining, the right to affordable health care, or the ability to earn a living wage.

I encounter these people—working people—far too often in my own district in Queens and the Bronx, New York.

This bill will help get rid of many arcane tactics some employers use to prevent employee organization, thereby giving a helping hand to those workers and the groups who are trying to defend their rights to respect in the work place. That is why I support the Employee Free Choice Act.

There are far too many people in this country who work hard, play by the rules, and cannot get ahead—this bill is a helping hand to a better life for themselves and their families.

Opposing this bill is opposing the ability of Americans to attain the American Dream.

Mr. KILDEE. Madam Chairman, I rise today in strong support of H.R. 800, the Employee Free Choice Act of 2007.

Labor unions are critically necessary to address the daily imbalance between employers and employees. We measure the quality of democracy in developing nations by their government's support for freedom of association to form and join unions. Unfortunately, an aggressive assault on American workers, and the institutions that represent them, has dangerously eroded these rights right here in the United States, resulting in a steady decline in the percentage of Americans in labor unions.

Workers are not joining unions because our Nation's method of labor organization is a biased playing field, full of loopholes that unfairly advantage employers. The Employee Free Choice Act would address this unfair advantage by amending the National Labor Relations Act to replicate the majority sign up system currently used in Canada.

H.R. 800 provides a simple, fair, and direct method for workers to form unions by signing cards or petitions. This legislation also sets firm time limits by which parties must begin and complete their negotiation of the tactics often used by employers during contract negotiation. first contract after union certification. This would eradicate the delaying tactics often used by employers during contract negotiation.

I have always been a strong believer in unions and the benefits they provide to working families. My father, who started working at the Flint Buick plant, was one of the first members of the United Auto Workers. He was very proud of his union, and taught me the value of unions to all working families. I have dedicated my legislative career to helping people reach their dreams by protecting their right to collectively organize in order to ensure better economic opportunities.

I urge my colleagues to vote for H.R. 800, the Employee Free Choice Act.

Mr. PENCE. Madam Chairman, I am extremely troubled by what the Democrat leadership has deemed worthy of only one hour of general debate.

The U.S. House of Representatives is poised to snuff out workers' long-cherished freedom.

When the Democrats came to power, they pledged to respect the rights of the minority, but few of the peoples' elected representatives will have the opportunity to debate—let alone amend—this legislation on the floor today.

Madam Chairman, now that a death of deliberation is taking hold in this House, the other side wants to end democracy in the workplace.

Over 70 years ago, Congress enacted the National Labor Relations Act, establishing a system of industrial democracy akin to our nation's proud history of political democracy.

The current system allows employees to determine whether they wish to be represented by a particular union through a federally supervised secret ballot election overseen by the National Labor Relations Board. It protects the interests of unions and employers, but most importantly, employees, by ensuring that both sides have an opportunity to make their case, and those employees are able to express their decision in private—free from coercion and intimidation.

The legislation under consideration today, the so-called ''Employee Free Choice Act,'' would in fact end workers' free choice by replacing current law with an easily abused card-check system. Under card check, a worker's vote is openly declared, whereas in a secret ballot election the vote of an individual is by definition private—not public.

Tellingly, the Chairman of the Education and Labor Committee, which produced this legislation, along with 15 other Democrats, sent a letter to the Mexican government in 2001 denouncing the card-check system.

They wrote: ''We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.''

Freedom from union intimidation is not only good for Mexican workers; it is good for American workers. We should not be doing away with voting secrecy to give big labor more powers over workers.

Let's keep union ballots secret. Let's vote down this Worker Intimidation Act.

Mr. COSTELLO. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act of 2007. The best opportunity for working men and women to get ahead economically is to unite with their co-workers to bargain with their employers for better wages, benefits, and working conditions. The freedom to form or join a labor union and engage in collective bargaining is an internationally-recognized human right. Further, it is a longstanding American principle and tradition that working people may join together to improve their economic circumstances.

To this end, I believe working people should have the ability to make their own decision about whether they want to bargain together without the threat or fear of harassment and retribution and fear of losing their livelihood. Since the enactment of the National Labor Relations Act (NLRA) in 1935, employers are able to recognize their employees' union when a majority of workers sign union authorization cards. However, all too often in these situations employer pressure derails the effort to unionize. This is a reasonable and fair process which has for too long been neglected and disregarded by employers. Under current law, workers have the right to form a union when a majority of the employees sign-up. H.R. 800 would ensure this right is protected.

As a cosponsor of H.R. 800, I am pleased the House is considering the bill on the floor today. The legislation consists of three basic provisions to level the playing field for employees and put an end to coercion and intimidation. First, the bill provides for certification of a union when a majority of workers sign cards designating the union as their bargaining representative. Second, H.R. 800 strengthens penalties for companies that illegally coerce or intimidate employees in an effort to prevent them from forming a union. Third, it brings in a neutral third-party to settle a contract when a company and a newly certified union cannot agree on a contract after 3 months.

Madam Chairman, unions have been instrumental in implementing and maintaining nationwide and statewide systems of social insurance and worker protections, such as workers' compensation and unemployment insurance, occupational safety and health standards, and wage and hour laws such as the minimum wage, the 40-hour work week, and overtime premium pay. Unions, however, do not only benefit unionized workers. Strong unions set industry-wide standards that benefit workers across an industry, regardless of their union or nonunion status.

Madam Chairman, I believe strengthening free choice in the workplace lays the basis for insuring a more prosperous economy and a healthier society. H.R. 800 will restore balance and fairness to the workplace and I urge my colleagues to support its passage.

Mr. McDERMOTT. Madam Chairman, I proudly stand today in support of H.R. 800, the Employee Free Choice Act, which would enable workers to finally reclaim their right to freely form a union and bargain with their employers. It is clear that too many American workers today are under the threat of discrimination, harassment, or termination for simply choosing to bargain collectively for better wages, hours, and working conditions. The current system for forming unions and bargaining is broken, and it is our responsibility to fix it.

This bipartisan legislation is an important first step towards leveling the playing field for workers and employers, rebuilding our middle class, improving our economy, and on a larger scale ensuring that more Americans benefit from a growing economy. Today we can set an example for the rest of the world. How can our nation continue to encourage other nations to protect their workers' rights if we do not remedy our own?

Critics of this bill simply want to preserve the status quo. That is not a reasonable solution, and these critics clearly do not have our middle class workers' best interests in mind. Research shows that nearly 60 million would form a union tomorrow if given the chance, and that democratic votes would still take place under the Employee Free Choice Act.

The bill before us has three major components that would help restore middle class workers' rights to designate and certify bargaining representation, to receive mediation and arbitration concerning a first contract, and to enforce stronger penalties for employee violations. I believe this is the first step towards treating the problems of income inequality, and income immobility that currently confront our nation.

Today, the House of Representatives has an opportunity to send hardworking Americans a message. A message that we recognize the fundamental right to organize is essential to maintaining a just economy and a society that values work. Let us send that message loud and clear, by voting in support of H.R. 800.

Mr. LANGEVIN. Madam Chairman, I rise today in strong support of the Employee Free Choice Act (H.R. 800). This bill will help give workers the leverage they need to negotiate for a better life for themselves and for their families.

Despite several years of economic growth, many of America's middle class families still struggle to make ends meet. Every day, workers throughout the country face difficult choices about their family's basic needs as wages stagnate and the cost of living continues to rise. By restoring workers' freedom to join together to bargain for better wages, benefits and working conditions, we will help ease the burden that too many working Americans face.

Collective bargaining is one of the best tools working men and women have to restore economic fairness and rebuild America's middle class. The benefit of unionizing also helps workers with low-wage jobs such as janitors, cashiers, and childcare workers to raise their earnings above poverty levels. Union workers tend to have more of the freedoms and rights that ultimately lead to greater opportunity. And members of unions traditionally enjoy higher earnings and better access to healthcare and retirement benefits than their non-union counterparts.

Under current law, workers often face uphill battles when attempting to unionize. All too often pro-union employees are intimidated, threatened, and in extreme cases, they may even lose their jobs. The Employee Free Choice Act will help restore fairness to the collective bargaining process by imposing stronger penalties for employers that utilize these tactics. This legislation will also increase the amount of back pay employees receive when they unfairly lose their jobs for attempting to unionize.

Furthermore, the Employee Free Choice Act will increase the United States' ability to compete in a global economy. The benefits of collective bargaining go far beyond helping individual workers. By giving workers the tools they need to bargain effectively for the benefits that come with unionizing, we strengthen the economic security of each worker and their families, which ultimately leads to a more secure and prosperous America.

In passing this legislation today, we will be giving hardworking Americans the tools they need to negotiate for better wages and benefits in an open, honest, and fair way. Strengthening the security of American families strengthens our economy, and I urge my colleagues to join me in supporting the Employee Free Choice Act.

Ms. MATSUI. Madam Chairman, I am truly proud to see the Employee Free Choice Act on the floor of the House. This represents a tremendous step forward for working families in this country. I want to thank Chairman MILLER for crafting this excellent legislation and for his tireless efforts on behalf of workers.

A little less than a year ago, Chairman MILLER and I held a forum on this legislation in my hometown of Sacramento. We heard emotional testimony from workers about their experiences in the workplace. They had been subjected to coercion and intimidation—and some had even been fired—simply because of their desire to join a union.

After sharing encounter after encounter, they asked Congress to pass the Employee Free Choice Act. They know that this legislation would protect them from these abuses. It would repair the cracks in the current system. And it would allow them to make a real choice in deciding to join a union.

It is one thing to talk in the abstract about the policy. It is quite another to see first hand the human face, the real life consequences of that policy. What we are talking about is helping working Americans—the middle class—meet the needs of their families.

Congress must take advantage of this chance to act. A strong middle class has been the bedrock of expanded prosperity and opportunity in this country.

And our middle class families are at a critical juncture. They face some daunting challenges. Wages are not keeping up with inflation. Yet, the costs the typical middle class family faces—such as housing, health care, transportation and college—continue to rise dramatically. We risk losing the strong middle class that has been the backbone of this Nation.

Throughout our history, protecting the right to organize has played a critical role in improving the wages and quality of life for working people, and in growing the middle class.

To preserve the middle class, it is critical that we continue to keep the central promise of our Nation's labor laws—that workers be empowered to make their own decisions about a collective bargaining representative.

NLRB elections, as they exist today, often do not allow such a choice. And that's where the Employee Free Choice Act comes in. As Chairman MILLER has explained so well, it will take important steps to level the playing field for workers who are trying to organize. It will allow employees to make a real choice to join a union without intimidation. And it will provide for stronger penalties when companies engage in illegal practices. Because the right to organize and form a union is fundamental to ensuring a fair balance of power in the workplace.

And you know, this is not an anti-business bill, as its being portrayed by its opponents. This is a pro-workplace bill. What I mean is that when you have a card check system, it makes for a successful workplace—for the company and for workers.

At the forum I held with Chairman MILLER in Sacramento, we heard from a second panel of workers whose employer had voluntarily agreed to a card check system. This employer, and the many others that have agreed to a card check system, understand there is a benefit to treating employees with dignity and respect. They understand that when a company lets workers weigh the pros and cons of joining a union—without harassment or intimidation—those workers will be more productive and more committed to the success of the company.

Frankly, if you care about working families, these reforms are simply common sense. They will make the organizing process simpler, more fair, and most importantly, ensure that the fundamental right of choosing whether or not to join a union rests squarely where it belongs: with this Nation's workers.

I promised my constituents that I would do everything I could do get this bill passed in the House. So I am proud that it is on the floor today. Members have an opportunity—by voting in favor of this legislation—to stand with the working families of this country. I urge my colleagues to take advantage of that opportunity.

Mrs. TAUSCHER. Madam Chairman, I rise today as the Chair of the House New Democrat Coalition in strong support of the Employee Free Choice Act. Passage of today's legislation will give working Americans a basic right—the ability to choose, unabated, whether to join with their coworkers and bargain for a better life. As Americans strive for fairer treatment at work and greater economic prosperity, it is a right which we must not deny them. There is powerful evidence that America's middle class is stronger when workers join together and bargain for better wages, better working conditions and better benefits. In fact, union workers' median weekly earnings are thirty percent higher than nonunion workers'. Eighty percent of union workers have employer-provided health insurance. And sixty-eight percent of union workers have a guaranteed pension through a defined benefit pension plan.

Contrary to what opponents of the legislation will say, the Employee Free Choice Act does not mandate that workers join a union. It does not abolish the secret ballot election process. And it will not make union organization more vulnerable to fraud and coercion. It will, however, provide American workers with a choice—a choice and a hand in determining their future economic prosperity. This is the least we can do for America's workers. I strongly encourage all my Colleagues to join with me and support H.R. 800, the Employee Free Choice Act.

Mr. TOM DAVIS of Virginia. Madam Chairman, I rise today in opposition to H.R. 800, the Employee Free Choice Act.

Today we are considering legislation to strip away a fundamental right for American workers: the secret ballot.

Secret ballot elections have long protected workers from intimidation, coercion, and retribution. The National Labor Relations Act of 1947 set in statute a system that gave workers the option of voting by secret ballot when deciding the question of union organization in their workplace.

Why, 50 years later, is there a compelling need to do away with the secret ballot system? How is it that a worker will only be given a "free choice" by making his or her preference known to all?

This isn't about protecting workers; this is about flagging union membership and declining dues. Unions only represent 12 percent of the workforce—only 7 percent in the private sector. Union bosses know they don't fare as well in secret ballot elections as they do in card check elections, so they want to do away with them.

Only two months after they regained the majority, the Democrats are here to do the bidding of their union backers. There is no other reason for this debate today.

Consider the following letter sent to Mexican officials in 2001. This letter states:

> . . . the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose . . . we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

This letter was signed by 16 of my Democratic colleagues, including the sponsor of today's bill. Perhaps they have had the benefit of reflection.

Madam Chairman, this legislation isn't about helping the working man and woman; it isn't about fairness or discrimination. It is about political payback, it is legislative tribute to the union bosses that still control the Democratic Party. I therefore urge my colleagues to vote against this bill.

Mr. TIAHRT. Madam Chairman, I stand in opposition to the so-called Employee Free Choice Act, H.R. 800, and ask my fellow colleagues to join with me in supporting every worker's right to a secret ballot. I am appalled that this House would bring forth legislation that eliminates free speech and contradicts our system of democracy. H.R. 800 goes against the principles hard-working Americans stand for: openness, fairness, and freedom.

The United States Congress is charged with upholding the Constitution, not undermining it.

I have the honor of representing the Fourth District of Kansas, which includes Wichita and is the air capital of the world—home to Cessna, Hawker-Beech, Bombardier LearJet, the Boeing Company, Spirit Aerosystems, and scores of small aviation machine shops and supplies. It is a leading center of aviation research, training, manufacturing and modification.

During my time in Congress, I have had the privilege to work closely with the machinist and engineer union members on common goals and concerns—from the extension of jobless benefits to securing the continuation of the E–4B modification program, which will support many union jobs in south-central Kansas. I know the value that unions bring to workers, their families, and a community. I will continue to fight for my district, and support every Wichita worker.

H.R. 800, which some have aptly termed the ''worker intimidation act,'' would limit the choices of employees in Kansas. This legislation would replace the fair, time-honored, government-sponsored secret ballot elections with an inherently corruptible card signing system. Employees should have the right to decide on unionization in a non-coercive environment. I am shocked and dismayed that the Democrat majority would act so recklessly as to remove the fundamental and basic labor rights of free choice and free election from our hard-working men and women. Every worker has a fundamental right to a secret ballot. Congress does not have a right to take that away.

In the card-check system proposed in this bill, workers would be publicly pressured—before friends, co-workers and union organizers—to sign a card. Once labor union bosses get a simple majority of employee-signed cards, the union would be formed. There is no ballot and no democratic system. Almost one-half of all employees would never be given a chance to say whether they want to join a union. H.R. 800 takes away their voice.

Currently, 28 States do not have ''right-to-work'' laws; meaning that once union organizers have a simple majority of check-cards, all employees, without a right to vote or express their views, would be forced to pay union dues. Then, on top of this insult, newly unionized members would not be guaranteed the right to vote on the new union contract.

H.R. 800 also strikes our first amendment right to freedom of speech. This legislation would bar employers from telling their employees about the true consequences of unionization. It is unconscionable that Congress would violate the first amendment and limit the access to information by employees. Some Democrats in this House believe that workers are not capable of making a decision when presented all the facts. Every worker should be insulted by the underlying premise of this legislation.

At this point, if anyone still questions whether H.R. 800 would help or hurt workers, let me point out that this legislation would make it illegal for employers to give increases of pay or benefits during the card-check process. Proponents of the legislation say that increased benefits could influence the process. However, let me be on the record as saying that I will always support a company's right to increase the pay and benefits of its employees. A couple weeks ago, this House voted to increase the minimum wage for the first time in 10 years—an increase which I support. However, to now vote to ban a company from increasing wages on its own accord is hypocritical. I have yet to find one worker who did not want a pay raise.

In addition to restricting pay raises, this legislation will have a dramatic and dangerous impact on jobs across this Nation. Small business owners create up to 80 percent of all new jobs in this country. This legislation will limit the growth of small businesses and drive these good paying jobs overseas. Many in the Democrat party pay lip-service to wanting to stop the exodus of American jobs overseas, but, if enacted, H.R. 800 will actually encourage employers to relocate their businesses.

Giving employees less choice, killing the right to a secret ballot, keeping employees from critical information, making it illegal to provide increased benefits, driving jobs overseas. Does this sound like the United States of America? These are the real results of this ill-conceived, politically motivated bill.

This begs the question, why would labor unions and their allies push for such an antiworker and undemocratic bill? The official reason is that because employers are illegally coercing employees to not join a union; that union organizers are illegally fired or punished. Regrettably this activity has taken place to some degree. In 2005, there were 62 cases in which companies had illegally fired a worker for union organizing activities—62. In a country of 140 million workers. And, as I said, this is already illegal. Employers should be, and are, held responsible for all illegal activities. However, a few bad actors should not result in the destruction of a cornerstone of our Nation's union laws.

Mrs. McMORRIS RODGERS. Madam Chairman, I rise in strong opposition to H.R. 800. This bill is named the Employee Free Choice Act, but more truthfully has become known as the ''employee no choice act'' because it limits the choice and privacy of American workers.

Eastern Washington organizations, businesses and individuals have taken the time to contact my office to ask that I vote against this bill, which will negatively impact almost every sector in eastern Washington: small business, health care, agriculture and many others.

Let's be clear about what this act does: It side-steps a free and fair election process; it subjects workers to coercion, compulsion and intimidation.

Organizations in my community that oppose this bill include the Inland Pacific Chapter of Associated Builders and Contractors, Eastern Washington Independent Electrical Contractors and Greater Spokane Incorporated, which represents 1,600 businesses and economic entities that employ over 110,000 individuals.

In terms of its impact on health care, the ''employee no choice act'' could exacerbate the already devastating nursing workforce shortage in rural America. The card check process for unionization puts access to rural health care at risk. It could discourage potential health care professionals from entering into the health care field.

For example, if a professional nurse is working at a hospital that is going through unionization and he or she can count on being pressured to publicly declare their vote—which creates considerable stress—they may forgo working at that hospital altogether.

Professional employees like nurses, technologists and lab technicians are increasingly difficult to recruit to small, rural hospitals. If subject to the public pressure of a card check campaign, they may just decide to move on; they are in high demand and can practically choose their location.

Maybe in very urban settings this kind of movement of nurses and technicians can be sustained Madam Speaker, but in critical access hospitals in Colville, Omak or Davenport, WA, this kind of transition puts access to quality health care in jeopardy.

I have heard from Ferry County Hospital and from Dayton General Hospitals that this bill would ''increase cost'' and is a ''slap in the face for collaboration between management and employees . . . and that the current process needs to be maintained.'' What is the biggest concern for these hospitals? The undue pressure on their employees and the possibility that their staff would be subject to intimidation, fraud or retribution—and the impact this would have on their ability to deliver care.

Richard Umbdenstock, president of the American Hospital Association and past-president of the former Providence Services in Spokane, WA, has said ''the hardworking women and men of our Nation's hospitals are entitled to choice.'' I couldn't agree more. AHA has it right: ''Hospital employees should have the same rights in choosing their labor representative as they do in choosing their elected representatives.''

This bill is a brazen effort to strip American workers of the opportunity that our country has ardently defended at home and abroad: the right to vote one's conscience in privacy without someone looking over your shoulder.

H.R. 800 is a bold attempt to grab power from employees and an obvious payback for big labor whose declining membership continues. It won't just affect employees amidst a labor dispute; this act will affect us all.

Though efforts to mask the intent of this bill have been intense, as eastern Washington's voice in this House, I must object on behalf of the individuals and families that I represent.

The ballots are in and the results are clear: Americans prefer the option of a secret ballot. As the people's representatives, we must make it clear today that we will protect the working American's right to vote his or her conscience. I will vote against this bill in public, so as to preserve my constituents' right to do so in private.

Ms. ESHOO. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act.

Despite the recent surge in high corporate profits, middle class families have actually lost ground financially due to the rising costs of education, healthcare, housing and transportation. Unfortunately, under the current system for forming unions, workers are routinely denied the right to determine for themselves whether to organize. Employees oftentimes face coercion, intimidation, and harassment from employers trying to discourage unionization. These tactics discourage workers from bargaining collectively for higher pay, more substantial benefits, and better treatment in the workplace.

The benefits of unionization are well known. Workers who belong to a union earn an average of 30 percent more than nonunion workers and are much more likely to have health care and pension benefits.

Under this legislation, if a majority of workers in a workplace sign valid cards authorizing a union, then the workers would be able to have a union. This process is already possible; however, current law enables employers to veto the formation of a union without an election administered by the National Labor Relations Board, NLRB.

The Employee Free Choice Act also institutes stronger penalties for employers violating the National Labor Relations Act during any period when employees are attempting to organize a union or negotiate a first contract with the employer. In 2005 alone, more than 31,000 workers received backpay because of unlawful employer behavior of this sort. H.R. 800 also provides for up to $20,000 in civil penalties for willful or repeated violations during an organizing or first contract campaign. These penalties provide a serious disincentive for employers engaging in anti-union tactics.

The decision to form a union should be in the hands of employees. This legislation provides people with the opportunity to make this decision freely and fairly and to bargain for a better life for themselves and their families.

I urge my colleagues to support this important legislation.

Mr. MARKEY. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act, and I commend Chairman GEORGE MILLER for his herculean efforts to move this bill forward and bring it to the House floor today.

This bill is an important step towards providing Americans with fundamental workplace protections that are long overdue. When workers have the freedom to join together and bargain collectively, they have the opportunity to secure affordable health care, adequate vacation time and other benefits as part of good faith negotiations with their employers.

Americans are working harder and more efficiently than ever before. But while productivity has increased, many middle class families continue to struggle to make ends meet, pay the mortgage, afford college for their children, and access affordable health care.

These hardworking families are everyday heroes, but even heroes need help.

The Employee Free Choice Act will help ensure that workers who seek a better future for themselves and their families through union representation are not coerced, intimidated or threatened by employers trying to prevent them from exercising their legal rights.

The bill we are considering today would enable employees to choose—they can choose to go through the current NLRB election process, or they can choose a card-check process designed to insulate them from intimidation. If a majority of employees choose to sign cards in support of union representation, the employer must abide by that decision and certify the union if the NLRB validates their majority.

While the card-check route to union representation is permitted under current law, employers have the choice to reject the results.

In other words, under current law, it's the employer's choice. Under the Employee Free Choice Act, it's the employee's choice.

This bill is urgently needed because some employers choose to fight unionization by intimidating workers, threatening to fire pro-union employees or close the plant. Making union certification mandatory when a majority of employees sign union cards would prevent illegal tactics intended to crush workers' efforts to bargain collectively.

James Madison famously wrote that "If men were angels, no government would be necessary." Madam Chairman, if all companies were angels, this bill would not be necessary.

Unfortunately, while some enlightened companies currently recognize the legitimacy of a union when a majority of their employees sign union cards, many do not.

Now is the time to give Americans the power they need to improve conditions in the workplace.

President Roosevelt told us: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

The Employee Free Choice Act is consistent with the American ideal that everyone—not just the privileged few—deserves the opportunity to improve their condition in life and build a bright, optimistic future for their children.

I urge an "aye" vote and commend Chairman MILLER for his work on this important legislation.

Mr. STARK. Madam Chairman, I rise today in strong support of H.R. 800, the Employee Free Choice Act. Passage of this seminal workers' rights legislation is long overdue.

During the past decade, union busting efforts have reached new heights. Greedy corporations hire high-priced lawyers and consultants to thwart organization drives and force existing unions out of the workplace. Employees are chastised, threatened and in the worst cases fired for exercising the freedom to form unions and bargain.

Business Week called the recent wave of union busting "one of the most successful anti-union wars ever." Their statement is borne out by the fact that only 7.9 percent of the private workforce is unionized, the lowest level since the 1920s.

Estimates suggest that 75 percent of all union organizing drives confront hired anti-union consultants. Here's the guarantee offered on one consultant Web site:

> You don't win, you don't pay. Here is bottom-line proof of our confidence in the persuasiveness of the NLRB Election Campaign Program. If your organization purchases an LRI Guaranteed Winner Package and the union becomes certified, Labor Relation Institute will refund the full cost of the package.

Why is collective bargaining so important? Wages for union employees are nearly 30 percent higher than for non-union workers. This wage difference often brings employees into the middle class, ending their struggle to stay above the poverty line. This is especially the case in construction and service jobs where employees in unions have 52 percent and 68 percent higher wages than their non-union counterparts. Unionized workers also enjoy better health care, pension and disability benefits.

The Employee Free Choice Act will level the playing field for workers who want to organize, but can't overcome corporate anti-union efforts. This bill provides a majority sign up process to authorize union representation, giving employees the confidence to choose representation without fear of reprisal. The bill also strengthens penalties against employers who engage in union busting activities.

While the days of union busting by physical violence may be behind us, the corporate greed that drives union avoidance is clearly alive and well. Our workers deserve better. I urge all my colleagues to join me in voting yes on the Employee Free Choice Act.

Mr. GUTIERREZ. Madam Chairman, I rise today to affirm my strong support for H.R. 800, the Employee Free Choice Act. I would like to thank my colleague, Chairman GEORGE MILLER, for introducing this important legislation to ensure that workers have the light to organize a union if they choose, without being subjected to workplace abuses, economic coercion or threats by their employers.

Union busting has become a lucrative industry at the cost of the American worker. When surveyed in 2006, a substantial majority, 58 percent, of eligible workers said that they would join a union if they could; however, union membership dropped below 10 percent in the private sector, bringing union membership to a record low. This discrepancy is directly related to the flawed National Labor Relation Board system as it applies to a fair and democratic election process.

Under the current NLRB system, employers are allowed to pressure employees into voting against the union during an organizing drive by using economic coercion and continual threats. It is common practice for union-busting employers to use direct supervisors to meet one-on-one with employees to compel them to vote against the union. Also, employees are often forced to attend mandatory anti-union lectures, while union representatives, under threat of termination, are not allowed to present their views to other workers at their employment site.

And the list of abuses goes on and on:

Twenty-five percent of employers illegally fire at least one worker for union activity during an organizing campaign;

Fifty-two percent of employers threaten deportation or other forms of retaliation during organizing drives that include undocumented employees;

And 51 percent of employers threaten to close their plants if the union wins the election, although only 1 percent actually will.

Worksite intimidation and economic threats create a hostile environment and eradicate the ability for a worker to make a fair and free decision. Workers are pushed out of an impartial election process because they fear for their livelihood and the economic stability of their families. The current system is far from democratic. It's unfair and it's wrong.

We need to fix this broken system to allow for workers to freely make their own choices at the workplace without fear of employer reprisal.

As a Representative from the great city of Chicago, a stronghold of working families and union struggles, I can speak to the benefits afforded to workers who choose to wield their collective bargaining power. The median weekly earnings of union workers are 30 percent higher in comparison to nonunion workers. This increase can pull a working class family out of poverty and strongly into the middle class.

Union workers also receive more benefits than nonunion workers. Only 2.5 percent of union workers go without health insurance coverage, whereas 15 percent of nonunion workers are uninsured. From health to disability benefits to pensions, joining a union provides a higher standard of living and secure benefits that may otherwise not be within reach of some employees.

Unions are essential to the fight for worker rights, and we must work to ensure that they can be formed without pitting employers against employees.

Workers must be allowed to choose freely whether or not they want to form a union—absent employer intimidation and economic coercion—and this is exactly what the Employee Free Choice Act will provide. This timely legislation will enhance working conditions and ensure a more equitable system in the workplace. The welfare of our working families and the future of our middle class depend on it.

I urge a yes vote on this historic and important legislation.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 800

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 ''Employee Free Choice Act of 2007''.

SEC. 2. STREAMLINING UNION CERTIFICATION.

(a) IN GENERAL.—Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

''(6) Notwithstanding any other provision of this section, whenever a petition shall have been filed by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a majority of employees in a unit appropriate for the purposes of collective bargaining wish to be represented by an individual or labor organization for such purposes, the Board shall investigate the petition. If the Board finds that a majority of the employees in a unit appropriate for bargaining has signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the Board shall not direct an election but shall certify the individual or labor organization as the representative described in subsection (a).

''(7) The Board shall develop guidelines and procedures for the designation by employees of a bargaining representative in the manner described in paragraph (6). Such guidelines and procedures shall include—

''(A) model collective bargaining authorization language that may be used for purposes of making the designations described in paragraph (6); and

''(B) procedures to be used by the Board to establish the validity of signed authorizations designating bargaining representatives.''.

(b) CONFORMING AMENDMENTS.—

(1) NATIONAL LABOR RELATIONS BOARD.—Section 3(b) of the National Labor Relations Act (29 U.S.C. 153(b)) is amended, in the second sentence—

(A) by striking ''and to'' and inserting ''to''; and

(B) by striking ''and certify the results thereof,'' and inserting '', and to issue certifications as provided for in that section,''.

(2) UNFAIR LABOR PRACTICES.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (7)(B) by striking '', or'' and inserting ''or a petition has been filed under section 9(c)(6), or''; and

(B) in paragraph (7)(C) by striking ''when such a petition has been filed'' and inserting ''when such a petition other than a petition under section 9(c)(6) has been filed''.

SEC. 3. FACILITATING INITIAL COLLECTIVE BARGAINING AGREEMENTS.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

''(h) Whenever collective bargaining is for the purpose of establishing an initial agreement following certification or recognition, the provisions of subsection (d) shall be modified as follows:

''(1) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly organized or certified as a representative as defined in section 9(a), or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

''(2) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Federal Mediation and Conciliation Service of the existence of a dispute and request mediation. Whenever such a request is received, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

''(3) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made under paragraph (2), or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by conciliation, the Service shall refer the dispute to an arbitration board established in accordance with such regulations as may be prescribed by the Service. The arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written consent of the parties.''.

SEC. 4. STRENGTHENING ENFORCEMENT.

(a) INJUNCTIONS AGAINST UNFAIR LABOR PRACTICES DURING ORGANIZING DRIVES.—

(1) IN GENERAL.—Section 10(l) of the National Labor Relations Act (29 U.S.C. 160(l)) is amended—

(A) in the second sentence, by striking ''If, after such'' and inserting the following:

''(2) If, after such''; and

(B) by striking the first sentence and inserting the following:

''(1) Whenever it is charged—

''(A) that any employer—

''(i) discharged or otherwise discriminated against an employee in violation of subsection (a)(3) of section 8;

''(ii) threatened to discharge or to otherwise discriminate against an employee in violation of subsection (a)(1) of section 8; or

''(iii) engaged in any other unfair labor practice within the meaning of subsection (a)(1) that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed in section 7;

while employees of that employer were seeking representation by a labor organization or during the period after a labor organization was recognized as a representative defined in section 9(a) until the first collective bargaining contract is entered into between the employer and the representative; or

''(B) that any person has engaged in an unfair labor practice within the meaning of subparagraph (A), (B) or (C) of section 8(b)(4), section 8(e), or section 8(b)(7);

the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred.''.

(2) CONFORMING AMENDMENT.—Section 10(m) of the National Labor Relations Act (29 U.S.C. 160(m)) is amended by inserting ''under circumstances not subject to section 10(l)'' after ''section 8''.

(b) REMEDIES FOR VIOLATIONS.—

(1) BACKPAY.—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by striking ''And provided further,'' and inserting ''Provided further, That if the Board finds that an employer has discriminated against an employee in violation of subsection (a)(3) of section 8 while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract was entered into between the employer and the representative, the Board in such order shall award the employee back pay and, in addition, 2 times that amount as liquidated damages: Provided further,''.

(2) CIVIL PENALTIES.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(A) by striking ''Any'' and inserting ''(a) Any''; and

(B) by adding at the end the following:

''(b) Any employer who willfully or repeatedly commits any unfair labor practice within the meaning of subsections (a)(1) or (a)(3) of section 8 while employees of the employer are seeking representation by a labor organization or during the period after a labor organization has been recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract is entered into between the employer and the representative shall, in addition to any make-whole remedy ordered, be subject to a civil penalty of not to exceed $20,000 for each violation. In determining the amount of any penalty under this section, the Board shall consider the gravity of the unfair labor practice and the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, or on the public interest.''.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–26. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–26.

Mr. KING of Iowa. Madam Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KING of Iowa:

At the end of the bill and insert the following:

SEC. 5. PRESERVATION OF EMPLOYER RIGHTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace, a practice commonly referred to as ''salting'', has evolved into an aggressive form of harassment not contemplated when the National Labor Relations Act was enacted and threatens the balance of rights which is fundamental to our system of collective bargaining;

(2) increasingly, union organizers are seeking employment with nonunion employers not because of a desire to work for such employers but primarily to organize the employees of such employers or to inflict economic harm specifically designed to put nonunion competitors out of business, or to do both; and

(3) while no employer may discriminate against employees based upon the views of employees concerning collective bargaining, an employer should have the right to expect job applicants to be primarily interested in utilizing the skills of the applicants to further the goals of the business of the employer.

(b) PRESERVATION OF EMPLOYER RIGHTS.—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by adding after and below paragraph (5) the following: ''Nothing in this subsection shall be construed as requiring an employer to employ any person who seeks or has sought employment with the employer in furtherance of such person's other employment or agency status.''.

The Acting CHAIRMAN. Pursuant to House Resolution 203, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chair, my amendment is an amendment that is adapted from a piece of legislation that has actually passed this Congress in the past and is called the anti-salting legislation. And a salt is when a union often has an employee on their payroll, sends them to accept employment at a non-union operation, where their purpose there is to organize in favor of the union. It is really kind of a spy technique to define it.

My amendment is actually pretty plain and pretty simple. And the operative language in it is that: Says nothing shall require an employer to hire an employee if that employee is in furtherance of some other employment or agency status.

That is the standard that is in the legislation. And I would point out that this puts the employer in a very, very difficult spot. They will often be able to identify the salts that get lined up, and some of the practices that take place will be there will be companies that will have expansion opportunities, and perhaps they want to hire 100 employees and they have got the demand to do that, but they are afraid that they will be targeted by what I will consider to be labor organization practices that are designed to take grievances before the NLRB for the purposes of organizing within that company, and if they can't get organized within the company, then they are willing to take the company down, as exemplified by CR Electric's $80,000 costs, Construction Electric forced out of business, $32,000 in costs.

Titus Electrical Contracting spent over one-half million dollars defending themselves against baseless charges. These things happen. And when an applicant comes forward before a merit shop employer and that applicant is clearly a salt from the union, then it puts the employer between the devil and the deep blue sea. He has two choices: He can either decide not to hire the employee, in which case there will be trumped-up charges bought to the NLRB which will cost them money; or, he can decide to take his medicine and do the hire, in which case if he does the hire, he knows that he has got an organizer there.

Now, I support labor organizations' ability to do that. They have a right to collectively bargain. And that should be in place in this country and it is, and I am philosophically in support of it as well. But we can't be allowing these kind of tactics.

This amendment is a simple piece of legislation.

Madam Chair, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Madam Chair, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ANDREWS. Madam Chair, can the gentleman reserve the balance of his time?

The Acting CHAIRMAN. Yes. Under the rule, the gentleman may reserve.

Mr. ANDREWS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Madam Chair, I yield myself 2½ minutes.

I oppose the amendment. First of all, let's make it very clear that salting, the practice the gentleman addresses, is legal. What is not legal are disruptive practices if one is working for an employer, as they should be illegal.

The gentleman's amendment frankly offers a breathtaking introduction of a discriminatory practice in the statutes of the country. If I read the amendment correctly, an employer could refuse to hire someone simply because someone is in a union. So let's think about the facts that would be involved here.

Let's say a person works part-time for a grocery store, and as a part-time worker they become a member of the union at the grocery store.

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Then they go to apply for a job at a telecommunications company. As I read the amendment, the telecommunications company could refuse to hire the individual who worked in the grocery store, who is a member of the union, simply because the person was a member of a union.

This is a remarkable precedent. It basically suggests that by being a member of an organization, you subject yourself to discrimination. I think if the gentleman would think about someone else's ox being gored, he would understand what's wrong with this.

If an employer said we won't hire someone because you have been in the chamber of commerce, you have a pro-business attitude, we would be offended by that. If someone said we are not going to hire you because you have been in the National Rifle Association, we think there is something wrong with that, I think we would be offended by that.

There is no functional difference between what the gentleman is proposing and those discriminatory scenarios. The purpose of our law is to prohibit discrimination, not sanctify it. I believe that this would be a breathtaking departure from the tradition of American law where we discourage discrimination rather than make it a part of our statutes.

Salting is legal. Disruptive behavior is illegal. It stays ''illegal'' under the bill before us. But if the gentleman's amendment were adopted, discrimination against someone simply because the organization he or she is a part of, would become legal. That is a very, very unwise policy.

I oppose the amendment.

Madam Chairwoman, I reserve the balance of my time.

Mr. KING of Iowa. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN. Both sides have 2½ minutes remaining.

Mr. KING of Iowa. Madam Chairwoman, I yield 30 seconds to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairwoman, as much as I appreciate my friend from New Jersey's comments, in the committee we had a different amendment which said that nobody hired in the last 30 days before an election could vote, and then we wouldn't have had to be discriminatory. But, of course, that was defeated unanimously on the Democratic side.

This amendment tries to address it in another way, because we weren't allowed to address it in the other way, and it was defeated. I support this because, in fact, people who aren't committed to the company come in for the sole purpose of unionizing, and we haven't been allowed to address it in any way.

Mr. ANDREWS. Madam Chair, I yield myself 30 seconds.

My friend from Indiana, I would ask if I have in any way misstated the amendment, that what I say about the amendment, is it accurate or inaccurate?

Madam Chairwoman, I yield to my friend from Indiana if he cares to answer. Is my characterization accurate?

Mr. KING of Iowa. If the gentleman would yield.

Mr. ANDREWS. I am yielding to the gentleman from Indiana who made the point.

Mr. SOUDER. I will let Mr. KING explain the particulars, but my understanding is we have tried several ways

to address this problem, and this is the only one that was allowed to be voted on.

Mr. ANDREWS. I think my characterization is accurate.

Madam Chairwoman, we reserve the balance of our time.

Mr. KING of Iowa. Madam Chair, I yield 1 minute to the gentlelady from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Madam Chairwoman, union salting is used by labor union bosses to deliberately insert one of their members into a nonunion company, very often to simply destroy the business.

A ''salt'' typically employs tactics such as sabotaging equipment in work sites, deliberately slowing down work, and intentionally creating unsafe working conditions and filing frivolous unfair labor practice complaints or discrimination charges against the employer.

The brutal practice of salting is extremely harmful to an employer who is acting in good faith and wants to provide a service, make a living and create jobs and provide wages for a family in a community. This is why we must put an end to the destructive practice of salting, which is why I urge my colleagues to support Representative KING's amendment.

Mr. KING of Iowa. Madam Chairman, I reserve the balance of my time.

Mr. ANDREWS. I would ask the gentleman if he has further speakers. We will reserve our right to close debate on the amendment.

Mr. KING of Iowa. My response would be I have no further speakers and 1 minute remaining.

The Acting CHAIRMAN. The gentleman from New Jersey has the right to close.

Mr. ANDREWS. We would continue to reserve our time.

Mr. KING of Iowa. Madam Chair, first in response to the gentleman from New Jersey, the language that is operative here that addresses the union membership issue that you raise says, ''in furtherance of such person's other employment or agency status,'' so they could hold two union jobs as long as the purpose of the one was not to undermine the organizations of the other.

I have lived with union salting. I have seen it happening. I have seen scraper operators with a load of dirt drive into the mud hole, and then when we pushed him, went to push him out, they would put it into neutral and step on the fuel and act like they were trying, but they weren't. They were slowing down the operation before a union vote. I lived through this.

I understand what union salting is. I support the organization of a union's ability, but I do not support the devil's choice that is given to the employer that takes down small businesses, breaks companies.

We can't have that kind of thing in this country. The devil's choice, the spot between the devil and the deep blue sea, is where they find themselves. This lets an employer make a choice at the hiring as to whether that employee represents themselves for the job for the employment. Of course, they should have the job if they are otherwise qualified.

This salting bill passed this House of Representatives in March of 1998 with a significant margin. We will have a vote up today on that. I appreciate that.

Mr. ANDREWS. Madam Chairman, I yield the balance of our time in opposition to the chairman of the committee, Mr. MILLER.

Mr. GEORGE MILLER of California. Madam Chairwoman, I think the gentleman from New Jersey has explained this quite correctly. This allows you, because of your membership in a union, to be discriminated against in the employment.

The actions that the gentleman says that he wouldn't like to have take place are actions that are already illegal under the law. You don't get to disrupt the workplace. You don't get to engage in those kinds of activities, and that's the way the law is written.

This is just simply a broad discriminatory practice against the employment, or it allows the nonemployment of individuals who are members of the union. At very best, under the best interpretation, what this employee would buy themselves if they go to seek a job is they would get themselves a lawsuit. They would have to sue for the right to be employed in a workplace.

You know, a job today in America is not a luxury; it is a necessity. This is just part of the harassment of individuals who believe in the organization of the workplace. This is just one more of the harassment, and now they want to put this one into the statutes of the United States.

We should vote against this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. FOXX

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–26.

Ms. FOXX. Madam Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. FOXX:

Page 4, line 16, strike ''and''.

Page 4, line 19, strike the period, closed quotation mark, and second period at the end and insert ''; and''.

Page 4, after line 19, insert the following:

''(C) procedures and a model notice by which an individual can request that the labor organization not recruit or solicit for membership, distribute information or material to (whether by mail, facsimile or electronic mail, in person, or by any other means), communicate with, or attempt to communicate with or influence that individual with respect to any question of representation or the exercise of the individual's rights under section 7.''.

The Acting CHAIRMAN. Pursuant to House Resolution 203, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentlewoman from North Carolina.

Ms. FOXX. Madam Chairman, I appreciate the opportunity to speak in support of this amendment, which we are calling Do Not Contact Amendment to H.R. 800, which I agree is the Employee Intimidation Act.

I strongly oppose H.R. 800 in its current form, and that is why I have submitted this amendment. This amendment requires the National Labor Relations Board to promulgate standards and a model notice for an employee to put him or herself on a Do Not Contact list to avoid union solicitation. This will really test whether the opposition believes what they have just been saying in the last few minutes.

By removing workers' rights to a private ballot election, we are consequently leaving those workers vulnerable to coercion, pressure, outright intimidation and threats. But if we have a Do Not Contact list, then they can avoid the intimidation and threats.

Let me illustrate the need for a Do Not Contact list by quoting from the testimony of Tom Riley, employee of Cintas Corporation in Pennsylvania, before the Subcommittee on Employer-Employee Relations, House Committee on Education and the Workforce on September 30, 2004:

''But I draw the line, Mr. Chairman, when union organizers come to my house on a Sunday afternoon telling my wife that they were with the company and needed to talk with me. When I came to the door, they admitted they were really with the union and started trying to tell me all sorts of bad things about Cintas. I told them to leave, and they eventually did.

''I called a friend of mine from work, and he said they had been to his house too. What is disturbing is that I have an unlisted telephone number and address on purpose. I don't like the fact that union organizers are now coming to my door lying to my wife about who they are and what they want.

''I have since learned that the union may have gotten my personal information illegally by copying down my license plate number and getting information from the State's vehicle registration files, which we understand is a violation of the Federal Driver's Privacy Protection Act. In one case there is a co-worker who doesn't live with his parents, but the car he drives was registered at his parents' address, and his parents got visits by union organizers.

''That is why several of my fellow employees and me, along with a number of our family members, have filed a lawsuit against the unions for what we believe they have done in violation of Federal law, and it appears that the unions have been doing this to other employees in other parts of the country too.''

Madam Chairman, this is why I think Congress must consider the Do Not Contact amendment to further protect American workers.

Madam Chairman, I yield 2 minutes to my colleague from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentlelady for yielding.

Madam Chairman, I rise in strong support of her amendment. I thank her for her effort in bringing this amendment to the floor.

This amendment was crafted with a simple principle in mind. If a worker wants to be free of union solicitation, he or she should have the free choice to ask not to be contacted. During our committee debate, it was said by several Members on the other side of the aisle that the men and women making union decisions are adults and should be left to make up their own minds without outside interference.

I totally agree, and that is why this amendment is so important. It provides the opportunity, real free choice, the choice of whether to listen to and engage in union organizers or to tell them to leave you alone. Much like the highly popular Do Not Call list, which places the power in the consumers' hands, this amendment places the power in the workers' hands, where it should be; and I urge its adoption.

Ms. FOXX. Madam Chairman, I reserve the balance of my time.

Mr. ANDREWS. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. I yield myself 2½ minutes.

Madam Chairman, this amendment is unnecessary. It is unfair, and I believe it is unconstitutional, and it should be opposed.

If there are practices where union employees are coercing workers to sign cards or sign a petition, those practices are illegal and will remain illegal after this bill is passed. Under section 6 of this bill, if there are circumstances where union organizers are coercing or intimidating people to try to get them to sign a card or cards, the labor board would presumably find those efforts to be invalid, and the card would be invalid, so the amendment is unnecessary.

It is unfair in this respect. It is rather remarkable, the ranking member of the full committee just talked about adults being able to protect themselves against certain circumstances. I see no amendment from the minority that says that workers could be free from going to one-on-one meetings with their supervisors. I see no amendment from the minority that says that workers could be free from being forced to attend captive meetings where their employer has all the say and the union has none of the say.

I see no amendment that indicates there would be a strengthening of protection against firing people during an organizing drive for which there is a strong record that this is happening on a regular basis.

I further believe the amendment is probably unconstitutional. The amendment says that it outlaws efforts to ''communicate with individuals with respect to questions of representation.'' As I read this, if the union took an ad in a newspaper that encouraged people to sign a card and join a union, that is an attempt to communicate with an individual about the question of union representation.

We have a principle and constitutional interpretation in this country, where overly broad prohibitions against speech are presumptively invalid. This is an overly broad, and, I believe, presumptively invalid prohibition against free speech.

The amendment is unnecessary, it is unfair, it is unconstitutional. It should be defeated.

Madam Chairwoman, I reserve the balance of our time.

Ms. FOXX. Madam Chairwoman, last week I said in the committee that I have never in my life seen language twisted in issues and ideas twisted in the way that they have been twisted in response to this bill. I said that Congress has often been described as a circus, and if this were a circus, then the people on the Education Committee who support this bill would surely be in the contortionist area of the circus, because contorting the language to say that taking away the right to a secret ballot is more democratic than the right to a secret ballot is the most unbelievable language that I think I have ever heard on the floor.

□ 1345

And I think this has to be one of the worst bills that has ever been introduced in the Congress. And I want to say that at least, by passing my amendment, we could avoid harassment and intimidation by the unions. And I know that that occurs. And we could at least allow people the freedom to be not bothered by the union people who, the only way of getting this done is to harass people to sign a card.

Mr. ANDREWS. Madam Chairman, I yield myself 15 seconds and, once again, point out that a group that is opposed to this bill has scoured the record and over 60 years of history has found only 42 instances of illegal behavior by union organizers.

Madam Chairman, I yield the balance of our time in opposition to the amendment to the chairman of the committee.

Mr. GEORGE MILLER of California. Madam Chairman, you look at this amendment and you realize this is just another piece of the continued effort by which the party on the other side is fully prepared to diminish the rights of workers to have access to information about an organization that may help them in the workplace. But, you know what?

If the employer wants to bring that worker in and sit him down on a one-to-one meeting with the supervisor, with the owner of the company or the Board of Directors, if he wants to take them off of their job where they may be getting paid for productivity and explain to them why they shouldn't join the union and all that, there is nothing to protect that employee there. There he is sitting with the person who can fire them. There he is sitting with the person who fired over 35,000 people or docked their pay or did some other illegal action against them because they said, well, I think I might still want a union.

But if the union wants to go out, if other employees want to talk to their fellow workers about this, you have no opportunity to communicate. And then you are supposed to go into an election. But one side doesn't get any opportunity to communicate.

That is an interesting theory, that those with all of the power in this arrangement, those with the authority to hire and fire, they get unlimited access. But here, you may get, on break time in the break room you may still have a little tiny bit of access for the union, but they can't talk to a person out there because they could take them off the list.

What do you think the first thing is the employer might suggest to the employees when they hear that there is a union effort in the company? Put yourself on the Do Not Call List. Joe, did you put yourself on the Do Not Call List yesterday? Because then the employer knows immediately that the union no longer has access. Just another form of intimidation, just another form of a kind of arbitrary power over the employees, just one of those little things that the anti-union consultants will tell the employer to check off.

Make sure you told your employees to sign up for the Do Not Call List. Make sure you run down that list, find out who signed up and who didn't, get that list clean, because if we ever get that list, if we can get 100 percent, then the union has no access to them. It is a wonderful tool in the name of democracy you want to put into the hands of the anti-union campaigns.

No, it is very unfortunate that they simply won't allow workers to make this decision, the decision that is accommodated and allowed and provided for in the law of whether or not they want an NLRB election, or they want a majority sign up. They are not going to do that. And so fearful of the decision that the employee might make, they have decided to insulate the employee from the campaign and put them off limits to anybody except the employer.

No, this amendment should not be supported at all, and I urge its defeat.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. FOXX. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MCKEON

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–26.

Mr. MCKEON. Madam Chairman, I offer my amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MCKEON:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Secret Ballot Protection Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the right of employees under the National Labor Relations Act to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law;

(2) the right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality; and

(3) the recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. 3. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively and inserting after paragraph (2) the following:

''(3) to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the Board in accordance with section 9;''.

(2) APPLICATION.—The amendment made by subsection (a) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized before the date of the enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)), as amended by subsection (c) of this section, is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by adding at the end the following:

''(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the Board in accordance with section 9.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of this Act.

(c) SECRET BALLOT ELECTION.—

(1) IN GENERAL.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by inserting after ''designated or selected'' the following: ''by a secret ballot election conducted by the Board in accordance with this section''; and

(2) APPLICATION.—The secret ballot election requirement of the amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of this Act.

SEC. 4. REGULATIONS.

Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated before such date to implement the amendments made by this Act to the National Labor Relations Act.

The Acting CHAIRMAN. Pursuant to House Resolution 203, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Madam Chairwoman, I yield myself such time as I may consume.

While serving in the House, our former colleague, Congressman Charlie Norwood, was a tireless advocate for the right to vote through a private ballot, and he introduced this legislative language last month as the Secret Ballot Protection Act. I offer this amendment with Charlie in mind.

The Secret Ballot Protection Act would insure that an employee has the right to a private ballot, free from intimidation and coercion. By contrast, the so-called ''Employee Free Choice Act'' would take away that right and make every employee's vote completely and utterly public to everyone.

A private ballot insures that no one knows who you voted, not your colleagues, not your employer, and not the union organizer. This is a fundamental democratic right our constituents enjoyed last November, and it is a fundamental democratic right that Americans have come to expect. That right should never be taken away from them, whether at a polling place, in a congressional election, or in the workplace.

Polls of union members confirm that they agree that the fairest way to decide to unionize is through a secret ballot election. For example, according to a poll conducted a few years ago, 71 percent of union members agreed that the current secret ballot process is fair. And 78 percent of union members said that Congress should keep the existing secret ballot election process in place and not replace it with another process.

And earlier this year, another poll was released demonstrating the same type of strong support for secret ballot elections among all Americans. 87 percent of those polled agree that ''every worker should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union.'' And as a result, 79 percent oppose the so-called ''Employee Free Choice Act.''

The Supreme Court also agrees that a secret ballot is the best way to determine support for a union in the workplace. The 1969 Gissel Packing decision states a secret ballot election is the ''most satisfactory, indeed, preferred method of ascertaining whether a union has majority support.''

Unions agree too. In fact, they have passionately insisted on a secret ballot election in decertification elections. In those instances, they called the secret ballot a ''solemn'' occasion, imperative to preserving ''privacy and independence.''

And yes, even some sponsors of the underlying bill agree, according to their now infamous 2001 letter to Mexican labor officials. In that letter, they stated very plainly that the ''secret ballot is absolutely necessary in order to ensure workers are not intimidated.'' And I couldn't agree more.

Madam Chairwoman, this amendment is offered in exactly that spirit, and I urge my colleagues to vote ''yes.''

I reserve the balance of my time.

Mr. ANDREWS. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 15 minutes.

Mr. ANDREWS. I yield myself 1 minute.

Madam Chairman, I would like the RECORD to reflect a couple of points.

First of all, with respect to this continued phrase about a public ballot. The card is not a public document. When the card is collected by the organizers it is turned in at some point to the Labor Board for certification.

Second, this public opinion poll that keeps being referenced, or these polls that keep being referenced, none of the respondents to these polls were party to the information about the systemic pattern of coercion that has taken place in the workplace and asked questions, I believe, that were rather loaded.

And finally, on the issue of decertification, the fact of the matter is that the law today gives an employer the right to refuse to bargain with and recognize a union if there is a manifestation by a majority of the workers that they no longer wish to be recognized. There doesn't need to be a vote before an employer can choose not to recognize the union.

Madam Chairman, at this time, I would like to yield 2½ minutes to the

gentlelady from New York City, Brooklyn, more specifically, Ms. CLARKE.

Ms. CLARKE. Madam Chairman, the Employee Free Choice Act serves as a remedy to the squeeze on the middle class, due, in part, to the large scale erosion of workers fundamental freedom to bargain for better wages and benefits. Over the last several decades, workers' rights have come under increasing attacks. Even though workers in the United States under the National Labor Relations Act have the right to organize and collectively bargain, violations of these rights include the firing of employees for union activity.

In committee, Madam Chairman, we heard testimony of witnesses who spoke either in support for or against the bill on the House floor today. I find it difficult to understand how, in good conscience, Americans who, a generation before benefited from union activity, would be this opposition to this bill.

During organizing campaigns, 25 percent of employers illegally fire at least one worker for union activity.

The chance that a pro union worker activist is fired for his or her union activity today is now 1 in 5.

78 percent of employers in organizing drives forced employees to attend one-on-one meetings against a union with their own supervisors, and 92 percent of the employers forced employees to attend mandatory captive audience meetings against the union.

75 percent of the employers in organizing drives hire consultants or other union busting firms to fight the organizing drive.

The middle class squeeze has created a human rights crisis in this country. The Nation, the economy, and the employees benefit from the workers having the freedom to join together to bargain for better wages and benefits.

I wanted to just take a moment today because this piece of legislation will now bring justice to what has been a real injustice to the American people. I had the occasion to sit in on our committee hearings. Today I just wanted to bring to everyone's memory a gentleman named Mr. Ivo Camilo. He worked for the Blue Diamond Company for 35 years. He signed a letter with 58 coworkers saying that they wanted the right to organize and wanted that to be respected. A week later, Mr. Camilo was fired.

Today I cast my vote on behalf of Mr. Ivo Camilo, who sacrificed for each and every American the right to organize. He sacrificed his livelihood for all of us and for future generations. Thank you very much, Mr. Camilo.

And I urge all of my colleagues to vote ''yes'' for this legislation.

Mr. MCKEON. Madam Chairwoman, I am happy to yield at this time 5 minutes to the gentleman from Missouri (Mr. BLUNT), our minority whip.

Mr. BLUNT. Madam Chairman, I appreciate having the time. I appreciate the leadership that my good friend from California has shown on this issue.

Madam Chairman, Members, many of us in this Chamber have been reminded over the years, some of us more frequently than others, that elections don't always yield the most convenient results. But as unpredictable and, at times, disappointing as their outcomes can be, for some reason we keep holding them, and we go to extraordinary lengths to ensure that basic conditions of privacy and integrity are properly observed and protected. The reason we do that is not that we are gluttons for punishment, that we want to go back facing the disappointment of not being successful on election day. It is that, in our democracy, secret ballot elections represent an essential mechanism for establishing legitimacy. We recognize elections as the fabric that holds our democracy together.

□ 1400

Lose an election, and you tend to ask yourselves plenty of questions. Most of us, though, after all the soul searching we do, don't decide that one of those questions is answered by the idea that next time we just simply fail to hold the election. We understand that that is not one of the options we have.

The advocates of the underlying bill say we should suspend a worker's right to register his or her choice by a secret ballot and replace it with a system in which workers would be forced to publicly declare their preference to friends and to co-workers through a series of cards that would be collected. Mr. MCKEON's amendment, before that, the bill introduced in previous Congresses by our friend, Mr. Norwood, says that we must have, in all instances, a secret ballot election.

Which system is more vulnerable to peer pressure and intimidation? An anonymous secret ballot election overseen by the National Labor Relations Board, or a public declaration of whether you want a union or not.

There was a time in this country when you had to publicly go to every polling place in America and cast your ballot publicly, audibly or visually, so that everybody in the polling place knew how you voted. But over a century ago, one of the great reforms in this country was that that system would never be allowed to happen again. And one by one the States adopted secret ballot elections as one of the great reforms that has protected our democracy.

We have already heard, probably more times in this debate than anybody would want, the lead sponsor and his comments about secret ballot elections in Mexico just a few years ago.

There was a day when labor advocates like Senator Robert LaFollette and the AFL founder, Samuel Gompers, toured the country in a push for more open, more voluntary standards for joining a union. And in every case, they fought for the right of a secret ballot, the very privileges the sponsors of this bill say today are no longer needed.

The former chairman, the ranking member's amendment, says let's defend the secret ballot, let's protect the workers' right to cast their vote in privacy. Support this amendment. Oppose the bill. Stand up for democracy as we vote today.

Mr. ANDREWS. Madam Chair, at this time I am pleased to yield 2 minutes to a new Member making quite an impact, the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Madam Chair, it is my honor to be on the committee that has brought this bill forward, and I urge my fellow Congressmen and -women to say ''yes'' to this bill.

What this bill is doing is finally representing the working men and women of America. It is finally giving them an opportunity to once again regain a decent wage and to regain benefits.

It is critical for our country and for our middle class to have this bill passed, but there is reason for this also. Because when people have worked in factories before without union representation, they worked under extremely difficult circumstances.

In the early 1970s, I worked in a factory during the summers when I was in college. And I saw people come in and try to form a union, and I saw them get fired as soon as they heard about it. And so the people who had to work there day after day, year after year had to suffer under some pretty terrible conditions that most people would not accept.

So the union is critical and the support for it is critical. But I also support the idea that people can vote out in public. And I vehemently disagree that this will in some way harm individuals. I live in New Hampshire; and in New Hampshire, many of the towns still have town hall meetings. You stand there publicly and you vote. And nobody experiences any great tragedy for speaking as a body and as an individual in that body to say what direction they want their town to go in. This has been part of our history from the very beginning, and I am proud to endorse this bill.

I urge my colleagues to vote ''yes.''

Mr. MCKEON. Madam Chairwoman, I am happy to yield at this time 3 minutes to the former Speaker, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. I thank the Chairman.

Madam Chairman, just months ago, after voters went to the polls and elected myself and my colleagues through private ballot elections, Democrats today are attempting to strip that basic right to cast a private ballot from the American worker.

The right to vote in America, regardless of race, regardless of religion, regardless of gender, is a right that has been fiercely fought for and protected. The right to keep that vote private is fundamental to the success of any democracy.

The current system in place for union elections is fair. The NLRB has detailed procedures in place to ensure a fair election, free of fraud, where workers can cast their votes in private, without fear of coercion from business or labor.

A recent poll shows that almost nine in 10 voters agree that every worker should continue to have the right to a federally supervised secret ballot election when deciding whether or not to organize a union.

In 2000, we had the closest national election in our Nation's history. Many of my colleagues, particularly those on the other side of the aisle, demanded reforms to ensure to the greatest extent possible that every vote will be counted, and that to the greatest extent possible that every vote has the integrity of the ballot box. That election highlighted the needs for election reform, and we acted.

This House passed the Help America Vote Act to help ensure free and fair elections for years to come. We wanted to protect the confidence so that when every American goes to the ballot box, it will be secret, they won't be intimidated, and their ballot will be rightfully counted. However, today on this floor, the same people who pushed for voters' rights back then are now trying to abolish them. This bill will only erode the American public's confidence in the democratic process.

So why do labor unions want to fix a system that isn't broken? Because it tips the scales to their advantage and to disadvantage workers. How much did labor unions have to pay to pass this irresponsible bill through Congress? $60 million. For this, their reward is to silence the voice of American workers.

If Democrats were really concerned about the well-being of our labor force, they would instead work to protect workers against the violence that often erupts as a result of labor elections. Federal courts have held that some union activities are exempt from the Hobbs Act, including violence. As a result, incidents of violence, assaults have gone unpunished.

The so-called Employees Free Choice Act could increase violent, nonunion intimidating tactics. The bill would publicize workers' votes, and even further expose them to possibility of retaliation.

Democrats are trying to eliminate democracy in the workplace. This bill strips away a worker's voice and increases the likelihood that workers will be threatened and harassed.

Madam Chair, I urge my colleagues to vote to protect and defend our workers. Support the McKeon substitute and vote ''no'' on H.R. 800.

Mr. ANDREWS. I am pleased to yield 2 minutes to my friend from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Chairman, I thank my colleague. And as an alumni of the Education and Labor Committee, I appreciate the time today.

Madam Chairman, I rise in strong support of this legislation and oppose the substitute. I applaud the chairman and members of the Education and Labor Committee for their work on this bill.

We have a problem in our country. When I was growing up, we always heard the rich get richer and the poor get poorer, but we know now that we have a disparity between the richest and the poorest in our country that is getting bigger every day.

The Employee Free Choice Act gives employees the protections they need to form unions and provide mediation and arbitration for first contract disputes. This is the first step to try and lower that disparity, where people can organize together and actually improve their living standard.

I am pleased, also, that section 3 of this bill includes language that I have worked on for many years by incorporating language from our bill, H.R. 142, the Labor Relations First Contract Negotiation Act. The bill requires an employer and a union to go to Federal Mediation and Conciliation Service, FMCS, for mediation for agreements not reached within 90 days or either party wishes to do so.

So we don't have these year-long discussions about trying to get a contract. If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute will be referred to arbitration, and the results of the arbitration will be binding on both parties for 2 years.

So we will see contracts, after we have the elections, where there are elections or card checks. We have seen numerous examples in the Houston area of elections taking place, and then there is a long delay in the negotiation process.

As a whole, this legislation is a huge victory for workers and employees across the country and can help us with the wage gap between the highest paid and the lowest paid in our country. Joining together in a union to bargain for better wages, benefits, and working conditions is the best opportunity for working people to get ahead and is a part of the true free enterprise system that we say we are for.

Today, good jobs are vanishing and health care coverage and retirement security are slipping out of reach. Employees who belong to unions earn 30 percent more than nonunion workers. They are 60 percent more likely to have employer-based insurance and four times more likely to have pensions.

Madam Chairman, I rise in strong support of this legislation and oppose the substitute. I applaud the Chairman of the Education and Labor Committee for his work on this bill. We have a problem in our country—as a child I heard the rich get richer and poor get poorer. This bill helps correct that problem. The Employees Free Choice Act gives employees the protections they need to form unions and provides mediation and arbitration for first-contract disputes.

I am pleased Section 3 of this bill includes language I have worked on for many years.

By incorporating language from H.R. 142, the Labor Relations First Contract Negotiations Act, the bill requires an employer and a union to go to the Federal Mediation and Conciliation Service (FMCS) for mediation if an agreement is not reached in 90 days and either party wishes to do so.

If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute will be referred to arbitration, and the results of the arbitration will be binding on the parties for two years.

We have seen numerous examples in the Houston area of elections taking place and then there is a long delay in the negotiation process.

As a whole this legislation is a huge victory for workers across the country and can help with the wage gap between the highest paid and the lowest paid in our country.

Joining together in a union to bargain for better wages, benefits and working conditions is the best opportunity working people have to get ahead and is a part of true free enterprise.

Today, good jobs are vanishing and health care coverage and retirement security are slipping out of reach.

Employees who belong to unions earn 30 percent more than nonunion workers.

They are 60 percent more likely to have employer-provided health coverage and four times more likely to have pensions.

We need to ensure protections are in place to allow employees to form unions without harassment so that they can negotiate for the well being of themselves and their families.

Madam Chairman, this legislation will provide workers with these protections and I urge my colleagues to join me in supporting the Employee Free Choice Act.

Mr. MCKEON. Madam Chairwoman, might I inquire as to the time.

The Acting CHAIRMAN. The gentleman from California has 5½ minutes. The gentleman from New Jersey has 8 minutes remaining.

Mr. ANDREWS. At this time, I would like to yield 2 minutes to a member of the subcommittee, Mr. HARE.

Mr. HARE. I thank the gentleman.

Madam Chairman, there has been a lot of talk here about the last election. And my friends on the other side of the aisle were talking about the secret ballot. The reason that they lost the election wasn't because they had the secret ballot. They lost the election because they lost sight of what they were here to do, stand up for ordinary people, fight for them.

It took the Democrats a little less than 2 weeks to raise the minimum wage. My friends on the other side of the aisle had this Chamber for 12 years and couldn't get it done.

We are standing here today, and I mentioned earlier that I organized a plan. I have been there and I have done that. I worked on the J.P. Stevens boycott, where the foreman would literally follow the employee to the restroom to make sure she or he was not taking an unauthorized break. Someone would show up at the hospital, if they were injured, at the emergency room to tell the employee, if you don't show up for work tomorrow, you are fired.

My friends, we have heard a lot of talk today, but actions speak much

louder than words. For 12 years, my friends on this side of the aisle have had a chance to improve workplace safety and they haven't done it, a chance to strengthen workers' rights. And you would swear today that they are the champion of ordinary people giving them the breaks. Well, for 12 years we have watched. Today, we act.

I will put my card in. I will vote ''yes'' for all of the people who want a fair shake, an opportunity to join a trade union, to have health insurance and better benefits.

It didn't take us 12 years, my friends, to understand. And trust me when I tell you, we will pass this legislation. And as the end of the movie ''The Inheritance,'' the movie that formed my stance on unions, an older man looks into the camera, and he says, you think this is the end? My friends, this is only the beginning.

Mr. MCKEON. Madam Chairwoman, I am happy now to yield 1 minute to the gentleman from Georgia, a member of the committee, Mr. PRICE.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Chairman, the previous speaker said this is only the beginning. That is our concern, and that is the concern of the American worker.

Our friends on the other side of the aisle have said that people can get fired when they show an interest in either signing up or supporting a union. Well, it is curious. In our committee we heard from Ernest Bennett, who is the director of organizing For UNITE, a union, who told a room full of organizers, while he was organizing this union, during a training meeting for the Cintas union, that if three workers weren't fired by the end of the first week of organizing, that UNITE wouldn't win the campaign. Madam Chairman, facts are tricky things.

So when did the rights of American workers become so dispensable? When did allowing Americans to decide in private how they would make decisions that affect their life become expendable? A party that claims to be a voice for American workers is going to silence them in one quick vote. It is shameful and it is saddening. And it is even more disturbing that some of our friends on the other side of the aisle feel that Mexican workers deserve more rights than workers here in America.

Madam Chairman, I support Charlie Norwood's bill. A secret ballot protects all and preserves democracy and defends the American worker.

Mr. ANDREWS. Madam Chair, we have no other speakers on our side. We reserve the right to close. And if my colleagues would like to do so, we would yield to them. We will reserve our time.

□ 1415

Mr. MCKEON. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Chairman, we have heard people on the floor today say basically that eliminating the secret ballot will not affect the ordinary worker's rights.

Madam Chairman, some of us grew up in schools that were public schools, being taught by teachers who were members of the Democratic Party. I loved those teachers and they were very honest people, and they said and they taught and they drilled into us the secret ballot was one of the most important developments in democracy. It separated the United States from other totalitarian and dictatorial governments.

Now I have people coming here on the floor that I don't know as well as my beloved teachers saying those teachers were mistaken or lying, they don't know what they are talking about. And what I am getting to believe is, this isn't up for the ordinary workers, this is playing to the officers of hard-working American union members.

I would submit when we have people say in letters and on the record that the secret ballot is important to avoid intimidation, when they would come to my courtroom they used to ask, are you lying then or are you lying now. I won't ask.

Mr. MCKEON. Madam Chairman, I am happy to yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Madam Chairman, in this body, everyone is allowed an opinion. My opinion is I am going to vote to preserve the secret ballot and I will vote for Ranking Member MCKEON's amendment.

But I think we also have to recognize that truth has to be told. Just a moment ago, I heard one of my colleagues say that Republicans hadn't raised the minimum wage in the 12 years they were in the majority. Of course, 1997 was in those 12 years. That was the last time it was raised, and 2006, this body, Republicans led to raise the minimum wage. It didn't get out of the Senate. That happens.

Interestingly, Members taking credit for raising the minimum wage, it has only left the House. It hasn't gone one inch further than it did in the last Congress, when Republicans led the way to raise the minimum wage. So, please, you are entitled to your opinion, but not your facts.

I am concerned today that on a partisan basis, the Democratic Party, here and on other initiatives, including looking into putting a disclosure requirement when a preacher in a church says, ''I think you ought to vote your conscience,'' that is going to become public if they have the disclosure.

I think there is a pattern of trying to make public for purposes of intimidation, and all I can say is shame on the Democratic Party.

Mr. MCKEON. Madam Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I think it is important to sort out what this debate really is about. It is not about union workers and it is not about unions. I understand people who support unions and union workers. What this debate is about is too much power for unions. Don't take my word for it. Listen to The Los Angeles Times.

''Unions once supported the secret ballot for the organization elections . . . Whether to unionize is up to workers. A secret ballot ensures them that their choice will be a free one.''

You simply cannot come to this floor and say this bill is balanced or fair, because it does not treat both sides right. If you want to decertify a union, that is a secret ballot under this bill. If you want to create a union, it has to be by card check. Why isn't it extended to both issues?

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I appreciate the debate that we have had here today. I think everybody at this point understands, as Mr. GOHMERT just reminded us, I remember learning as a young student in school, when they had us put our heads down on the desk and vote for class president, it was secret ballot.

As Mr. BLUNT reminded us, we used to have open ballots, and about 100 years ago it was changed to secret ballot. Now the Democratic Party is trying to reverse that and take away from workers rights their opportunity for a secret ballot.

We need to vote against this bill. Vote for this amendment and against the underlying bill.

Madam Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), our minority leader.

Mr. BOEHNER. Madam Chairman, let me thank my colleague from California for yielding, and thank him and the members of the Education and Labor Committee for their work on this bill.

Let me also say it is nice to see the chairman of the Education and Labor Committee here, formerly the ranking member during the 5 years that he and I worked together. During those 5 years, this bill went nowhere. It went nowhere for a very good reason.

Over the last 75 years, the Federal Government, State governments and the National Labor Relations Board have provided law and case history to try to bring balance between the interests of employers and the interests of the unions. If you go down through this long history, there is a very tumultuous history. But throughout this history, the challenge was to bring balance, for workers and their employers.

Over the last 25 years, there is no issue I have spent more time on during my political career than working with the employer community and the employee community, mostly represented by the labor movement.

My goal throughout this last 25 years has been to maintain this balance that

I think works for employers and their employees, and what we have here today is trying to upset that balance, taking away the secret ballot election from workers in order to make their choice whether they want to be represented or not.

It is almost beyond my imagination that this bill is on the floor of the United States House of Representatives taking away the secret ballot election. Think about this for a moment. Think about the 2008 election day, and here we are. You don't get to go into a voting booth and vote for who you want to be President in the 2008 election. You don't get to go and decide in a secret ballot who you want your Member of Congress to be. You have to show up at a town hall meeting, raise your hand as to who you are going to vote for; let your neighbors know, let your opponents know, let your employers know how you are going to cast your vote for President or for your Member of Congress.

I don't think that is what the American people expect of us. Instead of I am looking up at the voting booth, you are going to be standing up in front of God and everyone and telling everyone publicly how you voted. That is not what we want of workers.

Think about this for a moment. This is what a 1990 Federal Court decision found, and I will quote: ''On average, 18 percent of those who sign authorization cards do not want to join the union. They sign because they want to mollify their friends who are soliciting, because they think the cards will get them their dues waived in the event that the union shop prevailed.''

There was an earlier study by the National Labor Relations Board. It found that in cases where unions had cards signed by 30 to 50 percent of the employees, unions only won 19 percent of those elections. Or even when unions had cards signed by 50 to 70 percent of the workers, they won less than half of those elections.

Let's talk about what this really is all about. This bill today is not about protecting American workers. It is about upsetting the balance between labor and management.

But the real issue here is not taking care of workers, it is taking care of union bosses. We all know what is happening to the union movement in America. They represent about 8 percent of the private sector employees in the country, and that number has been dropping precipitously. This is an effort to help them get more members, to make it easier for them to sign them up and to intimidate them to sign cards. So there are no secret ballot elections. And whether they want to join a union or not, they are going to be forced to do it. That is not the American way.

My colleague from California, the sponsor of this bill, knows full well what this bill does and who it is meant to take care of and who it is meant to pay back to. It is not the American way, and that is not what should be happening in the People's House.

We, as Members of Congress, have a responsibility to do what we think is right on behalf of the American people, and I am going to tell you what I am going to do today. I am going to stand up and stand tall, and I am going to vote for every American worker and protect their right to have a secret ballot.

Mr. ANDREWS. Madam Chairman, in closing, I yield the balance of my time to the chairman of the committee, the author of the bill, the gentleman from California (Mr. MILLER).

The Acting CHAIRMAN. The gentleman from California is recognized for 6 minutes.

Mr. GEORGE MILLER of California. Madam Chairman, I thank the gentleman for yielding, and I thank him so much for his role in bringing this bill to the floor and the subcommittee where he chairs the subcommittee and in the full committee during the debate and here on the floor today, and I thank all of my colleagues who voted for this bill.

I don't know, maybe you have been doing business so long where you have been paying back your supporters, you think that is the way everybody does business. And that is why you have people heading down toward the courthouse and that is why you lost your leadership, because they were paying back their supporters.

Now, I know it is hard for you to change your stripes, and some of you will be wearing stripes, but the fact of the matter is, that is not the way we are doing business. But that is your language and that is your habit and the way you ran the Congress. It is pay to play. Pay to play.

Well, a new day is in town, and we are here today about whether or not workers will simply have the choice to exercise a right that has been in the law for 70 years, a right that can be taken away from them like that from an employer who simply says no to a majority of people who want representation in a workplace, a right that is part of the National Labor Relations Act. But it is revoked by employers, arbitrarily, without reason, without purpose. Then they can insert those employees into a process that is well documented now of hundreds of thousands of employees over the last decade that have been punished and had retribution, been harassed, lost pay, lost their homes, lost their jobs, lost their good shift, lost their premium time. That is the record. That is the record.

So the question is simply this: Will we give these employees the choice to decide, do I get to have an NLRB election, or do I want to choose this. Thirty percent can have an election. It takes 50 percent to have a card check.

And your secret ballot, Mr. MCKEON, you forgot to have the secret ballot for the decertification election. Apparently you don't need a secret ballot for that. You just have a card check. Okay. Now we understand what is going on here.

Let's remember today that families find themselves in the most difficult of economic situations. Today, your employer, who has reduced your pension, they have terminated your pension, they have reduced the payments into your pension, they extend the time in years that you have to participate in the pension before you can vest. Your health care, they ask you to pay more for it and reduce the benefits that you are paying more for. They change your hours. They change your pay. They change your premium pay. They change your shift.

So finally people say, I have got to have some say. I want the right to organize at work. I need representation. As the new Senator from Virginia said, everybody needs an agent. ''I need somebody to negotiate with this employer because I am not able to support my family. My wages aren't going up.''

The productivity is going up, the highest productivity in the history of the country, and employees are taking home the smallest share. Who is taking the most home? The CEO's, with their arbitrary golden parachutes and golden handshakes. What about the person trying to support a middle-class family? What about the person trying to decide whether they can hold on to their house or if they can buy their first house? Where do they get to negotiate?

The law says go to the National Labor Relations Act, and there you find a provision that says an employee has the choice of how to do this. But if they choose a card check, the employer can take it away from them. That is not democracy. That is arbitrary. That is capricious. That is an outrage. These are real people. These are real people that have been hurt this way.

I conducted a hearing. Ivo Camilo worked for Blue Diamond Growers for 35 years. He was awarded all kinds of awards for being an outstanding employee. Thirty-five years he gave them his life. And then Ivo said he wanted a union and they fired him. And when he said that to our hearing, he started to cry. Thirty-five years he had worked, and he started to cry.

My granddaughter was sitting next to me in the hearing. She had to leave early, but she had her father call me from the car. She got on the phone and she said, ''Papa,'' she said, ''Papa, why did that man have to cry in front of all those people?''

I said, ''Montana, he cried because he was embarrassed to admit to other people that he couldn't provide for his family; that he had lost a job that he was proud of. He lost a job because he simply spoke up.''

□ 1430

Another constitutional right you forget sometimes, he simply spoke up and said, ''I would like to have representation at work.'' And so Ivo Camilo was fired, along with tens of thousands of

other workers who simply made that statement to their employer.

You believe that is a fair system? That is a fair system that people can be fired? And when he gets his job back, he gets his back pay, no penalty for doing this, and that is why 30,000 people have taken action against them, because there is no penalty for the employer to fire these people, because what do they want, they are trying to increase the security in the workplace, they are trying to increase the financial security of their families.

You can pick up the paper every day and understand what is happening to people with health care, with their pensions. You can see what happens every day. The wages of working people are flat. They have been decreasing over the years, even as they have been the best workforce in America, and now they understand the risks that they run.

They want more say. They want their employers to stop fooling around with pension plans and dipping into their retirement funds and putting those things at risk. That is what the Employee Free Choice Act does: it gives these employees a chance to have representation and protect the health and welfare and support of their families. I urge a vote against the McKeon amendment and in support of the legislation.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. KING of Iowa.

Amendment No. 2 by Ms. FOXX of North Carolina.

Amendment No. 3 by Mr. MCKEON from California.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 264, not voting 10, as follows:

[Roll No. 114]

AYES—164

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—264

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortuño
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—10

Cubin
Davis, Jo Ann
Flake
Fossella
Inslee
Jefferson
Mack
Maloney (NY)
Poe
Serrano

□ 1458

Messrs. SPRATT, CLYBURN, KIRK and Mrs. MCCARTHY of New York changed their vote from ''aye'' to ''no.''

Mr. BUYER, Mrs. MYRICK, and Messrs. LEWIS of California, PETERSON of Pennsylvania, DUNCAN and PLATTS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. FOXX

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 printed in House Report 110–26 offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 256, not voting 9, as follows:

[Roll No. 115]

AYES—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—9

Buyer
Cole (OK)
Cubin
Davis, Jo Ann
Inslee
Jefferson
Maloney (NY)
Obey
Poe

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1507

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. MCKEON

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCKEON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 256, not voting 9, as follows:

[Roll No. 116]

AYES—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez

Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—9

Cubin
Davis, Jo Ann
Inslee
Jefferson
Kaptur
Maloney (NY)
Poe
Rangel
Smith (TX)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1516

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. WELCH of Vermont). There being no further amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DEGETTE) having assumed the chair, Mr. WELCH of Vermont, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, pursuant to House Resolution 203, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The amendment was agreed to.

The SPEAKER pro tempore. 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 OFFERED BY MR. MCKEON

Mr. MCKEON. Madam Speaker, I offer a motion to recommit.

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

Mr. MCKEON. I am.

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

The Clerk read as follows:

Mr. McKeon of California moves to recommit the bill, H.R. 800, to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

Page 4, line 4, insert after ''representative'' the following: '', that such authorizations bear, in addition to the signature of the employee, an attestation that the employee is a lawful citizen or legal resident alien of the United States, and are accompanied by documentary evidence of the same, and''.

Mr. MCKEON (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Madam Speaker, it defies logic that anyone who lives in this Nation illegally and works here illegally is able to decide whether legal workers must join a union.

But under current law, unions can obtain signatures during card check campaigns without differentiating between whether they were signed by legal or illegal workers. This motion to recommit simply requires that the union conducting a card check demonstrates that any card presented for recognition be signed by a U.S. citizen or legal alien.

This is especially important because under the so-called Employee Free Choice Act, the card check would become the law of the land, and literally it would allow union bosses to pick and choose which workers they believe can be most easily pressured into joining the union.

The bottom line, Madam Speaker, is those illegally working in this country should not be pressured into making major decisions such as those involving unionization that will only serve to further erode the free choice of workers who are lawfully here.

I commend the gentleman from Georgia (Mr. PRICE) for offering this amendment before the Rules Committee yesterday.

Madam Speaker, I yield the gentleman from Georgia (Mr. PRICE) the balance of my time.

Mr. PRICE of Georgia. Madam Speaker, I thank the gentleman for his leadership on this issue and in this House. Illegal immigration is as important an issue as any other major policy concern to my constituents, and I know to all Americans.

Across the country, there is overwhelming support for immigration reform, and this is due to the general sense that Federal policies have not succeeded and illegal immigration has become a crisis. With an estimated 12 to 20 million illegal aliens living here, Americans realize that the presence of so many is undermining the rule of law and undercutting the economic security of hardworking Americans.

No one wants to be denied economic opportunity for freedom, especially if it is being determined by those who are not lawfully in the United States. This motion to recommit is an opportunity to address the concerns of legal American workers which have not been raised from across the aisle.

This recommittal would simply require a union to demonstrate that any authorization card presented for recognition be signed by a United States citizen or a legal alien. Under current law, any worker, whether in the United States legally or not, can sign an authorization card. I repeat, under current law, whether in the United States legally or not, any worker can sign an authorization card and have it counted toward the threshold for union recognition.

So far, Republicans have proven that this Employee Intimidation Act is incompatible with the interests of workers, individual liberty, and the principles of democracy. Moreover, the card check process has proven not only to be biased and inferior, but also ripe for coercion and abuse.

Even more incompatible with democracy and ripe for abuse would be to allow illegal aliens the right to approve workplace representation for all legal workers at a site. I can't imagine that anyone truly believes that illegal aliens should be able to weigh in and determine union recognition, compensation, and benefits for legal American workers.

This Nation is at a point where illegal immigration has become such a crisis that it is threatening national security. To get this crisis under control and reaffirm our security, it is not too much to ask that all parties, employers, unions and employees, do their part. Employers are already on the front lines of deterring illegal immigration and verifying employee status.

Asking that authorization cards be determined as ''valid'' and accompanied by documentation is just another step to get the matter under control and ensure only legal workers are

deciding on union recognition and workplace rules.

It is such a small step. Unions can fulfill the requirements by following the same process that employers follow and use the same universe of documents that employers use, and to do this would not only guarantee that illegal aliens are not determining the rules for legal American workers, but it would add another check to strengthen national security.

I urge passage of this motion to recommit.

Mr. MCKEON. Madam Speaker, we yield back the balance of our time.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

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

Mr. GEORGE MILLER of California. Madam Speaker and Members of the House, this is one of the more cynical amendments that could be offered at this time. You are going out to organize a workplace, and the people you are going out to organize are the employees of a company.

Now, either that company has a large number or maybe a total workforce that is illegal, and they don't want you near them; or they are legal because they are employed there, because that employer is supposed to check to see whether or not they are legal and to certify that they are. That is the pool of people that you are seeking to employ.

Now, this administration, you know, I think in 2004, maybe fined five companies, or you can put them on one hand. They now want to shift their failure to enforce in the workplace to the union organizers that they somehow have to do immigration checks because neither the employer apparently did them, nor the administration did them.

This is simply outrageous that we would ask people to do this. The people who are working in the facility, whether it is a plant or a job site, the employer has certified that they are legal, and they are legal workers. Why is it we would shift this to the unions?

If this company is not properly certified, that is why the Federal Government is supposed to be inspecting them. But they don't inspect them, because you haven't done this in the past, because you haven't taken this problem as seriously as you should. But all of a sudden you decided on this bill you are going to take it seriously, and you are going to shift it on to the union organizing effort to check this. It is an outrageous and cynical approach.

If you take it seriously, if you take it seriously, then enforce the law. Enforce the law. You have been in power for 12 years. And apparently this is a problem that is so important that it only comes to light this evening. Enforce the law, 2004, three companies.

Madam Speaker, I yield time to Mr. ANDREWS from New Jersey.

Mr. ANDREWS. I thank my friend for yielding.

Madam Speaker, enforce the law. The erstwhile majority wants organized labor to do what its own administration has failed miserably to do. In the last 6 years before this administration took office, there were an average of 587 convictions of employers for hiring illegal workers.

Since then, this administration has averaged 73 convictions for a year for hiring illegal workers. In 2004, this administration got zero convictions for hiring illegal workers. Do not force organized labor to do what this administration has failed so miserably to do.

Vote ''no.''

Mr. GEORGE MILLER of California. You will have your opportunity to address immigration law. You will have that opportunity. You have tried to deny it over the last several years, but you're going to have it.

All this amendment says is you really dislike the unions even more than you dislike the illegal workers. That is what this says.

POINT OF ORDER

Mr. GOHMERT. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOHMERT. The gentleman is violating the rules by not speaking to the Speaker. We would ask that the rules be enforced.

The SPEAKER pro tempore. Members will not deliver remarks in the second person.

Mr. GEORGE MILLER of California. Madam Speaker, all I can tell you is these people over here, when it was a question of the company, illegal immigration didn't bother them. All of a sudden, nonunion, these folks over here want to put it on the back of the unions in a most unfair fashion.

Madam Speaker, I just want to say to the House, let's not vote for this cynical amendment. Let's vote ''no'' against this and not punish people who are out trying to organize for the benefits of their families and their communities and for their health care and for their wages and put this burden on them that this administration hasn't accepted and the employers haven't accepted or the employers are doing it illegally. Let's enforce this law and not make this a substitute for that.

I ask you to vote against this.

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.

RECORDED VOTE

Mr. MCKEON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 202, noes 225, answered ''present'' 1, not voting 6, as follows:

[Roll No. 117]

AYES—202

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio

DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—6

Cubin
Davis, Jo Ann
Inslee
Jefferson
Maloney (NY)
Poe

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1548

Messrs. KIRK, MITCHELL, and LAMPSON, and Mrs. BOYDA of Kansas changed their vote from ''no'' to ''aye.''

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 noes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Madam 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 241, noes 185, not voting 8, as follows:

[Roll No. 118]

AYES—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—8

Cubin
Davis, Jo Ann
Hastings (WA)
Inslee
Jefferson
Maloney (NY)
Pickering
Poe

□ 1556

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PICKERING. Madam Speaker, on roll-call No. 118 I was unavoidably detained. Had I been present, I would have voted "no."

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my good friend, the majority leader, for information about next week's schedule.

Mr. HOYER. Mr. Speaker, I thank my friend, Mr. BLUNT, the minority whip, for yielding.

On Monday the House will meet, Mr. Speaker, at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules. There will be no votes before 6:30 p.m.

On Tuesday the House will meet at 10:30 a.m. for morning hour business