United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, NOVEMBER 30, 2011 No. 182

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BROOKS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.,
November 30, 2011.

I hereby appoint the Honorable MO BROOKS to act as speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THANKING GOD FOR HIS MANY BLESSINGS

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of South Carolina. Mr. Speaker, this past weekend I joined millions of Americans in celebrating Thanksgiving with friends and family. As Americans, each of us has so much to be thankful for this holiday season.

America is the greatest, most free country in the history of the world. As a Nation, we can do anything we set out to accomplish. We have built the world's most free and successful Republic right here in America. We've used innovation to cure disease, fight hunger, and spread the message of freedom all across the globe.

We've changed the way societies interact by inventing things like the telephone, the automobile, and the airplane. We've built some of the finest schools and universities in the history of the planet. We've changed our world for the better, but none of it would have been possible without the grace and blessing of our Almighty God.

That's why I was both surprised and disappointed that President Obama failed to make a single reference to God during his Thanksgiving address to the Nation. Since the President has a history of doing this sort of thing, it's hard to believe that this was simply an oversight on his part. Perhaps this glaring omission was an attempt at being politically correct. But regardless of the intention, there is no excuse for once again leaving out the One on whom the foundation of our liberties rest.

What did our Founding Fathers say in the Declaration of Independence? Not that our rights come from governments, but rather that our rights come directly from God.

As the Apostle Paul said, ''In everything give thanks, for this is the will of God in Christ Jesus for you.''

We should never pass up an opportunity to thank the Lord for the blessings he has bestowed upon our great Nation.

I know the specter of political correctness looms over our country more than ever before. There's a lot of pressure from elements within our society to censor public comments about faith in Jesus Christ. Groups like the ACLU seek to drive God out of our schools and our classrooms. Universities are discouraged from praying before graduation and athletic events.

Some shopping malls and radio stations would rather play Christmas music only about Santa Claus, and never mention the reason for the season, Jesus Christ. Seeking guidance from the Lord through prayer and thanking Him for the blessings He has given our Nation is something our country should do more of, not less.

Praying and giving thanks to God for all blessing was the example set for us by the first settlers who came to America for religious freedom. Times were tough for them. They endured bitterly cold winters, food shortages, and plagues. The early settlers faced insurmountable odds, but they kept the faith, persevered, and later thrived, leading to the formation of this great Nation.

General George Washington, who went on to become our first President, was known for frequently stopping whatever he was doing and getting down on one knee to seek guidance from the Lord, and to praise Him for the blessings that were given his troops.

Here in this building there's a chapel where Members of Congress can go to pray for our country. And in that chapel there is a beautiful stained glass window, depicting our first President, George Washington, in his colonial uniform, frozen, kneeling in prayer. That chapel should be a reminder for all of us that our country's faith should be nothing to hide, but rather something to embrace and protect. And that image of George Washington in prayer should be a reminder that our leaders need to seek wisdom of the Lord whenever possible.

For the past several weeks, former Heisman Trophy winner and current starting quarterback of the Denver Broncos, Tim Tebow, has come under fire for publicly professing his faith. Facing mounting criticism from the media, from sports commentators, and even some of his own teammates, Tim Tebow gave the following response to

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reporters, a response that I believe perfectly explains how our country should recognize God.

Quarterback Tebow said this: ''If you're married and you really love your wife, is it good enough only to say to your wife 'I love her' the day you get married? Or should you tell her every single day when you wake up and every opportunity?

''My relationship with Jesus Christ is the most important thing in my life. So any time I get the opportunity to tell Him that I love Him, or given the opportunity to shout Him out on national TV, I'm going to take that opportunity. And so I look at it as a relationship that I have with Him that I want to give Him the honor and the glory any time I have the opportunity.''

Tim Tebow's brave comments are an excellent reminder that we need to look for every opportunity to thank the Lord for our blessings of liberty that He's bestowed upon this great country.

May God forgive this Nation of its sins, may He overlook the times we forget to thank Him for His gifts, may our people turn to Him for guidance and salvation, and may He continue to bless the United States of America.

EQUITY IN TAXATION

The SPEAKER pro tempore (Mr. WEBSTER). The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it's a sign of maturity to be able to retain two different but related concepts in your head at the same time. For instance, taxes should not be raised on the majority of working Americans while the economy is in this very difficult situation. But a little more can reasonably be paid by those who are extremely well off.

□ 1010

The simple fact is that our economy and our families cannot afford to take the economic hit that is poised to pull a hundred billion dollars out of the economy with the expiration of the 2 percent payroll tax holiday that's scheduled to expire this year.

There is currently a proposal that's being debated in the other body that I hope we'll have the opportunity to vote on here to be able to extend and expand the payroll tax cut and to pay for it.

Under this proposal, employees would receive a 50 percent additional cut in the payroll tax, cutting it essentially in half, and employers would have a reduction in the payroll tax that they pay on their employees up to the first $5 million of payroll. This would help 98 percent of businesses but not give unnecessary giveaways to large and profitable organizations, and, most importantly, it would prevent the typical family from suffering a significant increase in their taxes while the economy is still fragile. This proposal would give the average family $1,500 a year extra to spend. You would think that people ought to be able to corollate those two concepts.

The way that this would be financed is a small surtax on not just rich, but superrich people. These are folks who make over a million dollars a year, and they would just pay the surtax on that amount that they earn over the million dollar threshold. It's far less than the 1 percent that we are hearing argued about. They would still pay lower Bush-era tax rates on the first million, and those that have extensive investment income, which most of them do, would still benefit from those lower rates.

Unfortunately, we find people here who are caught up in an ideology that trumps concern for the economy and the typical American family. It was this refusal to consider a balanced approach that is supported by the vast majority of the public that led to the collapse of the so-called supercommittee. Americans were and are ready for action that is bold, big, balanced and fair.

Now, we actually can start on the road of recovery just by going on autopilot. The default that is set up that will let the Bush-era tax cuts expire unless Congress does something and moving towards automatic sequestration will actually solve most of the deficit problem that we face just by doing nothing.

But we can do better than nothing. We can adjust. We can craft. We can focus it to get the most benefit. And we can start with a modest adjustment.

I hope my colleagues will not let the worship of the top one-tenth of a percent of the economic pyramid trump concerns for the rest of working families and the American economy.

HAMESH KHAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS. Aslum Hamayun lives in Alabama's Fifth Congressional District. He is a father who loves and cares very much about his son, Hamesh Khan. At Mr. Hamayun's request, let me share with you and the American people the plight of Mr. Hamayun's son, Hamesh Khan.

Mr. Khan is an American citizen who, thanks to the Obama administration and the United States Government, has been wrongfully held for over a year and a half in Pakistan prisons without indictment for a specific crime or trial. This is Hamesh Khan's story.

Mr. Khan has lived in America since he was 10 years old. Mr. Khan earned a bachelor's and two master's degrees from Georgia Southern University. Following graduation, Mr. Khan worked for Citibank in Pakistan. In 2003, the Musharraf government appointed Mr. Khan to head Pakistan's Punjab Bank.

Unfortunately for Mr. Khan, the Musharraf government fell in April 2008. As seems to be so often the case in the world, a new government regime meant that appointees of the past regime risked trouble. In American citizen Hamesh Khan's case, the new Punjab government issued an arrest warrant on suspicion of corruption and corrupt practices. Let me emphasize that point, on suspicion of corruption and corrupt practices.

Fearing politically motivated reprisals, Mr. Khan fled Pakistan for his home, America. Thereafter, Pakistan sought extradition of Mr. Khan pursuant to the arrest warrant for suspicion of corruption and corrupt practices.

Let me be clear on this point. Three parties are involved in this tragedy: a new Pakistani regime; President Obama and the United States Government; and Hamesh Khan, an American citizen.

The United States had to decide whom to support: Pakistan or an American citizen. The Obama administration chose Pakistan over its own American citizen. Mr. Speaker, it would be wonderful to know why the Obama administration made that decision.

In any event, on December 10, 2009, Mr. Khan was arrested by United States marshals in his office in Washington, D.C., and held without bond for 5 months. Remarkably, persons in Mr. Khan's position are barred from fully defending themselves at extradition hearings. For example, Mr. Khan was barred from presenting evidence to impeach the allegations against him. Mr. Khan fought extradition until it became clear that the severe evidentiary limitations made it impossible for him to defend himself.

On May 13, 2010, the United States Government forcefully handed Mr. Khan over to Pakistani authorities at John F. Kennedy Airport in New York. Mr. Khan was bound in handcuffs and leg chains. With the Obama administration's historic act, Hamesh Khan became the first American citizen ever extradited to Pakistan. The one concession the United States State Department received from the new Pakistani regime was a promise that Mr. Khan would be fairly treated under Pakistani law.

While anyone hearing this story can suspect political motivations for the prosecution of Mr. Khan by Pakistani authorities, I am not in a position to make a judgment on that issue. But I am in a position to make a judgment about our United States Government and its responsibility to protect American citizens.

Whether he is innocent or guilty of the charges by Pakistani authorities, Hamesh Khan has not been served justice. Under Pakistani law, after arrest for suspicion, Pakistan's National Accountability Bureau can hold a person for up to 3 months without bail. Within that 3 months, Pakistan's National Accountability Bureau must either indict a held person for specific crimes for trial or order his release; yet it is now

over 18 months since Hamesh Khan became the first American citizen extradited to Pakistan, and for those 18 months, Mr. Khan has been held without bail, without indictment, and without trial. Mr. Khan lives in a 6-foot by 6-foot prison cell in Pakistan.

I pray the American State Department did not anticipate that Mr. Khan would be held indefinitely without indictment or trial when they forcibly bound and shackled an American citizen and gave him to Pakistan.

Therefore, Mr. Speaker, I enter this statement in the CONGRESSIONAL RECORD: It is time for America's State Department to use whatever influence is necessary and proper to cause Pakistan to treat Mr. Khan in accordance with Pakistan's own law and with international treaty obligations.

Justice cannot be served an American citizen in any other way.

WHO SAYS GOVERNMENT CAN'T CREATE JOBS?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. JACKSON) for 5 minutes.

Mr. JACKSON of Illinois. Who says, Mr. Speaker, that government can't create jobs? The greatest need of the American people today is jobs, but the question before them is this: Who is responsible and how should jobs be created?

Democrats, Republicans, and Independents, liberals, moderates, and conservatives all agree that the private sector is the primary source of jobs. However, with 9 percent official unemployment—the reality is it's much higher—and 25 million Americans either unemployed or underemployed, it's self-evident that the private sector has not supplied enough jobs and either can not or will not create enough full-time jobs today to employ the 25 million people who need them.

□ 1020

So what do we do? Throw our hands up and say, ''Nothing can be done,'' Congress?

Democrats generally believe in ''priming the pump,'' through deficit spending if necessary, to create jobs and stimulate the economy in order to put the overall economy back on track during these times when the private sector has obviously failed us. In the past, many Republicans have generally agreed; but this current Tea Party-Republican Party, all of whom have government jobs and employ government staffs, doesn't agree and generally argues that the government can't create jobs. Really?

President Franklin Delano Roosevelt, we are reminded by Michael Hiltzik in his new book ''The New Deal: A Modern History,'' reveals a different truth, which is the source of the following information:

FDR was sworn into office on March 4, 1933. He came up with the idea himself of a Civilian Conservation Corps on March 13, the first jobs program of the New Deal. He presented his idea to a White House aide, Raymond Moley, on March 14—an idea that he had just come up with the night before. The idea was to put platoons of young unemployed men to work in the forests and the national parks. That very afternoon, a memo and a skeleton bill went out to the four Secretaries who would be involved in implementing his CCC plan—Frances Perkins, Labor; Henry A. Wallace, Agriculture; Harold L. Ickes, Interior; and George H. Dern, War—the first interdisciplinary agency of the New Deal.

The next day, on March 15, the four Secretaries returned a joint response proposing a wider relief program, encompassing not only a Civilian Conservation Corps, but a public works program and a grants-in-aid to States and municipalities for relief. On March 21, FDR sent a message to Congress involving, among other things, his idea of a CCC. In his message, he observed ''more important . . . than the material gains will be the moral and spiritual value of such work . . . We can take a vast army of these unemployed out to healthful surroundings.''

Congress debated and passed the Civilian Conservation Corps program in 8 days, on March 29. By early April, the CCC was open for business. The first registrant was 19-year-old Fiore Rizzo of New York, who arrived on April 7 in a cab with three of his friends at an Army recruiting station in downtown Manhattan. Rizzo belonged to a family of 13, whose father had not worked in 3 years.

So how did these government-created jobs work out?

The average enrollee signed up at the age of 18½, stayed for 9 months—6 months was the minimum tour, 2 years the maximum—and gained up to 30 pounds during his term, thanks to three square meals a day served up by the Army quartermasters as fuel for daily labor.

The program ramped up quickly. By July, there were 1,300 camps housing 275,000 enrollees, already working vigorously on projects that would rank among the most notable legacies of the New Deal. Before the CCC ended and with the coming of war mobilization in 1942, the CCC built 125,000 miles of roads, 46,000 bridges, more than 300,000 dams to check erosion, planted more than 3 billion trees, and strung 89,000 miles of telephone wire.

The camps instilled in many of these young men the concept of an American identity. No doubt the comradery was fostered by a shared resentment of the camps' martial regimen, the rising with the bugler's call, the mandate to keep their bunks and footlockers in order, and the heeding of senior officers without discussion. Mr. Speaker, I can only imagine that, today, these Army quartermasters would demand that our young men pull up their pants. The Army, too, found the experience valuable. As War Secretary George Dern confided to Frances Perkins a year into the program, his officer corps had had to learn ''to govern men by leadership, explanation and diplomacy rather than discipline. The knowledge is priceless.''

The CCC would serve as a model for national service programs of a later era, such as the Peace Corps, AmeriCorps and VISTA.

''There was pride in the work,'' one former boy still recalls 60 years later. ''We built something, and I knew I helped . . . It was something you could take pride in, and there wasn't a lot of pride available in those days.''

Among the New Deal programs, the CCC would inspire almost universal affection, even more so than Social Security.

Mr. Speaker, the Federal Government can create jobs.

RON SMITH, A VOICE OF REASON FOR MARYLAND AND AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. BARTLETT) for 2 minutes.

Mr. BARTLETT. On November 18 Ron Smith, a respected and beloved Baltimore-area radio talk show host on WBAL, as well as a columnist for the Baltimore Sun, announced his retirement after 26 years because of his diagnosis of inoperable pancreatic cancer and impending death.

I ask all of my colleagues to join me, along with thousands of loyal listeners and readers who have expressed their deep appreciation and admiration for Ron Smith. Ron unfailingly contributed a voice of reason with unmatched candor while providing a forum for civil and vigorous debate about politics and policy that is sorely needed everywhere in America.

I feel privileged to have been a guest a number of times on Ron's show on WBAL. It was always equally a pleasure and a challenge to meet Ron's high standards. Ron is a true conservative in the classical and historical meaning of the term. With equal enthusiasm and utmost respect, Ron asked tough questions of guests and callers and dissected the arguments of liberal elites, Democrats and Republicans, and others who call themselves conservative.

From a vast knowledge of both history and government, Ron Smith shared, and we in Maryland were most privileged to benefit from, his succinct and persuasive dialogue and dedication to liberty and reason.

Thank you, Ron. Godspeed.

STOP OUTSOURCING SECURITY ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. SCHAKOWSKY) for 5 minutes.

Ms. SCHAKOWSKY. While many hours have been spent by this body debating the wars in Iraq and Afghanistan, far too little time has been devoted to the United States' growing dependence on private military contractors: the weapon-carrying, for-profit security companies—mercenaries—who have become integral and counterproductive actors in our war efforts.

I believe that the increased reliance on hired guns to provide security in conflict zones undermines our policy objectives, and I am not alone. In 2007 then-Defense Secretary Robert Gates stated that the mission of many security contractors was ''at cross purposes to our larger mission in Iraq.''

We should be concerned. Private contractors don't wear the badge of the United States. They answer to a corporation, not to a uniformed commander. Our government doesn't even know how many contract personnel we've hired. Because legal jurisdiction remains murky, we may lack the ability to prosecute contractors for alleged violations committed overseas.

We need to end our reliance on security contractors in conflict zones. Since 2007 I've introduced the Stop Outsourcing Security Act to phase out the use of for-profit contractors for mission-critical tasks, including security, intelligence and interrogation in conflict areas. The SOS Act builds on legislation I have introduced since 2001, including the Andean Region Contractor Accountability Act to prohibit military contracting in Colombia and neighboring nations.

While the problem applies to other private contractors, there is one company that has been synonymous with misconduct—Blackwater. Operating under a culture of recklessness created by its founder, Erik Prince, Blackwater employees have been implicated in a wide range of alleged misconduct since 2004—from shooting and killing civilians to gun-running.

Five former Blackwater executives, including its former president, Gary Jackson, were indicted in 2010 for weapons charges. The company agreed to a $42 million administrative settlement with the State Department for 288 alleged violations of the Arms Export Control Act and International Traffic in Arms Regulations. At least seven civil suits for alleged abuses by Blackwater personnel in Iraq have been settled, and legal action is still pending against four Blackwater guards accused of massacring 17 civilians in Baghdad's Nisour Square in 2007. Further, the Iraqi Government, our ally, has repeatedly asked that Blackwater be ousted, leading the United States State Department to refuse to renew the company's contract in 2009.

In short, Blackwater, now renamed Xe, has been a center of controversy for years in congressional committees, the press and among members of the military. Yet the company has received over $1.25 billion in taxpayer money.

Recently, Mr. Prince has launched a video game called ''Blackwater,'' glorifying the discredited company he started, and now Mr. Prince has adopted yet another heavy-handed tactic—the attempted intimidation of a Member of Congress.

□ 1030

Last month a letter from his attorney was hand delivered to my congressional office. Mr. Speaker, I am submitting the letter for the CONGRESSIONAL RECORD. It accuses me of defamatory statements, characterizes my efforts to urge investigations into Mr. Prince as a violation of congressional power, and describes possible legal action if I persist.

I come to the floor today because I believe it is my responsibility as a Member of Congress to speak out against policies and entities that I believe are damaging to our Nation. I want to make it clear to Mr. Prince that I will not stop working to end our reliance on private security contractors or to investigate any and all allegations of misconduct. I want to make it clear to the military men and women who have shared their concerns that they are endangered by the behavior of hired guns employed by Blackwater-like companies, that I will keep speaking out to protect our mission and our brave troops from risk.

And I want to tell the families of the men and women who have been killed in incidents involving Blackwater and other such companies that I will continue to push for full investigations and, whenever appropriate, criminal charges.

DIGENOVA & TOENSING, LLP,
ATTORNEYS-AT-LAW,
Washington, DC, October 7, 2011.

Delivered by Hand

Hon. JAN SCHAKOWSKY,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSWOMAN SCHAKOWSKY: This firm represents Erik Prince concerning false and defamatory statements you have made against him.

On September 8, 2011, Guy Adams, a Los Angeles-based correspondent, published in the London-based Independent an article discussing ''Blackwater'' (2011), a video game owned by Mr. Prince. In that article, Mr. Adams attributes to you the following observation: ''If Mr. Prince had not emigrated to the United Arab Emirates, which does not have an extradition agreement with the US, he too would now be facing prosecution.''

We demand you cease and desist any further public statements that suggest in any way that Mr. Prince ''would be facing prosecution'' or has engaged in criminal conduct under any circumstances.

Your caprice in making a false and defamatory statement about criminal culpability is particularly galling in light of your husband's guilty plea to federal fraud and his time in prison. One would think you would be sensitive about falsely accusing others of criminality.

Mr. Prince has answered his country's call to serve both in military uniform and civilian life. Mr. Prince served his country with honor as a commissioned officer in the United States Navy SEALs. He deployed with SEAL Team 8 to Haiti, the Middle East, and the Balkans.

Mr. Prince's support for human rights around the world is well established, from funding famine relief in Somalia and the Sudan, to contributing to the building of hospitals, schools, orphanages and churches and mosques in the Middle East and Asia. He financed a feature film, The Stoning of Soraya M., about the oppression of women in Iran. Mr. Prince has spent time and resources to improve conditions for many who live under despotic regimes surrounded by war, drought, and famine.

Your statement to Mr. Adams, which imputes commission of a crime, is per se libelous. *Raboya v. Shrybman & Assoc.*, 777 F.Supp. 58, 59 (D.D.C. 1991); *Farnum v. Colbert*, 293 A.2d 279,281 (D.C. 1972).

Your malice cannot be questioned. You have a multi-year history of making derogatory comments about Mr. Prince and his former company, Blackwater. You have abused your Congressional power to request that Mr. Prince be investigated.

In May of this year, you attempted to initiate a Department of State investigation of Mr. Prince in a letter to Secretary of State Clinton. You based your request on your ''concern that Mr. Prince is now exporting his services.'' Absent from your letter was any mention of other American security consultants who are performing the same business in the Middle East and Asia.

You brag on your official website that you have ''focused'' on private security contractors who ''work for companies like the infamous Blackwater.'' In October 2007, you requested then Secretary of State Rice to ''terminate[] Blacwater's contract immediately.'' In February 2009, you issued a press release alleging Blackwater's actions have put ''our troops in harms [sic] way and jeopardized our mission in Iraq.'' In September 2010, you purposely evoked a criminal context by mischaracterizing Blackwater as a ''repeat offender.''

The facts you assert about Mr. Prince show complete reckless disregard for the truth. For example, Mr. Prince did not immigrate to the UAE. He maintains a residence in the United States. Mr. Prince has never committed nor ever been charged with any crime.

A federal court in July 2011 dismissed Mr. Prince from a civil law suit finding there was no evidence on which to base the claims. Moreover, a jury found there was no liability for United States Training Center, the company formerly known as Blackwater. A quick check would have verified these readily available facts.

Your interview with Mr. Adams is not protected by the Speech or Debate clause. *Hutchinson v. Proxmire*, 443 U.S. 111, 124–125 (1979).

As you are surely aware, since articles quoting you are published in other countries, you are subject to defamation laws in those countries as well as in the United States. If you do not like the ''Blackwater'' video game, you are free to express your opinion. But you are not permitted under the laws of the United States and numerous countries where your statements are published to make false accusations about Mr. Prince's status under the criminal law.

Sincerely,

VICTORIA TOENSING,
Counsel for Erik Prince.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair, not to others in the second person.

RIGHTS OF WORKERS TO ORGANIZE AND BARGAIN COLLECTIVELY

The SPEAKER pro tempore. The Chair recognizes the gentleman from

North Carolina (Mr. MILLER) for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, around the world, the rights of workers to organize and bargain collectively through a representative of their choosing, with their employer, over wages and benefits and conditions of employment, is recognized as an important human right and as a hallmark of democratic societies. But in the United States those rights have been under assault by some politicians and by some employers who want to turn the clock back three-quarters of a century.

When workers want to join a union here and bargain collectively with their employer, too many employers intentionally delay and delay, abusing the legal system to deny their employees the rights that we scold developing nations for denying their workers.

I rise in support of the proposed National Labor Relations Board rule to streamline and modernize union election procedures, an important and overdue step to restore fairness to our inefficient and outdated system that has allowed too many abuses. The new NLRB rule would speed up union elections, giving employers less opportunity to interfere illegally with organizing drives. The rule also allows smaller groups of workers to form unions.

Under the current NLRB system, employers willing to break the law have many opportunities to delay a union election, stretching out the time period when they can intimidate and coerce workers, all in violation of the law. The effect of this rule is to help workers exercise their free choice to join and be represented by a union without illegal interference.

Streamlining NLRB elections is a long overdue and small step to ensure workers the right to speak with one voice to a representative of their choosing.

But, Mr. Speaker, in the last week we have heard that Brian Hayes, the only Republican member of the NLRB board, NLRB, is threatening to resign specifically to deny the board the quorum to act under the law, to deny the board the quorum to perform the duties that the law places upon them. Republicans in this Congress have now tried to defund the NLRB to take away the NLRB's ability to impose sanctions on employers who violate the law, and now they are trying to shut the board down altogether by abusing the other body's advice and consent powers to block any new appointments to the board and by having a Republican member resign specifically to deny the necessary quorum to act.

Today, we are considering the so-called Workforce Democracy and Fairness Act; and despite that Orwellian name, the bill is designed to do the exact opposite. It is intended to deny workers the right to unionize without delay and litigation, to deny those rights through delay and litigation and by allowing employers to decide which employees, which workers get to vote on whether there is a union or not to stuff the ballot box, under this bill, to add new workers to the unit that will decide whether to have a union or not.

Under the bill there would be a waiting period, if there is an election dispute, whether it's well grounded or frivolous, a waiting period for preelection hearing, a waiting period for unions to receive the better contact list; and the only goal for that, for those waiting periods, is delay. The arbitrary waiting periods ensure that election will be delayed, and nowhere is there any assurance the election will really be held.

My Republican colleagues blame frivolous lawsuits for many of the ills of our country; but this bill would reward frivolous lawsuits by providing more time for employers to find fault, real or fabricated, with the election process; and by blocking the NLRB's current rule that would allow elections to move ahead before the complaints are resolved, this bill would allow employers to use litigation, frivolous or legitimate, to block elections.

Finally, this bill would allow employers to stuff the ballot box with a radical rewrite of our labor law so that the employer would decide which employees, which workers get to vote. They can add employees who were never engaged in the organizing drive, and they can keep the list of voters of the workers eligible to vote from those supporting a union until just before the election.

American workers deserve the same rights that we urge around the world for workers, the right to form a union, the right to speak with one voice and bargain with their employer so that our workers can win better wages and better benefits and rebuild the American middle class.

UNEMPLOYMENT REMAINS TOO HIGH AND GLOBAL MARKETS SHOWING SIGNS OF INSTABILITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, the economy received an early holiday gift this past week when Black Friday and Cyber Monday shopping figures outperformed expectations. However, we still face significant challenges. Unemployment remains too high and global markets are showing signs of instability, both of which are the lingering effects of the Great Recession. Casting a grim shadow over all of our actions is the fact that some Members of this body still persist in ignoring the public and letting ideology stand in the way of striking a reasonable balance to tame our national debt and grow the economy.

Of note is the recent report released by the nonpartisan Congressional Budget Office, showing that the Recovery Act we passed 2 years ago has been a significant success in an otherwise gloomy economic picture. According to the CBO, the Recovery Act increased GDP growth by up to 1.9 percent in the third quarter of this year, a quarter in which we had 2 percent growth. That's an extraordinary impact.

Thanks to the Recovery Act, 2.4 million people, according to the CBO, now have a job and the overall unemployment rate is 1.3 percent lower than it otherwise would have been if we'd done nothing, as my friends on the other side of the aisle wanted us to do.

According to CBO's in-depth analysis, the Recovery Act will continue to have a significant impact on the economy. Although it was designed to operate from 2009 to 2011, CBO found it will continue to drive GDP growth next year, adding 1 percent to the economy and will further increase employment by 1 million jobs.

After opposing any stimulus action in the midst of the worst economic contraction in 80 years, the Republicans actually criticize the Recovery Act now for the fact that it didn't do enough. That speaks less to the merits of the Recovery Act, I'd suggest, than it does about the magnitude of the Great Recession. And it is extraordinary chutzpa from the other side to just say ''no'' and now criticize the Recovery Act for being inadequate.

The Great Recession was, in fact, the Nation's worst economic collapse in 80 years. What began in the subprime housing market quickly spread throughout the financial industry, threatening economic ruin. At its height, more than 700,000 Americans were losing their jobs every single month. Millions more lost their homes through foreclosures. The Great Recession was already one of America's worst before President Obama was ever sworn into office, and during that economic maelstrom our first act in the 111th Congress was to pass the Recovery Act to help, on a party-line vote, I'm sad to say.

□ 1040

Many of my Republican colleagues point to the continued weakness in the economy as an indication of the Recovery Act's failure, rather than acknowledging that it is actually a function of the severity of the recession and failing to acknowledge their own supine, Darwinian response to it. They claim that, as the economic turmoil which began in 2007 raged all around us, Americans would have been better served had Congress simply done nothing and hoped for the best. Now, as the lingering effects of the recession continue to hold back a robust recovery, they continue to defy reasonable bipartisan attempts to put people back to work and get our country moving again.

The Recovery Act cut taxes for 95 percent of all Americans—both families and small businesses. It kept thousands of teachers, police officers, and firefighters on the job. Recovery Act dollars funded highways and transit

improvements in every State, putting hundreds of thousands in the depressed construction industry back to work. There was a time when cutting taxes and investing in infrastructure was a bipartisan endeavor and had broad Republican support as well as Democratic support.

But there's still time for redemption. The President's American Jobs Act now provides another opportunity for our Republican friends to actually partner with Democrats and support economic recovery. The American Jobs Act provides incentives for companies, large and small, to hire additional workers; it cuts taxes on every working American in order to further spur economic demand; and it provides support for sorely needed infrastructure investments to repair America's bridges, roadways, and schools. In short, it builds on the success of the Recovery Act we passed 2 years ago.

There are 2.4 million Americans with jobs today because we took action 2 years ago. With 14 million more waiting, we can't afford now to do nothing. We must act.

THE BENEDICT ARNOLD ALLY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, this week Pakistani Prime Minister Gilani said that there will be no more ''business as usual'' with the United States. I couldn't agree more. The United States should not be doing business as usual with our unfaithful ally Pakistan. Since 2002, we have given Pakistan over $14 billion in so-called security-related aid and over $6 billion in economic-related aid. The American people have not gotten their money's worth.

Pakistan seems to be the Benedict Arnold nation in the list of countries that we call allies. They have proven to be deceptive, deceitful, and a danger to the United States. Here's some of the evidence.

In May of this year, Navy SEALS discovered Osama bin Laden living the high life in an Abbottabad mansion right in the backyard of the Pakistani military community, but Pakistan claimed they had no knowledge of the world's most-wanted terrorist that was living right under their noses. This is questionable at best. Mr. Speaker, that dog just won't hunt.

Since then, the more we learn about Pakistan, the worse it gets. Shortly after that raid, Pakistan also arrested CIA informants in Pakistan that led the United States to capture or take out Osama bin Laden.

Pakistan has tried also to cheat the United States by filing bogus reimbursement claims for allegedly going after militants; 40 percent of these claims have been rejected by our government.

There is more. Pakistan tipped off terrorists making IEDs, not once, but twice, in June 2011, after we gave them intel on the bomb-making factory location and asked Pakistan to go after them.

CIA Director Leon Panetta asserted that Pakistan had not done enough to bring Osama bin Laden to justice, saying there is ''total mistrust'' between the United States and Pakistan. Meanwhile, Pakistan is chumming up to the Chinese. It sounds to me like Pakistan is playing both sides in the war on terror.

This so-called ally takes billions of dollars in U.S. aid while, at the same time, supporting the militants who attack us. According to Admiral Mike Mullen, the Pakistani Government supported the groups who were behind the September 11 truck bombing attack in eastern Afghanistan that wounded more than 70 U.S. and NATO troops.

Based on this evidence, I have introduced legislation to freeze all U.S.A. aid to Pakistan with the exception of funds that are designated to help secure their nuclear facilities. By sending aid to Pakistan, we are funding the enemy, endangering Americans, and undermining our efforts in the whole region.

In the past week, relations between American and Pakistani officials have even further deteriorated. Saturday, NATO and Afghan forces near the border of northwest Pakistan and Afghanistan reportedly came under attack from Pakistani fire and responded in self-defense. Twenty-four Pakistani soldiers were killed. But Pakistan says it was NATO who fired the first shot. Of course we cannot believe what Pakistan says. They will lie when the truth is obvious. But the facts will eventually come out as to what really happened in this episode.

Hatred for America is still at an all-time high in Pakistan. This week on TV, Americans have seen Pakistanis burning American flags and cursing our Nation. And just today in Politico, we have this lovely photograph of Pakistani women proclaiming ''Down with U.S.A.''

Pakistan leaders are continuing to vilify the United States on the one hand and, on the other hand, take our money. Most importantly, crucial NATO supply routes have been cut off by Pakistan, stopping supplies from getting to our troops in Afghanistan. Monday, 300 trucks full of supplies were turned away at the Pakistan-Afghanistan border. Pakistan has cut off the supply routes to our troops; now it's time we cut off the money to Pakistan.

Pakistan has made it painfully obvious that they will continue their policy of dangerous, dishonest deceit by pretending to be our ally in the war on terror while simultaneously giving a wink and a nod to extremism. By continuing to provide aid to Pakistan, we are funding the enemy, endangering Americans, and undermining our efforts.

Seven in 10 Americans believe we need to stop or decrease foreign aid to Pakistan. After all, it is their money. We should stop foreign aid to Pakistan until we know whose side they're on. We don't need to pay them to hate us; they'll do it for free, Mr. Speaker. Maybe we shouldn't pay them at all.

And that's just the way it is.

COST OF COLLEGE SMOTHERING OPPORTUNITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. COURTNEY) for 5 minutes.

Mr. COURTNEY. Mr. Speaker, it has now been 2 months since the Occupy Wall Street movement spread all across this country; and despite attempts to marginalize it, parody it, sometimes even suppress it, the fact is that one message has come through loud and clear, particularly from young Americans who have participated in this grassroots movement across the country, which is that the spiraling cost of college is smothering opportunity for millions of young Americans all across America.

Yesterday the Secretary of Education, Arnie Duncan, presented a speech in Nevada which I think starkly presents the challenge which we face as a Nation. Today, the average student loan debt for graduating students is $25,000. That's the average. There are, again, millions of students who are graduating with six-figure debt. And in an economy like the one they're facing today, this is really an obstacle which will probably burden them for the rest of their lives. And as we are seeing in polls, the cost of college is discouraging many younger Americans, high school-age Americans from even considering the possibility of pursuing a higher education degree.

First of all, let's be very clear here. The value of higher education is still, despite some critics, indisputable. If you look at the unemployment rate today, 9 percent across the board in terms of our country, the fact of the matter is that those who have pursued high school and above have much lower rates of unemployment today than those who have been unable to reach those training levels and education levels.

Nationally, today the graduation rate of the U.S. has now fallen to 12th internationally. Back in the 1980s, the College Board, which is the organization which tracks graduation rates across the globe, determined we were number one in the world in terms of college graduation rates. Yet today, in 2011, we are 12th. If anybody thinks that is a situation which bodes well for our ability to compete internationally going into the future, then, frankly, they're not paying attention in terms of where the high-value jobs of the future are. They are, in fact, in hard sciences; they are, in fact, in areas of critical workforce needs which, as baby boomers retire in growing numbers across this country, we must have if we

are going to continue to be a great Nation.

Now, let's look at what is happening here in Washington. I think one of the reasons why young people are going into the streets of this country is the fact that we have a Congress which is not only out of touch in terms of listening and responding to this, in fact, they want to take us backwards.

When I first came to Congress in 2007, a new Democratic majority moved swiftly to pass the College Cost Reduction Act, which was an effort to try to boost the Pell Grant program, which is the workhorse of higher education affordability, a program which basically had been level-funded for 6 prior years despite the fact that higher education costs had gone up 40 percent. We passed the College Cost Reduction Act which infused new funding into the Pell Grant program. We cut the interest rates for the Stafford student loan program from 6.4 percent to 3.2 percent, and we paid for every single penny of those expenditures by cutting the bank subsidies which were basically sucking Federal dollars away from families and students who need that critical help.

Last year we passed the Student Aid and Fiscal Responsibility Act, again with a Democratic majority, which provides for a cap in terms of loan repayments of 15 percent of your discretionary income and excuses loan repayments after 25 years under the Stafford student loan program.

□ 1050

I was pleased that President Obama, again, just a month or so ago, acted to increase the benefit of that program by limiting the discretionary income payments to 10 percent of income and lowering the forgiveness date to 20 years, from 25 years. This is an administration which gets it. This is an administration that understands middle class families with children who want to improve themselves and compete in their futures need that kind of assistance.

What did this Republican Congress do? We had a Ryan budget last April which gutted and butchered the Pell Grant program and would take us back to 2008 levels. So, for example, in Connecticut, where I come from, the University of Connecticut would have seen its Pell Grant revenue from 2008, which was about $8 million going into the University of Connecticut, it would have been cut from where it is today, which is $12 million of annual Pell Grant revenue—a $4 million cut to the University of Connecticut. And the grant level for students, the maximum award, would have been cut from $4,500 a year down to roughly about $3,000 a year. That is closing the doors of opportunity to millions of Americans. That's what the Ryan budget values and that's what its vision was at a time when, again, our country is in crisis in terms of needing skilled, qualified workers to deal with the future challenge.

The choice is clear. For those who care about spiraling education costs, the Democratic agenda is the one that is on your side.

IT TAKES AN ACT OF CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. I'm happy to be down here this morning. I often come down here with something on my mind, Mr. Speaker. Invariably, one of my colleagues says something that inspires me even more than what I had on my mind when I came down. That's the case this morning.

My colleague who was here right before me said the value of higher education in terms of future earnings is undisputable. The value of higher education, Mr. Speaker, in terms of future earnings, is undisputable. And he then went on to talk about all the Federal programs that provide money so that people can seek higher education.

Now my question is, Mr. Speaker: If the value is undisputable, why do we have to pay people to do it? If the value is undisputable, why do we have to pay people to do it? That's what happens in this Chamber too often, Mr. Speaker.

I think back to 1787 and the passage of the Constitution. The Constitution, as conservative as it is in terms of preserving individual liberties, would not have passed, would not have been ratified, without the addition of the Bill of Rights. Our Founding Fathers were so concerned about a Federal Government trying to do too much that the colonies would not ratify the Constitution in the absence of the Bill of Rights—the Bill of Rights, which sole purpose is to protect individual liberties.

Mr. Speaker, as I look around at what makes America great, it's never something that comes out of this United States House of Representatives. It's something that comes out of a family next door back home. It's something that comes out of a community back home. It's something that comes out of individual liberty and freedom back home. And my job as the representative of 900,000 folks in the great State of Georgia is to protect their liberties from the natural inclination that exists in this body to think they have all the right answers.

We talk about higher education Mr. Speaker. In the great State of Georgia, we have what's called the HOPE Scholarship program. It's funded by lottery money. I would have voted against the lottery, but the lottery won anyway, and now it funds higher education for all Georgians. It's a huge job creation tool. Folks want to come and relocate their business to Georgia because they know kids with an accomplished high school record are going to be able to go to college for free.

That's a State initiative, Mr. Speaker. We're not going to pass a national lottery up here and try to provide free college education for everybody in the country. That's not the right answer. The right answer is to have States and local communities exercise those freedoms and implement their ideas back home.

When I was growing up—and it didn't occur to me at the time, Mr. Speaker, how meaningful it would be—but there used be a cliche that when something was really hard, you'd say: It takes an act of Congress to solve it. Have you heard that cliche, Mr. Speaker? It takes an act of Congress to solve that because the problem is so hard and it's hard to pass something in Congress. It's hard to get an act of Congress. And yet every time we make a mistake, Mr. Speaker, in the name of trying to do good, in the name of trying to have the best idea, in the name of trying to tell everybody in America if only they'll do what we tell them to do they will be happier, every time we make a mistake it literally takes an act of Congress to fix it.

Mr. Speaker, we're not in charge of providing happiness to America. We are in charge of preserving Americans' freedoms so that they can find their own happiness.

Mr. Speaker, there are lots of countries on this planet that do not share the freedoms that we have. There is only one country on this planet that protects individual liberty and freedom as we do. When we talk about the direction of America, Mr. Speaker, we have to decide are we going to protect those things that have always made this country great—individual liberty and individual freedom—or are we going to go the way of the rest of the world, which is looking to a central government that thinks it has all the right answers.

Mr. Speaker, they had it right in the summer of 1787. I hope we get it right here in this Congress.

IMPLEMENTING SMART SECURITY TO REPAIR A U.S.-PAKISTAN RELATIONSHIP IN CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, over the weekend, NATO airstrikes killed at least 24 Pakistani soldiers in a tragic ''friendly fire'' incident that has once again elevated tensions between the U.S. and Pakistan. Regardless of who was at fault—whether our forces were acting in self-defense or had legitimate reason to believe they were firing on insurgents—the Pakistan Government is furious and the bilateral relationship is facing a grave crisis.

Pakistan has said they are cutting off supply routes into Afghanistan. They have said they will no longer participate in a critically important international conference in Germany next week—a conference that will help chart Afghanistan's future. This episode is fanning flames of anti-American sentiment in a country whose people are already hostile. In the last few days, we've seen public demonstrations of

Pakistanis burning the U.S. flag and shouting, ''Whoever is a friend of America is a traitor of the land.'' Clearly, Mr. Speaker, instead of winning the hearts and minds, we are giving terrorists a recruitment tool.

Pakistan has not always been the most reliable partner, but they are an ally—and let's not forget, a nuclear power—with whom we share important mutual interests. We need their cooperation if there is going to be political reconciliation and long-term stability in neighboring Afghanistan. This incident leads me to believe more strongly than ever that we must redeploy our troops out of Afghanistan. We have very difficult diplomatic work to do there—work that is being complicated, not facilitated, by our military presence.

After more than 10 years of failed war that is undermining our security interests, it's time to change our role in the region from one of military occupier to one of constructive partner. Pakistan and Afghanistan are the first places we could be implementing the SMART security strategy I've talked about so many times from this very spot.

While it's true that we send enormous amounts of foreign aid to Pakistan, the overwhelming majority of it goes to the military, with very little trickling down to the people. We could instead spend more to boost Pakistan's literacy rate, or more investment in key infrastructure projects, the growth of civil society, or life-changing humanitarian efforts.

□ 1100

To give one specific example, Pakistan is one of four countries on Earth—and Afghanistan is one of the others—that hasn't completely eradicated polio. For pennies on the dollar, compared to our military expenditures, we can help provide the vaccination that would eliminate this dire public threat. Perhaps then we'll be able to change the fact that only 11 percent of Pakistanis have a favorable view of the United States. Perhaps instead of destabilizing influences of 100,000 troops on the ground, we can build a stronger relationship based on mutual trust, one that promotes peace and empowers the Pakistani people with a humanitarian surge instead of a military surge.

Mr. Speaker, it's time for SMART Security, and it starts with bringing our troops home.

POVERTY AND HIV/AIDS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, as a founding co-chair of both the Congressional Out of Poverty Caucus and the Congressional HIV/AIDS Caucus, I rise today to draw attention once again to the ongoing crisis of poverty in America. And, today, I also want to draw particular attention to the impact of poverty on our national fight to stop HIV and AIDS.

Mr. Speaker, December 1 is World AIDS Day, and this year marks 30 years after the first discovery of AIDS cases. The United States and the HIV/AIDS community globally have made tremendous progress in our collective response to this domestic and global crisis. We have reduced the stigma surrounding the disease and strengthened education and outreach activities which continue to prevent millions of new cases of HIV worldwide. The scientific community has improved the treatment of HIV and AIDS with antiretrovirals and combination therapies, and recent breakthroughs have revolutionized the way we think about AIDS.

We have come a long way in our battle against AIDS. Contracting HIV no longer has to be a death sentence. But we have much more work to do. Not everyone who is HIV positive has access to these life-saving therapies. For the one in three Americans who are poor or near poor, HIV can still be the same death sentence that it was during the Reagan Presidency. Today, nearly one in five Americans with HIV do not even know their status, and only about half of Americans who do know their status are receiving the treatment that they need.

For the 100 million Americans either in poverty or living on the edge of poverty, much more must be done. Access to the drug cocktails, high-quality health care, housing, and healthy foods that are all critical for people living with HIV are out of reach for far too many.

Mr. Speaker, 30 years later, we continue to shortchange HIV efforts in poverty-stricken communities; we fail to fully include women in outreach education and treatment; and we lack the resources for communities of color. This is just simply unconscionable.

Women of color and young gay and bisexual men still receive the most severe burden of HIV in the United States. African Americans represent approximately 14 percent of the United States population, but accounted for an estimated 44 percent of new infections in 2009. And we know the numbers are on the rise in Latino communities and Asian Pacific American communities as well. These disproportionate rates of infection are not something that have happened in isolation. People of color continue to face higher rates of unemployment, incarceration, poverty and near poverty than their white counterparts. We can and we must do much better than this.

We must do more for those who are disproportionately impacted by HIV and AIDS, both here in America and around the world. We must provide the science-based, comprehensive sex education that is proven to reduce the spread of sexually transmitted diseases. And we must grow past old fears and engage all community stakeholders to truly end the stigma surrounding the testing and treatment of this disease. We must repeal laws that legalize and promote discrimination and hate. We must support and expand programs which provide critical support for people living with HIV and AIDS and immediately—mind you, immediately—extend treatment to the thousands of Americans on the waiting list for life-saving drugs.

And of course we must fully implement the national HIV/AIDS strategy and support Medicaid expansion under the Affordable Care Act. These policies are the critical next steps in our fight to stop this terrible disease. And we must protect the fraction of one percent the Federal budget directed to our global AIDS programs through PEPFAR and the Global Fund.

U.S. efforts are dramatically reducing the burden of HIV and AIDS in developing countries, and failing to support these programs would have dramatic national security and diplomatic implications for the United States—not to mention the humanitarian disaster that would occur. That is why last week I was very proud to be joined by over 100 Members of Congress in seeking appropriations of at least $5.25 billion for the PEPFAR program and $1.5 billion for the Global Fund to Fight AIDS, Tuberculosis and Malaria. And I will enter this letter into the RECORD.

Finally, Mr. Speaker, I was proud to have played a role in overturning the unjust and ineffective HIV travel ban in 2008. And, now, for the very first time in 20 years, the International AIDS Conference will be held in Washington, D.C. in July of 2012.

So let me encourage every Member and their staff to engage with the leading researchers and doctors in the worldwide fight against HIV and AIDS. Our global leadership will never be more important than at this promising moment of reversal, when we could move forward or we could go backwards. So I hope every Member will join our bipartisan 60-plus members of the HIV/AIDS Caucus.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 21, 2011.

Hon. KAY GRANGER,
Chairman, Appropriations Subcommittee on State/Foreign Operations, Washington, DC.

Hon. NITA LOWEY,
Ranking Member, Appropriations Subcommittee on State/Foreign Operations, Washington, DC.

Hon. PATRICK LEAHY,
Chairman, Appropriations Subcommittee on State/Foreign Operations, Washington, DC.

Hon. LINDSEY GRAHAM
Ranking Member, Appropriations Subcommittee on State/Foreign Operations, Washington, DC.

DEAR CHAIRMEN LEAHY AND GRANGER, AND RANKING MEMBERS GRAHAM AND LOWEY: As you begin negotiations on a final Fiscal Year 2012 Department of State, Foreign Operations, and Related Programs Appropriations bill, we write to respectfully request that you secure funding for bilateral and multilateral HIV/AIDS programs at the levels proposed in S.1601, Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012.

We urge support for $7.9 billion for global health programs contained in the Senate

mark. More specifically, we urge you to support, at the very least, $5.25 billion for the U.S. President's Emergency Plan for AIDS Relief (PEPFAR) and $750 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria, as explicitly allocated in S. 1601. In total, we support $1.05 billion for the Global Fund (of which $300 million is contained in the Senate Labor, Health and Human Services appropriations bill). Moreover, we are strongly opposed to language contained in the House Subcommittee Mark prohibiting funding for syringe exchange programs, which are proven to reduce the incidence of HIV infection.

U.S. global health programs including PEPFAR, along with U.S. contributions to the Global Fund, are reducing disease burden in low- and middle-income countries, and these programs have important national security and diplomatic elements for the United States. Global health programs directly impact American security interests by stabilizing parts of the world where extremism and a lack of alternatives are a recipe for future conflict. The economic impact of global health activities is also felt in the U.S., providing thousands of jobs to help plan and implement global health programming and to conduct health-related research at colleges and universities.

Thanks to the help of the United States, the Global Fund has grown into a proven, country-driven, performance-based mechanism which ensures that countries themselves are responsible for building their own sustainable programs. The Global Fund has a robust history of improving its function and continues to do so through its recent announcement of an improvements agenda to further ensure every dollar is utilized effectively, remains accountable, and is transparent in operation.

We also welcome PEPFAR's leadership on advancing combination HIV prevention approaches and urge the conferees to ensure that these interventions are implemented to their fullest and meet the needs of those most at-risk, especially marginalized populations. Moreover, integration of HIV/AIDS prevention, care and treatment programs—and, where appropriate, other critical global health programs funded by this bill, including maternal health, child survival, family planning/reproductive health, and nutrition—is critical for ensuring that the health needs of individuals are met and the impact of funding is maximized.

In recent months, U.S.-funded research has made enormous progress in shaping the response to AIDS and malaria worldwide. These remarkable scientific advances call for a renewed emphasis on ensuring that we maintain robust support for PEPFAR and the Global Fund and continue the vital U.S. commitment to the fight against global HIV/AIDS, TB and malaria.

These programs amount to a fraction of one percent of the federal budget, but they affect the lives of tens of millions, guard against future conflicts, open up developing markets, and will have lasting impact on the global AIDS epidemic in the long term.

Thank you for considering this request.

Barbara Lee, Member of Congress; Wm. Lacy Clay, Member of Congress; Bobby Rush, Member of Congress; Maurice Hinchey, Member of Congress; Donna Christensen, Member of Congress; Donald Payne, Member of Congress; John Lewis, Member of Congress; Keith Ellison, Member of Congress; Emanuel Cleaver, Member of Congress; Dale Kildee, Member of Congress; Sheila Jackson Lee, Member of Congress; Pete Stark, Member of Congress; Tammy Baldwin, Member of Congress; John Conyers, Jr., Member of Congress; John Sarbanes, Member of Congress; Mike Quigley, Member of Congress; Eleanor Holmes Norton, Member of Congress; Gwen Moore, Member of Congress; Karen Bass, Member of Congress; Frederica Wilson, Member of Congress; Diana DeGette, Member of Congress; Yvette Clarke, Member of Congress; Edolphus Towns, Member of Congress; Lynn Woolsey, Member of Congress; Bruce Braley, Member of Congress; Rául Grijalva, Member of Congress; Barney Frank, Member of Congress; Donna Edwards, Member of Congress; Lucille Roybal-Allard, Member of Congress; Janice Schakowsky, Member of Congress; Theodore Deutch, Member of Congress; Alcee Hastings, Member of Congress; Terri Sewell, Member of Congress; Jim McDermott, Member of Congress; Tim Ryan, Member of Congress; Grace Napolitano, Member of Congress; Russ Carnahan, Member of Congress; Marcia Fudge, Member of Congress; Colleen Hanabusa, Member of Congress; Hansen Clarke, Member of Congress; Sanford Bishop, Member of Congress; Ed Perlmutter, Member of Congress; Charles Rangel, Member of Congress; Robert Brady, Member of Congress; G.K. Butterfield, Member of Congress; Eliot Engel, Member of Congress; Eddie Bernice Johnson, Member of Congress; Henry Waxman, Member of Congress; Danny Davis, Member of Congress; Mike Honda, Member of Congress; Sam Farr, Member of Congress; David Scott, Member of Congress; Joe Baca, Member of Congress; Betty Sutton, Member of Congress; John Garamendi, Member of Congress; Melvin Watt, Member of Congress; Dennis Kucinich, Member of Congress; Maxine Waters, Member of Congress; Cedric Richmond, Member of Congress; Jackie Speier, Member of Congress; Doris Matsui, Member of Congress; Carolyn Maloney, Member of Congress; Bobby Scott, Member of Congress; Steve Cohen, Member of Congress; Laura Richardson, Member of Congress; Debbie Wasserman Schultz, Member of Congress; Rubén Hinojosa, Member of Congress; James Moran, Member of Congress; Gary Ackerman, Member of Congress; André Carson, Member of Congress; Bennie Thompson, Member of Congress; Hank Johnson, Member of Congress; Al Green, Member of Congress; Judy Chu, Member of Congress; Bob Filner, Member of Congress; Jared Polis, Member of Congress; Corrine Brown, Member of Congress; Chaka Fattah, Member of Congress; Albio Sires, Member of Congress; Joseph Crowley, Member of Congress; Ed Pastor, Member of Congress; Zoe Lofgren, Member of Congress; Michael Capuano, Member of Congress; Louise Slaughter, Member of Congress; Chris Van Hollen, Member of Congress; Shelley Berkley, Member of Congress; Howard Berman, Member of Congress; José Serrano, Member of Congress; Rosa DeLauro, Member of Congress; Lois Capps, Member of Congress; Luis Gutierrez, Member of Congress; David Cicilline, Member of Congress; James McGovern, Member of Congress; Jerrold Nadler, Member of Congress; David Price, Member of Congress; Sander Levin, Member of Congress; Madeleine Bordallo, Member of Congress; Rush Holt, Member of Congress; Gregory Meeks, Member of Congress; John Olver, Member of Congress; Elijah Cummings, Member of Congress; Earl Blumenauer, Member of Congress; George Miller, Member of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 5 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Jay Therrell, Cape Coral First United Methodist Church, Cape Coral, Florida, offered the following prayer:

Heavenly Father, Your word says that ''from everyone who has been given much, much will be demanded.'' Today, we offer our gratitude for the blessings of freedom You have given our Nation. You have blessed us with much. Acknowledging our blessings, we pray that You would continue to remind us that America has been blessed to be a blessing to others.

Grant the Members of this House of Representatives Your wisdom and grace to provide leadership at home and around the world. Help our country to continue to be a light to everyone by pointing all people to true freedom and justice that can only come from You.

As we enter this season of hope, please bless this Congress and all of our leaders with Your guidance to make decisions filled with Your love. God, please continue to bless America, but please help America to bless You.

We ask these things in the name of Your Son, Jesus.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. HULTGREN) come forward and lead the House in the Pledge of Allegiance.

Mr. HULTGREN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

WORKFORCE DEMOCRACY AND FAIRNESS ACT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in June the National Labor Relations Board, NLRB, proposed a new rule that accelerates the election process for unionization. Union workers would be forced into memberships without having a reasonable time for managers to fully explain the advantages and disadvantages of membership.

This afternoon, under the leadership of Education and Workforce Chairman JOHN KLINE, Congress will vote on the Workforce Democracy and Fairness Act, legislation that limits the NLRB's ability to deny employers and workers the right to a free election, a right granted to every American by the laws of our country.

It is time for the President's National Labor Relations Board to stop focusing on policies that trample over the rights of American workers. I encourage my colleagues to vote in favor of the bill today and reaffirm the protections workers and job creators have received for decades.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

WORKFORCE DEMOCRACY AND FAIRNESS ACT

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

Mr. HIGGINS. Madam Speaker, I rise in opposition to legislation that will hinder the rights of American workers. There are several junctures in the union certification process in which an election can be delayed through unnecessary litigation. In June the National Labor Relations Board announced reforms to reduce litigation and streamline the process so that elections are held in a fair and timely manner.

The legislation before us will block those reforms and introduce even more opportunity to delay elections indefinitely. I don't believe most employers try to delay elections. In fact, I often cite our history of cooperative labor relations as one of western New York's strengths. But the record shows that some will use every loophole to prevent workers from voting on whether to bargain collectively. The National Labor Relations Board rules will close those loopholes and prevent elections from proceeding. We should allow these reforms to stand and focus instead on legislation to create jobs and get our economy moving in the right direction.

GABE ZIMMERMAN RESOLUTION

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

Mr. BOEHNER. Madam Speaker, an attack on one who serves is an attack on all who serve.

I don't think I fully understood the meaning of those words until last January's senseless assault on our fellow citizens and our most fundamental responsibilities. This House responded in prayer and solidarity, reminding the world that no act of violence could silence the sacred dialogue of democracy.

It is in that same spirit that later today we will gather here to honor Gabe Zimmerman, the first congressional staffer to give his life in the line of duty and, God willing, the last.

Like every Member of this body, he took an oath to uphold and defend our Constitution. He died while well and faithfully discharging his duties. I think it is fitting and appropriate to honor Gabe Zimmerman with a permanent memorial in the United States Capitol.

I extend the thanks of the whole House to Gabe's family for their participation in this project.

Let us honor Gabe's memory by following his example of service to this institution, which remains the direct voice of the American people and their will. So later today, I would ask the House to support the resolution.

SUBMITTING TEMPORARY GUEST WORKER APPLICATIONS ONLINE

(Ms. HOCHUL asked and was given permission to address the House for 1 minute.)

Ms. HOCHUL. Madam Speaker, last week, like millions of Americans across this country, my family and I gave thanks for our blessings, our Nation's freedom, and for the food on our table—provided by the hardworking farmers of our country and from my district. Now I ask my colleagues to join me in giving thanks for our farmers who make this great harvest possible.

America's farms are the best in the world. Our food is safer, higher in quality, and more efficiently grown than that of any other country. The labor and innovation of America's farmers puts food on the tables of not just families here at home, but for hungry people across the world.

As our farmers bring their goods to market in the 21st century economy, they expect to have a 21st century government that will help, not hinder, their business. That's why I call on the Secretary of Labor to allow farmers to submit their H–2A applications for temporary guest workers online.

New York farmers are increasingly relying on this program for the legal labor they need to plant and harvest their crops. This summer, I was absolutely shocked to learn that one of my onion farms in Genesee County had to mail almost 20 pounds of paperwork to the Federal Government in order to participate in this program. There must be a better way.

An online application program would save money for our farmers and our taxpayers, and I urge the Secretary of Labor to swiftly implement this program.

TIME FOR THE SENATE TO ACT

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

Mr. HULTGREN. Madam Speaker, recently a constituent of mine wrote to me and asked: What is going on in Washington?

It's a good question.

She said that her husband, a small business owner, is taxed so hard that money is tight and, as a result, they cannot grow their business. And she said: If we cannot grow, we cannot create new jobs. I want to know what you are doing for job growth?

Again, a good question.

The answer is simple. We need pro-growth, pro-jobs policies. The House has passed more than 20 bills that do just that through low taxes, reasonable regulation, less spending, and a smaller, less intrusive Federal Government. These are commonsense bills. Most of them passed with bipartisan support. Where are these bills now? Languishing in the do-nothing Senate.

To my constituent, to many others who share her concern, my simple response is: We in the House have acted; now it's time for the Senate to do the same.

WORLD AIDS DAY

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

Mr. HIMES. Madam Speaker, 25 million people dead around the world, 14 million orphaned children on the continent of Africa alone. This is part of the toll that the human race has borne since the terrible scourge of HIV/AIDS began its deadly work a generation ago. Tomorrow, December 1, is World AIDS Day.

I rise today to commemorate the millions of brothers, sisters, friends, and children that we've lost to this disease. I rise to commemorate the struggle of the 33 million people around the world who are living with this terrible disease today. And I rise to celebrate the new and real possibility that we could end AIDS in this generation.

Madam Speaker, this government funded the PEPFAR fight which brought hope and health to millions of people around the world, and we have funded the research that allows us to say today that we could end AIDS.

Madam Speaker, as we do the hard work of balancing our budget and governing this country, let's do what we need to do to end this disease and make

sure that future World AIDS Days are all about celebration.

□ 1210

TURN OUT THE LIGHTS FOR THOMAS EDISON

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

Mr. POE of Texas. Madam Speaker, in 1 month, every home in America must be lit with the special $3, CFL government-approved lightbulb. The 75-cent incandescent lightbulb, Thomas Edison's greatest invention, is going to be banned by the Federal Government. The Federal Government's anti-consumer choice law leaves Americans no other option but to purchase and use a harmful mercury-filled product.

Also, this new ban is an American job killer. The government's new ban ended a manufacturing industry that went back to the days of Thomas Edison and instead shipped most of those jobs overseas, primarily to China. Isn't that lovely. Where does the Federal Government have the constitutional authority to force anybody to buy anything, from health care insurance to a box of doughnuts or even a lightbulb?

It's time for the bureaucrats to quit forcibly micromanaging America. Let Americans choose how to light their own homes. Otherwise, we will have to turn out the lights. The party is over—even for Thomas Edison's lightbulb.

And that's just the way it is.

TAXES

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

Mr. BACA. Madam Speaker, with the unemployment in the Inland Empire above 13 percent and home foreclosures at a record level, families in my congressional district are hurting. And now, if Congress does not act soon, these struggling families will face a $1,000 tax increase. And why are our families facing this deadline? Because the Republicans refuse to ask those making more than a million dollars a year to contribute their fair share.

The Republican obsession with extending the Bush tax for the ultra rich has led to the failure of the supercommittee. We all know the Bush tax cuts were a horrible failure. They didn't produce jobs here in the United States. They didn't create any new jobs. They dug us into a $15 trillion debt. And now the Republicans want to permanently extend this madness.

It can't just be my way or the highway. Let's stop this gridlock. Let's pass a jobs bill. Let's work together on a balanced budget.

IN MEMORY OF FREDERIK MEIJER

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUIZENGA of Michigan. I rise today with a twinge of sadness in my heart as I pay tribute to Frederik Meijer, a friend to the entire west Michigan community and one of America's most entrepreneurial spirits, who passed away this week just shy of his 92nd birthday.

Fred was born in Greenville, Michigan, in 1919, and was known as the ''father of the super store.'' His innovation and entrepreneurship will live on in his Meijer grocery stores, with over 200 stores in five different States. Mr. Meijer will be remembered in west Michigan for his philanthropy, his friendship, and care of the community he lived in and its residents. He and his wife, Lena, gave back and invested millions in west Michigan, and created what would become one of the State's top attractions, the Frederik Meijer Gardens and Sculpture Park.

Despite growing one of the most successful businesses in the country and revolutionizing the retail model, Mr. Meijer remained a typical west Michigan down-to-earth person who once remarked, ''Money is only a tool'' and ''Money doesn't buy happiness.'' He truly knew what was important and kept that in the forefront: friends, family, a strong relationship with his neighbors and community. The thing he loved to do the most was to hand out ''Purple Cow'' cards—free ice cream cards to kids in his stores. That will be remembered by my family as well.

Again, I rise to pay tribute to him, his family, and the innovation and entrepreneurial legacy he leaves behind.

Mr. Meijer, you will be missed but you will not be forgotten.

FEDERAL EMERGENCY UNEMPLOYMENT INSURANCE SYSTEM

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

Mr. CICILLINE. Madam Speaker, at a time when so many Rhode Islanders and so many Americans are out of work, we need to do everything we can to provide assistance to families while individuals continue to look for work. The Federal Emergency Unemployment Insurance system is a critical part of our safety net that supports families during difficult economic times.

Many constituents have contacted my office explaining the impact on their families of not extending unemployment benefits, like Estella Londono in the town of North Providence. Estella is a single mother who was laid off from work and now relies on unemployment benefits to support herself and her son. She's looking for work and is currently participating in a job training program to improve her skills and to enhance her ability to find a job. Without unemployment benefits, she would not be able to support her household and pay her bills.

If the Emergency Federal Unemployment Compensation program is not extended at the end of this year, it will be devastating to Estella and to thousands of Rhode Islanders who rely on this program. These Americans who have worked hard throughout their lives should not be sacrificed on the altar of partisan politics. Congress must stop playing Washington-style political games with the fate of these families and act now to provide security to unemployed workers and their families while they look for jobs.

INDIANA'S WAIVER REQUEST DENIAL

(Mr. STUTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUTZMAN. I rise today to express my extreme disappointment with the recent HHS decision to deny Indiana's sensible waiver request that would have allowed our State to ease into the new rule that requires insurers selling policies to individuals to dedicate 80 percent of premiums they collect to medical care. This decision was made on the basis that insurers doing business in Indiana were deemed ''profitable enough.'' CMS claimed that no provider would be forced to leave because of the denial of such a waiver. However, it was the very specter of uncertainty surrounding the President's health care law that resulted in five providers leaving the Indiana market this summer. Invariably, the departure of providers from our State and the denial of this waiver will limit competition and push prices higher.

Let this serve as a warning to other States. Creative and consumer-driven solutions to meet our citizens' medical needs will be disproportionately harmed under the President's denial of these waivers.

MIDDLE CLASS TAX CUT ACT OF 2011

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

Ms. BERKLEY. Madam Speaker, Nevada's middle-income families have borne the brunt of the economic catastrophe that has devastated our State. We need to create jobs and get our economy moving again. What we don't need is a middle class tax hike. But that's exactly what some of our colleagues in the United States Senate are proposing as they consider whether to extend and expand the payroll tax cut this week.

This should be a no-brainer. Opposition to the Middle Class Tax Cut Act of 2011 is a vote to raise taxes on middle-income families in Nevada and across the country. This would be devastating for a State like Nevada. The Middle Class Tax Cut Act would cut taxes for 1.2 million Nevadans and 50,000 small businesses across the State. What does that mean? It means the average Nevadan keeps $1,600 in their pocket. It

means that a $1,000 tax hike on Nevada families is prevented. And it means that Nevada small businesses have more money to create jobs. But instead of wholesale support for this commonsense measure, we're getting excuses and roadblocks.

It's time for action. Let's pass this bill.

NATIONAL FAMILY CAREGIVERS MONTH

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

Mr. HOLT. Madam Speaker, as the President has designated this month as National Family Caregivers Month, I rise to give honor and to recognize the tens of millions of Americans and the million New Jerseyans who provide loving care for family members and friends living with disabilities and illnesses.

Caregiving is not easy. The caregivers themselves face physical and mental health complications. Some are working with almost unbelievable endurance. Some of these caregivers are part of the ''sandwich'' generation, providing care for their children as well as their parents. There are economic costs as well. U.S. employers estimate the cost to be about $34 billion a year in lost productivity.

I look forward to working with my colleagues here in Congress to provide caregivers with the help they need—respite care, a reauthorized Older Americans Act, tax credits. Just because the CLASS Act will not be implemented does not mean the need to provide care will go away. We have work to do.

□ 1220

PAYROLL TAX CUT

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

Mrs. CAPPS. Madam Speaker, I rise to urge you to bring legislation today to extend and expand the payroll tax cut to the floor today.

If Congress fails to extend the payroll tax cut, the average American family will pay $1,000 more in taxes next year. Countless families in my district are still struggling to stay afloat; they can't afford to lose $1,000 in income next year.

Extending and expanding the payroll tax cut is not just the right thing to do for families on the central coast of California; it's the right thing to do for our economy.

Leading nonpartisan economists estimate that letting the payroll tax expire could cost the economy 400,000 jobs by the end of next year. Such tremendous job loss would be devastating to our struggling economy and to American families.

Extending the payroll tax cut should have bipartisan support. With all the anti-tax pledges taken by our colleagues across the aisle, you'd think this would be a no-brainer. More than half of the Republican Conference already voted for the payroll tax cut last December.

Madam Speaker, let's extend the payroll tax cut now. It's a win for the middle class, it's a win for small businesses, and it's a win for our economy.

VOTER SUPPRESSION

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

Mr. CLAY. Madam Speaker, the attempt to intimidate, discourage, or otherwise prevent certain people from voting has a long and notorious history. Unfortunately, voter suppression isn't just a part of our past; it's a current event.

Southern States used tactics such as literacy tests and poll taxes to deny African Americans, Native Americans, and poor immigrants their right to vote. While civil rights achievements in the 1960s did away with these tactics, the strategy continues. The old ways have been replaced with voter ID laws, outrageous registration requirements, dishonest inactive voter lists, unfair purging of voter rolls, disinformation campaigns, and unlawful disenfranchisement of ex-offenders.

Madam Speaker, when anyone's right to vote is threatened, we're all threatened. We need to stop these blatant attempts to deny American citizens the right to vote.

WORKING ON BEHALF OF AMERICA

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. At a time that government is held in such low esteem, it's time that we all really say to each other that we all love America and we respect America. And all over the world people are just trying to get here.

Recently, we talked about In God We Trust, and the question is whether God is going to continue to trust us. Because the fact is that one of the things that makes our country different is that people don't come here to become rich. They come here to be respected. And that is what we have learned, no matter whether it's Jew or gentile or Mormon, every religion emphasizes the fact that we have a moral obligation to take care of those people that are vulnerable, whether it's our kids, our old folks, or sick people.

We don't talk that way in the House. We talk about Medicare, education, Medicaid and Social Security. But all of those things, including the opportunity to have a job, make America what it's supposed to be. It's the hope for the future that our kids will have a better opportunity than we did.

Let's say God bless America, and let's work and make certain that we do all that we can do.

LET'S NOT FORGET

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, let's not forget. We talk about the Great Depression and how close we've come to it. Let's recognize and realize what we as a country did then. We passed the Social Security Act of 1935. And let's also not forget that part of that is the protection of not only our seniors, but also of those who are unemployed through no fault of their own. That is what we're looking at. Madam Speaker, we must recognize that it is time to extend the unemployment insurance, or we're going to cost our economy $30 billion, and we're going to also affect 1 million people.

Madam Speaker, let's also recognize what makes us a great country. It is not our military might. What makes us a great country is compassion; it is the fact that we have defined ourselves by how we treat our people. Let's never forget that.

It is time to be compassionate, Madam Speaker. It is time for us to extend the unemployment insurance.

EXTEND PAYROLL TAX CUT

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

Mr. YARMUTH. Madam Speaker, about 1 year ago, Republicans were insisting that before we do anything to help unemployed Americans, we had to guarantee that tax rates for the richest of the rich were made at the lowest level in 50 years. Before doing anything to help those who were struggling, they demanded we give more to those who are hurting the least. But that was just the beginning. Now, they are resisting a tax cut that would give American families an average of $1,000 per year. These are the same families that have seen their incomes drop by $6,000 in just the last 2 years.

Republicans are putting more and more money into the pockets of millionaires and taking it out of the pockets of American families. They've gone from simply not helping working Americans, to actively making it harder for them to get by. These are not the priorities of the American people.

I urge my colleagues to support the extension of the payroll tax cut and stand up for this commonsense policy that will help millions of American families.

EXTEND UNEMPLOYMENT INSURANCE AND PAYROLL TAX CUTS

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, I rise today to urge my Republican colleagues to move fast and join forces to extend the unemployment insurance and payroll tax cuts.

Now more than ever, most Republicans are content with cutting off the unemployment insurance and raising taxes on millions of middle class Americans while refusing to raise taxes on the richest 1 percent. The unemployment rates for the month of October in my congressional district of Union, Essex, and Hudson Counties in New Jersey are between nine and 10 percent, which is above the national average. If Congress does not act by the end of this year, 2.2 million unemployed workers, including my constituents, will lose their unemployment insurance benefits by February 2012.

When times could not get any tougher, Republicans also refuse to extend the payroll tax cut holiday enacted earlier this year that gave virtually all working Americans a much needed tax cut. Failing to extend the payroll tax cut will strip over $120 billion from the pockets of consumers. We must act now and extend the unemployment insurance and payroll tax cuts.

□ 1230

EXPIRATION OF UNEMPLOYMENT BENEFITS

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Dawn, a single mother of two, spends every day looking for a job. After 20 years working in human resources, she was laid off in July; and now, the only thing paying her heat and electricity bills, the only thing putting food on the table, is her modest unemployment benefit.

In just 35 days and counting, her safety net will be pulled away if Congress fails to act. If we don't extend emergency unemployment benefits when they expire, by mid-February, 2.1 million Americans will have their benefits cut off. And by the end of the year, 6 million will be without this critical lifeline.

Today one out of every 11 Americans is out of work. Congress has never allowed unemployment benefits to expire when unemployment was this high for this long. We should not start now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

GABRIEL ZIMMERMAN MEETING ROOM

Mr. FLEISCHMANN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364) designating room HVC 215 of the Capitol Visitor Center as the ''Gabriel Zimmerman Meeting Room''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 364

Whereas public events allowing Members of Congress to meet with constituents are an intrinsic element of American democracy and representative government;

Whereas at approximately 10:10 a.m. on January 8, 2011, a gunman attempted the assassination of Congresswoman Gabrielle Giffords, opening fire at her ''Congress on your Corner'' event in front of a Safeway supermarket in Tucson, Arizona, killing 6 and wounding 13, including Congresswoman Giffords;

Whereas Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman lost their lives in the attack;

Whereas Gabriel Zimmerman began his Congressional career in January 2007 as Constituent Services Supervisor for then newly elected Congresswoman Giffords, a role in which he supervised a robust constituent services operation and worked directly with the people of Arizona's Eighth Congressional District to help them resolve problems with Federal agencies and to offer other forms of assistance;

Whereas Gabriel Zimmerman then served as Congresswoman Giffords' Director of Community Outreach, a position in which he proactively engaged the Congresswoman and her office with constituencies, organizations, and citizens throughout southern Arizona;

Whereas Gabriel Zimmerman organized hundreds of events to allow constituents to meet with Congresswoman Giffords while serving as Director of Community Outreach, and led the organization, planning, and implementation of Congresswoman Giffords' January 8, 2011 ''Congress on your Corner'' event;

Whereas Gabriel Zimmerman was a 1998 graduate of University High School in Tucson, Arizona, a 2002 graduate of the University of California at Santa Cruz, and a 2006 graduate of Arizona State University, where he received a Masters in social work;

Whereas prior to joining Congresswoman Giffords' staff, Gabriel Zimmerman was a social worker assisting troubled youth;

Whereas Gabriel Zimmerman was an outdoor enthusiast, all-around athlete, and lover of history, who at the time of his death at the age of 30 was engaged to be married, and who was known and respected by countless individuals throughout the Eighth Congressional District;

Whereas staff serve a vital role in the Congress, allowing the legislative branch to exercise its critical constitutional duties and enabling Members to effectively represent their constituents;

Whereas over 15,000 individuals are currently serving as Congressional staffers;

Whereas, on January 8, 2011, Speaker John Boehner stated, in reaction to the Tucson shooting, ''I am horrified by the senseless attack on Congresswoman Gabrielle Giffords and members of her staff. An attack on one who serves is an attack on all who serve.''; and

Whereas Gabriel Zimmerman was the first Congressional staffer in history to be murdered in the performance of his official duties: Now, therefore, be it

Resolved, That room HVC 215 of the Capitol Visitor Center is designated as the ''Gabriel Zimmerman Meeting Room''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. FLEISCHMANN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. FLEISCHMANN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 364.

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

There was no objection.

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

House Resolution 364 would designate room HVC 215 of the Capitol Visitors Center as the Gabriel Zimmerman Meeting Room. This resolution has broad bipartisan support, with 367 cosponsors.

On January 8, 2011, our Nation, and this Chamber in particular, suffered a horrendous tragedy. On that day, one of our distinguished colleagues, Congresswoman GABRIELLE GIFFORDS, was hosting one of her many Congress on the Corner gatherings at a local supermarket, where she routinely met and conversed directly with her constituents. During that event, a gunman shot and killed six people, while critically wounding 13 others, including Congresswoman GIFFORDS.

I am heartened to hear of the amazing progress the Congresswoman is making in her recovery, and our prayers go out to her and her family.

Sadly, on that day, six people lost their lives. Among the dead were a 6-year-old girl, Chief Judge John Roll of the United States District Court of Arizona, and Congresswoman GIFFORDS' director of community outreach, Gabriel Zimmerman. Earlier this year, we honored Chief Judge Roll in naming a courthouse after him. Today we honor Congresswoman GIFFORDS' staffer Gabriel Zimmerman.

Gabe Zimmerman was only 30 years old and engaged to be married when he was killed. He graduated from the University of California at Santa Cruz in 2002, and in 2006 received a master's degree in social work from Arizona State University. Prior to joining Congresswoman GIFFORDS' staff, he worked as a social worker assisting troubled youth.

Gabe Zimmerman began his congressional career in 2007 as a Constituent Service Supervisor for then newly elected Congresswoman GIFFORDS. In that role, he supervised her constituent services operation and worked directly with the people of Arizona's Eighth Congressional District. He was later promoted to the Director of Community Outreach, where he organized hundreds of events to coordinate outreach to constituents.

As the first congressional staffer to be murdered in the performance of his

official duties, this resolution seeks to honor Gabe Zimmerman's ultimate sacrifice to the citizens of Arizona. This is also a gesture of sincerest gratitude from the Members of this Chamber who rely on their dedicated staff to help them serve the citizens of this Nation.

I support the passage of this resolution and urge my colleagues to do the same.

I reserve the balance of my time.

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

I want to commend Representative WASSERMAN SCHULTZ and the 367 bipartisan cosponsors of House Resolution 364.

I recognize, Madam Speaker, that this is an unprecedented bill, but the bill commemorates an unprecedented act, the sacrifice of the life of a staffer of the one of our Members who, herself, is still recovering from that tragedy, Representative GABRIELLE GIFFORDS.

We do not often have opportunities to speak on the floor of the House of our staff, whose duties are performed almost entirely behind the scenes. The tragedy in Arizona, however, does remind us that staffers are often exposed as much as Members to harm and are in harm's way.

Therefore, I think it entirely appropriate that we commemorate this loss of life, first in the history of the Congress, by naming a room after Gabriel Zimmerman in our Visitors Center.

I rise in support of House Resolution 364 and am pleased today to speak in support of a bill that designates a room in the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room".

Gabriel "Gabe" Zimmerman was a Congressional staffer who was killed along with five others, at a community meeting at a local grocery store sponsored by Representative GABRIELLE GIFFORDS on January 8th, 2011 while 13 other individuals were wounded, including Representative GIFFORDS and two other Congressional staffers. Gabe Zimmerman was a dedicated Congressional staffer who had worked for Representative GIFFORDS since 2006, first as an aide to her first congressional campaign, next as a Constituent Services Supervisor in Tucson, and eventually rising to the position of Director of Community Outreach where his duties included managing the logistics for all of Representative GIFFORDS' public District events and helping her constituents with the day to day details of navigating various federal agencies.

Gabe Zimmerman, a Tucson, Arizona native, was a 2002 honors sociology graduate of the University of California at Santa Cruz, and a 2006 graduate of Arizona State University, where he received a Masters in Social Work. Before he went to work for Representative GIFFORDS, Gabe Zimmerman worked as a social worker assisting troubled youth. He had a strong reputation of being dedicated to providing services to Representative GIFFORDS' constituents. Gabe also served on the boards of several organizations including the local YWCA, the Comstock Foundation, and the Child and Family Resources organization. At the time of his death, Gabe Zimmerman was 30 years old and engaged to be married.

Gabe Zimmerman was a respected Congressional aide serving on the front lines of providing services to the Arizonians that Representative GIFFORDS represented. There are nearly 15,000 Congressional aides that stream into House Office buildings and District offices across the nation, assisting Members of Congress in conducting the business of the American people. In many ways Gabe Zimmerman represents some of the best aspects of these men and women, with his colleagues describing him as "fiercely loyal to his boss" and "dedicated to providing services to the constituents of the 8th Congressional District of Arizona".

It is important to note that Gabe Zimmerman is the first staffer in U.S. history to be killed while in the performance of his official duties. Sadly, Gabe Zimmerman had been responsible for organizing Representative GIFFORDS' "Congress on Your Corner" event and was staffing the event when he was killed. This dedication should also be seen as a tribute to not only Gabe Zimmerman but to all staff members who work behind the scenes to assist Members of Congress. Given Gabe Zimmerman's dedication to public service and in honor of his death while in service to the U.S. Congress, I believe it is appropriate to designate room HVC 215 in the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room."

I ask unanimous consent that the resolution be managed by its sponsor, Representative WASSERMAN SCHULTZ.

The SPEAKER pro tempore. Without objection, the gentlewoman from Florida will control the time.

There was no objection.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield such time as I may consume.

I rise today to offer House Resolution 364, designating HVC 215 of the Capitol Visitor Center as the Gabriel Zimmerman Meeting Room.

On January 8, in Tucson, Arizona, tragedy struck this country in a shooting that shocked our Nation and tore through the fabric of the congressional community. Six people died that horrific day, including Gabriel Zimmerman, a congressional staffer for our friend and colleague, Representative GABRIELLE GIFFORDS of Arizona's Eighth Congressional District.

Now, less than a year after this horrible day, it is fitting that the United States House of Representatives, through passage of this resolution, properly honor the sacrifice and service of one of our own.

Gabe Zimmerman served as the community outreach director for our friend and colleague, Congresswoman GABBY GIFFORDS. Gabe was perfectly suited for this position, as anyone who knew him would tell you. That's because working as a community outreach director married two great passions in his life: his drive to help individuals and a firm conviction that America's Government needed to be open, accessible, and responsive to every American.

Ask any Member of Congress here what is one of the most valuable positions in their office, and they will tell you it is our constituent outreach director. They listen each and every day to the concerns of our constituents—their problems, their suggestions, their complaints—and then they work to help them. The hours are long. Nights and weekends at home with family or out with friends are often sacrificed to attend community meetings. Each and every one of us have staff members working for us who show such dedication, and the hallways of this Capitol have echoed for two centuries with the hurried footsteps of congressional staffers serving the American people.

This resolution, designating the Gabriel Zimmerman Meeting Room, is not put forward to mark Gabe's death but, rather, to recognize his commitment in life and to making others' lives better. Ask those who knew him and they will tell you that Gabe had a way about him that invited conversation. He could walk into any room and find a way to connect to people. Gabe would often put in extra hours and was known to pay out of his own pocket for poorer constituents' bus fare, whatever he could do to help that little extra amount.

Gabe's dedication and cheerfulness had a profound effect on those with whom he came in contact. Just days after the shooting, well after dark, a gentleman came to Representative GIFFORDS' Tucson office, tears in his eyes, visibly shaking. He explained that just days before, Gabe had taken the time to sit down with him; and even though he'd come in late in the day, he listened to him, treated him like a human being, and made it clear he was going to work to help him. The gentleman simply couldn't believe that such a good person had been taken so young.

Among his colleagues in Tucson, Gabe was profoundly well liked. They told me, when I visited after the shooting, that Gabe was always excited to come in to work and that he cherished the ability to work for a Member of Congress and for one he so admired. His coworkers kiddingly called him Prince Charming because he was always there for them, always ready to come to their rescue.

□ 1240

In Representative GIFFORDS, Gabe found someone for whom he cared deeply as his mentor, as his boss, as a friend, and as a Member of his Congress who shared his passion for selflessly helping others. And while Representative GIFFORDS counted on Gabe to be her eyes and ears in her district, her husband Mark Kelly said that Gabby also looked upon Gabe like a younger brother, as so many of us as Members of Congress look at our own staff members.

Tragically, this loyal, determined, and talented public servant, someone who was a true apostle of our representative democracy, unknowingly also made the ultimate sacrifice for his country.

Gabe Zimmerman is the first congressional staffer in the history of this institution to be killed while carrying out his official duties. It is in this historical and hallowed moment that we vote on this resolution to name the congressional meeting room currently known as HVC–215 the Gabriel Zimmerman Room.

As those of us who work on the Hill know well, HVC–215 is frequently used for staff meetings of every variety. I can think of no better way to memorialize Gabe's service and ultimate sacrifice than to have this meeting place forever carry his name and memory.

Over the past 4 months, a bipartisan group of more than 400 of our colleagues, 402 now, to be exact, have signed on to this resolution in solidarity as cosponsors of this resolution honoring Gabe's sacrifice. This makes this resolution among just a select few pieces of legislation in history to have garnered such broad support in the House of Representatives.

With this vote, we honor the life of Gabe Zimmerman, and we also recognize all congressional staff—working in every corner of our great Nation—for their dedication to Congress and the American people.

From now on, each time we enter the Gabriel Zimmerman meeting room, let us be reminded of Gabe and of the service and sacrifice of every congressional staffer. I urge my colleagues to join me in support of House Resolution 364.

I reserve the balance of my time.

Mr. FLEISCHMANN. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), who coauthored this important resolution.

Mr. SCHWEIKERT. Today I rise in support of House Resolution 364, renaming House visitor room 215 the Gabriel Zimmerman Meeting Room.

As a Member of Congress, each of us consider our staff more than employees. We work with them. They represent our districts. But they are part of our team. They are part of our family. And they're also the voice, the eyes, and ears in our communities. They solve problems, and they work very long hours. Often, and I particularly feel bad about this, we often forget to say ''thank you'' to those staffers.

Today we say thank you to Gabriel Zimmerman, who was truly one of these dedicated staffers. He had a great reputation of being one of the most caring individuals you could possibly ever meet.

After receiving his master's degree at Arizona State University, a fine institution, he chose to give back to Arizona and give back to the community in southern Arizona, making our State a better place.

But on the morning of January 8, he had organized a Congresswoman on the Corner meeting outside Tucson so constituents could talk and meet with Congresswoman GABRIELLE GIFFORDS. Representing, that Saturday morning in southern Arizona, was what democracy is all about. It is democracy at its finest. And then the unimaginable happened. Gabe Zimmerman is the first congressional staffer to lose his life in the service of this House.

Today we honor Gabriel's talents, the compassion, and the wonderful things he did for Arizona, for southern Arizona, for the community. And naming something as simple as a room will never be enough for his sacrifice. But it is the right thing to do for Gabe, for the things he did for Arizona, the things he did for Tucson, and also for this congressional family.

Think about this: A hundred years from now, there will be a young staffer getting their first tour of this body, this building, and during that tour, they're going to come across the Gabriel Zimmerman room. And when they read about it, they're going to understand the sacrifice that he gave, just like so many Members here give, but Gabriel gave the ultimate sacrifice, his love and his talent, for this body and for this family.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is now my privilege to yield 2 minutes to a good friend of Congresswoman GIFFORDS and a wonderful representative of the great State of Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. I rise in support of House Resolution 364, which enshrines the meeting room in the visitors center in the name of Gabe Zimmerman.

My colleagues have retold the tragedy that happened in Tucson in January, the deaths, the injuries; and as we recover from that trauma, led by the courage and strength of Congresswoman GIFFORDS, this moment is an important moment as we commemorate the sacrifice and honor the service of Gabe Zimmerman.

I want to quote from the statement that his mom made, Emily, at a press conference on July 20: ''It's right to honor Gabe here, at the Capitol, where Congress is charged with responding to the needs of those people who stood in that line, at that grocery store, to all Americans, by crafting our Nation's laws. While he was the first congressional staff person in the United States' history to be killed in the line of duty, it's not his death, but his work and his ideals that should be recognized here, ideals shared by thousands of congressional staff people over hundreds of years of our Nation's history.

''Gabe thought a lot about and cared a lot about the importance of civic engagement in an open and civil society. That concept, that goal, which is a cornerstone of our democracy, can be remembered in this room, along with an idealistic young man who died.''

I think his mom said it best.

So as we honor Gabe, we honor those staff people that work for us, that sometimes make us look better than we are; to those staff people that work for us that sometimes have to deal with the controversies which we create, and in doing so, they extend service and support to the people that we represent.

There is no finer example than Gabe Zimmerman, and I'm honored to support this resolution and honored to be from a community that Gabe was from.

Mr. FLEISCHMANN. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Madam Speaker, I stand here today with my colleagues to support the dedication of a meeting room in the Capitol Visitors Center to Gabe Zimmerman, a man known for seeking to bring healthy political discourse through civil service.

I would first like to reaffirm my condolences to Gabe's family and loved ones for their loss. He will be missed.

Both a devoted congressional aide and a community leader, Gabe served Congresswoman GABBY GIFFORDS' district with a smile and a willingness to go above and beyond in assisting both his office and his fellow citizens. With an extroverted personality and a deep concern for others' well-being, Congresswoman GIFFORDS has noted that Zimmerman became the go-to person for constituents in the district. He was what you call back home ''good people.''

We can all appreciate and learn from Gabe that representing our citizens means going beyond what is asked of us to assist them. Gabe Zimmerman lived this mantra day by day.

It is with great respect that I support this bill to dedicate this place of meeting in honor of a man who lost his life through a senseless act of violence. I join the Arizona delegation in hoping that his sacrifice and the principles of his public service are remembered and honored by all of those who seek to make our Nation a better place.

Ms. WASSERMAN SCHULTZ. It is my privilege to yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

□ 1250

Mr. HOYER. I thank my friend DEBBIE WASSERMAN SCHULTZ, one of GABBY GIFFORDS' closest friends. I acknowledge the presence of GABBY GIFFORDS' extraordinary staffer and extraordinary leader on her staff, who herself lost a valued member of her staff and Gabby's staff.

Madam Speaker, all of us who serve in this House know that we could not do the work we do without the help of our extraordinarily able and highly motivated staffs. They work long hours with pay below their counterparts in the executive branch and in the private sector. Many are young, in their twenties and thirties, with an energy and a passion for public service that give us all great hope for the future.

Gabe Zimmerman was one of those passionate and dedicated staffers who loved his job, who loved his fellow staffers, and who loved his Congresswoman. He was working for a beloved friend and colleague of all of ours, Congresswoman GABBY GIFFORDS.

Gabe Zimmerman was a bridge between the Congresswoman and individuals and constituent groups in her district, fostering and expanding each day

the most important relationships Members of Congress maintain: those with their constituents, with the people who have entrusted them with the responsibility of representing them in this great body. Gabe Zimmerman was the first congressional staffer in history, as has been said a number of times, to lose his life in the line of duty, in the 222 years of the history of this body. He lost his life protecting, promoting, and defending democracy.

Gabe Zimmerman, along with six others, was not the object of attack, but a victim of a domestic terrorist intent on assassinating Congresswoman GIFFORDS and intent on randomly killing people participating in one of democracy's most basic activities—the discussion between constituents and their Representatives. Members of my own staff—and I'm sure the members of the staffs of every Member here—were profoundly shaken by this event, realizing that it could have been them or, indeed, any staffer, participating with their Members in any public or even private event.

It is entirely fitting, therefore, that we rename in his memory a room where, every day, Members and our staffs come together to further the representation of the American people. Every day, when we enter that room, we will remember Gabe Zimmerman. Gabe Zimmerman died while serving his country, and we honor him for that service.

But let me say to every staffer who serves with us that, by doing so, we honor you as well—your contributions and the contributions of all staffs—who, like Gabe, strive to make this country a better one for all Americans.

We send to Gabe's parents our deepest sympathy for a loss that cannot be compensated, but tell them that we share their extraordinary pride in this American hero.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of House Resolution 364, which will name HVC–215 after Gabe Zimmerman.

January 8, 2011, was a dark day in our country's history. Six of our citizens lost their lives, and Congresswoman GIFFORDS and many others were severely injured during a senseless act of violence. There is nothing this House can do to ease the pain of the families and friends who lost loved ones that day. For them, Tucson's painful memories may never fully recede.

What we can do is continue to honor those we lost—Gabe Zimmerman, Christina Taylor Green, John Roll, Dorothy Morris, Phyllis Schneck, and Dorwan Stoddard—and make sure they are never forgotten.

The loss of Gabe Zimmerman affected this body deeply. We all know staffers like Gabe—tireless public servants who work long hours and weekends for modest pay. Congressional offices wouldn't be able to function without people like Gabe. Yet they rarely receive the credit they deserve.

Shortly after the shooting, Gabe's friend C.J. told the Los Angeles Times about a visit he and Gabe made to the Lincoln Memorial. He said, ''When we went to the Lincoln Memorial on a cold, damp January morning, the wind whipped through the place, and it was freezing cold, but Gabe had to read every single word of the Gettysburg Address . . . He put his all into his work. He put his all into his life.''

Madam Speaker, Gabe's life was cut too short, but his life will be forever honored. Years from now, when young interns and staffers visit HVC–215, they will be reminded of Gabe Zimmerman's story—of his passion, of his service to his State and country, and of the example that he set.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is now my privilege to yield 2 minutes to a close friend of Congresswoman GIFFORDS' and someone who has stood by her, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. I thank the leadership of this House, both Democrat and Republican, and all the cosponsors for bringing this resolution before us and for honoring Gabe Zimmerman by naming the room in the Capitol Visitor Center after him.

I can think of nobody who better personified the idea of public service than Gabe Zimmerman. A lot of people get involved in politics for a lot of different reasons, but I think that the base reason that we all should want to be involved in it is to represent people. So when you read the stories about Gabe and about the service that he did even before he worked for Congresswoman GIFFORDS, you can see someone who truly understood what it meant to be a representative.

Gabe made so much of his life about caring for other people, and there can be no higher calling. In naming this room after him, we have a permanent reminder to everybody who comes through this Capitol about what this place is all about. It's about serving other people, and it's about public service. On the base fundamental level, Gabe understood that to do his job right—to represent his district, to represent this country—he needed to make sure that everybody in his district believed that they had a voice in Congress, and that's not an easy thing to do. We represent around 700,000 people, but there was nobody who Gabe wouldn't reach out to and listen to.

I have no doubt that there are thousands of people, if not tens of thousands, who have a better appreciation, who believe more in their government because of the work that Gabe Zimmerman did, and that's something that we need to be permanently reminded of. By naming this room after him, we will offer that opportunity to everybody who comes through this Capitol.

I also think it is reflective on Congresswoman GIFFORDS as well. Gabe worked for GABBY because he believed in her and believed in what she was doing. She, too, personifies that notion that we're here to represent people—all of them—whether we agree with them or not. It's not just a matter of taking the ones we agree with and fighting for them. You have to fight almost extra hard for the ones who maybe you don't agree with, because that's what makes representative democracy work—believing in this country. Congresswoman GIFFORDS and her staff do that as well as any group of people that I've ever encountered.

It's fitting that we honor Gabe and that we offer our condolences to his parents with the encouragement that he has personified what this institution is all about. We will never forget that.

Mr. FLEISCHMANN. Madam Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Tennessee has 10½ minutes remaining, and the gentlewoman from Florida has 6½ minutes remaining.

Mr. FLEISCHMANN. I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Madam Speaker, it's hard to add to all of the things that have been said today about Gabe Zimmerman, but I identify with each one of them.

I would simply say to you, though, that I never met Gabe. I did have the privilege to meet his lovely, precious family, and it was clear to me that everyone who knew Gabe loved him. If they knew him well, they loved him more. His selfless spirit of service is an inspiration to all of us, and it's also a reminder of how short our time here may be.

So, Madam Speaker, I just want to suggest to you that everyone in this place should embrace this resolution because it is a testament to the noble dedication of a young congressional staffer who lost his life in the service of his country.

I had the privilege of being there when this room was dedicated to him, so I hope that all of us can embrace this. I urge my colleagues to vote ''yes'' and to honor Gabe Zimmerman and the legacy of service that he left behind.

□ 1300

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is my privilege to yield 1 minute to the gentleman from Arizona (Mr. PASTOR).

(Mr. PASTOR of Arizona asked and was given permission to revise and extend his remarks.)

Mr. PASTOR of Arizona. Madam Speaker, I also rise in support of this legislation, and I too want to thank both the sponsors of this resolution, the cosponsors and the leadership, both on the Democratic side and the Republican side, for bringing this resolution before us today. I urge all my colleagues to vote ''aye.''

It's a tribute to Gabe Zimmerman, who gave his life less than a year ago in Tucson, and also it's a tribute to his family. His mother was a public servant in Tucson. She worked for many years for the city of Tucson, so he knew what public service was through his family.

It's also a tribute and a recognition of the service that all public employees give to our country and make our lives every day a little better. So may Gabe rest in peace, and may we continue to give thanks and gratitude to the public servants who give us a better quality of life.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Madam Speaker, this is a somber occasion, but I am honored to speak in support of congressional action dedicating a room in the Capitol Visitor Center as the Gabriel Zimmerman Meeting Room.

As all America knows, Gabe and five others lost their lives on January 8 of this year in a parking lot in Tucson, Arizona, when a deranged man opened fire on innocent people. Gabe was just doing his job.

And while I've never had the pleasure to meet Gabe, I feel like I know a lot about Gabe. He worked for GABBY GIFFORDS, a Congresswoman who has become a good friend through our close work as leaders in the Space and Aeronautics Subcommittee of the Science and Technology Committee in the last Congress. GABBY showed me something rare in Washington, true bipartisanship; and it says a tremendous amount about Gabe that he had GABBY's trust and confidence.

I also feel I know Gabe because, like him, I was a congressional staffer. I served in the offices of two Texas Senators, Senator PHIL GRAMM and Senator JOHN CORNYN, for nearly 9 years; and there is nothing I wouldn't do to protect my bosses.

Gabe was put in a position that no congressional staffer in American history has faced, asked to sacrifice his life for his boss and innocent people. When the shots rang out, Gabe was in the line of fire. He didn't run. He made the ultimate sacrifice and became the first congressional staffer to give his life in the line of duty.

One final comment about Gabe's courage. Prior to my time as a Senate staffer, I served for nearly 10 years as a pilot in the United States Navy. Our military heroes who lay down their lives for their comrades are celebrated and remembered. They're given our Nation's highest military honors. They're immortalized in history.

And while Gabe Zimmerman was not wearing a uniform the day he died, he deserves to be immortalized nonetheless. This Congress does so today by passing H. Res. 364, permanently affixing Gabe Zimmerman's name on a plaque in the Capitol Visitor Center. We can never, ever forget Gabe's sacrifice for the United States of America, and by passing H. Res. 364 we ensure that Gabe's short life is forever remembered, revered, and immortalized.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is my pleasure to yield 1 minute to the gentlelady from California (Ms. SPEIER).

Ms. SPEIER. I thank the author of this resolution for giving us all the opportunity to recognize Gabe Zimmerman and to honor his memory and to extend to his family, Ross Zimmerman, Emily Nottingham and Ben Zimmerman, our gratitude for giving their son and their brother in service to this country.

We have said it already: Gabe Zimmerman, a young man, a passionate, idealistic, 30-year-old man, engaged to be married to his beloved Kelly, lost his life in gunfire while assisting his Congresswoman, GABBY GIFFORDS.

In the routine course of affairs in this House, our staff Members often sacrifice their peace of mind in service to the needs of our constituents. In many of our hectic moments, they sacrifice their family time and the events with children that create a lifetime of memories.

Gabe Zimmerman loved his community and his Nation that he served, and it is just appropriate that we take the time today to recognize him and to affix a plaque in his honor.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding.

Gabe Zimmerman, I didn't know him, but I know many people that are just like him. They are called the congressional staffers.

Gabe Zimmerman dedicated his life to public service, and he died dedicating his life to public service. He died from an assassin's bullet in January of this year hosting a Congress on Your Corner event for GABBY GIFFORDS, which he organized.

There are many men and women just like Gabe Zimmerman who come to work every day and work in Congress. These staffers work very long hours, sometimes late into the night. They work weekends, they deal with people from our districts, and sometimes they get little or no appreciation for their hard work.

Congresswoman GIFFORDS is blessed to have a wonderful staff. I had the pleasure to be with her legislative director, Peter Ambler, and her director of operations, Jennifer Cox, when they hosted me at the Arizona border so I could talk to ranchers in Arizona; and this occurred after GABBY was shot and wounded.

I was impressed with these staffers and their work and keeping up the mission of our fellow Member of Congress, GABBY GIFFORDS, as she was recovering from her wounds. The energy and drive of these bright Americans represent really all that is good about our country. So on this day, it is good that Members of Congress remember and give thanks for Gabe Zimmerman, his colleagues in Representative GIFFORDS' office, for Representative GABBY GIFFORDS, and for all the men and women who allow this great body to continue to be the people's House.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is my privilege to yield 1 minute to a woman with whom I experienced one of the most emotional experiences in my life, along with our colleague from New York, KIRSTEN GILLIBRAND, when we watched GABBY GIFFORDS open her eyes after her injury, the gentlelady from California, our leader, NANCY PELOSI.

Ms. PELOSI. Madam Speaker, I thank my colleague from Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ, for taking the time today to bring this important legislation to the floor.

Yes, we did indeed experience an emotional moment to see GABBY open her eyes, but we all experienced an emotional moment here on August 1 when Congresswoman GABBY GIFFORDS came back to the floor of Congress to cast a vote. With all the smiles that we had that day, and we were part of history, we had deep inside of us the sorrow of those who lost their lives last January, and one of those people was Gabe Zimmerman.

So I'm pleased and saddened to come to the floor of the House of Representatives today to join my colleagues. I thank Congressman FLEISCHMANN, Congresswoman WASSERMAN SCHULTZ, and the Congresswoman from the District of Columbia for their leadership here and join in a bipartisan way, especially with the leadership of Congresswoman WASSERMAN SCHULTZ and the Arizona delegation in a bipartisan fashion speaking on behalf of this resolution.

□ 1310

As has been mentioned, Gabe Zimmerman and five others were tragically taken from us on January 8 of this year in the attack on Congresswoman GABBY GIFFORDS. All the Nation watched and prayed.

Today, in permanently naming a room in the Capitol complex after Gabe, we honor his life. As Gabe's mother, Emily Nottingham, said: It's not Gabe's death, but his work and his ideals that should be recognized here.

Gabe's ideals were rooted in service. He worked, as has been mentioned, as a social worker assisting troubled youth, served on the boards of several community organizations in Tucson, and tirelessly assisted the constituents of Congresswoman GIFFORDS. The work that he did made a difference to veterans seeking the benefits they were owed, to families facing foreclosure, and to seniors with lost Social Security checks.

As this resolution notes, there are more than 15,000 individuals serving as congressional staff. In honoring Gabriel Zimmerman today, we recognize all of them for their service.

I want to particularly acknowledge Pia Carusone, who is the chief of staff

for Congresswoman GABBY GIFFORDS, for her leadership in guiding the staff through this tragic time but not for one moment diminishing the concern and the service to the people of the district that GABBY GIFFORDS represents in Tucson.

Today we pray for Gabe's family. His mother, Emily; his father, Ross; his stepmother, Pamela; his brother, Ben; and his fiancee, Kelly. We hope it is a comfort to them to know that Gabe will be forever remembered here in the Capitol complex. When people walk through that complex and they see that name, that signage, whether it is above the door or directions to it, some may ask the question: Who is Gabe Zimmerman? They may not know him by name, but they know him by his sacrifice. We all honor that here today.

May Gabe Zimmerman, of course, rest in peace. May his memory always be a blessing to us. We know that it is, but we want everyone else to know it as well.

With that, I again thank Congresswoman WASSERMAN SCHULTZ for her leadership, persistence, determination, advocacy, and relentlessness in making this possible. In honoring Gabe, we honor the work of all of our staff, past, present, and future.

Mr. FLEISCHMANN. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding, and I thank those who have brought this resolution to the floor, particularly the gentlewoman from Florida, and for the hard work she has put into it, and for the staff of GABBY GIFFORDS for working so hard to get this done, and for the family of Gabe Zimmerman, working with this body, both sides of the aisle, to make sure that this resolution came to the floor today.

I was fortunate enough to be in Tucson just a few hours after the shooting and was with those assembled at the hospital, with friends and community activists and others when it was confirmed that Gabe Zimmerman had lost his life. I wish all who are within the sound of my voice today could feel in that room, that day and the days that followed, the love that was felt for this good man, for the work that he did for our colleague, and for how much he is loved throughout the State of Arizona. The State of Arizona will not forget what he has done. And with this resolution today, with this naming, we ensure that this institution does not forget Gabe as well.

Now, all of us as Members of Congress here have a plaque outside of our office that denotes that we are serving the people of our representative States. When we retire, when we leave after serving here, we will take those plaques with us, and maybe they'll decorate our office at home or a room at home. I think it is fitting that this plaque will remain here forever and will honor the service of Gabe Zimmerman and also honor the service of many staff who work so hard that are often forgotten and often not appreciated for the work they do.

So it's an honor to be here, and I appreciate again those who have helped bring this resolution to the floor, particularly the family of Gabe Zimmerman. And I hope they know how much we appreciate their sacrifice and Gabe's sacrifice.

Ms. WASSERMAN SCHULTZ. Madam Speaker, before I yield back, I want to share one more story to really demonstrate to the entire country the heart of the young man that we are honoring here today, because even those who only occasionally came into contact with Gabe Zimmerman were touched by his passing because of the way he treated them in life.

The week following Gabe's death, the night shift security guard came and knocked on the door of Congresswoman GIFFORDS' Tucson office. They were working late, and her staff opened the door. The guard came hoping that the person he so often talked to at night hadn't really been killed. Tearing up, he said he hadn't known Gabe's name, but said that he often found Gabe working late and that Gabe would always ask him about his family or his weekend or just talk about sports. Gabe always treated him with dignity, which meant so much to him.

That's the importance of the legislation that we have in front of us today. Knowing that we are going to forever designate HVC 215 as the Gabriel Zimmerman Meeting Room sends a message to all of our staff and to the hearts of all who serve that we will honor their service, honor their commitment, honor their willingness to make a personal sacrifice to devote their lives to helping others. That was the epitome of Gabe Zimmerman.

I want to close just by thanking the entire Arizona delegation, particularly Mr. FRANKS and Mr. FLAKE, and most especially DAVE SCHWEIKERT, who had such courage in sponsoring this resolution with me, was passionately committed to garnering cosponsors for it, and really worked incredibly hard to bring it to the floor.

I also want to thank the leadership of both the Democrat and Republican Members. This is a very challenging and difficult time for our Nation, Madam Speaker. It is my hope, as hard as it is and as hard as it has become for us to engage in civil discourse, that we really all redouble our efforts as we have all publicly stated that we are willing and interested in doing, myself included, to make sure that we can earn the respect and earn every day the privilege that our constituents have given us to represent them here in our Nation's capital. And in doing so, we will honor Gabe's memory, honor the service of our colleague and friend GABBY GIFFORDS, and know that Gabriel Zimmerman did not die in vain.

I yield back the balance of my time.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding, and I also want to thank my colleague from Florida for her leadership, along with the Members of the Arizona delegation, for putting this resolution together which is so important.

I have had the honor of knowing my colleague GABBY GIFFORDS since 2005 before either of us were actually elected to Congress. And there is no doubt in my mind that she wishes she could be here today on the House floor to speak in favor of this resolution that is honoring the life of Gabe Zimmerman, her director of community outreach who lost his life in that senseless attack on January 8.

As a former staffer myself, I know firsthand that working for a Member of Congress is not like most jobs. You rarely go home at 5 or 6; you work long hours; you typically do not have weekends off. But to those staff who work for all of us, every one of the House Members, the reward comes from working for constituents on behalf of our districts, our States, and our great country. All of our staff are extensions of the Members that they work for.

GABBY's staff is certainly a reflection of whom she is—a loyal, dedicated public servant. And Gabe Zimmerman is no different. I didn't know him, but I do know that he cared for his community, he cared for his country. Gabe was a passionate advocate for children, for social justice, and for antiracism. Gabe didn't wear the uniform of a soldier or a police officer, but he did give his life while serving his country, and so it is absolutely fitting that, inside the Congressional Visitor Center where thousands of Americans visit each and every year, a room will now bear Gabe Zimmerman's name in his honor. And I hope that this dedication will also serve as a reminder to all of us of the passion and the loyalty and that dedication that Gabe showed every day as a congressional staffer.

My thoughts continue to be with Gabe's family, with GABBY and her husband, Mark, and with all of GABBY's staff who have a constant reminder of how valuable life really is.

□ 1320

Mr. FLEISCHMANN. Madam Speaker, in closing, I wish to thank Congressman SCHWEIKERT and Congresswoman WASSERMAN SCHULTZ for their coauthorship of this very, very important legislation honoring Gabe Zimmerman. I want to thank the entire Arizona delegation for all their tireless efforts in this regard. I also wish to urge all of my colleagues in this great House, the people's House, to support this bill later today.

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

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H. Res. 364, legislation to designate room HVC 215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room."

I want to thank my colleague from Florida, Representative WASSERMAN SCHULTZ, for introducing this important legislation.

Gabe Zimmerman was a young man who dedicated himself to the betterment of his community, and lived a life of service to others.

This led him to work for Representative GABBY GIFFORDS—first as a field organizer and constituent service director, and later as a community outreach director.

We all know of the tragedy that occurred on January 8, when Gabe and 5 other individuals were forever taken away from this world.

But what many of us don't know is the type of life Gabe Zimmerman lived.

Gabe was integral in working with local charities, like Child and Family Resources, the YWCS, and the Comstock Foundation.

He was a loving son, brother, and fiancé—and a dedicated public servant.

I urge all my colleagues to honor the life and service of this tremendous young man, and vote "yes" on H. Res. 364.

Mr. REYES. Madam Speaker, I rise today in support of H. Res. 364, a resolution to name a meeting room in the Capitol Visitors Center after Gabriel Zimmerman, the only Congressional staff member killed while on duty. Gabe Zimmerman, a staff member for my friend and colleague Congresswoman GABRIELLE GIFFORDS, was one of six people killed in the January 8, 2011, attack in Tuscon, Arizona.

The entire Capitol Hill community mourned the senseless deaths and the loss of one of our own. Those of us who serve in Congress know that the work we do to represent our constituents would not be possible without the support of our hard-working and dedicated staffs. Working early mornings and late nights, on weekends and federal holidays, these outstanding men and women bring energy and passion for public service.

Gabe Zimmerman died while helping Congresswoman GIFFORDS as she engaged in one of the most important functions of a Member of Congress, communicating with her constituents. It is fitting that the House of Representatives is today considering legislation to dedicate a space to the memory of Gabriel Zimmerman, a room where Members of Congress and our staff come together to represent the interests of the American people.

In honor of Gabe Zimmerman and all Congressional staff including my own, I rise today to pay tribute to the men and women who dedicate themselves to public service.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, the role of Congressional staff is an important one in helping all Members carry out our responsibilities, but it is a role too often not acknowledged. It is fitting that we pause today to honor one such staffer, Gabriel "Gabe" Zimmerman, who made the ultimate sacrifice while serving this Congress and this nation. Gabe was the first, and hopefully the last Congressional staffer to be murdered in the performance of his official duties when he was shot staffing Representative GABRIELLE GIFFORDS at a constituent event in her district. Six other people were killed and 13 were wounded, including Representative GIFFORDS and two other Congressional staffers.

By all accounts, Gabe was a kind and dedicated young man who worked tirelessly to improve the lives of the people in the 8th District of Arizona. He was a former social worker who assisted troubled youth, an athlete who loved the outdoors, a beloved son and brother, and he was engaged to be married. His life was cut far too short. I am pleased that we are making this small tribute to him today.

Our hearts go out to Gabe's family and friends, to Ranking Member of the Space and Aeronautics Subcommittee, GABRIELLE GIFFORDS, during her recovery, and to all those impacted by that horrible tragedy.

Mr. VAN HOLLEN. Madam Speaker, on January 8, 2011 the nation was shocked and saddened by a senseless act of violence against a member of the House, Congresswoman GABBY GIFFORDS. That attack injured her and killed six innocent bystanders, including a Congressional staff, Gabe Zimmerman.

Gabe, a 30-year-old social worker, began work for Congresswoman GIFFORDS in 2007, supervising the constituent services operation and helping the people of Arizona's Eighth Congressional District resolve problems with Federal agencies and obtain government services. He was promoted to Director of Community Outreach, using his considerable talent and energy to engage citizens and make Congress accessible to them. In that capacity, he planned Congresswoman GIFFORDS' "Congress on Your Corner" event on January 8 and was at her side that day.

We continue to mourn his loss and pray for his family and friends. Gabe Zimmerman's life is a testament to the selfless work performed by Congressional staff every day for the American people. Today, we designate a room in the Capitol as the "Gabriel Zimmerman Meeting Room" to honor his work and recognize the dedication that he and all staff show to their country.

Ms. RICHARDSON. Madam Speaker, I rise today as a proud cosponsor of H. Res. 364, Designating Room HVC–215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room." Adoption of this resolution would be a fitting tribute to Gabe Zimmerman's commitment to public service and the courage of our colleague Congresswoman GABRIELLE GIFFORDS of Arizona.

Gabe Zimmerman's devotion to public service knew no bounds and he made the supreme sacrifice in service to the public when he was killed on January 8, 2011, in Tucson, Arizona, at the hands of the same gunman who left Congresswoman GIFFORDS gravely wounded. Like many Americans, the tragic events which unfolded on that day in January left me in a state of shock, anger, and tremendous sadness.

As the weeks and months have passed, Americans have looked to each other for strength and have been encouraged by the tremendous progress that Congresswoman GIFFORDS has made in her recovery. Nearly a year later, we pause to remember not only Gabe and GABBY, but all the innocent victims of this tragedy who were gunned down while waiting to exercise their democratic right to have their opinions heard.

Madam Speaker, 19 people were shot on that tragic day in Tucson—six of whom suffered fatal wounds. While this tragedy focused national discourse on the need to reassess current gun restrictions and the responsibility of public institutions in reporting potentially dangerous behavior, we were also reminded of the value of maintaining civility in our public discourse.

Gabe Zimmerman, Congresswoman GIFFORDS' director of community outreach, personified the spirit of public service and patriotism that has made America great. His work with the people of Tucson made him a popular member of the community, and his passion for social justice transcended his official role as a member of Congresswoman GIFFORDS' staff and left an indelible impact on everyone around him.

Gabe's drive to help others led him to pursue a master's degree in social work and a career in politics. Although Gabe's nascent career was cut tragically short, designating room HVC–215 as the Gabe Zimmerman Meeting Room will allow us to memorialize and celebrate his commitment to public service for years to come.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 364.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and agree to the resolution, H. Res. 364.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WASSERMAN SCHULTZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3463, TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION; PROVIDING FOR CONSIDERATION OF H.R. 527, REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 3010, REGULATORY ACCOUNTABILITY ACT OF 2011

Mr. WOODALL. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 477 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 477

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration; and (2) one motion to recommit.

SEC. 2. 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. 527) to amend chapter

6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Small Business now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated November 18, 2011. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of 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. 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 amendment in the nature of a substitute made in order as original text. 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.

SEC. 3. 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. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. 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 the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of 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. 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.

SEC. 4. It shall be in order at any time through the legislative day of December 2, 2011, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, relating to a measure addressing railway labor.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. WOODALL. Madam Speaker, House Resolution 477 is a structured rule for the consideration of three bills: H.R. 527, the Regulatory Flexibility Act; H.R. 3010, the Regulatory Accountability Act; and H.R. 3463, a measure to terminate the Election Assistance Commission and end taxpayer financing of presidential elections and campaigns.

□ 1330

Not only do these bills show this House's commitment to small businesses, but they also demand that agency rulemaking be held accountable, reclaiming that authority that is vested here in this House.

H.R. 527, the Regulatory Flexibility Improvements Act, requires agencies to analyze the impact that a new regulation would have on small businesses before the regulation is adopted. By requiring all Federal agencies to obtain input and develop and conduct regular regulatory reviews of existing regulations, this bill, I believe, complements and codifies President Barack Obama's commitment in Executive Order 13563 that directs agencies to review their regulations and solicit public input.

H.R. 3010, the Regulatory Accountability Act, makes further positive changes. It reforms and modernizes the Administrative Procedure Act. It makes agencies more accountable and regulations more cost effective. In a recent study, Madam Speaker, that the Small Business Administration commissioned, they estimated the cost of the U.S. Federal regulatory burden at $1.75 trillion. Now, that's not to say there aren't benefits that outweigh that burden; but when the burden is that substantial, Madam Speaker, we have to have a process in place that balances those benefits and those burdens, and that's all H.R. 3010 asks to do.

Madam Speaker, time and time again the American people have demanded more accountability from their Congress, more accountability from their government. This collection of bills today not only provides that accountability of Congress, but requires that accountability of our executive branch agencies.

As we talk about accountability, Madam Speaker, it's important to note that these bills are paid for by terminating the Election Assistance Commission. You will remember, Madam Speaker, that was a commission created in 2002 that was supposed to sunset by 2005 and yet has continued even until today. That commission was set up in the aftermath of the hanging chads of the 2000 Presidential election to help States implement election reforms, to help States make sure the integrity of their electoral process was preserved. And yet today, 6 years after the expected sunset of that commission, we hear from our Secretaries of State that they no longer need that commission, that that commission is not providing useful benefits to them. By terminating that, we're going to save the American taxpayer more than $600 million over the next decade.

Madam Speaker, taken together, these three measures, H.R. 527, H.R. 3010, and H.R. 3463, help small businesses, increase agency transparency, and increase public participation in the entire regulatory process. They save money for hardworking American taxpayers and are positive reforms that this Congress can pass in a bipartisan way.

I hope that my colleagues on both sides of the aisle will support these underlying measures, and I hope they will support this rule so that we may consider them today.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Georgia, my friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. I rise in very strong opposition to this restrictive rule—and

not only restrictive, but a very convoluted rule—and I rise in opposition to the three bills that would be made in order by this rule.

Regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the Big Business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment. Those aren't my words, Madam Speaker. Those are the words of Bruce Bartlett, a Republican who worked for Ronald Reagan, George H.W. Bush, Jack Kemp, and RON PAUL.

Think about what Mr. Bartlett is saying in his last sentence: ''Republicans would rather play political games instead of putting people back to work. They would rather fiddle while Rome burns instead of putting out the fire.'' And look at the Republican track record since the start of the 112th Congress: no jobs bills, not one. But we've found time to debate bills defunding Planned Parenthood and National Public Radio. There's no extension of the payroll tax cut or unemployment insurance, but we can spend hours debating the need to allow unsafe people the right to carry concealed weapons from State to State. No effort to take away tax breaks for oil companies who continue to make billions of dollars in profits each month, but we can find time to make our air dirtier and our water less safe by dismantling the Clean Air Act and the Clean Water Act.

Seriously, Madam Speaker, the agenda of the far right continues to dominate this House leadership, and that agenda is out of touch with the needs of the American people. We have a jobs crisis in this country. The rich are getting richer and everyone else is struggling. Yet the Republicans continue to side with the people who don't need any help. They killed the supercommittee because they would rather protect tax cuts for millionaires instead of dealing with the deficit. They are refusing to take up the extension of the payroll tax cut that expires at the end of the year because they don't want their millionaire friends to pay just a little bit more.

Just look at what we're doing this week. We're going to consider anti-regulatory bills that will make our country less safe and our citizens less healthy. We're going to consider a bill that actually promotes putting more corporate money into the political system. And we're going to debate a bill that makes it harder for workers to organize. Not one of these bills will put people back to work. Not one of these bills will help struggling families keep their heat on during the winter. Not one of these bills will help repair our aging infrastructure.

To quote Mr. Bartlett again: ''People are increasingly concerned about unemployment, but Republicans have nothing to offer them.'' And that's the truth, Madam Speaker. Republicans have absolutely nothing to offer.

The President proposed—and I have cosponsored—the American Jobs Act. It's a proposal that would help put Americans back to work, would extend the payroll tax cut and unemployment insurance, would help repair our aging infrastructure, and would provide aid to cities and States so they don't have to lay off more teachers and more police officers and more firefighters.

It's a bill that is paid for. It doesn't add one cent to the deficit. And it's made up of measures that Republicans and Democrats have supported in the past. Let me repeat that: what the President has proposed is a series of measures that Republicans and Democrats have supported in the past. The idea that a program was good under President Bush but not under President Obama doesn't make much sense to me, but that seems to be the thought process that passes for governing under this Republican leadership.

So where's the Republican plan? They don't have one. It's not enough to cross our fingers and hope that our economy improves. It's not enough to close our eyes and wish that more people would find a job. Actions speak louder than words, and it is clear by the Republican leadership's actions that they don't care about the economy. Either that, or they are making a conscious decision not to act simply for political gain. Either way, Americans are hurting because of their inaction.

Madam Speaker, our economy is not where it needs to be. There are still too many unemployed people in this country. There are still too many people struggling to make ends meet, struggling to pay their bills and to put food on the table. But this notion that red tape is what's keeping our economy from getting off the ground and that thoughtful regulations are preventing people from getting jobs is just untrue.

We don't need to waste time debating bills that make our air and water dirtier and less safe. We don't need to waste our time with bills defunding NPR and Planned Parenthood. We don't need to waste our time debating bills to reaffirm our national motto. What we need to do is to get this economy moving. What we need to do is create jobs.

Republicans have been in charge now for 330 days. That's 330 days without a jobs bill. It's not enough to call something a ''jobs'' bill if it doesn't put someone back to work. No, Madam Speaker, we need a real jobs bill. We need definitive action that shows the American people that we care about their well-being, that we understand what they're going through, and that we're here to help—in short, that we're on their side. The bills we will be considering this week just don't get the job done.

It's been 330 days, and Republicans still don't get it. I can't say that I'm surprised. I'm disappointed, but I'm not surprised.

I reserve the balance of my time.

□ 1340

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

I look at the clock above your head. I think it's been about 11 minutes since my colleague DEBBIE WASSERMAN SCHULTZ called for a toning down of the rhetoric and focusing more on policy. I don't think we were able to make it to minute 15.

I will quote my friend as he referred to Republicans: Either they don't care about the economy, or they are just acting for political gain.

Is that all there is? Either folks don't care, or they're just acting for political gain. It could be that their principles are different. It could be that their principles are different, but I don't actually believe that. I believe our principles are the same, because what these bills do is one thing and one thing only. Let's balance the regulatory burden with the benefits that it provides.

Madam Speaker, who is it in America that does not believe that balance is important in what we do here in Congress? I hear it back home all the time: ROB, balance. I want you to get things done, but I don't want you to get things done that are the wrong thing for the wrong reasons. I want you to come together and work on these issues.

Who is it, Madam Speaker, that does not believe that regulation to protect health and safety is important? I do. I come from one of the farthest right districts in the country. I believe health and safety are important things to regulate, but I believe we should balance those regulations.

When we doubled the budget of the Environmental Protection Agency between 2008 and 2009, where do you think that money went, Madam Speaker? The environment that I live in in Georgia was clean and thriving in 2008. But when you double the amount of money that you give to regulators, they have only one thing that they can do with it, and that's regulate more, regulate more.

We need balance, and that's all these bills are asking for. I have all the committee reports here, Madam Speaker, if any of my colleagues would like to come and look at them. There is not a line in any of these pages that says: Thou shalt not regulate. Not one. What they say is: Thou shalt regulate with balance—with balance.

A friend of mine was walking through the Occupy Atlanta protest the other day, Madam Speaker. A fellow came up and shook his fist at him. One of the protesters shook his fist at my friend and said, It's all about jobs. And my friend looked him in the eye and said, You know, you're exactly right. You should go out and hire somebody. You should go out and hire somebody. The fellow said, I'm not talking about providing jobs. I'm talking about I want a job myself.

Well, that's right. Every single bill that this Congress considers that helps job creators helps jobs.

We've got to end the rhetoric of loving jobs and hating job creators, Madam Speaker. There's only one opportunity that we, as Americans, have for employment, and that is finding an employer. And line after line after line of these bills say, before you punish American industry, make sure the balance is there, because, let's be clear, Madam Speaker, it's not that these jobs don't have to be performed.

Time and time again I hear my colleagues bemoaning the fact that we're not creating jobs. I, too, bemoan the fact that this administration has not created jobs. But that's not our only problem. Our problem is jobs that are leaving this country, Madam Speaker. Our problem is destroying even more jobs.

Industry is going to continue to operate around this planet. We can either embrace it here in this country in a balanced way or we can run them all overseas.

There's something that I believe we sometimes do disagree about here in this Congress, and that is that government cannot create jobs. Government can create an environment in which job creators can create jobs.

I cannot pass a bill in this Congress, no matter how hard I try, Madam Speaker, no matter how hard I work, that will make everybody in this country rich. I cannot do it. But this Congress has succeeded all too often at passing bills that can make everybody poor.

Balance, Madam Speaker, is what these bills contain. What this rule does—and it's important because it's a new operation that we're doing here in this House; and I'm very proud of it, and I hope my friends on the other side of the aisle are proud.

This is not an open rule today. I don't want to claim that it is. It's not on open rule. What we did, though, as the Rules Committee, is we asked all of our colleagues, anyone who has a proposal that they believe will make these bills better, send those amendments to the Rules Committee for consideration. Anybody—Democrat, Republican—send those amendments to the Rules Committee for consideration. This is what we did in the Rules Committee.

We received six Democratic amendments for H.R. 527, six ideas from the 435 Members in this House, six ideas for making these bills better. They all came from the Democratic side of the aisle, and we made every single one of those ideas available for debate here on the House floor today. You didn't used to see that. You didn't used to see it under Republican administrations. You didn't used to see it under Democrat administrations. That's what we're doing here today in a bipartisan way.

H.R. 3010, sent out a notice to the entire Congress, Send your ideas for making H.R. 3010 better. Send them to the Rules Committee so that we can consider them for consideration on the House floor. There were 12 ideas that were submitted, Madam Speaker—one Republican idea, 11 Democrat ideas. Three of those Democrat ideas were later withdrawn, said, We don't want to bring those ideas to the floor. So that leaves us with eight, and we brought all but one.

My colleague from Georgia (Mr. JOHNSON), his amendment was not made in order because my colleague from Texas (Mr. OLSON) had an amendment that was substantially similar, and knowing that time is valuable on the House floor, we wanted to consider all ideas, but not all ideas from everybody, each idea only once.

Seven Democratic amendments, one Republican amendment made in order because we invited the entire United States House into this process.

This is the time on the rule, Madam Speaker. I'm not here to debate the underlying provisions. We've provided time to do that. But I do want to defend this rule as an example of what we ought to do.

Is it a little more convoluted than I would have liked? Yes, it is.

Is it a little outside of my issue areas? Yes, it is.

But does it make in order all of the amendments that our colleagues want to submit? It provides for time for debate on every single idea submitted.

That's an important change in this House, Madam Speaker. I'm grateful that we've been able to do it, and I reserve the balance of my time.

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

I want my colleagues to understand that one of the amendments they didn't make in order was the amendment offered by our colleague, Congressman JOHNSON, which basically stated that if the experts conclude that a rule would result in a net job creation, the rule shouldn't be delayed and blocked by all the stuff that's in this bill because we need jobs right now. It's interesting that that's the one that my Republican friends chose to block because it has to do with jobs.

Another amendment that they blocked was one that I had offered. I've offered it many, many times in the Rules Committee, and that is to basically bring to the floor an amendment that would allow us to vote to strip big oil companies of taxpayer-funded giveaways—subsidies is what I call them. And I've tried to bring it up on the floor a gazillion different times in a gazillion different ways, and I'm always told that there's a germaneness issue. But yet what does the Rules Committee do? Oftentimes, it waives all the rules so that sometimes nongermane amendments can come to the floor.

I mean, when you talk about balance, the fact that taxpayers are subsidizing big oil companies that made over $100 billion in profit last year, that we're going to somehow continue taxpayer subsidies to these big oil companies, yet, when you look at the Republican budget that they passed, they find ways to balance the budget on every single program that impacts middle-income and low-income people in this country.

What they do is they choose to balance the budget by lowering the quality of life and the standard of living for everyday people and for those struggling to get in the middle. There's no balance here. There's no balance here.

And in terms of bipartisanship, the President of the United States came to this Chamber and he gave a speech in which he outlined his jobs bill, which included a number of initiatives, all of which had in the past enjoyed bipartisan support. But I guess because he's the President, he's a Democrat, Republican leadership doesn't want to have those debates here on the floor, give him any victories, because that might not be politically advantageous to them.

Let's be frank about what's going on here. In my opinion, this is about political opportunism. This is about the leadership of this House blocking important legislation to put people back to work just because they can, just because it's been proposed by the President of the United States.

We need to focus on jobs in this Congress. We need to be focused on helping people get back to work. I don't care what part of the country you're from, people are hurting, people are struggling, and they're looking for us to do something, something meaningful, not to bring bills to the floor like this that, in the scheme of things, mean nothing or to have these great debates over reaffirming our national motto or on bills that make it easier for unsafe people to carry concealed weapons from State to State.

□ 1350

That we're debating those things when there are millions of people that are out of work, I think, is outrageous.

Madam Speaker, at this time I am proud to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, as we stand here today, I would like us to pause for a moment and think about an American family who is not here. The husband works in a Home Depot, the wife works as an administrative assistant in a hospital, and they make together about $50,000 a year. And they're among the fortunate Americans who have jobs, but they're frankly very worried because it seems like the harder they work, the less ground they gain. They're going backwards the harder they work.

The House needs to understand that a month from tomorrow, unless this House acts, that family's taxes will rise by $1,000. A month from tomorrow,

unless the House and the other body and the President act, that family's taxes will go up by $1,000 a year.

President Obama has said he will sign legislation that prevents that tax increase from happening. The Democratic leader of the other body, Senator REID, has said he will move and support legislation that prevents that from happening.

Last night the minority leader, the Republican leader of the other body, indicated that he was now moving to a position in favor of legislation preventing that from happening. House Democrats are prepared at this moment on this bill, on this day, to support legislation that will postpone that tax increase on middle class families.

The American people want us to work together, and I would trust that the vast majority of American people would say that in these economic times working together to suspend a thousand-dollar tax increase on a $50,000-a-year family is something we ought to work together on. President Obama agrees. Senator REID agrees. It looks like Senator MCCONNELL agrees. Leader PELOSI and the House Democrats agree. But we don't have that bill on the floor this afternoon.

This is our opportunity, colleagues, to move away from the daily back-and-forth of Republican versus Democrat politics and do something for which there is broad agreement and, I think, urgent need.

Now, we have 30 days to get this done, and our track record is not very promising on meeting deadlines around here. My suggestion is let's move this agenda on this day at this time and put before the House a bill that would suspend this thousand-dollar tax increase on middle class families, all wage earners, across the country. Certainly this is something on which we ought to agree, certainly this is something the House should be able to devote its time to, and certainly we should act on it here today.

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

Even though I'm a freshman in this body, I have been working hard to try to find metrics by which I can judge what's happening here because this body is not like so much that happens back home. The metric that I have found while we're debating a rule is that the less folks are talking about the rule, I think the better job we did crafting it. I think that's right. Because if it was an awful rule, we'd spend our time talking about what an awful rule it is. When it's a pretty good rule, we spend our time talking about other issues on the floor.

I happen to agree with my friend from New Jersey. A thousand dollars for a family earning $50,000, that's real money. Now, I would say, though, to my friend from Massachusetts that if you take that $1.75 trillion burden that the Small Business Administration tells us is upon the American people because of regulations, that's actually $5,000 per person. That's $15,000 per a three-member family. And so yes, I agree with my friend from New Jersey that we should absolutely cooperate on focusing on those burdens. The burden we're focusing on today? Even larger, by orders of magnitude.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'd be happy to yield.

Mr. ANDREWS. I would just ask the gentleman, then, if he is prepared to tell us whether the majority will put on this floor before the 31st of December a bill that suspends this tax increase on middle class Americans.

Mr. WOODALL. My friend flatters me by thinking I have the answer to that information as a young freshman on the House floor, but I'll tell you this. I'll tell you that two things are true, and it is a puzzler for me on the payroll tax holiday that's gone on this year.

On the one hand I will tell you that Republicans are absolutely the party of lower taxes and not higher taxes and that actually speaks to this issue. We're also the party of making sure that we're paying for those commitments that we're making. Social Security is different from any other tax, and when I go and talk to my grandfather, he'll say, ''Rob, I want that Social Security. I paid into it all my life.''

Well, we're not paying into it right now. The proposal is not to pay into it next year, the proposal was not to pay into it last year. I'd be interested to ask my friend if he's prepared to support lowering those Social Security benefits because, again, this is something we're paying into.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'd be happy to yield.

Mr. ANDREWS. I am most certainly not in favor of that. I would frankly make up for the lost revenue with a surtax on people making more than a million dollars a year to cover it.

Let me ask the gentleman another question.

I understand that there are differing views in his party, and frankly ours, as to whether an extension of the cut for middle class families should continue. And I'm not asking him to say it would pass. That's beyond the reach of any Member, even the Speaker.

But is the majority prepared to make a commitment to the American people to at least get to vote on it, that it will let the majority work its will and either vote ''yes'' or ''no'' on avoiding this tax increase on middle class Americans?

Mr. WOODALL. I would say to my friend that the majority, again speaking out of school as a young freshman here on the House floor, but I know enough about my leadership to know the majority is absolutely committed to protecting and preserving Social Security not just for this generation but the next generation and beyond. And the question is going to be can we find a proposal, because the one that was passed last year was not a proposal that both lowered tax burdens and protected the solvency of Medicare and Social Security.

We must be sure not to further bankrupt a program that we all agree is already going bankrupt. I look forward to that debate, Madam Speaker, between now and the end of the year.

And it's not just that tax that's expiring. I know my friend is also concerned about the Bush-Obama tax cuts that were extended in December of 2010 and wants to be sure that those will be extended in 2011 on into 2013.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'll be happy to yield.

Mr. ANDREWS. Those income tax reductions, of course, were extended to December 31 of 2012. So there's not an urgent imminence to addressing that issue the way there is with this.

I would just again put the question this way. I fully understand there are different views as to whether or not we should avoid this middle class tax increase. I'm simply asking whether the gentleman supports giving us a clear up-down vote on having that happen.

Mr. WOODALL. I would say to my friend that I happen to support up-down votes on all sorts of things. I'm an open rules guy, and I'm very proud of our Speaker who believes that the House works best when the House works its will. That's really one of the changes that I understand we've seen in this year that we haven't seen in years past.

I think that's important, Madam Speaker, for us to be able to bring those votes to the floor.

But it's also important to make sure that folks have all of the information in the same way that folks might be tempted to mischaracterize these balancing provisions that we're bringing forth today as some sort of Republican chicanery.

Folks might also be tempted to characterize something that is going to hasten the bankruptcy of Social Security as being something that has no consequence at all. There really are consequences to this decision. And to say to my friend I look forward to a robust debate on that because it's an important issue for American families.

With that, Madam Speaker, I would like to reiterate that on H.R. 527, six Democratic amendments offered, six Democrat amendments made in order. The House works best when the House works its will. The rule today is providing that opportunity.

I reserve the balance of my time.

Mr. MCGOVERN. I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from Georgia for engaging in good spirit in this dialogue.

I would simply want to make it clear: I think it's the position of our party very clearly the House should vote on whether to avoid this thousand-dollar

tax increase on the middle class. That's our position.

I think you can hear that the majority position is a little more nuanced than that. It is a yes-or-no question. We think there ought to be a vote on avoiding a thousand-dollar tax increase on the middle class. And we're ready to put our cards in the machine and do that.

□ 1400

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

My friend, the gentleman from Georgia, said that his party likes to pay for things. That statement startled me a little bit because they didn't think it was important to pay for the Bush tax cuts, mostly for the rich, which have now bankrupted us. They didn't think it was important to pay for the Medicare prescription drug bill, which was a lot more expensive than they had promised and was not paid for. They don't think about paying for the two wars that we're fighting in Afghanistan and Iraq.

We had balanced budgets when Bill Clinton left office. It was after that that everything got out of whack, and it was because of these tax cuts, which were mostly for the wealthy, and it was because of a prescription drug bill and two wars, all of which were not paid for. So I hope my friends on the other side have finally gotten religion on this issue in that it is important to try to pay for things as you go along and to embrace PAYGO as Democrats have done.

With that, I would like to yield 2 minutes to the gentlewoman from California (Ms. HAHN).

Ms. HAHN. I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time.

Mr. Speaker, I just don't think Americans can wait, but here we are again today debating legislation that will do nothing to create jobs or to help families during these tough economic times.

I agree with my colleague from New Jersey that we think that there just needs to be a vote on the House floor on this payroll tax cut, which, so far, my friends on the other side are not agreeing to. There were 120 million American families that had $1,000 more in their pockets this past year because of the payroll tax holiday that we passed. I believe we need to pass a new middle class tax cut, one that will save the typical family $1,500.

Now, I do agree with my friend from Georgia about job creators. I love job creators, but I think I have a different point of view on what helps our job creators and what helps our small businesses. I spent Saturday, November 26, Small Business Saturday, shopping in small businesses.

I went into every one of them, and I talked to them about what would help them: What can we do in Congress to help you as a small business? Almost every single one of them said, Do you know what we need? We need customers. We need Americans to have jobs, and we need them to have money in their pockets that they will spend in our small businesses. That will help us. I guarantee, if we were to get more customers, we would expand and we would hire more people.

The SPEAKER pro tempore (Mr. POE of Texas). The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlelady an additional 1 minute.

Ms. HAHN. We know that it's our small businesses that have hired almost 60 percent of the new jobs that we've had in this country. We know that $1,500 would go back into the economy, and we know that that $1,500, through this middle class tax cut, would help businesses in this country.

I know we've been called the do-nothing Congress; but in this instance, if we do nothing, Americans who can least afford it will see a tax increase come right after the holidays. I dare say, Americans who will see that kind of a tax increase in January might worry about how they're spending their money this December, and it may just affect their generosity, not only to their own families, but to those who are in need in this country.

Mr. WOODALL. I yield myself such time as I may consume, Mr. Speaker, to say I'm always happy to find things that I agree on with those across the aisle.

I'll say to my friend from California that we're both new in this House and that I spent my Saturday doing those very same things. My small business owners told me that very same thing, though they told me one more thing.

They said, Do get the foot of government off the throat of my small business. They did say, ROB, you cannot help me by doing more, but you can help me by doing less. You can help me by getting out of the way and by letting me do what I do.

The question then becomes how we get those customers in that store, and there are absolutely two visions for making that happen. We can either try to dispense more favors from Washington, DC, Mr. Speaker. We can try to pump more money that we don't have out of Washington, DC, money that we're borrowing from our children and grandchildren; or we can try to get folks higher- and better-paying jobs—more jobs—which is what this rule is about today.

We are running jobs out of this country. We are forcing jobs out of this country. The new report came out of over 150 nations, Mr. Speaker. We are number 69 in how easy it is for businesses to comply with their tax burdens, for example. Number 69. We should be the best place on Earth to do business.

What is it that raises salaries?

Sometimes my friend on the left suggests that we could just raise the minimum wage and just guarantee everybody money, but I don't believe we can. What we can do is give folks an opportunity to increase their productivity. No worker on the planet works harder than the American worker. No worker on the planet has more productivity than the American worker, and regulation after regulation after regulation slows the American worker down. If you want to put more money in the American worker's pocket, you let the American worker be more productive by providing some balance.

Again, nothing we're talking about today, Mr. Speaker, says thou shalt not regulate. We know we're going to regulate. What we're saying is, let's regulate with balance. Then my friend's small businesses and my small businesses will have those customers that they need to get this economy moving again.

I reserve the balance of my time.

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

I just want my colleagues to understand that, if we were to extend the payroll tax cut, according to Mark Zandi, who is a Republican economist who advised JOHN MCCAIN in his Presidential campaign, it would create 750,000 jobs. He also says that we're likely to go into a recession if the payroll tax cut expires, if my Republican friends don't allow us to have a vote up or down on it. I am going to ask people to vote ''no'' on the previous question so that we can have an up-or-down vote on this and so that people will have an opportunity to make their views on this issue known.

The other thing is we've heard all this talk about what the cost of regulation is. Again, some of the numbers that have been touted here I question very seriously. OMB's calculations demonstrate that regulation has a positive net effect on the economy and not by a little. In 2008, the Bush administration's OMB estimated that regulatory costs for major rules were between $46 billion and $54 billion and that the benefits of those regulations were between $122 billion and $656 billion.

So it goes back to the point I was making earlier, which is what we should be doing on this floor today—debating a bill to put people back to work. We should be extending the payroll tax cut. We should also be talking about initiatives that the President put forward, these bipartisan initiatives. We should be doing things that will make a real difference in people's lives.

My friend talks about the American worker. There is no Congress, no Republican leadership in my lifetime that has been more hostile to the American worker than the leadership that runs this House right now, bringing bill after bill after bill to this floor to take away the rights of workers at every single level.

Do you want to know what one of the problems is with jobs moving overseas? It's that some of the incentives in our

tax laws have made it easier and even attractive for companies to pack up and go overseas and hire cheaper labor.

One of the problems with these series of bills that we're dealing with here today is that it will result in a rush to the bottom in terms of regulation—the lowest common denominator in terms of clean water and clean air standards—because, among other things, this legislation says that we should take into consideration the standards in other countries.

So China is going to now set our clean water and our clean air standards? Give me a break. Let's get real. Let's bring something to the floor that will make a difference in the lives of the American people, especially those who are unemployed. Let's bring a real jobs bill to the floor. Let's do something meaningful.

I reserve the balance of my time.

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

I could likely go back and forth all day long with my friend from Massachusetts believing that he loves workers more, with my believing that I love workers more and with his believing that to define ''loving of workers'' means we have to regulate them differently from Washington, D.C. For me, ''loving workers'' means we're going to free them to do those things that they do best, which is to produce.

I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to a member of the Judiciary Committee whose amendment was not made in order by the Rules Committee, the gentleman from Georgia (Mr. JOHNSON).

□ 1410

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in opposition to this rule and the underlying bills. Instead of creating jobs, the Grover Norquist/Tea Party Republicans are assaulting the very regulations that ensure we have clean air, safe water and food, along with safe prescription drugs and other products that Americans consume. They want us to create so many barriers and obstacles that it would essentially make it impossible for Federal agencies to do their jobs, all in the name of simply increasing the profits of big business.

The Regulatory Accountability Act would require agencies to perform 60 additional analyses and other procedural actions within the rulemaking process, further slowing down an already burdensome process. I am talking about bureaucratic red tape. They want to take it to the next level. They want to duct tape and blindfold and put a straitjacket on Federal agencies issuing regulations that help Americans. This would also make it much easier for large corporations to evade their obligations to protect the public by giving special interests multiple points in the process to tie up the process in knots.

The Regulatory Flexibility Improvements Act is no better. It's a wolf in sheep's clothing. Don't be fooled. This is not about helping small businesses. It's about halting regulations and increasing the profits of big business. Under the guise of small business protection, it would subject any regulation that could conceivably have any direct impact on small businesses to a more lengthy process, thereby delaying the implementation of virtually any action any agency proposes and wasting agency time while doing so.

I urge my colleagues to oppose this rule and the underlying bills.

Mr. WOODALL. I continue to reserve the balance of my time.

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

I would like to insert in the RECORD the Statement of Administration Policy, which is opposed to this legislation.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3010—REGULATORY ACCOUNTABILITY ACT OF 2011

(Rep. Lamar Smith, R–Texas, and 36 cosponsors, Nov. 29, 2011)

The Administration is committed to ensuring that regulations are smart and effective, that they are tailored to advance statutory goals in the most cost-effective and efficient manner, and that they minimize uncertainty. Accordingly, the Administration strongly opposes House passage of H.R. 3010, the Regulatory Accountability Act. The Regulatory Accountability Act would impose unprecedented procedural requirements on agencies that would prevent them from performing their statutory responsibilities. It would also create needless regulatory and legal uncertainty and increase costs for businesses, as well as state, tribal, and local governments, and further impede the implementation of commonsense protections for the American public.

The Regulatory Accountability Act would impose unnecessary new procedures on agencies and invite frivolous litigation. When a Federal agency promulgates a regulation, it must already adhere to the requirements of the statute that it is implementing. In many cases, the Congress has mandated that the agency issue the particular rule or regulation, and it often prescribes the process the agency must follow. Agencies must also adhere to the robust and well understood procedural requirements of the Administrative Procedure Act, and major rules are subject to the requirements of other Federal statutes such as the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, and the Paperwork Reduction Act. In addition, for decades, agency rulemaking has been governed by Executive Orders issued and followed by administrations of both political parties. These require regulatory agencies to promulgate regulations only upon a reasoned determination that the benefits of the regulations justify the costs, to consider regulatory alternatives, and to promote regulatory flexibility. Lastly, final regulations are subject to review by the Federal courts to ensure that agencies satisfy the substantive and procedural requirements of all applicable statutes and consider input from the relevant stakeholders.

Passage of H.R. 3010 would replace this time-honored framework with layers of additional procedural requirements that would seriously undermine the ability of agencies to execute their statutory mandates. It would require cumbersome ''formal'' rulemaking for a new category of rules, for which agencies would have to conduct quasi-adjudicatory proceedings. It would impose unnecessary new evidentiary standards as a condition of rulemaking. It would subject the regulatory process to unneeded rounds of litigation. Finally, the Regulatory Accountability Act would undermine the Executive Branch's ability to adapt regulatory review to changing circumstances.

In these ways and others, the Regulatory Accountability Act would impede the ability of agencies to provide the public with basic protections, and create needless confusion and delay that would prove disruptive for businesses, as well as for state, tribal and local governments.

If the President were presented with the Regulatory Accountability Act, his senior advisors would recommend that he veto the bill.

Mr. Speaker, jobs, jobs, jobs. That's what we should be focusing on today—not guns, not abortion, not reaffirming our national motto—jobs. We need to put people back to work. But that doesn't seem to be part of the Republican agenda, and it's hurting our country.

At the end of this year, as you have already heard during this debate, the payroll tax cuts signed into law by President Obama will expire. Without action, middle class Americans will see their taxes go up by a thousand dollars next year. Without action, GDP growth will fall by half a percent and will cost the economy 400,000 jobs according to the economic forecasting group Macroeconomic Advisers. Extending this tax cut is not just good for American families, it's good for the American economy. According to Ameriprise Financial, extending the payroll tax cut could add more than 1 million jobs to the economy.

Mr. Speaker, this is the kind of legislation that we need to be debating, not right-wing, hot-button social issues or bills that, when you add it all up, don't mean anything to anybody in this country.

But where is this extension of the payroll tax? It's not in this rule? It's not in the majority leader's schedule. In fact, the Republicans seem to be ignoring this issue.

It's sad. It's sad that the Republican leadership would rather raise taxes on middle class Americans basically to protect tax breaks of millionaires. If there was a vote right now on a bill that was going to cut one penny, it was going to cost Donald Trump one penny more in taxes, the other side would be overfilled with speakers. But we're talking about middle-income Americans, struggling Americans, that if we don't act by the end of this year they will see a $1,000 increase in their taxes.

Now, we can change all that here today. We can change that here today and actually bring to the floor something that is meaningful. If we defeat the previous question, I will offer an amendment to the rule to require that we vote on a payroll tax holiday extension for next year. If we don't pass an extension, all working Americans will get a little less in their paychecks beginning in January.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, again I urge my colleagues to vote ''no'' and defeat the previous question so we can make sure that working families do not see their payroll taxes go up while we're still struggling to recover from a recession. This is exactly the type of action that people all over the country are hoping this Congress will move on.

I urge a ''no'' vote on the rule, and I yield back the balance of my time.

Mr. WOODALL. I yield myself the balance of my time.

I'm proud to be here with you today, Mr. Speaker. When we talk about jobs, jobs, jobs, that's why I came to Congress, and that is exactly what we're talking about in this rule today. And I hope, Mr. Speaker, you have seen with great concern what I have seen here today, and that is a complete disconnect, it appears, with my colleagues on the other side with the understanding that increasing regulation, needlessly increasing regulation, burdens the American worker, undermines the American economy, thwarts jobs. And I say, Mr. Speaker, this is one of those things on which if we disagree we're just going to have to agree to disagree, because it is as clear to me as it is that the sky is blue that when you increase the regulatory burden you make the American family poorer for it.

I know I can't ask for a show of hands here, Mr. Speaker, but if I did and said, Who is it, who wants dirtier drinking water back home in their district? Who is it that doesn't drink from the same spigot as the rest of us? Who is it that doesn't shop at the same grocery stores as the rest of us? Who is it who doesn't drive on the same roads as the rest of us? We're all in this boat together. We're all this boat together, Mr. Speaker.

I come from the Deep South, and whenever we start talking about environmental issues, it always gets me so pumped up, because, dad gum it, nobody spends more time outside than I do. Nobody cares more about the environment than I do. And yet time and time again you hear that characterization that somehow asking for a balanced regulatory environment, a balanced regulatory environment, is somehow anti-environment or anti-American.

I must tell you, Mr. Speaker, these bills before us today, the Regulatory Flexibility Improvements Act, the Regulatory Accountability Act, that's why I came to Congress. That is why I came to Congress.

We cannot make everybody rich, but we can make everybody poor. And when we regulate without regard to the benefits of that regulation, without regard to the burdens of that regulation, that's exactly what we do.

My friend quoted the OMB, talking about the values of regulations. I don't dispute that at all. I'm absolutely certain there are some regulatory initiatives that do, in fact, produce a benefit. All I'm asking for is that we balance that benefit with whatever burden it causes, because—and this is a rhetorical question, Mr. Speaker, but do folks honestly believe that the regulatory burden should exist irrespective of the benefits that it provides. That's what we do. In these two pieces of legislation, Mr. Speaker, we ask regulatory agencies to examine those benefits and burdens.

Now, as my friend from Massachusetts talks about partisan politics, I come from a district that was a proud ''no'' vote on both the ridiculous stimulus bill from the Bush administration and the ridiculous stimulus bill from the Obama administration.

□ 1420

We are equal opportunity ''no'' votes on ridiculousness. And that is what we have here as we try to reclaim some regulatory authority from the executive branch agencies.

I'll be the first to say, Mr. Speaker, that I think the Congress went a little light on President Bush. And I certainly believe the last 2 years of the Democratic Congress went a little light on President Obama. I think we have a constitutional duty to defend our legislative prerogative to make the rules that this Nation abides by, not an unelected bureaucrat downtown, but elected officials right here in Washington, D.C., here in the people's House, those of us who have to go home and subject ourselves to voters every 2 years. This is where that authority belongs. And we should have those votes. Yes and no, we should have those votes on whether or not that's our shared vision of America.

Now I'm going to get a little off topic, Mr. Speaker. It's clear to me that we're going to be talking about the payroll tax over the next week or 10 days. I want to encourage all of my colleagues to understand that's not a free discussion. Every penny that you choose not to deposit in the Social Security trust fund is a penny closer to bankruptcy the Social Security trust fund comes.

It's easy to say you're going to get something for nothing, but we're not. $15 trillion in debt, Mr. Speaker; $15 trillion. We've already been giving away something for nothing for far too long. The question is how can we both help the middle class taxpayer with their tax burden and preserve Social Security for generations to come. It's not a freebie, Mr. Speaker. These are tough questions that require serious answers, not on a motion to recommit, not on a motion to instruct, but in thoughtful committee consideration.

I'll get back to the rule now because this has had thoughtful committee consideration. Both the underlying provision and the rule itself have gone through regular order. Mr. Speaker, there's no need to rush these bills to the floor. We can take them through the process to make sure that they are thoughtfully examined line by line by line. And these bills have been.

Interestingly enough, Mr. Speaker, that's all these bills are asking of our administrative branch agencies—that the regulations that they're promulgating be examined line by line by line to make certain that the benefits outweigh the burdens.

It's a surprise to me, Mr. Speaker, that it's even something that we're arguing about today. I would have thought that this is common sense. Certainly in my district it's common sense. Perhaps other constituencies feel differently—balancing the benefits with the burdens. Don't let folks tell you, Mr. Speaker, that regulations come without a burden. I'll give you an example. I have a cardboard box manufacturer in my district, manufactures cardboard boxes. It may not be glamorous work, but it's important work. I was visiting the plant the other day. They said: ROB, when they were talking about the ethanol regulations, did they ever talk about the impact the ethanol regulations would have on cardboard box manufacturers?

I said I wasn't in Congress then, but I never heard about it.

They said when you decided that you were going to insert ethanol in every gallon of gasoline, you also decided you were going to raise the price of corn. And we use corn starch in the glue that holds our boxes together, and we use corn starch with our fiber to make our boxes stronger. And every time you pass a regulation that increases the use of ethanol and decreases the availability of corn to other sources, you raise the price of our boxes. You can produce boxes anywhere in the world; and if we can't stay competitive, we're going to lose this business overseas.

Mr. Speaker, there are unintended consequences to the work of this body every single day, and the arrogance to believe we can foresee them all astonishes me. We must understand our fallibility. We must understand that we cannot foresee all of those consequences.

So every time we have an opportunity to measure, Mr. Speaker, every time we have an opportunity to look at the pros and the cons to ensure that we're getting it right, Mr. Speaker, every time we pass a regulation, we steal freedom from someone somewhere. Understand that. Every time we pass a regulation, we steal freedom from somebody somewhere.

Our government is a social contract where we agree to give up individual liberty so we can exist collectively. We have public services for safety and fire, on and on and on. But every single one of those comes at the expense of personal liberty. But we have decided that the expense is worth it.

Mr. Speaker, these bills do that today: balance benefits and burdens, provide that information to the American voter, and let's make sure that what we're doing is worth it.

Mr. Speaker, this is an example of how one ought to do a rule, how one ought to open up the process, how one ought to encourage debate on all of the ideas that are brought to this House floor. I encourage strong support for this rule. I encourage strong support for the underlying legislation.

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

AN AMENDMENT TO H. RES. 477 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

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

SEC. 5. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: 'Payroll Tax Holiday Extension Act of 2011.'.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. 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 noes appeared to have it.

Mr. WOODALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

WORKFORCE DEMOCRACY AND FAIRNESS ACT

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3094.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 470 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. 3094.

□ 1427

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. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise in support of H.R. 3094, the Workforce Democracy and Fairness Act, and I yield myself such time as I may consume.

The legislation we are considering today is straightforward. It reaffirms workforce protections that have been in place for decades.

Across the country, the American people are asking: How can we get this economy moving again? What will it take to finally put people back to work? And Washington is responding with a number of answers. Some think we should support more spending, more taxes, and more regulations. In essence, they are asking the country to double down on the same failed policies of the past.

My Republican colleagues and I believe we should chart a different course, one that includes removing regulatory roadblocks to job creation. The Workforce Democracy and Fairness Act is part of that effort. The legislation says we shouldn't allow unelected bureaucrats to dictate policies that make our workplaces less competitive.

In June the National Labor Relations Board proposed sweeping changes to the rules governing union elections. Under the board's radical scheme, employers would have just 7 days to find an attorney and navigate a host of complicated legal issues before confronting an NLRB election official. Employees will have as little as 10 days to decide whether they want to join a union, denying them an opportunity to gain valuable information and make an informed decision.

The NLRB is already telling employers like Boeing where they can and cannot create jobs. Now the board wants to take away a worker's right to make a fully informed decision in a union election. This proposal largely prohibits employers from raising additional legal concerns, denies answers to questions that can influence the vote, and turns over to union leaders even more personal employee information.

Let's get something straight: The board's scheme isn't about modernizing the election process. This is a draconian effort to stifle employer speech and ambush workers with a union election. Less debate, less information, and less opposition—that's Big Labor's approach to workers' free choice, and it is being rapidly implemented by the activist NLRB.

□ 1430

For 4 years Democrats controlled this Congress. To my knowledge, not once did they try to streamline the union election process. Not once. They did champion a failed effort to strip workers of their right to a secret ballot, but they didn't bother to offer any solutions to the alleged problems they now say plague the election process.

Today, union elections take place in an average of 31 days, giving workers a month to consider the monumental

question of whether or not to join a union. One month. Are there cases where delays have occurred? Yes. But without a doubt, these are the exceptions to the rule. And former and current members of the NLRB have cited partisan shifts on the board as the leading cause of such delay. A broken board is no excuse for trampling on the rights of American workers.

I'm aware the board recently revised—recently being yesterday—its earlier proposal and set aside some of the more egregious provisions. However, the latest iteration still denies employers access to a fair election process, still deprives workers of the opportunity to make a fully informed decision, and still perpetuates the threat of more punitive measures in the future. The board seems utterly determined to finalize a flawed proposal, regardless of the damage to the integrity of the board and our workplaces. We must act now.

The Workforce Democracy and Fairness Act reaffirms workforce protections our Nation has enjoyed for decades. Employers currently have a fair opportunity to prepare for a preelection hearing. The bill ensures employers have at least 14 days—2 weeks—a fair opportunity to prepare for the hearing. Employers and unions can currently seek board review of issues raised before the election. The bill preserves their right to seek board review before the election. Workers currently have an average of 31 days to decide their vote. The bill guarantees workers at least 35 days.

Before the board's reckless Specialty Healthcare decision, a commonsense standard determined which employees would participate in the election. Once again, H.R. 3094 takes steps to restore a traditional standard, ensuring employees continue to have freedom and opportunities in the workplace and employers can effectively manage their labor costs.

Despite the heated rhetoric we will hear from opponents today, the bill is a responsible effort to set in law, Mr. Chairman, protections workers and employers have long enjoyed. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER), a member of the Rules Committee.

Ms. SLAUGHTER. I appreciate the gentleman yielding.

Mr. Chairman, with millions of Americans out of work, job creation certainly should be the number one priority of this Congress. And yet, where are we today? We're not creating any new jobs here, but we're using the precious floor time considering a bill that attacks the rights of all American workers and has no chance of becoming law. That, unfortunately, is something we do week after week here.

As my colleagues have pointed out, rather than minimizing the delay in union voting procedures, today's bill mandates delay. The bill empowers employers to interfere in union elections by adding anti-union employees to voting blocs—gerrymandering the elections. That, by itself, should be enough to vote against this bill.

Letting an employer deny and manipulate union elections is a blatant attempt to put the fox in charge of the henhouse. It is a direct attack on the ability of workers to bargain collectively to protect their rights. And we've seen in America, with all the protests and uprisings, that American citizens don't like that so much.

Wherever you work, whether it's union or not, if you appreciate a 40-hour work week, sick leave and vacation days, safer working conditions, don't blame the men and women of the unions for the unemployment crisis that they didn't cause. Thank them for bringing those things to you. It was not a benevolent employer that gave you those. It was the union movement.

So rather than considering a bill to attack the American worker, we should be working together. As we plead on the floor day after day to create jobs for the American people, the situation grows more dire every day.

I urge my colleagues to oppose this bill and see if we can get to work to really create jobs.

Mr. KLINE. Mr. Chairman, the gentlelady just said that we should be addressing legislation to create jobs. That's exactly what we are doing today.

At this time I am very pleased to yield 3 minutes to the chairman of the Subcommittee on Health, Employment, Labor, and Pensions, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I rise today to urge my colleagues to support the Workforce Democracy and Protection Act.

Our country is in the middle of a jobs crisis. The national unemployment rate is hovering at 9 percent. In Tennessee, where I live, it's higher than that. Millions of American families are struggling to make ends meet. Amidst this economic uncertainty, the House has passed over 20 jobs bills that would help spur our economy that are sitting over on the Senate side, right down the hallway here, not voted on. Sadly, the Senate isn't the only roadblock to economic recovery. That's why we're here today—to rein in a National Labor Relations Board that has run amok.

I grew up in a union household. My father was a member of the United Rubber Workers Union. And I know about this. I lived with it, grew up with it.

In June, what problem were we trying to fix? Currently, elections are held, as the chairman said, within 31 days. And unions win almost 70 percent of the elections held. So let's say the 1st of October of this year you wanted to have an election. By the end of that month you could vote on whether a worker wanted to be in the union or not. A very fair process. If this rule goes into effect, as he said, 7 days for an employer to find representation to go through over 400 pages of rules just on this very complicated subject.

It gets worse. As little as 10 days to vote. So a worker would have to make their mind up, in some cases, it could be as quick as 10 days. Imagine voting on the President of the United States in 10 days.

And it gets worse. Workers would then be required by law to hand over personal information. What we want to do is to allow the employee to decide what information is given to the union about how they want to get contacted.

Mr. Chairman, this just isn't right, nor is the National Labor Relations Board's decision to redefine how a bargaining unit is determined. Instead of creating jobs, employers will be forced to negotiate with a multitude of small bargaining unions, which will raise labor costs and destroy the possibility of advancement opportunities. Something must be done to restore the fairness to the union election process. And that's why I'm a proud cosponsor of this legislation.

The bill simply does this. It gives 14 days to pass before a preelection hearing is held. This hearing will allow both sides to raise any relevant or material issues in a non-adversarial environment. It would protect the worker's right to make an informed choice by requiring an election take place in not less than 35 days. We owe it to our constituents to let them hear both sides of the story and make up their own minds. A worker's privacy should also be protected, allowing the unions access to only what the employee decides is their contact information. This bill also restores longstanding rules for defining what a bargaining unit is. It's over three decades of rules.

Mr. Chairman, there's only one way I can describe this bill—it's common sense. I respect the right of the workers to form unions. That's their right under the law. But I believe that the union election should follow a process that is balanced and protects the rights of employees and employers, not just the unions.

I urge support of this bill.

Mr. GEORGE MILLER of California. I yield myself 4 minutes.

Mr. Chairman, Members of the House, during the depths of the Great Depression, Congress gave the American worker the right to ban together with coworkers and to bargain for a better life. For more than 75 years, the National Labor Relations Act has vested the ultimate decision on whether or not to form or belong to a union with the workers themselves. The principle underlying this law is that when workers decide they want to have a union, they should get a union.

□ 1440

These rights and this law have served this country well. They built the middle class. They brought us the 40-hour

workweek. They brought us safer workplaces. The exercise of these rights ensured economically secure families and the prospect that our children could build an even better life. These rights have been an unqualified success. They helped to create an economic engine unparalleled in the history of the world.

But especially this year, forces have gathered that will do anything to take away those rights from American workers, from American families. These forces subscribe to the perverse ideology that says workers should just accept whatever the powerful decides is good enough for them, and that's the end of the discussion. They use real crises as an excuse to gain more power. We've seen them try it in Wisconsin and in Ohio and all across the country, where the real goal was to take away the rights of workers, not to solve the economic problems of those States; where the real goal was to constrain workers in the collective bargaining process, not to deal with the economic problems of those States; and where they don't control the statehouses and State legislatures, they have come to the Congress of the United States.

This bill today is part of that scheme. This bill is part of a national effort by the Republican Party, by the Chamber of Commerce, and much of the business community in this country to strip workers of their rights at work; to take ordinary working men and women and tell them they will have no rights to join a union; they will not be able to gather for an election because this legislation prevents that election from happening.

How does it do that? It does that, one, by having the employer decide who will be in the bargaining unit, not the employees as is dictated under the law and as affirmed by this Congress over and over again that decision belongs to them.

How does it do that? So it stuffs the ballot box at the outset, and the employer making up the bargaining unit as opposed to the employee. Then they throw in the ability to have whatever frivolous appeals, whatever frivolous issues you want to raise, no matter how frivolous, they must be raised before this time, before the election, and all of the appeals must be decided. So while they talk about how this gives you a tight time frame, in fact what we see is endless delays. It's the endless running up of legal costs of attorneys on both sides, all in the idea of buying time for the employer to intimidate the employees from joining a union, to constantly hold businesses and the workplace—face to face, businesses to advocate against the union so that they can turn around the decision that the employees essentially have made when they say, We want to go to an election; we want to have a union; this is our bargaining unit. And that's the goal here is to destroy the ability of this law to function.

You cannot have a situation where that exists in this country, because this law is not only important to employees in the workplace. It's important to millions of Americans who are in the middle class in this economy today. These are people who are there because of the collective bargaining rights of people over the last 75 years in this country to bring the benefits, to bring the wages, to bring the job security, to bring the health care benefits, to bring the pension benefits and the protections to middle class families.

We have seen, as the unions have declined, so have the wages, so have the benefits of workers to their own productivity. The American worker continues to increase their productivity. They are the most productive workers in almost every sector of our economy in the world, and yet more and more of their productivity is being syphoned off by the 1 percent, if you will, by the employers that decide they need more bonuses, by the employers that decide they need bigger paychecks, by the employers that decide they need more shareholder dividends, by the employers that decide that they need more golden parachutes, they need more arrangements to get rid of people at the elite level.

That's what this is about. It's about stealing from the American workers and not giving them a right to continue to bargain for the benefit of their families and their communities, and we ought to reject this bill today.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the chairman of the Subcommittee on Workforce Protections, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank the chairman for yielding.

Mr. Chairman, as I, a former United Steelworkers Union member, stand here today, the unemployment rate in Michigan stands at 10.6 percent, and in areas of my district it is as high as 14 percent.

Our primary focus in Congress, as passed in the Republican jobs plan and seated in the Senate right now, our primary focus is to get burdensome government regulations out of our way and out of the way of the American people and let them get back to work.

The National Labor Relations Board has taken actions that directly oppose American job providers and job creators. How can any Michiganian operating a business expect to compete on a level playing field with NLRB membership like Craig Becker, who once wrote, ''Employers should be stripped of any legally cognizable interest in their employees' election of representatives.'' And also, ''Employers have no standing to assert their employees' right to fair representation.''

In their recent action to create an ambush-style election process, the NLRB has taken the side of a former special interest attorney over the will of the American working people. The rogue majority of the NLRB wants to set conditions that stifle job creation and expansion. Job creators are terrified of the NLRB's actions to create an ambush-style election process that will prevent employees from making an informed decision. And more stunningly, they reversed 30 years of precedent through their Specialty Healthcare decision, which would allow unions to carve up a worksite however they use.

America's job creators and workforce deserve fairness to ensure that union representation elections, like elections for our political leadership, are done in a just manner that allows all participants to make an informed decision on their representation status.

The Workforce Democracy and Fairness Act will ensure that employees and employers will have a level playing field at the NLRB and its special interest allies are determined to tilt.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

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

Mr. ANDREWS. Mr. Chairman, for years the American Dream has been based on a basic deal: If you go to work every day and work as hard as you can, you will make a decent wage. If you get sick and have to go to the hospital, you'll have health benefits that mean that you won't lose everything you have because you got sick. At the end of the 40th hour of the week, your time belongs to you and your family, not to your boss, unless your boss is willing to pay you time and a half. And you don't have to work until the day you die because you can earn a decent pension and spend the golden moments and days of your life taking care of your grandchildren and your family. That's the deal.

None of that existed for most Americans before collective bargaining existed. America has a middle class because America has collective bargaining.

This bill is not about the number of days before an election or the size of a bargaining unit. This bill raises the issue of whether you truly believe in collective bargaining. And what this bill does is say to the minority of employers in America—and I think they are the minority by far—who would choose to subvert an election process, who would choose to intimidate and coerce their workers into voting against the union, this bill gives them a roadmap of exactly how to do that. It is a subversion of the American middle class because it's a subversion of collective bargaining.

Our grandfathers and grandmothers stood on picket lines to fight for collective bargaining. The people of Ohio stood on election day to fight for collective bargaining. Colleagues, let us together stand today against this legislation and for collective bargaining and the American middle class.

Mr. KLINE. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the chairman for yielding.

Mr. Chairman, I rise today in support of H.R. 3094, the Workforce Democracy and Fairness Act, a bill I proudly sponsor.

As a Representative from Alabama, a right-to-work State, the continued activist agenda of the National Labor Relations Board is alarming.

□ 1450

Its proposed rules to alter longstanding Federal labor practices and policies are a clear example that the White House and the NLRB are committed to a culture of union favoritism. The NLRB's proposals undermine the rights of employers and employees by empowering unions to manipulate the workforce for their own gain.

The Workforce Democracy and Fairness Act is one of many bills put forward by my Republican colleagues that will prevent the NLRB from imposing sweeping changes to our Nation's workplaces. Additionally, and most importantly, this bill restores key labor protections that both workers and employers have enjoyed for decades.

I want to say that again: This bill restores key labor protections that both workers and employers have already enjoyed for decades. Congress has the responsibility to ensure that the NLRB's labor interests are not undermining an employer's efforts to create jobs and grow their businesses.

At a time when approximately 14 million Americans are unemployed and searching for work, not to mention the millions that have given up, Congress must implement policies that encourage new jobs, not hinder them. This legislation will rein in the activist NLRB and reaffirm protections workers and job creators have received for decades.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a ranking subcommittee member of the committee.

Ms. WOOLSEY. Mr. Chairman, H.R. 3094, the so-called Workforce Democracy and Protection Act, what a great title for legislation that assaults the majority's year-long war against unions, against workers, and the National Labor Relations Board. This is just the latest of that. And they gave it this wonderful title.

And since they took control of this body in January, my colleagues on the other side of the aisle have been doing everything in their power to stack the deck against labor unions and those who aspire to join them. Seemingly, the bills that they bring to the floor are designed to make life easier for the corporate special interests and, as usual, harder on workers who just want a fair shake.

Curious, since the labor movement is the most powerful force for economic security and upward mobility that we have in this country, and unions are the reason there is a strong middle class in the United States of America, that they would want to attack it. We need to remove obstacles to union elections, and we need to create ways for members to join unions, not prevent them from being union members.

It's baffling to me that my Republican friends have absolutely no plans to create any kind of jobs, but a carefully orchestrated plan to undermine the rights and protections of working people. Instead of helping people who are reeling from this sluggish economy, they work to create distractions and to create scapegoats.

Mr. Chairman, workers deserve better than a government of, by, and for the wealthiest 1 percent.

Vote ''no'' on H.R. 3094.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington DC, November 18, 2011.

Hon. JOHN P. KLINE

Chairman, House Education and the Workforce, Washington, DC.

Hon. GEORGE MILLER

Ranking Minority Member, House Education and the Workforce, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MINORITY MEMBER MILLER: On behalf of the AFL-CIO, I urge you to vote against H.R. 3094, the Workforce Democracy and Fairness Act, when it is considered by the House of Representatives. Masquerading as a bill to protect the status quo with respect to elections supervised by the National Labor Relations Board, H.R. 3094 would actually mandate delays, giving companies more power to wear down support for the union and creating new opportunities for stalling elections. The result of this bill will be to make workers wait months, perhaps years before they are allowed to vote on whether to form a union. The bill would also destroy 75 years of NLRB case law that has governed the appropriateness of bargaining units, giving companies more power to gerrymander the eligibility of voters in a union representation election in order to unfairly skew the results.

Under H.R. 3094, no election may occur sooner than 35 days after the filing of an election petition, even if all parties agree to an earlier date. But the bill does not limit how long an election may be delayed as a result of employer claims, challenges and litigation. The bill would mandate a full pre-election hearing on any ''relevant and material'' issue, broadly defined to include virtually any issue, even those that are not in dispute and not material to the appropriateness of the bargaining unit. By incentivizing marathon pre-election hearings, the bill would reward wasteful litigation and increase taxpayer costs by requiring findings on unnecessary and extraneous issues.

In a further effort to deny workers their right to choose whether to form a union, H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of companies to force workers to listen to their anti-union propaganda, under the threat of discharge if they try to object. Moreover, it fails to protect workers who are fired, threatened, or interrogated because they want to exercise their federal statutory right to form a union. In fact, current remedies for well-documented, wide-spread violations of workers' rights have been regularly criticized as paltry and ineffective, treated by companies as merely a cost of doing business.

H.R. 3094 would also overturn the recent Specialty Healthcare decision, in which the NLRB applied to non-acute health care facilities, mostly nursing homes, the same community-of-interest standard that it has traditionally applied to determine the appropriateness of bargaining units in other industries. While the U.S. Court of Appeals for the District of Columbia upheld that standard in 2008, the bill broadly applies a one-size-fits-all test in disregard of the particular needs of specific industries and circumstances. The bill's newly minted test will create uncertainties for the parties as this vague new standard is repeatedly litigated.

H.R. 3094 has one goal: to empower companies which want to delay elections so they can mount one-sided, anti-union campaigns, both legal and illegal, to discourage workers from freely choosing whether or not to form a union. At a time when more and more experts are recognizing that middle class incomes are falling in tandem with the declining rate of union membership, Congress should be finding ways to protect workers' freedom to form a union, not throwing up roadblocks to the exercise of this fundamental right.

Sincerely,

WILLIAM SAMUEL,

Director, Government Affairs Dept.

Mr. KLINE. Mr. Chairman, I am very pleased to yield 1 minute to another member of the committee, the gentleman from Nevada, Dr. HECK.

Mr. HECK. I thank the chairman for yielding.

Mr. Chairman, I rise today to pose an important question to Nevadans. How would you feel about having only 10 days' notice that an election would be held? That would give you only 10 days to research the candidates and find out where they stand on the issues, 10 days to decide who best represents you, your voice, your values.

And to my distinguished colleagues in this body, how do you think your constituents would react if we changed the law so that they had only 10 days' notice that an election would be held?

It would be unconscionable for Congress to abdicate its responsibility and allow a board of unelected bureaucrats to do something that this body would never do itself. That's the debate today, whether or not Congress allows the National Labor Relations Board to radically change the way union elections are governed, with little to no input from those most affected by this decision.

I urge my colleagues to vote for the Workforce Democracy and Fairness Act to prevent the National Labor Relations Board from doing something we would not do ourselves.

Mr. GEORGE MILLER of California. I yield 2¼ minutes to the gentleman from New Jersey (Mr. PAYNE), a member of the committee.

Mr. PAYNE. Mr. Chairman, H.R. 3094, the Workforce Democracy and Fairness Act, really, as you know, should be called the Election Prevention Act.

I'm gravely concerned about today's legislative proposal. Current law recognizes that workers should be able to associate with other units into any appropriate bargaining unit. This bill creates a presumption that all workers should be in a bargaining unit unless it is proven otherwise. That's just the reverse of the way law should be.

It allows employers to stuff the ballot boxes with workers who are not engaged in the organizing drive in the first place, therefore likely to vote ''no.''

It also increases the chances that workers' petition for an election will be rejected, which would cancel elections because they do not obtain the 30 percent signatures from this vast bargaining unit, all ways to try to thwart the election.

The NLRB has proposed rules which would eliminate loopholes in current law that allow unscrupulous employers to delay elections, frustrating workers' efforts to organize. This bill would essentially impose arbitrary delays and block those pending NLRB rules to eliminate avoidable delays.

The fact of the matter is that that bill encourages frivolous litigation. The original bill provided employers with an unqualified right to consistently raise a new issue at any point during the pre-election hearing in order to drag out the hearing. This would include any issue that may reasonably be expected to impact the election's outcome.

This bill does not limit these problems, but states that these issues, even when immaterial to an election, are considered relevant. Based on this fact, a hearing could therefore go on indefinitely, and that's what the purpose of this is.

Furthermore, parties could bring up issues such as economic conditions, or unfair labor practices, or other items not normally considered in pre-election hearings. Additionally, this bill seems to require that the board must finish a request for review before an election can be directed. This will encourage employers to file requests for review, even frivolous ones, to create a backlog at the board and further delay elections.

The current election process needs to be fixed. Employers easily delay and prolong elections giving themselves a unfair advantage to our American workers.

The fact that we are even discussing the "Workforce Democracy and Fairness Act" is a mockery. There are millions of unemployed workers across the nation and yet we are here to limit the rights of those who are employed. We should be here passing the American Jobs Act to help the unemployed.

A recent survey, conducted by the National Employment Law Project, NELP, of four of the top job search websites—CareerBuilder.com, Indeed.com, Monster.com, and CraigsList.com—found over 150 job advertisements that specified applicants must be currently employed. That is simply unacceptable.

However, the provisions in the American Jobs Act will prevent qualified Americans, who are unemployed through no fault of their own, from being unfairly screened from employment opportunities.

For over 300 days in the House majority, the GOP has refused to put forward a clear jobs plan. Now is the time to help our workers and not harm them.

Again, I would like to reiterate my strong opposition to H.R. 3094 and I request my Congressional colleagues to do as well.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
Upper Marlboro, MD, November 28, 2011.

Re. H.R. 3094 Workforce Democracy and Fairness Act.

DEAR REPRESENTATIVE, On behalf of the International Association of Machinists and Aerospace Workers, I strongly urge you to vote ''NO'' to the ''Workforce Democracy and Fairness Act'' H.R. 3094. This anti-worker legislation should be called the ''Election Prevention Act'' because it would give unscrupulous employers more opportunities to thwart workers' efforts to organize and also add more delays to an already broken National Labor Relations Board (''NLRB'') election process.

This bill was introduced in direct response to the NLRB's proposed rule to minimize undue delay in union elections. Instead of minimizing delay, H.R. 3094 mandates it. For example, no election may occur sooner than 35 days after filing of an election petition. However, there is no limit on how long an election may be delayed as a result of employer claims, challenges and litigation. Delay gives employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of employers to force workers to listen to their antiunion propaganda, under the threat of discharge if they try to object.

H.R. 3094 also manipulates the procedure for deciding who is in the bargaining unit. The bill encourages the ''gerrymandering'' of bargaining units by codifying a test that destroys 75 years of Board decision-making.

In sum, H.R. 3094 would delay and ultimately prevent union representation elections, encourages frivolous litigation, and manipulates the procedure for deciding who is a bargaining unit. For the above reasons, I ask that you oppose this latest attack on workers' rights by voting ''NO'' to the ''Election Prevention Act.''

If you have any questions, please contact Matthew McKinnon, Legislative Director.

Sincerely,

R. THOMAS BUFFENBARGER,
International President.

BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AMERICAN FEDERATION OF LABOR–CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, November 28, 2011.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the approximately 2 million skilled craft professionals who comprise the Building and Construction Trades Department, AFL–CIO, I write to urge you to vote against H.R. 3094, the Workforce Committee Democracy and Fairness Act.

This bill represents an unfair attack on workers and the mechanisms in place that protect their ability to freely choose to form a union. H.R. 3094 amends the National Labor Relations Act (NLRA) to allow for obstructive delays in the scheduling of a union election. This bill would mandate that workers wait at least 35 days before voting on joining a union once petitions have been filed seeking the vote. Not only would this flawed legislation call for delays, but H.R. 3094 would also empower employers to engage in anti union campaigns to discourage workers from making an unconstrained decision on whether to form a union.

Further, H.R. 3094 undermines the ability of the National Labor Relations Board to protect workers who are fired, threatened or otherwise harassed because they want to exercise their federal statutory right to form a union.

This troubling and misguided attack on workers' rights must be stopped.

With kind personal regards, I am,

Sincerely,

MARK H. AYERS,
President.

SERVICE EMPLOYEES INTERNATIONAL UNION,
Washington, DC, November 18, 2011.

DEAR REPRESENTATIVE: On behalf of more than 2.1 million members of the Service Employee International Union (SEIU), I strongly oppose H.R. 3094, the Workforce Democracy and Fairness Act, and urge you to vote against this bill when it comes to the House floor for a vote.

H.R. 3094 is yet another attack on workers' rights and the NLRB's mandate to protect them. We encourage you not to force American workers to choose between their rights and their jobs. During these tough economic times, it is vital to support good-paying jobs and protect workers' rights to bargain collectively for better compensation. Good-paying jobs are necessary to rebuild the middle class and they support job creation by bolstering consumer demand.

H.R. 3094 undermines workers' rights by limiting the NLRB's ability to serve as an adjudicator of workforce fairness and democracy by increasing litigation and representation delays indefinitely; undermining a union's ability to communicate with workers; and removing employees' right to determine their bargaining unit. In a time when 54 percent of employers threaten workers during work time about union membership, it is vital that unions have fair access to communicate with employees about their rights.

If passed, H.R. 3094 will disrupt 75 years of NLRB experience configuring appropriate bargaining units. It undermines employees' ability to form a union by removing employees' right to self-organize bargaining units and allowing employers to manipulate the pool of eligible voters for the representation election.

Employers have the ability to drag the election process out at least over six months. H.R. 3094 would allow the elections to be delayed even further by first reversing the NLRB's proposed rule to efficiently serve and standardize election procedures and secondly by allowing virtually any issue, including frivolous appeals, to be litigated in representation case proceedings prior to the election. During this delay, many employers hold captive audience meetings and threaten workers to prevent them from exercising their democratic right to representation in the workplace. Finally, H.R. 3094 would overturn 50 years of NLRB procedure regarding the list of eligible voters provided to the union and making it difficult for unions to communicate with workers.

SEIU strongly opposes H.R. 3094 and urges you to vote NO when this bill comes to a vote. It not only overturns the NLRB's recent proposed rules but sets American workers' rights back decades.

Votes on this legislation will be added to the SEIU Congressional Scorecard found at www.seiu.org. If you have any questions, contact Josh Nassar, Assistant Director of Legislation.

Sincerely,

MARY KAY HENRY,
International President.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to another distinguished member of the committee, the gentleman from Florida (Mr. ROSS).

Mr. ROSS of Florida. Thank you, Mr. Chairman, for the recognition and also

for bringing forth this most necessary legislation.

I rise in support of H.R. 3094. Quite simply put, the National Labor Relations Board has lost all credibility. From its anti-American attack on Boeing to its inability to allow Delta employees to choose their own labor future, the NLRB has become nothing more than a taxpayer-funded Big Labor advocate.

The Workforce Democracy and Fairness Act is just what it says it is, legislation that, if passed, will enshrine in law the rights of the American worker to both information and choice, two things my friends on the other side of the aisle believe in as well.

What is truly sad, Mr. Chairman, is that taxpayers, already living under the burden of exploding debt and record unemployment, are paying the salaries of NLRB attorneys and administrators to stifle employment and to ship jobs overseas. The proposed NLRB rule remedied by this legislation requiring elections be held in as little as 10 days gives workers virtually no opportunity to inform themselves about their rights.

□ 1500

To show just how radical this NLRB has become, we must ask ourselves, when in the history of this great Republic has shortening the time for an election been considered more fair? We hear Members from the other side of the aisle say that even requiring some to show identification to vote is unfair and restrictive. But drastically cutting short the time for an election is more fair?

As if that was not radical enough, the NLRB's decision on micro-unions overturns 30 years of successful precedent. For example, at retail stores, multiple labor unions could target unorganized different groups of workers. Sales persons, merchandise managers, department managers, stock clerks, and security guards could each form separate unions. This will put worker against worker, and employers will spend more time negotiating with unions than they do on focusing on their jobs and on their business.

The question we must ask is, what are they so afraid of? The answer is they're afraid of an American worker free to work hard and earn the fruits of that labor. They're afraid of the American worker given the right to choose their own future. I don't know about anyone else, but I trust the American worker to make the right decision. I don't trust the government.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. The right to organize is a fundamental right in a democratic society. In fact, workers' rights are human rights. This bill seeks to frustrate workers' rights to an election through attacking the National Labor Relations Board.

Today workers have to wait an average of 101 days to cast a ballot in an election, 101 days to wait for union representation. How long should workers have to wait to be able to assert their fundamental rights in a democratic society if we really believe in democracy?

Some of us believe that when a majority of workers want to be able to have a union, they should be able to do so forthwith.

We believe in government of the people. Why then would corporations want to block or frustrate the right of workers to be able to organize? I think it's pretty obvious. When workers are organized, they have the ability to participate in being able to say what their wages are worth. So this is about wages. It's about benefits. It's about workplace safety, about working conditions.

Workers rights are human rights. And this assault on the NLRB actually ends up being translated into a fundamental assault on our democracy. If we believe in a democracy, then we believe in a right to organize, a right to collective bargaining, a right to strike, a right to decent wages and benefits, a right to a secure retirement, a right for workers to participate in a political process.

This is America. Let's lift up the standard of workers—not attack it by making the day of their election and claiming a union farther and farther away almost to the point of nullification. Stand up for the American workers. Defeat this bill.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the Workforce Democracy and Fairness Act offered by Chairman KLINE, and I thank the chairman for his leadership on this issue.

For the past 3 years, we have seen a vast expansion in the size and scope of the Federal Government, which has resulted in a suffering economy and job market and an unfriendly business environment for job creation and investment.

A recent troubling example of this government overreach is the National Labor Relations Board's proposed rulemaking that would alter the longstanding precedent of procedures that govern union elections. These new rules would do little more than empower Big Labor bosses by restricting employers from communicating with their employees during the process, preventing the employees from gaining access to critical information necessary to make informed decisions on their votes, and diminishing the fundamental rights of both employees and employers across the country.

This sort of government intervention in the workplace is an attack on our economic freedom and will only provide more uncertainty in our economy at a time when we are struggling to recover.

With far too many Fifth District Virginians and Americans out of work, we must put an end to the arbitrary rulemaking of the unelected bureaucrats that comprise the NLRB. Instead, we must provide our job creators the opportunity to hire and grow without the uncertainty caused by unnecessary and burdensome government regulations. And we must preserve the protections and freedoms that American workers deserve, allowing them to participate in a full and fair election process.

I urge my colleagues to support this important legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and for his leadership on behalf of America's working families and for bringing the opposition to this legislation to the floor today.

Mr. Chairman and my colleagues, more than 75 years ago, President Franklin Roosevelt signed a bill which created the National Labor Relations Board and said he did so to give every worker ''the freedom of choice and action which is justly his.'' Today we say which is justly his or hers. That was a very important moment for workers because it said that they could negotiate, they could bargain collectively, giving great leverage to workers in our country, and it was necessary.

The freedom of choice in action has rested at the core of a growing, thriving American workforce. It has created the American middle class that has made our country great and is the backbone of our democracy.

This legislation on the floor today undermines freedom of choice in action. It will weaken our middle class, and again weaken our democracy.

For months in Wisconsin, Ohio, and other States nationwide, Americans have seen Republican Governors and legislatures attack teachers, firefighters, police officers, and other public servants. We've seen American workers, union and non-union alike, fight back, inspiring the Nation.

My colleagues on the other side of the aisle have promoted many myths about their misguided legislation which they're bringing forward today and how it will impact the National Labor Relations Board. So I would like to clarify a few facts.

First, this bill mandates delay rather than minimizes it. It encourages frivolous litigation rather than discourages it. It convolutes and distorts elections rather than simplifying them.

Simply put, this legislation would deny workers their right to a free and fair election to form a union. It adds extensive delays to the process as workers organize with the clear intention of, as my colleague, Congressman GEORGE MILLER, the ranking member of the Education and Labor Committee has said, wearing down workers so they give up fighting for a better deal. It's an age-old tactic. It must be rejected.

At a time when Americans are demanding jobs and job growth, economic

growth for our country, today's legislation is the wrong priority. We need to be solving the problem and challenge of creating jobs, and not adding to the problems, as this bill would do.

There is a great deal of work to be done to reignite the American Dream. Igniting the American Dream is what Franklin Roosevelt did when he signed this bill and many other initiatives of that era. And they corrected many ills in our economy and our society in communities across the country in terms of fairness and American value.

So we want to reignite the American Dream, to build ladders of success for all who want to work hard and play by the rules, and remove obstacles to fuller participation in our economy so that many more workers can participate in America's prosperity.

□ 1510

This is about, again, strengthening the middle class, the backbone of our democracy. Yet this legislation will have the opposite effect of eroding rights and opportunity. I urge my colleagues to vote ''no.''

Mr. KLINE. Mr. Chairman, I submit for the RECORD this letter from the Coalition for a Democratic Workplace, with 243 associations and organizations in support of this legislation.

COALITION FOR A DEMOCRATIC WORKPLACE,
November 29, 2011.

DEAR REPRESENTATIVE: On behalf of millions of job creators concerned with mounting threats to the basic tenets of free enterprise, the Coalition for a Democratic Workplace urges you to support H.R. 3094, the Workforce Democracy and Fairness Act. Congress needs to immediately pass this much-needed legislation. The bill directly addresses recent and economically crippling actions of the National Labor Relations Board (Board or NLRB). Specifically, the bill would block the Board from moving forward with its ambush election proposal. If left unchecked, the proposal will effectively deny employees' access to critical information about unions and strip employers of free speech and due process rights. H.R. 3094 also would reverse the Board's recent decision in Specialty Healthcare, which poses an immediate and direct threat to our economy by opening the door to swarms of micro-unions.

The Coalition for a Democratic Workplace, a group of more than 600 organizations, has been united in its opposition to the so-called ''Employee Free Choice Act'' (EFCA) and EFCA alternatives that pose a similar threat to workers, businesses and the U.S. economy. Thanks to the elected officials who stood firm against this damaging legislation, the threat of EFCA is less immediate this Congress. Politically powerful labor unions, other EFCA supporters, and their allies in government are not backing down, however. Having failed to achieve their goals through legislation, they are now coordinating with the Board and the Department of Labor (DOL) in what appears to be an all-out attack on job-creators and an effort to enact EFCA through administrative rulings and regulations.

While the Board's actions have gained recent notoriety from the unprecedented attempt by the agency's Acting General Counsel to mandate where and how one company—Boeing—can operate and expand its business, the Boeing case is just the tip of the iceberg. During the last few years, the Board and DOL have issued a barrage of anti-business and anti-worker decisions and rules, which collectively amount to the greatest upheaval in U.S. labor law in over 50 years. The Workforce Democracy and Fairness Act directly remedies ambush elections and micro-unions (Specialty Healthcare), which are two of the Board's most damaging and outrageous actions.

On June 21, the Board proposed a rule on ''ambush elections.'' According to Board Member Brian Hayes, these new procedures could result in union representation elections held in as few as 10 days after the filing of a union petition. The NLRB's own statistics reveal that in 2010, the average time to election was 31 days, with over 95 percent of elections occurring within 56 days. The current election time frames are not only reasonable, but permit employees time to hear from both the union and the employer and make an informed decision, which would not be possible under the proposed timetables. In fact, the reduced time frame would leave employers barely enough time to secure legal counsel, with little to no opportunity to talk with employees about union representation or respond to promises union organizers may have made to secure union support, even though many of those promises may be completely unrealistic. Given that union organizers typically lobby employees for months outside the workplace without an employer's knowledge, these ''ambush'' elections would often result in employees' receiving only half the story. They would hear promises of raises and benefits that unions have no way of guaranteeing, without an opportunity for the employer to explain its position and the possible inaccuracies put forward by the union. Ambush elections would be particularly damaging to small businesses as the proposed changes would effectively eliminate any measure of due process by forcing elections before most employers could even understand what was happening or even obtain legal advice and representation.

The proposal also tramples over employer due process rights. As Member Hayes noted, the proposed rule will ''substantially limit the opportunity for full evidentiary hearing or Board review on contested issues involving, among other things, appropriate unit, voter eligibility and election misconduct.'' The proposal would require that all pre-election hearings occur within seven days of the petition. Businesses must file a statement within those seven days setting forth their position on all relevant legal issues. Any issues not identified in the statement would be waived forever. These unnecessary time limits put enormous pressure on all businesses, but like the NLRB's ambush election proposal, the impact will be especially damaging to small business, who will have enough problems finding counsel within these time frames, let alone obtaining any meaningful understanding of their rights and obligations under this complex law.

In Specialty Healthcare, the NLRB paved the way for the formation of ''micro-unions,'' which make it easier for unions to organize by permitting them to form smaller bargaining units that often exclude those similarly situated employees who oppose unionization. This effectively disenfranchises them. Prior to the decision, bargaining units had to include employees who share a ''community of interest.'' Smaller units were only permissible where the employees in the proposed unit had interests that were ''sufficiently distinct from those of other employees to warrant the establishment of a separate unit.'' This prevented swarms of small, ''fractured units,'' of similarly situated employees. As a result of the Board's decision, businesses now face the possibility of having to manage multiple, small units of similarly situated employees with increased chances of work stoppages, as well as potentially different pay scales, benefits, work rules and bargaining schedules. This will greatly limit an employer's ability to cross-train and meet customer and client demands via lean, flexible staffing because employees will no longer be able to perform work assigned to other units. Employees also will suffer from reduced job opportunities, as promotions and transfers will be hindered by organizational unit barriers.

Again, we urge you to support passage of H.R. 3094, the Workforce Democracy and Fairness Act. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers they have hired or would like to hire, and consumers.

THE COALITION FOR A DEMOCRATIC WORKPLACE

NATIONAL ORGANIZATIONS (118)

60 Plus Association;
Aeronautical Repair Station Association;
Agricultural Retailers Association;
AIADA, American International Automobile Dealers Association;
Alliance for Worker Freedom;
American Apparel & Footwear Association;
American Bakers Association;
American Concrete Pressure Pipe Association;
American Council of Engineering Companies;
American Feed Industry Association;
American Fire Sprinkler Association;
American Foundry Society;
American Frozen Food Institute;
American Health Care Association;
American Hospital Association;
American Hotel and Lodging Association;
American Meat Institute;
American Nursery & Landscape Association;
American Organization of Nurse Executives (AONE);
American Pipeline Contractors Association;
American Rental Association;
American Seniors Housing Association;
American Staffing Association;
American Supply Association;
American Trucking Associations;
American Wholesale Marketers Association;
Americans for Tax Reform;
AMT—The Association for Manufacturing Technology;
Asian American Hotel Owners Association;
Assisted Living Federation of America;
Associated Builders and Contractors, Inc.;
Associated Equipment Distributors;
Associated General Contractors of America;
Association of Equipment Manufacturers;
Automotive Aftermarket Industry Association;
Brick Industry Association;
Building Owners and Managers Association (BOMA) International;
Center for Individual Freedom;
Center for the Defense of Free Enterprise Action Fund;
Coalition of Franchisee Associations;
College and University Professional Association for Human Resources;
Consumer Electronics Association;
Custom Electronic Design & Installation Association;
Environmental Industry Associations;
Fashion Accessories Shippers Association;
Food Marketing Institute;
Forging Industry Association;
Franchise Management Advisory Council (FRANMAC);
Heating, Airconditioning & Refrigeration Distributors International (HARDI);

HR Policy Association;
IEC National;
INDA, Association of the Nonwoven Fabrics Industry;
Independent Women's Voice;
Industrial Fasteners Institute;
International Association of Refrigerated Warehouses;
International Council of Shopping Centers;
International Foodservice Distributors Association;
International Franchise Association;
International Sign Association;
International Warehouse Logistics Association;
Kitchen Cabinet Manufacturers Association;
LeadingAge;
Metals Service Center Institute;
Motor & Equipment Manufacturers Association;
NAHAD—The Association for Hose and Accessories Distribution;
National Apartment Association;
National Armored Car Association;
National Association of Chemical Distributors;
National Association of Convenience Stores;
National Association of Electrical Distributors;
National Association of Home Builders;
National Association of Manufacturers;
National Association of Wholesaler-Distributors;
National Club Association;
National Council of Chain Restaurants;
National Council of Farmer Cooperatives;
National Council of Investigators and Security Services (NCISS);
National Council of Textile Organizations (NCTO);
National Federation of Independent Business;
National Franchisee Association;
National Grocers Association;
National Mining Association;
National Multi Housing Council;
National Pest Management Association;
National Precast Concrete Association;
National Ready Mixed Concrete Association;
National Restaurant Association;
National Retail Federation;
National Roofing Contractors Association;
National School Transportation Association;
National Small Business Association;
National Solid Wastes Management Association;
National Systems Contractors Association;
National Tank Truck Carriers;
National Tooling and Machining Association;
National Utility Contractors Association;
NATSO, Representing America's Travel Plazas and Truckstops;
North American Die Casting Association;
North American Equipment Dealers Association;
Petroleum Marketers Association of America;
Precision Machined Products Association;
Precision Metalforming Association;
Printing Industries of America;
Professional Beauty Association;
Retail Industry Leaders Association;
Snack Food Association;
Society for Human Resource Management;
Society of American Florists;
SPI: The Plastics Industry Trade Association;
Steel Manufacturers Association;
Textile Care Allied Trades Association;
Textile Rental Services Association;
The Real Estate Roundtable;
Truck Renting and Leasing Association;
U.S. Chamber of Commerce;
United Fresh Produce Association;
United Motorcoach Association;
Western Growers Association.

STATE AND LOCAL ORGANIZATIONS (125)

A & K Earthmovers, Inc.;
American Society of Employers (Michigan);
Arkansas State Chamber of Commerce/Associated Industries of Arkansas;
Associated Builders and Contractors, Inc. California Chapter;
Associated Builders and Contractors, Inc. Central Florida Chapter;
Associated Builders and Contractors, Inc. Central Pennsylvania Chapter;
Associated Builders and Contractors, Inc. Chesapeake Shores Chapter;
Associated Builders and Contractors, Inc. Delaware Chapter;
Associated Builders and Contractors, Inc. Eastern Pennsylvania Chapter;
Associated Builders and Contractors, Inc. Florida East Coast Chapter;
Associated Builders and Contractors, Inc. Florida Gulf Coast Chapter;
Associated Builders and Contractors, Inc. Hawaii Chapter;
Associated Builders and Contractors, Inc. Heart of America Chapter;
Associated Builders and Contractors, Inc. Indiana Chapter;
Associated Builders and Contractors, Inc. Inland Pacific Chapter;
Associated Builders and Contractors, Inc. Iowa Chapter;
Associated Builders and Contractors, Inc. Keystone Chapter;
Associated Builders and Contractors, Inc. Massachusetts Chapter;
Associated Builders and Contractors, Inc. Mississippi Chapter;
Associated Builders and Contractors, Inc. Nevada Chapter;
Associated Builders and Contractors, Inc. New Mexico Chapter;
Associated Builders and Contractors, Inc. New Orleans/Bayou Chapter;
Associated Builders and Contractors, Inc. Ohio Valley Chapter;
Associated Builders and Contractors, Inc. Oklahoma Chapter;
Associated Builders and Contractors, Inc. Pacific Northwest Chapter;
Associated Builders and Contractors, Inc. Rhode Island Chapter;
Associated Builders and Contractors, Inc. Rocky Mountain Chapter;
Associated Builders and Contractors, Inc. South East Texas Chapter;
Associated Builders and Contractors, Inc. South Texas Chapter;
Associated Builders and Contractors, Inc. Western Michigan Chapter;
Associated Builders and Contractors, Inc. Western Washington Chapter;
Associated Industries of Massachusetts;
Builders Association of Northern Nevada;
CA/NV/AZ Automotive Wholesalers Association (CAWA);
CAI–Capital Associated Industries Inc. (Raleigh, NC);
California Delivery Association;
Carson City Chamber of Commerce, Carson City, NV;
CenTex Chapter IEC;
Central Alabama Chapter IEC;
Central Indiana IEC;
Central Missouri IEC;
Central Ohio AEC/IEC;
Central Pennsylvania Chapter IEC;
Central Washington IEC;
Centre County IEC;
Charleston Metro Chamber of Commerce;
Eastern Washington IEC;
El Paso Chapter IEC, Inc.;
Employers Coalition of North Carolina (Raleigh, NC);
Fairfax County Chamber of Commerce;
Greater Bakersfield Chamber of Commerce;
Greater Columbia Chamber of Commerce;
Greater Montana IEC:
IEC Atlanta;
IEC Chesapeake;
IEC Dakotas, Inc.;
IEC Dallas Chapter;
IEC Florida West Coast;
IEC Fort Worth/Tarrant County;
IEC Georgia;
IEC Greater St. Louis;
IEC Hampton Roads Chapter;
IEC NCAEC;
IEC New England;
IEC of Arkansas;
IEC of East Texas;
IEC of Greater Cincinnati;
IEC of Idaho;
IEC of Illinois;
IEC of Kansas City;
IEC of Northwest Pennsylvania;
IEC of Oregon;
IEC of Southeast Missouri;
IEC of Texoma;
IEC of the Bluegrass;
IEC of the Texas Panhandle;
IEC of Utah;
IEC Southern Colorado Chapter;
IEC Southern Indiana Chapter-Evansville;
IEC Texas Gulf Coast Chapter;
IEC Western Reserve Chapter;
IECA Kentucky & S. Indiana;
IECA of Arizona;
IECA of Nashville;
IECA of Southern California, Inc.;
IEC–OKC, Inc.;
Iowa-Nebraska Equipment Dealers Association:
Little Rock Regional Chamber of Commerce;
Lubbock Chapter IEC, Inc.;
Manufacturer and Business Association;
MEC IEC of Dayton;
Mid-Oregon Chapter IEC;
Mid-South Chapter IEC;
Midwest IEC;
Minnesota Grocer Association;
Montana IEC;
NAIOP Colorado;
Nebraska Chamber of Commerce & Industry;
New Jersey Food Council;
New Jersey IEC;
New Jersey Motor Truck Association;
North Carolina Chamber;
Northern New Mexico IEC;
Northern Ohio ECA;
NW Washington IEC;
Ohio Manufacturers' Association;
Plumbing-Heating-Cooling Contractors Association of California (CAPHCC);
Portland Cement Association;
Puget Sound Washington Chapter;
Rio Grande Valley IEC, Inc.;
Rocky Mountain Chapter IEC;
Rogers-Lowell Chamber of Commerce (Arkansas);
San Antonio Chapter IEC, Inc.;
South Carolina Trucking Association;
Southern New Mexico IEC;
State Chamber of Oklahoma;
Texas Hospital Association;
Texas State IEC;
Tri State IEC;
Virginia Manufacturers Association;
Virginia Trucking Association;
Western Carolina Industries;
Western Colorado IEC;
Western Electrical Contractors Association;
Wichita Chapter IEC.

I am now pleased to yield 2 minutes to another member of the committee, the distinguished gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Mr. Chairman, I rise today in strong support of the Workforce Democracy and Fairness Act.

In the last few years, the National Labor Relations Board has had a clear bias toward Big Labor in decisions and rulemaking. Although this bill addresses several onerous rules and decisions from the NLRB, I would like to focus on one in particular.

On August 26 of this year, the Board overturned decades—let me repeat—decades of precedent with its decision in the Specialty Healthcare case. By standing up today and voting for the bill before us, we can stop an out-of-control agency from causing irreparable harm to industries across the Nation. The Board has decided it will no longer determine if the interests of a bargaining unit are sufficiently different from other current units. This will encourage unions to create the smallest so-called ''micro-unions'' possible, and it could result in employers having to negotiate with multiple units within their own businesses. This undermines a worker's ability to make an informed choice about whether to join a union, and it may potentially fractionate the workplace.

H.R. 3094 reinstates the traditional standard for determining which employees make up an appropriate bargaining unit. This bill is about fairness for workers and employers. It returns the Board to the precedent that it has operated under for the last 20 to 30 years under both Republican and Democratic administrations. Returning to this precedent will provide certainty and clarity to workers and employers, and it will undo the biased behavior of the current Board.

I support this bill, and I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. I thank the gentleman for yielding.

Mr. Chairman, today the majority is showing the American public again that the majority doesn't think we have a jobs crisis in America. Getting Americans back to work is not their top priority. Getting the American economy back on track and creating jobs is my first, second, and third priority. Until the majority gets to work, we're not going to move this country forward.

Democrats remain committed to creating jobs immediately and to expanding educational opportunity for all Americans. Rather than bringing to the floor legislation to help create jobs, we're wasting time with this attempt to undermine workers' rights—the right to organize, to have safe working conditions, fair wages.

On Monday night, I had a town hall. Not one person—not one—wanted to talk with me about the NLRB or its rulemaking; but many wanted to talk about job creation and wanted to make sure we were investing in our children's education. I offered an amendment to this bill to help keep teachers in the children's classrooms. I offered a real solution to a real problem, not a special interest giveaway to big business. Unfortunately, the majority blocked my amendment on procedural grounds.

Now, across the country, budget cuts and teacher layoffs have forced schools to reduce the days of the school year, to cut classes in literacy or arts or music or physical education, to increase class sizes, or to reduce library hours. My amendment would have invested in our workforce and our educational system. My amendment would have supported nearly 400,000 education jobs, enough for States to avoid the harmful layoffs and to rehire tens of thousands of teachers who lost their jobs over recent years.

Tom, a student from East Brunswick, wrote me recently. ''Teacher layoffs in the eyes of this student is a bad thing,'' he said. ''This past year, I had many oversized classes.''

Our children don't get a second chance to succeed in school. Our future economic growth depends on a well-educated and innovative workforce. That's what we should be dealing with today. My amendment would have supported our children. This flawed bill ignores those pleas for help.

Mr. KLINE. Mr. Chairman, I am very pleased to yield 4 minutes to another distinguished member of the committee, the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. I want to thank Chairman KLINE not only for yielding but also for his leadership on this and on so many other issues on the Education and the Workforce Committee.

Mr. Chairman, when so many of our fellow citizens are looking for work, when so many of our fellow citizens want nothing more than to be able to meet their familial obligations and their obligations to the community, when so many of our fellow Americans want nothing more than the most fundamental of all family values, which is a job, and when they look and they see that America is increasingly competing with other countries for work, it is no longer just competition among the States. We are competing with other countries for work.

The NLRB continues to pursue an activist, politically motivated agenda, thwarting economic recovery and continuing to place our companies at a competitive disadvantage worldwide.

Mr. Chairman, virtually everyone is familiar with the most glaring example of NLRB overreach and union pandering, which is the complaint against Boeing. Despite not a single example of a job being lost in Washington State, despite not a single example of a worker losing a single benefit or right in Washington State, the NLRB sued Boeing, seeking to have Boeing close its South Carolina facility, mothballing a $1 billion facility, displacing 1,000 workers and returning the work to Washington State.

Then they had the unmitigated temerity, as we recently learned, to joke about it in emails, to joke about a competitor called Airbus, which is Boeing's number one competitor. Wanting work and not getting it is not a laughing matter. Boeing is exhibit A among the evidentiary reasons that the NLRB has overreached its statutory mission, but it is not the only piece of evidence, Mr. Chairman. Currently, union elections take place, on average, within 31 days of the filing of an election petition. Additionally, unions are victorious more often than not when there is an election.

But that's not good enough. The NLRB wants more.

So they proposed sweeping changes to the election process, shifting the balance of power even further towards unions seeking employees by promoting rush elections and ruling that elections can take place in as little as 7 to 10 days. The Board severely limits the opportunities for workers to hear all sides of an issue and make an informed decision. Additionally, employers would only have 7 days to retain legal counsel and decipher the complex labyrinth of Federal labor law before presenting their cases before an NLRB hearing officer.

So Education and the Workforce Chairman JOHN KLINE smartly introduced H.R. 3094, the Workforce Democracy and Fairness Act, to simply level the playing field. This legislation requires that no union election occur in less than 35 days, thus granting all parties the ability to present their arguments and ensuring workers have the ability to reach an informed decision. H.R. 3094 acknowledges that full and complete information is treasured when employees are contemplating how they will vote.

Ironically, some unions have already endorsed President Obama in an election that is well nigh a year off; but somehow 31 days is too long for employers in an election that's every bit as important to them. The hypocrisy and blind advocacy has to stop.

The purpose of the NLRA is to balance the rights of employers, employees, and the general public. The NLRA is not calculated to drive up union membership, because they're a loyal constituency for the Democrat Party. Because the NLRB through its filings and proposed rules and regulations has lost all pretense of objectivity in labor issues, fair, even-handed pieces of legislation, such as this one, are necessary.

□ 1520

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, this legislation will delay workers' attempts to unionize and will deny Americans their fundamental right to bargain collectively.

In the next 3 weeks, we have jobs legislation to consider, middle class tax cuts and unemployment benefits to extend, a 2012 budget to pass. The Labor,

Health and Human Services, Education Appropriations Subcommittee has not even seen a bill yet; and yet just as they have all year long, the majority has chosen to waste precious time—time that we should be spending on the people's business—to continue their misguided war against workers' rights.

Once again, the majority has put forward a bill that has no other purpose than to roll back hard-won gains by American workers and erode the right of collective bargaining in this country. The legislation before us attempts to deny the right to form a union by imposing excessive delays on the process, stifling the flow of information to workers, and looking the other way while workers' rights are being violated.

How long is this majority going to persist in this wrong-headed crusade against hardworking American men and women, the same hardworking men and women who built the middle class of this Nation? Last month the CBO found that wages have stagnated in this country and median income has fallen in recent times, even as the income of the top 1 percent has tripled. It is no coincidence that this has happened while union membership has decreased. But the majority persists in trying to squeeze middle class workers and accelerate this race to the bottom.

This is not the American way, and it is not what the American people want. In Ohio last month, they rejected yet another Republican attempt to eviscerate the right to collective bargaining. It is time to stop these attacks on basic American rights. It's time to roll up our sleeves and get to work on creating jobs, reducing the deficit, and restoring economic growth to this Nation.

Say ''no'' to this legislation.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to another member of the committee, the distinguished gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. I appreciate the gentleman yielding.

Mr. Chairman, I cosponsored and rise today in support of H.R. 3094 because it aims to restore key protections to the American workplace, protections for both workers and their employers from overreach by the National Labor Relations Board.

This important legislation intends to protect job growth by deterring harmful NLRB regulations. The NLRB's recent notice of proposed rulemaking would significantly alter NLRB union election procedures, thus undermining the rights of employers and employees alike. The proposed rules will unacceptably shorten the time between the filing of a petition and the election date, which will limit the opportunity for a full hearing of contested issues, including the appropriate bargaining unit, voter eligibility and election misconduct.

I share the concerns of my constituents regarding the shortened timeframe for union elections and the potential it may have on an employer's ability to communicate with his or her own employees regarding unionization. H.R. 3094 aims to ensure that employers and employees are able to participate in a fair union election process by providing 14 days for employers to prepare their case to present before the NLRB, providing employees with at least 35 days to deliberate over the pros and cons of unionizing prior to voting on this issue, discouraging the so-called practice of ''ambush elections,'' and guaranteeing the right of employers to discuss the pros and cons.

This legislation is not about whether employees should have the right to unionize. As a former Teamster member who worked his way through college, I certainly strongly support that right. This legislation is about giving employees a fair and deliberate opportunity to make that decision, one of the most important decisions they'll make in their life, because it deals with their livelihood.

Outside of family matters and health concerns, deciding where you work and in what type of environment you work is going to be probably more important than anything else you do related to your career. What this legislation says is we think employees should have a fair opportunity to make that decision.

I support this legislation and urge a ''yes'' vote.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the Workforce Democracy and Fairness Act.

This bill would severely undermine workers' rights to organize and, if implemented, will eventually silence and end unions as we know them.

Congressman GEORGE MILLER was correct in referring to this bill as the Election Prevention Act. H.R. 3094 would require the National Labor Relations Board to hear useless and trivial appeals from companies in order to stop elections. This is an outright assault on middle class workers and the families they support.

The middle class is in decline. A CBO report found that between 1979 and 2007, the top 1 percent of earners experienced income growth of 275 percent. That's the top 1 percent, while the middle-income earners saw only 40 percent in growth over the same period. Statistics like these are startling and paint a distinct picture of this country as one that is quickly evolving into a two-tiered society with no room at the top at all for the middle class.

The Workforce Democracy and Fairness Act is nothing more than an outright assault on the middle class. If this misguided and dangerous legislation is passed, you will see an even more rapid decline of the middle class in our country. I urge all Members of the House to rebuke this misguided legislation and instead focus on policies that will encourage and facilitate job growth.

Mr. KLINE. Mr. Chairman, may I ask how much time remains.

The CHAIR. The gentleman from Minnesota has 6 minutes remaining, and the gentleman from California has 9¾ minutes remaining.

Mr. KLINE. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this misnamed bill, which would promote neither democracy nor fairness in the workplace. Now, I have just been on this floor a few minutes, but it is ironic that I have heard speaker after speaker in favor of this bill but who vote consistently against working men and women's right to organize and bargain collectively.

Ironic, perhaps, the right of workers to organize and bargain collectively for better and fairer conditions has been protected by our laws since the era of the New Deal, which was opposed by so many.

This legislation is part of an agenda, frankly, that the Republican Party continues to pursue, which no economist believes creates jobs in the coming year. This bill before us won't do anything to help the economy or create jobs, period; and it places obstacles in front of workers seeking to exercise their right to organize.

I want to point out to my friends that interestingly enough, in terms of trying to protect elections, there's all about you can't have an election before, but there's nothing in this legislation you have to have an election by. That would perhaps be more credible, if it said not sooner than this, but not later than this.

That would show that you really wanted to pursue elections for working men and women so they could organize and bargain collectively for pay and benefits and working conditions.

□ 1530

But it doesn't say that. It says you simply can't have it before. It never says you have to have it. It never says you can't delay it by suit after suit after suit. It never says you've got to get to issue. It never says you've got to give the employees the right by a certain date.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 1 minute.

Mr. HOYER. This bill before us won't do anything to help the economy or create jobs, as I said. I continue to have the strongest faith in the American worker, that they are the most talented and most productive in the world. We should not be rolling back their protections. Instead, we should focus on helping to get more Americans back to work.

And as for the NLRB, the real trauma is it is now a pro-worker and employer NLRB, as opposed to simply a pro-employer NLRB. That's the problem you have.

The courts ought to ensure equal treatment. The NLRB ought to ensure equal treatment. It has not been doing that for some period of time; and now, in my view, it is. God bless them. That's what they should do.

Employers and employees ought to get a fair shake and a fair election, and I agree with that premise. Timing is obviously of concern to both parties. I would hope we would defeat this bill, and then if we want to talk about assuring elections, let us do so to protect democracy and protect workers.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

I come before you as an ironworker for 18 years before coming to Congress. I actually practiced before the National Labor Relations Board, and I've actually represented a number of unions in election proceedings, and I wish I could point out every inaccuracy offered by my colleagues on the other side of the aisle, but I only have 1 minute.

Let me start off by saying that I've heard time and time again by my colleagues that the NLRB is an advocate for unionism; it's an advocate for Big Labor; it's nothing more than overreaching and trying to create unions. For those who believe that, I ask you to look at the American workforce. What percentage, since the NLRB is creating all of these unions and is overreaching, what percentage of the American workforce is working under a union agreement right now? The answer is 11 percent.

So if those guys are in the tank, the NLRB is in the tank for creating unions, they're batting about 110. They're doing a lousy job. I've heard a lot about 31 days for an average election. That's where the union and the employer agree; it's 31 days. If the union and the company don't agree, it's over 100 days.

I urge my colleagues to vote against this bill. This is an attack on the middle class in America. We need to put people to work instead.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Why aren't we talking about jobs today? We are here on the floor to talk about this bill, this so-called Workforce Democracy and Fairness Act. Not surprisingly, it is neither democratic nor fair. It is, in fact, a blatant attack on workers' rights, the latest in a long line of Republican assaults on workers. This time the right wing is attacking the very right to organize.

Labor unions helped create the middle class and build the American dream. They helped establish for all American workers much-needed protections and bargaining rights for wages and workforce conditions. This bill would undo that progress.

The anti-worker bill would also empower employers to engage in anti-union campaigns and weaken the NLRB and their ability to protect people from unfair treatment at work.

Just as voters in Wisconsin and Ohio stood together to stop the Republican assault on workers, today I stand here on the floor against yet another assault on working families. When will we get beyond yet another Republican sideshow and get back to talking about jobs?

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong opposition to the so-called Workforce Democracy and Fairness Act. The sponsor of this bill recently said it would remove an obstacle standing in the way of a stronger and more competitive workforce. I find that statement puzzling. This bill, if passed, would actually make the organization process even longer, less efficient, and more litigious. It would drag out union elections so that the deck is stacked even higher against American workers.

But the truth is unions have been at the forefront of workers' rights for over a century in the United States. They've been instrumental in achieving the 40-hour work week, the right to collectively bargain, safer workplaces, and the guarantee of compensation for injuries sustained on the job. They have created an entire generation of middle class Americans and helped build the most prosperous country in the world today. I think we'd all agree that unions have made the American workforce stronger.

So how can legislation that makes it harder to form unions strengthen the American workforce? If someone has an answer, I'd like to know. If not, then let's get back to the job of creating jobs for the American people, strengthening the economy, and creating more jobs for these people. I urge Members to vote ''no'' on this bill.

Mr. KLINE. I continue to reserve the balance of my time.

The CHAIR. The gentleman from Minnesota has 6 minutes remaining, and the gentleman from California has 3¾ minutes remaining.

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

Mr. ELLISON. This particular piece of legislation that undermines unions makes it more difficult to organize and generally frustrates American working men and women from organizing on the job takes place just a few weeks after the Republican majority was trying to take down the Clean Air Act and the EPA. When you look at the Republican job approach, their argument seems to be that workers and people who want to breathe are the problem with the American economy. People who want to drink clean water and breathe clean air and people who want to have some rights to the job, they're the reason why the American economy doesn't work. Well, that happens to be about 99 percent of us, Mr. Chairman.

I hope that as people are watching this debate on this floor today, that they're taking careful note of who is on the side of the American worker, who is on the side of Americans trying to breathe and to have clean air. And what in the world does getting rid of the Clean Air Act and gutting unions have to do with making American jobs?

The fact is the Republican majority is abandoning their responsibility to create jobs, and I hope the American worker is watching today.

TRANSPORTATION TRADES DEPARTMENT, AFL–CIO,
Washington, DC, November 29, 2011.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL–CIO (TTD), I urge you to vote against the Workforce Democracy and Fairness Act (H.R. 3094) when it is considered by the House of Representatives this week. Despite its misleading title, this bill has nothing to do with ''democracy'' or ''fairness'' but instead is intended to interfere with a worker's basic right to freely decide whether or not to be represented by a union under the National Labor Relations Act (NLRA). Instead of wasting time on bills that would make it hard for workers to negotiate for fair wages and good jobs, Congress should focus on helping the 14 million Americans looking for work every day.

H.R. 3094 would complicate and delay the union election process. Specifically, the bill creates a mandatory waiting period of 35 days after the filing of an election petition, even if the employers and employees agree to an earlier date. This waiting period is designed to give unscrupulous employers time to mount aggressive campaigns to pressure workers into abandoning their organizing efforts. At the same time, the bill does nothing to limit how long an election can be delayed, leaving the door open for employer claims, challenges and litigation that could prevent fair elections from being held for months or years after a petition is filed. Moreover, this legislation encourages wasteful litigation by mandating a full pre-election hearing on any broadly defined ''relevant and material'' issues. The result would be to incentivize time-consuming pre-election hearings, and increase taxpayer costs.

This legislation would also make it more difficult for workers to choose to form a union and tip the scales further toward employers in the election process. Additionally, the bill would allow employers to effectively gerrymander the bargaining unit to artificially create a workforce that is more likely to reject union representation.

H.R. 3094 is nothing more than an attack on the right of America's workers to collectively bargain. At a time when unemployment remains high, and our economy continues to struggle, this legislation is an unfortunate distraction from what the American people need: job-creating legislation

that invests in our nation's aging transportation system while helping our economy recover. Please vote against H.R. 3094 and stand up for America's workers.

Sincerely,

EDWARD WYTKIND,
President.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Washington, DC, November 28, 2011.

Hon. JOHN P. KLINE,
Chairman, House Education and the Workforce, Rayburn House Office Building, Washington, DC.

Hon. GEORGE MILLER,
Ranking Minority Member, House Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MINORITY MEMBER MILLER: On behalf of the AFL–CIO, I urge you to vote against H.R. 3094, the Workforce Democracy and Fairness Act, when it is considered by the House of Representatives. Masquerading as a bill to protect the status quo with respect to elections supervised by the National Labor Relations Board, H.R. 3094 would actually mandate delays, giving companies more power to wear down support for the union and creating new opportunities for stalling elections. The result of this bill will be to make workers wait months, perhaps years before they are allowed to vote on whether to form a union. The bill would also destroy 75 years of NLRB case law that has governed the appropriateness of bargaining units, giving companies more power to gerrymander the eligibility of voters in a union representation election in order to unfairly skew the results.

Under H.R. 3094, no election may occur sooner than 35 days after the filing of an election petition, even if all parties agree to an earlier date. But the bill does not limit how long an election may be delayed as a result of employer claims, challenges and litigation. The bill would mandate a full pre-election hearing on any ''relevant and material'' issue, broadly defined to include virtually any issue, even those that are not in dispute and not material to the appropriateness of the bargaining unit. By incentivizing marathon pre-election hearings, the bill would reward wasteful litigation and increase taxpayer costs by requiring findings on unnecessary and extraneous issues.

In a further effort to deny workers their right to choose whether to form a union, H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of companies to force workers to listen to their anti-union propaganda, under the threat of discharge if they try to object. Moreover, it fails to protect workers who are fired, threatened, or interrogated because they want to exercise their federal statutory right to form a union. In fact, current remedies for well-documented, wide-spread violations of workers' rights have been regularly criticized as paltry and ineffective, treated by companies as merely a cost of doing business.

H.R. 3094 would also overturn the recent Specialty Healthcare decision, in which the NLRB applied to non-acute health care facilities, mostly nursing homes, the same community-of-interest standard that it has traditionally applied to determine the appropriateness of bargaining units in other industries. While the U.S. Court of Appeals for the District of Columbia upheld that standard in 2008, the bill broadly applies a one-size-fits-all test in disregard of the particular needs of specific industries and circumstances. The bill's newly minted test will create uncertainties for the parties as this vague new standard is repeatedly litigated.

H.R. 3094 has one goal: to empower companies which want to delay elections so they can mount one-sided, anti-union campaigns, both legal and illegal, to discourage workers from freely choosing whether or not to form a union. At a time when more and more experts are recognizing that middle class incomes are falling in tandem with the declining rate of union membership. Congress should be finding ways to protect workers' freedom to form a union, not throwing up roadblocks to the exercise of this fundamental right.

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs Department.

THE ELECTION PREVENTION ACT

FACTS ON THE REPUBLICANS' H.R. 3094

(Prepared by the House Committee on Education and the Workforce Democrats, November 2011)

While Americans across the country are rejecting the special interest attacks on workers' rights and demanding action on jobs, Republicans in Washington are continuing their overreach against working families. Their latest effort to roll back workers' rights is H.R. 3094, which should be called the 'Election Prevention Act.' The bill's singular goal is to delay and ultimately prevent workers from voting in workplace elections.

The Republican agenda's obsession with busting workers' unions comes at the expense of rebuilding the middle class and getting America back to work.

H.R. 3094 favors wealthy special interests at the expense of Americans' rights in the workplace.

These rights helped to create the American middle class in the last century. In recent decades, the erosion of these rights has helped to lower families' paychecks, decrease health and retirement security, and widen the gap between rich and poor.

A key to growing and strengthening our nation's middle class is empowering Americans to bargain for more of the wealth they create, not stripping them of rights.

The 'Election Prevention Act' denies workers' right to a free and fair election in three key ways:

The 'Election Prevention Act' bill mandates delay, rather than minimizing undue delay in elections. The bill's overarching concern is that workers' choice be postponed with mandatory and arbitrary waiting periods. For instance, no election may occur sooner than 35 days after the filing of a petition. However, there is no limit on how long an election may be delayed. Delay gives unscrupulous employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

Rather than discouraging frivolous litigation, the Election Prevention Act encourages it. The bill incentivizes a mountain of litigation for the sole purpose of gumming up the election process and stalling any vote. This will create a massive backlog of cases, including frivolous ones, on the taxpayer's dime.

The 'Election Prevention Act' bill manipulates the procedure for deciding who is in a bargaining unit. Employers would get an edge in preventing an election from ever being triggered by gerrymandering elections through stuffing the ballot boxes with voters who were never engaged by the organizing drive. And, although employers already have the information, this bill would require that voter information be hidden from those supporting a union until right before the election.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentleman is recognized for 2¾ minutes.

Mr. GEORGE MILLER of California. If anybody thinks that this is just a technical change, let's understand what has gone on since the Republicans have taken control of the House. The first effort was they cut $50 million out of the NLRB account. Then there was an amendment on this floor to try and zero out the money for the NLRB. Then they passed a rule that said that you could retaliate against workers and you could move work away from those workers. You could outsource it, and they enshrined the right to outsource work to retaliate against workers. And now we have the effort to try and prevent elections from taking place. This is a systematic effort joined in by a number of States and the Republicans in this Congress to take away the rights of workers at the workplace in America, the basic rights that have built the middle class.

And while they've continued this campaign against the NLRB, thank God the NLRB has continued to work because we see today that a settlement has been reached in the Boeing case, and you don't get to retaliate against workers. The new 737 work will go to Washington; the 787 will continue to go to South Carolina. The NLRB worked that agreement out between employer and employee. And let's remember, Boeing is on the record they didn't support the legislation that was put on in behalf of their name. So that worked out.

And just a few minutes ago, the NLRB apparently voted on a compromise rule dealing with elections. And so that compromise rule hopefully will now become a permanent rule and that will go forward. That's what the NLRB does: It works out these arrangements between employers and employees over these issues about how the American workplace will be managed, but it does not strip away the basic rights of workers to choose to join a union. It does not allow you to retaliate against the union.

□ 1540

It does not allow you to delay elections to such a point that you finally beat the union into submission or people give up, they get dispirited and move away. It doesn't allow that. That's the basic labor law of this country.

So today the NLRB, working with employers and employees, has reaffirmed that principle. Today in this House, they continue the effort to try to strip workers of their rights. They continue the effort in light of the evidence that these things get worked out in the workplace. Yes, these are contentious. They're big issues. But we have a vehicle that's 75 years old that has worked well on behalf of this economy. Not only did it build the middle

class in this country, it also built one of the largest economies. Why? Because we have the most productive workers in the history of the world industry after industry after industry, however you measure it.

Why aren't our steelworkers competitive with China? Because our plants are cost competitive on ton of steel, but when you manipulate the currency, our people can't win. But our workers continue to be there every day. And now, thank you to the work of the NLRB working out these arrangements, the NLRB will continue to be there every day for employers and employees to settle their differences.

Mr. KLINE. Mr. Chairman, I yield myself the balance of my time.

Let's clear up a few things today we've heard in this debate. It's very interesting. We clearly have a different view, there's no question about it.

We've heard repeatedly that this bill strips workers of their rights. Sometimes my colleagues confuse workers with Big Labor leaders. This bill in fact protects workers' rights—union workers' rights, nonunion workers' rights. The proposed regulations—which apparently are under modification, as we speak, from the NLRB—were in fact an attack on workers' rights, a demand that more personal information be provided union organizers whether or not the workers approved of that, and shrinking the amount of time that workers might have to make a decision on one of the most important aspects in their life to as little as 10 days. This bill protects workers' rights and makes sure they have time to make this important decision.

We've heard today that bargaining units would be gerrymandered by employers. In fact, this bill puts us back to the standards that have been in place for decades to make sure that workplaces aren't fractured and fragmented and you have worker against worker, worker against employer, making it harder for employers to run an effective business, making it harder for them to have confidence to hire Americans.

We've been told that we're wasting time today and that we ought to be having a jobs bill, which apparently means spending more borrowed money. We're already borrowing 42 cents on every dollar, Mr. Chairman, that we're spending now, and yet apparently you can't create a job in this country unless government does it with borrowed money. Well, we disagree.

We think, we believe that we have been moving legislation in this House which will in fact help American job creators put Americans back to work. One of the obstacles is confusion. It's uncertainty. It's worry about the regulatory climate and what is coming down the path.

The President of the United States has said this economy needs a jolt, Mr. Chairman. I disagree. It needs certainty. It needs predictability. Employers, employees, and consumers need confidence in the future. They don't need to be jerked.

The distinguished minority whip said the NLRB ought to be fair. He said employers and employees ought to get a fair election. I couldn't agree more. Employers and employees ought to have a fair shake. They ought to get a fair election. And that's what this bill does.

So the choice today is pretty simple. If you support an employer's right to speak to his or her employees during an organizing campaign, then support the Workforce Democracy and Fairness Act. If you support a worker's right to make an informed decision in a union election, then support the Workforce Democracy and Fairness Act. If you support giving workers a say in the personal information, Mr. Chairman, available to union leaders, then support the Workforce Democracy and Fairness Act. And if you support reining in an activist NLRB and reaffirming Congress' responsibility to write the law, then support the Workforce Democracy and Fairness Act.

I urge my colleagues to stand by our workers and their employers by supporting this simple, commonsense legislation.

I yield back the balance of my time.

Ms. MCCOLLUM. Mr. Chair, I rise today in strong opposition to the so-called "Workforce Democracy and Fairness Act" (H.R. 3094).

The changes to union election procedures promoted in this bill are the exact opposite of the kind of fair and democratic policies that our working families need. Instead of focusing on job creation and the revitalization of our middle class, the Republicans in this chamber are once again promoting legislation that undermines the rights of American workers.

This proposed legislation would limit the ability of the National Labor Relations Board to interpret our nation's labor laws and to protect worker's right to unionize. For over 75 years, the National Labor Relations Act has guaranteed the rights of employees to organize and bargain collectively, or to refrain from such activity if they choose. During the New Deal, our predecessors in this body created the National Labor Relations Board as an independent agency charged with the oversight and enforcement of these rights. H.R. 3094, which overturns the rulings of the NLRB, undermines its charge to maintain fair and democratic relationships between unions and employers.

This legislation allows the problem of prolonged delays in union elections to continue unchecked by adding mandatory and arbitrary waiting periods. It seizes from workers the right to determine their own representative membership groups, which would allow unscrupulous businesses to suppress election drives and vote down union representation. It would also make it possible for irresponsible and frivolous litigation to endlessly delay the election process, effectively barring workers from their fundamental right to collective bargaining representation in the workplace.

Supporting and protecting America's workers is an essential part of rebuilding our economy and ensuring that all families and communities share in our nation's prosperity. Our middle class was built on the rights and safeguards that labor unions fought to obtain. From the 40 hour workweek to ending child labor, union representation has helped to guarantee rights that many of us take for granted today. Unions negotiate for safe working conditions, living wages, and basic benefits that impact all workers. Efforts to decrease the power of collective bargaining in this country in recent decades have been accompanied by an erosion of workers' benefits and greater income inequality. This year in Wisconsin and Ohio, we have seen voters reject recent attempts to strip away the rights of government workers, and we should likewise reject this attempt to limit access to these rights for those in the private workforce.

This bill does nothing to protect and support working families, and I urge my colleagues to stand up for workers rights and oppose this bill.

Mr. TOWNS. Mr. Chair, H.R. 3094, is a bill more aptly named the Election Prevention Act—not the Workforce Democracy and Fairness Act. There is nothing particularly fair about a bill intended to diminish the right of private-sector workers to organize union elections, promote delays for the sake of delays, and encourage unnecessary litigation. At a time when American workers are suffering from layoffs, unemployment, and stagnant wages it is quite simply irresponsible to roll-back basic labor protections. This bill does nothing to put the country back on a track of sustained economic growth. Instead of preserving the ability of workers to unionize and demand fairer wages, this legislation will keep wages low and economic recovery stagnant.

We should be working together to identify ways to keep people employed and providing more Americans with opportunities to return to work. We should not be spending valuable time contemplating measures that make workers weaker and more vulnerable to unemployment or unfair compensation for their hard work. In the state of New York, which has the highest rate of union membership, the 7.9 percent rate of unemployment is well below the national average and the latest statistics show it is decreasing. Nation-wide, between 2004–2007 unionized workers enjoyed wages 11.3 percent higher than workers with similar characteristics who did not belong to a union. The more money workers have, the more they spend, and the more consumer demand grows. And yet, here we are considering a measure designed to prevent union elections across the nation and depress wage growth, instead of contemplating legislation to create teacher jobs, construction jobs, and economic reforms to address the deep structural causes of persistent unemployment.

There is a good reason why people do not want to see their labor rights trumped. Our rights in the workplace are the basis for the middle class. These rights were essential to securing higher paychecks for everyday people, and obtaining health and retirement security for the average worker. At a time when we are facing the possibility of deep cuts in health, education, and social security it is all the more imperative that we keep in place whatever power people have to demand a fair compensation and a fairer share of the wealth we create through diligent work. Workers should be empowered to bargain for a bigger share of the wealth they create; they have earned it. But this is not what this legislation is interested in doing. It would rather protect employers at the expense of employees,

which history has shown will not distribute the wealth created by the workers.

The main purpose of H.R. 3094 has nothing to do with democracy and fairness in the workplace. Making elections difficult or almost impossible, whether it be in society or the workplace, is neither democratic nor is it fair. The Election Prevention Act preemptively blocks the National Labor Relations Board's proposed rules to streamline the election process and use modern administrative measures to improve communication between all parties involved—the workers, employers, unions, and the Board. It does this because the more protracted the delays during an election process, the greater the chance workers will give up demanding a union and the power to bargain collectively.

A basic American value is that we should all be able to choose how and with whom to form into an association for the purpose of voicing our interests and views. This same idea that we ought to be able to choose how and with whom to form a community of interests is enshrined in the National Labor Relations Act. The bill before us seeks to deprive workers of this basic right so fundamental to our understanding of democracy by giving employers the power to determine who should be included in an ''appropriate'' bargaining unit instead of allowing people to decide for themselves. This is unacceptable.

Supporting this bill means contradicting our basic values about fair representation, ignoring the message that Americans have sent regarding their wish to retain their rights in the workplace, and putting ideology above the need to create employment. Voting for this bill will not only hurt our chances of an economic recovery—it is equivalent to cutting people's rights and preventing them from securing a fair portion of the wealth they have created.

I urge my colleagues on both sides of the aisle to vote ''no.''

Mr. DINGELL. Mr. Chair, I rise in strong opposition to H.R. 3094, the Workforce Democracy and Fairness Act. This bill should be defeated because it does nothing to help create jobs or put this country back on the path to sustainable economic recovery. Rather, H.R. 3094 is an unconscionable assault on the right of every American worker to organize, a right that I have defended for my entire congressional career.

The Workforce Democracy and Fairness Act is a partisan reaction to a recent rulemaking by the National Labor Relations Board (NLRB) concerning union elections. This one-sided bill carries on in the fine Republican tradition of stifling any attempt of working men and women to gain any leverage on management by unionizing. This frightens my Republican colleagues to no end, and while they will tell you that H.R. 3094 allows workers equal opportunity to hear both sides of the story, the hard truth of the matter is it will not. The bill we consider today allows employers to use all manner of litigious rascality to postpone union elections and fire workers for objecting to having to listen to anti-union propaganda. That is neither democratic nor fair, and is certainly undeserving of our support at a time when our country's middle class is being decimated.

Vote down this bill, and stand up for America's working families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise today in opposition of H.R. 3094, the Workforce Democracy and Fairness Act. Contrary to what the title suggests, there is nothing democratic or fair about this biased attempt to weaken labor unions and hurt working families all across the country.

This partisan bill does nothing positive for the high unemployment rate in this country or our vulnerable economy. Instead of utilizing our limited time on the House floor to consider real solutions to the economic problems we are facing today, this legislation seeks only to exploit these difficult times in order to advance a Republican ideological agenda against union organizing and the National Labor Relations Board (NLRB).

The goals of this legislation are simply to undermine the ability of American workers to organize and bargain collectively. H.R. 3094 will create barriers to union elections through waiting periods and more stringent criteria, dilute voter pools, and disproportionately tip the scales of power in favor of employers.

We have seen similar attempts to disarm the NLRB in this Congress before, also deceptively titled to deliberately mislead the American people. The Protecting Jobs from Government Interference Act, which I opposed, sought to gut the NLRB of its authority entirely. Under the guise of protecting jobs, this bill also sought purely to advance a partisan agenda.

It is these same partisan tactics that are preventing this Congress from making any significant progress on the real important issues at hand.

Mr. Chair, it is shameful that my Republican colleagues insist on bringing such partisan bills such as H.R. 3094 to the House floor. At this critical time for our economy, it is absolutely vital that we spend our time constructively to work toward shoring up our economy and creating jobs here at home. Instead, they have demonstrated that radical ideology is a more important priority than compromise in the name of finding real solutions to our nation's problems.

Mrs. MALONEY. Mr. Chair, I rise today to oppose yet another attempt at rolling back workers' rights, H.R. 3094, the Election Prevention Act. This assault on union employees is anti-democratic and harmful to the American middle class. Instead of legislation to create jobs and to grow the American workforce, the House Majority is attempting to undermine worker protections and put workers at risk.

It is a strength of our democracy that employees have the freedom and the federal statutory right to choose whether or not to be represented by a union. However, this legislation would effectively end collective bargaining rights by putting power exclusively in the hands of employers. It gives employers the ability to delay indefinitely a union election, allowing for intimidation and harassment of employees. It does nothing to protect workers who are fired, threatened, or interrogated for exercising their right to form a union. It also prevents individuals to choose the coworkers with whom they wish to seek representation. Furthermore, this legislation incentivizes wasteful litigation prior to union elections and would increase taxpayer costs by creating a backlog of required findings on superfluous issues.

Unions have helped to improve the wages and working conditions of all Americans and to grow the American middle class. This war on union employees that is being waged in states across the country and here on Capitol Hill must not continue. It is time for us to turn our efforts to strengthening protections for American working men and women as well as to helping those outside the workforce to find good jobs. I urge my colleagues to vote ''no.''

Mr. PRICE of North Carolina. Mr. Chair, I rise in strong opposition to the cynically named ''Workforce Democracy and Fairness Act,'' which is neither fair nor democratic and would do nothing to create a single job or improve conditions for American workers. Instead, this legislation represents just the latest Republican attack on the workers' rights that are at the core of American democracy.

Look around you today. Fourteen million Americans—our neighbors, friends, and family members—are unemployed, searching for a job. They, and millions more citizens from every congressional district in America, are demanding that we, as their elected Representatives, proactively address our nation's economic crisis, create jobs, and reduce unemployment. But these demands continue to fall on the deaf ears of the Republican majority. No wonder we see such unrest around the country. Instead of attempting to put people back to work, the House Republican majority, in between its manufactured fiscal crises, spends its time attacking the rights of American workers. Instead of crafting bipartisan legislation aimed at helping unemployed Americans find work, the majority has instead focused on stripping those Americans fortunate enough to have a job of the rights they already possess.

Today is Wednesday, the middle of the work week—a day when millions of unemployed Americans would love nothing more than to pull on their work boots, tie their ties, or put on their suits and head to work. But today on the floor of the House of Representatives, we're not considering a jobs bill. Instead, we face the latest product of the majority's single-minded obsession with the dismantling of American worker rights. H.R. 3094 does not create one single job. Instead, this legislation would undermine a private-sector worker's right to vote, to exercise his right to bargain collectively. This bill will effectively gum up, delay, and obscure the election process overseen by the National Labor Relations Board, opening the door for unscrupulous employers to undermine their employees' rights.

What's worse, in order to pay for the changes made in this bill, tomorrow we will be considering a bill to eliminate the Presidential Public Financing System and the Election Assistance Commission—key safeguards against the influence of special-interest money in politics and abuses of voting rights, respectively. The irony should not be lost on anybody who is paying attention: in order to undercut the democratic rights of organized workers, this majority is undermining the democratic rights of the entire American electorate.

Let's be clear: this bill, like all of the other unambiguously partisan, anti-worker bills brought to a vote in the House by the Republican majority over the course of this year, has no chance of being signed into law. It's simply an ode to special interests that does nothing to move our economy forward. After 11 months of control, the House majority has made clear that it has no interest in reigniting our economic recovery and helping put people back to work. I encourage my colleagues to defeat H.R. 3094 and to continue to push for the consideration of jobs legislation to help put Americans back to work.

Mr. WILSON of South Carolina. Mr. Chair, I would like to thank our Chairman and I am thankful for his leadership on this very important issue.

Once again, the President's National Labor Relations Board is trampling on the rights of American workers and employers by denying them the opportunity to participate in a free election. Current policies have been in place for decades to ensure each worker is given a fair amount of time to make a decision about joining a union. With the proposal set forth in June, the NLRB will decrease the amount of time given for a worker to consider joining a union from an average of thirty days to as little as ten days. This radical policy of rush elections will limit the amount of knowledge and information available to each union worker.

Moreover, this new proposal will give unions the capability to branch out and form smaller collective bargaining groups, creating a bigger burden on employers as costs will rise to manage multiple unions. Our Nation does not need more government involvement that negatively impacts the way employers operate their businesses.

The job killing influence of the NLRB such as the attack on Boeing workers in South Carolina must be stopped before it tramples the rights of American workers. Congress has a responsibility to ensure every American is given the right to a free election, an opportunity granted by the laws of our country.

I am proud to be an original cosponsor of this commonsense legislation and encourage my colleagues to vote in favor of The Workforce Democracy and Fairness Act which protects our employers and union workers from the Big Labor policies of the President's National Labor Relations Board and promotes more freedom for job creation.

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 3094, the Workforce Democracy and Fairness Act. This bill is just one more Republican attack on workers and middle class Americans under the guise of protecting the ''job creators'' we hear so much about from the other side of the aisle.

In case you missed the recent Republican Presidential debate when front runner and former House Speaker Newt Gingrich said we should do away with child labor laws, the Republican message is clear: laws that protect workers are not needed. Instead, workers should just rely on the benevolence of ''job creators'' to pay them for the hours they worked or to hold a fair union election. Today's legislation is another attempt to undermine workers' rights.

For eighty years, the National Labor Relations Board, NLRB, has operated as an intermediary between workers and employers. I applaud the NLRB's decision to modernize union election rules with standardized election timelines and electronic petition filing, and a streamlined hearings process. House Republicans responded to these modest and overdue changes by bringing up legislation to interfere with workers' rights to organize.

Every aspect of this legislation would make it more difficult for workers to form a union. It would allow companies to obstruct any attempt by workers to unionize and create infinite avenues for employers to delay elections, including litigation. These delays empower those employers who want to intimidate and harass workers and bring in union-busters. It would also allow employers to gerrymander bargaining units to skew election results in their favor.

When I hold town meetings in my district, my constituents are not clamoring for Congress to make it harder to join a union. They want our economy fixed and they want jobs. Attacking working men and women, as this bill does, will not create a single job or help a single family pay their bills. I urge all of my colleagues to vote no.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chair, I rise today in opposition to H.R. 3094, the Republican plan to crush workers' rights and destroy any glimmer of hope our working families have at economic recovery. The Republicans designed this bill to destroy 75 years of National Labor Review Board case law in their attempt to dismantle the middle class.

Collective bargaining and the right to organize helped build a strong American middle class. It doesn't cost the federal government one dime in real money. Instead of taking steps to create jobs and strengthen working families, Republicans are dismantling key worker protections. All workers should have the ability to negotiate with their employer about salary and benefits, whether they're in a union or not. Organized labor is great for business. Thousands of companies across the country thrive with a unionized workforce.

Those businesses recognize that their employees deserve to have a safe workplace and fair wages and benefits. That's just good business. This bill encourages corporations to stall NLRB elections while they mount a one-sided, anti-union campaign. At its core, this is an undemocratic bill that undermines our values.

We have a long established process for workers to attempt to form a union and collectively bargain with employers. Employers and employees should stay on equal ground in the process. There is no need to deny workers their right to a free and fair union election.

Many of my Republican friends like to talk about the issue of Tort Reform. They like to tell us that we have to prevent frivolous lawsuits—they cost taxpayers millions and millions of dollars and they drag down the economy.

I have news for my Republican friends: the Election Prevention Act encourages frivolous litigation. This bill will mean mountains of litigation before union elections can be held. The result is a massive backlog. Guess who picks up the tab? The American taxpayer!

We have important issues facing our country and it boggles my mind that we are taking up yet another bill that does nothing to get our friends and neighbors back to work. We need to focus on lowering the unemployment rate and creating jobs—not taking away the rights of hardworking Americans.

I urge my colleagues to recognize this veiled attempt to destroy the rights of American working families.

Mr. VAN HOLLEN. Mr. Chair, today in the United States, 13.9 million people are unemployed. Nine percent of the American workforce is out of a job, worrying how to make ends meet. Nearly half are long-term unemployed, jobless for over 27 weeks.

These Americans are looking to Congress for help. The President sent us a comprehensive plan for job creation and this House has not acted. We have over thirteen percent unemployment in the construction sector and roads and bridges to repair all over the country and this House has not brought an infrastructure bill to the floor. Local governments are facing tough budgets and laying off teachers and police and this House has provided no relief.

Today we have a bill on the floor that will not create a single job nor help a single American worker. Instead, it will make it more difficult for them to assert their rights in the workplace and almost certainly encourage frivolous litigation.

The time we spend on legislation like this is time we fail to spend addressing the real needs of the American people. I urge my colleagues to vote no on this bill.

Ms. HIRONO. Mr. Chair, it is sad for our country that today the U.S. House is voting on H.R. 3094, yet another bill to roll back workers' rights.

Today's bill does nothing for the number one issue on people's minds in Hawaii and around the country: creating new, good-paying jobs.

We're seeing unemployment on Hawaii Island at nearly 10 percent.

On Kauai, it's nearly 9 percent. In Maui County, it's nearly 8 percent.

Instead of addressing this top issue of jobs, today's bill is part of a continuing assault against organized labor around the country. This bill is just like the attacks we saw in Wisconsin and Ohio.

But Ohio's families said no.

And so do Hawaii's.

Because Hawaii families believe working men and women should be able to have a voice at the table.

This belief helped build the middle class in Hawaii and across our country through legislation enabling workers to bargain collectively for better wages and working conditions.

Congress should be focusing on creating jobs—

Not making it easier for a few companies to prevent workers from having a voice in the workplace.

While most employers in Hawaii want to support their workers, I have heard from workers in Hawaii that some companies exploit the current system to prevent workers from having a voice in the workplace.

For example, in February 2003, National Labor Relations Board Administrative Law Judge Gerald Wacknov ruled against a Hawaii business where a labor dispute had been going on for years.

In 2002, workers at this company, who had not been given a raise in six years, asked the International Longshore and Warehouse Union (ILWU) for help in organizing a union.

Judge Wacknov ruled that ''the Employer's conduct prior to the election . . . substantially interfered with the employees' free choice.''

In the run-up to the union election, the workers were forced to attend one-on-one or group meetings on work time, where the management could convince workers to vote against the union.

Under current law, we know that a company can talk to their workers at any time and urge them to vote against joining a union.

The company can scare workers into thinking that voting for a union will cost them their jobs.

Meanwhile, unions are not allowed to visit the worksite to make their case for joining a union.

They do not have access to complete contact information that will enable them to effectively contact workers.

This company even hired a private security firm and posted large, threatening security guards outside the voting area during the vote.

After Judge Wacknov's ruling in February 2003, the company appealed the decision. A year and a half later, in summer 2004 the overburdened National Labor Relations Board upheld Judge Wacknov's ruling and ordered a new election.

In August 2004, a second election was held for the company's workers, and a majority voted to join the union.

The company appealed yet again.

In February 2005, NLRB Administrative Law Judge James Rose found that the company had effectively stuffed the ballot box in its favor by unfairly adding ineligible voters.

In July 2005—40 months after a petition was first filed to hold an election—the NLRB Board finally certified the ILWU Local 142 as the union for the workers.

Still, the company has continued to offer appeal after appeal of the election's results.

It's now the end of 2011.

The workers still do not have their first bargaining contract for better wages and conditions.

Today's bill on the House floor would make this unfairness even worse.

H.R. 3094 would make it nearly impossible, in contested situations, for workers to come to the table and have a voice in the workplace by voting to join a union.

Nationwide, in contested cases, workers already have to wait an average of four months to vote whether to join a union. Various delays can already occur.

Today's bill would make this problem even worse. It would add an extra minimum waiting period of two weeks before a hearing, and five weeks before an election. This is in addition to the already long wait time.

And each day of delay allows an employer to continue to scare their employees into voting against a union.

Today's bill would add to the NLRB's paperwork burdens. H.R. 3094 would require the NLRB to hear frivolous appeals from a company to stop an election.

This would completely overwhelm the NLRB with thousands of frivolous appeals and delay elections even longer.

Clearly, the current system is already stacked against workers trying to have a voice at the table.

This bill should really be called the ''Election Prevention Act.''

I urge my colleagues to join me in voting against this bill.

Instead, let's stand with working men and women of this country and focus on what people really want—getting back to work.

Mahalo.

Ms. RICHARDSON. Mr. Chair, I rise in strong opposition to H.R. 3094, the deceptively named ''Workforce Democracy and Fairness Act,'' and I appeal to my colleagues to join me in rejecting this dangerous legislation designed to undermine the collective bargaining rights of America's workers.

I oppose this legislation for three principal reasons:

First, it flies in the face of 75 years of judicially-approved, National Labor Review Board (NLRB) case law governing the eligibility of bargaining units, transferring that power away from workers wishing to organize.

Second, it would open the door to indefinite delays within the union election process, inviting frivolous litigation designed to cripple the system and prevent fair elections.

Third, it would unfairly impose restrictions on the opportunity of workers to receive union information while allowing employers free reign to bombard their workers with anti-union propaganda.

In short, this legislation would reduce the power of workers to organize for fair treatment to a level not seen since the late 19th century.

At first glance, the Workforce Democracy and Fairness Act sounds like a reasonable bill, but its glib appeal vanishes when one examines its intent closely.

Proponents argue that by inserting delays prior to a union election, so-called ''ambush elections'' would be avoided. It claims not to interfere with the NLRB's supervision of elections.

Mr. Speaker, this claim is disingenuous. The argument that creating employer based delays for a union election will somehow give a union member more time to make a better and more informed decision is questionable at best.

Letting an employer delay union elections is unfair to the American worker who wants his or her voice heard. Big Business is not supporting this bill to help unionized workers make more thoughtful decisions. H.R. 3094 is a blatant attempt to silence and confuse.

Enacted in 1935, the National Labor Relations Act (NLRA) was designed explicitly to encourage collective bargaining. Since then, the NLRB and the courts have interpreted this law and developed processes for handling workers who seek to form and manage unions.

H.R. 3094 would substitute 75 years of expertise and decades of case law for new and untested processes that favor wealthy special interests and corporate litigators.

Creating a legal precedent for unfairly stalling or even halting union elections is the true aim of this act. This legislation takes away the ability of unions to function as a democratically elected entity, prevents it from communicating with its members, and saps its organizational strength.

Moreover, the resounding defeat of Ohio's Senate Bill 5, which tried to restrict collective bargaining rights of more than 360,000 public employees in that state, plainly demonstrates the American people's opposition to a legislature's attempt to stifle the rights of workers.

Equally troubling is that under H.R. 3094 companies are free to force their workers to listen to anti-union information under the threat of discharge if they try to object. This provision is truly an act of coercion which has no place in the American workplace.

The result of this strategy is obvious. H.R 3094 permits employers to intimidate their employees and discourage them from securing workplace rights.

This is why the White House recently released a statement describing H.R. 3094 as an attempt to ''undermine and delay workers'' ability to exercise their right to choose whether or not they will be represented by a union.''

Imagine if H.R. 3094 passed. Imagine a working environment where a union wants to cast a ballot, but its obstructed by the employer with a steady stream of delays, bureaucracy, and litigation. Imagine a working environment where one's livelihood is threatened if a worker refuses to attend an anti-union meeting. Imagine a working environment where dissent is not permitted. This would be the reality under H.R. 3094.

At one time, this was the reality in our country. It existed in the days of child labor, when the 12-hour workday was the standard, when there were no weekends, no safety regulations, or any of the other workplace protections that we take for granted.

America no longer lives in the Gilded Age. American workers fought for over 100 years to achieve the right of collective bargaining for a better future. The democratic core of the right to unionize is under attack by this legislation.

H.R. 3094 would be a great leap backward for our country. I urge my colleagues to reject this deceptive legislation and secure the rights of American workers.

The CHAIR. 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 committee amendment in the nature of a substitute is as follows:

H.R. 3094

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 ''Workforce Democracy and Fairness Act''.

SEC. 2. TIMING OF ELECTIONS.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is amended—

(1) in subsection (b), by striking ''The Board shall decide'' and all that follows through ''Provided, That the'' and inserting: ''In each case, prior to an election, the Board shall determine, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining. Unless otherwise stated in this Act, and excluding bargaining unit determinations promulgated through rulemaking effective before August 26, 2011, the unit appropriate for purposes of collective bargaining shall consist of employees that share a sufficient community of interest. In determining whether employees share a sufficient community of interest, the Board shall consider (1) similarity of wages, benefits, and working conditions; (2) similarity of skills and training; (3) centrality of management and common supervision; (4) extent of interchange and frequency of contact between employees; (5) integration of the work flow and interrelationship of the production process; (6) the consistency of the unit with the employer's organizational structure; (7) similarity of job functions and work; and (8) the bargaining history in the particular unit and the industry. To avoid the proliferation or fragmentation of bargaining units, employees shall not be excluded from the unit unless the interests of the group sought are sufficiently distinct from those of other employees to warrant the establishment of a separate unit. Whether additional employees should be included in a proposed unit shall be based on whether such additional employees and proposed unit members share a sufficient community of interest, with the sole exception of proposed accretions to an existing unit, in which the inclusion of additional employees shall be based on whether such additional employees and existing unit members share an overwhelming community of interest and the additional employees have little or no separate identity. The''; and

(2) in subsection (c)(1), in the matter following subparagraph (B)—

(A) by inserting '', but in no circumstances less than 14 calendar days after the filing of the petition'' after ''hearing upon due notice'';

(B) by inserting before the last sentence the following: ''An appropriate hearing shall be one that is non-adversarial with the hearing officer charged, in collaboration with the parties, with the responsibility of identifying any relevant and material pre-election issues and thereafter making a full record thereon. Relevant and material pre-election issues shall include, in addition to unit appropriateness, the Board's jurisdiction and any other issue the resolution of which may make an election unnecessary or which may reasonably be expected to impact the election's outcome. Parties may raise independently any relevant and material pre-election issue or assert any relevant and material position at any time prior to the close of the hearing.'';

(C) in the last sentence—

(i) by inserting ''or consideration of a request for review of a regional director's decision and direction of election,'' after ''record of such hearing''; and

(ii) by inserting ''to be conducted as soon as practicable but not less than 35 calendar days following the filing of an election petition'' after ''election by secret ballot''; and

(D) by adding at the end the following: ''Not earlier than 7 days after final determination by the Board of the appropriate bargaining unit, the Board shall acquire from the employer a list of all eligible voters to be made available to all parties, which shall include the employee names, and one additional form of personal employee contact information (such as telephone number, email address or mailing address) chosen by the employee in writing.''.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–291. Each such 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, 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. BISHOP OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–291.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike ''and''.

Page 9, line 19, strike the second period and insert ''; and'' and after such line insert the following:

(3) by adding at the end the following:

''(f)(1) Prior to presenting any objection, filing, pleading, statement of position, paper, or appeal (in this subsection referred to as 'filing') in any proceeding prior to an election under this section, an attorney or other party representative has a duty, to the best of his or her knowledge, information, and belief, and formed after an inquiry reasonable under the circumstances, to assure that—

''(A) such a filing is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

''(B) the claims, defenses, positions, and other legal contentions in the filing are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

''(C) the factual contentions in the filing have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or development of the record; and

''(D) any denials of factual contentions in the filing are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

''(2)(A) At any stage of a representation proceeding prior to an election under this section, including pre-election hearings, requests for Board reviews, or Board reviews, the Board or its agents, upon their own motion or that of a party to the proceeding, shall have discretion to impose sanctions against a party for presenting a frivolous or vexatious filing or raising a frivolous or vexatious matter to the Board under this section, or upon a finding that an attorney or other party representative breached his or her duty under this subsection. Sanctions may include reasonable litigation costs, salaries, transcript and record costs, travel and other reasonable costs and expenses. If the Board determines that a party has raised a frivolous or vexatious matter for purposes of delaying an election, the Board shall immediately direct that an election be conducted not less than 7 days after such determination.

''(B) For purposes of this section, a frivolous or vexatious filing is one that an attorney of ordinary competence would recognize as so lacking in merit that there is no substantial possibility that the Board would accept it as valid. The Board shall be guided by Rule 11 of the Federal Rules of Civil Procedure in determining whether an objection, filing, pleading, paper or appeal is frivolous.''.

The CHAIR. Pursuant to House Resolution 470, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple. If a party makes a frivolous or vexatious filing during a preelection representation hearing, the NLRB or an administrative law judge will have the authority to impose sanctions. Potential sanctions include reimbursement of attorney fees and costs. Further, if the Board determines that a party has presented a frivolous filing and further finds that such filing is for purposes of delaying an election, an election will be ordered to take place not less than 7 days after the determination.

My amendment is rooted in well-established law—Rule 11 of the Federal Rules of Civil Procedure. Rule 11, which sanctions frivolous filings in Federal court, is a longstanding and tested standard that has been in practice for nearly 70 years, but it is currently inapplicable to representation proceedings at the NLRB. Why should we continue to allow the filing of frivolous litigation at the NLRB but defer it in the courts? The short answer: We shouldn't. There is no good reason. This amendment simply harmonizes NLRB practice with the national standards used in our court system.

While I urge the adoption of this amendment, the underlying bill before us today is nothing more than another attempt by the majority to distract the public from the most important issue facing our country—job creation. Because my colleagues on the other side of the aisle apparently lack any plan to get unemployed Americans working again, they are relying on the false specter of powerful unions and burdensome regulations as the bogeymen in the American labor market.

However, a recent national poll by the Bureau of Labor Statistics shows that only 0.2 percent of employers cite ''government regulations and interference'' as their reason for laying off employees. That's 0.2 percent. The main reason cited for layoffs is lack of demand. We need real solutions to create American jobs, not phony distractions that attempt to steer the conversation to problems that don't exist.

While current law allows union elections to proceed while requests for full Board review are considered, H.R. 3094 mandates that elections be delayed until the full Board decides whether or not to grant a request for review by the full NLRB, no matter how frivolous the arguments. In doing so, this bill incentivizes parties opposed to unionization to file frivolous lawsuits to delay union elections. Not only is this unfair to hardworking Americans, but it adds tremendous cost to taxpayers. This built-in incentive for delaying tactics makes my amendment all the more important.

In the past, many of my Republican colleagues have argued passionately about the evils of frivolous lawsuits; therefore, I am confounded to hear opposition to my amendment that seeks to discourage frivolous litigation. Why is it that litigation that thwarts the ambitions of working families, no matter how frivolous or misguided, is now suddenly okay? Don't construction workers matter?

Unfortunately, such frivolous litigation is too often used by unscrupulous employers to oppose unionization. In my own district, 14 T-Mobile technicians attempted to organize a local chapter of the Communications Workers of America, only to discover that their employer had undertaken several subversive measures aimed at derailing the path to union organization.

□ 1550

One such legal challenge included a dispute over the definition of whether or not the CWA is a legitimate labor organization. Let me say that again: a dispute over whether or not the CWA is a legitimate labor organization. The CWA, we should all know, represents over half a million American workers.

Under H.R. 3094, T-Mobile's frivolous challenge would have to be completely adjudicated by the NLRB before the union election could occur, giving T-Mobile the ability to legally hammer employees with anti-union messaging for weeks, months, or even years.

A constituent of mine wrote to me regarding the T-Mobile incident, and I

quote: ''It is abundantly clear to us that the company is only engaged in this effort in order to buy enough time to continue with an intimidation campaign as an effort to prevent us from exercising our right to organize and bargain collectively. We want to exercise our legal right in a timely and efficient manner, to decide for ourselves through the established election process whether or not to join the CWA. This process of delay and intimidation being exercised by T-Mobile management is wrong and should not be allowed to happen in the future. After several months of this verbal and emotional assault, I will stand firm in my commitment to gaining a voice at work. What I am asking for is a fair chance to vote.''

A fair chance to vote. What can be more American than that?

This is a fundamental matter of standing up for the American worker. This bill is an affront to one of our most principled values. The ability of workers to collectively bargain has been one of the basic pathways for workers to gain the protections and pay necessary to access the American Dream. We should not undermine this shared principle, and yet this is precisely what the underlying bill does. My amendment would provide at least some protections for employees who seek to organize their workplace.

Mr. Chairman, I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. GOWDY. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. I yield myself such time as I may consume.

Let me first thank Mr. BISHOP for raising the important issue of frivolous, vexatious litigation. I am thrilled almost beyond words—not quite—almost beyond words that our colleagues on the other side of the aisle recognize the deleterious impact that frivolous, vexatious litigation has on our economy.

We very much support, Mr. Chairman, a more effective use of rule 2011. We have consistently supported tort reform that correctly sanctions frivolous and vexatious lawsuits. So, again, I thank our colleague from the other side of the aisle for bringing attention once again to the impact frivolous litigation has on our economy.

Nevertheless, Mr. Chairman, this amendment is not the right vehicle for a number of reasons.

The purpose of the underlying bill is to correct the misguided effort of the NLRB to have quick elections, which means the time is compressed for litigants, especially those caught off guard by the legal filing, to respond. What do litigants and their counsel do when they're given an inadequate time to prepare for litigation? They overplead, they over-answer, they throw everything they can into the answer because to do otherwise is to risk missing an issue and being sued for illegal malpractice or, worse yet, failing to adequately represent your client. So in a very counterintuitive way, the NLRB's rush to have elections is more likely to result in over-pleading than the status quo would be.

Mr. Chairman, this amendment also gives increased power to the very agency that we are trying to rein in. That, too, is counterintuitive. To reward an activist, agenda-driven executive branch entity with even more power to wield incorrectly is an invitation we are loathe to accept.

This amendment does not even provide all the safeguards of rule 11 in the Federal Rules of Civil Procedure. And I heard my colleague and friend on the other side of the aisle make reference to rule 11. If this were simply rule 11, we may very well be standing up to join in support. It's not rule 11. It doesn't provide notice and a reasonable chance to respond. It doesn't provide an appeal procedure. It denies an opportunity to withdraw the frivolous matter before sanctions are imposed. Even current NLRB provisions require due notice and an opportunity for a hearing in allegations of misconduct cases.

This amendment, I am sure—I am convinced—is well intended, to root out frivolous filings and pleadings; but it has to be done in an evenhanded, fair manner, not one calculated to skew the balance even more in favor of those seeking unionization and away from job creators.

Other than union membership being at a historic low, Mr. Chairman, why the rush to change the rules? Is 31 days too long? Is a 70 percent success rate in elections not good enough? I appreciate the motive behind the amendment, but I must oppose it because of the mechanism; and I would encourage my colleagues to do the same.

I reserve the balance of my time.

The Acting CHAIR (Mr. YODER). The gentleman from New York has 15 seconds remaining.

Mr. BISHOP of New York. I will only say in my 15 seconds that rule 11 gives the person who files a frivolous motion or the entity that files a frivolous motion 20 days to withdraw that filing, which would defeat the purpose of what we're trying to accomplish here, which is to see to it that we ultimately do get elections.

And I would repeat what the minority whip said, which is I think is lot of us would feel differently about this underlying bill if there were not just a minimum time for which there was an election to take place, but a maximum time in which the election had to take place. This is one means for us to try to get that.

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

Mr. GOWDY. May I inquire of the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from South Carolina has 1½ minutes remaining.

Mr. GOWDY. I just find it instructive again—and we need to give pause and reflect on why we're here. We're not here because Chairman KLINE had an idea out of the blue. We're here because an activist, agenda-driven NLRB is dissatisfied with 31 days to have an election. They're dissatisfied with a 70 percent success rate. So what Mr. KLINE has done—and smartly so—in this bill is try to get us back to the status quo ante and have a level playing field where employees can have enough information to make what may be one of the most important decisions of their lives.

And again I will say to my colleague, rule 11 has built-in procedural safeguards. And we had a very civil, constructive, I thought, conversation about this amendment in committee, and I commend our friend for that. And I commend him for bringing up frivolous and vexatious lawsuits. And I'm happy to work with him on how to get it done. This vehicle, while well intended, is not the vehicle to get it done.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BISHOP of New York. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–291.

Mr. BOSWELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike ''and''.

Page 8, line 20, insert ''(except those designated parties described in subparagraph (C))'' after ''parties''.

Page 9, line 19, strike the second period and insert ''; and'' and after such line insert the following:

(3) by adding at the end of subsection (c)(1) the following:

''(C) The designated parties referred to in subparagraph (B) are employers that paid any executive bonus compensation in excess of 10,000 percent of the total annual compensation of the average employee during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.''.

The Acting CHAIR. Pursuant to House Resolution 470, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

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

I rise to encourage my colleagues to support my amendment to the underlying legislation. I first want to thank my colleagues, Mr. MILLER and Mr. ANDREWS, for their work on this important issue.

I'm concerned that this legislation creates an opportunity for parties to abuse the preelection hearing process to engage in open-ended litigation. The majority would allow parties in a hearing to raise any ''relevant and material'' issues at any time before the close of the hearing. Yet they define ''relevant and material'' as ''any other issues'' that may possibly impact the election. Practically, this means that any workplace issue, however frivolous, could be raised and litigated before the hearing closes.

As we've seen, there are always some—though not all—that seek to enrich their CEOs while denying their workers a fairer and safer workplace. This amendment would only apply to companies that have given bonuses—now hear this—bonuses to their executives that amount to 10,000 percent more than the average yearly salary of their employees. Those employers would be required to state their issues and positions at the onset of a hearing and would be prohibited from engaging in open-ended litigation.

This is a simple principle: If your average employee makes $50,000 and you can afford to pay the CEO a bonus of $5 million, then you can also afford to be prepared for the hearing in 14 days and state your position up front.

□ 1600

I'm not sure why we're considering H.R. 3094 right now. It won't create one job, and it won't reduce our deficit by $1. It won't add one job for unemployed construction workers to fix Iowa bridges that need to be repaired. It won't help one member of the Iowa National Guard that recently returned from Afghanistan and is still looking for a job.

All this bill does is help a small number of companies make it harder for their workers to organize. The very least we can do is make sure those companies aren't abusing their process while handing out executive bonuses that are 10,000 percent more than what their workers earn.

Support this amendment for fairness.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

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

It's kind of ironic sometimes, but this Occupy Wall Street sort of inspired amendment is an effort to dismantle a successful union election process and deny workers an opportunity to make an informed decision. Under the guise of fighting greed on Wall Street, this amendment will actually punish workers if their company executives receive bonuses deemed too big by officials in Washington.

Mr. Chairman, while most of the time, employer and unions can agree to the terms of the union elections, often a preelection hearing convened by an NLRB official is needed to address questions and concerns raised by both sides. The preelection hearing ensures all relevant and material preelection issues may be addressed before a worker is required to cast his or her ballot in the election, providing workers an opportunity to make an informed decision in the union election.

Forcing a vote before these issues can be addressed at the preelection hearing will severely undermine an employee's free choice. This is the workers, the employees we're talking about here. In fact, this amendment may lead to needless delay in the election process. The courts have overturned the results of elections because important issues were not properly addressed at the preelection hearing.

No worker should be denied a fair union election process because of the bonuses paid to company executives. Yet that is precisely what this amendment would do.

Congress should not be picking winners and losers here, determining that some workers deserve greater protections than other workers. They all deserve protection. The Workforce Democracy and Fairness Act reaffirms longstanding protections for all workers.

I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. BOSWELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

My friend from Minnesota, the chairman of our committee, says that Congress shouldn't be picking winners and losers. I think the Congress has already picked a lot of winners in the last number of months. They've picked the people who are the subject of Mr. BOSWELL's amendment, those whose bonuses are 10,000 percent more than the average salaries of their workers. They've picked them for the largest tax cut in American history.

They picked a winner by saying that if that person manipulates a hedge fund or financial institution, the regulators will look the other way as our 401(k)s become 201(k)s and our home values shrink.

Most decidedly, this Congress has picked a set of winners, and those winners are those at the very top of American society who have gotten 93 percent of the pay raises. Ninety-three percent of the pay raises given out in this country have gone to that top group.

So Mr. BOSWELL is trying to create a significant disincentive that says, you know what? If you pay yourself 10,000 percent more than your average worker, maybe there should be a separate set of circumstances you have to abide by and live by. It's a novel idea around this Congress, very novel idea that those at the very top of American society should have to live by a set of rules that protects the rest of American society.

For that reason, I strongly support Mr. BOSWELL's amendment and would urge a ''yes'' vote.

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

I, like my colleagues on the other side of the aisle, and Americans across the country, can get pretty angry when some officials, corporate officials receive extraordinarily high salaries. I'm not here to defend that.

What I'm talking about here is, why would you punish the workers because the employers are paying themselves too much money? I don't think we should do that, and that's what this amendment does. It denies workers the opportunity to make an informed decision. We shouldn't be punishing those workers because executives have paid themselves too much money.

I reserve the balance of my time.

Mr. BOSWELL. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Iowa has 1½ minutes remaining.

Mr. BOSWELL. Thank you very much, and I appreciate the discussion.

Thank you, Mr. ANDREWS, for those very astute remarks that have applied to workers.

My friend from Minnesota, Congressman, I recall we both have led troops, and I'm proud of you for having done that. I'm proud that I had the opportunity.

I see these top CEOs as—who are their troops? Their troops are the workers. Thank heavens we have got those people that are willing to be entrepreneurs and get out there and invest and do those things, but they've got to have workers to get the job done just like you and I had to have troops to take the objective.

What's the difference? Our troops had to be well-fed, trained, equipped, morale had to be good, and then we could take our objective. Any sergeant, any lieutenant, any lieutenant colonel, any general, they can't take their objective without troops. And how do CEOs and people, entrepreneurs that we appreciate—we rely on them, but they've got to have those workers; they've got to treat them fairly, and they've got to realize that they too want to have the American Dream.

And I was concerned where is that American Dream going to be as I was surrounded by my grandchildren just a few days ago at Thanksgiving. Is it going to be there for them? Then we'd better be thinking about it.

We don't pull the ladder up, we leave it down. Let's let everybody have a part of the American Dream.

And 10,000 percent, and you're worried about that? Come on, give me a break.

I urge support of this amendment. I think it is fair and it's the right thing to do.

I yield back the balance of my time.

Mr. KLINE. May I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Minnesota has 2 minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman.

I, too, want to thank my friend and colleague from Iowa for his service. He, like me, made an early mistake and chose to fly and, even worse, to fly helicopters. He just perhaps was better at it than some of us.

But this amendment is going in the wrong direction. It's not the percentage. How many percent? 10,000, 100,000, 1,000 percent more money that an executive makes—I don't want to defend that either. And I don't want to defend the leader who eats before his troops. I don't want to defend the leader who thinks he can get it done without the troops.

But this amendment takes away the rights and the protections of the employees and the workers. We shouldn't punish the workers because we're mad at the executives. We shouldn't punish the troops because we're mad at the colonels. I agree with the gentleman on that.

Let's don't punish the workers. Let's defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BOSWELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF MINNESOTA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–291.

Mr. WALZ of Minnesota. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike ''and''.

Page 8, line 20, insert ''(except those designated parties described in subparagraph (C))'' after ''parties''.

Page 9, line 19, strike the second period and insert ''; and'' and after such line insert the following:

(3) by adding at the end of subsection (c)(1) the following:

''(C) The designated parties referred to in subparagraph (B) are employers that have been found liable for any labor law violation against a veteran of the Armed Forces during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.''.

The Acting CHAIR. Pursuant to House Resolution 470, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

First of all, I rise to offer an amendment that would reinforce our commitment to protecting the employment rights of our brave servicemembers.

We've all seen this show before, Mr. Chairman. Let's not insult the intelligence of the American public. When we had an Employee Free Choice Act the other side argued we only want to protect the secret ballot. Now it's no, we want to protect the ability to let you vote on a secret ballot, but only when we decide that time has come.

We've seen this song and dance in Ohio, we've seen it in Wisconsin. Let's just be honest that we have a fundamental difference about labor rights and the ability to collectively bargain. We probably are not going to agree on that, but let's find some bipartisan ground where we can agree. I think my amendment is the one that will do that.

□ 1610

It's very straightforward. It simply prevents this piece of legislation, H.R. 3094, from applying to businesses that have been cited for violations of labor laws against employees who are veterans in the previous year. It is very simple. These are not the vast majority of employers who are playing by the rules. These are those who have had egregious violations, specifically against veterans, and this will help us protect those.

I wholeheartedly agree we've got a lot of good, strong employers out there supporting our Guard and Reserve, but labor laws are still being violated. We need these laws—last year, 3,000 cases of employers who violated the Uniform Service Employment and Reemployment Rights Act, USERRA, the main Federal law that protects veterans. My amendment provides a means for Congress to enforce veteran-related labor laws by removing the ability for violators to present unnecessary barriers to a free and expeditious union election process.

Keep in mind, these are the very people who fought to protect the basic American right to organize collectively for a safe workplace; yet, when they come home, we're going to throw barriers in their way even by companies that have already violated veterans' employment rights at a time when we have high unemployment amongst veterans. This is one on which we can come together.

By the way, 2 million veterans are in labor unions of their choice now, so this isn't a small number. This is a large number. Why would Congress hinder the ability for a veteran to choose whether or not they want representation? It's what they fought for.

While my colleagues and I can debate the role of government in collective bargaining, I don't believe there should be any difference in where we believe that this should not apply to violators of veterans' employment rights and allow them to make the choice.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

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

Of course I always hate to oppose something presented by my Minnesota delegation colleague, a veteran himself, but again I think we have a misguided amendment here.

In the last amendment, we were sort of taking an Occupy Wall Street moment to express our outrage at the salaries or bonuses or compensation for executives, and we were going to punish workers because of our outrage. Unfortunately, we're sort of doing the same thing here.

If you're a veteran and your employer has harmed any number of your rights under Federal labor law, they've broken the law and action ought to be taken against them. But now with this amendment, this would give this activist NLRB an excuse to undermine the free choice of your coworkers in a union election. I don't think we want to do that. We want to support the rights of all workers.

As the distinguished minority whip said, employers and employees ought to get a fair election. We want a fair election for employers and employees, for workers—whether they are veterans or not veterans. I, having spent some time in uniform myself, have a special place for veterans. I want to make sure they get everything, everything that's coming to them. We owe them so much. But this amendment, unfortunately, would end up punishing them and their coworkers in, I think, a misguided effort to help them. We shouldn't do that.

Let's support the underlying legislation and oppose this amendment.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

I respect the chairman and the gentleman's opinion on this, but I want to be very clear. The only people this applies to is violators of veterans' workplace employment. These are veterans returning home who choose to have union representation, who have fought for that right in uniform and are now being told this.

The NLRB said this is no problem being able to be put in. It's at no cost to the taxpayer to be able to do this. And the thing that I hear coming up in the discussion today was we need to have more time to explain it to them.

I have tremendous faith in the ability of our folks who served in split-second, life-and-death decisions overseas

serving in combat to be able to, after a few days, make a decision with the information they're given whether they want representation or not, not being drug out in litigation for 2 years so they can protect their rights against employers previously cited in the 1 year. These are not the good actors. These are the bad actors.

I don't like the underlying bill. I'm trying to make it better. Why are we protecting the 1 percent of bad actors in this at the expense of a veteran who has the right to organize?

With that, I reserve the balance of my time.

Mr. KLINE. Again may I inquire as to how much time remains on either side.

The Acting CHAIR. The gentleman from Minnesota (Mr. KLINE) has 3 minutes remaining, and the gentleman from Minnesota (Mr. WALZ) has 1½ minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman. I yield myself such time as I may consume.

I think there is some confusion here. The other gentleman from Minnesota says that these are talking about veterans who have chosen to have a union. The point is we don't know if they've chosen to have a union. We don't know that. That's what the election is for. And they deserve the time and the opportunity to ask questions, get answers, hear from all sides and make an informed decision.

What the underlying bill does, it says you get at least 35 days. And I would remind my colleagues that the current mean time, average time, is 31 days and the median time is 38 days. It's not out of line. But we think a month, 5 weeks, ought to be time for workers to be able to receive the information, ask the questions, challenge information from the employer and from the union organizer, and then make an informed decision.

While it's true, certainly, sometimes in combat that you have to make split-second decisions to save your life or the lives of colleagues or to achieve the mission, you shouldn't be required to do that here in making this decision for you and your families. You ought to have time to do it.

Because an employer has misbehaved, in the example of this amendment, the employer should be punished for that if he's a broken law, but the employees should not be deprived of the opportunity to make an informed decision, and that's what this amendment would do. So, again, reluctantly, I oppose this amendment and support the underlying bill.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself the balance of my time.

I express my disappointment with the gentleman. I do respect his service, and we have a fond attachment to our veterans in getting this right.

Let me do something that doesn't happen down here very much to show you how small this is. I'll read you the entire amendment:

''The designated parties referred to in subparagraph (B) are employers that have been found liable for any labor law violation against a veteran of the Armed Forces during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a preelection hearing that were not raised prior to the commencement of the hearing.''

No matter how you feel about the underlying bill, if we really want to make this better and try and reach across together, maybe this is one area we could do it.

I would urge my colleagues on both sides of the aisle: Do what's right. Pick off these bad employers so they can't engage in these tactics against veterans. Let's get our folks back to work and let's agree to disagree on the fundamental underlying bill on labor. On this one, we shouldn't.

I yield back the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Thank you, Mr. Chairman, and thank you for keeping track of the Minnesotans here as well.

I'm sorry, but again we just have a fundamental difference here. If an employer is liable, has made mistakes, has broken the law, they should be punished under the law, whichever law they have violated in violating the rights of employees, veterans or not.

But this amendment is an attempt to dismantle a successful union election process that is fair to veterans and nonveterans, to employees and to employers. This amendment, in an attempt to punish employers who have misbehaved, who ought to be punished under the law under another law, is simply going to deny the rights of workers to have the opportunity to make an informed decision.

I oppose this amendment and support the underlying legislation.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WALZ of Minnesota. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

□ 1620

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–291.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, beginning on line 4, strike ''subparagraph (B)—'' and all that follows through ''(B) by inserting'' on line 8, and insert ''subparagraph (B), by inserting''.

Page 8, line 24, strike ''last sentence—'' and all that follows through page 9, line 9, and insert ''last sentence, by inserting 'or consideration of a request for review of a regional director's decision and direction of election,' after 'record of such hearing'; and''.

The Acting CHAIR. Pursuant to House Resolution 470, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

The question to my colleagues is whether workers come as Republicans or Democrats or if they come simply as Americans operating under a constitutional provision that we all celebrate, and that is the First Amendment.

The First Amendment clearly allows the American people to petition, to have freedom of expression and, in essence, freedom to assemble. We also recognize that, in the course of power, there is the worker and there is the employer. The employer, in many instances, intimidates, and the National Labor Relations Board recognized the unevenness of power. Whether they are returning troops and veterans or whether they are single mothers and working families who want to better their lives, they understand that there needs to be fairness in order for this little, small book, the Constitution, to actually operate.

My amendment is very simple. My amendment attempts to make an even playing field. It takes away the power of the underlying legislation, which is to limit how long the election may go on—in fact, delay the election, if you will. This amendment strikes the provision that deals with the timeframe in which the election can go on and in which the employer can interfere with that election. Delay gives unscrupulous employers more time to use the timeframe to delay the election.

It's a simple premise that you win or lose elections; but if you allow employers to use the hand of intimidation and to stop the election, you take away some of the privileges of being an American.

I, frankly, believe that in this time that we're on the floor we really should be debating the extension of the unemployment benefits, and I believe that we should be discussing the passage of the American Jobs Act. We're not doing that. We're here to limit the rights of Americans. So I'd ask my colleagues to support the amendment that stops employers from delaying the rights of Americans by participating in delaying litigation, raising their power while limiting the power of the worker. I hope my colleagues will join me in supporting my amendment.

Mr. Chair, I rise today in support of my amendments to H.R. 3094, ''The Workforce Democracy and Fairness Act.'' My amendment eliminates the provisions in this bill that would allow employers to unnecessarily delay an election. The bill in its current form rolls back decades of earned collective rights for workers and prevents workers from simply voting in workplace elections.

This legislation is an assault on working Americans. H.R. 3094 is designed to delay and ultimately prevent union representation elections, rendering the National Labor Relations Board (NLRB) powerless and undoes decades' worth of improvements for worker's rights.

In order to prevent needless delays in conducting elections I propose my amendment which simply strikes the text which requires that an election must be delayed for at least 35 days from the date the petition was filed. This amendment would restore current law.

While my colleagues on the other side of the aisle seemed focused on the NLRB decision and their claim to minimum delays, there is no provision in H.R. 3904 to limit the time that an election can be delayed. This would ensure that an election would be conducted as soon as practicable following the pre-election hearing, consistent with the facts determined by the Regional Director.

By setting a floor that an election will always be held at least 35 days from the filing of a petition, H.R. 3094 imposes delay for delays sake, even if an election could practically be scheduled before 35 days from the filing of a petition. A witness testified before the Education and Workforce Committee's that: ''This [35 day delay] would apply even where the union and employer are willing to stipulate to an earlier date. Other than facilitating an employer in ramping up an antiunion campaign, it does not appear to have any meaningful purpose.''

The National Labor Relations Act provides workers with essential protections; protections that have resulted in a strong middle class. This law prevents companies from retaliating against workers who exercise their rights, such as the right to strike, petition for better pay, demand safer working conditions, and form a union.

H.R. 3094 would amend the National Labor Relations Act to define how the National Labor Relations Board should determine a unit for purposes of collective bargaining. In addition, it allows an election to occur sooner than 35 days after the filing of a petition. However, there is no limit on how long an election may be delayed. Delay would provide employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

This legislation would perpetuate undue delays in union elections, a blatant attempt to undermine American worker's right to organize to protect their rights. This bill is an attack on collective bargaining, and on the American workforce as a whole.

Delaying elections grants employers the necessary time to use legal and illegal means to discourage employees' interests in forming unions for the purpose of collective bargaining. The bill encourages legal but frivolous appeal litigation, further delaying elections for several months or years. The measure will severely cripple and undermine elections process. A procedure intended to empower workers.

Consequently union voters lose zeal for elections and unscrupulous employers are able to manipulate elections for their desired outcome, stalling the plight of workers' advancement.

Further, The bill misconstrues the procedure for deciding who is a bargaining unit. What effect will this have on the progress union workers have made over the last 75 years?

Employers will use this disruption to gerrymander elections, induce uncertainty regarding elections, thus being able to manipulate workers and flood the ballot boxes with voters not engage in the organizing drive.

For 75 years union workers have fought for basic rights to maintain improved and safer workplace environments. How does this measure effect these achievements?

After the bill's implementation will workers view their workplace favorably? Will their wages match the growth rate of the company and economy? And will workers feel like American employers, supported by government, provide meaningful safety for community survival?

This legislation undermines American workers by eliminating laws that prevent employers from gerrymander elections when employees consider whether or not to form a union. Employees have a right to unionize. They have the right to exercise their rights collectively bargain for competitive wages, benefits, and safe working environments. I am extremely disappointed that my Republican friends are willing to create an atmosphere that forces the voice of hard working Americans to be diluted by their employers. In many cases employees would have to settle for accepting the lowest wages, worst benefits, and harshest working conditions. This bill creates a race to the bottom that is simply not worthy of a great nation, and certainly not worthy of America.

Time after time, throughout the 20th century, the nation turned to the labor community to build infrastructure, supply the Armed Forces, and manufacture the materials that constructed our great American cities, and time after time, hard working Americans answered the call and made this country great.

It appears that my colleagues on the other side of the aisle have decided to repay the American workforce by forcing them to choose between their rights and their jobs. I will fight, as I have throughout my tenure in Congress, to protect the middle class by protecting their right to vote in any capacity.

My Republican friends have not passed a single bill to create jobs, and this bill is no exception. In fact, this reckless legislation threatens American jobs and undermines worker's rights while safeguarding special interest. I urge my colleagues to oppose this harmful legislation, and instead focus our efforts on a bipartisan jobs bill that will foster a new age of American ingenuity and prosperity.

I reserve the balance of my time.

Mr. GOWDY. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. I yield myself such time as I may consume.

This amendment would strike provisions of the Workforce Democracy and Fairness Act that ensure employers have at least 14 days to find legal counsel and prepare their cases for the preelection hearings. Additionally, it would strike the provisions that ensure employers have 35 days to educate their workers and that employees have 35 days to determine whether they wish to join a union.

Information is power, and I, frankly, don't understand the antagonism towards information. I don't understand the antagonism towards employers. We give garden-variety, common-criminal shoplifters 180 days to find lawyers—180 days for a shoplifter to find a lawyer—but we can't give employers 2 weeks? Is 2 weeks really too much to ask to find a lawyer?

There have been unions, Mr. Chairman, that have already endorsed this President and his reelection bid. Already, 360-something days out, was the first one I noted. So they need 365 days to prepare for an election, but we can't give employers 35 days? You can check out a library book for longer than you want to give employers the ability to prepare for an election.

This is an important decision, not only in the lives of the employees but of the employers, many of whom are small business owners. They've got to negotiate the legal labyrinth that is our Federal labor law, and you're going to give them 35 days and 14 to get lawyers.

Mr. Chairman, this amendment will restrict employers' free speech and will undermine workers' free choice. Information is power. Sometimes that takes time. I don't think 35 days under anyone's calculus is too much time to prepare for an election. If we can give a shoplifter or a speeder or a drunk driver 180 days to hire a lawyer, surely to goodness we can give a small business job creator a couple of weeks.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

Very briefly, in listening to my good friend from South Carolina, it's time to take out the white hanky and begin to cry for the employers against these deafening and deadly workers, some of them veterans and single parents.

Hear me very clearly: there are 35 days for the filing of a petition, but there is no limit to the amount of time the employer can delay the election through litigation. If that isn't an imbalance against the vulnerable worker—the worker who is behind a cashier, the worker who is manufacturing a made-in-America trinket of some kind, the textile worker, the returning soldier on the battlefield—then what is?

God bless the employers with their constitutional rights. I applaud them. But what this bill is doing and what this section is doing is taking a spear and going on and on and on with dilatory litigation tactics to disallow the organizing that is protected under the Constitution and the due process under the Fifth Amendment.

Go ahead, employers, get your lawyers. Move on.

But the question is, how long is too long?

I reserve the balance of my time.

The Acting CHAIR. The gentleman from South Carolina has 2½ minutes remaining.

Mr. GOWDY. Thank you, Mr. Chairman. I yield myself such time as I may consume.

My first job was delivering newspapers. My job after that was bagging groceries at a local grocery store. My job after that was working at a tobacco warehouse.

I don't recall ever being hired by an employee.

I don't understand the antagonism towards employers. I don't understand the antagonism towards people who are willing to invest their fortunes and have the unmitigated temerity to want to be successful and hire other people. I don't understand the antagonism towards job creators.

Mr. Chairman, I will say it again: We give 180 days to someone who shoplifts from a store to go find a lawyer, but we can't give 14 days to the small business owner who wants to defend against a suit—to negotiate the legal labyrinth that many of the lawyers in this body don't understand, present company included. There are experts in labor law; but unless you have corporate counsel hired, you're going to have to go find a lawyer and educate him on your issues.

Mr. KLINE gives them a whopping 2 weeks. Fourteen days is eminently reasonable, and 35 days for something as potentially transformative as an election is not too much to ask for, and there is nothing in the Constitution of the United States that says otherwise.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

What I say to my good friend from South Carolina is that I have the greatest respect for employers. I'd like the gentleman to join me in passing the American Jobs Act to give them payroll tax relief and to give them tax credits for hiring new employees. But you have to ask the question:

After this bill's implementation, will workers view their workplaces more favorably? Will their wages match the growth rates of the companies and economy? Will workers feel like American employers, supported by government, provide meaningful safety for community survival?

This legislation, frankly, undermines the American workers. Can we all get along? Can we find a way to address the concerns of making sure that we are fair to the employer but not have delay after delay after delay to deny someone his constitutional right of organizing freedom of expression? I think we can.

□ 1630

The elimination of the provisions that I have spoken of is a dilatory upper hand of employers to get the better hand of our employees.

I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Texas has 15 seconds remaining, and the gentleman from South Carolina has 45 seconds remaining.

Mr. GOWDY. Thank you, Mr. Chairman.

I would invite my friends on the other side of the aisle to join us in addressing what I hear from every small business owner back in South Carolina, which is fix the regulatory apparatus, fix the tax structure, fix the litigation structure, quit spending money you don't have.

Mr. Chairman, the President, who was standing not 3 feet in front of you, said we should have no more regulation than is necessary for the health, safety, and security of the American people. That's not a Republican that said that; it's the President of the United States.

So I would ask the NLRB, what part of health, safety, and security are you trying to fix with quick elections, the placing of posters in the workplace, and other regulations that do nothing except punish job creators?

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

Ms. JACKSON LEE of Texas. In my hand I have H.R. 3094 and in this hand I have the Constitution. I don't know who you would stand with. Support my amendment, support the Constitution, provide workers the opportunity for freedom and the right to organize.

I ask my colleagues to join me in supporting the Jackson Lee amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

MOTION TO RISE

Ms. MOORE. Mr. Chairman, I have a preferential motion at the desk.

The Acting CHAIR. The Clerk will report the motion.

The Clerk read as follows:

Ms. Moore moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes in support of her motion.

Ms. MOORE. Thank you, Mr. Chair.

I rise to make this motion today because I am opposed to the underlying bill, the so-called Workforce Democracy and Fairness Act.

Mr. Chair, I hope that all of my colleagues have gotten their tickets for this show, because once again my Republican colleagues have turned these hallowed Halls of Congress into a place for political theater or, better yet, a circus, and the joke is on working class Americans.

Today's so-called Workforce Democracy and Fairness Act is another scene in this unfolding plot to undermine American workers.

It would be comedy if it weren't such a tragedy for the American people. Every day, the American people are forced to play the part of the clown Pagliacci. They watch Republicans put on this performance, claiming to want to protect American jobs and workers while behind the scenes they work to dismantle the rights of the American worker and, like Pagliacci, the American people must learn to laugh with tears in their eyes.

Today's installment of tragic theater stars a bill which has been more appropriately renamed by my Democratic colleagues as the Election Prevention Act.

This bill would permit employers to delay indefinitely a union election by mandating delays in the union election process and failing to place limits on how long an election can be delayed. These delays would allow more intimidation and harassment of employees, including hiring union-busting companies.

This bill perverts the notion of employee free choice in the face of the power of an employer to indefinitely postpone an election.

In Wisconsin, Mr. Chair, we have seen this song and dance before under the guise of deficit reduction. Governor Walker undermined the workers' rights, rammed through legislation that cut State employee benefits and stripped unions of their collective bargaining rights.

Ohio, too, has seen this horrific curtain call. Governor John Kasich and the Ohio Republican legislature's passage of S.B. 5. But what Governors Walker, Kasich and so many others are not prepared for is the second act of this drama.

When the curtain opened on November 8 in Ohio, voters flocked to the polls in record numbers with a resounding voice and repealed S.B. 5. The staging continues in my State of Wisconsin, where in just 2 weeks we have garnered 300,000 signatures poised to recall Governor Scott Walker.

Mr. Chair, the American people will not be upstaged by this anti-union, anti-worker, and anti-family play. Our Nation's middle class is demanding to bargain for more of the wealth that they created.

Mr. Chair, this clear attack on workers' rights departs from a long-preserved tradition of American democracy in the workplace. It's time for us to close the curtain, pull the hook out on this circus act, and bring up the lights on real legislation that creates real jobs.

Mr. Chair, I would now yield to my colleague, the gentlelady from Ohio, BETTY SUTTON.

Ms. SUTTON. I thank the gentlewoman for yielding and I thank her for the motion.

What's it going to take to get this body to focus on priority one, which is

getting America back to work? Why, Mr. Chair, are we here yet again debating an anti-worker bill when we should be working together to help foster jobs? Instead of trying to disempower workers and further weaken the middle class, why aren't we trying to create opportunities for them and their families? Every day that the focus is on attacking workers instead of generating job opportunities is one day longer we're mired at unacceptable rates of unemployment, and it's one more day that far too many unemployed Americans will struggle.

And yet here we are debating this extreme and lopsided bill to give big corporations the upper hand over working families, a bill that does nothing to bolster our recovery but does a lot to stack the deck against American workers. We have seen this fight before, as the gentlewoman has pointed out, in other places, and the American people are voicing their opposition to these types of fundamentally unfair attacks that stack the deck against workers.

In my State of Ohio, we saw a Governor try to silence our firefighters, teachers, our police officers, our nurses, and other people who serve Ohio. Instead of focusing on jobs, the Governor and his allies pushed the bill through and unleveled the playing field for working families. It wasn't right there and it's not right here, and the American people urge the defeat of this bill.

The Acting CHAIR. The time of the gentlewoman from Wisconsin has expired.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the motion.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, this clearly, in fact, in the language of the motion, is designed to kill the bill. I understand the gentlelady doesn't like the bill, but the characterization of it is incorrect. We heard today on this floor some distinguished Members of the other party say that the NLRB ought to be fair, that employers and employees ought to get a fair election. We agree with that.

We have heard today that the majority party has done nothing to improve the economy and help job creators create jobs. Clearly we disagree. Member after Member has stood up here and said we have a plan, we've been advancing legislation, we continue to advance legislation, we have over 20 bills passed by this House sitting over in the Senate waiting for Majority Leader REID to take them up, jobs that will clear the way for job creators, the private sector, to put Americans back to work.

Clearly there is a blizzard of regulations that is descending on the workplace. The Speaker got a letter back from the administration some 2 weeks ago that said there were some 219 regulations in the pipeline, each of which would have an impact on the economy of over $100 million, and I think seven that would have an impact of over a billion dollars, regulations coming from every direction. My colleagues pointed out that even the President of the United States said we shouldn't be having more regulations that don't directly affect the safety and security of the American people, or words close to that effect.

The gentlelady, my friend from Wisconsin, said that there was an unfolding plot. Well, I agree, there does seem to be an unfolding plot. It's coming from the administration through the NLRB to advance the special interest of Big Labor bosses. We don't think that's right. That's not giving employers and employees a fair election; that's advancing the special interest of big union bosses.

It's not protecting the rights of workers, whether they're in a union or not.

□ 1640

Employees and employers ought to get a fair election. The NLRB should not be slanting it, handing it to Big Labor bosses.

So this is an effort to kill the bill. I believe it is a good bill that restores practices that have been in place providing fair elections for decades. I would encourage my colleagues to support the underlying legislation and vote against this motion to kill the bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the preferential motion.

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. MOORE. Mr. Chair, I would note that there is no quorum, and I request a rollcall.

The CHAIR. The Chair will count for a quorum.

Ms. MOORE. I am not asking for a quorum call. I am just asking for a rollcall.

The Acting CHAIR. Does the gentlewoman withdraw her point of order of no quorum?

Ms. MOORE. Yes.

The Acting CHAIR. The Chair will count for a recorded vote. Those in favor of a recorded vote will rise and be counted.

A sufficient number having risen, a recorded vote is ordered. Members will record their vote by electronic device.

Pursuant to clause 6(g) of rule XVIII, this 15-minute vote on the preferential motion to rise will be followed by 2-minute votes on the following amendments:

Amendment No. 1 by Mr. BISHOP of New York.

Amendment No. 2 by Mr. BOSWELL of Iowa.

Amendment No. 3 by Mr. WALZ of Minnesota.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

The vote was taken by electronic device, and there were—ayes 176, noes 241, not voting 16, as follows:

[Roll No. 863]

AYES—176

Ackerman
Altmire
Andrews
Baca
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—241

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth

Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—16

Bachmann
Baldwin
Berman
Dicks
Dreier
Giffords
Gutierrez
Mack
McKeon
Paul
Rogers (MI)
Ros-Lehtinen
Ruppersberger
Smith (WA)
Wasserman Schultz
Young (FL)

□ 1713

Mr. BARTLETT and Mrs. MCMORRIS RODGERS changed their vote from ''aye'' to ''no.''

Mr. DAVIS of Illinois changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. ROS-LEHTINEN. Mr. Chair, on rollcall No. 863 I was unavoidably detained in a national security briefing. Had I been present, I would have voted ''no.''

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 228, not voting 18, as follows:

[Roll No. 864]

AYES—187

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—228

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—18

Bachmann
Baldwin
Berman
Dicks
Dreier
Giffords
Gutierrez
Harris
Mack
McKeon
Paul
Pearce
Pelosi
Rogers (MI)
Ruppersberger
Smith (WA)
Wasserman Schultz
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1718

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. BOSWELL) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 239, not voting 13, as follows:

[Roll No. 865]

AYES—181

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bachmann
Baldwin
Broun (GA)
Cantor
Dreier
Giffords
Gutierrez
LaTourette
Mack
Paul
Pearce
Pelosi
Wasserman Schultz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1722

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF MINNESOTA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. WALTZ) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 221, not voting 12, as follows:

[Roll No. 866]

AYES—200

Ackerman
Altmire
Andrews
Baca
Barrow
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—221

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy

Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—12

Bachmann
Baldwin
Cantor
Coffman (CO)
Dreier
Giffords
Gutierrez
Mack
Paul
Pearce
Pelosi
Wasserman Schultz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1727

Mr. DUNCAN of Tennessee changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. COFFMAN of Colorado. Mr. Chair, on rollcall No. 866 I was unavoidably detained and I would have voted "no."

PERSONAL EXPLANATION

Mr. PEARCE. Mr. Chair, on rollcall Nos. 864, 865, and 866 I was unavoidably detained. Had I been present, I would have voted ''no.''

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 236, not voting 9, as follows:

[Roll No. 867]

AYES—188

Ackerman
Altmire
Andrews
Baca
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—236

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bachmann
Baldwin
Cantor
Dreier
Giffords
Gutierrez
Mack
Paul
Wasserman Schultz

□ 1732

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. CHAFFETZ). The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. CHAFFETZ, Acting Chair 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. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, and, pursuant to House Resolution 470, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

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

Ms. SUTTON. Mr. Speaker, I have a motion to recommit at the desk.

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

Ms. SUTTON. I am in its current form.

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

The Clerk read as follows:

Ms. Sutton moves to recommit the bill, H.R. 3094, to the Committee on Education and the Workforce with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, insert the following:

SEC. 3. ADDITIONAL PROVISIONS TO ENSURE A LEVEL PLAYING FIELD FOR EMPLOYEES AND EQUAL ACCESS TO VOTERS AND TO DISCOURAGE OUTSOURCING.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is further amended by inserting at the end of subsection (c)(1) the following new subparagraph:

''(C) LEVEL PLAYING FIELD FOR EMPLOYEES AND CORPORATE DIRECTORS.—Once an election by employees is directed by the Board, nothing in this subsection shall require a longer delay for employees to vote for a bargaining representative than is required for the board of directors to vote for a chief executive officer under the incorporation laws of the State where the employer is located.

''(D) FREE AND FAIR ELECTIONS AND EQUAL ACCESS TO VOTERS.—Upon the filing of a petition for an election, the Board shall ensure an equal opportunity for each party to access and inform voters prior to the election, including by prohibiting campaign meetings for which employee attendance is mandatory or employee time is paid unless both parties mutually agree to waive such prohibition.

''(E) PROHIBITION ON CORPORATIONS THAT OUTSOURCE JOBS.—Notwithstanding subparagraph (B), an employer that outsourced jobs to a foreign country or announced plans to outsource jobs to a foreign country during the 1-year period preceding the filing of a petition under this subsection may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.''.

Mr. KLINE. Mr. Speaker, I reserve all points of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentlewoman from Ohio is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I am opposed to this bill, but let me begin by saying that this final amendment, if adopted, will not kill the bill or send it back to committee. Instead, the bill, as amended, will immediately be voted upon for final passage. We may strongly disagree on the bill in question, but surely no one in this Chamber can disagree that, in these hard times, working families in this country deserve a fair shake. Unfortunately, the underlying bill, as written, is fundamentally unfair.

Mr. Speaker, a few weeks ago, in my home State of Ohio, voters, in an exercise of direct democracy, voted to overwhelmingly repeal the infamous senate bill 5, which was a fundamentally unfair and extreme attack on workers. In a resounding victory for middle class Ohioans, many Democrats and Republicans alike went to the polls and soundly rejected the union-busting effort that would have unfairly silenced workers and stacked the deck against them. At a time when public officials across every level of government should be focused on getting Americans back to work, the underlying bill before us today, like Ohio's recently repealed senate bill 5, would unfairly stack the deck against our workers and American jobs.

But the good news, Mr. Speaker, is that it doesn't have to be that way. Right here, right now, Democrats and Republicans together, like so many voters in Ohio joined together, can stand up for fairness and the middle class, and can pass this amendment. Our amendment would improve the bill in three very important ways:

First, it would level the playing field between employees and corporate boards.

It's only fair.

When workers choose whether to organize a union, they're choosing who their representative will be in the workplace. When a board of directors takes a vote on whether to hire a CEO, it's choosing management's representative in the workplace. I doubt that proponents of this bill would ever think of leaving a corporation voiceless or would ever think of throwing obstacles in the way of a corporate board of directors' ability to choose its next CEO. Yet that's exactly what this bill before us does to workers.

It's not right. Workers shouldn't have to wait any longer than a corporate board of directors. So this amendment levels things out by saying that nothing in this bill will impose any longer of a waiting period for workers to vote for a union than any State law imposes on a board of directors voting on a CEO.

Second, this amendment will make sure that elections proceed legitimately and fairly.

Everyone can agree that workers deserve to be fully informed. So this amendment requires that, when a petition for an election is filed, the board must ensure an equal opportunity for workers to hear from all sides. Under current law, Mr. Speaker, only one party—the employer—can engage in what is called ''captive audience meetings.'' Only one party can force the voters to attend campaign speeches, rallies, and meetings or be fired. Under this motion, under this amendment, the parties would agree to equal access to voters.

It's only fair. No more captive audience meetings unless the parties agree, unless there is fair and equal access to voters so that all sides may be heard and so that workers can judge for themselves and make fully informed choices when it comes time to vote.

Finally and importantly, this amendment discourages job outsourcing. With 9 percent unemployment in the country and with our economy barely growing, the last thing we want to do is reward companies that ship jobs overseas.

□ 1740

The underlying bill provides employers with a nasty weapon for tactical delay. It allows employers to drag out preelection hearings indefinitely, preventing an election from ever happening.

Employers can raise any issue at a time prior to the end of the hearing, even issues that have nothing to do with the conduct of the election or the question of whether there should be an election at all. Outsourcers should not have the benefit of a tactical delay to help ship jobs overseas. We should not allow it.

This amendment says if you have outsourced jobs or announced plans to outsource jobs in the past year, you don't get that privilege. You have to do what every party to a Federal case must do: state your claims at the beginning of the hearing. We shouldn't extend privileges to outsourcers.

I urge a ''yes'' vote on this final amendment to the bill.

Mr. KLINE. Mr. Speaker, I withdraw my reservation of the points of order.

The SPEAKER pro tempore. The gentleman's reservation is withdrawn.

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

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

Mr. KLINE. Mr. Speaker, this motion to recommit is similar to amendments we have seen earlier today. We had an amendment sort of trying to capitalize on the Occupy Wall Street movement and limit workers' rights because of behavior of executives.

This motion attempts to rewrite existing rules regarding union access to employer property. Mr. Speaker, the point is the current system has been providing fair elections, as the distinguished minority whip said, for employers and employees. The NLRB's job is to see that employers and employees have fair union-organizing elections.

At a time when millions of Americans are searching for work, the Democrats have introduced yet another proposal that will make it more difficult for job creators, employers, to put Americans back to work. Rather than promoting a balanced election process, this motion to recommit will further tilt the playing field in favor of Big Labor bosses.

It's time for the Democrats here to stop standing in the way of the Nation's job creators and work on commonsense solutions that will allow job creators to put Americans back to work. Mr. Speaker, the underlying bill protects employers' free speech and employees' opportunity to make an informed decision.

This motion to recommit undoes that. We need to defeat this motion to recommit for what it is and support the underlying legislation. Let's vote ''no'' on this motion.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; ordering the previous question on House Resolution 477; and adoption of House Resolution 477, if ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 239, not voting 9, as follows:

[Roll No. 868]

AYES—185

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bachmann
Baldwin
Dreier
Giffords
Gutierrez
Mack
Nunnelee
Paul
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1801

Ms. BERKLEY changed her 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 ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 235, noes 188, not voting 10, as follows:

[Roll No. 869]

AYES—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee

Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—188

Ackerman
Altmire
Andrews
Baca
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (AK)

NOT VOTING—10

Bachmann
Baldwin
Braley (IA)
Dreier
Giffords
Gutierrez
Mack
Paul
Ross (AR)
Wasserman Schultz

□ 1808

Ms. JACKSON LEE of Texas and Mr. CARSON of Indiana changed their vote from ''aye'' to ''no.''

Mr. SULLIVAN changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3463, TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION; PROVIDING FOR CONSIDERATION OF H.R. 527, REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 3010, REGULATORY ACCOUNTABILITY ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 477) providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 184, not voting 10, as follows:

[Roll No. 870]

YEAS—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—184

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre

McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—10

Bachmann
Baldwin
Dreier
Giffords
Gutierrez
Mack
Paul
Royce
Walden
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1815

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 239, noes 178, not voting 16, as follows:

[Roll No. 871]

AYES—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—178

Ackerman
Altmire
Andrews
Baca
Barrow
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—16

Bachmann
Baldwin
Blackburn
Carter
DesJarlais
Dreier
Ellison
Giffords
Gutierrez
Labrador
Mack
Marchant
Moore
Paul
Peterson
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1822

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.

PERSONAL EXPLANATION

Mr. VAN HOLLEN. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, would have voted "yea" on rollcall votes 863, 864, 865, 866, 867, and 868 and I would have voted "nay" on rollcall votes 869, 870, and 871.

CONGRATULATING THE BENET ACADEMY GIRLS VOLLEYBALL CHAMPIONSHIP TEAM

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

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the Benet Academy Girls Volleyball Team from Lisle, Illinois, on winning the Class 4A State Championship on November 12.

The terrific team, led by Coach Brad Baker, finished the season with a phenomenal record of 39 wins to 3 losses. This accomplishment by the Redwings marks the first state championship for an all-girls team at Benet Academy.

Each of these talented students should be commended for her hard work and discipline, especially Senior Meghan Haggerty, who led the team with 18 kills during the three-game match and 13 straight service points in the final game.

Her sister, Sophomore Maddie Haggerty, followed her lead with 16 kills. And Senior Jenna Jendryk, who previously was named MVP in the Benet Invitational and Wheaton Classic, rounded out the team with 10.

Mr. Speaker, our community is very proud of these accomplished young women, at least seven of whom already have made plans to play volleyball at Division I universities.

Once again, I'd like to congratulate the Benet Academy Redwings on their win and wish them continued success in all of their future endeavors.

COMMEMORATING WORLD AIDS DAY

(Ms. BASS of California asked and was given permission to address the House for 1 minute.)

Ms. BASS of California. Mr. Speaker, every 9 minutes and 30 seconds someone is infected with HIV in the United States. Today, 34 million people worldwide live with HIV, and of those infected, 60 percent do not know they are positive. These staggering facts demand that we strengthen our efforts to prevent the spread of this life-threatening disease.

Tomorrow, December 1, we will recognize World AIDS Day. World AIDS Day is an opportunity to take action and invigorate the global movement to ultimately halt the spread of HIV. Emphasizing the importance of ending this three-decade fight, this year's World AIDS Day theme is ''Getting to Zero.'' Zero new infections, zero discrimination, zero AIDS-related deaths.

In observance, starting at midnight, I will hold a 24-hour ''tweet-blast'' where every hour I will tweet facts about HIV/AIDS and ways everyone can get involved to help end this disease. I invite all of you to join me in this conversation on Twitter at Rep KAREN BASS.

THE HIGH COST OF THE AMERICAN ENERGY POLICY

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

Mr. FLEMING. Mr. Speaker, as the price of crude oil again moves past $100 a barrel, it is another reminder of the high cost of our energy policy that increases our dependence on foreign countries, kills jobs, and raises energy costs. Every time the Federal Government imposes a moratorium or new regulations, as it did on drilling in the gulf and now the Keystone pipeline, it hurts the American people.

Despite 60 years of a spotless safety record, excellent State regulation and monitoring, approval for safety by the EPA and creation of inexpensive energy sources, hydrofracking for oil and natural gas is under attack by the Department of the Interior.

What is the expected outcome?

Look at what the administration has done to coal, offshore drilling and the Keystone pipeline, not to mention the fact that we have not built a nuclear energy plant or a new refinery for decades due to over-regulation.

Hydrofracking of oil and natural gas will inevitably be pushed into red tape, higher cost of production and lower yield, again, hurting America through high energy costs and fewer jobs.

PENN STATE PRIDE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the hardship of all those involved in the recent tragic developments at Penn State University is heavy on our hearts as this community moves forward and these individuals and their families continue to cope with the horrific adversity and pain.

Despite these tragic events, I rise today for a different reason, something my community, the Penn State community, can be most proud of. The Chronicle of Higher Education recently reported that Penn State leads the Nation in outgoing faculty Fulbright grants for the 2011–2012 academic year. Penn State has received a total of 16 grants, 14 of which were awarded at the University Park Campus in State College.

The Fulbright Program, a program of competitive, merit-based grants for students, teachers and other professionals, is the U.S. government's premier international educational exchange program. These individuals will go on to expand our Nation's educational endeavors by strengthening partnerships with other leading institutions around the world.

These success stories also serve as an encouraging example that every individual can achieve their potential through hard work and dedication. These talented individuals have much to be proud of. Congratulations to each recipient on this esteemed award.

THIRD ANNUAL NATIONWIDE DRUG TAKE-BACK DAY

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, I rise today to commend the combined efforts of government at all levels, law enforcement personnel, nonprofit groups, local businesses, and community volunteers as part of the third nationwide Drug Take-Back Day on October 29.

My home of Bucks County has emerged as a regional leader in the prior Take-Back events, so it came as no surprise that despite the unusual fall storm, we led the Commonwealth of Pennsylvania in collecting nearly 2 tons of unwanted prescription drugs. Due to the efforts of all involved, these drugs have been removed from our community and no longer pose a threat to public safety or to the environment.

I applaud the successful cooperation of government and members of the community in keeping these drugs off our streets and out of the hands of those who may seek to abuse them, and encourage continued efforts.

STANDING AGAINST VOTER OPPRESSION

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I'm delighted to join my colleague, Congressman CLAY. And before I do that, let me rise as well to express my support for the Gabe Zimmerman legislation that we will address today and pay tribute to his bravery and certainly his loss.

We come to the floor today as partners with many in this Congress against voter intimidation and to speak on behalf of the Congressional Black Caucus, to collaborate with our many friends across the caucuses and across the interests in the Democratic Caucus, and certainly we hope to include our friends on the other side of the aisle.

Since the 2010 election, over 40 States have implemented voter ID, voter suppression laws. Madam Speaker, we are not against knowing who is voting, but we are against turning back the clock of what the Voting Rights Act attempted to do some 40-plus years ago when before that time a poll tax was utilized, or asking those from the African American community how many jelly beans were in a jar.

Just recently, I sent a letter to the U.S. Attorney's Office regarding voter intimidation and voter oppression. We rise today to say that we will stand against such oppression and ask the Justice Department to not clear voter ID laws.

Mr. Speaker, I rise today to speak about the need to protect democracy, to protect the voice of the American people, and to ensure the right to vote continues to be treated as a right under the Constitution rather than being treated as privilege.

I am joined by my colleagues here today to call on all Americans of good faith to reject and denounce tactics that have absolutely no place in our democracy. We call on African-Americans, Hispanic and Latin Americans, and Asian-American voters to stand strong and learn their voting rights granted by law and the Constitution. We call on these citizens to stand against harassment and intimidation, to vote in the face of such adversity. The most effective way to curb tactics of intimidation and harassment is to vote. Is to stand together to fight against any measures that would have the effect of preventing every eligible citizen from being able to vote. Voting ensures active participation in democracy.

Instances of voter intimidation are not long ago and far away. Just last year I sent a letter to U.S. Attorney General Eric Holder to draw his attention to several disturbing instances of voter intimidation that had taken place in Houston. In a single week there were at least 15 reports of abuse of voter rights throughout the city of Houston.

As a Senior Member of the House Judiciary Committee, I called for an immediate investigation of these instances. Many of these incidents of voter intimidation were occurring in predominately minority neighborhoods and have been directed at African-Americans and Latinos. It is unconscionable to think that anyone would deliberately employ the use of such forceful and intimidating tactics to undermine the fundamental, Constitutional right to vote.

However, such conduct has regrettably occurred in Houston, and I urge you to take appropriate action to ensure that it does not recur.

I am here today in the name of freedom, patriotism, and democracy. I am here to demand that the long hard-fought right to vote continues to be protected

A long, bitter, and bloody struggle was fought for the Voting Rights Act of 1965 so that all Americans could enjoy the right to vote, regardless of race, ethnicity, or national origin. Americans died in that fight so that others could achieve what they had been forcefully deprived of for centuries—the ability to walk freely and without fear into the polling place and cast a voting ballot.

Efforts to keep minorities from fully exercising that franchise, however, continue. Indeed, in the past thirty years, we have witnessed a pattern of efforts to intimidate and harass minority voters including efforts that were deemed "Ballot Security" programs that include the mailing of threatening notices to African-American voters, the carrying of video cameras to monitor polls, the systematic challenging of minority voters at the polls on unlawful grounds, and the hiring of guards and off-duty police officers to intimidate and frighten voters at the polls.

My colleagues on the other side of the aisle have a particularly poor track record when it comes to documented acts of voter intimidation. In 1982, a Federal Court in New Jersey provided a consent order that forbids the Republican National Committee from undertaking any ballot security activities in a polling place or election district where race or ethnic composition is a factor in the decision to conduct such activities and where a purpose or significant effect is to deter qualified voters from voting. These reprehensible practices continue to plague our Nation's minority voters.

VOTING RIGHTS ACT HISTORY

August 6, 2011, marked the 46th anniversary of the Voting Rights Act

Most Americans take the right to vote for granted. We assume that we can register and vote if we are over 18 and are citizens. Most of us learned in school that discrimination based on race, creed or national origin has been barred by the Constitution since the end of the Civil War.

Before the 1965 Voting Rights Act, however, the right to vote did not exist in practice for most African Americans. And, until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot.

Even though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades.

Asian Americans and Asian immigrants also have suffered systematic exclusion from the political process and it has taken a series of reforms, including repeal of the Chinese Exclusion Act in 1943, and passage of amendments strengthening the Voting Rights Act three decades later, to fully extend the franchise to Asian Americans. It was with this history in mind that the Voting Rights Act of 1965 was designed to make the right to vote a reality for all Americans.

And the Voting Rights Act has made giant strides toward that goal. Without exaggeration, it has been one of the most effective civil rights laws passed by Congress.

In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever. The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress. And Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.

We must not forget the importance of protecting this hard earned right.

VOTER ID

An election with integrity is one that is open to every eligible voter. Restrictive voter ID requirements degrade the integrity of our elections by systematically excluding large numbers of eligible Americans.

I do not argue with the notion that we must prevent individuals from voting who are not allowed to vote. Yet a hidden argument in this bill is that immigrants may "infiltrate" our voting system. Legal immigrants who have successfully navigated the citizenship maze are unlikely to draw the attention of the authorities by attempting to register incorrectly. Similarly, undocumented immigrants are even less likely to risk deportation just to influence an election.

If for no other reason than after a major disaster be it earthquakes, fires, floods or hurricanes, we must all understand how vulnerable our system is. Families fleeing the hurricanes and fires suffered loss of property that included lost documents. Compounding this was the devastation of the region, which virtually shut down civil services in the area. For example, New Orleans residents after Hurricane Katrina were scattered across 44 states. These uprooted citizens had difficulty registering and voting both with absentee ballots and at satellite voting stations. As a result, those elections took place fully 8 months after the disaster, and it required the efforts of nonprofits, such as the NAACP, to ensure that voters had the access they are constitutionally guaranteed.

We need to address the election fraud that we know occurring, such as voting machine integrity and poll volunteer training and competence. After every election that occurs in this country, we have solid documented evidence of voting inconsistencies and errors. In 2004, in New Mexico, malfunctioning machines mysteriously failed to properly register a presidential vote on more than 20,000 ballots. 1 million ballots nationwide were flawed by faulty voting equipment—roughly one for every 100 cast.

Those who face the most significant barriers are not only the poor, minorities, and rural populations. 1.5 million college students, whose addresses change often, and the elderly, will also have difficulty providing documentation.

In fact, newly married individuals face significant barriers to completing a change in surname. For instance, it can take 6–8 weeks to receive the marriage certificate in the mail, another two weeks (and a full day waiting in line) to get the new Social Security card, and finally three–four weeks to get the new driver's license. There is a significant possibility that this bill will also prohibit newlyweds from voting if they are married within three months of Election Day.

The right to vote is a critical and sacred constitutionally protected civil right. To challenge this is to erode our democracy, challenge justice, and mock our moral standing. I urge my colleagues to join me in dismissing this crippling legislation, and pursue effective solutions to the real problems of election fraud and error. We cannot let the rhetoric of an election year destroy a fundamental right upon which we have established liberty and freedom.

□ 1830

GOP FRESHMEN HOUR: THE IMPORTANCE OF SMALL BUSINESS IN AMERICA

The SPEAKER pro tempore (Mr. MARINO). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from North Carolina (Mrs. ELLMERS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. ELLMERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material on the topic of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Mrs. ELLMERS. Mr. Speaker, I am here tonight with my colleagues to discuss the importance of small business in America.

Small businesses are our job creators in America, and we here in Congress must do everything that we can to help them to be doing exactly that in creating jobs in our country.

We're here to talk about these issues. We're here to talk about the burdens that are on small business that remain intact that we can help with. We must do everything we can because right now our small business hands are tied. They are telling us over and over again that regulations and the threat of taxation uncertainty continue to hold them back from creating jobs, innovating, and investing in their own companies.

With that, I yield to my colleague from Washington.

Ms. HERRERA BEUTLER. I thank the gentlelady for allowing me the time to join her here today to talk about what this government can and should be doing to help the private sector grow jobs. That's what we're about. We want to help small businesses grow jobs.

This is a statistic most of us are familiar with. Close to two-thirds of all new jobs come from small businesses. They are truly the backbone of our economy. So what if this government started by saying, What can we do to help you, not hurt you or impede your success?

And that's what this Congress is going to be doing this week as we consider the Regulatory Flexibility Act, H.R. 527. It's a bill that strengthens existing law. It simply says a Federal rule is killing jobs if a Federal agency is then required to find a rule that's less burdensome. It's pretty cut and dried. It's something we should be doing already, but we actually have to pass a bill to require it.

When the Federal agencies here in Washington, DC, issue one rule after another, small businesses pay the price and our economy loses jobs.

For instance, take Somarakis Vacuum Pumps in my neck of the woods in southwest Washington, a business manufacturer. When I visit this business, I see a thriving facility with people at work. They're assembling products that help our economy grow. But Somarakis Vacuum Pumps doesn't have a huge team of lawyers and business accountants to handle the regulatory details. They actually need regulatory specialists to navigate the maze of Federal rules. They don't have the money; but, you know, they just might need it.

I actually brought the reason why I think they might need that. Mr. Speaker, this is pretty heavy. This is actually the list of Federal rules and regulations just for half of November. This doesn't even represent the entire month. These books I have right here represent about 2 weeks' worth of Federal regulations and rules that Somarakis Vacuum Pumps has to navigate.

Let me show you, if I may, just the rules from the last 3 days—Monday, Tuesday, and Wednesday—right here.

You know, part of the reason we're here today is to illustrate the need to make it simpler and easier for small businesses to navigate this Federal maze. I mean, this is ridiculous. This is Monday, this is Tuesday, and this is Wednesday. Three days' worth of rules that Somarakis Vacuum Pumps in southwest Washington is going to need help navigating.

It shouldn't be this way, Mr. Speaker, which is why this week we're working very hard, and we're going to pass a bill that says if these rules and burdens—it puts the proof and the burden back on the government. If these rules are too burdensome, the Federal Government needs to find a better way to put forward its regulations.

Another rule that's really important is working its way through the Environmental Protection Agency and the courts. It's called the Forest Roads Rule. It's also very impactful to southwest Washington. It's crippling in that it overturns 35 years of environmental policy and would require a Federal permit on every single forest road. In essence, you have to get the same Federal permit for a road through your privately owned forestland that you would have to get for factories and industrial sites. That's not necessary.

Let's consider the impacts on public land. According to the U.S. Forest Service, it would require that agency alone 10 years to obtain the 400,000 permits necessary for the roads on public lands. What would that do to Rick Dunning, who owns a small tree farm in Clark County, Washington? He's not the U.S. Forest Service. He doesn't have unlimited lawyers and resources. He has to do this on his own.

That's what we're here tonight to do is to make it easier on these small business owners to operate in our regions and grow our economy.

With that, I thank the gentlelady for the time to talk about my support for the Regulatory Flexibility Act and for what we're doing to help grow jobs in small businesses.

Mrs. ELLMERS. I will just echo my colleague's remarks by saying that, according to the NFIB, compliance with environmental regulations costs small businesses four times more than larger firms. Larger firms do have the ability and employees in place to deal with these issues. Our small businesses simply cannot afford to do business that way.

With that, I yield to my colleague from California.

Mr. DENHAM. Thank you for your leadership on this area.

I rise in support of H.R. 527. We can't afford any more of the overregulation. Regulatory burdens from new rules just this year alone have cost American taxpayers $93.2 billion. One study found that each $1 million increase in the Federal regulatory budget costs 420 jobs. Overregulation costs us jobs around the Nation.

Let me just speak from my own perspective.

Twelve years ago, I started Denham Plastics, something that my wife and I borrowed an incredible amount of money to start a vision that we had supporting the agriculture industry with a plastics company. It has been a tough road to hoe as a small business owner. It certainly comes at great risk to our family, but it was a vision that we had, that we believed, that without any government intervention we can succeed in not only creating new customers but new jobs.

But one regulation would have put us out of business—the government-run health care. Just the 1099 provision alone, by having to report all of our customers, by having to report all of our suppliers, would have put our small business under.

From an agriculture perspective—I'm a farmer in the central valley. The EPA came down with new dust control regulations.

Now, we farm. We drive tractors. We till our land, and we're going to have dust. I mean, just by the sheer motion of a tractor driving through a field or plowing through the dirt—it's something that we've done through the history of our Nation—creates dust. But are you going to put us out of business because of it?

We grow almonds. You can't spray the trees full of water before you shake the trees and harvest the almonds. You're going to have dust.

So I've been a coauthor of a bill that gets rid of this burdensome regulation, something that would shut down our agriculture industry, not only in the central valley of California but across the Nation. We're farmers. We are going to have dust.

Some of my fellow farmers and ranchers are also aware that EPA also wanted to expand its regulation of manure as a threat of greenhouse gas. I mean, some of these things are so ludicrous that they just cost us millions of jobs, and the threat alone causes farmers to say, Do we really want to be in this business? Do our kids really want to take over the family farm?

We've got to stop this overregulation because it does cost us jobs. We've got to stop eliminating jobs before we can actually go out and create more jobs. We have to have certainty in the marketplace. And whether you're a farmer or a small business owner, the regulations affect us in such a way that, as a small business owner, I couldn't go out there and hire a lobbyist to go through the 90,000 pages of new regulations this year alone.

□ 1840

We have to stop the regulations that are killing businesses throughout the Nation. H.R. 527 is one way to do that. We need flexibility. Most of all, we need certainty. We've got to be able to plan our businesses, not for a month, not for 2 months, not for 1 year. When you're in business, when you're out there borrowing capital, when you're putting your home into a second mortgage because you want to have the American Dream and create a business and want to go out and hire new people, you have to have some certainty. I can't go to my wife and say, Let's take a second out on our home, and maybe we might make it next year.

With regulations, we don't know what's going to happen. We need to be able to plan for 5 years, 10 years. We need to be able to plan on putting our kids through college. Before I go out and hire a new employee, I need to make a commitment to that employee that we're going to have ongoing employment, and I need to make a commitment to that employee's entire family, who depends on us for that new job.

So the regulations that are killing our businesses across the Nation have to end. We need flexibility. We need certainty as a business. We need it in order to create jobs in this great Nation.

Mrs. ELLMERS. I thank my colleague from California. Your perspective alone, as a small business owner and as a farmer, really gives us that strong idea of what we're really facing.

Many of us here in Washington now are and have been small business owners, and we understand the burdens that we are having to undertake and that the rest of America is dealing

with. In fact, Mr. Speaker, I'm going to just talk a little bit about some statistics and poll data.

According to a recent Gallup Poll, small business owners in the United States say complying with government regulations is the most important problem facing them today, followed by consumer confidence in the economy and a lack of consumer demand. Small business firms bear a regulatory cost of $10,585 per employee just to deal with the regulations, which is 36 percent higher, there again, than larger businesses. Small business is what drives our economy, yet it is what is continuously targeted, and we must act on it with the bill that we will pass tomorrow, H.R. 527.

I spoke a little bit about the excessive costs of dealing with environmental regulations. According to the Small Business Administration, regulations cost the American economy $1.7 trillion annually, which is an enormous cost. You can see by our unemployment rate why we continue in this. Until we are able to cut the excessive, overbearing regulations that are facing our businesses, we will not turn this economy around. That is why we must act now. That is why, of the many bills we have passed over to the Senate, we repeatedly ask for a vote so that we can get started. We could do this tomorrow if these bills were voted on.

One last bit of information before I introduce my next colleague.

Of the administration's new regulations—''new'' regulations—200 are expected to cost over $100 million each. Seven of those new regulations will cost the economy more than $1 billion each. We cannot continue on this path.

With that, I yield to my colleague from Illinois.

Mr. SCHILLING. I thank the gentlewoman from North Carolina for inviting me to participate today.

The best thing about having the opportunity to represent the residents of Illinois' 17th District is the ability to just listen to their concerns and then taking those concerns back here to Washington, D.C.

As I travel throughout the area, I listen, and I am also asked what worries me. I worry about unemployment and about the uncertainty facing our families in our district. I am worried that more is not being done to create an environment of certainty that promotes long-term growth in our jobs sector.

Government does not create jobs. We need to be clear about that. Government creates an environment for job creation by the private sector. Folks simply will not be put back to work if government continues villainizing our job creators and enacting policies that keep workers on the unemployment lines and drive us deeper into debt. As a small business owner myself, I understand how this hinders the ability to create jobs.

Back in August, I invited local business owners throughout our area to participate in a business roundtable where we discussed what government can do to empower the private sector, spur job creation, and grow our economy. These business owners are the people we are asking to lead us into economic recovery and to put Americans back to work.

I was pleased to see folks from all sorts of industries present eager and great ideas and thoughts on issues that basically are causing them to struggle in this economy. They shared with me that the high energy costs, rising taxes, mixed messages from Washington, D.C., and the uncertainty from the Illinois State government are stifling the creation of an environment of economic success.

Now, there are more than 27 million small businesses throughout the United States of America. They are the lifeblood of our Nation's economy. America's small businesses create 7 out of every 10 new jobs, and they employ over half the country's private-sector workforce. We ought to be making it easier for these folks to grow and hire new workers, not villainizing them or burdening them with a broken Tax Code, unnecessary mandates, high energy costs, and uncertainty. We need to tear down the roadblocks, get government out of the way and lay the groundwork for real private-sector job creation.

Phil Nelson, president of the Illinois Farm Bureau, recently testified before the Small Business Committee.

He said, ''What really keeps me lying awake at night is the potential for more regulatory creep. It's as if we go to bed one night with one set of regulations and wake up the next morning facing a new set. Every moment that we spend fighting and then working to comply with needless, duplicative regulations takes us away from what we do best—producing food.''

My colleagues and I in the House have been focused on jobs since day one—passing more than 20 jobs bills to give small businesses the certainty they need to grow, increasing the domestic production of oil and getting Americans back to work. Unfortunately, these bills remain stuck in the Senate, but we cannot do it alone. The President and the Senate Democrats must join us.

This week, we will be voting on H.R. 527, the Regulatory Flexibility Improvements Act. This is yet another pro-jobs bill, one that helps address the problem of burdensome, reckless regulations that burden businesses and stunt job growth. The Regulatory Flexibility Improvements Act provides urgently needed help to small businesses facing an onslaught of Federal regulations. When considering regulations, agencies frequently fail to consider alternative ways to achieve the regulatory goals without imposing unnecessary burdens on America's job creators. This bill increases the ability of small businesses to provide input to Federal agencies as they consider government regulations, and it gives the Small Business Administration new authority to ensure agencies comply with a law that requires flexibility in taking regulatory action against small business.

It takes President Obama's regulatory review Executive order one step further, giving the Small Business Administration the ability to ensure new regulations are in compliance with the law while verifying that small businesses will be able to comply without hurting their ability to create jobs.

Business owners need the certainty that government will get out of the way so that they can do what they do best, which is to grow their businesses and create jobs, and the American people need real bipartisan solutions to our jobs crisis.

Let's put politics and partisanship aside and help the private sector create the jobs that Americans throughout the country so desperately need. The time has come to empower small businesses and to reduce government barriers by helping our small businesses, by fixing the Tax Code to help our job creators, by boosting competitiveness for American manufacturers, by encouraging entrepreneurship and growth, by maximizing American energy production, by paying down America's unsustainable debt burden, and by starting to live within our means.

Mrs. ELLMERS. I thank my colleague from Illinois for that very important information.

Again, as a small business owner, this information is vital to the solutions that we're coming up with here in Washington. We're not just Members of Congress who don't have the experience out there, and we aren't just listening to the usual Washington bureaucrats.

□ 1850

We are actually small business owners who deal with these real-life experiences and understand what works and what doesn't, and this simply is not working.

Mr. Speaker, in my district, where the unemployment rate hovers at about 10.3 percent, I am hearing numerous stories highlighting how small businesses are ''hanging on by a thread,'' and I say that in quotes. ''Hanging on by a thread'' is what I hear. ''Over-regulation is killing us,'' is another quote I hear over and over and over again.

They feel that they are being punished by Washington. They, years ago, felt that their competitors were the ones that they were working against and trying to compete with for a better product. Now they feel that they are working against the Federal Government and the Federal Government is working against them. The Federal Government has become their enemy.

One of the local small businesses in my district is Kivett's Incorporated in Clinton, North Carolina, owned and operated by Mr. Jerol and Telia Kivett. They are wonderful people, and I met them when I was actually running for

office. Why? Because I needed to go in. They called for a meeting with me because they were so concerned with where our country was going and what was happening to their business.

They were not people who had been politically active, they were not people who had ever sat down with a Member of Congress or a want-to-be Member of Congress, but they felt trapped and continue to feel trapped by the government regulations and all of the uncertainty, including the President's health care bill, which they know will harm them greatly.

Kivett's Incorporated, is the largest family-owned and operated church pew manufacturer and pew refinisher in the United States. In addition, they build and refurbish other church furniture and fixtures, such as steeples and stained glass windows and provide a full range of services from delivery to installation.

This is a jewel in my district. So many are sending these jobs over to China, and yet the Kivetts have maintained their business. Their business was started by Jerol's father, I believe, back in the fifties. They have spent their lives and dedicated their lives to their business, and they are feeling that it is being pulled out from underneath them.

Mr. Kivett's company had 160 employees in 2005, and they are now down to 52—from 160 to 52. Their volume of business is down 60 percent. Their business has not made a profit in the last 3 years. That is significant. They have not increased the prices on their products either since 2005.

This has been due to the fear of losing more business, even though their costs, their costs for products, have escalated; but they have tried to maintain their business by keeping their prices at the same level. At one point they were averaging one church, church furniture for one church every day, and are now down to approximately two per week.

Mr. Speaker, how are they going to be able to keep their doors open and keep those 52 remaining employees working? Churches depend on charitable giving, and they are having a hard time finding a way to meet their operating budget, which leaves any kind of future planning completely out of the realm of possibility.

I spoke a moment ago about the health care law, the uncertainty it's creating for small businesses. Owners make it harder for us to determine—and this is coming straight from Mr. Kivett—it is making it harder for us to determine what our costs are at a time when we are struggling to meet the most basic cost of running our business.

As Mr. Kivett puts it, we are just trying to maintain and praying for the government to stop attempting to regulate small businesses and ''get out of the way.'' That is another quote I hear over and over and over again: ''Get out of the way.''

That's some of the gloom and doom that my business owners in my district are faced with. As you heard tonight from some of my colleagues, there is a light at the end of the tunnel. Mr. SCHILLING from Illinois showed you the card, the number of bills, again, that we have passed in the House with bipartisan support to create jobs.

We keep hearing how America wants jobs. We keep hearing about the 99. The 99 percent is sitting on the floor of the majority leader in the Senate, because if those bills were passed and sent to the President to be signed into law, we could have jobs created in this country. We need to decrease the unemployment rate.

We can talk about cutting spending all day long, and we are all about that, but until we get people back to work, we're not going to turn this economy around. Again, there is a light at the end of the tunnel, and you have heard us speak tonight about H.R. 527, which we will be voting on tomorrow.

We simply cannot continue the one-size-fits-all regulations produced by this administration which hinder our small businesses. This bill will help alleviate needless burdens. Economic recovery begins with our small businesses, but this will not happen unless we rein in the mass of regulations coming from right here in Washington.

The Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act, requires Federal agencies to assess the economic impact of their regulations on small business. Imagine that, imagine having to run an economic impact study to find out how much damage they will be doing to small businesses if these regulations are put in place.

If the impact is significant, they must consider alternatives that are less burdensome. However, the agencies have used loopholes to get around this statute, and that is why it is so important that we pass H.R. 527, the Regulatory Flexibility Improvements Act of 2011, which would remove the loopholes and strengthen the flexibility act by increasing the power of the office of the chief counsel for advocacy to enforce the RFA, ensuring complete analysis of potential impacts on small business and forcing agencies to perform better periodic review of rules.

Regulations often impose unnecessary burdens on small business. You've heard that over and over and over again tonight, that impede their ability to create jobs. Agencies frequently fail to consider appropriate alternatives that allow agencies to achieve their regulatory objectives without imposing burdens on America's job creators, our small business owners.

The Regulatory Flexibility Improvements Act, H.R. 527, provides urgently needed help to small businesses facing an onslaught of Federal regulations. It has been 15 years since Congress last updated the Regulatory Flexibility Act of 1980. During that time, we have seen that there are weaknesses in the regulatory process that Federal agencies have exploited to the detriment of small businesses and job creators.

This bill ensures Federal agencies can no longer ignore the RFA. Job creators are the key to economic recovery and the small businesses are America's job creators. Over-regulation requires the diversion of scarce capital from job creation to regulatory compliance.

I said earlier, Mr. Speaker, North Carolina's unemployment rate is now 10.4 percent. This is not a statistic; this is a catastrophe.

Mr. Speaker, thank you so much for this opportunity tonight.

Mr. KING of Iowa. Will the gentlelady yield?

Mrs. ELLMERS. I yield to my colleague from Iowa.

□ 1900

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding, and I especially thank her for leading in this Special Order hour here tonight to discuss the burden of regulation on business in this country, primarily the burden on small businesses in America.

From my standpoint and my background, I started a business in 1975. I remember the fears I had at the time. I knew I could do the work and I knew I could line up the customers. I believed I could turn a cash flow, but I didn't know that I could comply with all government regulations. And little did I know how much I was actually stepping into.

When you begin to enter into a business, you are stepping into the unknown. That unknown turned out to be that I would find out about a government agent after a government agent, one after another. They would show up. They'd send me a little mailer. They would talk to someone else in my business. They would say: Did you meet this one? Did you meet that regulation? Do you have your MSD requirements there? What about the EPA side of this? Do you know you have to post a sign that says that you're an equal opportunity employer. And by the way, that has to be in multiple languages. And in case someone shows up that doesn't speak that language, you may have another regulation to provide that interpreter that's there.

On and on and on it went. More and more of my time went away from producing goods and services that had a marketable value, and instead it was invested in complying with primarily Federal but also State regulations.

So as the years went by, I got better at it. I found out more and more to comply with, and I got greater and greater frustration within me because of this burden of filing reports, meeting deadlines, and making sure that the government bureaucrats had all of their regulations and all of the paperwork that they wanted, all the while, ''To what purpose?'' was my question, because much of that paperwork that I was filling out was going off in some

storage dungeon somewhere never to be seen again unless there was some type of litigation or regulation enforcement against me, in which case then I was confident that they would go dig it up out of the dungeon and pull up that paperwork to see if I dotted the i's and crossed the t's. But what good did it do? What good did most of that regulation do if it simply was going to go off somewhere to go into storage so if, God forbid we had an accident on the job site and OSHA would come in, they would want to make sure that I had all of my regulations in place? But that wouldn't make us more safe, the paperwork would not.

I made a comment here in the Judiciary Committee a month or so ago that of all of these regulations that we have to comply with, if you look across America, there are some really good companies in this country. Of all of them, thousands and thousands of companies in America, hundreds of thousands—actually, millions of companies in America altogether. They advertise everything under the sun that you can imagine. They have banners on their Web site. They will tell you that they are the best or first at—you name anything it is you want. Put it in the Google search. You'll find an American company that will provide it for you, and they'll advertise their quality. They'll advertise their personnel. They'll advertise the efficiency and the cost. It will go on and on and on. But there isn't a single company in America, not one, Mr. Speaker, that has a little banner on their Web site that says, ''We are in compliance with all Federal regulations.'' Not one single company takes that position, and I'll tell you why: because they know if they ever advertise that they are in compliance, there would be a Federal bureaucrat that represented an agency, or two or more, or up to 682, according to the Constitution Daily Web site, Federal agencies—and those are subdepartments and divisions, regulatory entities, 682 of them, and this count is about 5 years old, by the way—that can levy sanction actions against American businesses.

And so the number one fear I had was: Can I comply with all of these regulations? Can I identify them? Can I comply with them? And what do I do about the conflicting regulations where, if you meet one regulation, the other regulation contradicts it? You're bound to be in violation.

So today there isn't a single company in America that advertises that they are in compliance with all Federal regulations. And if they did, I think we should give them the Doo Dah of the Year Award for that because they would be surrounded by bureaucrats, Federal regulators that are in there to inspect, to make sure that they are completely in compliance.

And, by the way, they have to justify their job. So I would predict that any company that would announce that they are in compliance with all Federal regulations probably wouldn't survive beyond about 18 months before they went into bankruptcy because they would be tied up in knots and tied down and they couldn't produce those goods and services that have a marketable value.

Now, there is a tradeoff on this always, and it doesn't mean that we should not have wise regulations. Yes, we should. But they need to keep in mind the regulatory burden of those rules and what it does to slow down production.

Now, I've said goods and services that have a marketable valuable both domestically and abroad. That means, if you run a company, you want to go to work every day, and you look around, what do we do? We produce a product. We manufacture and market a widget. And you want to do that as efficiently as possible. So if you put 100 people out there on the factory floor to manufacture widgets, and it doesn't take but one person to run payroll and answer mail, you're in pretty good shape. You've got one of those 100 people that's tied up doing administrative duties, that's pretty good efficiency. That's 99 percent producing that product, that number one, grade A widget that you're manufacturing and perhaps invented.

But as soon as a bureaucrat comes along and says, Wait a minute. You have to have somebody here that's documenting—let's say the water that's coming in, the electricity that's coming in, the sewage that's going out. You have to have safety inspectors and you have to have safety meetings, so that once a week you line everybody up and spend 15 to 30 minutes telling them what they need to do, which is safe. Not a bad idea, but when the government calls for that, they put more on your overhead and they've shut down the production of that entire plant for that period of time that they prescribe.

And the other regulations that come along in our construction businesses, the Federal Government saying, let's see, you have to pay the Federal Government scale for your equipment operators on construction projects, Davis-Bacon wage scale. That really means union-imposed scale on those projects. And it might change the wages. In the past, I've seen them double or be cut in half, depending which direction you're going. Just going across the highway, you go into a different division and it's a whole different wage scale. The guy running the shovel gets a different wage than the guy that's running the grease gun, different from the guy that's running the machine that's being greased or having the track scooped out on it. And I have to keep track of all of that and do what the government tells me, which means not just is it costly to keep track of it all, but it consumes the efficiency on the project. It makes it difficult, if not impossible.

Mrs. ELLMERS. I thank the gentleman from Iowa.

Mr. Speaker, I just want to take the opportunity to say in closing that, as a small business owner with my husband back in Dunn, North Carolina, with our surgical practice, that we have faced exactly what my colleague is talking about, these excessive regulations that have continued through the years.

We are at a point now where we are seeing our fellow colleagues back home with medical practices closing their doors, being bought out by hospitals because they just cannot and know they will not be able to adhere to the mandates coming forward with the health care bill and all of the uncertainty with the doc fix, SGR, all of those wonderful things.

Mr. Speaker, we must act now. We can turn this economy around by acting on these regulations, by passing these regulatory decreases for our businesses so that, there again, our job creators can do what they do best, reinvesting in this country and being the job creators that they are.

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

AMERICAN EXCEPTIONALISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate that recognition, and I appreciate the input that has come from the gentlelady from North Carolina. I came down here to change the subject, but I wanted to speak about regulation, and I'll just wrap up those thoughts that I had before the clock ticked down and take it over to this.

As I emerged into the construction business that I identified, I found myself doing seminars with other people of the same profession around the five-State area in the upper Midwest with our trade association, the Land Improvement Contractors of America. In that five-State area as I traveled around and held those seminars, I began to ask the questions of self-employed people. Most of them had started the business themselves, and they were employers doing this in the kind of way that we need to encourage more Americans to do rather than discourage them with regulation.

I began to ask them, How many agencies regulate your trade? As I asked that question, there might be 60 to 70 contractors in a room, and we would begin to write down the names of those agencies. And, yes, some of them were divisions within the agencies. You can start with the IRS and the EPA and you go on and on and on. OSHA, the mine regulators. It continues on. But we came to this number of our little narrow trade group, 43 different agencies that regulate us. And we needed to know the regulations from 43 different agencies. We needed to be able to anticipate how they would interpret those regulations and how they would

enforce them, and then you also had to calculate, when they contradicted one another, what the likelihood would be of one entity showing up, one agency to regulate you versus another.

□ 1910

If they had conflicting regulations, then you ran your operation to try to comply with the one that's most likely to show up to regulate in contradiction with the other. That goes on in America every single day. There are floors and floors of lawyers and administrative experts whose job it is to try to keep those companies from avoiding the conflict that comes from Federal regulations and, of course, our State regulations that are part of that as well.

It is a great frustration to enter into a business wanting just to provide that good or that service and do it with in a marketable, competitive way; to have a margin of profit and control your destiny and raise your family and do those things that are acting out the American Dream, and find out that a lot of your life is really just tied up in meeting with government regulations and serving this Congress and dealing with so many people that can control the destiny of some 300 million Americans, who have never signed the front of a paycheck, who have no idea what it's like to not maybe have any capital and go out and build a little bit with some sweat equity and take that little bit of capital and roll it and invest it, and after a while find enough margin out there and enough customers that you're compelled to hire a person to help you.

Now there's two people working there instead of one. And then you multiply that again and you take some more sweat and your little bit of equity and now you get to double up the equity and now you get to have another employee and another. While that's going on, you're building a capital base that bridges you through the hard times.

And the attitude, especially over on this side of the aisle, is an attitude that employers somehow are victimizers of the proletariats. Ladies and gentlemen, Mr. Speaker, I would say to you that those folks here in this Congress—and most of them are over on the liberal side of this aisle—believe that employers are victimizers and that employees have a certain virtue to them. I'll just say that we have good and evil in all of us. But the people who risk their capital and many times put everything they have on the line and help stand to lose it all if it doesn't work, they're not taking advantage of the employees. They're giving the employees a job.

Republicans over on this side, we say: jobs, jobs, jobs. Well, yes, we want those jobs. I don't believe that government creates the jobs. I think we should stop saying we need to create jobs. We don't. We need to get government out of the way so that investors can see an opportunity for profit. And if they see that opportunity for profit, they won't just invest their capital or their sweat; they will produce the kind of jobs out there that will sustain people in a market economy.

That's what needs to happen because, first, there have to come profits. You can't pay payroll very long if you don't have profits, which means that you're not going to have jobs unless people make money. So what do we do in this Congress? You people over here, you want to punish those people that are making money. On this side of the aisle, we don't want to call those people that are punishing the people that are seeking a profit because we're saying we want jobs.

We should all say we want to see profit in these companies so that that profit gets reinvested and more people have an opportunity to go to work and receive a paycheck and perhaps a raise and a better benefits package. And maybe, if that profit gets so great in those companies, they'll spin off of there and the people that learn the business going to work for the boss end up in competition against the boss. That's another thing that is the American way.

These kinds of things need to happen organically over and over again in America millions of times. And if they don't happen, then this country devolves itself down into a European-style social democracy. it's hard for me to even say those words and think of America in that fashion. We've moved in that fashion dramatically.

Mr. Speaker, the President of the United States doesn't believe in these things that I have described that I think are good. He's advocated this Keynesian economy on steroids. He's advocated for spending trillions of dollars, borrowing it. About half of that money, by the way, is borrowed from the investors in America, who believe that U.S. Treasury bills are the safest place to put their money.

And actually it may be if you're going to talk about global currency, the other currency has gotten unstable, too. The euro is in a very unstable, unbalanced condition right now. They have spent money in the European Union—money that they didn't have. They have built a government bureaucracy much heavier than needed to be.

I've twice been to Greece this year, and they have their head in the sand, in my opinion. They believe that they are the first of a multiple dominos in the EU and that they're only 2 percent of the GDP of the European Union, and if they're not bailed out by the EU—and that means, yes, loan guarantees, but it gets down to debt forgiveness at a certain point—if they're not bailed out at a certain point, if they default, then they will move away from the euro, the currency, and pick up the drachma again and print their money back in Greece a second time, or again.

If that happens, they think the euro becomes less stable if the Greeks aren't involved in it. They argue that they're a domino. So if they're not held up, propped up by the rest of Europe, then they'll fall as a domino. And if that happens, the euro will start to tumble. By the way, their domino will clip Italy, Portugal, Spain, Ireland, Belgium, name your country over there.

Well, it may or may not be true. It's hard to look at Greece and argue that they are a domino, and if they fall, that they'll necessarily hit one of those other unstable countries that will also fall into one and the other and the other. And it will start this cascading effect through the dominos of those unstable countries in Europe might not be true. It might be true that Greece could have a firewall built around it; and if they default, they default. And they'd have to rebuild their country from bottom up, inside out, back to production again.

I hope that this doesn't happen in Greece. I hope that there's a stable economic environment that grows out of Europe. We're tied to them financially with hundreds of billions of dollars invested over into the European banks. If they should fail, then it hurts us badly.

We're also highly leveraged in this country. The comparison of us to Greece is one that is considerably disturbing. There is a good side to a potential Greek default, and that would be that it would give this Congress a lesson for what America needs to do to avoid a similar calamity. I would like to see us steer our way out of this, but we're here having a debate in this Congress about minutiae in proportion to the scope of the problem that we are in.

We came into this new Congress with a new Speaker, JOHN BOEHNER. We have an opportunity with 87 new freshman Republicans that came here. Most of them pledged not to raise the debt ceiling. Most of them pledged to bring us back to fiscal responsibility and fiscal accountability. They all believe that to this day. I don't think they've lost their beliefs. But along the way there were a lot of big decisions that needed to be made without time to analyze. And so what happened?

I said the first thing we needed to do was repeal ObamaCare, repeal ObamaCare, repeal ObamaCare. I can't say it enough. We need to repeal ObamaCare if we're going to have a country that will function and operate economically again. It drives us so deeply into debt that just removing a couple of those components of ObamaCare, according to DENNY REHBERG, the chairman of the HHH Appropriations Committee—Health and Human Services Appropriations Committee—it would cut our spending over the next decade by $1.379 trillion. It would solve the whole problem of the supercommittee, that $1.379 trillion cut that comes just from ending the expansion into Medicaid. By the way, the CLASS Act was going to go anyway. The administration admitted that they couldn't sustain that component.

One other component in ObamaCare was the individual premium subsidy for those who were compelled to buy insurance under ObamaCare. Those components totaled $1.379 trillion. So we strike those out, shut off any funding to that, and we've saved that $1.379 trillion. That would more than handle the $1.2 trillion that we're directed in the debt ceiling deal.

But, Mr. Speaker, this went this way. We had a chance coming into this new Congress, this 112th Congress, to draw bright lines and to ensure fiscal responsibility and actually fix the real scope of this problem. Step number one was repeal ObamaCare.

□ 1920

We passed that out of this House, H.R. 2, sent it over to HARRY REID in the Senate, Mr. Speaker, where he set it up for failure and they shot it down.

So every Republican in the House and every Republican in the Senate has voted to repeal ObamaCare. Congratulations, thank you all for doing that. We didn't get it done, but we got it voted on. And it's on the conscience of the people that voted ''no'' that that monstrosity of a regulation churns its way through, consuming $105.5 billion in automatic appropriations that were written deceptively into ObamaCare in an unprecedented fashion. Oh, yes, the tactic had been used before, but the scope had never been used like that before.

And so that $105.5 billion is in there. And it's around $26 billion in the first 2 years of ObamaCare, this year, next year, $26 billion being churned away. And if we had reached an impasse on our negotiations with the continuing resolution, the CR that hit at midnight on March 4, if that had resulted in a showdown that would have been the President causing a shutdown, that might have seen the lights go off in Federal offices all across the land, Mr. Speaker. But you could have driven around the Federal buildings here in this city and around the Federal buildings across America, and where the lights were on in that eventuality, they would be on because the money that funds ObamaCare goes on anyway; it's automatic, they call it mandatory spending. And we tried to shut that off as well. And we did send the amendment language out of this House of Representatives that shut off all of the funding to ObamaCare. And it went over to the Senate, but it was attached to the bill that went with the CR as an appendage so that they could separate it out and vote it down in the Senate—and that's what HARRY REID did in the Senate also, Mr. Speaker.

And so here we are with a Congress that began kind of on the right foot with an opportunity to force a showdown with the President of the United States and make him defend ObamaCare. We could have legitimately funded all of the functions of government—or we could have responsibly funded all of the legitimate functions of government would be a better way to phrase that, Mr. Speaker—and shut off all funding to ObamaCare. The President of the United States then was predicted to veto a bill like that. Had he done that, he would have had to explain to the American people that his signature piece of legislation, ObamaCare, means more to him than all of the legitimate functions of government combined. That would have been the showdown. It should have been the showdown. I believe that we would have prevailed on that showdown. And I think the President would have had to accept the funds that we put on his desk in a CR appropriations bill, minus any funding that goes into ObamaCare, cutting off all the automatic funding that goes to ObamaCare—could have, would have, should have done that, Mr. Speaker.

We moved past that point. The CR was going to be $100 billion in cuts; it didn't become that. That number went down low enough that I'll not utter it into this CONGRESSIONAL RECORD. It's just not something that people go back and revisit that even voted for it. And then we were going to do yeoman's work and cut trillions of spending with the budget bill that came to the floor of the House, known as the Republican budget resolution, that was championed by PAUL RYAN of Wisconsin, who has done great work here on fiscal responsibility. That budget didn't balance for 26 years, Mr. Speaker. That was all we could get out of this Congress. It's hard to craft a budget that comes that close. He did a lot of hard work on it and laid out some good parameters that we need to pick up and deal with.

But the budget resolution here on the floor of the House was a promise from ourselves to ourselves that we were going to hold this spending down. And this spending allocation was agreed to by this Congress—by the majority of the House of Representatives, excuse me. The Senate hasn't passed a budget in so long I don't remember when. And so Mr. Speaker, that budget was passed, balancing in 26 years, spending too much money, leaving us with $23 trillion in national debt 10 years down the road. And it was a great step in the right direction—not as strong as I wanted it to be, not as strong as the RSC budget, which I voted for, but the one that could pass that could constrain our spending. I voted for them both. The RSC budget that balanced in about 9 years and the Ryan budget that balanced in 26 years left us with $23 trillion in national debt 10 years down the road. That doesn't sound very appetizing to the American public, those facts, Mr. Speaker, but those facts didn't hold.

The promise from ourselves to ourselves went kind of out the window when the debt ceiling agreement was presented to the floor of this Congress and ultimately passed. And in that was a supercommittee, in that was a promise to vote on a balanced budget amendment, and in that was the threat that if the supercommittee didn't produce a product that could pass the Congress and be signed by the President, then there would be the sequestration—which I don't know where the language of that came from, but the sequestration is the automatic cuts that we're looking at now.

I knew when the debt ceiling deal was finally put on paper that we had to go through a number of things. One of them was we had to have a debate about how we were going to define a balanced budget amendment. Well, we had that debate. And I think I won the debate and lost the decision, but nonetheless, the clean version of the balanced budget amendment was brought to the floor. I didn't call it a clean version. I think we needed to have the balanced budget amendment that passed the Judiciary Committee. We should have let the committee work its will. The Judiciary Committee marked up a balanced budget amendment that had a cap at 18 percent of GDP on spending and it had a supermajority in order to raise taxes. It was the right thing to do. It had exemptions there for a declared war or a case of a serious national emergency and other provisions. It was a good constitutional amendment that we could live with that would strengthen this country over the long term. We didn't have a vote on that. We had the one that said that thou shall have a balanced budget and allows for a tax increase to balance that budget. And of course you get to a certain point with tax increases and then you see a decline economically. And I think we are past that tipping point today, Mr. Speaker. That was another one of our struggles.

So now we're faced with a sequestration. I'm thankful that the supercommittee didn't send us a package that couldn't pass the Congress, the House and/or the Senate. I never believed that they could. They concluded they couldn't reach an agreement. There was completely an impasse. Republicans said we're not going to raise taxes and Democrats said we aren't going to do it if you don't raise taxes. They want to punish the people that are producing. They would increase the taxes—you guys over there, you would increase the taxes on the people that are paying the most taxes. You would increase the taxes on the people that are paying the highest percentage. You would argue that it's progressive.

And, you know, you're never going to be satisfied. I know you won't be satisfied. If I can tell you today—and tomorrow is the first day of December—that I have a magic wand, and I promise you all that we're going to give you what you want, and you've got all of the month of December to put your wish list together. And when the ball drops in Times Square in New York on New Year's Eve at midnight and the new year, 2012, begins, here would be the deal—here's the magic wand: Give me a list of all the things that you

want to do to take away the liberty and freedom of the American people, take away the wealth and the capital that has been so justly earned by people in this country and redistribute the wealth in the ideal of Karl Marx or any of the other leftists that you worship, grant all of the wishes that you have, reorder society according to all your dreams, and let you have 30 days to put the list together. And at midnight, when the ball drops at Times Square, stroke the magic wand, give you all your entire wish list.

If I had that power and if this happened in this fashion, I will tell you, you guys would work hard. Your lights are on at night; you're well funded and you're smart people—you're wrong on your philosophy, but you would put together a list, and it would be a long list. And it wouldn't be without some internal fights—and BARNEY FRANK will still be there after all, so there would still be some of those internal fights going on. And in the end, if I granted you your wish at midnight at the new year, but the deal would be that you had to then stop complaining the rest of your life, you would have to live under the rules that you had written that you spent 30 days—all your career wishing and dreaming and working and leveraging for in this Congress, we'd give you everything you asked for on the new year, but you'd have to be quiet then and live under those rules. And I can tell you what would happen. You would stay up all night long on New Year's night thinking, what did we forget? How did he cheat us? We really forgot to leave this in, we need to change the rules. And we're going to want more and more and more. Because, first of all, you don't want to admit to the American people what you really want to do. You're anti-capitalists, you're anti-American liberty, you're anti-free enterprise. There are a number of the pillars of American exceptionalism that you just plain oppose. And here we are, hardworking American people, why do we have all this capital? It never was a zero sum game. It never was. If you look back, where was it when the, let's say the caveman first went out there and brought a pelt back and turned it into a blanket.

□ 1930

There was a little bit of wealth that was created out of the labor that's there. When they were scavengers and foragers, they still made tools. And along the way, somebody else could make a tool a little better, a little more efficient, and someone else could raise a little garden and trade some vegetables for some arrowheads, whatever it might be. Someone else could tan a hide better than the person that hunted for the pelt, and so they traded labor.

And in the middle of all of that, they acquired things. They said, I'll tell you what. Let's do two pelts. You keep one, I'll keep the other. Fine. Now there's two blankets where there had only been one before. And on and on they went, building and building and building capital because we had free enterprise capitalism. We let people invest their sweat, and they turned it into equity.

And eventually they invented the wheel, and along came the industrial revolution, where we built things and we put them on ships, and we traded around the world. And we found that there were resources that were developed in other countries more efficiently than we could here.

Adam Smith wrote in ''Wealth of Nations'' about how they had the wool industry going on up in England and Scotland and in Ireland, and so they should be the ones there that were shearing sheep and turning that into clothing, and put the wool products that they did so well on ships and sail them down to Portugal, where they were a lot better at raising grapes and turning that into wine. And bring back a load of wine and a ship full of wool, and that was the division of labor that he described. And both countries were better off.

Mr. Speaker, whenever there are two people that trade a dollar, and it's a business transaction, or it's two or more, maybe it's three, four, five or six people in this exchange, these business deals are set up because each party benefits. There doesn't need to be a loser in an economic transaction.

And when I hire somebody to go to work for me and I pay them a wage, they get something in return. They want the money; they want the benefits. They might want the challenge. I hope they do. And they want to contribute, and we reach this agreement. It is a contractual agreement between two consenting adults. And so capital is built; wealth is built. It's not a zero sum game.

Gold got mined out by the Incas and the Aztecs, and Adam Smith wrote about that. And he said the Spanish galleons went back across the ocean with having cut out the cost of labor—he didn't say by stealing the gold from the Incas and the Aztecs. He said they cut out the cost of labor. And once they removed a significant cost of the labor of producing the gold from them, they dumped it into the markets in Europe, and the price of gold went down.

Well, supply and demand, the cost of the capital and cost of the labor goes together to produce any product that we have there. And over the centuries we built ships and we built buildings and we built highways, we built bridges, and we created cash and currency to trade our labor back and forth with a commodity that would be willing to exchange. That's money.

And then the capital that's built in this world now is trillions and trillions. And, yes, class envy sets in and people think they get a case of the ''poor me's'' if government doesn't go hand them a job.

And I hear some of you that say, well, the people that want to work should work. People who want to work should have a job. I would argue that the people that are able to, that the people that are able to work need to sustain themselves, and they need to contribute to the gross domestic product in this country. It is the patriotic thing to do.

America has created now this culture within us that somehow the Federal Government is going to guarantee a middle class standard of living to everybody that lives in this country, legal and illegal.

Mr. Speaker, I know you're going to be astonished at this, but there are 72 different means-tested Federal welfare programs functioning in the United States today; 72 of them. There isn't a single American that can name them from memory. If they can't name them from memory, neither can they describe them.

And if they can't describe them, neither can they understand how they function individually, let alone understand how 72 different welfare programs can interact with each other and function to provide an incentive for people to do the right thing, which is produce for themselves, maybe get an education, develop some job skills, go get a job.

William Bennett told us, when I came to this Congress, that he said he could solve 75 percent of the Nation's pathologies. Get married, stay married, get a job, keep a job. That's 75 percent. You know, if he's right on that, I'd say the other percent is substance abuse.

I'll bet we could get to about 99 percent if people would get married, stay married, get a job, keep a job and not abuse alcohol and reject illegal drugs. You'd solve a lot of the domestic squabbles that go on and this society would go on. We need to be a moral society.

But we are a Nation of doers and achievers, and our culture is being eroded by those who want to expand the dependency class in America.

And that's you folks over on that side of the aisle. You're in the business of expanding the dependency class in America. It goes on over and over and over again. And you do that because some of you believe, maybe even all of you believe, that it is somehow a humane thing to do to take from the sweat of one person's brow and hand it over to someone who won't sweat for their own. But you do it because it expands your political base, and then you pander to and cater to the people that you're promising somebody else's labor to.

And you think that America's going to be stronger? No, we're getting weaker. We've reached the point now where these 300 million Americans that we have, when you add up—we talk about how many on unemployment do we have. Oh, it was 15 million; now it's 14 million.

You look at the weekly numbers of the new sign-ups and that number ranges down there under 400,000 or so.

And we think, oh, it was a good week. We had less than 400,000 new sign-ups to unemployment. And people run off the other end and they expire and they're no longer eligible, and so that number went from around 15 million unemployed down to around 14 million unemployed or a little more.

That's not the number that we should be most concerned about. It is a number. We should add the 14 million that meet the definition for unemployment to the number of Americans that are of working age that are simply not in the work force, Mr. Speaker.

The Department of Labor has that on their Web site. Anyone can go there. I think it's dol.gov, something like that. And on that Web site you'll see different age groups of those working age. It starts at age 16, 16 to 19. There are around 9 million Americans of that working age that are simply not in the workforce. Yes, they may be in school. A lot of us worked our way through school. And I started before that age of 16.

And then you go from 20 on up to 25 or so, there's another chunk. Work your way on up.

Americans of working age not in the workforce, when I came to this Congress not that long ago were 69 million. Then it became 80 million. And about 2½ months ago the number, for the first time in the history of this country, the number of Americans of working age not in the workforce now has exceeded 100 million Americans—100 million. Think what you could do with the labor of 100 million Americans.

And while that's going on, now we have, what is our number, 11, 12 or more million illegals in America? I actually think it's 20 million or more, but they keep tamping that number down. They keep coming across the border, and the number got lower instead of greater by some analysis.

But in any case, we know this: about seven out of every 12 illegals here in this country work. That's marginally a little greater than the number of Americans that are working. And that seven out of 12 that are there are part of around 8 million, 7 million to 8 million documented, I'll say study-analyzed consensus numbers, 7 to 8 million illegals in America that were working. Now, if they all woke up tomorrow in their home country, that conceivably creates 8 million new jobs.

Well, you know, if they weren't coming into this country illegally, you wouldn't need so many people to go guard the border either, and they could do something productive rather than something that's not contributing economically to this country in the fashion that produces goods and services.

So there's 8 million jobs there. But there are many other jobs out there for the people that will go out there and start a business, go ask for a job, compete in this marketplace. And every one of the 100 million Americans who are not working that puts in 1 hour's work even a week contributes to the gross domestic product of the United States of America.

People who are not working, not producing, are not contributing, unless of course they've got investments that are returning, and then I'll give them some credit for that.

But 100 million. Think if you were on a boat or a ship, and let's say you had 300 people on that boat or ship, and you had to have some trimming the sails, some pulling the oars, some swabbing the decks, some down in the galley, some cooking, cleaning, housekeeping and somebody up there taking care of the captain.

And what if you had 100 out of those 300 people that said, I'm going to sit here in steerage. Bring me my food, clean up my mess. That's the scope of what America is faced with today.

I'd put the people on the oars. I'd put them up there trimming the sails and swabbing the decks, and we will sail a lot smoother, we'll be a lot stronger country, and we'll feel better about ourselves. This dignity of work is there for every man and woman that takes that job on.

And I challenge us all: let's step up, take the freedom we have left. Let's grasp for more of that liberty. Let's grasp more of that freedom, and let's put some of these 100 million people to work so they can contribute to their gross domestic product.

The rest of the world will respect us more. We'll be stronger economically. We'll have more prudent people that are contributing to the ideas in this Congress, and we will get to a balanced budget, and we will start to pay down this national debt, and we will enforce and respect the rule of law.

Mr. Speaker, I would go on for another half hour articulating some of the other pillars of American exceptionalism, but I recognize there is a limit to not your patience, but my time.

I appreciate your attention, and I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DREIER (at the request of Mr. CANTOR) for November 29 and November 30 on account of official travel.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 1, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4036. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, ''Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account'', for the period ending September 30, 2011; to the Committee on Armed Services.

4037. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David P. Fridovich, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4038. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4039. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4040. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Investing in Innovation Fund [Docket ID: ED-2011-OII-0001] received November 4, 2011; to the Committee on Education and the Workforce.

4041. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Promise Neighborhoods Program [CFDA: 84.215P] (RIN: 1855-ZA07) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4042. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules [EPA-R08-OAR-2009-0556; FRL-9486-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4043. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program [EPA-R03-OAR-2011-0773; FRL-9487-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4044. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Regulations for Control of Air Pollution by Permits for New Construction or Modification [EPA-R06-OAR-2011-0426; FRL-9485-3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4045. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Joaquin Valley Unified Air Pollution Control District and Imperial County Air Pollution Control District [EPA-R09-OAR-2011-0356; FRL-9479-3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4046. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California

State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metro Air Quality Management District [EPA-R09-OAR-2011-0382; FRL-9477-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4047. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0601; FRL-9481-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4048. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0463; FRL-9481-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4049. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-49, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4050. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-47, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4051. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on Oversight Information Pertaining to the Global Fund to Fight AIDS, Tuberculosis and Malaria; to the Committee on Foreign Affairs.

4052. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the June 21- August 20, 2011 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

4053. A letter from the Administrator and Chief Executive Officer, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2011 Annual Report, pursuant to 16 U.S.C. 839(h)(12)(B) Public Law 96-501, section 4(h)(12)(A) (94 Stat. 2711); to the Committee on Oversight and Government Reform.

4054. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-234, ''Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

4055. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-228, ''Jubilee Housing Residential Rental Project Real Property Tax Exemption Clarification Temporary Act of 2011''; to the Committee on Oversight and Government Reform.

4056. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-235, ''Real Property Tax Appeals Commission Establishment Clarification Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

4057. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-236, ''Criminal Penalty for Unregistered Motorist Repeal Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

4058. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-237, ''The Washington Ballet Equitable Real Property Tax Relief Act of 2011''; to the Committee on Oversight and Government Reform.

4059. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-238, ''Vault Tax Clarification Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

4060. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-239, ''Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

4061. A letter from the Secretary, Department of Transportation, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 2011; to the Committee on Oversight and Government Reform.

4062. A letter from the Director, Department of the Interior, transmitting the 2010 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

4063. A letter from the Deputy Director, Department of the Interior, transmitting the 2009 Annual Report for the Office of Surface Mining Reclamation and Enforcement, pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Natural Resources.

4064. A letter from the Attorney General, Department of Justice, transmitting notification that the Department has decided not to seek further review of the decision of the United States Court of Appeals for the Ninth Circuit in the case United States v. Luis Mario Barajas-Alvarado, No. 10-50134 (9th Cir.); to the Committee on the Judiciary.

4065. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''National Coverage Determinations for Fiscal Year 2008''; jointly to the Committees on Energy and Commerce and Ways and Means.

4066. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) October 2011 Quarterly Report; jointly to the Committees on Foreign Affairs and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RYAN of Wisconsin (for himself and Mr. VAN HOLLEN):

H.R. 3521. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. KEATING, Ms. DELAURO, and Mr. NEAL):

H.R. 3522. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself, Mr. RUPPERSBERGER, Mr. KING of New York, Mr. UPTON, Mrs. MYRICK, Mr. LANGEVIN, Mr. CONAWAY, Mr. MILLER of Florida, Mr. BOREN, Mr. LOBIONDO, Mr. CHANDLER, Mr. NUNES, Mr. GUTIERREZ, Mr. WESTMORELAND, Mrs. BACHMANN, Mr. ROONEY, Mr. HECK, Mr. DICKS, Mr. MCCAUL, Mr. WALDEN, Mr. CALVERT, Mr. SHIMKUS, Mr. TERRY, Mr. BURGESS, Mr. GINGREY of Georgia, Mr. THOMPSON of California, Mr. KINZINGER of Illinois, Mr. AMODEI, and Mr. POMPEO):

H.R. 3523. A bill to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BRALEY of Iowa:

H.R. 3524. A bill to amend title 38, United States Code, to provide certain rights for persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SCHWARTZ (for herself, Mr. BURGESS, and Mr. BLUMENAUER):

H.R. 3525. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture.

By Mrs. CAPPS:

H.R. 3526. A bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HULTGREN (for himself, Mr. BOREN, Mrs. BIGGERT, Mr. DOLD, Mr. JOHNSON of Illinois, Mr. LANCE, Mr. KINZINGER of Illinois, Mr. MANZULLO, and Mr. SCHOCK):

H.R. 3527. A bill to amend the Commodity Exchange Act to clarify the definition of swap dealer; to the Committee on Agriculture.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. COHEN, and Ms. MOORE):

H.R. 3528. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 3529. A bill to provide for the reinstatement of certain NAFTA Customs fees exemption, and for other purposes; to the Committee on Ways and Means.

By Mr. PERLMUTTER (for himself and Mr. SCHWEIKERT):

H.R. 3530. A bill to require the exercise of clean-up call options under securities issued by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and to prohibit any new mortgage-backed securities issued by such enterprises to contain provisions for a clean-up call option; to the Committee on Financial Services.

By Mr. PERLMUTTER:

H.R. 3531. A bill to authorize certain private rights of action under the Foreign Corrupt Practices Act of 1977 for violations by foreign concerns that damage domestic businesses; to the Committee on Energy and

Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. BOREN):

H.R. 3532. A bill to empower federally recognized Indian tribes to accept restricted fee tribal lands, and for other purposes; to the Committee on Natural Resources.

By Mr. MICA:

H.J. Res. 91. A joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute; to the Committee on Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RYAN of Wisconsin:

H.R. 3521.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. LEWIS of Georgia:

H.R. 3522.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I of the United States Constitution and its subsequent amendments, and as further clarified and interpreted by the Supreme Court of the United States.

By Mr. ROGERS of Michigan:

H.R. 3523.

Congress has the power to enact this legislation pursuant to the following:

The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that ''Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States''; and ''To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. BRALEY of Iowa:

H.R. 3524.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. SCHWARTZ:

H.R. 3525.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

By Mrs. CAPPS:

H.R. 3526.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. HULTGREN:

H.R. 3527.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3528.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. OWENS:

H.R. 3529.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article I, Section 8, Clause 3.

By Mr. PERLMUTTER:

H.R. 3530.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Article VI of the United States Constitution

By Mr. PERLMUTTER:

H.R. 3531.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 2; The Foreign Commerce Clause.

By Mr. YOUNG of Alaska:

H.R. 3532.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MICA:

H.J. Res. 91.

Congress has the power to enact this legislation pursuant to the following:

Article I section 8 ''To regulate Commerce''

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. FALEOMAVAEGA.

H.R. 100: Mr. GRAVES of Georgia, Mrs. EMERSON, Mr. MCCAUL, and Mr. ROE of Tennessee.

H.R. 132: Ms. SCHAKOWSKY.

H.R. 265: Mr. COHEN and Mr. CLAY.

H.R. 266: Mr. COHEN and Mr. CLAY.

H.R. 267: Mr. COHEN and Mr. CLAY.

H.R. 374: Mrs. BLACK.

H.R. 399: Mr. CARNEY.

H.R. 427: Mr. AMODEI.

H.R. 459: Ms. SPEIER.

H.R. 668: Mrs. HARTZLER.

H.R. 721: Ms. SLAUGHTER.

H.R. 733: Ms. MATSUI.

H.R. 735: Mr. LATTA and Mr. QUAYLE.

H.R. 831: Mr. DEFAZIO.

H.R. 835: Mr. GRIJALVA.

H.R. 876: Mr. ROTHMAN of New Jersey and Mr. MCGOVERN.

H.R. 1012: Ms. JENKINS.

H.R. 1048: Mr. BISHOP of New York, Ms. HAHN, and Ms. LEE of California.

H.R. 1148: Mr. LATTA, Mr. AMODEI, Mr. ROONEY, Mr. FARR, Mr. FLORES, Mr. DEUTCH, Mr. CRITZ, Ms. SUTTON, Mr. YARMUTH, Mr. BILBRAY, Mr. MILLER of Florida, Mrs. MCCARTHY of New York, Mr. LEVIN, and Mr. CONNOLLY of Virginia.

H.R. 1164: Mr. WITTMAN.

H.R. 1193: Mr. POSEY.

H.R. 1294: Mr. COHEN.

H.R. 1300: Mr. FARR.

H.R. 1307: Mr. STEARNS.

H.R. 1370: Mr. TIPTON, Mr. SAM JOHNSON of Texas, and Mr. WITTMAN.

H.R. 1385: Mr. SHUSTER.

H.R. 1409: Mr. SOUTHERLAND.

H.R. 1426: Mr. GARY G. MILLER of California and Mr. COHEN.

H.R. 1433: Mr. POE of Texas.

H.R. 1474: Mr. KINZINGER of Illinois.

H.R. 1477: Ms. WILSON of Florida.

H.R. 1533: Mr. SCHOCK.

H.R. 1587: Ms. WILSON of Florida.

H.R. 1629: Mr. SARBANES.

H.R. 1633: Mr. AUSTRIA, Mr. SOUTHERLAND, and Mr. HARPER.

H.R. 1639: Mr. WHITFIELD.

H.R. 1672: Mr. CUMMINGS and Mr. TOWNS.

H.R. 1681: Ms. VELÁZQUEZ.

H.R. 1697: Ms. CHU, Mr. HULTGREN, Mr. TIPTON, Mr. KLINE, and Mr. BOSWELL.

H.R. 1700: Mr. GIBSON.

H.R. 1815: Mr. REHBERG.

H.R. 1840: Mr. GIBSON.

H.R. 1848: Mr. WALBERG.

H.R. 1946: Mr. POSEY.

H.R. 1956: Mr. HARRIS.

H.R. 1966: Mr. CARNAHAN.

H.R. 1968: Mr. MCKINLEY.

H.R. 1981: Mr. ROSS of Florida and Mr. PENCE.

H.R. 1983: Ms. PINGREE of Maine.

H.R. 1988: Mr. NEAL.

H.R. 1995: Mr. MICHAUD.

H.R. 2016: Ms. MOORE, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. SEWELL, Mr. CLARKE of Michigan, Ms. NORTON, Mr. KISSELL, Mr. HOLT, Mr. HINOJOSA, Mr. YARMUTH, Mr. REYES, Mr. BACA, Ms. CHU, Mr. ENGEL, Mr. SERRANO, Mr. HONDA, Mr. LANGEVIN, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. RANGEL, Mr. SMITH of Washington, Mr. BRADY of Pennsylvania, Mr. QUIGLEY Mr. COHEN, Mr. FARR, and Mr. BLUMENAUER.

H.R. 2040: Mr. SMITH of Nebraska.

H.R. 2051: Mr. SOUTHERLAND and Mr. MCCOTTER.

H.R. 2059: Mr. YODER.

H.R. 2069: Ms. CLARKE of New York.

H.R. 2070: Mr. STEARNS.

H.R. 2104: Mr. LYNCH, Mr. THORNBERRY, and Mr. DEFAZIO.

H.R. 2137: Mr. DENT.

H.R. 2182: Mr. BROOKS.

H.R. 2268: Mr. HOLT.

H.R. 2299: Mr. UPTON.

H.R. 2306: Ms. PINGREE of Maine.

H.R. 2335: Mr. MARINO.

H.R. 2359: Mr. CLARKE of Michigan.

H.R. 2364: Ms. HAHN.

H.R. 2393: Mr. GARAMENDI.

H.R. 2394: Ms. LEE of California.

H.R. 2397: Mr. MATHESON and Mr. WITTMAN.

H.R. 2464: Mr. DAVIS of Illinois.

H.R. 2492: Mr. COSTELLO, Mr. SHERMAN, Mrs. DAVIS of California, Mr. KEATING, Mr. GRIJALVA, Mr. WALBERG, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2499: Mr. WALZ of Minnesota.

H.R. 2500: Mr. ALTMIRE.

H.R. 2505: Mr. REYES.

H.R. 2528: Mr. ROSS of Florida.

H.R. 2586: Mr. DOLD.

H.R. 2595: Mr. HIGGINS.

H.R. 2620: Mr. CLAY.

H.R. 2624: Ms. LEE of California.

H.R. 2629: Mr. MURPHY of Connecticut.

H.R. 2655: Mr. SCHOCK.

H.R. 2682: Mr. DOLD.

H.R. 2697: Mr. WALBERG and Mr. MILLER of Florida.

H.R. 2728: Mr. COHEN.

H.R. 2779: Mr. DOLD.

H.R. 2780: Mr. SCHOCK.

H.R. 2834: Mr. NUGENT.

H.R. 2857: Mr. FILNER, Ms. WATERS, and Ms. CLARKE of New York.

H.R. 2870: Mr. STIVERS.

H.R. 2874: Mr. MCCOTTER, Mr. LUETKEMEYER, and Mr. FORTENBERRY.

H.R. 2885: Mr. ALTMIRE.

H.R. 2962: Mr. WESTMORELAND and Mr. WITTMAN.

H.R. 2966: Ms. HAYWORTH and Mr. ROSKAM.

H.R. 2977: Mr. LOEBSACK and Mr. BOSWELL.

H.R. 2981: Ms. MOORE, Mr. CAPUANO, Mr. PAYNE, Mr. NADLER, and Mr. POLIS.

H.R. 2982: Mr. LUETKEMEYER, Mr. MARCHANT, Mr. GRIJALVA, and Mr. COHEN.

H.R. 3039: Mr. LUETKEMEYER.
H.R. 3040: Mr. HASTINGS of Florida.
H.R. 3042: Mr. OWENS, Mr. SHUSTER, and Mr. BARTLETT.
H.R. 3043: Mr. COLE.
H.R. 3100: Mr. DOGGETT.
H.R. 3118: Mr. POSEY.
H.R. 3122: Mr. JOHNSON of Illinois, Mr. CARNAHAN, Ms. NORTON, and Mrs. NAPOLITANO.
H.R. 3123: Mr. CARSON of Indiana and Ms. SLAUGHTER.
H.R. 3162: Mr. SOUTHERLAND and Ms. FOXX.
H.R. 3192: Mr. LANGEVIN.
H.R. 3193: Mr. FLORES, Mr. ROKITA, and Mr. HARRIS.
H.R. 3199: Mr. MCINTYRE.
H.R. 3208: Mr. CULBERSON and Mr. WALDEN.
H.R. 3209: Mr. CULBERSON and Mr. WALDEN.
H.R. 3235: Ms. NORTON.
H.R. 3236: Mr. HEINRICH.
H.R. 3243: Mr. ALEXANDER.
H.R. 3261: Ms. CHU, Mr. HOLDEN, and Mr. LARSON of Connecticut.
H.R. 3262: Mr. POSEY.
H.R. 3271: Mr. STARK and Ms. DELAURO.
H.R. 3300: Mr. CLAY.
H.R. 3308: Mr. GOWDY.
H.R. 3310: Mr. STEARNS.
H.R. 3316: Mr. STARK and Mr. HOLT.
H.R. 3317: Mr. STARK and Mr. HOLT.
H.R. 3323: Mr. CAMPBELL.
H.R. 3331: Mr. KLINE.
H.R. 3340: Mr. JONES.
H.R. 3366: Mr. PAULSEN.
H.R. 3379: Mr. SMITH of Nebraska, Mr. PEARCE, and Mr. MCCLINTOCK.
H.R. 3393: Ms. WILSON of Florida.
H.R. 3410: Mr. GIBSON, Mr. KLINE, and Mr. BURTON of Indiana.
H.R. 3415: Mr. RYAN of Ohio.
H.R. 3418: Mrs. MALONEY.
H.R. 3425: Mr. COHEN.
H.R. 3453: Mr. DUFFY.
H.R. 3455: Mr. JONES.
H.R. 3506: Mr. CARNEY and Mr. PASCRELL.
H.R. 3510: Mr. CRITZ, Ms. HAYWORTH, Mr. AUSTIN SCOTT of Georgia, Mr. GERLACH, and Mr. MICHAUD.
H.J. Res. 85: Mr. COLE, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. CHABOT, Mr. GOHMERT, Ms. GRANGER, Mrs. SCHMIDT, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. FORBES, Mrs. BLACKBURN, Mr. PITTS, Mr. YODER, Mr. HARRIS, and Mr. LANDRY.
H. Res. 20: Mr. BACA.
H. Res. 111: Mr. GRAVES of Missouri.
H. Res. 134: Mr. JACKSON of Illinois.
H. Res. 137: Mr. LEWIS of Georgia.
H. Res. 180: Mr. MCCOTTER.
H. Res. 220: Mr. FRANK of Massachusetts.
H. Res. 304: Ms. HAHN.
H. Res. 306: Ms. HAHN.
H. Res. 333: Mr. BERMAN and Mr. FARR.
H. Res. 376: Ms. ROS-LEHTINEN.
H. Res. 407: Mr. FITZPATRICK.
H. Res. 450: Mr. GRIJALVA.
H. Res. 474: Mr. FARR.
H. Res. 475: Mr. HUIZENGA of Michigan, Mr. BROOKS, Mrs. LUMMIS, Mr. STUTZMAN, Mr. GRAVES of Georgia, Mr. WILSON of South Carolina, Mr. POSEY, Mr. FORBES, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. FLEMING, Mr. PITTS, Mr. LANKFORD, Mrs. SCHMIDT, Mr. HUELSKAMP, Mr. GARRETT, Mr. COLE, Mr. HULTGREN, Mr. NEUGEBAUER, Mr. MULVANEY, Mr. FRANKS of Arizona, Mr. DESJARLAIS, Mr. FLEISCHMANN, and Mr. FINCHER.