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Rep. George Miller (D-CA) Opening Statement for the Hearing on H.R. 3094

WASHINGTON, D.C. – Below are the prepared remarks of U.S. Rep. George Miller (D-CA), the ranking member of the House Committee on Education and the Workforce for the hearing on H.R. 3094.

Good morning, Chairman Kline.

Today, this committee meets for the fifth time this year on issues relating to the National Labor Relations Board. Rather than focusing on getting Americans back to work, the majority is stubbornly continuing their ideological war against workers and their unions.

With the majority's laser-like focus on this special interest battle, one could be led to think our economic problems are the American worker and his or her rights:

- That a worker who exercises his or her right to bargain for a better life is bringing American business to its knees.
- That a group of employees who ask for safer working conditions have created high unemployment.
- Or, that massive economic uncertainty is ensuing because employers may have to put up a poster outlining rights under the National Labor Relations Act.

Of course, this is complete nonsense. Our nation's workers exercising their rights did not cause our current economic problems. By exercising their rights, they helped build the middle class.

These rights that have been on the books for more than 75 years are not now all of a sudden causing 'uncertainty'.

We should, however, be certain about one thing: Working families are hurting through no fault of their own and need this Congress to start paying attention. Instead of addressing their concerns, we are discussing a bill that should be more appropriately named the 'Election Prevention Act' because it does just that.

Its singular goal is to delay and ultimately prevent union representation elections. Its aim is to deny workers the opportunity for a voice at work.

The 'Election Prevention Act' does this in three key ways.

First, rather than minimizing undue delay in elections, a long-standing problem because of the current law's loopholes, the Republican bill mandates delay. In provision after provision, the bill's overarching concern is that workers' choice be postponed with mandatory waiting periods.

Second, rather than discouraging frivolous litigation, the Election Prevention Act encourages it. Unscrupulous employers will have an incentive to appeal all pre-election decisions, regardless of merit, because no election could proceed until all appeals, frivolous or not, are reviewed.

They and their unionbusting consultants know that delay gives them more time to use any means, legal or illegal, to overcome employee interest in forming a union.

These appeals will create a massive, wasteful backlog on the taxpayer's dime and a mountain of frivolous litigation. As a result, workers will increasingly have to wait months or years for an election. And as the months and years tick by, this bill clearly hopes that those workers will just give up.

Third, the bill manipulates the procedure for deciding who is in a bargaining unit. Employers will have a larger role in determining who can potentially be a part of a union, rather than the workers and the union they seek to join.

The practical impact of this change is that employers are going to find it much easier to gerrymander elections. It will increase the chances that an election is ultimately never ordered, and employers will stuff the ballot boxes with voters who were never engaged by the organizing drive.

In summary, by favoring delay at every turn, this bill denies workers their right to a free and fair election. It's a cynical bill that takes time away from what we should be doing.

We should be acting on America's most urgent priority of creating jobs, instead of undermining workplace democracy. This bill doesn't help a single laid off worker get retrained for a new career. It doesn't create a single construction job or education job.

It does create a lot of work for unionbusting law firms. They get to file frivolous appeals on the taxpayer dime. It does make it harder for workers to have a voice at work. And it does make it harder for working people to rebuild the middle class.

Cynical, misnamed bills like this only increase discontent among those who send us here. They see special interest bills getting the time of day, while they struggle to keep a roof over their heads. Is it any wonder Congress has such a historically low approval rating?

It's well past time to get back on track and work on the side of middle class Americans.

That's precisely why I asked that the committee take immediate action on President Obama's jobs bill nearly a month ago. It's the only comprehensive bill that will immediately create jobs and will lay the foundation for future economic growth. And, it's fully paid for.

But, the majority has done nothing.

That's why I asked Americans to write in and tell us how the economy is impacting them. Over two weeks, more than 700 people from throughout the country wrote in. Reading the responses, there's not a lack of motivation on the part of unemployed Americans. They want us to act on jobs now so they can start earning a paycheck, not a handout.

But, time is running short. The longer we ignore the millions of Americans struggling in this economy, the worse it will get. More foreclosures, more layoffs and higher deficits.

This committee should be doing everything we can to help get Americans back to work, not taking away their rights.

<http://democrats.edworkforce.house.gov>