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Rep. George Miller (D-CA) Opening Statement for the Markup of 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 committee markup on H.R. 3094.

The committee meets this morning to consider legislation designed to deny workers a right to a free and fair election. While 14 million Americans are actively looking for a job but cannot find one, we are debating a special-interest bill to gut Americans' rights at work.

More than a month ago, I asked that the committee take action on the President's American Jobs Act. To date, the committee has not held a single hearing on that jobs bill or any jobs bill. Nothing on teacher jobs, construction jobs, or long-term unemployment.

Instead, today we have before us a bill to shut down workplace elections. It is more accurately called the "Election Prevention Act."

This bill will not create a single job. This bill will not provide help to the millions of Americans struggling with stubbornly high unemployment.

This bill will not help people like Mary Kay from New Jersey. She has sent out more than 1,800 applications, going door-to-door looking for a job for three years. After 39 years of full-time work, she is struggling to understand why she is suddenly so unemployable.

This bill will not help people like Leigh from New York City. A Vietnam vet, Leigh has exhausted all of his unemployment benefits. Despite having a graduate degree, he still cannot find a job after three years. Leigh says he only wants a job, not a handout.

This bill will not help the next generation of Americans who had the misfortune of graduating in the midst of the Wall Street financial crisis. For example, Allan from California got his degree from San Jose State and has been struggling to find a full-time job since 2008. He still lives with his parents. His American Dream is on hold.

These stories are representative of the hundreds we received during the committee Democrats' eForum on jobs. These Americans aren't asking for anything but a chance to put on a suit and tie, or their work boots, and earn a paycheck. Hardly a radical agenda.

That's why it's so frustrating that this committee is continuing to focus on attacking workers' fundamental rights, instead of on solving the jobs crisis. Mr. Chairman, these attacks promise to inflict real harm on working families. The exercise of these rights helped give us a strong middle class. The piece by piece dismantlement of these rights will do just the opposite.

We have already seen the majority push through a bill to strip the only effective remedy from the National Labor Relation Board's arsenal to deal with unlawful outsourcing. Correctly dubbed the "Job Outsourcers' Bill of Rights," that bill would make it easier to ship existing jobs overseas.

We have seen that, when the NLRB simply enforces the law on behalf of workers, the House majority raises holy-hell. The agency has been met with unprecedented attempts to interfere with open cases, threatening workers' constitutional due process rights to a fair trial free from political interference.

And now, today, we meet so the majority can push through their next anti-worker bill. This "Election Prevention Act" would deny workers a right to a free and fair election to form a union. It does this by adding months or years-long delays and encouraging frivolous appeals to gum up the election process.

It effectively blocks attempts by the NLRB to eliminate avoidable delays in current law. Those delays are used by unscrupulous employers to frustrate workers until they give up on having any union election.

The "Election Prevention Act" also gives employers the ability to gerrymander elections. It does this by stuffing the election lists with voters who were never engaged by the organizing drive or never expressed interest in a union. This gives employers an edge in preventing an election from ever being directed in the first place.

When 53 certified nursing assistants wanted to form a union at the Specialty Healthcare nursing home in Alabama, they only won after several years of litigation. With this bill, the majority is now trying to override that decision and strip workers like these of their right to push for better working conditions in what is a very tough job.

I hope that the majority can explain how adding 33 maintenance assistants, cooks, data entry clerks, business office clericals, and receptionists to a bargaining unit of CNAs in Alabama is this committee's top priority, when there are 25 million people who are unemployed or underemployed.

Throughout these months-long attacks against workers, the majority has been pushing the laughable proposition that they are working on jobs by eliminating 'regulatory uncertainty'. This is preposterous.

Survey after survey shows that lack of demand is holding businesses back from hiring, not uncertainty about the 70-year-old National Labor Relations Act.

That's why the majority is **not only** barking up the **wrong** tree on job creation, but the dog and the tree aren't even on the same continent.

Our nation's future does not rest in taking away the things that made our country great. Nor does it rest in handing more power and wealth over to Wall Street and large corporations. Rather, our nation's strength depends on how fair a shake the American worker gets.

Because when workers are fairly rewarded, they also create jobs. They support local businesses. They rebuild the middle class.

Our nation's strength depends on the ability of Mary Kay, Leigh and Allan to get a good job so they can once again contribute to our nation's prosperity. That's the key to a real and lasting economic recovery.

Taking away those working people's ability to fight for the middle class only allows the top 1 percent to pile up more of the wealth that Americans' hard work produces -- while the rest of the country falls further behind.

That's not an agenda any of us should support.

I urge my colleagues to reject this bill.

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