

**Senator Elizabeth Warren**  
**Floor Speech: Congressional Review Act Resolution to Block NLRB Election Rules**  
**March 3, 2015**

Mr. President, I come to the floor today in strong support of the National Labor Relations Board's new effort to make workplace union elections more efficient and more effective. And I come to the floor today in opposition to Republican efforts to preserve a broken system.

Today, instead of raising minimum wages for millions of struggling families, or letting people refinance their students loans, or making sure that women get equal pay for equal work – instead of implementing policies that strengthen the middle class, Republicans are pressing a bill to stop a government agency from modernizing its procedures because it might help – yes, help – America's workers.

Coming out of the Great Depression, America's labor unions helped build America's strong middle class. For half a century, as union membership went up, Americans' median family income went up. And that was true for families whether they were part of a union or not. As our country got richer, our families got richer. As our families got richer, our country got richer.

Since 1935, Congress has required the National Labor Relations Board to oversee the workplace elections in which workers decide whether to be represented by a union. According to NLRB data, more than 90 percent of the time, this works out just fine. For most of the cases that make it to an election, employees and employers agree about the process, and an election is held without a dispute. Done.

But, in the remaining handful of cases, the rules on how to resolve these concerns have turned into a mess. Over time, a hodgepodge of different rules for resolving these disputes emerged in each of the country's 26 NLRB regions.

To fix this, the NLRB recently finalized one national set of rules that sets out clear procedures for resolving these issues. In other words, the NLRB is trying to make dispute resolution clearer, more efficient and more consistent from region to region.

Trying to make government work better shouldn't be controversial. But it is controversial. Why? Because some employers simply oppose union votes all together. They don't want the NLRB to work – they don't want union elections to happen at all – so they're lobbying against these new rules. And Congressional Republicans are standing up for them, advancing a proposal to stop the NLRB from implementing its final rules and doing the job that Congress gave it 80 years ago.

Republicans claim that they're concerned about workers being able to “ambush” their employers with workplace elections. Now that's just plain nonsense. Employers are always notified at the beginning of the election process, and according to Caren Sencer, a top labor attorney who testified just a few weeks ago in a HELP Committee hearing,

there is nothing – nothing – in the new rule that would stop an employer from having its relevant concerns heard and addressed prior to an election.

Let's be honest – the only ambush here is the Republican ambush on worker's basic rights.

According to a 2011 study from the Berkeley Center for Labor Research and Education, long election delays correspond with higher rates of labor law violations. A delay gives anti-union employers more time to retaliate against union organizers and to intimidate workers. And delay works: according to NLRB data, nearly a third of the time when employees file a petition to request an election, they never actually get one.

Employers who want to keep their workers out of a union prefer a broken, inefficient system that gives them room to manipulate the process and to block workers from organizing. But that's not the law. The NLRB doesn't answer to them. Federal law directs the NLRB to make sure that election disputes can be resolved fairly between employers and employees – and that is exactly what the NLRB is doing.

Throughout our history, powerful interests have tried to capture Washington and rig the system in their favor. But we didn't roll over. At every turn, in every time of challenge, organized labor has been there, fighting on behalf of the American people.

Labor was on the front lines to take children out of factories and to put them in schools. Labor was there to give meaning to the words "consumer protection" by making our food and our medicine safe. Labor was there to fight for minimum wages in states across this country. In every fight to build opportunity in this country, in every fight to level the playing field, in every fight for working families, labor has been on the front lines.

Powerful interests have attacked many of the basic foundations of this country, the foundations that once built a strong middle class – and too many times, those powerful interests have prevailed.

So it comes down to a question I've asked before: who does this Congress work for? Republicans say that government should keep on working for powerful CEOs who don't like unions and who have figured out how to exploit a tangled system. Republicans complain about government inefficiencies, but then they introduce a bill that is specifically designed so that a broken, inefficient system will stay broken and inefficient—even when we know how to fix it. Well, we weren't sent here just to represent CEOs who don't like unions. We were sent here to support working people who just want a fighting chance to level the playing field.

I urge my colleagues to vote against this Republican resolution and let the NLRB do its job.