

## **CARD CHECK/ “EMPLOYEE FREE CHOICE” ACT UPDATE - [Action Needed](#)**

On July 17<sup>th</sup> the [New York Times](#) reported on a potential compromise on the “so-called” Employee Free Choice Act (EFCA). The real story behind the story is that one unnamed Senator among six that are working on a compromise leaked to the New York Times that they will likely drop the card-check portion of the EFCA bill with the blessing of some union leaders. The article also talks about some of the other areas that the Senators may be including in their compromise, but that no deal has been struck with the undecided Senators who control the outcome of this debate.

The barrier continues to be 60 senators voting to end cloture and move the EFCA bill. As the story reports the democrats have 60 Senators in their caucus but two are ill and have not voted for months (Kennedy-MA and Byrd-WV) and there are still 8 senators who are officially undecided on EFCA (Lincoln-AR, Pryor-AR, Bennet-CO, Landrieu-LA, Hagan-NC, Nelson-NE, Specter-PA and Warner-VA). The cloture vote is the key vote in this debate.

AGC has said from the start that compromise is not an option. Dropping the card-check portion of the bill does not change our opposition to the binding government mandated arbitration provision and the increased penalties on only businesses for unfair labor practices. Some of the ideas being mentioned in any alleged compromise are also things that concern AGC. Ideas that have been rumored have been using post-cards instead of secret ballot elections, so-called “quickie” elections, and increasing access to the workplace by union organizers.

AGC has a deep concern that even a genuine and well intended proposal for a compromise could become a “Trojan horse” that EFCA’s proponents would simply use to sneak EFCA past a cloture vote in the Senate. Unless and until EFCA’s proponents completely and irreversibly abandon that legislation, the risk of a compromise becoming a “Trojan horse” for EFCA will remain too great for this industry to entertain any discussion of compromise.

This does serve as a reminder that all Members of Congress, especially Senators, need to be contacted by AGC members. Top target states are: Arkansas, Colorado, Louisiana, Nebraska, North Carolina, and Virginia. Please send letters in opposition to EFCA by using the AGC Legislative Action Center. Click [here](#) to send a letter