

107TH CONGRESS  
1ST SESSION

# H. R. 2320

To amend the National Labor Relations Act and the Railway Labor Act  
to prevent discrimination based on participation in labor disputes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2001

Mr. TIERNEY (for himself, Mr. SERRANO, Mr. HINCHEY, Mr. FRANK, Mr. McNULTY, Mr. KILDEE, Mr. HILLIARD, Mr. NADLER, Mr. MURTHA, Mr. PALLONE, Ms. BROWN of Florida, Mr. DEFazio, Ms. KAPTUR, Mr. BONIOR, Ms. PELOSI, Ms. NORTON, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mr. SANDERS, Mr. INSLEE, Ms. LEE, Mrs. MINK of Hawaii, Mr. EVANS, Mr. RUSH, Mr. MCGOVERN, Mr. STARK, Mr. FILLNER, and Ms. CARSON of Indiana) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Transportation and Infrastructure, 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

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## A BILL

To amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PREVENTION OF DISCRIMINATION DURING**  
2 **AND AT THE CONCLUSION OF LABOR DIS-**  
3 **PUTES.**

4 Section 8(a) of the National Labor Relations Act (29  
5 U.S.C. 158(a)) is amended—

6 (1) by striking the period at the end of para-  
7 graph (5) and inserting “; or”; and

8 (2) by adding at the end thereof the following  
9 new paragraph:

10 “(6)(i) to offer, or to grant, the status of a per-  
11 manent replacement employee to an individual for  
12 performing bargaining unit work for the employer  
13 during a labor dispute; or

14 “(ii) to otherwise offer, or grant, an individual  
15 any employment preference based on the fact that  
16 such individual was employed, or indicated a willing-  
17 ness to be employed, during a labor dispute over an  
18 individual who—

19 “(A) was an employee of the employer at  
20 the commencement of the dispute;

21 “(B) has exercised the right to join, to as-  
22 sist, or to engage in other concerted activities  
23 for the purpose of collective bargaining or other  
24 mutual aid or protection through the labor or-  
25 ganization involved in the dispute; and

1 “(C) is working for, or has unconditionally  
2 offered to return to work for, the employer.”.

3 **SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT**  
4 **THE CONCLUSION OF RAILWAY LABOR DIS-**  
5 **PUTES.**

6 Paragraph Fourth of section 2 of the Railway Labor  
7 Act (45 U.S.C. 152) is amended—

8 (1) by inserting “(a)” after “Fourth.”; and

9 (2) by adding at the end the following:

10 “(b) No carrier, or officer or agent of the carrier,  
11 shall (1) offer, or grant, the status of a permanent replace-  
12 ment employee to an individual for performing work in  
13 a craft or class for the carrier during a dispute involving  
14 the craft or class, or (2) otherwise offer, or grant, an indi-  
15 vidual any employment preference based on the fact that  
16 such individual was employed, or indicated a willingness  
17 to be employed, during a dispute over an individual who  
18 (A) was an employee of the carrier at the commencement  
19 of the dispute, (B) has exercised the right to join, to orga-  
20 nize, to assist in organizing, or to bargain collectively  
21 through the labor organization involved in the dispute, and  
22 (C) is working for, or has unconditionally offered to return  
23 to work for, the carrier.”.

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