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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GRAVES of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 12, 2011.

I hereby appoint the Honorable TOM GRAVES to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE COLOMBIA TRADE AGREEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) for 5 minutes.

Mr. GEORGE MILLER of California. This Congress is entering its fifth month without bringing a single jobs bill to the House floor, and there are no jobs bills in sight. But we do hear calls for a series of trade agreements, including ones with Colombia and Korea.

At a time when millions of Americans are still looking for work, the House will be spending time protecting

corporate investments in foreign countries and not jobs here at home. At a time when multinational corporations have fired 2.9 million American workers, they will be hiring 2.4 million workers overseas. The House will be spending time shoring up corporate overseas investments rather than encouraging investments here at home. And at a time when so many in the Middle East are rising up for democracy and human rights and are receiving support from the United States for those efforts, the House is taking up trade agreements with Colombia that fails to live up to those very values.

One of our most important responsibilities as elected officials is to promote and to protect American jobs. We do this by trying to ensure that American workers do not face unfair competition with countries that keep wages low by repressing essential democratic rights. These are important rights, the right to speak out, the right to protest, the right to organize unions, the right to bargain collectively and directly with their employers, and to support political efforts to improve their economic conditions without reprisals.

But reprisals are what you get in China. Thousands of strikes last year were met not by their employers but by the police and the army, beating up on the workers who were seeking better wages and better working conditions in plants all across China.

What do you get when you protest your rights in Colombia? You get assassinations. You get death squads against union members, union leaders, members of union families all across the country. The American worker can compete; but you can't compete against the Colombian Army, the Colombian death squads, the Chinese Army. That's not fair competition. But that's what's protected in these trade agreements.

Tragically, Colombia stands out as a country where wages are kept low and

workers are repressed through widespread violence and other human rights violations. Colombia has earned the reputation as the most dangerous country on Earth for workers trying to build a better life. During the last Colombian President's 8 years in office, 570 union members were assassinated—149 in the last 3 years—and the violence hasn't stopped with the election of the new President.

Reports of assassinations against union members and leaders keep coming. The two most recent ones include the April 8 assassination of Ramiro Sanchez. He was shot repeatedly as he left a union meeting. Mr. Sanchez had received death threats after organizing workers to demand local hiring at an oil company. And the March 30 assassination of Hector Orozco, who was an official with the peasant farmers' union. He and his colleague Gildardo Garcia were found murdered. Days earlier, Mr. Orozco reported that he and other peasants were threatened by an army officer.

On top of the violence is the problem of impunity. Authorities have only investigated a quarter of the union killings since 1986. No one has been held accountable for 98 percent of the crimes against unionists. The violence and impunity came together in another recent case. A few weeks ago, Judge Gloria Gaono was shot in the head in broad daylight. At the time, she was presiding over a politically sensitive case of a military officer accused of murdering three children, one of whom he apparently admitted to raping.

Now Colombia has a new President who says he wants to turn the page on Colombia's past. But these murders and human rights violations are not the past. They are happening today. Before we consider any agreement with Colombia on free trade, real changes must come to Colombia. That is why I

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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have joined with colleagues to lay out a series of benchmarks that should be met by Colombia before the Obama administration sends Congress any trade agreement with that country. These benchmarks are designed to reduce the violence, to protect human rights, and to end the impunity of the death squads and the army, and the actions they take against these families. They require on-the-ground results and verification.

The administration, however, has adopted an action plan for Colombia that does not demand the results on the ground. I appreciate that U.S. and Colombia finally are bringing labor rights into the equation, but their plan only demands results on paper. Under their plan, nothing really needs to actually change in Colombia. Colombia could have a record year of assassinations and still meet the requirements of the plan. Indeed, before the action plan has been fully implemented, the administration is already preparing the way with Congress to implement this trade agreement. If this action plan were made fully enforceable under the agreement and into the future, we could have something more than just results on paper. Unless it is enforceable, this is less than a serious commitment. It is not fair to Colombians, and it's not fair to the American workers, and it's not fair to our national values and does not reflect our national values.

The American worker can compete with any worker in the world. They're rated time and again the most productive workers in the world. But they cannot compete against currency manipulation in China. They cannot compete against the Chinese Army that breaks up the rights of workers to protest, and they cannot compete against the death squads that have been assigned to assassinate union members, union leaders, and union families.

NATIONAL LABOR RELATIONS BOARD: PUTTING POLITICS BEFORE THE NEEDS OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of South Carolina. Mr. Speaker, the recent unprecedented action by the National Labor Relations Board is simply the latest example of this administration putting politics before the needs of the American people. I honestly never thought I would see the day when our government sued a company over creating jobs in South Carolina or anywhere in the United States. The NLRB's position violates States' 10th Amendment liberties and attempts to roll back worker protections for the purpose of satisfying special interests and union bosses.

The NLRB was created to protect workers' rights, but now the worker is left out of the equation in favor of big

unions. I ask, what about the workers in South Carolina who lose out in this action? Where have their rights been considered in all of this nonsense? In fact, the National Labor Relations Act says in section 1 that the purpose of the NLRA is "to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce."

The NLRB's ruling comes on the heels of previous threats by this radically out-of-touch panel to sue States like South Carolina for constitutionally protecting one of America's most universal freedoms, the right to a secret ballot. Fear that the Federal Government might take away that fundamental principle prompted voters in South Carolina, Arizona, South Dakota, and Utah to overwhelmingly support adding secret ballot protection to their State constitutions. If the NLRB hadn't already made a big enough mockery of individual freedom, they even refused to come to the negotiation table and talk about their concerns with States' attorneys general unless they were willing to first sign a nondisclosure agreement preventing them from sharing what was discussed during the meetings.

Demanding secret meetings, threats, and attacking the right to a secret ballot doesn't exactly create a good track record for the National Labor Relations Board. That's what prompted me to introduce House Resolution 1047, the State Right to Vote Act, which would stop the NLRB from suing States whose voters took a stand against union thuggery for secret elections. And if the NLRB doesn't change the course quickly, I know there will be many in this body, including myself, who will call for the panel's removal altogether.

But, Mr. Speaker, this latest outrage is a unique power grab. Against constitutional and Supreme Court precedents, the NLRB's actions are a clear attack on our State. Think about the context: This administration has spent our Nation into oblivion, doubling the national debt in 2 short years, running over businesses both large and small, mounting takeover after takeover, and reducing the size and scope of our economy in the process. South Carolina's unemployment rate finally dips below 10 percent, and what does this administration do? It sues one of the largest prospective employers in our State just as that company begins to hire workers, potentially costing South Carolina thousands of new jobs.

Mr. Speaker, I may be new to Washington, but I promise you I was not born yesterday. Looking at the NLRB's policy and examining recent electoral maps, it's not difficult to see a policy that clearly rewards blue States while severely punishing red ones. Under the NLRB's interpretation of the law, a company with a union workforce anchored in a blue State could not expand or relocate to a red State.

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Limiting where companies can conduct business sounds like something that would take place in China or the old Soviet Union, not here in the United States. Since when did America stop being the land of the free?

Let me give this message to anyone looking to start a company in America. Choose your location well. If this action by NLRB is upheld, trust me when I say that we won't be talking about companies making decisions over moving to a right-to-work state versus a union state. We will see decisions made in the context of locating in America or another country.

And what this outrageous action by the NLRB tells you is that you're stuck with very few options. Give into the union's demands, close up your shop, or take your production outside of the United States. The NLRB's actions say build your companies somewhere else, but not in America. So much for the American dream.

Mr. Speaker, this action by the NLRB is unconstitutional and illegal. I call on my colleagues in the Education and Workforce Committee to hold hearings into this bureaucratic atrocity. My South Carolina colleagues and I have introduced legislation to defund this latest lawsuit.

I ask all of my colleagues on both sides of the aisle to rescue the American dream and sign on to this legislation. I also ask the American people, pay attention to this problem. Our Founding Fathers would be appalled by this bureaucratic tyranny. It's time to hold our elected officials accountable. Do we want to just say that we're a free nation, or do we really want to be a free nation? Our freedom is under attack. It's time we take a stand.

May God continue to bless America.

HONORING THE LEGACY OF WILLIAM DONALD SCHAEFER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise to honor the legacy of an extraordinary Marylander, Maryland Governor William Donald Schaefer. He died just a few weeks ago after a long time of public service.

William Donald Schaefer was one of the great American mayors. Few mayors can ever say that they transformed a city as thoroughly as did William Donald Schaefer transform Baltimore.

But over his 16-year tenure as mayor of Baltimore, he led a dramatic and