

A motion to reconsider was laid on the table.

Stated for:

Mr. HASTINGS of Washington. Mr. Speaker, on rollcall No. 709, had I been present, I would have voted "yea."

Mr. LARSEN of Washington. Mr. Speaker, on rollcall No. 709, I missed the vote due to a personal family issue. Had I been present, I would have voted "yea."

#### PERSONAL EXPLANATION

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall vote 706 that was taken yesterday on the adoption of H.J. Res. 77, I inadvertently voted "no" when I intended to vote "yes."

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 79, CONTINUING APPROPRIATIONS RESOLUTION, 2012

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-207) on the resolution (H. Res. 399) providing for consideration of the joint resolution (H.J. Res. 79) making continuing appropriations for fiscal year 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### PROTECTING JOBS FROM GOVERNMENT INTERFERENCE ACT

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 372, I call up the bill (H.R. 2587) to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MCCLINTOCK). Pursuant to House Resolution 372, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2587

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Jobs From Government Interference Act".

#### SEC. 2. AUTHORITY OF THE NLRB.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160) is amended by inserting before the period at the end the following: "Provided further, That the Board shall have no power to order an employer (or seek an order against an employer) to restore or reinstate any work, product, production line, or equipment, to rescind any relocation, transfer, subcontracting, outsourcing, or other change regarding the location, entity, or employer who shall be engaged in production or other business operations, or to require any employer to make an initial or additional investment at a particular plant, facility, or location".

#### SEC. 3. RETROACTIVITY.

The amendment made by section 2 shall apply to any complaint for which a final adjudication by the National Labor Relations Board has not been made by the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. KLINE) and the gentleman from New Jersey (Mr. ANDREWS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2587.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Mr. Speaker, I rise in support of H.R. 2587, and I yield myself such time as I may consume.

The Protecting Jobs From Government Interference Act is a common-sense proposal that will prevent the National Labor Relations Board from dictating where an employer can and cannot create work. Upon the date of enactment, this limitation will apply to all cases that have not reached final adjudication by the full Board.

Now, more than ever, the American people are looking for leadership out of Washington and some common sense. They want to know their elected officials are willing to take on the tough issues and make the difficult decisions needed to get this economy moving again. They need to believe Congress has the courage to tear down old barriers to new jobs, regardless of the political cost. After 31 straight months of unemployment above 8 percent, we cannot afford to cling to the status quo any longer.

This legislation represents an important step in the fight to get our economy back on track. It tells job creators they don't have to fear an activist NLRB reversing important decisions about where to locate a business. It offers workers peace of mind by ensuring no Federal labor board can force an employer to ship their jobs across the country. And it tells the American people we are serious about getting government out of the way of small business owners and entrepreneurs who are desperately trying to do what they do best, create jobs and opportunities for our Nation's workers.

On April 20, the National Labor Relations Board sent a shock wave across our struggling economy. In a complaint filed against the Boeing Company, the NLRB demanded that this private company relocate work already underway in South Carolina to Washington State. The Board has more than a dozen remedies available to protect workers and hold employers accountable. Regrettably, the Obama NLRB exercised the most extreme remedy and, as a result, put the livelihoods of

thousands of South Carolina workers on the line. Equally troubling, countless workers across the country now fear they could be subject to a similar attack in the future.

Make no mistake. Every worker deserves strong protections that ensure they are free to exercise their rights under the law. This legislation preserves a number of tough remedies for the Board to punish illegal activity. This Republican bill simply says that forcing a business to close its doors and relocate to another part of the country is an unacceptable remedy for today's workforce.

If the NLRB is allowed to exercise this radical authority, it will have a chilling effect on our economy. Businesses, at home and abroad, will reconsider their decision to invest in our country and create jobs for American workers. We have already heard stories of Canadian business leaders doing just that. No doubt, these difficult choices are being discussed on shop floors and boardrooms across the country and outside our borders.

Last month, this Board unloaded a barrage of activist decisions that undermine workers' rights and weaken our workforce. If the President will not hold the Board accountable for its job-destroying agenda, Congress will. It is time we forced the NLRB to change course. This is a sensible reform that will encourage businesses to create jobs right here at home.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself 3 minutes.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. For years, the understanding in this country has been, if you show up for work every day and work your heart out and do your best, what you get in return is a good wage, good benefits, and a future that's secure as long as your company's secure, but it seems like that version of the American Dream moves another continent, another ocean, another day away each day that goes by.

□ 1120

Outsourcing is destroying the middle class in the United States of America, and this bill is the outsourcers' bill of rights. It says to an employer, if you want to use as an excuse the collective bargaining and union activities of your employees and you want to pick up and move to Central or South America or Asia, here's the way to do it.

This bill draws a map of jobs outside—rather, it draws a map as to how to take jobs from inside the United States and move them outside the United States. If an employer, under our law for decades, says that I'm gonna shut down and move my plant or my office because you dared to try to organize a union or you've spoken up

for the rights of the workers, that's illegal. The purpose of this bill is to remove the only effective remedy to combat that illegality.

If this bill became law, here's what would happen:

An employer who says, I'm tired of employees speaking up for their own rights. I'm tired of union organizing. I'm tired of collective bargaining. I'm moving to Malaysia, it would still be illegal under this bill for the employer to say that, but there would be nothing the labor board could do to stop that; because if the employer formed a shell company in Malaysia and took all of the money and put it in the shell company, and the labor board said, Well, you've got to pay backwages to the people you just laid off, there would be no money to pay the backwages.

This is the outsourcers' bill of rights. We don't need an outsourcers' bill of rights. We need a working person's bill of rights in this country. We need a bill of rights that says, if you hold up your end of the bargain, the American Dream will no longer move out of your reach.

This is a bill that overreaches, it undercuts the middle class of this country, and it should be defeated.

I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I am pleased to yield 3 minutes to the chair of the Health, Employment, Labor, and Pensions Subcommittee, the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of America's job creators and H.R. 2587, the Protecting Jobs from Government Interference Act.

What this bill does is simple. It amends the NLRA, the National Labor Relations Act, which was passed in 1935, and prohibits the National Labor Relations Board from ordering employees to relocate, shut down, or transfer employment under any circumstance. In other words, it allows managers to make business decisions that are in the best interests of their company and their employees.

In filing the complaint against Boeing, the NLRB's general counsel has put 1,100 good-paying South Carolina jobs at risk. Mr. Speaker, I was in South Carolina about 5 weeks ago and viewed that plant. It's a huge plant with 1,100 people working today—American people working. This shot across the bow of American business sends a clear message: Don't do business in a right-to-work State.

My colleagues on the other side of the aisle suggest that Boeing decided to build a plant in South Carolina as an act of retaliation against a unionized workforce, but not a single worker in Washington State has lost his or her job. They've added jobs. And I'm glad that they have. I'm left to wonder that if the fact that South Carolina, like Tennessee, is a right-to-work State has the NLRB to conclude that a job created in Washington is more valuable than a job created in South Carolina.

I grew up in a union household. My father worked in a factory making shoe heels for BFGoodrich and Co., and his job was outsourced to Mexico in the early seventies. So I've been through that as a family. I understand that very well.

Very simply what happened, Mr. Speaker, is this, is that a company wanted to expand a business line, a 787 Dreamliner, and they built a huge factory in Charleston, South Carolina. A complaint was brought by the general counsel, NLRB, against this. It's now being adjudicated very expensively in the courts. Think what a message this sends to job creators in America. If I were a business, there is no way I would move to a non-right-to-work State because you can never get out if this ruling is upheld.

And I might add also that there are over a dozen remedies that the NLRB has: awards for backpay, effective bargaining, offer of employment, placement of preferential hiring, payment for travel and moving, and on and on. Over a dozen remedies.

Mr. Speaker, I strongly encourage us to support this bill. The fact is, with 14 million Americans out of work, 2 million more than when I came to this Congress 3 years ago, we need every job in every corner of the country. The administration's answer is more spending and more regulation. It's a recipe for failure.

It's time we recognize a fundamental truth that government doesn't create jobs; businesses do. But instead of trying to get the government out of the way of our job creators, this administration seeks to throw up more roadblocks.

I urge my colleagues to support this legislation.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

The record should reflect the fact that there is an allegation that Boeing, in the case that the gentleman mentioned, because of reasons of union discrimination moved those jobs. There is nothing in this case that says, if a company uses a legitimate business reason other than discriminating against worker rights, they can't do so.

At this time I am pleased to yield 1½ minutes to a lifelong advocate for the working people of the United States of America, my friend from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, in September 2010, my Republican colleagues issued A Pledge to America, stating that it is time to do away with old agendas. That much is clear.

However, what is also clear is that this pledge is not to the majority of the American people but to corporate America. To make matters worse, Republicans are taking up legislation that will encourage the shipping of jobs overseas and weaken the rights of middle class workers.

Furthermore, my Republican colleagues have fast-tracked what is more appropriately called the "Job

Outsourcers' Bill of Rights" in the interest of their cronies in corporate America.

Proponents of this bill claim that it will protect jobs by prohibiting the government from interfering with a company's ability to move its operation. However, the law that Republicans are trying to amend to do so, the National Labor Relations Act, does not restrict the location of company operations at all unless the company's location effort is an act to retaliate against workers exercising their right to organize, to demand better benefits, safer working conditions, and ensure a full day's pay for an honest day's work.

This is obviously a response to the case against Boeing, and I find it inappropriate. Change in the law in the middle of trial is irresponsible and dangerous.

The United States Chamber of Commerce wrote a letter in support of this bill. But as noted in the letter, they represent the interests of business. Well, I represent the interests of the American people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANDREWS. I yield the gentleman an additional 30 seconds.

Mr. PAYNE. I was voted into this position not by Wall Street, not by corporate America, not by those people who reside in high-rise skyscrapers, but by hardworking Americans who want to raise their families the way that we had an opportunity to raise ours rather than ratchet it down to the bottom.

I believe that this bill is foolish, hazardous to the well-being of our Nation's workers, and our economic development.

It is time for the Republicans to abandon this pledge to corporate America. I urge my colleagues to vote against this outsourcing bill.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to a wonderful representative of the people of Tennessee and the American people, a member of the committee, the gentleman from Tennessee, Dr. DESJARLAIS.

□ 1130

Mr. DESJARLAIS. I thank the chairman for yielding.

I rise today in support of H.R. 2587, the Protecting Jobs from Government Interference Act.

As I have traveled Tennessee's Fourth Congressional District and spoken with 30-plus job creators, our conversations inevitably focus on one basic complaint: that the Federal Government's overregulation of the private sector is impeding job creation in this country.

Instead of reducing the regulatory burdens on business, an act which would most certainly create much needed private sector jobs, this administration has used its labor board to make it harder to do business in America. Nowhere is this more apparent

than in its recent unfair labor practice complaint against Boeing.

If you want to talk about creating jobs, let's look at the facts: Boeing has invested approximately \$1 billion to build a plant in South Carolina, which will create new, well-paying jobs in South Carolina.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE. I yield the gentleman an additional 30 seconds.

Mr. DESJARLAIS. Despite the fact that not one—not one—single employee in Washington has lost his or her job due to Boeing's decision, the administration is attempting to destroy those South Carolinian jobs.

I urge my colleagues to vote for this bill.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1½ minutes to a very persuasive voice against outsourcing, my friend from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in opposition to the outsourcers' bill of rights.

This bill would be devastating to workers across this country and kick off a new race to the bottom. The outsourcers' bill of rights is a naked attempt to directly interfere in a pending Labor Relations Board case. Now, there is much to be said about workers' rights and the importance of protecting them; but in the short time I have, let me just say a little bit about what this means for the American economy.

It makes it easier to ship jobs overseas. It eliminates the only remedy to force companies to bring work back from overseas. Companies that make a commitment to the welfare of their employees—well-run companies—and make commitments to their home communities rather than shopping for the latest lowest pay scale someplace in the world actually do better in the long run.

So the outsourcers' bill of rights is not only contrary to the interest of workers; it's bad for our economy at large. We need to improve worker protections, not weaken them. Yet the majority party and the proponents of this bill continue their assault on the rights of working men and women. It doesn't create a single job.

With 25 million Americans unemployed or underemployed, the majority today continues their "no jobs" agenda, bringing to the floor a special interest that is dealing with one particular case rather than creating jobs. It is not good legislative policy to legislate on individual cases. I urge my colleagues to oppose the outsourcers' bill of rights.

Mr. KLINE. Mr. Speaker, I am pleased to yield 2 minutes to a member of the committee, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman for yielding some time.

I rise to give my strong support to this measure. This straightforward legislation before us today prohibits the

National Labor Relations Board from dictating where private businesses can and cannot locate jobs in America. Mr. Speaker, let me say that again: this straightforward legislation before us today prohibits the NLRB from dictating where private businesses can and cannot locate jobs in the United States.

It's almost a bizarre situation that we're in. An American company wants to provide American jobs in America, and we have an agency of this administration that is trying to prohibit that.

Because of recent overreach by the NLRB, we, unfortunately, need to have this legislation. Businesses that want to hire Americans in America ought to be able to do so. For Americans wondering why jobs are going overseas, it's that there are too many regulations—and too many bizarre regulations—that are forcing companies out of this country just so they can stay in business.

We must continue to empower businesses to create jobs, increase investment, and keep production capabilities right here at home. Not only does that produce a strong economy; it keeps a strong middle class. This bill does just that by letting us stand strong in our commitment to America's job creators. It's just disappointing that we have to bring this bill forward over an administration and a bureaucracy that doesn't understand the success of this country's last 200 years.

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

The previous speaker's claim that the National Labor Relations Board is dictating where jobs go in America is utterly incorrect. If any company said, We want to move from State A to State B because we think the State tax structure in State B is more favorable to us, they have an absolute right to do so. The issue is whether they can move because they want to discourage and undercut the right of collective bargaining. If they want to destroy collective bargaining, they can.

At this time, Mr. Speaker, I am pleased to yield 1½ minutes to a very persuasive voice for the working families of America, the gentlelady from Hawaii (Ms. HIRONO).

Ms. HIRONO. I rise in strong opposition to H.R. 2587.

In Hawaii, we believe in fairness and respect. We believe that working men and women should be able to come to the table, have a voice in their workplaces, be able to negotiate for fair wages and benefits. This belief helped build the middle class in Hawaii and across our country.

Right now, what working men and women need most are champions in their corner, champions who are fighting for real jobs. Instead, this bill takes aim at our working families. It's another direct assault on them and on workers' rights.

Let's face it. Companies today can move their business operations for any business reason at all except for an illegal one. Today, retaliating against

workers who want to organize and join a union is illegal. This bill changes that. It says companies can go ahead. You can move your jobs to other States or even to other countries to punish your workers who want to organize and have a voice. This would have a chilling effect on any attempt by workers to ask for a seat at the bargaining table. Workers have already taken big hits in their paychecks and in their retirements over the years.

We should not make it easier for businesses to game the system. I urge my colleagues to fight against this bill and to stand with the working men and women of this country.

Aloha.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank Chairman KLINE for yielding me this time and for his leadership in moving this legislation to the floor. I thank Congressman SCOTT of South Carolina for his leadership in introducing this legislation, and I thank all those who join with me in supporting what I think is an important job-creating bill for this country.

It's important not just in right-to-work States, like South Carolina or Virginia; but it's important in States that don't have protection of workers under right-to-work laws, like Washington State, because businesses both in this country and overseas that are looking to invest are not going to look in places where they can be subsequently restrained from being able to expand their business—and that's what is happening here. They're expanding their business to another State if they locate in a place where that can happen to them.

They are also not going to locate in right-to-work States. No. When they need to expand, they're not going to have any statement about what their intentions are or why they're doing it, as is the case with most companies. They're simply going to locate in China or Taiwan or Thailand or India or in 100 other countries around the world that are very friendly and welcoming to employers who want to grow and expand businesses. Unless the United States changes this law and restrains the National Labor Relations Board from making these kinds of decisions, we're going to suffer greatly in job loss.

So this is a great job-creating bill. I encourage my colleagues to support the Protecting Jobs from Government Interference Act that amends the NLRA to prohibit the NLRB in future and pending cases from ordering an employer to close, relocate, or transfer employment under any circumstances.

This is an important measure. This will not just save 1,000 jobs in South Carolina. This will save hundreds of thousands of jobs across this country. It will ensure that employers have greater freedom to make one of the most basic management decisions: where to locate a business.

□ 1140

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Virginia just said that this bill restrains companies from growing jobs. Here's what it restrains. It restrains from saying to a worker who dares to stand up and bargain for themselves and fight for themselves, "You're fired." That's what it restrains; and it should restrain that, because that's our law.

Mr. Speaker, at this time I am pleased to yield 1½ minutes to one of the most passionate voices for working Americans in the modern history of this country, my friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. The National Labor Relations Act was a New Deal initiative which helped save American capitalism by creating a process which would protect the rights of employees and employers. This was before NAFTA, GATT, and the WTO, which tore legal rights for workers apart, moved millions of jobs out of the U.S.

Yes, we stand for the workers at Boeing in Washington State, but we also stand for the workers at Boeing in South Carolina, because they will have no recourse if Boeing wants to move jobs to China.

You can't say you want to create jobs here at home while destroying the rights of workers to organize, the right to collective bargaining. These are basic rights in a democratic society.

You can't say you want to protect American jobs and not protect American workers. Take away workers' rights to free speech, take away workers' right to due process and you create a new class of slave laborers here in the United States who are helpless to stop the movement of jobs out of America.

This bill not only sacrifices the rights of Boeing workers in Washington State, it also sacrifices laws that are designed to protect workers' rights. It's an attack on all American workers.

It's one thing to take the side of the boss or the owners; it's another thing to take the side of the boss or the owners when they want to move jobs out of America.

Stand up for the American workers, stand up for workers' rights, stand up for American jobs, and stand up for employers who want to keep jobs in the United States.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to another member of the committee, the gentleman from Indiana (Mr. BUCSHON).

Mr. BUCSHON. Thank you, Mr. KLINE.

Mr. Speaker, I rise today to talk about jobs. The first thing I want to do is correct this ridiculous notion that this bill causes jobs to go overseas. I would argue it does just the opposite.

Just like Dr. ROE, I grew up in a union household. My father was a United Mine Worker, and that's why I am here today. I was elected to Congress to protect all workers, not just a select few.

Ninety-three percent of American workers are not in a union; 7 percent are, in the private sector. The National Labor Relations Board complaint is an attack on American job creators.

Again, I was elected to protect all workers, not just a select few.

The NLRB's decision to punish Boeing for creating 1,100 new jobs is just another example of the administration abusing its position to advance a biased agenda. I want to remind everyone no jobs were taken from Washington State.

This is a straightforward bill that prohibits the NLRB from ordering an employer to close, relocate, or transfer employment under any circumstances. This bill will create an environment necessary for employers to develop their businesses in the State that offers the best opportunity—and, I would argue, in the best country that offers the best opportunity—to grow and create jobs and not have this left up to a board of unelected bureaucrats in Washington, D.C.

I urge my colleagues to support this bill, and let's get America back to work.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1½ minutes to a daughter and sister in a union family who doesn't forget where she came from, the gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank my colleague.

Mr. Speaker, I rise today in opposition of H.R. 2587, a bill I call the "Outsourcing Bill of Rights."

Especially during these difficult economic times, we have come together to do the patriotic thing—protect and create jobs here at home.

This legislation eliminates the NLRB's already limited authority to order an employer to restore work taken away in a wrongful way. By passing this bill, we are telling our Nation's workers we cannot and we will not help them. Plain and simple, if this bill passes, it will lead to increased outsourcing of jobs. Further, the bill will make certain that employers will not be held accountable.

My colleague on the other side just mentioned that 93 percent of American workers are not unionized, and I also would like to bring up the point that we have seen wages across this country going down and yet we have seen the profits in corporations going up. That's why we are in the situation we are in right now.

I come from a union family, and I am proud of that. It was able to give us the education that we needed, for my father and mother to be able to buy us a home. That, we're not seeing today. Why? Because we're hitting the workers. Why did we have unions in the first place? To give them a voice.

I urge my colleagues to oppose this bill. In my opinion, the corporations should be a little bit more patriotic and start hiring people so we can get this economy going and make this

great country what we are. America can go forward, but not without good pay for our workers.

Mr. KLINE. Mr. Speaker, I am pleased to yield 3 minutes to another member of the committee, the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. I want to thank the chairman for his leadership on this issue and so many others on the Education and Workforce Committee.

Mr. Speaker, the NLRA is supposed to balance the rights of employees, employers, and the general public, but you would never know that from the recent actions of the NLRB. This unelected group of executive branch recess appointees has abandoned all pretense of objectivity and has become, frankly, nothing more than a taxpayer-funded law firm for Big Labor.

Boeing is the most glaring example of their overreach, but it is not the only one. At a time when union membership is at a historic low, the NLRB seeks to give Big Labor a historically high level of influence with this administration, whether it's quickie elections or mandating advocacy posters in the workplace or this, the economic death penalty. The NLRB is out of control and it needs to be reined in so it does not do even more damage to this fragile economy.

With respect to the bill at hand in which my friend and colleague Mr. SCOTT seeks to remove a single remedy from the arsenal of the NLRB, leaving a dozen other remedies, this bill simply says that you cannot force Boeing to close a billion-dollar facility, which is already being constructed in Charleston, and fire the thousand workers who have been hired and send the work back to Washington State, which is tantamount to the economic death penalty. Not a single worker has lost a job or a benefit in Washington State, Mr. Speaker, when Boeing started this separate, distinct supply line.

The NLRB thinks a company should stay in a union State no matter how many work stoppages there are, no matter how many customers have threatened to go do business somewhere else because they can't get their planes on time, no matter how many fines have been paid because of late delivery of airplanes because of work stoppages, no matter what. No matter how much money is lost, Mr. Speaker, the NLRB thinks that Boeing should have to stay in a union State because it planted a flag originally in a union State.

This Congress has limited civil remedies when they have been abused. This Congress has limited criminal remedies whether they have been abused. And this Congress must limit administrative remedies when they are being abused, as they are now. Even the Chicago Tribune, Mr. Speaker, hardly a bastion of conservative thought, acknowledges that the NLRB is out of control.

I will ask my colleagues on the other side the same question I asked Lafe

Solomon, the general counsel for the NLRB. Can you name me a single solitary worker who has lost a job because of Boeing's decision to start a separate line of work in North Charleston? Can you name me a single solitary worker who has lost a benefit or suffered any recrimination, any reparation because of Boeing's decision?

Mr. Speaker, if this administration were serious about job creation, they would have reined in this agency a long time ago. They did not, and we must.

□ 1150

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

My friend who just spoke indicated that this decision, or attempt by the NLRB, would destroy jobs in South Carolina. That's not accurate. On page 8 of the NLRB's complaint, it says the relief requested by the NLRB does not seek to prohibit respondent, Boeing, from making nondiscriminatory decisions where work will be performed, including work at its North Charleston, South Carolina, facility.

At this point I am pleased to yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY), a strong, progressive voice for working people in the United States.

Ms. WOOLSEY. I thank the ranking member for yielding to me.

When the President spoke in this Chamber last week, he urged us to focus on jobs. Believe me, this outsourcer's bill wasn't what he had in mind. He demanded that we move urgently to create new jobs, certainly not jeopardize the ones we already have. This outsourcer's bill of rights is nothing more than a gift to the majority's corporate cronies. It gives unscrupulous employers the green light to retaliate against workers, to punish them for engaging in union activities, or for fighting for their rights as workers. And they do that by saying that it is perfectly okay to pick up and leave town, and they do that after the president of Boeing actually admitted the reason they were moving to South Carolina was because there was too much union activity in Seattle. That is retaliation, my folks.

Someone tell me how exactly is this supposed to revive our economy? It's part of the Republican vendetta against workers and their collective bargaining rights. It's part of their orchestrated assault on the labor movement that built the American middle class. This is not the time to be undermining or threatening the job security of any American. It is time to defeat this bill and move immediately to pass a big, bold jobs bill, one that will put America back to work.

Mr. KLINE. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has 14 minutes remaining. The gentleman from New Jersey has 17 minutes remaining.

Mr. KLINE. Thank you very much, Mr. Speaker.

Then at this time I will yield 2 minutes to another member of the committee, the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. Mr. Speaker, I rise today in support of H.R. 2587, the Protecting Jobs From Government Interference Act, of which I am a cosponsor. Representing a district in the State of Alabama, a right-to-work State, the current activist agenda of the National Labor Relations Board greatly concerns me.

Congress has a responsibility to ensure that the NLRB objectively applies the law written by the people's elected representatives. Congress must also work to ensure that labor interests are not undermining the employer's efforts to create jobs. At a time when millions of individuals are unemployed and searching for work, public officials in Washington should look to provide greater certainty to America's employers so they can grow businesses and create new jobs, not hinder them.

Unfortunately, the recent rulings and proceedings of the NLRB have demonstrated otherwise. I enter this letter of support of H.R. 2587 from the Associated Builders and Contractors of Alabama in the CONGRESSIONAL RECORD. ABC represents over 800 commercial construction companies in my State, all of whom are concerned that the NLRB has abandoned its role as a neutral enforcer and arbiter of labor law in order to promote the special interests of unions. The Federal Government, especially the NLRB, has no right to dictate where a company can or cannot create jobs. The Protecting Jobs From Government Interference Act will provide employers with the certainty they need to invest in our economy and put Americans back to work right here at home in the United States.

ASSOCIATED BUILDERS  
AND CONTRACTORS, INC.,  
Birmingham, AL, July 29, 2011.

DEAR CONGRESSMAN ROBY: On behalf of Associated Builders and Contractors of Alabama (ABC), that represents 800 commercial construction companies in our state, I am writing to express our strong support for H.R. 2587, the Protecting Jobs from Government Interference Act. ABC urges House Members to support H.R. 2587 and will consider this vote a "KEY VOTE" for our 112th Congressional Scorecard.

Alabama being a right to work state, this bill further strengthens what your constituents feel is in the best interest of Alabama.

For more than a year, the National Labor Relations Board (NLRB) has moved forward with an agenda that is stifling job creation and economic growth. The NLRB's decisions, proposed rules, invitations for briefs and enforcement policies demonstrate that the agency has abandoned its role as a neutral enforcer and arbiter of labor law in order to promote the special interests of politically powerful unions.

Recent rulemakings and decisions by the NLRB will have negative implications for workers, consumers, businesses and the economy. These actions inevitably will reduce employee access to secret ballots; limit an employer's ability to effectively communicate the impact of unionization to its workers ("ambush" elections); trample private property rights; invite greater union in-

timidation of employees, consumers and small businesses; and limit the ability of U.S. businesses to quickly and flexibly adjust to the demands of a changing economy and global competition.

The NLRB has also taken unprecedented steps to mandate where and how one company—Boeing—can operate and expand its business. The federal government has no right to dictate where a company can or cannot create jobs. The Protecting Jobs from Government Interference Act would encourage investment in our economy by guaranteeing that businesses and entrepreneurs retain the ability to decide where to conduct business and where to locate jobs.

At this time of economic challenges, it is unfortunate the NLRB continues to move forward with policies that threaten to paralyze the construction industry and impede job growth. With an unemployment rate exceeding 15 percent, ABC members and construction workers cannot afford this burden.

ABC urges House Members to support H.R. 2587 and will consider this vote a "KEY VOTE" for our 112th Congressional Scorecard.

Sincerely,

JAY REED,  
President.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 3 minutes to the most effective leading voice for working people in America today, the senior ranking Democrat on the Education and Workforce Committee, my friend from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and for that nice introduction.

Mr. Speaker, I rise in very strong opposition to this legislation, H.R. 2587.

This special interest bill is a job killer. It is simply a job killer. It was spurred by a particular case involving a Fortune 500 corporation, The Boeing Company. But this bill is not just about Boeing. This bill is really about working Americans all across this country, and they should pay very careful attention to this bill and to this debate because it affects their livelihoods, their ability to support their families, the safety of their jobs at work, the conditions under which they work, and their ability to participate through their increased productivity in higher wages and better conditions.

This bill takes those rights away from workers, from all workers, all across the country. This isn't just about whether you belong to a union or not. This is about whether or not your employer can retaliate against you by taking your work away, by sending your work down the road or out of the country. It makes it easier to outsource because you simply, in response to a request by workers that they might share in the profits of the company, they might have higher wages, their work can disappear in an arbitrary fashion. And they have to understand that that's what happens under this legislation.

For the first time in 70 years, American workers in the workplace will not be protected. They will not be protected for the right to have a grievance against the employer for their wages or

for the benefits that they are paid because the employer, for the first time in 70 years, will have the ability to say: Well, if you need more wages and you want more wages, you know what I'm going to do, I'm going to take your jobs and I'm going to outsource them. I'm going to send them to China. I'm going to send them to India. I'm going to send them to another part of the country because I'm not going to pay higher wages. Today, that's illegal. Under this law, it will not be. They can take your job and your work away from you. We've got to understand what that means.

We just saw that wages have taken one of the largest hits in a decade in this country. We have seen, as workers fail to organize in the workplace, wages have continued to go down. And at the same time, we have seen the CEOs and the management of companies take out tens of millions of dollars a year for each and every one of them, but not share it with the workers. They have decided that they'll take the increased productivity of the most productive workers in the world, the American worker, and they'll take that increased productivity and they'll take it for themselves. They won't continue the bargain that we have in this country that if you work hard, you'll be able to improve your lot in life. And so we've seen wages have stagnated in this country. And now this. If you try to get better wages, if you seek to improve your lot in life, if you seek to improve the ability of your kids to go to school, to provide for your family, your work can be taken away. This is a first in America.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANDREWS. I yield the gentleman an additional 30 seconds.

Mr. GEORGE MILLER of California. This is a first in America. We must repudiate this on behalf of families that are struggling all across the country, those who are fortunate enough to continue to have a job, but they can't have a job living under this threat that they won't be able to better themselves if their employer decides to be selfish, decides to retaliate against them for seeking to organize to do something on their behalf. It's a fundamental part of the contract in America for workers. It doesn't exist in a lot of other parts of the world, but it does here. It has led to the middle class in this country, and it's the middle class that is threatened by this legislation.

Mr. KLINE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank the gentleman for yielding.

Mr. Speaker, I would just like to say on the previous speaker that we have a czar to control these executive pays, and so if that czar is not doing his job, that's another problem we need to address.

I rise today in support of H.R. 2587, the Protecting Jobs From Government

Interference Act. After the unprecedented actions by the National Labor Relations Board early this year, I was proud to join the gentleman from South Carolina and support this legislation.

Right now, our economy is suffering, and that suffering is felt even more in the South where States like Georgia and South Carolina have unemployment rates higher than the national average. We need to encourage companies to invest in those States most hard-hit. The Boeing plant in South Carolina directly created thousands of jobs in South Carolina, and indirectly through suppliers and construction created hundreds more.

□ 1200

Instead, the President has once again overstepped his executive authority and allowed the union attack dog to threaten to shut down the plant in South Carolina, jeopardizing thousands of jobs.

I strongly encourage my colleagues to support H.R. 2587 and stop the National Labor Relations Board from killing jobs.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

We don't have a czar controlling executive pay in this country. We have executives acting like czars outsourcing jobs around the world and ruining the middle class. That's the problem in the United States.

It is my privilege at this time to yield 3 minutes to the Democratic whip, who strongly understands the value of collective bargaining, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

First of all, the issue here has been raised by a case that is not yet concluded. Let me state that again: the issue raised in this legislation is reference to a case that is not yet concluded and seeks to interpose our judgment for the finder of fact and law's judgment. Normally, we believe that's a bad practice in a Nation of laws, not of men.

Secondly, this bill shows clearly a basic difference between many of us on this side and many on that side of the aisle, and that is whether or not you believe that working men and women have the right to come together to organize and to bargain collectively for their pay, their benefits, and their working conditions. In fact, it is my belief that the overwhelming majority of working Americans, whether or not they have joined such an organization, find their workplace safer, healthier, their pay better, and more availability of benefits than they would have if men and women had not been guaranteed the right to bargain collectively, for which they fought and some died in the 1930s and 1940s and later, because people did not want them to do that. They wanted to say: I don't care how much money we make, this is your portion.

Now, we see superathletes not stand for that if they're in the NFL or in the

NBA or the NHL. We understand that. They see their enterprises making great money because they're great players. But the owners want to pay them what they need to pay them. Why? Because they want to maximize profits. I'm for that. That's the free enterprise system.

So we set up a system where we can bargain and we can come to a fair resolution. But this bill says that the concomitant of that right, which is that the employer cannot retaliate for the exercising of a legal right, will be jettisoned. That's what this bill says pretty simply. Yes, you have the right to bargain collectively; but if we don't like what you're doing, we're taking a hike. We're going to retaliate.

I do not decide today whether or not that will be the finder of fact and law's conclusion in this case. I don't know that Boeing did that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANDREWS. I yield the gentleman an additional 30 seconds.

Mr. HOYER. I do not know whether that will be the ultimate conclusion, whether Boeing in fact violated the law by retaliating. And I've told my friends at Boeing that I don't know that that's going to be the conclusion. But I do know this: I am for working men and women having the right that they've had for some 70 years. And I believe that working men and women in America, organized or unorganized, are better off because we adopted a law to protect that right. Do not jettison.

And I close with this. I quote from a letter sent by hundreds of professors with expertise in this area: "We are dismayed that a single complaint should be the basis for so fundamental a reversal of longstanding law."

Do not take this step. Reject this bill. Vote "no."

Mr. KLINE. Mr. Speaker, I yield 2 minutes to another member of the committee, the gentleman from Nevada, Dr. HECK.

Mr. HECK. Thank you, Mr. Chairman.

Mr. Speaker, in the past, unions have been about protecting workers. As a physician, I know that one of the major reasons for the increase in life expectancy between the first and second half of the last century was due in large part to increases in worker safety, which were brought about by actions of unions.

I grew up in a union household. In fact, when my father was injured on the job, it was his union that helped represent him in court and put food on the table for my family. Too often, today's unions are more about politics and protecting their clout than protecting workers.

This change in focus is exemplified by a Boeing union newsletter that stated that "2,100 bargaining unit positions may be lost," if Boeing located a new manufacturing plant in South Carolina. Not jobs, not employees, not brothers and sisters, but bargaining



unit positions. These employees were reduced to nothing more than a number.

Employers must have the ability to locate where they can find the best employees, period. I worry that if the NLRB takes away that ability and prevents them from creating jobs in a right-to-work State like South Carolina, what does that mean for other right-to-work States like my State of Nevada, the State hardest hit by the recession and with the highest unemployment rates in the Nation. Would the NLRB take similar action against a company trying to create jobs in Nevada? That's a risk Nevadans cannot afford to take.

H.R. 2587 maintains an employer's ability to locate where they can find the best employees; and that is why I support this legislation, and I strongly urge my colleagues to do the same.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to the leader who's leading the fight against outsourcing and for collective bargaining, the minority leader of the House Democrats, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and commend him for his tremendous leadership on behalf of America's workers. Thank you, Mr. ANDREWS, for your leadership.

Mr. Speaker, across the country, Americans of every political party and every background—Democrats, Republicans, independents, and others—agree that our Nation's top priority must be the creation of jobs and economic growth and security. Yet for more than 250 days, the Republican majority in the House has refused to listen to them. They, the Republicans, have failed to enact a single jobs bill. And the American people do not have the luxury of waiting any longer for Congress to act to create jobs.

The President has proposed the American Jobs Act. He's called upon us to pass the bill now. We support that, as do the Democratic Members of the House. But today, instead of passing a jobs bill, we are wasting the time of the Congress by attacking workers instead of strengthening them. We are debating a bill to undermine the foundation of our middle class instead of fighting to put people to work rebuilding our roads, bridges, railways, broadband lines, schools, airports, and water systems. We are voting on a measure to send jobs overseas instead of focusing on how to keep jobs here at home through our Make it in America initiative advanced by our Democratic whip, Mr. HOYER. Make it in America—how to strengthen our economy and our national security by stopping the erosion of our manufacturing base, indeed, by strengthening our manufacturing and industrial base.

I want to recognize my colleague, Congressman GEORGE MILLER, the ranking member on the Committee on Education and the Workforce, for his leadership, his knowledge, and not only

his intellect but his passion and tireless advocacy on the subject of America's workers. As Congressman MILLER has said, our Republican colleagues have proposed the so-called outsourcers' bill of rights or as I prefer to call it, the Outsourcers' Bill of Wrongs—because this legislation has the wrong priorities for America's economy and for American workers.

□ 1210

The bill is about more than one company or a single case; it is about the economic security of America's workforce and families.

Rather than create jobs, this measure encourages the outsourcing of jobs and undermines the rights of middle class workers. This bill cuts the National Labor Relations Board, makes it easier for corporations to ship jobs overseas, and allows employers to punish their employees for simply exercising their rights to organize, to demand better benefits and safer working conditions, and to ensure a full day's pay for a full day's work.

For months in Wisconsin, Ohio, and States nationwide, Americans have seen Republican Governors and legislatures attack teachers and public servants. And we've seen these workers, union and nonunion alike, inspire the Nation to fight back. Now Republicans have brought their assault on working Americans to our Nation's Capitol, to the floor of the House, claiming their actions will help the economy. But it will do just the opposite. It will weaken our workers, our middle class, and our families—indeed, the cornerstones of our economic prosperity, of our middle class, and of our democracy.

The "Outsourcers' Bill of Wrongs"—or Rights—is not about jobs; it's about dismantling protections established specifically to strengthen the rights of workers. We need these protections now more than ever.

Listen to this: Last year, American companies created 1.4 million jobs overseas—overseas—while raking in enormous profits. We must create these jobs here at home.

Democrats will stand strong for our working men and women. We will stay focused on jobs and economic growth.

On a personal note, Mr. Speaker, the other night I had one of the thrills of my political lifetime. I received—such an honor for me—the Frances Perkins Award from my colleague, LYNN WOOLSEY, a champion for working families in our country.

For those of you who may not know Frances Perkins from history, she was the first woman to serve in the Cabinet of a President of the United States. She was the Secretary of Labor. And she was responsible for many important initiatives: the 40-hour workweek, the ability for workers to bargain collectively. She was a remarkable champion for working people in our country. She was largely responsible for creating Social Security. Imagine having that as her credentials. Imagine what a

thrill it was for me to receive an award named for her, especially given by Congresswoman LYNN WOOLSEY, a champion on the Education and Workforce Committee.

Much of what she did, the credit was given to the President of the United States, as is appropriate. More than 75 years ago, upon the signing of the National Labor Relations Act, President Franklin Roosevelt said this:

"By preventing practices which tend to destroy the independence of labor, this law seeks, for every worker within its scope, that freedom of choice and action which is justly his." I guess he could have said his or hers.

That "independence," that "freedom of choice and action" has rested at the core of a growing, thriving American workforce. It has not limited the ability of companies to move, change, or extend their operations. It has simply ensured that companies treat their workers in ways consistent with the laws of our land.

The independence and freedom of our workers have helped build and expand our middle class, which is the backbone of our democracy, and drive unprecedented prosperity for our families and for our Nation, and it must be preserved in our time. I call upon my colleagues to do just that, to preserve this right in our time.

I call upon my colleagues to oppose this legislation, to uphold the value of fairness for our workforce, and to get to work putting the American people back to work by bringing President Obama's bill, the American Jobs Act, to committee and to the floor to again give people hope and confidence and the dignity of a job.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. ANDREWS) has 8¾ minutes remaining. The gentleman from Minnesota (Mr. KLINE) has 9 minutes remaining.

Mr. KLINE. Mr. Speaker, I yield 2½ minutes to a member of the committee, the gentleman from Florida (Mr. ROSS).

Mr. ROSS of Florida. Mr. Speaker, I rise in support of this legislation on behalf of the American public that has had enough; on behalf of those tens of millions of people who pay their taxes, live within their means, and give their hand to a neighbor in need, for they have had enough; on behalf of those like Boeing, whose innovation, entrepreneurship, and technology ensures that more moms and dads will not have to witness a flag-draped coffin bringing their son or daughter home from a land far away, for they, too, have had enough. I rise on behalf of those like my dad, who fought and bled against tyranny to make sure that the future that he gave to his children would be a future of freedom, for those, too, have had enough.

Mr. Speaker, there is no defending the overzealous oligarchs at the National Labor Relations Board. Their actions are a symptom of a regulatory board gone amuck. In fact, the irony of

this is that if Boeing wants to escape their reach, their jurisdiction, the only way to do so is to move overseas, which is contrary to what any of us want when we want jobs here in America. Nowhere in America should your government be able to tell you what you can or cannot do just because they believe what your intentions are.

Mr. Speaker, this administration needs to stop reading minds and start reading the Constitution. The Boeing decision is a vivid reminder that absolute power corrupts absolutely. And we could dismiss it if it were only an isolated case, but it is not. Americans have endured an administration that fines American citizens for not buying a product, raids—with guns drawn—an American guitar manufacturer for not shipping jobs overseas, conducts aerial searches and seizures of American businesses without their knowledge, and orders Federal employees not to speak to Members of Congress.

Mr. Speaker, free enterprise is not the problem; it is the solution. And, Mr. Speaker, contrary to what the other side may say, labor is not the enemy. Labor is the backbone of the American economy. But both should be aware of a government that can tell you what to do just because of what you think, and both should be aware of a government that can tell you what to buy just because they think that's what you need.

I pray that this legislation is the cornerstone of a renewed free market citadel called America. The reign of the regulator is over. The American people want their country back, and there are still patriots in this House.

Mr. ANDREWS. Mr. Speaker, I yield myself 10 seconds.

I'm sure the gentleman did not mean to imply that those of us who take our side are not patriots. We think patriotism includes the right to freely and collectively bargain, and we stand for it.

I am pleased at this time to yield 1 minute to a widely respected advocate of the people of the State of Washington, the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I am very concerned about this outsourcing bill and its tenor.

If you want to change what's legal or illegal, then this body should address those issues. But this bill won't change what's legal or illegal; it will simply stop current law from being enforced.

The NLRB is a law enforcement body. It follows an independent, adjudicative process.

□ 1220

If we want to change the laws it enforces, that's subject to debate, but this bill won't do that, and that's why I'm opposing it.

I haven't taken a position on the case that brings us here today, and I don't

intend to here, but I can say this firmly: Elected officials should not be politicizing an ongoing adjudicative process. Politics should not interfere with justice in this or any other case.

I won't support a bill that doesn't change the underlying law but only changes the ability of those we've charged with enforcing it with the ability to do so. Don't allow one controversy to sully Uncle Sam's ability for justice in this country.

Mr. KLINE. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. I thank the chairman for yielding, and I thank him for his leadership on this issue.

Mr. Speaker, I rise today in strong support of this bill.

I want to start by making a comparison and contrasting the events recently in the great State of South Carolina with that of my home State of Arkansas.

In Arkansas, aerospace is one of our top exports. We have more jobs in Arkansas affiliated with the aerospace industry than any other sector of our manufacturing economy. With aviation manufacturers like Hawker Beechcraft and Dassault Falcon, thousands of Arkansas families enjoy high-paying jobs. Communities, schools, and small businesses are all positively impacted by the aviation industry's choice to locate in Arkansas. But, Mr. Speaker, if the NLRB had had their way, none of this would have ever been a reality in my home State of Arkansas.

The recent action by the NLRB is a case of massive overreach, overreach that attempts to tell a business where and when they should locate their businesses that employ people and create jobs. You see, Mr. Speaker, South Carolina, along with Arkansas, are right-to-work States. Right-to-work States focus on fostering economic conditions that allow the private sector to create jobs and prosper.

And again, not a single job was lost as a result of Boeing's decision to open another manufacturing plant in the State of South Carolina. Yet the NLRB chose to attack the private sector once again. And that's just indicative of this administration's economic agenda that focuses on growing government instead of creating jobs and growing our economy.

In closing, Mr. Speaker, the NLRB decision sets a dangerous precedent. This bill is the first step to limit the government overreach that threatens Arkansas companies and job creators all across the country.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to a person who understands the international implications of economic growth and collective bargaining, my good friend from California (Mr. BERMAN).

Mr. BERMAN. Thank you, Mr. ANDREWS.

Mr. Speaker, I would like the proponents of this legislation to look at this fact situation:

Let's assume there was compelling evidence that an employer decided to move a production line from one part of the country to another part of the country because he wanted to find a workforce that was white and not African American or not Latino, or that was much more likely not to have women applying to work on that manufacturing line than where he was located. Would anyone here suggest there should be a bill that, notwithstanding Title VII of the Civil Rights Act, should let that employer, with a discriminatory motive and a racist intention, move his plant for that reason?

This is not a bill about what an employer can or cannot do. This is a bill about motivation. The Civil Rights Act, 1964, the right of employees to organize, form unions, bargain collectively, and to prohibit employers from retaliating against that, 75 years ago.

If you really want to have the job creators do whatever they want, as you like to say, get rid of the workers' right to choose, get rid of collective bargaining, remove the protections against discrimination, against unions, but don't pretend you're trying to do something for reasons that disguise the motivation for the reason.

Mr. KLINE. Mr. Speaker, may I inquire again about the time remaining?

The SPEAKER pro tempore. The gentleman from New Jersey has 6½ minutes remaining, and the gentleman from Minnesota has 5 minutes remaining.

Mr. KLINE. I will inform my colleague from New Jersey that I am expecting another speaker; so at this time I will reserve the balance of my time.

Mr. ANDREWS. I thank my friend.

Mr. Speaker, I am very pleased to yield 2 minutes to a passionate voice to fight the ravages of outsourcing in our country, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I stand in strong opposition, Mr. Speaker, to this bill.

The National Labor Relations Board exists to ensure that companies do not discriminate against workers who exercise their rights under Federal law. That protection prevents the illegal offshoring of American jobs.

In 2000, for example, a California jewelry manufacturing company took aggressive action to discourage its employees from organizing, a right that is protected under Federal law. When the company failed, it announced plans to relocate its operations to Mexico. The Board was able to prevent this from happening.

Using the authority this bill would eliminate, the Board prevented the company from moving American jobs to Mexico. If H.R. 2587 is enacted, companies will be able to ship jobs overseas in retaliation against American workers exercising their rights.

Unfortunately, H.R. 2587 is part of a larger campaign to attack workers'



rights. That campaign includes an investigation by the Oversight Committee into the Board's ongoing prosecution of The Boeing Company for allegations of illegal retaliation against workers in Washington State for exercising their rights under the law.

A Washington Post editorial warned that the committee should not "sabotage" this ongoing legal process. And 34 law professors urged the committee to let the Board do its job without interference. Instead, the committee issued a subpoena, threatened contempt, and even intimidated NLRB attorneys trying to do their job.

If H.R. 2587 becomes law, even if Boeing is found to have violated workers' rights, no remedy will exist to restore those rights to workers. Nobody interested in protecting American jobs should support this bill.

I strongly urge my colleagues to vote against H.R. 2587.

Mr. KLINE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, at this time I am pleased to yield 1 minute to a gentlelady who favors job creation over outsourcing, the gentlelady from Hawaii (Ms. HANABUSA).

Ms. HANABUSA. Mr. Speaker, H.R. 2587 should be really called the "Death of the Workers Rights Act." This amends the National Labor Relations Act of 1935. And remember why that act was created. We were in the Great Depression.

So why was it then passed? Because workers could join unions even back then, but they could be fired for joining the union and for striking. Does that sound familiar? This caused great labor unrest in this country, a country that was struggling to get back on its feet.

Remember, we are a country of workers. Workers made this country, and workers will continue to make us the great country that we are.

What the NLRA said was workers could organize to act in a concerted manner for mutual aid and protection. This act basically eliminates the remedies if that right is violated.

Now, remember, the NLRB must prove that these protected rights were violated. They just simply can't go in and act willy-nilly. They have to prove these allegations.

There will be no rights for these workers if this bill is allowed to pass.

Mr. KLINE. Mr. Speaker, it is apparent that we have two speakers, a gentleman from Virginia and one from Texas who apparently are not going to be able to get here on time; so I will be closing when Mr. ANDREWS has exhausted his speakers.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, at this time it is my honor to yield 1 minute to a gentlelady who has been a fierce advocate for jobs for New York City but, more importantly, for all of America, the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Mr. Speaker, today I rise in opposition to

H.R. 2587. This bill, which was rammed through committee without so much as a legislative hearing, does not create or protect jobs, in spite of its misleading title. What this bill does is give American workers an unfair choice: your rights or your job.

H.R. 2587 creates an open season for CEOs to punish workers for exercising their rights. This bill allows companies to relocate or eliminate jobs in retaliation against employees who exercise their right to organize, strike, or engage in collective bargaining activity.

□ 1230

This Republican-sponsored bill accomplishes this by eliminating the National Labor Relations Board's power to order work be restored or reinstated. In practical terms, this would mean that if a CEO wanted to punish workers for organizing or striking, the CEO could simply choose to relocate or eliminate the work and thereby eliminate the worker without fear of being held accountable.

I ask my colleagues to oppose this bill and vote it down today.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. ANDREWS. I yield myself the balance of my time.

Mr. Speaker, when one listens to the back-and-forth in this debate, there's a lot of different points and I'm sure some confusion that flows from that. But the debate's really pretty simple, and it's about one question: If a group of people working at a business in this country chooses to try to organize a union and bargain collectively for their wages and their working conditions, and the employer is discomforted by that and the employer comes in and says, "I don't like the fact you're trying to form a union and bargain collectively and assert your rights, so I'm moving to Malaysia. I'm out of here," should that be legal or not? We believe emphatically it should be illegal.

To say to American workers that they dare to speak up for themselves, they dare to assert their rights, they dare to bargain collectively, therefore their jobs could be moved overseas is wrong. It is illegal today to do that.

Now, in the Boeing case, a judge will decide whether or not Boeing did that. If the judge decides that Boeing didn't, the case is over. If the judge decides that Boeing did, then there will be remedies that would lie against Boeing.

But this is what this case is really about, this issue is really about, this bill is really about in the lives of daily Americans. How many of our constituents are sick and tired of making a call about their credit card or some other account and realize that the person in the call center at the other end is in Asia and has no idea what they're talking about?

If you want more outsourcing, if you think the problem in America is that too many jobs are being created here and we do more for other countries around the world, then this is your bill.

But if you've had it with outsourcing, if you want jobs to be created in America, what we ought to do is defeat this bill and rapidly bring to the floor the jobs plan the President of the United States stood in this Chamber last week and proposed.

Let's stop creating jobs around the world and start creating jobs around America. Let's stand up for collective bargaining, and let's defeat this bill.

STATEMENT OF PROFESSORS FROM COLLEGES AND UNIVERSITIES ACROSS THE UNITED STATES ON HR 2587

HR 2587, currently being considered by the House of Representatives and endorsed by a majority of the House Committee on Education and the Workforce, would amend the National Labor Relations Act to take away from the NLRB the ability to remedy unfair labor practices involving the removal of work or the elimination of jobs by requiring employers to undo their unlawful actions. As scholars of law and labor policy, we are deeply concerned about the far-reaching impact this bill would have on employees' basic rights to organize, to bargain collectively, and to engage in other concerted activities protected by the NLRA.

The language of the proposed amendment to the Act is sweeping. It provides that the Board shall have no power to order an employer (or seek an order against an employer) to restore or reinstate any work, product, production line, or equipment, to rescind any relocation, transfer, subcontracting, outsourcing, or other change regarding the location, entity, or persons who shall be engaged in production or other business operations. This language has been justified by the bill's sponsors and critics of the Board as a response to the NLRB Acting General Counsel's actions in issuing a complaint against Boeing Corporation. As such, it would prevent the Board and the courts from directing Boeing to restore work to its employees in Washington State in the event that the company is found to have illegally moved the work in retaliation for those workers' exercise of legally protected rights.

But that unprecedented interference with a pending legal proceeding for the benefit of a particular employer is not all that the bill would do. If enacted, HR 2587 will eliminate the ability of the NLRB and the courts to effectively remedy any discriminatorily motivated decision to transfer work from employees or eliminate their jobs not for legitimate business reasons, but because the employees have engaged in union or other NLRA-protected activity. It will also eliminate any meaningful remedy for an employer's refusal to bargain with a union in circumstances where it is required to do so before transferring or contracting out work performed by workers the union represents.

The Board has long held that moving jobs from one facility to another or shutting down a particular operation to avoid unionization or to punish workers for engaging in protected activity violates a basic policy of the Act, that of insulating union activity from economic reprisal.<sup>1</sup> The same is true of discriminatorily motivated decisions to subcontract or outsource work.<sup>2</sup> The standard remedy for such a violation, regularly affirmed by the Federal Courts of Appeals, is an order to the employer to return the work that has been unlawfully eliminated or removed.<sup>3</sup> In the interests of economic efficiency, however, the Board will not require restoration of work if the employer can show that it would be "unduly burdensome" to do so.<sup>4</sup>

An order to restore work that has been eliminated or removed is also the standard

remedy in cases where the employer's actions were taken in violation of its duty to bargain. In unionized workplaces, employers have a legal obligation to bargain over certain decisions affecting where and by whom bargaining unit work is performed. If the employer acts unilaterally, without first bargaining with the union until the parties reach agreement or are at impasse, the Board routinely orders the employer to rescind the unilateral action and restore the work until the duty to bargain has been satisfied, subject again to the "unduly burdensome" standard.<sup>5</sup>

If HR 2587 becomes law, the Board will be precluded from ordering this common-sense relief. Employers will be able to eliminate jobs or transfer employees or work for no purpose other than to punish employees for exercising their rights and the Board will be powerless to direct the employer to return the work regardless of the circumstances.

Without the ability to order a unionized employer to bring back work that has been unilaterally transferred or outsourced in violation of the duty to bargain, the Board will also be unable to insure that employees, through their union, are able to engage in meaningful bargaining over such decisions.

We are dismayed that a single complaint, not yet tried by an administrative law judge argued to the Board, or ruled on by the courts, should be the basis for so fundamental a reversal of long-standing law. The legal theory on which the Acting General Counsel's complaint against Boeing is based is thoroughly consistent with existing law. Contrary to the claims of critics, the Acting General Counsel is not seeking to dictate where Boeing assigns work, but only to insure that such actions are not taken in retaliation for workers' exercise of rights protected by the NLRA. In fact the complaint itself specifically states that "the Acting General Counsel does not seek to prohibit Respondent from making nondiscriminatory decisions with respect to where work will be performed, including nondiscriminatory decisions with respect to work at its North Charleston, South Carolina, facility."

But as we have shown, the impact of HR 2587 would go well beyond overruling the Acting General Counsel's actions in the Boeing case. If enacted, it will give tacit permission to employers to punish any segment of their workforce that chooses to unionize or to exercise the right to strike by eliminating their jobs. It will allow unionized employers who find it convenient to ignore their duty to bargain with the union before transferring or eliminating bargaining unit work to act unilaterally without concern for legal consequences. Employers will be able to eliminate lines of work, hire subcontractors, switch jobs to non-union facilities or transfer them out of the country in violation of the NLRA—secure in the knowledge that the Board will be unable to order it to undo those actions.

In the Committee report regarding the bill, the majority states, "To ensure employees can continue to exercise their rights under federal labor law, the NLRB will continue to have more than a dozen strong remedies against unfair labor practices to protect workers and hold unlawful employers accountable." However, the report does not list those remedies and we are at a loss to identify them. The Board's remedial power under existing law is already severely restrained. The Board cannot impose sanctions. It may not seek to punish wrongdoers. It cannot impose fines; it cannot require anything that would amount to a new contract between the parties. If the bill passes, the Board will have no effective response to basic unfair labor practices.

The Committee majority seeks to justify the reducing of employee rights and Board

authority by claiming that it is merely strengthening the employer's right to make basic business decisions, including where and how to invest its resources. We reject the premise that restoring work to those who would perform it were it not for the employer's unlawful action violates an employer's basic entrepreneurial rights. The policy of restoring victims to the position they would have been in had it not been for unlawful conduct is common throughout our legal system, and it represents no more than a recognition of simple justice.

#### ENDNOTES

<sup>1</sup>See, for example, *Frito-Lay, Inc.* 232 NLRB 753 (1977) (employer violated the Act by shutting down plant and transferring the work to another facility in response to a union organizing campaign); *Lear Siegler, Inc.*, 295 NLRB 857 (1989) (same).

<sup>2</sup>See, for example, *Century Air Freight*, 284 NLRB 730 (1987) (employer's subcontracting of trucking work violated Act because purpose was to avoid bargaining with union). See also *Aguiar v. Quadratech Corp.*, 129 F. Supp. 2d 1273 (C.D. Cal. 2000) (granting the Board's request for an injunction stopping an employer from moving its California operations to Mexico in retaliation for union organizing).

<sup>3</sup>See, for example, *Mid-South Bottling Co. v. NLRB*, 876 F.2d 458 (5th Cir. 1989) (affirming appropriateness of Board order directing bottling company to reopen a distribution facility closed because employees voted for union representation); *Woodline Motor Freight, Inc. v. NLRB*, 843 F.2d 285 (8th Cir. 1988) (upholding Board order requiring employer to restore trucking operations transferred to another facility after employees engaged in union organizing campaign); *Statler Industries, Inc.*, 644 F.2d 902 (1st Cir. 1981) (approving Board order directing employer to restore office jobs relocated to another facility in order to frustrate union organizing activity).

<sup>4</sup>*Lear Siegler, Inc.*, supra, 295 NLRB at 861.

<sup>5</sup>The Board's authority to order such a remedy in refusal to bargain cases was expressly affirmed by the supreme Court in *Fibreboard Paper Products Corp. v. NLRB*, 379 U.S. 203 (1964), which upheld a Board order directing an employer that contracted out the work of its maintenance employees without first bargaining with the employees' union to resume maintenance operations and reinstate the employees. The Court said the order restoring the status quo ante "to insure meaningful bargaining" was well-designed to promote the policies of the Act and had not been shown to impose an undue burden on the employer. Id. at 216.

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I yield back the balance of my time.  
 Mr. KLINE. Mr. Speaker, I yield myself the balance of my time.

There is always an interesting debate on the floor. This has been another example. We have some fundamental differences in how we view the problems and, more importantly, the solutions facing our country.

Both sides recognize that we have high unemployment, historically high, with 30 months of unemployment over 8 percent, 14 million Americans out of work. Both sides want the economy to grow and people to get back to work. But one side believes that more regulations—by the last account some 219 in the pipeline coming from this administration—more regulations, more spending money that we don't have, more government interference will somehow get Americans back to work; and the other side, Mr. Speaker, believes that employers, the private sector, small businesses, entrepreneurs, middle-size businesses and large businesses create jobs, put Americans to work.

Now, the National Labor Relations Act, as has been discussed, has been around for a long time. Neither side is suggesting that Americans don't have the right to organize and to bargain. I beg to differ with my colleagues on the other side. That's not what this is about.

But what we have here is a case where the act creates a board which, by

its nature, changes back and forth, depending upon who's in the White House, so that it has more Democrats one time and more Republicans another. And so I would argue and have argued that for some time, the board, in enforcing the act, is causing some whipsaw of the economy. I'll concede that.

But right now with this board, I would argue that, as one of my colleagues on the other side said, there was an agenda over here. I agree, there is an agenda. The board has an agenda.

There is a rainfall, a torrent of rulings coming out of this board that strike at the heart of American job creators that create jobs. One of those rulings—and I agree that it's an interim ruling. It's a ruling by the acting general counsel. One guy looks at the actions that a major American company has taken to create more jobs, to spend a billion dollars, build a plant in South Carolina, hire over a thousand people. One guy says, No, I don't think so. I think, says he, this is a transfer of work and it's in retaliation; I think that.

So it's been pointed out this is an on-going process. And one of my colleagues in the committee said, Well, nothing bad has really happened here. Let's let this play out.

No, no. I beg to differ.

Go to Charleston, South Carolina. Talk to those thousand employees about their future and the uncertainty that this brings. Talk to the companies who are looking at creating jobs, starting businesses in this country and are looking at this ruling and the threat this poses and reconsidering their actions.

So, Mr. Speaker, I believe we have a choice. We can stand, we can sit, we can watch, or we can step up and try to help Americans get back to work in America by stopping this action and the threat that it poses to companies across America.

So I encourage my colleagues to vote for this legislation. Let's get Americans back to work in America.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong opposition to the so-called "Protecting Jobs from Government Interference Act." It's a nice name for a bad bill.

This bill is not about protecting American jobs or American workers. It's about protecting big businesses who want to move jobs out of American communities without consequence. It's about forcing American workers to accept the lowest common denominator rather than standing up for fair pay and safer working conditions.

For more than 75 years, federal law has guaranteed employees the right to organize without threat of retaliation. If workers decide to form a union, the company can't punish them by moving operations down the street or out of the country. But this bill would allow companies to retaliate with impunity by stripping the National Labor Relations Board of its power to enforce that law.

Today's legislation is a response to an on-going dispute between the NLRB and Boeing.

I understand that many of my colleagues have strong opinions on that issue, but it is not the business of this Congress to legislate on an individual case. It is not appropriate to dismantle the enforcement mechanism to secure a result for any party.

This bill makes sweeping changes to worker protections and would have severe consequences. Rather than creating a single job, it would give employers free rein to eliminate jobs or move them overseas to punish workers for exercising their rights.

Mr. Speaker, this bill strips fundamental protections from American workers, leaving them and their jobs less secure. It turns back the clock on 75 years of employment law. It is the wrong direction for America, and I urge my colleagues to reject it today.

Mr. BLUMENAUER. Mr. Speaker, I am deeply disappointed by the bill the Republican majority is bringing to the floor today. While I am used to the Republicans attacking new protections for American workers, this bill attacks and removes long-standing enforcement provisions of the National Labor Relations Board, virtually eliminating its protection for U.S. workers.

This bill prohibits the National Labor Relations Board from carrying out its mandate to prevent unfair labor practices and would even allow companies to move outside of the United States to avoid union organizing. In other words, this bill makes it easy for companies to outsource jobs to other countries in order to avoid paying our workers family wages, providing health benefits, and meeting basic safety and environmental obligations.

Under current law, it is illegal to retaliate against workers for union activity or to threaten workers to discourage union activity. Not only does the bill remove the power from the National Labor Relations Board to block such retaliation or threats, but the bill even prevents the Board from seeking such an order. Our laws may set forth strong worker protections, but this bill prevents the exercise of those protections, reducing those promises to empty words.

It is appalling to me that the Republican majority is considering rolling back provisions that have protected workers for decades. I urge my colleagues to vote against this ill-considered legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H.R. 2587, the misleadingly named "Protecting Jobs From Government Interference Act."

This legislation, if enacted, would gut key provisions of the National Labor Relations Act, a law which has ensured the right of working Americans to fight for better working conditions, a better salary, and better benefits for themselves and their families for more than 75 years.

H.R. 2587 would strip from the National Labor Relations Board the ability to take action against any employer that has been found to violate the law by closing an office, relocating a plant or firing workers in retaliation for exercising their rights to organize or petition for fairer benefits.

Even worse, passage of this legislation would open the door for companies to engage in the practice of illegally moving jobs overseas. In the past, the NLRB has been able to take action against companies that have attempted to move their operations overseas who do so with the clear goal of punishing

employees for exercising their fundamental organizing rights.

This legislation would open the door to wholesale off-shoring of U.S. jobs at a time when this Congress should be discouraging such behavior.

A bill of this magnitude, which would set back decades of established labor law and precedent, should be considered in a much more deliberative manner.

I call on my colleagues on both sides of the aisles to vote in favor of working Americans and to oppose this legislation.

Mr. DINGELL. Mr. Speaker, I rise in unequivocal opposition to H.R. 2587, the Protecting Jobs from Government Interference Act. This devious legislation carries on in my Republican colleagues' fine tradition of masking hard truth with pithy and inaccurate turns of phrase. H.R. 2587's goal is not to protect jobs, but rather to neuter the National Labor Relations Board (NLRB) and the protections it affords America's working men, women, and their families.

In point of fact, H.R. 2587 will prohibit the NLRB from reinstating production lines closed as retaliation for union activities. The bill will also prevent the Board from issuing any order that rescinds any relocation, transfer, subcontracting, or outsourcing of work by a company as retribution for union activities. As I have said, this bill does nothing to offer increased protections to American workers. It will, however, protect union-busting activities by businesses that are still sitting on billions of dollars and asking for a tax holiday for repatriated profits, yet all the while making precious little effort to add new jobs.

Mr. Speaker, my friends on the other side of the aisle are using a pending dispute between the NLRB and a certain airplane manufacturer to justify the supposed need for this abominable legislation. H.R. 2587 is explicit proof of the Republican Party's strong desire to wipe out the very unions that built this country's middle class and make sure American workers have no better protections than their brethren in third-world countries.

I urge my colleagues to oppose this bill.

Mr. POE of Texas. Mr. Speaker, this piece of legislation is critical to prevent the National Labor Relations Board from disrupting business and job growth by ordering an employer to relocate.

The purpose of this board is to protect workers, not to leave them in fear that their jobs may be relocated on the whim of the Board's members.

The NLRB has no place in telling businesses where they can operate.

Businesses create jobs, not the government.

In this economic climate, the last thing we need is for businesses to have any more anxiety preventing them from hiring more workers.

Boeing, who the NLRB has attacked, is creating jobs in both South Carolina and Washington.

With the attempt by NLRB to force Boeing to move the newly created jobs in South Carolina to Washington, jobs will now be lost in South Carolina.

Texas like South Carolina is a Right to Work State.

Businesses that operate in non-Right to Work States should not have to be intimidated from opening up locations in Right to Work States like South Carolina and Texas because of concerns that moving to these states will be considered "transferring" work.

The NLRB should not have the power to force the relocation of a business.

It has over a dozen other remedies to protect workers.

The National Labor Relations Act needs to be amended to prevent this.

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this bill which is an attack on the fundamental rights of working men and women.

We are debating this bill at a time when roughly 13½ million Americans are unemployed and the labor force participation rate is still at a low—not seen in over a generation. This House should be focused on paying our bills, creating jobs, strengthening the middle class, and protecting workers rights. Instead, the Republican Majority has brought a bill to the Floor that does nothing to help our economy or create jobs, but instead makes it easier for corporations to send American jobs overseas and allows employers to punish their employees for exercising their rights to organize and ensure a full day's pay for an honest day's work.

H.R. 2587 will strip the National Labor Relations Board (NLRB) of its authority to enforce basic labor protections, and will allow employers to openly discriminate against union workers. With this bill, companies will be allowed to outsource jobs and intimidate and fire workers without repercussions in retaliation for American workers who exercise their rights under current U.S. law.

Mr. Speaker, the assault on union employees is happening across the country from Wisconsin, to Ohio, and now right here in the House of Representatives. We must not let it continue if we want to preserve our nation's middle class which is in serious decline. There is no question that the unions have contributed to building the middle class in this country.

According to the Bureau of Labor Statistics, union workers are more likely than non-union workers to be covered by health insurance, and receive pension benefits and paid sick leave. We must not ignore the critical role that unions have played in building America by helping improve the wages and working conditions of union and non-union jobs alike.

I urge my colleagues to stand up for working families, for a stronger middle class, and a growing economy. For more than 75 years, federal law has provided Americans the right to join together in unions and bargain for fair pay and benefits and safer working conditions. I pledge to fight to maintain those rights and protections and urge a no vote on this harmful legislation.

Mr. MORAN. Mr. Speaker, today the House of Representatives passed H.R. 2587, the Protecting Jobs from Government Interference Act. This legislation, should it become law, would destroy a pillar of America's economic prosperity when we need it most. The bill strips the National Labor Relations Board of its ability to sanction companies that retaliate against employees seeking to exercise a basic constitutional right.

The facts of the case, though often misreported or obscured by partisan disdain for working people, are clear. Under a federal statute that has been in force since 1935, workers at the Boeing Corporation complained that the corporation moved a manufacturing plant to a different state in direct retaliation for labor strikes. The National Labor Relations

Board, as is prescribed in the same statute, investigated the case. As part of their investigation, NLRB investigators collected evidence from both parties. The NLRB has not yet determined whether this evidence warrants a complaint against Boeing. In short: the process which has been in place for more than 75 years is working as designed, but it has not been completed. This bill would halt the investigation of this legally introduced complaint, and it would gut the statute that governs the relationship between workers and bosses.

At a time when the President and others have correctly argued that the U.S. government should not be assisting corporations to ship jobs overseas, we are gutting the U.S. government's role in ensuring that workers have a fighting chance to improve their lives, provide for their families, and keep quality jobs.

We should all be in this together: workers, corporations, and the federal government. We ought to be working as a team to boost U.S. efforts to remain competitive in a tough global economy. The American middle class today faces devastating attacks on its health care, retirement security and real wages, while corporate profits and CEO salaries are skyrocketing. I strongly oppose this misguided effort to gut protections for America's workers.

The fact is that under the NLRA, a corporation may outsource jobs for practically any reason, just not for an illegal reason. Under the law, due process protects corporations and workers, ensuring that both sides have their say. In fact, even if the NLRB rules that Boeing has acted illegally, a decision would not infringe Boeing's—or any corporation's—right to open manufacturing facilities anywhere. They just can't do it to punish the workers they rely on to compete.

This legislation throws those critical worker protections away for the short sighted purpose of rewarding one Fortune 500 company that has been able to compete globally in a tough business environment by hiring qualified workers to build the best planes in the world. Now Republicans in the House of Representatives want to turn those workers and their families out on the street for exercising their right to bargain.

In order to recover from the recession, the United States needs to address the growing disparity in wealth in our country. Despite the recession, corporations today are bringing home more profit than ever before. Tax rates are the lowest they have been in decades. What corporations need is consumers, and if we don't protect the middle class through sensible, longstanding safeguards such as those set out by the NLRA, the economy will never recover.

Sadly, those on the other side of the aisle are desperate to return to policies that created the recession. They want tax cuts for the richest and deregulation across the board. We have seen this before, and we know where it leads.

Future prosperity calls for a different approach. Collective bargaining is part of one of the foundational rights set out in the First Amendment of the Constitution, the right to free assembly. It has worked for America's workers, it has been essential to the creation of our broad middle class, and it is essential that we preserve it.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong opposition to H.R. 2587, or the

“Outsourcers’ Bill of Rights.” This bill would encourage businesses to ship jobs overseas and weaken the rights of American workers. There's never a good time for this kind of misguided legislation, but it's hard to imagine a worse time than right now.

This bill would prohibit the National Labor Relations Board (NLRB) from directing an employer or company to restore or reinstate work that has been unlawfully transferred, outsourced, or subcontracted away from workers in retaliation for exercising their rights, such as organizing a union.

Furthermore, it would apply retroactively to any complaint that has not been resolved by the time of enactment. Its impact is dangerous and wide-ranging. Simply put, this bill strips away the authority of the NLRB to effectively remedy unlawful practices against workers.

This ill-timed legislation would effectively encourage companies to outsource their jobs overseas. In 2000, the National Labor Relations Board was able to force a company to bring jobs back to the U.S. from Mexico, as the company was charged with shipping jobs to that country in retaliation against workers seeking to organize a union. If this bill passes, American workers would lose this critical protection.

For more than 75 years, federal law has provided Americans the right to join together in unions and bargain for fair wages and safe working conditions. As President Obama stated earlier this month, when it comes to labor relations, “we shouldn't be in a race to the bottom . . . America should be in a race to the top.”

Mr. Speaker, the priority of Congress should be to raise the living standards of the middle class and working families in America. I urge my colleagues to vote against this bill and join the race to the top.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to H.R. 2587, which is a misguided attempt to intervene in an ongoing labor case and which has much broader and serious consequences for American workers and American jobs.

Last April, the National Labor Relations Board general counsel issued a complaint in response to a petition alleging that Boeing Corporation had located an aircraft production line in South Carolina. The charge is that Boeing made the move to retaliate against Washington state union workers who had exercised their legally-protected rights.

The April complaint didn't result in a final outcome—it just sent the case to an independent administrative law judge who is now considering arguments and evidence from both sides in the dispute. Even if the judge finds that Boeing did discriminate against workers for exercising their legal rights, Boeing could still argue that it would have made this business decision anyway or that moving production back to Washington state would impose an undue burden.

The bill before us is a response to a case that has not even been decided and where the burden of proof is high. Congress—which passed the laws under which the case is being adjudicated—should not intervene to determine the outcome of this ongoing judicial proceeding. More than that, Congress should not pass a bill with impacts that would go far beyond the Boeing case and allow companies to ignore labor laws by shipping jobs not just to another state but to another country.



In the past, the National Labor Relations Board has acted to prevent companies from shipping jobs to countries like Mexico in order to avoid legal organizing efforts by American workers. Such actions would be impossible if this legislation were to become law. Union workers who want to use legally-protected rights to improve workplace safety or to maintain middle-class wages and decent benefits could see their jobs shipped overseas—away from an American economy that is in desperate need of more jobs, not fewer.

By creating these disincentives, H.R. 2587 would encourage a “race to the bottom.” Even the threat of a plant shutdown would be a significant disincentive to workers, who would have no remedy to ensure enforcement of their legal rights. Workers could face a Hobson’s choice—either exercise legally-protected rights and risk their jobs being shipped overseas, or forgo those rights and accept jobs that may come with low wages, inadequate benefits, and dangerous working conditions.

Rights are not rights unless they are enforceable. Workers will not have a voice at work if any time they seek to speak out, they can see their jobs disappear to another country.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong opposition to this legislation. President Franklin Delano Roosevelt said about the National Labor Relations Act, which created the National Labor Relations Board, that “by preventing practices which tend to destroy the independence of labor, it seeks, for every worker within its scope, that freedom of choice and action which is justly his.” This legislation today would seek to undermine that freedom of choice and action by giving employers the ability to penalize workers who choose to exercise their right to organize and encouraging companies to move their jobs overseas. Make no mistake, the majority is using a disagreement with one decision made by the NLRB as an opportunity to make sweeping changes at the expense of the rights of workers across the country. This is not what the American people want and is not the direction we should be heading as a country.

Instead the opportunity we must take advantage of is the mandate that the American public has given us which is to work together to ensure that we are doing everything we can to create jobs and get our economy going again. This divisive piece of legislation will only hinder that effort to work in a bipartisan manner to reach the goal of reducing the unemployment rate and thus reducing the deficit. I urge my colleagues to oppose this bill and to get to work on creating jobs and growing our economy.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 2587, the misnamed Protecting Jobs from Government Interference Act.

This bill dismantles key functions of the National Labor Relations Board and guts more than 70 years of established labor law in our country. If this legislation becomes law, it would eliminate nearly all worker protections when companies illegally fire workers and close or move plants in retaliation for union activities.

The proponents of this legislation claim that it will create jobs, but it does no such thing. Instead, it creates a race to the bottom with regard to workers’ rights. This bill sends a message that we’ve abandoned the American worker.

H.R. 2587 will encourage employers to move jobs to states with less worker protections. It will also make it easier to outsource jobs to other countries. In my district, we’ve seen plants close, thousands of workers lose their jobs, and communities hurting as a result. We should be creating good jobs in this country and ensuring that hard working Americans don’t have to give up their rights when they go to work in the morning. One way we can do that is by voting against this misguided bill and demonstrating that many of us in Congress still stand with the American worker.

Ms. HIRONO. Mr. Speaker, I rise today in strong opposition to H.R. 2587. In Hawaii, we believe in fairness and respect. We believe that working men and women should be able to come together to have a voice in their workplace, to be able to negotiate fair wages and benefits. This belief helped build the middle class in Hawaii and across the nation.

Right now what working men and women most need are champions in their corner: champions who are fighting for jobs. Instead, this bill aims its fire at our working families. It’s another direct assault on workers’ rights.

Because companies today can move their business operations for any business reason at all, except an illegal one. Retaliating against workers who want to join a union is illegal. This bill changes that.

It says companies can go ahead and move jobs to other states or even other countries to punish their workers. This would have a chilling effect on any attempt by workers to ask for a seat at the bargaining table. And that’s just wrong.

Working men and women have already taken a big hit in their paychecks and retirements over the last few years. We shouldn’t be making it easier for businesses to game the system.

I urge my colleagues to stand with working men and women to fight this bill and end these attacks on workers’ rights.

Mr. LEVIN. Mr. Speaker, 75 years ago the National Labor Relations Act was passed to give workers a say in the workplace—the right to organize and bargain collectively. It was a key to the building of the American middle class: a decent wage, health care, a pension.

The Republicans want to repeal the legislation of the last half of the 20th century—Social Security, Medicare, and Medicaid. And now with the bill before the House, the majority party begins to repeal the National Labor Relations Act.

This bill’s scope is monstrous. It prohibits the National Labor Relations Board, in cases where an employer illegally acts against an employee’s right to organize, to “rescind any relocation, transfer, subcontracting, outsourcing” anywhere.

This bill is part of the Republican effort to destroy the rights of workers to be represented in the workplace. It is an open invitation to the further outsourcing of jobs. It is vital to defeat this dangerous piece of legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to express my strong opposition to H.R. 2587, the Protecting Jobs from Government Interference Act. This legislation does absolutely nothing to protect jobs; in fact, it puts them at risk. A more accurate title for this bill would be the Outsourcer’s Bill of Rights.

This legislation is an assault on working Americans. H.R. 2587 guts the National Labor Relations Act, renders the National Labor Re-

lations Board (NLRB) powerless and undoes decades’ worth of improvements for worker’s rights.

The National Labor Relations Act provides workers with essential protections; protections that have resulted in a strong middle class. This law prevents companies from retaliating against workers who exercise their rights, such as the right to strike, petition for better pay, demand safer working conditions, and form a union.

It is the National Labor Relations Act that prevents companies from outsourcing or transferring, subcontracting or relocating jobs for discriminatory reasons. The Act protects jobs by prohibiting employers from taking work away from anyone—union or non-union—because they have exercised their rights. Current law does not dictate where companies can and cannot run their businesses; it merely ensures that companies are not permitted to relocate to another state or to another country in order to pay workers lower wages.

The National Labor Relations Act protects the rights of American workers, and keeps American jobs from being shipped overseas, so long as the Act has an effective enforcement mechanism. The Protecting Jobs from Government Interference Act strips that mechanism, the National Labor Relations Board (NLRB) of its ability to enforce the law by ensuring jobs that are unlawfully outsourced are returned to America. The NLRB, for example, was able to order jobs back to America from Mexico in 2000, when the jobs were relocated overseas to prevent workers from unionizing.

H.R. 2587 would not only prevent the NLRB from protecting jobs from illegal outsourcing, it would also allow companies to subcontract work away from unionized workers, and eliminate jobs done by pro-union employees.

This legislation undermines American workers by eliminating laws that prevent employers from discriminating against workers that exercise their rights to competitive wages, benefits, and safe working environments.

I am extremely disappointed that my Republican friends are willing to create an atmosphere that forces hard working Americans to compete for jobs based on who will accept the lowest wages, worst benefits, and harshest working conditions. This bill creates a race to the bottom that is simply not worthy of a great nation, and certainly not worthy of America.

Time after time, throughout the 20th century, the nation turned to the labor community to build infrastructure, supply the Armed Forces, and manufacture the materials that constructed our great American cities, and time after time, hard working Americans answered the call and made this country great.

It appears that my colleagues on the other side of the aisle have decided to repay the American workforce by forcing them to choose between their rights and their jobs. The Protecting Jobs from Government Interference Act protects nothing but special interest and corporate profits by undermining the law that prevents discrimination against Americans who simply want to exercise their rights.

This bill forces Americans to compete for lower wages instead of strengthening the middle class by providing employees with competitive wages, fair benefits and safe working conditions. I will fight, as I have throughout my tenure in Congress, to protect the middle class by protecting American jobs.

My Republican friends have not passed a single bill to create jobs, and the Protecting

Jobs from Government Interference Act is no exception. In fact, this reckless legislation threatens American jobs and undermines workers' rights while safeguarding special interest. I urge my colleagues to oppose this harmful legislation, and instead focus our efforts on a bipartisan jobs bill that will foster a new age of American ingenuity and prosperity.

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to H.R. 2587. H.R. 2587 would severely undermine the intent of the National Labor Relations Act, which is to give workers and their employers a fair and level playing field, and it is another flagrant attack on the fundamental rights of the American worker. If this bill becomes law, the National Labor Relations Board will be unable to impose a meaningful penalty on an employer who violates the law by moving work elsewhere solely to avoid employees who exercise their rights. This bill sends a signal to American workers that the rights of multinational corporations to outsource their jobs are more important than their fundamental right to organize.

Mr. Speaker, the American Middle Class made this country great, but predictions for its future are dire. We have had forty years of wage stagnation for Americans, coupled with record corporate profits. Yet, over 5 million manufacturing jobs have been lost in the past decade, and since the start of the Recession alone, we have lost more than 7 million jobs. American workers today are already more vulnerable to being fired without cause, more vulnerable to not getting severance, and more vulnerable to being part of a mass layoff with little notice than any worker in any other comparable western country—countries like the UK, Australia, Canada, Ireland, France and Germany.

This legislation will make the situation worse. This goal of this bill is to snuff out the right of the American worker to seek justice when their fundamental rights are trampled upon.

Do not be fooled. This bill is not about some lofty economic principle of "free movement of capital to invest where it sees fit." This is not about "big government interfering with job creation." No, this bill is about destroying unions and about interfering with an ongoing legal proceeding brought by an independent agency tasked by the United States Congress with protecting both employees and employers against violations of our nation's labor laws. If you care about the future of the American middle class and American workers, I urge you to reject this bill.

Mr. LARSEN of Washington. Mr. Speaker, I rise today in opposition to H.R. 2587, the "Protecting Jobs from Government Interference Act."

This bill is before us because of an ongoing dispute between the International Association of Machinists and the Boeing Company that stems from an issue involving my district in Washington State.

The case is proceeding through a well-established process where the facts of the case and the application of the law to those facts will be determined by an Administrative Law Judge, the National Labor Relations Board (NLRB), and possibly the federal courts.

This case should be determined based on the facts and the law—not on politics.

For this bill to come to the floor while this case is ongoing is troublesome and threatens the independence of the NLRB.

Congress should not be attempting to influence the NLRB process for political gains.

The NLRB is an independent adjudicatory agency.

We need to protect the independence of the NLRB and allow it to do its job.

Instead of playing politics we should instead be focused on creating jobs and getting our economy back on track.

Last week, the President challenged this Congress to put aside partisanship and get to work on creating jobs.

The single biggest action Congress could take to save and create jobs is make significant investment in our transportation infrastructure that will create private sector construction jobs, invest in the repair and maintenance of highways, roads, bridges and transit, and set the foundation for future economic growth.

This is what we should be talking about today. Not attacking an independent agency that is simply doing its job.

I urge my colleagues to vote no on this bill and allow the NLRB to determine this case based on the facts and law—not on politics.

And let's get back to work doing what the American public wants us to do—creating jobs.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 372, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. BISHOP of New York. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of New York. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of New York moves to recommit the bill, H.R. 2587, to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, insert the following:

#### SEC. 4. PROTECTING U.S. JOBS FROM OVERSEAS OUTSOURCING.

Nothing in this Act or the amendment made by this Act shall limit the National Labor Relations Board's authority to order an employer to maintain or restore jobs within the United States that have been or will otherwise be outsourced to a foreign country in violation of the National Labor Relations Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman is recognized for 5 minutes in support of his motion.

Mr. BISHOP of New York. Mr. Speaker, the bill before us today would prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance. Any circumstance? What about jobs that are illegally outsourced to foreign coun-

tries like China, India, and the Philippines?

Under the Republican bill, if a company sends an American job overseas illegally, the NLRB is stripped of its authority to do anything about it.

Why would any Member of this House intentionally want to allow corporations to ship American jobs to China in violation of the law amid the largest American jobs crisis in a generation?

Mr. Speaker, my amendment is very simple, and it does not kill the underlying bill. This final amendment simply maintains the National Labor Relations Board's ability to go after corporations that illegally outsource jobs overseas.

□ 1240

This is just good old-fashioned common sense.

Again I ask, why would we say to corporations, "Go ahead. Violate the law. Ship good jobs to India and China. We'll just turn our heads the other way"? That doesn't make any sense, and it would certainly kill jobs here in America. Yet section 2 of the bill clearly states that the board shall have no power to order an employer to restore or reinstate any work product, production line, or equipment to rescind any relocation, transfer, subcontracting, or outsourcing.

Let me say that again, "or outsourcing."

The bill makes no exception for violations of the law. Why would we want to undermine enforcement of the law rather than address violations of the law?

Chairman KLINE just said that we have some fundamental differences. He's right. We do. But if we can agree on nothing else, we should be able to agree that outsourcing American jobs to foreign countries like China and India is a scourge on our current efforts to create jobs here at home and that we should do everything in our power to stop outsourcing.

Mr. Speaker, outsourcing is a real problem for our economy. The relentless pursuit of a less expensive workforce to the detriment of the American worker is deplorable. Corporations all over the country are moving the jobs of hardworking Americans overseas. Estimates indicate that American jobs are being sent overseas at a rate of 12,000 to 15,000 jobs per month.

According to a study by Duke University, more than 50 percent of companies have offshoring strategies in place, up from 22 percent in 2005. Furthermore, 60 percent of companies currently offshoring say they have plans to aggressively expand outsourcing activities.

Finally, the Commerce Department tells us that the American companies cut their workforces in the U.S. by 2.9 million workers over the last decade while increasing employment overseas by 2.4 million.

Mr. Speaker, this final amendment does not kill the bill. It simply allows

the cops to go after the robbers. It allows the NLRB to enforce the law when someone violates the law. The amendment does nothing to prevent private businesses from making decisions about where their operations are best located as long as that activity is not in violation of the National Labor Relations Act.

Again, this is just common sense. A vote for this final amendment is a vote to protect American jobs from outsourcing. I urge my colleagues to join me in protecting American jobs.

I yield back the balance of my time.  
Mr. KLINE. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. I appreciate the words of my colleague from New York, but if he and others on the other side of the aisle are looking for a way to stop jobs from going overseas, I've got really good news for him. H.R. 2587 is a step in the right direction.

Right now, the National Labor Relations Board is exercising an extreme remedy that has a chilling effect on job creators here and potential job creators who would like to come here from abroad. And right now, Members of Congress have an opportunity to say, "Stop."

But don't take my word for it. Listen to the employers, themselves.

Recently, the National Association of Manufacturers asked thousands of American manufacturers a simple question about the Boeing complaint, which was: Could this NLRB complaint negatively impact your decisions on hiring or workforce expansion plans?

Sixty-nine percent of those manufacturers who responded to the survey said, yes, this complaint could negatively impact decisions to grow their businesses and hire new workers.

At a recent hearing of the Education and the Workforce Committee, former NLRB Chairman Peter Schaumber described an encounter with 60 Canadian business leaders. Mr. Schaumber told us, "A few with whom I had an opportunity to speak with afterwards expressed real concern about doing business in the United States as a result of the agency's complaint against the Boeing Company."

Thanks to the NLRB's actions, efforts by manufacturers to hire workers are being undermined, and international employers are concerned about doing business here in the United States. This is the hostile environment to new jobs and economic growth that is created by this decision, and it must end.

So, as I noted earlier today, we can stand by or sit by, or we can stand up and do something about it. My friends had ample opportunities to offer amendments in committee. They chose not to do that. It was a procedural step. I understand that. It doesn't go to fix the hostile environment that has been brought forward by this activist NLRB.

I urge my colleagues to vote "no" on the motion to recommit and "yes" on the underlying bill.

I yield back the balance of my time.  
The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 189, nays 235, not voting 9, as follows:

[Roll No. 710]

YEAS—189

Ackerman	Fudge	Neal
Altmire	Garamendi	Olver
Andrews	Gonzalez	Owens
Baca	Green, Al	Pallone
Baldwin	Green, Gene	Pascrell
Barrow	Grijalva	Pastor (AZ)
Bass (CA)	Gutierrez	Payne
Becerra	Hahn	Pelosi
Berkley	Hanabusa	Perlmutter
Berman	Hastings (FL)	Peters
Bishop (GA)	Heinrich	Peterson
Bishop (NY)	Higgins	Pingree (ME)
Blumenauer	Himes	Polis
Boren	Hinche	Price (NC)
Boswell	Hinojosa	Quigley
Brady (PA)	Hirono	Rahall
Braley (IA)	Hochul	Rangel
Brown (FL)	Holden	Reyes
Butterfield	Holt	Richardson
Capps	Honda	Richmond
Cardoza	Hoyer	Ross (AR)
Carnahan	Inslee	Rothman (NJ)
Carney	Israel	Roybal-Allard
Carson (IN)	Jackson (IL)	Ruppersberger
Castor (FL)	Jackson Lee	Rush
Chandler	(TX)	Ryan (OH)
Chu	Johnson (GA)	Sánchez, Linda
Ciilline	Johnson, E. B.	T.
Clarke (MI)	Jones	Sanchez, Loretta
Clarke (NY)	Kaptur	Sarbanes
Clay	Keating	Schakowsky
Cleaver	Kildee	Schiff
Clyburn	Kind	Schrader
Cohen	Kissell	Schwartz
Connolly (VA)	Kucinich	Scott (VA)
Conyers	Langevin	Scott, David
Cooper	Larsen (WA)	Serrano
Costa	Larson (CT)	Sewell
Costello	Lee (CA)	Sherman
Courtney	Levin	Shuler
Critz	Lipinski	Sires
Crowley	Loeb sack	Slaughter
Cuellar	Lofgren, Zoe	Smith (WA)
Cummings	Lowe	Speier
Davis (CA)	Lujan	Stark
Davis (IL)	Lynch	Sutton
DeFazio	Maloney	Thompson (CA)
DeGette	Markey	Thompson (MS)
DeLauro	Matheson	Tierney
Deutch	Matsui	Tonko
Dicks	McCarthy (NY)	Towns
Dingell	McCollum	Tsongas
Doggett	McDermott	Van Hollen
Donnelly (IN)	McGovern	Velázquez
Doyle	McIntyre	Visclosky
Duncan (TN)	McNerney	Walz (MN)
Edwards	Meeks	Wasserman
Ellison	Michaud	Schultz
Engel	Miller (NC)	Waters
Eshoo	Miller, George	Watt
Farr	Moore	Welch
Fattah	Moran	Wilson (FL)
Filner	Murphy (CT)	Woolsey
Frank (MA)	Napolitano	Yarmuth

Adams	Goodlatte	Nunnelee
Aderholt	Gosar	Olson
Akin	Gowdy	Palazzo
Alexander	Granger	Paul
Amash	Graves (GA)	Paulsen
Amodei	Graves (MO)	Pearce
Austria	Griffin (AR)	Pence
Bachus	Griffith (VA)	Petri
Bartlett	Grimm	Pitts
Barton (TX)	Guinta	Platts
Bass (NH)	Guthrie	Poe (TX)
Benishek	Hall	Pompeo
Berg	Hanna	Posey
Biggert	Harper	Price (GA)
Billbray	Harris	Quayle
Billirakis	Hartzler	Reed
Bishop (UT)	Hastings (WA)	Rehberg
Black	Hayworth	Reichert
Blackburn	Heck	Renacci
Bonner	Hensarling	Ribble
Bono Mack	Herger	Rigell
Boustany	Herrera Beutler	Rivera
Brady (TX)	Huelskamp	Roby
Brooks	Huizenga (MI)	Roe (TN)
Broun (GA)	Hultgren	Rogers (AL)
Buchanan	Hunter	Rogers (KY)
Bucshon	Hurt	Rogers (MI)
Buerkle	Issa	Rohrabacher
Burgess	Jenkins	Rokita
Burton (IN)	Johnson (IL)	Rooney
Calvert	Johnson (OH)	Ros-Lehtinen
Camp	Johnson, Sam	Roskam
Campbell	Jordan	Ross (FL)
Canseco	Kelly	Royce
Cantor	King (IA)	Runyan
Capito	King (NY)	Ryan (WI)
Carter	Kingston	Scalise
Cassidy	Kinzinger (IL)	Schilling
Chabot	Kline	Schmidt
Chaffetz	Labrador	Schock
Coble	Lamborn	Schweikert
Coffman (CO)	Lance	Scott (SC)
Cole	Landry	Scott, Austin
Conaway	Lankford	Sensenbrenner
Cravaack	Latham	Sessions
Crawford	LaTourette	Shimkus
Crenshaw	Latta	Shuster
Culberson	Lewis (CA)	Simpson
Davis (KY)	LoBiondo	Smith (NE)
Denham	Long	Smith (NJ)
Dent	Lucas	Smith (TX)
DesJarlais	Luetkemeyer	Southerland
Diaz-Balart	Lummis	Stearns
Dold	Lungren, Daniel	Stivers
Dreier	E.	Stutzman
Duffy	Mack	Sullivan
Duncan (SC)	Manzullo	Terry
Ellmers	Marchant	Thompson (PA)
Emerson	McCarthy (CA)	Thornberry
Farenthold	McCauley	Tiberi
Fincher	McClintock	Tipton
Fitzpatrick	McCotter	Turner (NY)
Flake	McHenry	Turner (OH)
Fleischmann	McKeon	Upton
Fleming	McKinley	Walberg
Flores	McMorris	Walden
Forbes	Rodgers	Walsh (IL)
Fortenberry	Meehan	West
Fox	Mica	Westmoreland
Franks (AZ)	Miller (FL)	Whitfield
Frelinghuysen	Miller (MI)	Wilson (SC)
Gallegly	Miller, Gary	Wittman
Gardner	Mulvaney	Wolf
Garrett	Murphy (PA)	Womack
Gerlach	Myrick	Woodall
Gibbs	Neugebauer	Yoder
Gibson	Noem	Young (AK)
Gingrey (GA)	Nugent	Young (FL)
Gohmert	Nunes	Young (IN)

NOT VOTING—9

□ 1312

Messrs. CARTER, TERRY, MULVANEY, AMODEI, BILLIRAKIS, TURNER of Ohio, LOBIONDO, and RUNYAN changed their vote from "yea" to "nay."

Ms. BROWN of Florida, Messrs. DAVIS of Illinois, CONYERS, GARAMENDI, and OLVER changed their vote from "nay" to yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 186, not voting 9, as follows:

## [Roll No. 711]

## YEAS—238

Adams	Frelinghuysen	McMorris
Aderholt	Galleghy	Rodgers
Akin	Gardner	Mica
Alexander	Garrett	Miller (FL)
Amash	Gerlach	Miller (MI)
Amodei	Gibbs	Miller, Gary
Austria	Gingrey (GA)	Mulvaney
Bachus	Gohmert	Murphy (PA)
Barrow	Goodlatte	Myrick
Bartlett	Gosar	Neugebauer
Barton (TX)	Gowdy	Noem
Bass (NH)	Granger	Nugent
Benishkek	Graves (GA)	Nunes
Berg	Graves (MO)	Nunnelee
Biggart	Griffin (AR)	Olson
Bilbray	Griffith (VA)	Palazzo
Bilirakis	Guinta	Paul
Bishop (UT)	Guthrie	Paulsen
Black	Hall	Pearce
Blackburn	Hanna	Pence
Bonner	Harper	Petri
Bono Mack	Harris	Pitts
Boren	Hartzler	Platts
Boustany	Hastings (WA)	Poe (TX)
Brady (TX)	Hayworth	Pompeo
Brooks	Heck	Posey
Broun (GA)	Hensarling	Price (GA)
Buchanan	Herger	Quayle
Bucshon	Herrera Beutler	Reed
Buerkle	Huelskamp	Rehberg
Burgess	Huizenga (MI)	Reichert
Burton (IN)	Hultgren	Renacci
Calvert	Hunter	Ribble
Camp	Hurt	Rigell
Campbell	Issa	Rivera
Canseco	Jenkins	Roby
Cantor	Johnson (IL)	Roe (TN)
Capito	Johnson (OH)	Rogers (AL)
Carter	Johnson, Sam	Rogers (KY)
Cassidy	Jones	Rogers (MI)
Chabot	Jordan	Rohrabacher
Chaffetz	Kelly	Rokita
Coble	King (IA)	Rooney
Coffman (CO)	King (NY)	Ros-Lehtinen
Cole	Kingston	Roskam
Conaway	Kinzing (IL)	Ross (AR)
Cooper	Kline	Ross (FL)
Cravaack	Labrador	Royce
Crawford	Lamborn	Runyan
Crenshaw	Lance	Ryan (WI)
Cuellar	Landry	Scalise
Culberson	Lankford	Schilling
Davis (KY)	Latham	Schmidt
Denham	Latta	Schock
Dent	Lewis (CA)	Schweikert
DesJarlais	LoBiondo	Scott (SC)
Diaz-Balart	Long	Scott, Austin
Dold	Lucas	Sensenbrenner
Dreier	Luetkemeyer	Sessions
Duffy	Lummis	Shimkus
Duncan (SC)	Lungren, Daniel	Shuler
Duncan (TN)	E.	Shuster
Ellmers	Mack	Simpson
Emerson	Manzullo	Smith (NE)
Farenthold	Marchant	Smith (NJ)
Fincher	Matheson	Smith (TX)
Flake	McCarthy (CA)	Southerland
Fleischmann	McCaul	Stearns
Fleming	McClintock	Stivers
Flores	McCotter	Stutzman
Forbes	McHenry	Sullivan
Fortenberry	McIntyre	Terry
Fox	McKeon	Thompson (PA)
Franks (AZ)		Thornberry

Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden

Walsh (IL)  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf

Womack  
Woodall  
Yoder  
Young (FL)  
Young (IN)

## NAYS—186

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Fitzpatrick  
Frank (MA)  
Fudge  
Garamendi  
Gibson

Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Grimm  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
Lipinski  
Loebbeck  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McKinley  
McNerney  
Meehan  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Napolitano

Neal  
Olver  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth  
Young (AK)

## NOT VOTING—9

Bachmann  
Barletta  
Capuano

Giffords  
Lewis (GA)  
Marino

Nadler  
Waxman  
Webster

□ 1322

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WEBSTER. Mr. Speaker, on rollcall No. 711, I was attending a memorial service in Florida. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, this week I missed several rollcall votes and I wish to state for the RECORD how I would have voted

had I been present: rollcall No. 699—yes; rollcall No. 700—yes; rollcall No. 701—yes; rollcall No. 702—yes; rollcall No. 703—no; rollcall No. 704—yes; rollcall No. 705—no; rollcall No. 706—no; rollcall No. 707—no; rollcall No. 708—no; rollcall No. 709—yes; rollcall No. 710—yes; rollcall No. 711—no.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the majority leader, the gentleman from Virginia (Mr. CANTOR), for the purposes of inquiring of the majority leader the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at noon in pro forma session.

On Tuesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m. on Friday.

The House will consider a few bills under a suspension of the rules on Tuesday and possibly Wednesday. A complete list of suspension bills will be announced by the close of business tomorrow afternoon.

The House will also consider a short-term continuing resolution to fund the government, and Members are advised that the rule debate for that measure may take place on Tuesday. I do not expect the resolution, itself, however, to be debated until Wednesday.

Finally, we will take up H.R. 1705, the bipartisan Transparency in Regulatory Analysis of Impacts on the Nation, otherwise known as the TRAIN Act, which will measure the full consequences of regulations on job creation and, in particular, the Utility MACT and Cross-State Air Pollution Rules.

If any additional legislation is added to next week's schedule, it will be announced by close of business tomorrow.

Mr. HOYER. I thank the gentleman for his information. I note that he has indicated the CR will be considered sometime next week, either Tuesday, but most likely on Wednesday. It's my understanding that the supplemental for emergency requirements of FEMA will be included in the CR; is that accurate?

Mr. CANTOR. I'd say to the gentleman that what will be in the CR is the budgeted amount for all of fiscal year 2012, which is \$2.65 billion, will be in the CR, front-loaded. In other words, the agency will have access to all of those funds prior to the expiration of the CR November 18.

In addition to that, we have, as the gentleman knows, funded out of this