



Thursday, July 21, 2011  
Press Office, 202-226-0853

## **Rep. George Miller (D-CA) Opening Statement on H.R. 2587**

*WASHINGTON, D.C. – Below are the prepared remarks of U.S. Rep. George Miller (D-CA), the senior Democrat on the House Committee on Education and the Workforce for the markup of H.R. 2587.”*

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Mr. Chairman, before us is a very reckless and partisan bill to destroy workers’ rights.

Today’s exercise is nothing more than a rush to protect one special interest to the detriment of all American workers.

Introduced less than 48 hours ago, the bill before us has not received a single legislative hearing. Nor has the committee explored in any focused way the underlying issues that this bill purports to address.

But I recognize that there may be reasons for the majority to ram this bill through with as little sunlight as possible.

One reason for the rush is that the obvious beneficiary of this bill is in the middle of a trial. The bill would dramatically change the rules in its favor, mid-trial. Also, the rush is necessary because any level of scrutiny would expose this bill as nothing less than a license for CEOs to punish workers for exercising their rights.

This bill presents American workers with a choice: you can have your rights or you can have your job. This legislation is draconian. It is offensive to anyone who cares about workers’ rights.

It opens a giant hole in the National Labor Relations Act. It makes it much easier to play American workers against each other in a race to the bottom. And it makes it even easier to ship American jobs overseas.

For more than 75 years, the National Labor Relations Act has provided Americans the right to band together in unions and bargain for a better life. And the National Labor Relations Board has administered and enforced this law on behalf of workers and employers.

Under this law, it is illegal to retaliate against workers for exercising their rights. These rights include the right to strike, the right to form or join a union, or even the right to sign a petition asking for a raise or better safety equipment.

But these rights are meaningless if there is no effective remedy when they are violated.

The bill before us today strips the law's only meaningful remedy when companies eliminate or outsource work in violation of workers' rights. The impact of this change would be wide-ranging.

First, the bill makes it easier to ship jobs overseas. American workers would lose one of the rare tools they have to fight employers who send jobs to China, Mexico, or another foreign country. With little consequence, CEOs could quite explicitly tell employees "tough luck" – their jobs are moving overseas because they exercised their rights.

To be clear, any company is free to locate work at any plant in any state. But the law is crystal clear that it is illegal to do so for discriminatory reasons. It's illegal to take away work from some workers, union or non-union, because they have exercised their rights.

That's exactly what Boeing is alleged to have done and why the NLRB has acted.

Likewise, it's against the law to close a factory and ship the jobs to a foreign country, not just another state, for discriminatory reasons.

Let me repeat that for the benefit of some members in the majority: it is illegal to ship jobs overseas if the corporation did so in violation of workers' labor rights. This bill takes away American workers' ability to fight offshore outsourcing and keep jobs in the United States. Instead, this bill amounts to an outsourcer's bill of rights.

Second, this bill eviscerates workers' rights in fundamental ways by making runaway shops legal for all intents and purposes.

A company that wants to bust a union can set up a separate alter ego down the street, subcontract its work there, and eventually close down the unionized worksite. The only effective remedy for that kind of conduct is to order the employer to return the subcontracted work. This bill would no longer allow that remedy.

This bill provides employers with a loophole for firing workers who try to organize a union. An employer could transfer the work of the most pro-union employees or layoff the most pro-union employees.

This bill would not allow the NLRB to have that work restored or transferred back.

The repercussions go on and on.

This bill is bad news for America, bad news for workers, and it is bad news for the middle class. It has been rushed to assist a Fortune 500 company in a case that hasn't even been decided yet.

And it would pull the rug out from under some American workers who were so audacious to think they could get a fair day in court, free from interference by this Congress, to defend their jobs. They are fighting to save their jobs, their careers, and their future. This bill puts a thumb on the scale against these workers.

It's workers in Washington state today who are the victims of outsourcing. It will be workers in South Carolina tomorrow. This bill strips all workers of effective remedies for unlawful outsourcing.

And let's be clear. This bill does not create a single job.

It's about rolling back workers' rights enshrined in law for decades that have help to create the middle class. And this bill is about making it easier for companies to ship American jobs to China or India with impunity.

Today's vote is just another part of a well-orchestrated agenda to undermine the programs and laws that made a strong middle class possible.

This agenda is doing its best to push our recovery into a retreat, to squeeze the middle class and to stall job growth. Instead of fearing America's workers and looking for new ways to walk all over them, this committee should be looking at ways to ensure that workers rights are upheld.

I urge members to vote against this serious reversal of workers' rights in America.

<http://democrats.edworkforce.house.gov>