

112TH CONGRESS
1ST SESSION

H. R. 1976

To amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2011

Mr. SCOTT of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. GOWDY, Mr. DUNCAN of South Carolina, and Mr. MULVANEY) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Job Protection Act”.

5 **SEC. 2. APPLICATION TO CERTAIN SPEECH, BUSINESS DE-**
6 **CISIONS.**

7 (a) UNFAIR LABOR PRACTICES.—Section 8(a)(3) of
8 the National Labor Relations Act (29 U.S.C. 158(a)(3))
9 is amended by inserting before the semicolon at the end

1 the following: “: *Provided further*, That an employer’s ex-
2 pression of any views, argument, or opinion related to the
3 costs associated with collective bargaining, work stop-
4 pages, or strikes, or the dissemination of such views, argu-
5 ments, or opinions, whether in written, printed, graphic,
6 digital, or visual form, shall not constitute or be evidence
7 of antiunion animus or unlawful motive, if such expression
8 contains no threat of reprisal or force or promise of ben-
9 efit”.

10 (b) PREVENTION OF UNFAIR LABOR PRACTICES.—
11 Section 10 of the National Labor Relations Act (29 U.S.C.
12 160) is amended—

13 (1) in subsection (a), by inserting after the pe-
14 riod at the end the following: “: *Provided further*,
15 That the Board shall have no power to order any
16 employer to relocate, shut down, or transfer any ex-
17 isting or planned facility or work or employment op-
18 portunity, or prevent any employer from making
19 such relocations, transfers, or expansions to new or
20 existing facilities in the future, or prevent any em-
21 ployer from closing a facility, not developing a facil-
22 ity, or eliminating any employment opportunity un-
23 less and until the employer has been adjudicated fi-
24 nally to have unlawfully undertaken such actions—

1 “(1) without advance notice to the labor organi-
2 zation, if any, representing the bargaining unit of
3 the affected employees, of the economic reason(s) for
4 the relocation, shut down, or transfer of existing or
5 future work; or

6 “(2) as a primary and direct response to efforts
7 by a labor organization to organize a previously un-
8 represented workplace”; and

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

10 “(n) Nothing in this Act shall prevent an employer
11 from choosing where to locate, develop, or expand its busi-
12 ness or facilities, or require any employer to move, trans-
13 fer, or relocate any facility, production line, or employment
14 opportunity, or require that an employer cease or refrain
15 from doing so, or prevent any employer from closing a fa-
16 cility or eliminating any employment opportunity unless
17 the employer has been adjudicated finally to have unlaw-
18 fully undertaken such actions—

19 “(1) without advance notice to the labor organi-
20 zation, if any, representing the bargaining unit of
21 the affected employees, of the economic reason(s) for
22 the relocation, shut down, or transfer of existing or
23 future work; or

1 “(2) as a primary and direct response to efforts
2 by a labor organization to organize a previously un-
3 represented workplace.”.

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