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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510–6300

May 3, 2011

Mr. Lafe Solomon
Acting General Counsel
Office of the General Counsel
National Labor Relations Board
1099 14th St. NW
Washington, DC 20570-0001

Dear Mr. Solomon:

We are writing to express our strong concerns about your April 20th complaint filed against The Boeing Company. The complaint alleged that Boeing's decision to open a new production line for construction in South Carolina constituted an unfair labor practice. We strongly disagree. And, we are troubled about the chilling effect that your action may have on business decisions across the country.

We have a duty to ensure that the National Labor Relations Act ("the Act") is being enforced in a fair manner. In this and other decisions, we believe that you have ignored the proper balance set forth in the Act between the employees' right to collectively bargain and the employers' right to due process. We question the legal reasoning and motive behind the complaint, as well as the proposed remedy to force Boeing to move its additional production line to Washington State.

It is clear that Boeing's legitimate business decision had no adverse impact on the Puget Sound workforce – indeed, 2,000 additional jobs have been created there since 2009. Under well-established precedent, employers may consider mitigating the impact of strikes as a business objective. Given the multitude of U.S. industries dependent on the product forthcoming from this production line, the desire to ensure continuity of operations is only logical.

We are also concerned about the timing of your announcement. Boeing announced its decision to open an additional production line in South Carolina in October 2009. However, your office waited until April 2011 to file the complaint, just three months before the new production line is scheduled to begin in July 2011. This complaint has the potential to eliminate thousands of newly created and well-compensated jobs in South Carolina. It will have a negative effect on important decisions made by American businesses every day regarding who to employ and where to expand, and negate the

ability of states to attract established U.S. employers by providing financial incentives and welcoming business climates.

In today's economy most U.S. businesses, including Boeing, are competing on an international scale. President Obama appears to have recognized that fact, stating in a January 2011 speech about America's competitiveness, that, "Our challenge is to do everything we can to make it easier for folks to bring products to market and to start and expand new businesses and to grow and hire new workers." We agree with the President. And, that is why we are so deeply troubled by your decision regarding Boeing's business operations.

While we understand the complaint process is still in the early stages, there is a need for the Board to explain the reasoning in this case to Congress. As your nomination is brought before our Committee, we will be asking for a greater explanation of your actions.

Sincerely,

Senator Michael B. Enzi

Senator Lamar Alexander

Senator Richard Burr

Senator Johnny Isakson

Senator Rand Paul

Senator Orrin G. Hatch

Senator John McCain

Senator Pat Roberts

Senator Lisa Murkowski

Senator Mark Kirk