

111TH CONGRESS
1ST SESSION

H. R. 1176

To amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2009

Mr. KLINE of Minnesota (for himself, Mr. PRICE of Georgia, Mr. MCKEON, Mr. LINDER, Mr. BROWN of South Carolina, Mr. BONNER, Mr. GOHMERT, Mr. WESTMORELAND, Mr. SESSIONS, Ms. FALLIN, Mr. HERGER, Mr. SHADEGG, Mr. BRADY of Texas, Mr. ALEXANDER, Mr. BURTON of Indiana, Mr. ISSA, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. JORDAN of Ohio, Mrs. MYRICK, Mr. FLEMING, Mrs. BLACKBURN, Mr. CONAWAY, Mr. MCHENRY, Mr. COLE, Mr. GOODLATTE, Mrs. BACHMANN, Mr. WAMP, Mr. BACHUS, Mr. NEUGEBAUER, Mr. ROONEY, Mr. HUNTER, Mr. FRANKS of Arizona, Mr. MARCHANT, Mr. LEE of New York, Mr. PITTS, Mr. BARTLETT, Mr. MCCAUL, Mr. BOEHNER, Mr. GINGREY of Georgia, Mr. PENCE, Mr. BROUN of Georgia, Mr. CHAFFETZ, Mr. HARPER, Mr. KINGSTON, Mr. CRENSHAW, Mr. COBLE, Mr. HELLER, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. SIMPSON, Mr. SOUDER, Mr. SMITH of Nebraska, Mrs. SCHMIDT, Mr. AKIN, Mr. SULLIVAN, Mr. HENSARLING, Mr. CULBERSON, Mr. BOUSTANY, Mr. PUTNAM, Mr. MANZULLO, Mr. FLAKE, Mr. MACK, Mr. MCCLINTOCK, Mrs. LUMMIS, Ms. FOXX, Mr. SCALISE, Mr. OLSON, Mr. BARTON of Texas, Mr. COFFMAN of Colorado, Mr. INGALLIS, Mr. FORBES, Mr. GARY G. MILLER of California, Mr. CASSIDY, Mr. BOOZMAN, Mrs. MCMORRIS RODGERS, Mr. SCHOCK, Mr. CAMPBELL, Mr. CALVERT, Mr. LATTA, Ms. JENKINS, Mr. STEARNS, Mr. ROE of Tennessee, Mr. DANIEL E. LUNGREN of California, Mr. THOMPSON of Pennsylvania, Mr. CARTER, Mr. PAULSEN, Mr. POSEY, Mr. DEAL of Georgia, Mr. BUYER, Mr. THORNBERRY, Mr. LUCAS, Mr. TIBERI, Mr. SHUSTER, Mr. TIAHRT, Mr. UPTON, Mr. LATHAM, Mr. JONES, Mr. BILBRAY, and Mr. GARRETT of New Jersey) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

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 “Secret Ballot Protec-
5 tion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the right of employees under the National
9 Labor Relations Act to choose whether to be rep-
10 resented by a labor organization by way of secret
11 ballot election conducted by the National Labor Re-
12 lations Board is among the most important protec-
13 tions afforded under Federal labor law;

14 (2) the right of employees to choose by secret
15 ballot is the only method that ensures a choice free
16 of coercion, intimidation, irregularity, or illegality;
17 and

18 (3) the recognition of a labor organization by
19 using a private agreement, rather than a secret bal-
20 lot election overseen by the National Labor Relations
21 Board, threatens the freedom of employees to choose

1 whether to be represented by a labor organization,
2 and severely limits the ability of the National Labor
3 Relations Board to ensure the protection of workers.

4 **SEC. 3. NATIONAL LABOR RELATIONS ACT.**

5 (a) **RECOGNITION OF REPRESENTATIVE.**—

6 (1) **IN GENERAL.**—Section 8(a)(2) of the Na-
7 tional Labor Relations Act (29 U.S.C. 158(a)(2)) is
8 amended by inserting before the colon the following:
9 “or to recognize or bargain collectively with a labor
10 organization that has not been selected by a major-
11 ity of such employees in a secret ballot election con-
12 ducted by the National Labor Relations Board in ac-
13 cordance with section 9”.

14 (2) **APPLICATION.**—The amendment made by
15 subsection (a) shall not apply to collective bar-
16 gaining relationships in which a labor organization
17 with majority support was lawfully recognized before
18 the date of the enactment of this Act.

19 (b) **ELECTION REQUIRED.**—

20 (1) **IN GENERAL.**—Section 8(b) of the National
21 Labor Relations Act (29 U.S.C. 158(b)), as amend-
22 ed by subsection (c) of this section, is amended—

23 (A) by striking “and” at the end of para-
24 graph (6);

1 (B) by striking the period at the end of
2 paragraph (7) and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(8) to cause or attempt to cause an employer
5 to recognize or bargain collectively with a represent-
6 ative of a labor organization that has not been se-
7 lected by a majority of such employees in a secret
8 ballot election conducted by the National Labor Re-
9 lations Board in accordance with section 9.”.

10 (2) APPLICATION.—The amendment made by
11 paragraph (1) shall not apply to collective bar-
12 gaining relationships that were recognized before the
13 date of the enactment of this Act.

14 (c) SECRET BALLOT ELECTION.—Section 9(a) of the
15 National Labor Relations Act (29 U.S.C. 159(a)), is
16 amended—

17 (1) by inserting “(1)” after “(a)”;

18 (2) by inserting after “designated or selected”
19 the following: “by a secret ballot election conducted
20 by the National Labor Relations Board in accord-
21 ance with this section”; and

22 (3) by adding at the end the following:

23 “(2) The secret ballot election requirement of
24 paragraph (1) shall not apply to collective bar-

1 gaining relationships that were recognized before the
2 date of the enactment of this Act.”.

3 **SEC. 4. REGULATIONS.**

4 Not later than 6 months after the date of the enact-
5 ment of this Act the National Labor Relations Board shall
6 review and revise all regulations promulgated before such
7 date to implement the amendments made in this Act to
8 the National Labor Relations Act.

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