

.....
(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R.

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

Mr. ROE of Tennessee introduced the following bill; which was referred to the Committee on _____

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—

1 (1) the importance of a secret ballot election
2 has been recognized by the United States for over
3 100 years;

4 (2) the fundamental democratic right to choose
5 by secret ballot is the only method that ensures a
6 choice free of coercion, intimidation, irregularity, or
7 illegality;

8 (3) the recognition of a labor organization by
9 way of a private agreement, rather than a secret bal-
10 lot election supervised by a neutral third party,
11 threatens an employee's right, codified in the Na-
12 tional Labor Relations Act, to choose whether or not
13 to be represented by a labor organization; and

14 (4) preserving workers' right to choose whether
15 or not to be represented by a labor organization
16 through a secret ballot election is important to the
17 strength of the national economy.

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

19 (a) RECOGNITION OF REPRESENTATIVE.—

20 (1) IN GENERAL.—Section 8(a)(2) of the Na-
21 tional Labor Relations Act (29 U.S.C. 158(a)(2)) is
22 amended by inserting before the colon the following:
23 “or to recognize or bargain collectively with a labor
24 organization that has not been selected by a major-
25 ity of employees in a unit appropriate for such pur-

1 poses in a secret ballot election conducted by the
2 Board in accordance with section 9”.

3 (2) APPLICATION.—The amendment made by
4 paragraph (1) shall not apply to collective bar-
5 gaining relationships that were recognized before the
6 date of enactment of this Act.

7 (b) ELECTION REQUIRED.—

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

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

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

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

16 “(8) to cause or attempt to cause an employer
17 to recognize or bargain collectively with a represent-
18 ative of a labor organization that has not been se-
19 lected by a majority of employees in a unit appro-
20 priate for such purposes in a secret ballot election
21 conducted by the Board in accordance with section
22 9.”.

23 (2) APPLICATION.—The amendment made by
24 paragraph (1) shall not apply to collective bar-

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

3 (c) SECRET BALLOT ELECTION REQUIRED.—

4 (1) DESIGNATION OF REPRESENTATIVE BY SE-
5 CRET BALLOT.—Section 9(a) of the National Labor
6 Relations Act (29 U.S.C. 159(a)), is amended—

7 (A) by inserting “(1)” after “(a)”; and

8 (B) by inserting after “designated or se-
9 lected” the following: “by a secret ballot elec-
10 tion conducted by the Board in accordance with
11 this section”.

12 (2) DECERTIFICATION.—Such section is further
13 amended by adding at the end the following:

14 “(2) The Board shall conduct a secret ballot
15 election to determine whether a labor organization
16 certified or recognized by an employer as the rep-
17 resentative for the purposes of collective bargaining
18 is no longer the representative of a unit as defined
19 in paragraph (1).”.

20 (3) APPLICATION.—The amendment made by
21 paragraph (1) shall not apply to collective bar-
22 gaining relationships that were recognized before the
23 date of enactment of this Act.

24 (d) CONFORMING AMENDMENTS.—Section 9(c)(1) of
25 such Act (29 U.S.C. 159(c)(1)) is amended—

1 (1) in subparagraph (A)—

2 (A) in clause (i), by striking “and that
3 their employer declines to recognize their rep-
4 resentative as the representative defined in sec-
5 tion 9(a)” and inserting “by a representative”;
6 and

7 (B) in clause (ii), by striking “section
8 9(a);” and inserting “subsection (a),”; and

9 (2) in subparagraph (B), by striking “alleging”
10 and all that follows through “defined in section
11 9(a)”.

12 **SEC. 4. REGULATIONS.**

13 Not later than 6 months after the date of enactment
14 of this Act, the National Labor Relations Board shall re-
15 view and revise all regulations promulgated before such
16 date to implement the amendments made in this Act to
17 the National Labor Relations Act.