

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 773

To discourage frivolous, vexatious, or objectively baseless lawsuits.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2005

Mr. MCKEON introduced the following bill; which was referred to the  
Committee on Education and the Workforce

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## A BILL

To discourage frivolous, vexatious, or objectively baseless  
lawsuits.

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 “Fairness in Labor Liti-  
5       gation Act”.

6       **SEC. 2. RELIEF FROM BASELESS LITIGATION; REIMBURSE-**  
7       **MENT FOR COSTS AND EXPENSES.**

8       (a) EMPLOYERS.—Section 8(a) of the National Labor  
9       Relations Act (29 U.S.C. 158(a)) is amended—

10               (1) by striking “and” at the end of paragraph  
11               4;

1           (2) by striking the period at the end of para-  
2 graph (5) and inserting “; and”; and

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

4           “(6) to bring or cause to be brought any civil  
5 or adversarial adjudicatory action against a labor or-  
6 ganization if, irrespective of the outcome, such ac-  
7 tion is determined by a competent fact finder to be  
8 frivolous, vexatious, or objectively baseless and not  
9 brought in good faith. A party found to have vio-  
10 lated this section shall be liable to the party or par-  
11 ties against whom such action is brought for all rea-  
12 sonable costs, fees, and expenses incurred in the de-  
13 fense of such action”.

14       (b) LABOR ORGANIZATIONS.—Section 8(b) of the Na-  
15 tional Labor Relations Act (29 U.S.C. 158(b)) is amend-  
16 ed—

17           (1) by striking “and” at the end of paragraph  
18 (6);

19           (2) by striking the period at the end of para-  
20 graph (7) and inserting “; and”; and

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

22           “(8) to bring or cause to be brought any civil  
23 or adversarial adjudicatory action against an em-  
24 ployer if, irrespective of the outcome, such action is  
25 determined by a competent fact finder to be frivo-

1 lous, vexatious, or objectively baseless and not  
2 brought in good faith. A party found to have vio-  
3 lated this section shall be liable to the party or par-  
4 ties against whom such action is brought for all rea-  
5 sonable costs, fees, and expenses incurred in the de-  
6 fense of such action”.

7 **SEC. 3. REGULATIONS.**

8 Not later than 90 days after the date of the enact-  
9 ment of this Act, the National Labor Relations Board  
10 shall review and revise all regulations promulgated before  
11 such date to implement the amendments made by this Act  
12 to the National Labor Relations Act.

13 **SEC. 4. EFFECTIVE DATE.**

14 This Act shall be effective 90 days after the date of  
15 enactment of this Act.

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