

110TH CONGRESS
1ST SESSION

H. R. 866

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 7, 2007

Mr. NORWOOD (for himself, Mr. McKEON, Mr. KLINE of Minnesota, Mr. BOEHNER, Mr. PUTNAM, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BONNER, Mr. BOUSTANY, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMPBELL of California, Mr. CHABOT, Mr. COBLE, Mr. CONAWAY, Mr. CRENSHAW, Mrs. CUBIN, Mr. CULBERSON, Mr. DEAL of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. FEENEY, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GILCHREST, Mr. GINGREY, Mr. GOHMERT, Mr. HAYES, Mr. HENSARLING, Mr. HERGER, Mr. INGLIS of South Carolina, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KELLER of Florida, Mr. KING of Iowa, Mr. KINGSTON, Mr. LAMBORN, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. MARCHANT, Mr. McHENRY, Mrs. McMORRIS RODGERS, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. PEARCE, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. ROGERS of Michigan, Mr. SESSIONS, Mr. SHADEGG, Mr. SIMPSON, Mr. SOUDER, Mr. SULLIVAN, Mr. WESTMORELAND, Mr. WICKER, and Mr. WILSON of South Carolina) 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
22 whether to be represented by a labor organization,
23 and severely limits the ability of the National Labor
24 Relations Board to ensure the protection of workers.

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

2 (a) RECOGNITION OF REPRESENTATIVE.—

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

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

16 (b) ELECTION REQUIRED.—

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

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

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

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

25 “(8) to cause or attempt to cause an employer
26 to recognize or bargain collectively with a represent-

1 ative of a labor organization that has not been se-
 2 lected by a majority of such employees in a secret
 3 ballot election conducted by the National Labor Re-
 4 lations Board in accordance with section 9.”.

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

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

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

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

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

18 “(2) The secret ballot election requirement of
 19 paragraph (1) shall not apply to collective bar-
 20 gaining relationships that were recognized before the
 21 date of the enactment of this Act.”.

22 **SEC. 4. REGULATIONS.**

23 Not later than 6 months after the date of the enact-
 24 ment of this Act the National Labor Relations Board shall
 25 review and revise all regulations promulgated before such

- 1 date to implement the amendments made in this Act to
- 2 the National Labor Relations Act.

