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**SUBSTITUTE AMENDMENT TO THE AMENDMENT IN
THE NATURE OF A SUBSTITUTE TO H.R. 800**

OFFERED BY M. Keon

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Secret Ballot Protec-
3 tion Act".

4 SEC. 2. FINDINGS.

5 Congress finds that—

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

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

16 (3) the recognition of a labor organization by
17 using a private agreement, rather than a secret bal-
18 lot election overseen by the National Labor Relations

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

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

6 (a) RECOGNITION OF REPRESENTATIVE.—

7 (1) IN GENERAL.—Section 8(a) of the National
8 Labor Relations Act (29 U.S.C. 158(a)) is amended
9 by redesignating paragraphs (3) through (5) as
10 paragraphs (4) through (6), respectively and insert-
11 ing after paragraph (2) the following:

12 “(3) to recognize or bargain collectively with a
13 labor organization that has not been selected by a
14 majority of such employees in a secret ballot election
15 conducted by the Board in accordance with section
16 9;”.

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

22 (b) ELECTION REQUIRED.—

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

1 (2) APPLICATION.—The secret ballot election
2 requirement of the amendment made by paragraph
3 (1) shall not apply to collective bargaining relation-
4 ships that were recognized before the date of the en-
5 actment of this Act.

6 **SEC. 4. REGULATIONS.**

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