

# Union Calendar No. 572

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1441

[Report No. 106-967]

To amend section 8(a) of the National Labor Relations Act.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1999

Mr. BOEHNER (for himself, Mr. GOODLING, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. HOEKSTRA, Mr. MCKEON, Mr. CASTLE, Mr. SAM JOHNSON of Texas, Mr. TALENT, Mr. GREENWOOD, Mr. GRAHAM, Mr. SOUDER, Mr. NORWOOD, Mr. PAUL, Mr. SCHAFFER, Mr. UPTON, Mr. DEAL of Georgia, Mr. HILLEARY, Mr. SALMON, Mr. TANCREDO, Mr. FLETCHER, Mr. DEMINT, Mr. ISAKSON, Mr. DELAY, Ms. PRYCE of Ohio, Mr. CUNNINGHAM, Mr. KASICH, Mrs. MYRICK, Mr. LARGENT, Mrs. NORTHUP, Mr. BARTON of Texas, Mr. NETHERCUTT, Mr. WELDON of Florida, Mr. HAYWORTH, Mr. SHADEGG, Mr. SUNUNU, Mr. CALVERT, Mr. DICKEY, Mr. HEFLEY, Mr. SESSIONS, Mr. WATKINS, Mr. WICKER, Mr. GOODLATTE, Mr. DOOLITTLE, Mr. RAMSTAD, Mr. GOSS, Mr. HUTCHINSON, Mr. BARTLETT of Maryland, Mr. BRADY of Texas, Mr. GARY MILLER of California, Mr. SKEEN, Mr. STEARNS, Mr. PETERSON of Pennsylvania, Mrs. BIGGERT, Mr. BURTON of Indiana, Mr. LATHAM, Mr. PITTS, Mr. PICKERING, Mr. KNOLLENBERG, Mr. PORTER, and Ms. GRANGER) introduced the following bill; which was referred to the Committee on Education and the Workforce

OCTOBER 11, 2000

Additional sponsors: Mr. WATTS of Oklahoma, Mr. ARMEY, Mr. BLUNT, Mr. STUMP, Mr. HOBSON, Mr. HULSHOF, Mr. BONILLA, Mr. BEREUTER, Mr. COLLINS, Mr. HALL of Texas, Mr. NEY, Mr. HYDE, Mr. BARR of Georgia, Mr. CRANE, Mr. JONES of North Carolina, Mr. MCINTOSH, Mr. CHAMBLISS, Mr. CHABOT, Mr. MANZULLO, Mr. LEWIS of Kentucky, Mrs. EMERSON, Mr. VITTER, Mr. WHITFIELD, and Mr. KOLBE

OCTOBER 11, 2000

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# A BILL

To amend section 8(a) of the National Labor Relations Act.

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 “Truth in Employment  
5 Act of 1999”.

6 **SEC. 2. FINDINGS.**

7        Congress finds the following:

8            (1) An atmosphere of trust and civility in labor-  
9            management relationships is essential to a produc-  
10            tive workplace and a healthy economy.

11            (2) The tactic of using professional union orga-  
12            nizers and agents to infiltrate a targeted employer’s  
13            workplace, a practice commonly referred to as “salt-  
14            ing” has evolved into an aggressive form of harass-  
15            ment not contemplated when the National Labor Re-  
16            lations Act was enacted and threatens the balance of  
17            rights which is fundamental to our system of collec-  
18            tive bargaining.

19            (3) Increasingly, union organizers are seeking  
20            employment with nonunion employers not because of  
21            a desire to work for such employers but primarily to  
22            organize the employees of such employers or to in-

1       inflict economic harm specifically designed to put non-  
2       union competitors out of business, or to do both.

3               (4) While no employer may discriminate against  
4       employees based upon the views of employees con-  
5       cerning collective bargaining, an employer should  
6       have the right to expect job applicants to be pri-  
7       marily interested in utilizing the skills of the appli-  
8       cants to further the goals of the business of the em-  
9       ployer.

10 **SEC. 3. PURPOSES.**

11       The purposes of this title are—

12               (1) to preserve the balance of rights between  
13       employers, employees, and labor organizations which  
14       is fundamental to our system of collective bar-  
15       gaining;

16               (2) to preserve the rights of workers to orga-  
17       nize, or otherwise engage in concerted activities pro-  
18       tected under the National Labor Relations Act; and

19               (3) to alleviate pressure on employers to hire  
20       individuals who seek or gain employment in order to  
21       disrupt the workplace of the employer or otherwise  
22       inflict economic harm designed to put the employer  
23       out of business.

1 **SEC. 4. PROTECTION OF EMPLOYER RIGHTS.**

2 Section 8(a) of the National Labor Relations Act (29  
3 U.S.C. 158(a)) is amended by adding after and below  
4 paragraph (5) the following:

5 “Nothing in this subsection shall be construed as requir-  
6 ing an employer to employ any person who is not a bona  
7 fide employee applicant, in that such person seeks or has  
8 sought employment with the employer with the primary  
9 purpose of furthering another employment or agency sta-  
10 tus: *Provided*, That this sentence shall not affect the rights  
11 and responsibilities under this Act of any employee who  
12 is or was a bona fide employee applicant, including the  
13 right to self-organization, to form, join, or assist labor or-  
14 ganizations, to bargain collectively through representatives  
15 of their own choosing, and to engage in other concerted  
16 activities for the purpose of collective bargaining or other  
17 mutual aid or protection.”.



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