

109TH CONGRESS
1ST SESSION

H. R. 874

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 17, 2005

Mr. NORWOOD (for himself, Mr. BOEHNER, Mr. SAM JOHNSON of Texas, Mr. McKEON, Mr. SOUDER, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mrs. MUSGRAVE, Mr. INGLIS of South Carolina, Mrs. DRAKE, Mr. KINGSTON, Mr. LINDER, Mr. DEAL of Georgia, Mr. KING of Iowa, Mr. HAYWORTH, Mr. WICKER, Mr. BRADY of Texas, Mr. CULBERSON, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, Mr. SULLIVAN, Mr. OTTER, Mr. PENCE, Mrs. BLACKBURN, Mr. GALLEGLY, Mr. GILLMOR, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. PITTS, Mr. HAYES, Mr. DOOLITTLE, Mr. SESSIONS, Mr. GARY G. MILLER of California, Mr. CHABOT, Mr. COBLE, Mr. BROWN of South Carolina, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. JONES of North Carolina, and Mr. MANZULLO) introduced the following bill; which was referred to the Committee on Education and the Workforce

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Secret Ballot Protec-
3 tion Act of 2005”.

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
19 Board, threatens the freedom of employees to choose
20 whether to be represented by a labor organization,
21 and severely limits the ability of the National Labor
22 Relations Board to ensure the protection of workers.

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

24 (a) RECOGNITION OF REPRESENTATIVE.—

25 (1) IN GENERAL.—Section 8(a)(2) of the Na-
26 tional Labor Relations Act (29 U.S.C. 158(a)(2)) is

1 amended by inserting before the colon the following:
2 “or to recognize or bargain collectively with a labor
3 organization that has not been selected by a major-
4 ity of such employees in a secret ballot election con-
5 ducted by the National Labor Relations Board in ac-
6 cordance with section 9”.

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

12 (b) ELECTION REQUIRED.—

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

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

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

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

21 “(8) to cause or attempt to cause an employer
22 to recognize or bargain collectively with a represent-
23 ative of a labor organization that has not been se-
24 lected by a majority of such employees in a secret

1 ballot election conducted by the National Labor Re-
2 lations 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 the enactment of this Act.

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

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

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

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

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

20 **SEC. 4. REGULATIONS.**

21 Not later than 6 months after the date of the enact-
22 ment of this Act the National Labor Relations Board shall
23 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.

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