

113TH CONGRESS
2D SESSION

S. 2885

To amend the National Labor Relations Act to modify the authority of the National Labor Relations Board with respect to rulemaking, issuance of complaints, and authority over unfair labor practices.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2014

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the National Labor Relations Act to modify the authority of the National Labor Relations Board with respect to rulemaking, issuance of complaints, and authority over unfair labor practices.

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 “Protecting American
5 Jobs Act”.

1 **SEC. 2. AMENDMENTS TO THE NATIONAL LABOR RELA-**
2 **TIONS ACT.**

3 (a) DUTIES OF THE GENERAL COUNSEL AND ADMIN-
4 ISTRATIVE LAW JUDGES.—The National Labor Relations
5 Act (29 U.S.C. 151 et seq.) is amended—

6 (1) in section 3(d), by striking “and issuance of
7 complaints under section 10, and in respect of the
8 prosecution of such complaints before the Board”;
9 and

10 (2) in section 4(a), by striking the fourth sen-
11 tence.

12 (b) CLARIFICATION OF THE BOARD’S RULEMAKING
13 AUTHORITY.—Section 6 of such Act (29 U.S.C. 156) is
14 amended by adding at the end the following: “Such rule-
15 making authority shall be limited to rules concerning the
16 internal functions of the Board. The Board shall not pro-
17 mulgate rules or regulations that affect the substantive
18 or procedural rights of any person, employer, employee,
19 or labor organization, including rules and regulations con-
20 cerning unfair labor practices and representation elec-
21 tions.”.

22 (c) INVESTIGATORY POWER AND ADJUDICATORY AU-
23 THORITY OVER UNFAIR LABOR PRACTICE ALLEGA-
24 TIONS.—Section 10 of such Act (29 U.S.C. 160) is amend-
25 ed—

26 (1) in subsection (a)—

1 (A) by striking “prevent any person from
2 engaging in” and inserting “investigate”; and

3 (B) by striking “This power shall” and all
4 that follows through the end of the subsection;
5 (2) in subsection (b)—

6 (A) by striking “Whenever it is charged”
7 and inserting “Whenever it appears”;

8 (B) by striking “or is engaging in” and in-
9 serting “, is engaging in, or is about to engage
10 in”;

11 (C) by striking “the Board, or any agent”
12 and all that follows through “*Provided*, That no
13 complaint shall issue” and inserting “the ag-
14 grieved person may bring a civil action for such
15 relief (including an injunction) as may be ap-
16 propriate. Any such civil action may be brought
17 in the district court of the United States where
18 the violation occurred, or, at the option of the
19 parties, in the United States District Court for
20 the District of Columbia. No civil action may be
21 brought”;

22 (D) by striking “charge with the Board”
23 and all that follows through “prevented from
24 filing such charge” and inserting “civil action,

1 unless the person aggrieved thereby was pre-
 2 vented from filing such civil action”; and

3 (E) by striking “Any such complaint may
 4 be amended” and all that follows through “Any
 5 such proceeding shall, so far as practicable,”
 6 and inserting “Any proceeding under this sub-
 7 section shall”;

8 (3) by striking subsections (c) through (k);

9 (4) by redesignating subsections (l) and (m) as
 10 subsections (c) and (d), respectively;

11 (5) in subsection (c) (as so redesignated)—

12 (A) by striking “Whenever it is charged”
 13 and inserting “Whenever it is alleged”;

14 (B) in the first sentence, by striking
 15 “charge” and inserting “allegation”; and

16 (C) by striking “such charge is true and
 17 that a complaint should issue, he shall” and all
 18 that follows through the end of the subsection
 19 and inserting “such allegation is true, the offi-
 20 cer or regional attorney shall, on behalf of the
 21 Board, submit a written summary of the find-
 22 ings to all parties involved in the alleged unfair
 23 labor practice.”; and

24 (6) in subsection (d) (as so redesignated)—

1 (A) by striking “Whenever it is charged”
 2 and inserting “Whenever it is alleged”;

3 (B) by striking “such charge” and insert-
 4 ing “such allegation”; and

5 (C) by striking “and cases given priority
 6 under subsection (i)”.

7 (d) CONFORMING AMENDMENTS.—Such Act is
 8 amended—

9 (1) in section 9 (29 U.S.C. 159)—

10 (A) in subsection (c)(2), by striking “and
 11 in no case shall the Board” and all that follows
 12 through the end of such subsection and insert-
 13 ing a period;

14 (B) by striking subsection (d); and

15 (C) by redesignating subsection (e) as sub-
 16 section (d);

17 (2) in section 3(b) (29 U.S.C. 153(b)), by strik-
 18 ing “or (e) of section 9” and inserting “or (d) of
 19 section 9”;

20 (3) in section 8 (29 U.S.C. 158), by striking
 21 “9(e)” each place it appears and inserting “9(d)”;
 22 and

23 (4) in section 18 (29 U.S.C. 168), by striking
 24 “section 10 (e) or (f)” and inserting “subsection (e)
 25 or (f) of section 10, as such subsections were in ef-

1 fect on the day before the date of enactment of the
2 Protecting American Jobs Act,”.

3 **SEC. 3. REGULATIONS.**

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

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