

116TH CONGRESS
1ST SESSION

S. 2709

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

OCTOBER 24, 2019

Mr. LEE (for himself, Mr. COTTON, Mr. PAUL, Mrs. BLACKBURN, Mr. CRUZ, and Mr. RUBIO) 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) (29 U.S.C. 153(d)), by strik-
 7 ing “investigation of charges and issuance of com-
 8 plaints under section 10, and in respect of the pros-
 9 ecution of such complaints before the Board” and
 10 inserting “investigation of allegations under section
 11 10”; and

12 (2) in section 4(a) (29 U.S.C. 154(a)), by strik-
 13 ing the fourth sentence.

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

24 (c) INVESTIGATORY POWER AND ADJUDICATORY AU-
 25 THORITY OVER UNFAIR LABOR PRACTICE ALLEGA-

1 TIONS.—Section 10 of such Act (29 U.S.C. 160) is amend-
 2 ed—

3 (1) in subsection (a)—

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

6 (B) by striking “This power shall” and all
 7 that follows through the end of the subsection;

8 (2) in subsection (b)—

9 (A) by striking “Whenever it is charged”
 10 and inserting “Whenever it is alleged”;

11 (B) by striking “or is engaging in” and in-
 12 serting “, is engaging in, or is about to engage
 13 in”;

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

1 (D) by striking “charge with the Board”
 2 and all that follows through “prevented from
 3 filing such charge” and inserting “civil action,
 4 unless the person aggrieved thereby was pre-
 5 vented from filing such civil action”; and

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

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

12 (4) by redesignating subsections (l) and (m) as
 13 subsections (c) and (d), respectively;

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

15 (A) by striking “Whenever it is charged”
 16 and inserting “Whenever it is alleged”;

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

19 (C) by striking “such charge is true and
 20 that a complaint should issue, he shall” and all
 21 that follows through the end of the subsection
 22 and inserting “such allegation is true, the offi-
 23 cer or regional attorney shall, on behalf of the
 24 Board, submit a written summary of the find-

1 ings to all parties involved in the alleged unfair
2 labor practice.”; and

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

4 (A) by striking “Whenever it is charged”
5 and inserting “Whenever it is alleged”;

6 (B) by striking “such charge” and insert-
7 ing “such allegation”; and

8 (C) by striking “and cases given priority
9 under subsection (i)”.

10 (d) CONFORMING AMENDMENTS.—The National
11 Labor Relations Act (29 U.S.C. 151 et seq.) is amended—

12 (1) in section 9 (29 U.S.C. 159)—

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

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

18 (C) by redesignating subsection (e) as sub-
19 section (d);

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

23 (3) in section 8 (29 U.S.C. 158), by striking
24 “9(e)” each place it appears and inserting “9(d)”;
25 and

1 (4) in section 18 (29 U.S.C. 168), by striking
2 “section 10 (e) or (f)” and inserting “subsection (e)
3 or (f) of section 10, as such subsections were in ef-
4 fect on the day before the date of enactment of the
5 Protecting American Jobs Act,”.

6 **SEC. 3. REGULATIONS.**

7 Not later than 6 months after the date of enactment
8 of this Act, the National Labor Relations Board shall re-
9 view all regulations promulgated before such date of enact-
10 ment and revise or rescind any such regulations as nec-
11 essary to implement the amendment made by section 2(b).

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