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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

# H. R.

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.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. ROE of Tennessee introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secret Ballot Protec-  
5 tion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) the importance of a secret ballot election  
2           has been recognized by the United States for over  
3           100 years;

4           (2) the fundamental democratic right to choose  
5           by secret ballot is the only method that ensures a  
6           choice free of coercion, intimidation, irregularity, or  
7           illegality;

8           (3) the recognition of a labor organization by  
9           way of a private agreement, rather than a secret bal-  
10          lot election supervised by a neutral third party,  
11          threatens an employee's right, codified in the Na-  
12          tional Labor Relations Act, to choose whether or not  
13          to be represented by a labor organization; and

14          (4) preserving workers' right to choose whether  
15          or not to be represented by a labor organization  
16          through a secret ballot election is important to the  
17          strength of the national economy.

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

19          (a) RECOGNITION OF REPRESENTATIVE.—

20               (1) IN GENERAL.—Section 8(a)(2) of the Na-  
21          tional Labor Relations Act (29 U.S.C. 158(a)(2)) is  
22          amended by inserting before the colon the following:  
23          “or to recognize or bargain collectively with a labor  
24          organization that has not been selected by a major-  
25          ity of employees in a unit appropriate for such pur-

1 poses in a secret ballot election conducted by the  
2 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 enactment of this Act.

7 (b) ELECTION REQUIRED.—

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

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

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

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

16 “(8) to cause or attempt to cause an employer  
17 to recognize or bargain collectively with a represent-  
18 ative of a labor organization that has not been se-  
19 lected by a majority of employees in a unit appro-  
20 priate for such purposes in a secret ballot election  
21 conducted by the Board in accordance with section  
22 9.”.

23 (2) APPLICATION.—The amendment made by  
24 paragraph (1) shall not apply to collective bar-

1       gaining relationships that were recognized before the  
2       date of enactment of this Act.

3       (c) SECRET BALLOT ELECTION REQUIRED.—

4             (1) DESIGNATION OF REPRESENTATIVE BY SE-  
5       CRET BALLOT.—Section 9(a) of the National Labor  
6       Relations Act (29 U.S.C. 159(a)), is amended—

7             (A) by inserting “(1)” after “(a)”; and

8             (B) by inserting after “designated or se-  
9       lected” the following: “by a secret ballot elec-  
10       tion conducted by the Board in accordance with  
11       this section”.

12            (2) DECERTIFICATION.—Such section is further  
13       amended by adding at the end the following:

14            “(2) The Board shall conduct a secret ballot  
15       election to determine whether a labor organization  
16       certified or recognized by an employer as the rep-  
17       resentative for the purposes of collective bargaining  
18       is no longer the representative of a unit as defined  
19       in paragraph (1).”.

20            (3) APPLICATION.—The amendment made by  
21       paragraph (1) shall not apply to collective bar-  
22       gaining relationships that were recognized before the  
23       date of enactment of this Act.

24       (d) CONFORMING AMENDMENTS.—Section 9(c)(1) of  
25       such Act (29 U.S.C. 159(c)(1)) is amended—

1 (1) in subparagraph (A)—

2 (A) in clause (i), by striking “and that  
3 their employer declines to recognize their rep-  
4 resentative as the representative defined in sec-  
5 tion 9(a)” and inserting “by a representative”;  
6 and

7 (B) in clause (ii), by striking “section  
8 9(a);” and inserting “subsection (a),”; and

9 (2) in subparagraph (B), by striking “alleging”  
10 and all that follows through “defined in section  
11 9(a)”.

12 **SEC. 4. REGULATIONS.**

13 Not later than 6 months after the date of enactment  
14 of this Act, the National Labor Relations Board shall re-  
15 view and revise all regulations promulgated before such  
16 date to implement the amendments made in this Act to  
17 the National Labor Relations Act.