

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
McKeon OF California, OR HIS  
DESIGNEE, DEBATEABLE FOR 30 MINUTES:

4

**AMENDMENT TO H.R. 800, AS REPORTED  
OFFERED BY MR. MCKEON OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Secret Ballot Protec-  
3 tion Act".

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

1       whether to be represented by a labor organization,  
2       and severely limits the ability of the National Labor  
3       Relations Board to ensure the protection of workers.

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

5       (a) **RECOGNITION OF REPRESENTATIVE.**—

6           (1) **IN GENERAL.**—Section 8(a) of the National  
7       Labor Relations Act (29 U.S.C. 158(a)) is amended  
8       by redesignating paragraphs (3) through (5) as  
9       paragraphs (4) through (6), respectively and insert-  
10      ing after paragraph (2) the following:

11           “(3) to recognize or bargain collectively with a  
12      labor organization that has not been selected by a  
13      majority of such employees in a secret ballot election  
14      conducted by the Board in accordance with section  
15      9;”.

16           (2) **APPLICATION.**—The amendment made by  
17      subsection (a) shall not apply to collective bar-  
18      gaining relationships in which a labor organization  
19      with majority support was lawfully recognized before  
20      the date of the enactment of this Act.

21       (b) **ELECTION REQUIRED.**—

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

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

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

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

6 “(8) to cause or attempt to cause an employer  
7 to recognize or bargain collectively with a represent-  
8 ative of a labor organization that has not been se-  
9 lected by a majority of such employees in a secret  
10 ballot election conducted by the Board in accordance  
11 with section 9.”.

12 (2) APPLICATION.—The amendment made by  
13 paragraph (1) shall not apply to collective bar-  
14 gaining relationships that were recognized before the  
15 date of the enactment of this Act.

16 (c) SECRET BALLOT ELECTION.—

17 (1) IN GENERAL.—Section 9(a) of the National  
18 Labor Relations Act (29 U.S.C. 159(a)), is amend-  
19 ed—

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

21 (B) by inserting after “designated or se-  
22 lected” the following: “by a secret ballot elec-  
23 tion conducted by the Board in accordance with  
24 this section”; and

1           (2) APPLICATION.—The secret ballot election  
2           requirement of the amendment made by paragraph  
3           (1) shall not apply to collective bargaining relation-  
4           ships that were recognized before the date of the en-  
5           actment of this Act.

6 **SEC. 4. REGULATIONS:**

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