

119TH CONGRESS  
1ST SESSION

# H. R. 20

To amend the National Labor Relations Act, the Labor Management Relations Act, 1947, and the Labor-Management Reporting and Disclosure Act of 1959, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2025

Mr. SCOTT of Virginia (for himself, Mr. FITZPATRICK, Ms. BROWN, Ms. MOORE of Wisconsin, Ms. WILLIAMS of Georgia, Ms. NORTON, Ms. TLAIB, Mr. BISHOP, Mrs. McIVER, Ms. TITUS, Ms. BONAMICI, Mr. KEATING, Mr. MCGOVERN, Mr. THOMPSON of Mississippi, Ms. LOFGREN, Ms. DELAURO, Ms. ANSARI, Mr. MRVAN, Mr. GARAMENDI, Ms. BUDZINSKI, Ms. KAPTUR, Mrs. RAMIREZ, Ms. JOHNSON of Texas, Mr. MCGARVEY, Mr. SCHNEIDER, Mr. TAKANO, Mrs. DINGELL, Mr. SORENSEN, Mr. CARSON, Ms. SÁNCHEZ, Mr. MULLIN, Ms. MCBRIDE, Mr. CARTER of Louisiana, Mr. GOTTHEIMER, Ms. SHERRILL, Mr. GOLDEN of Maine, Ms. SCHOLTEN, Mr. TONKO, Mr. DELUZIO, Mr. NORCROSS, Ms. SCANLON, Mr. POCAN, Mr. CASAR, Ms. STEVENS, Ms. CLARKE of New York, Ms. SALINAS, Mr. MENENDEZ, Ms. ADAMS, Mr. GRIJALVA, Mrs. MCBATH, Ms. WILSON of Florida, Ms. STANSBURY, Ms. CRAIG, Mrs. HAYES, Mr. SOTO, Ms. SCHAKOWSKY, Mr. DAVIS of North Carolina, Mr. THANEDAR, Mr. MANNION, Ms. OMAR, Mr. VINDMAN, Mr. DESAULNIER, Mrs. CHERFILUS-McCORMICK, Ms. TOKUDA, Mrs. SYKES, Mr. LATIMER, Ms. HOYLE of Oregon, Mr. JOHNSON of Georgia, Ms. GILLEN, Ms. LEE of Pennsylvania, Ms. JAYAPAL, Ms. PEREZ, Mr. KENNEDY of New York, Ms. DEXTER, Mr. RILEY of New York, Mr. HORSFORD, Mr. GOLDMAN of New York, Mr. SHERMAN, Mr. LYNCH, Ms. BARRAGÁN, Mr. GREEN of Texas, Ms. MENG, Ms. ELFRETH, Ms. RANDALL, Mr. LARSON of Connecticut, Mr. BEYER, Mr. CISNEROS, Mr. THOMPSON of California, Mr. LIEU, Mr. CONAWAY, Ms. BYNUM, Mr. LANDSMAN, Ms. CHU, Ms. HOULAHAN, Mr. RYAN, Mr. SWALWELL, Mr. JEFFRIES, Mrs. TRAHAN, Ms. MCCOLLUM, Mr. TORRES of New York, Ms. VELÁZQUEZ, Mr. NADLER, Ms. OCASIO-CORTEZ, Mr. CASTRO of Texas, Mr. EVANS of Pennsylvania, Mr. DAVID SCOTT of Georgia, Ms. PINGREE, Mr. QUIGLEY, Mr. RUIZ, Mrs. FOUSHEE, Mr. IVEY, Mr. MAGAZINER, Ms. WASSERMAN SCHULTZ, Mr. CLEAVER, Mr. DOGGETT, Ms. MORRISON, Mr. GOMEZ, Mr. BOYLE of Pennsylvania, Mr. KRISHNAMOORTHY, Mr. CASE, Mr. FROST, Ms. DAVIDS of Kansas, Mr. VEASEY, Ms. ROSS, Mr. GARCÍA of Illinois, Mr. AMO, Ms. DEGETTE, Mr.

RASKIN, Ms. CLARK of Massachusetts, Mr. CROW, Mr. BELL, Ms. BALINT, Ms. DELBENE, Mr. CARBAJAL, Mr. VARGAS, Ms. JACOBS, Mr. PANETTA, Mr. FOSTER, Ms. MATSUI, Ms. MCCLELLAN, Mr. PALLONE, Ms. STRICKLAND, Ms. PETERSEN, Mr. SMITH of Washington, Ms. LEE of Nevada, Mr. MOULTON, Mrs. BEATTY, Ms. BROWNLEY, Mr. HARDER of California, Mr. SUBRAMANYAM, Mr. HOYER, Mr. OLSZEWSKI, Mrs. TORRES of California, Ms. LOIS FRANKEL of Florida, Ms. DEAN of Pennsylvania, Ms. McDONALD RIVET, Mrs. MCCLAIN DELANEY, Mr. MFUME, Ms. POU, Ms. FRIEDMAN, Mr. MIN, Mr. NEAL, Ms. WATERS, Ms. KELLY of Illinois, Ms. GOODLANDER, Mr. GARCIA of California, Ms. ESCOBAR, Mr. MEEKS, Mr. CASTEN, Mrs. WATSON COLEMAN, Mr. MOSKOWITZ, Ms. GARCIA of Texas, Mr. MORELLE, Ms. SEWELL, Mr. KHANNA, Mr. JACKSON of Illinois, Mr. LARSEN of Washington, Mr. AGUILAR, Ms. CROCKETT, Ms. SCHRIER, Mr. ESPAILLAT, Mr. STANTON, Ms. SIMON, Mr. VASQUEZ, Ms. LEGER FERNANDEZ, Mr. HUFFMAN, Ms. RIVAS, Mrs. FLETCHER, Mr. SUOZZI, Mr. HIMES, Mr. FIGURES, Mr. TRAN, Mr. PETERS, Ms. KAMLAGER-DOVE, Mr. DAVIS of Illinois, Ms. CASTOR of Florida, Ms. PRESSLEY, Mr. COURTNEY, Ms. PELOSI, Mr. NEGUSE, Mr. LEVIN, Mr. GRAY, Mr. CONNOLLY, Mr. WHITESIDES, Mr. BERA, Mr. PAPPAS, Ms. PLASKETT, Ms. UNDERWOOD, Mr. COHEN, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Education and Workforce

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## A BILL

To amend the National Labor Relations Act, the Labor Management Relations Act, 1947, and the Labor-Management Reporting and Disclosure Act of 1959, and for other purposes.

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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
 5       “Richard L. Trumka Protecting the Right to Organize Act  
 6       of 2025”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
 8       this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE NATIONAL LABOR RELATIONS  
ACT

- Sec. 101. Definitions.  
 Sec. 102. Reports.  
 Sec. 103. Appointment.  
 Sec. 104. Unfair labor practices.  
 Sec. 105. Representatives and elections.  
 Sec. 106. Damages for unfair labor practices.  
 Sec. 107. Enforcing compliance with orders of the board.  
 Sec. 108. Injunctions against unfair labor practices involving discharge or other serious economic harm.  
 Sec. 109. Penalties.  
 Sec. 110. Limitations on the right to strike.  
 Sec. 111. Fair share agreements permitted.

TITLE II—AMENDMENTS TO THE LABOR MANAGEMENT RELATIONS ACT, 1947, AND THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

- Sec. 201. Conforming amendments to the Labor Management Relations Act, 1947.  
 Sec. 202. Amendments to the Labor-Management Reporting and Disclosure Act of 1959.

TITLE III—OTHER MATTERS

- Sec. 301. Electronic voting in Union elections.  
 Sec. 302. GAO report on sectoral bargaining.  
 Sec. 303. Severability.  
 Sec. 304. Authorization of appropriations.  
 Sec. 305. Rule of Construction.  
 Sec. 306. Rule of Construction.  
 Sec. 307. Rule of Construction.  
 Sec. 308. Rule of Construction.  
 Sec. 309. GAO Report.

1 **TITLE I—AMENDMENTS TO THE**  
 2 **NATIONAL LABOR RELATIONS**  
 3 **ACT**

4 **SEC. 101. DEFINITIONS.**

5 (a) JOINT EMPLOYER.—Section 2(2) of the National  
 6 Labor Relations Act (29 U.S.C. 152(2)) is amended by  
 7 adding at the end the following: “Two or more persons  
 8 shall be employers with respect to an employee if each

1 such person codetermines or shares control over the em-  
2 ployee’s essential terms and conditions of employment. In  
3 determining whether such control exists, the Board or a  
4 court of competent jurisdiction shall consider as relevant  
5 direct control and indirect control over such terms and  
6 conditions, reserved authority to control such terms and  
7 conditions, and control over such terms and conditions ex-  
8 ercised by a person in fact: *Provided*, That nothing herein  
9 precludes a finding that indirect or reserved control stand-  
10 ing alone can be sufficient given specific facts and cir-  
11 cumstances.”.

12 (b) EMPLOYEE.—Section 2(3) of the National Labor  
13 Relations Act (29 U.S.C. 152(3)) is amended by adding  
14 at the end the following: “An individual performing any  
15 service shall be considered an employee (except as pro-  
16 vided in the previous sentence) and not an independent  
17 contractor, unless—

18 “(A) the individual is free from control and  
19 direction in connection with the performance of  
20 the service, both under the contract for the per-  
21 formance of service and in fact;

22 “(B) the service is performed outside the  
23 usual course of the business of the employer;  
24 and

1           “(C) the individual is customarily engaged  
2           in an independently established trade, occupa-  
3           tion, profession, or business of the same nature  
4           as that involved in the service performed.”.

5           (c) SUPERVISOR.—Section 2(11) of the National  
6 Labor Relations Act (29 U.S.C. 152(11)) is amended—

7           (1) by inserting “and for a majority of the indi-  
8           vidual’s worktime” after “interest of the employer”;

9           (2) by striking “assign,”; and

10          (3) by striking “or responsibly to direct them,”.

11 **SEC. 102. REPORTS.**

12          Section 3(c) of the National Labor Relations Act (29  
13 U.S.C. 153(c)) is amended—

14          (1) by striking “The Board” and inserting “(1)  
15          The Board”;

16          (2) by adding at the end the following:

17          “(2) Effective January 1, 2027, section 3003 of the  
18 Federal Reports Elimination and Sunset Act of 1995  
19 (Public Law 104–66; 31 U.S.C. 1113 note) shall not apply  
20 with respect to reports required under this subsection.

21          “(3) Each report issued under this subsection shall—

22          “(A) include no less detail than reports issued by the  
23 Board prior to the termination of such reports under sec-  
24 tion 3003 of the Federal Reports Elimination and Sunset  
25 Act of 1995 (Public Law 104–66; 31 U.S.C. 1113 note);

1 “(B) list each case in which the Designated Agency  
2 Ethics Official provided advice regarding whether a Mem-  
3 ber should be recused from participating in a case or rule-  
4 making; and

5 “(C) list each case in which the Designated Agency  
6 Ethics Official determined that a Member should be  
7 recused from participating in a case or rulemaking.”.

8 **SEC. 103. APPOINTMENT.**

9 Section 4(a) of the National Labor Relations Act (29  
10 U.S.C. 154(a)) is amended by striking “, or for economic  
11 analysis”.

12 **SEC. 104. UNFAIR LABOR PRACTICES.**

13 Section 8 of the National Labor Relations Act (29  
14 U.S.C. 158) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (5), by striking the pe-  
17 riod and inserting “;”; and

18 (B) by adding at the end the following:

19 “(6) to promise, threaten, or take any action—

20 “(A) to permanently replace an employee  
21 who participates in a strike as defined by sec-  
22 tion 501(2) of the Labor Management Rela-  
23 tions Act, 1947 (29 U.S.C. 142(2));

24 “(B) to discriminate against an employee  
25 who is working or has unconditionally offered to

1 return to work for the employer because the  
2 employee supported or participated in such a  
3 strike; or

4 “(C) to lockout, suspend, or otherwise  
5 withhold employment from employees in order  
6 to influence the position of such employees or  
7 the representative of such employees in collec-  
8 tive bargaining prior to a strike; and

9 “(7) to communicate or misrepresent to an em-  
10 ployee under section 2(3) that such employee is ex-  
11 cluded from the definition of employee under section  
12 2(3).”;

13 (2) in subsection (b)—

14 (A) by striking paragraphs (4) and (7);

15 (B) by redesignating paragraphs (5) and  
16 (6) as paragraphs (4) and (5), respectively;

17 (C) in paragraph (4), as so redesignated,  
18 by striking “affected;” and inserting “affected;  
19 and”; and

20 (D) in paragraph (5), as so redesignated,  
21 by striking “; and” and inserting a period;

22 (3) in subsection (c), by striking the period at  
23 the end and inserting the following: “: *Provided*,  
24 That it shall be an unfair labor practice under sub-  
25 section (a)(1) for any employer to require or coerce

1 an employee to attend or participate in such employ-  
2 er’s campaign activities unrelated to the employee’s  
3 job duties, including activities that are subject to the  
4 requirements under section 203(b) of the Labor-  
5 Management Reporting and Disclosure Act of 1959  
6 (29 U.S.C. 433(b)).”;

7 (4) in subsection (d)—

8 (A) by redesignating paragraphs (1)  
9 through (4) as subparagraphs (A) through (D),  
10 respectively;

11 (B) by striking “For the purposes of this  
12 section” and inserting “(1) For purposes of this  
13 section”;

14 (C) by inserting “and to maintain current  
15 wages, hours, and terms and conditions of em-  
16 ployment pending an agreement” after “arising  
17 thereunder”;

18 (D) by inserting “*Provided*, That an em-  
19 ployer’s duty to collectively bargain shall con-  
20 tinue absent decertification of the labor organi-  
21 zation following an election conducted pursuant  
22 to section 9:” after “making of a concession:”;

23 (E) by inserting “*further*” before “, That  
24 where there is in effect”;



1 (F) by striking “The duties imposed” and  
2 inserting “(2) The duties imposed”;

3 (G) by striking “by paragraphs (2), (3),  
4 and (4)” and inserting “by subparagraphs (B),  
5 (C), and (D) of paragraph (1)”;

6 (H) by striking “section 8(d)(1)” and in-  
7 serting “paragraph (1)(A)”;

8 (I) by striking “section 8(d)(3)” and in-  
9 serting “paragraph (1)(C)” in each place it ap-  
10 pears;

11 (J) by striking “section 8(d)(4)” and in-  
12 serting “paragraph (1)(D)”;

13 (K) by adding at the end the following:

14 “(3) Whenever collective bargaining is for the pur-  
15 pose of establishing an initial collective bargaining agree-  
16 ment following certification or recognition of a labor orga-  
17 nization, the following shall apply:

18 “(A) Not later than 10 days after receiving a  
19 written request for collective bargaining from an in-  
20 dividual or labor organization that has been newly  
21 recognized or certified as a representative as defined  
22 in section 9(a), or within such further period as the  
23 parties agree upon, the parties shall meet and com-  
24 mence to bargain collectively and shall make every

1 reasonable effort to conclude and sign a collective  
2 bargaining agreement.

3 “(B) If after the expiration of the 90-day pe-  
4 riod beginning on the date on which bargaining is  
5 commenced, or such additional period as the parties  
6 may agree upon, the parties have failed to reach an  
7 agreement, either party may notify the Federal Me-  
8 diation and Conciliation Service of the existence of  
9 a dispute and request mediation. Whenever such a  
10 request is received, it shall be the duty of the Service  
11 promptly to put itself in communication with the  
12 parties and to use its best efforts, by mediation and  
13 conciliation, to bring them to agreement.

14 “(C) If after the expiration of the 30-day period  
15 beginning on the date on which the request for me-  
16 diation is made under subparagraph (B), or such ad-  
17 ditional period as the parties may agree upon, the  
18 Service is not able to bring the parties to agreement  
19 by conciliation, the Service shall refer the dispute to  
20 a tripartite arbitration panel established in accord-  
21 ance with such regulations as may be prescribed by  
22 the Service, with one member selected by the labor  
23 organization, one member selected by the employer,  
24 and one neutral member mutually agreed to by the  
25 parties. The labor organization and employer must

1 each select the members of the tripartite arbitration  
2 panel within 14 days of the Service’s referral; if the  
3 labor organization or employer fail to do so, the  
4 Service shall designate any members not selected by  
5 the labor organization or the employer. A majority  
6 of the tripartite arbitration panel shall render a deci-  
7 sion settling the dispute as soon as practicable and  
8 not later than within 120 days, absent extraordinary  
9 circumstances or by agreement or permission of the  
10 parties, and such decision shall be binding upon the  
11 parties for a period of 2 years, unless amended dur-  
12 ing such period by written consent of the parties.  
13 Such decision shall be based on—

14 “(i) the employer’s financial status and  
15 prospects;

16 “(ii) the size and type of the employer’s  
17 operations and business;

18 “(iii) the employees’ cost of living;

19 “(iv) the employees’ ability to sustain  
20 themselves, their families, and their dependents  
21 on the wages and benefits they earn from the  
22 employer; and

23 “(v) the wages and benefits other employ-  
24 ers in the same business provide their employ-  
25 ees.”;

1           (5) by amending subsection (e) to read as fol-  
2           lows:

3           “(e) Notwithstanding chapter 1 of title 9, United  
4 States Code (commonly known as the ‘Federal Arbitration  
5 Act’), or any other provision of law, it shall be an unfair  
6 labor practice under subsection (a)(1) for any employer—

7           “(1) to enter into or attempt to enforce any  
8 agreement, express or implied, whereby prior to a  
9 dispute to which the agreement applies, an employee  
10 undertakes or promises not to pursue, bring, join,  
11 litigate, or support any kind of joint, class, or collec-  
12 tive claim arising from or relating to the employ-  
13 ment of such employee in any forum that, but for  
14 such agreement, is of competent jurisdiction;

15           “(2) to coerce an employee into undertaking or  
16 promising not to pursue, bring, join, litigate, or sup-  
17 port any kind of joint, class, or collective claim aris-  
18 ing from or relating to the employment of such em-  
19 ployee; or

20           “(3) to retaliate or threaten to retaliate against  
21 an employee for refusing to undertake or promise  
22 not to pursue, bring, join, litigate, or support any  
23 kind of joint, class, or collective claim arising from  
24 or relating to the employment of such employee:

25           *Provided*, That any agreement that violates this sub-

1 section or results from a violation of this subsection  
2 shall be to such extent unenforceable and void: *Pro-*  
3 *vided further*, That this subsection shall not apply to  
4 any agreement embodied in or expressly permitted  
5 by a contract between an employer and a labor orga-  
6 nization.”;

7 (6) in subsection (g), by striking “clause (B) of  
8 the last sentence of section 8(d) of this Act” and in-  
9 serting “subsection (d)(2)(B)”;

10 (7) by adding at the end the following:

11 “(h)(1) The Board shall promulgate regulations re-  
12 quiring each employer to post and maintain, in con-  
13 spicuous places where notices to employees and applicants  
14 for employment are customarily posted both physically and  
15 electronically, a notice setting forth the rights and protec-  
16 tions afforded employees under this Act. The Board shall  
17 make available to the public the form and text of such  
18 notice. The Board shall promulgate regulations requiring  
19 employers to notify each new employee of the information  
20 contained in the notice described in the preceding two sen-  
21 tences and to ensure that such notice is provided to em-  
22 ployees in a language spoken by such employees.

23 “(2) Whenever the Board directs an election under  
24 section 9(c) or approves an election agreement, the em-  
25 ployer of employees in the bargaining unit shall, not later

1 than 2 business days after the Board directs such election  
2 or approves such election agreement, provide a voter list  
3 to a labor organization that has petitioned to represent  
4 such employees. Such voter list shall include the names  
5 of all employees in the bargaining unit and such employ-  
6 ees' home addresses, work locations, shifts, job classifica-  
7 tions, and, if available to the employer, personal landline  
8 and mobile telephone numbers, work email addresses, and  
9 personal email addresses; the voter list must be provided  
10 in a searchable electronic format generally approved by the  
11 Board unless the employer certifies that the employer does  
12 not possess the capacity to produce the list in the required  
13 form. Not later than 9 months after the date of enactment  
14 of the Richard L. Trumka Protecting the Right to Orga-  
15 nize Act of 2025, the Board shall promulgate regulations  
16 implementing the requirements of this paragraph.

17       “(i) The rights of an employee under section 7 in-  
18 clude the right to use electronic communication devices  
19 and systems (including computers, laptops, tablets, inter-  
20 net access, email, cellular telephones, or other company  
21 equipment) of the employer of such employee to engage  
22 in activities protected under section 7 if such employer has  
23 given such employee access to such devices and systems  
24 in the course of the work of such employee, absent a com-

1 pelling business rationale for denying or limiting such  
2 use.”.

3 **SEC. 105. REPRESENTATIVES AND ELECTIONS.**

4 Section 9 of the National Labor Relations Act (29  
5 U.S.C. 159) is amended—

6 (1) in subsection (c)—

7 (A) by amending paragraph (1) to read as  
8 follows:

9 “(1) Whenever a petition shall have been filed, in ac-  
10 cordance with such regulations as may be prescribed by  
11 the Board, by an employee or group of employees or any  
12 individual or labor organization acting in their behalf al-  
13 leging that a substantial number of employees (i) wish to  
14 be represented for collective bargaining and that their em-  
15 ployer declines to recognize their representative as the rep-  
16 resentative defined in section 9(a), or (ii) assert that the  
17 individual or labor organization, which has been certified  
18 or is being recognized by their employer as the bargaining  
19 representative, is no longer a representative as defined in  
20 section 9(a), the Board shall investigate such petition and  
21 if it has reasonable cause to believe that a question of rep-  
22 resentation affecting commerce exists shall provide for an  
23 appropriate hearing upon due notice. Such hearing may  
24 be conducted by an officer or employee of the regional of-  
25 fice, who shall not make any recommendations with re-

1 spect thereto. If the Board finds upon the record of such  
2 hearing that such a question of representation exists, it  
3 shall direct an election by secret ballot and shall certify  
4 the results thereof. The Board shall find the labor organi-  
5 zation's proposed unit to be appropriate if the employees  
6 in the proposed unit share a community of interest, and  
7 if the employees outside the unit do not share an over-  
8 whelming community of interest with employees inside. At  
9 the request of the labor organization, the Board shall di-  
10 rect that the election be conducted through mail, electroni-  
11 cally, at the work location, or at a location other than one  
12 owned or controlled by the employer. No employer shall  
13 have standing as a party or to intervene in any representa-  
14 tion proceeding under this section.”;

15 (B) in paragraph (3), by striking “an eco-  
16 nomic strike who are not entitled to reinstatement”  
17 and inserting “a strike”;

18 (C) by redesignating paragraphs (4) and  
19 (5) as paragraphs (6) and (7), respectively;

20 (D) by inserting after paragraph (3) the  
21 following:

22 “(4) If the Board finds that, in an election under  
23 paragraph (1), a majority of the valid votes cast in a unit  
24 appropriate for purposes of collective bargaining have been  
25 cast in favor of representation by the labor organization,



1 the Board shall certify the labor organization as the rep-  
2 resentative of the employees in such unit and shall issue  
3 an order requiring the employer of such employees to col-  
4 lectively bargain with the labor organization in accordance  
5 with section 8(d). This order shall be deemed an order  
6 under section 10(c) of this Act, without need for a deter-  
7 mination of an unfair labor practice.

8       “(5)(A) If the Board finds that, in an election under  
9 paragraph (1), a majority of the valid votes cast in a unit  
10 appropriate for purposes of collective bargaining have not  
11 been cast in favor of representation by the labor organiza-  
12 tion, the Board shall certify the results of the election,  
13 subject to subparagraphs (B) and (C).

14       “(B) In any case in which a majority of the valid  
15 votes cast in a unit appropriate for purposes of collective  
16 bargaining have not been cast in favor of representation  
17 by the labor organization and the Board determines, fol-  
18 lowing a post-election hearing, that the employer has com-  
19 mitted a violation of this Act or otherwise interfered with  
20 a fair election, and the employer has not demonstrated  
21 that the violation or other interference is unlikely to have  
22 affected the outcome of the election, the Board shall, with-  
23 out ordering a new election, set aside the election and cer-  
24 tify the labor organization as the representative of the em-  
25 ployees in such unit and issue an order requiring the em-

1 ployer to bargain with the labor organization in accord-  
2 ance with section 8(d) if, at any time during the period  
3 beginning 1 year preceding the date of the commencement  
4 of the election and ending on the date upon which the  
5 Board makes the determination of a violation or other in-  
6 terference, a majority of the employees in the bargaining  
7 unit have signed authorizations designating the labor or-  
8 ganization as their collective bargaining representative.

9 “(C) In any case where the Board determines that  
10 an election under this paragraph should be set aside, the  
11 Board shall direct a new election with appropriate addi-  
12 tional safeguards necessary to ensure a fair election proc-  
13 ess, except in cases where the Board issues a bargaining  
14 order under subparagraph (B).”; and

15 (E) by inserting after paragraph (7), as so  
16 redesignated, the following:

17 “(8) Except under extraordinary circumstances—

18 “(A) a pre-election hearing under this sub-  
19 section shall begin not later than 8 days after a no-  
20 tice of such hearing is served on the labor organiza-  
21 tion and shall continue from day to day until com-  
22 pleted;

23 “(B) a regional director shall transmit the no-  
24 tice of election at the same time as the direction of  
25 election, and shall transmit such notice and such di-

1 rection electronically (including transmission by  
2 email or facsimile) or by overnight mail if electronic  
3 transmission is unavailable;

4 “(C) not later than 2 days after the service of  
5 the notice of hearing, the employer shall—

6 “(i) post the Notice of Petition for Elec-  
7 tion in conspicuous places, including all places  
8 where notices to employees are customarily  
9 posted;

10 “(ii) if the employer customarily commu-  
11 nicates with employees electronically, distribute  
12 such Notice electronically; and

13 “(iii) maintain such posting until the peti-  
14 tion is dismissed or withdrawn or the Notice of  
15 Petition for Election is replaced by the Notice  
16 of Election;

17 “(D) regional directors shall schedule elections  
18 for the earliest date practicable, but not later than  
19 the 20th business day after the direction of election;  
20 and

21 “(E) a post-election hearing under this sub-  
22 section shall begin not later than 14 days after the  
23 filing of objections, if any.”;

24 (2) in subsection (d), by striking “(e) or” and  
25 inserting “(d) or”; and

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

2           “(f) The Board shall dismiss any petition for an elec-  
3 tion with respect to a bargaining unit or any subdivision  
4 if, during the 12-month period ending on the date on  
5 which the petition is filed—

6           “(1) the employer has recognized a labor orga-  
7 nization without an election and in accordance with  
8 this Act;

9           “(2) the labor organization and employer en-  
10 gaged in their first bargaining session following the  
11 issuance of a bargaining order by the Board; or

12           “(3) the labor organization and successor em-  
13 ployer engaged in their first bargaining session fol-  
14 lowing a succession.

15           “(g) The Board shall dismiss any petition for an elec-  
16 tion with respect to a bargaining unit or any subdivision  
17 if there is in effect a lawful written collective bargaining  
18 agreement between the employer and an exclusive rep-  
19 resentative covering any employees in the unit specified  
20 in the petition, unless the petition is filed—

21           “(1) on or after the date that is 3 years after  
22 the date on which the collective bargaining agree-  
23 ment took effect; or

24           “(2) during the 30-day period beginning on the  
25 date that is 90 days before the date that is 3 years

1 after the date on which the collective bargaining  
2 agreement took effect.

3 “(h) The Board shall suspend the processing of any  
4 petition for an election with respect to a bargaining unit  
5 or any subdivision if a labor organization files an unfair  
6 labor practice charge alleging a violation of section 8(a)  
7 and requesting the suspension of a pending petition until  
8 the unlawful conduct, if any, is remedied or the charge  
9 is dismissed unless the Board determines that employees  
10 can, under the circumstances, exercise free choice in an  
11 election despite the unlawful conduct alleged in the  
12 charge.”.

13 **SEC. 106. DAMAGES FOR UNFAIR LABOR PRACTICES.**

14 Section 10(c) of the National Labor Relations Act  
15 (29 U.S.C. 160(c)) is amended by striking “suffered by  
16 him” and inserting “suffered by such employee: *Provided*  
17 *further*, That if the Board finds that an employer has dis-  
18 criminated against an employee in violation of paragraph  
19 (3) or (4) of section 8(a) or has committed a violation  
20 of section 8(a) that results in the discharge of an employee  
21 or other serious economic harm to an employee, the Board  
22 shall award the employee back pay without any reduction  
23 (including any reduction based on the employee’s interim  
24 earnings or failure to earn interim earnings), front pay  
25 (when appropriate), full compensation for all direct or

1 foreseeable pecuniary harms suffered as a result of the  
2 respondent's unfair labor practice, and an additional  
3 amount as liquidated damages equal to two times the  
4 amount of damages awarded: *Provided further*, no relief  
5 under this subsection shall be denied on the basis that the  
6 employee is, or was during the time of relevant employ-  
7 ment or during the back pay period, an unauthorized alien  
8 as defined in section 274A(h)(3) of the Immigration and  
9 Nationality Act (8 U.S.C. 1324a(h)(3)) or any other pro-  
10 vision of Federal law relating to the unlawful employment  
11 of aliens”.

12 **SEC. 107. ENFORCING COMPLIANCE WITH ORDERS OF THE**  
13 **BOARD.**

14 (a) IN GENERAL.—Section 10 of the National Labor  
15 Relations Act (29 U.S.C. 160) is further amended—

16 (1) by striking subsection (e);

17 (2) by redesignating subsection (d) as sub-  
18 section (e);

19 (3) by inserting after subsection (c) the fol-  
20 lowing:

21 “(d)(1) Each order of the Board shall be self-enforc-  
22 ing upon issuance of such order, unless otherwise directed  
23 by the Board, and shall remain self-enforcing unless modi-  
24 fied by the Board or unless a court of competent jurisdic-  
25 tion issues a superseding order.

1       “(2) Any person who fails or neglects to obey an  
2 order of the Board shall forfeit and pay to the Board a  
3 civil penalty of not more than \$10,000 for each violation,  
4 which shall accrue to the United States and may be recov-  
5 ered in a civil action brought by the Board to the district  
6 court of the United States in which the unfair labor prac-  
7 tice or other subject of the order occurred, or in which  
8 such person or entity resides or transacts business. No ac-  
9 tion by the Board under this paragraph may be made until  
10 30 days following the issuance of an order. Each separate  
11 violation of such an order shall be a separate offense, ex-  
12 cept that, in the case of a violation in which a person fails  
13 to obey or neglects to obey a final order of the Board,  
14 each day such failure or neglect continues shall be deemed  
15 a separate offense.

16       “(3) If, after having provided a person or entity with  
17 notice and an opportunity to be heard regarding a civil  
18 action under paragraph (2) for the enforcement of an  
19 order, the court determines that the order was regularly  
20 made and duly served, and that the person or entity is  
21 in disobedience of the same, the court shall enforce obedi-  
22 ence to such order by an injunction or other proper proc-  
23 ess, mandatory or otherwise, to—

1           “(A) restrain such person or entity or the offi-  
2           cers, agents, or representatives of such person or en-  
3           tity, from further disobedience to such order; or

4           “(B) enjoin such person or entity, officers,  
5           agents, or representatives to obedience to the  
6           same.”;

7           (4) in subsection (f)—

8           (A) by striking “proceed in the same man-  
9           ner as in the case of an application by the  
10          Board under subsection (e) of this section,” and  
11          inserting “proceed as provided under paragraph  
12          (2) of this subsection”;

13          (B) by striking “Any” and inserting the  
14          following:

15          “(1) Within 30 days of the issuance of an  
16          order, any”; and

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

18          “(2) No objection that has not been urged before the  
19          Board, its member, agent, or agency shall be considered  
20          by a court, unless the failure or neglect to urge such objec-  
21          tion shall be excused because of extraordinary cir-  
22          cumstances. The findings of the Board with respect to  
23          questions of fact if supported by substantial evidence on  
24          the record considered as a whole shall be conclusive. If  
25          either party shall apply to the court for leave to adduce



1 additional evidence and shall show to the satisfaction of  
2 the court that such additional evidence is material and  
3 that there were reasonable grounds for the failure to ad-  
4 duce such evidence in the hearing before the Board, its  
5 member, agent, or agency, the court may order such addi-  
6 tional evidence to be taken before the Board, its member,  
7 agent, or agency, and to be made a part of the record.  
8 The Board may modify its findings as to the facts, or  
9 make new findings, by reason of additional evidence so  
10 taken and filed, and it shall file such modified or new find-  
11 ings, which findings with respect to questions of fact if  
12 supported by substantial evidence on the record considered  
13 as a whole shall be conclusive, and shall file its rec-  
14 ommendations, if any, for the modification or setting aside  
15 of its original order. Upon the filing of the record with  
16 it the jurisdiction of the court shall be exclusive and its  
17 judgment and decree shall be final, except that the same  
18 shall be subject to review by the appropriate United States  
19 court of appeals if application was made to the district  
20 court, and by the Supreme Court of the United States  
21 upon writ of certiorari or certification as provided in sec-  
22 tion 1254 of title 28, United States Code.”; and  
23           (5) in subsection (g), by striking “subsection  
24           (e) or (f) of this section” and inserting “subsection  
25           (d) or (f)”.

1 (b) CONFORMING AMENDMENT.—Section 18 of the  
2 National Labor Relations Act (29 U.S.C. 168) is amended  
3 by striking “section 10(e) or (f)” and inserting “sub-  
4 section (d) or (f) of section 10”.

5 **SEC. 108. INJUNCTIONS AGAINST UNFAIR LABOR PRAC-**  
6 **TICES INVOLVING DISCHARGE OR OTHER SE-**  
7 **RIOUS ECONOMIC HARM.**

8 Section 10 of the National Labor Relations Act (29  
9 U.S.C. 160) is amended—

10 (1) in subsection (j)—

11 (A) by striking “The Board” and inserting  
12 “(1) The Board”; and

13 (B) by adding at the end the following:

14 “(2) Notwithstanding subsection (m), whenever it is  
15 charged that an employer has engaged in an unfair labor  
16 practice within the meaning of paragraph (1), (3), or (4)  
17 of section 8(a) that significantly interferes with, restrains,  
18 or coerces employees in the exercise of the rights guaran-  
19 teed under section 7, or involves discharge or other serious  
20 economic harm to an employee, the preliminary investiga-  
21 tion of such charge shall be made forthwith and given pri-  
22 ority over all other cases except cases of like character  
23 in the office where it is filed or to which it is referred.  
24 If, after such investigation, the officer or regional attorney  
25 to whom the matter may be referred has reasonable cause

1 to believe such charge is true and that a complaint should  
2 issue, such officer or attorney shall bring a petition for  
3 appropriate temporary relief or restraining order as set  
4 forth in paragraph (1). The district court shall grant the  
5 relief requested unless the court concludes that there is  
6 no reasonable likelihood that the Board will succeed on  
7 the merits of the Board’s claim.”; and

8 (2) by repealing subsections (k) and (l).

9 **SEC. 109. PENALTIES.**

10 (a) IN GENERAL.—Section 12 of the National Labor  
11 Relations Act (29 U.S.C. 162) is amended—

12 (1) by striking “SEC. 12. Any person” and in-  
13 serting the following:

14 **“SEC. 12. PENALTIES.**

15 **“(a) VIOLATIONS FOR INTERFERENCE WITH**  
16 **BOARD.—Any person”;** and

17 (2) by adding at the end the following:

18 **“(b) VIOLATIONS FOR POSTING REQUIREMENTS AND**  
19 **VOTER LIST.—If the Board, or any agent or agency des-**  
20 **ignated by the Board for such purposes, determines that**  
21 **an employer has violated section 8(h) or regulations issued**  
22 **thereunder, the Board shall—**

23 **“(1) state the findings of fact supporting such**  
24 **determination;**

1           “(2) issue and cause to be served on such em-  
2           ployer an order requiring that such employer comply  
3           with section 8(h) or regulations issued thereunder;  
4           and

5           “(3) impose a civil penalty in an amount deter-  
6           mined appropriate by the Board, except that in no  
7           case shall the amount of such penalty exceed \$500  
8           for each such violation.

9           “(c) CIVIL PENALTIES FOR VIOLATIONS.—

10           “(1) IN GENERAL.—Any employer who commits  
11           an unfair labor practice within the meaning of sec-  
12           tion 8(a) shall, in addition to any remedy ordered by  
13           the Board, be subject to a civil penalty in an amount  
14           not to exceed \$50,000 for each violation, except  
15           that, with respect to an unfair labor practice within  
16           the meaning of paragraph (3) or (4) of section 8(a)  
17           or a violation of section 8(a) that results in the dis-  
18           charge of an employee or other serious economic  
19           harm to an employee, the Board shall double the  
20           amount of such penalty, to an amount not to exceed  
21           \$100,000, in any case where the employer has with-  
22           in the preceding 5 years committed another such  
23           violation.

1           “(2) CONSIDERATIONS.—In determining the  
2 amount of any civil penalty under this subsection,  
3 the Board shall consider—

4           “(A) the gravity of the unfair labor prac-  
5 tice;

6           “(B) the impact of the unfair labor prac-  
7 tice on the charging party, on other persons  
8 seeking to exercise rights guaranteed by this  
9 Act, and on the public interest; and

10           “(C) the gross income of the employer.

11           “(3) DIRECTOR AND OFFICER LIABILITY.—If  
12 the Board determines, based on the particular facts  
13 and circumstances presented, that a director or offi-  
14 cer’s personal liability is warranted, a civil penalty  
15 for a violation described in this subsection may also  
16 be assessed against any director or officer of the em-  
17 ployer who directed or committed the violation, had  
18 established a policy that led to such a violation, or  
19 had actual or constructive knowledge of and the au-  
20 thority to prevent the violation and failed to prevent  
21 the violation.

22           “(d) RIGHT TO CIVIL ACTION.—

23           “(1) IN GENERAL.—Any person who is injured  
24 by reason of a violation of paragraph (1), (3), or (4)  
25 of section 8(a) may, after 60 days following the fil-

1       ing of a charge with the Board alleging an unfair  
2       labor practice, bring a civil action in the appropriate  
3       district court of the United States against the em-  
4       ployer within 90 days after the expiration of the 60-  
5       day period or the date the Board notifies the person  
6       that no complaint shall issue, whichever occurs ear-  
7       lier, provided that the Board has not filed a petition  
8       under section 10(j) of this Act prior to the expira-  
9       tion of the 60-day period. No relief under this sub-  
10      section shall be denied on the basis that the em-  
11      ployee is, or was during the time of relevant employ-  
12      ment or during the back pay period, an unauthor-  
13      ized alien as defined in section 274A(h)(3) of the  
14      Immigration and Nationality Act (8 U.S.C.  
15      1324a(h)(3)) or any other provision of Federal law  
16      relating to the unlawful employment of aliens.

17               “(2) AVAILABLE RELIEF.—Relief granted in an  
18      action under paragraph (1) may include—

19                       “(A) back pay without any reduction, in-  
20                       cluding any reduction based on the employee’s  
21                       interim earnings or failure to earn interim earn-  
22                       ings;

23                       “(B) front pay (when appropriate);

1           “(C) all direct or foreseeable pecuniary  
2 harms suffered as a result of the unfair labor  
3 practice;

4           “(D) an additional amount as liquidated  
5 damages equal to two times the cumulative  
6 amount of damages awarded under subpara-  
7 graphs (A) through (C);

8           “(E) in appropriate cases, punitive dam-  
9 ages in accordance with paragraph (4); and

10           “(F) any other relief authorized by section  
11 706(g) of the Civil Rights Act of 1964 (42  
12 U.S.C. 2000e-5(g)) or by section 1977A(b) of  
13 the Revised Statutes (42 U.S.C. 1981a(b)).

14           “(3) ATTORNEY’S FEES.—In any civil action  
15 under this subsection, the court may allow the pre-  
16 vailing party a reasonable attorney’s fee (including  
17 expert fees) and other reasonable costs associated  
18 with maintaining the action.

19           “(4) PUNITIVE DAMAGES.—In awarding puni-  
20 tive damages under paragraph (2)(E), the court  
21 shall consider—

22           “(A) the gravity of the unfair labor prac-  
23 tice;

24           “(B) the impact of the unfair labor prac-  
25 tice on the charging party, on other persons

1 seeking to exercise rights guaranteed by this  
2 Act, and on the public interest; and

3 “(C) the gross income of the employer.”.

4 (b) CONFORMING AMENDMENTS.—Section 10(b) of  
5 the National Labor Relations Act (29 U.S.C. 160(b)) is  
6 amended—

7 (1) by striking “six months” and inserting  
8 “180 days”; and

9 (2) by striking “the six-month period” and in-  
10 serting “the 180-day period”.

11 **SEC. 110. LIMITATIONS ON THE RIGHT TO STRIKE.**

12 Section 13 of the National Labor Relations Act (29  
13 U.S.C. 163) is amended by striking the period at the end  
14 and inserting the following: “: *Provided*, That the dura-  
15 tion, scope, frequency, or intermittence of any strike or  
16 strikes shall not render such strike or strikes unprotected  
17 or prohibited.”.

18 **SEC. 111. FAIR SHARE AGREEMENTS PERMITTED.**

19 Section 14(b) of the National Labor Relations Act  
20 (29 U.S.C. 164(b)) is amended by striking the period at  
21 the end and inserting the following: “: *Provided*, That col-  
22 lective bargaining agreements providing that all employees  
23 in a bargaining unit shall contribute fees to a labor organi-  
24 zation for the cost of representation, collective bargaining,  
25 contract enforcement, and related expenditures as a condi-



1 tion of employment shall be valid and enforceable notwith-  
 2 standing any State or Territorial law.”.

3 **TITLE II—AMENDMENTS TO THE**  
 4 **LABOR MANAGEMENT RELA-**  
 5 **TIONS ACT, 1947, AND THE**  
 6 **LABOR-MANAGEMENT RE-**  
 7 **PORTING AND DISCLOSURE**  
 8 **ACT OF 1959**

9 **SEC. 201. CONFORMING AMENDMENTS TO THE LABOR MAN-**  
 10 **AGEMENT RELATIONS ACT, 1947.**

11 The Labor Management Relations Act, 1947, is  
 12 amended—

13 (1) in section 213(a) (29 U.S.C. 183(a)), by  
 14 striking “clause (A) of the last sentence of section  
 15 8(d) (which is required by clause (3) of such section  
 16 8(d)), or within 10 days after the notice under  
 17 clause (B)” and inserting “section 8(d)(2)(A) of the  
 18 National Labor Relations Act (which is required by  
 19 section 8(d)(1)(C) of such Act), or within 10 days  
 20 after the notice under section 8(d)(2)(B) of such  
 21 Act”; and

22 (2) by repealing section 303 (29 U.S.C. 187).

1 **SEC. 202. AMENDMENTS TO THE LABOR-MANAGEMENT RE-**  
2 **PORTING AND DISCLOSURE ACT OF 1959.**

3 (a) IN GENERAL.—Section 203(c) of the Labor-Man-  
4 agement Reporting and Disclosure Act of 1959 (29 U.S.C.  
5 433(c)) is amended by striking the period at the end and  
6 inserting the following “: *Provided*, That this subsection  
7 shall not exempt from the requirements of this section any  
8 arrangement or part of an arrangement in which a party  
9 agrees, for an object described in subsection (b)(1), to plan  
10 or conduct employee meetings; train supervisors or em-  
11 ployer representatives to conduct meetings; coordinate or  
12 direct activities of supervisors or employer representatives;  
13 establish or facilitate employee committees; identify em-  
14 ployees for disciplinary action, reward, or other targeting;  
15 or draft or revise employer personnel policies, speeches,  
16 presentations, or other written, recorded, or electronic  
17 communications to be delivered or disseminated to employ-  
18 ees.”.

19 (b) WHISTLEBLOWER PROTECTIONS.—The Labor-  
20 Management Reporting and Disclosure Act of 1959 (29  
21 U.S.C. 401 et seq.) is further amended—

22 (1) by redesignating section 611 (29 U.S.C.  
23 531) as section 612; and

24 (2) by inserting after section 610 (29 U.S.C.  
25 530), the following new section:

1 **“SEC. 611. WHISTLEBLOWER PROTECTIONS.**

2       “(a) IN GENERAL.—No employer or labor organiza-  
3 tion shall terminate or in any other way discriminate  
4 against, or cause to be terminated or discriminated  
5 against, any applicant, covered employee, or former cov-  
6 ered employee, of the employer or the labor organization  
7 by reason of the fact that such applicant, covered em-  
8 ployee, or former covered employee does, or the employer  
9 or labor organization perceives the employee to do, any  
10 of the following:

11           “(1) Provide, cause to be provided, or is about  
12 to provide or cause to be provided, information to  
13 the labor organization, the employer, the Depart-  
14 ment of Labor, or any other State, local, or Federal  
15 Government authority or law enforcement agency re-  
16 lating to any violation of, or any act or omission  
17 that such employee reasonably believes to be a viola-  
18 tion of, any provision of this Act.

19           “(2) Testify or plan to testify or otherwise par-  
20 ticipate in any proceeding resulting from the admin-  
21 istration or enforcement of any provision of this Act.

22           “(3) File, institute, or cause to be filed or insti-  
23 tuted, any proceeding under this Act.

24           “(4) Assist in any activity described in para-  
25 graphs (1) through (3).

1           “(5) Object to, or refuse to participate in, any  
2           activity, policy, practice, or assigned task that such  
3           covered employee reasonably believes to be in viola-  
4           tion of any provision of this Act.

5           “(b) DEFINITION OF COVERED EMPLOYEE.—For the  
6           purposes of this section, the term ‘covered employee’  
7           means any employee or agent of an employer or labor or-  
8           ganization, including any person with management re-  
9           sponsibilities on behalf of the employer or labor organiza-  
10          tion.

11          “(c) PROCEDURES AND TIMETABLES.—

12           “(1) COMPLAINT.—

13                   “(A) IN GENERAL.—An applicant, covered  
14                   employee, or former covered employee who be-  
15                   lieves that he or she has been terminated or in  
16                   any other way discriminated against by any  
17                   person in violation of subsection (a) may file (or  
18                   have any person file on his or her behalf) a  
19                   complaint with the Secretary of Labor alleging  
20                   such violation. Such a complaint must be filed  
21                   not later than either—

22                           “(i) 180 days after the date on which  
23                           such alleged violation occurs; or

24                           “(ii) 180 days after the date upon  
25                           which the employee knows or should rea-

1 sonably have known that such alleged vio-  
2 lation in subsection (a) occurred.

3 “(B) ACTIONS OF SECRETARY OF  
4 LABOR.—Upon receipt of such a complaint, the  
5 Secretary of Labor shall notify, in writing, the  
6 person named in the complaint who is alleged  
7 to have committed the violation, of—

8 “(i) the filing of the complaint;

9 “(ii) the allegations contained in the  
10 complaint;

11 “(iii) the substance of evidence sup-  
12 porting the complaint; and

13 “(iv) opportunities that will be af-  
14 farded to such person under paragraph  
15 (2).

16 “(2) INVESTIGATION BY SECRETARY OF  
17 LABOR.—

18 “(A) IN GENERAL.—Not later than 60  
19 days after the date of receipt of a complaint  
20 filed under paragraph (1), and after affording  
21 the complainant and the person named in the  
22 complaint who is alleged to have committed the  
23 violation that is the basis for the complaint an  
24 opportunity to submit to the Secretary of Labor  
25 a written response to the complaint and an op-

1 portunity to meet with a representative of the  
2 Secretary of Labor to present statements from  
3 witnesses, the Secretary of Labor shall—

4 “(i) initiate an investigation and de-  
5 termine whether there is reasonable cause  
6 to believe that the complaint has merit;  
7 and

8 “(ii) notify the complainant and the  
9 person alleged to have committed the viola-  
10 tion of subsection (a), in writing, of such  
11 determination.

12 “(B) GROUNDS FOR DETERMINATION OF  
13 COMPLAINTS.—The Secretary of Labor shall  
14 dismiss a complaint filed under this subsection,  
15 and shall not conduct an investigation otherwise  
16 required under subparagraph (A), unless the  
17 complainant makes a prima facie showing that  
18 any behavior described in paragraphs (1)  
19 through (5) of subsection (a) was a contrib-  
20 uting factor in the unfavorable personnel action  
21 alleged in the complaint.

22 “(3) BURDENS OF PROOF.—

23 “(A) CRITERIA FOR DETERMINATION.—In  
24 making a determination or adjudicating a com-  
25 plaint pursuant to this subsection, the Sec-

1           retary, an administrative law judge, or a court  
2           may determine that a violation of subsection (a)  
3           has occurred only if the complainant dem-  
4           onstrates that any conduct described in sub-  
5           section (a) with respect to the complainant was  
6           a contributing factor in the adverse action al-  
7           leged in the complaint.

8           “(B) PROHIBITION.—Notwithstanding sub-  
9           paragraph (A), a decision or order that is favor-  
10          able to the complainant shall not be issued in  
11          any administrative or judicial action pursuant  
12          to this subsection if the respondent dem-  
13          onstrates by clear and convincing evidence that  
14          the respondent would have taken the same ad-  
15          verse action in the absence of such conduct.

16          “(C) NOTICE OF RELIEF AVAILABLE.—If  
17          the Secretary of Labor concludes that there is  
18          reasonable cause to believe that a violation of  
19          subsection (a) has occurred, the Secretary of  
20          Labor shall, together with the notice under  
21          paragraph (2)(A)(ii), issue a preliminary order  
22          providing the relief prescribed by paragraph  
23          (4)(B).

24          “(D) REQUEST FOR HEARING.—Not later  
25          than 30 days after the date of receipt of notifi-

1 cation of a determination of the Secretary of  
2 Labor under this paragraph, either the person  
3 alleged to have committed the violation or the  
4 complainant may file objections to the findings  
5 or preliminary order, or both, and request a  
6 hearing on the record. The filing of such objec-  
7 tions shall not operate to stay any reinstatement  
8 remedy contained in the preliminary  
9 order. Any such hearing shall be conducted ex-  
10 peditiously, and if a hearing is not requested in  
11 such 30-day period, the preliminary order shall  
12 be deemed a final order that is not subject to  
13 judicial review.

14 “(E) PROCEDURES.—

15 “(i) IN GENERAL.—A hearing re-  
16 quested under this paragraph shall be con-  
17 ducted expeditiously and in accordance  
18 with rules established by the Secretary for  
19 hearings conducted by administrative law  
20 judges.

21 “(ii) SUBPOENAS; PRODUCTION OF  
22 EVIDENCE.— In conducting any such hear-  
23 ing, the administrative law judge may issue  
24 subpoenas. The respondent or complainant  
25 may request the issuance of subpoenas



1           that require the deposition of, or the at-  
2           tendance and testimony of, witnesses and  
3           the production of any evidence (including  
4           any books, papers, documents, or record-  
5           ings) relating to the matter under consid-  
6           eration.

7           “(4) ISSUANCE OF FINAL ORDERS; REVIEW  
8           PROCEDURES.—

9           “(A) TIMING.—Not later than 120 days  
10          after the date of conclusion of any hearing  
11          under paragraph (2), the Secretary of Labor  
12          shall issue a final order providing the relief pre-  
13          scribed by this paragraph or denying the com-  
14          plaint. At any time before issuance of a final  
15          order, a proceeding under this subsection may  
16          be terminated on the basis of a settlement  
17          agreement entered into by the Secretary of  
18          Labor, the complainant, and the person alleged  
19          to have committed the violation.

20          “(B) AVAILABLE RELIEF.—

21          “(i) ORDER OF SECRETARY OF  
22          LABOR.—If, in response to a complaint  
23          filed under paragraph (1), the Secretary of  
24          Labor determines that a violation of sub-  
25          section (a) has occurred, the Secretary of

1 Labor shall order the person who com-  
2 mitted such violation—

3 “(I) to take affirmative action to  
4 abate the violation;

5 “(II) to reinstate the complain-  
6 ant to his or her former position, to-  
7 gether with compensation (including  
8 back pay with interest) and restore  
9 the terms, conditions, and privileges  
10 associated with his or her employ-  
11 ment;

12 “(III) to provide compensatory  
13 damages to the complainant; and

14 “(IV) expungement of all warn-  
15 ings, reprimands, or derogatory ref-  
16 erences that have been placed in  
17 paper or electronic records or data-  
18 bases of any type relating to the ac-  
19 tions by the complainant that gave  
20 rise to the unfavorable personnel ac-  
21 tion, and, at the complainant’s direc-  
22 tion, transmission of a copy of the de-  
23 cision on the complaint to any person  
24 whom the complainant reasonably be-

1                   lieves may have received such unfavor-  
2                   able information.

3                   “(ii) COSTS AND EXPENSES.—If an  
4                   order is issued under clause (i), the Sec-  
5                   retary of Labor, at the request of the com-  
6                   plainant, shall assess against the person  
7                   against whom the order is issued, a sum  
8                   equal to the aggregate amount of all costs  
9                   and expenses (including attorney fees and  
10                  expert witness fees) reasonably incurred,  
11                  as determined by the Secretary of Labor,  
12                  by the complainant for, or in connection  
13                  with, the bringing of the complaint upon  
14                  which the order was issued.

15                  “(C) FRIVOLOUS CLAIMS.—If the Sec-  
16                  retary of Labor finds that a complaint under  
17                  paragraph (1) is frivolous or has been brought  
18                  in bad faith, the Secretary of Labor may award  
19                  to the prevailing employer or labor organization  
20                  a reasonable attorney fee, not exceeding \$1,000,  
21                  to be paid by the complainant.

22                  “(D) DE NOVO REVIEW.—

23                  “(i) FAILURE OF THE SECRETARY TO  
24                  ACT.—If the Secretary of Labor has not  
25                  issued a final order within 270 days after

1 the date of filing of a complaint under this  
2 subsection, or within 90 days after the  
3 date of receipt of a written determination,  
4 the complainant may bring an action at  
5 law or equity for de novo review in the ap-  
6 propriate district court of the United  
7 States having jurisdiction, which shall have  
8 jurisdiction over such an action without re-  
9 gard to the amount in controversy, and  
10 which action shall, at the request of either  
11 party to such action, be tried by the court  
12 with a jury.

13 “(ii) PROCEDURES.—A proceeding  
14 under clause (i) shall be governed by the  
15 same legal burdens of proof specified in  
16 paragraph (3). The court shall have juris-  
17 diction to grant all relief necessary to  
18 make the employee whole, including injunc-  
19 tive relief and compensatory damages, in-  
20 cluding—

21 “(I) reinstatement with the same  
22 seniority status that the employee  
23 would have had, but for the discharge  
24 or discrimination;

1                   “(II) the amount of back pay,  
2                   with interest;

3                   “(III) compensation for any spe-  
4                   cial damages sustained as a result of  
5                   the discharge or discrimination, in-  
6                   cluding litigation costs, expert witness  
7                   fees, and reasonable attorney fees;  
8                   and

9                   “(IV) expungement of all warn-  
10                  ings, reprimands, or derogatory ref-  
11                  erences that have been placed in  
12                  paper or electronic records or data-  
13                  bases of any type relating to the ac-  
14                  tions by the complainant that gave  
15                  rise to the unfavorable personnel ac-  
16                  tion, and, at the complainant’s direc-  
17                  tion, transmission of a copy of the de-  
18                  cision on the complaint to any person  
19                  whom the complainant reasonably be-  
20                  lieves may have received such unfavor-  
21                  able information.

22                  “(E) OTHER APPEALS.—Unless the com-  
23                  plainant brings an action under subparagraph  
24                  (D), any person adversely affected or aggrieved  
25                  by a final order issued under subparagraph (A)

1 may file a petition for review of the order in the  
2 United States Court of Appeals for the circuit  
3 in which the violation with respect to which the  
4 order was issued, allegedly occurred or the cir-  
5 cuit in which the complainant resided on the  
6 date of such violation, not later than 60 days  
7 after the date of the issuance of the final order  
8 of the Secretary of Labor under subparagraph  
9 (A). Review shall conform to chapter 7 of title  
10 5, United States Code. The commencement of  
11 proceedings under this subparagraph shall not,  
12 unless ordered by the court, operate as a stay  
13 of the order. An order of the Secretary of  
14 Labor with respect to which review could have  
15 been obtained under this subparagraph shall  
16 not be subject to judicial review in any criminal  
17 or other civil proceeding.

18 “(5) FAILURE TO COMPLY WITH ORDER.—

19 “(A) ACTIONS BY THE SECRETARY.—If  
20 any person has failed to comply with a final  
21 order issued under paragraph (4), the Secretary  
22 of Labor may file a civil action in the United  
23 States district court for the district in which  
24 the violation was found to have occurred, or in  
25 the United States district court for the District

1 of Columbia, to enforce such order. In actions  
2 brought under this paragraph, the district  
3 courts shall have jurisdiction to grant all appro-  
4 priate relief including injunctive relief, compen-  
5 satory and punitive damages.

6 “(B) CIVIL ACTIONS TO COMPEL COMPLI-  
7 ANCE.—A person on whose behalf an order was  
8 issued under paragraph (4) may commence a  
9 civil action against the person to whom such  
10 order was issued to require compliance with  
11 such order. The appropriate United States dis-  
12 trict court shall have jurisdiction, without re-  
13 gard to the amount in controversy or the citi-  
14 zenship of the parties, to enforce such order.

15 “(C) AWARD OF COSTS AUTHORIZED.—  
16 The court, in issuing any final order under this  
17 paragraph, may award costs of litigation (in-  
18 cluding reasonable attorney and expert witness  
19 fees) to any party, whenever the court deter-  
20 mines such award is appropriate.

21 “(D) MANDAMUS PROCEEDINGS.—Any  
22 nondiscretionary duty imposed by this section  
23 shall be enforceable in a mandamus proceeding  
24 brought under section 1361 of title 28, United  
25 States Code.

1       “(d) UNENFORCEABILITY OF CERTAIN AGREE-  
2 MENTS.—Notwithstanding any other provision of law, the  
3 rights and remedies provided for in this section may not  
4 be waived by any agreement, policy, form, or condition of  
5 employment, including by any predispute arbitration  
6 agreement.

7       “(e) SAVINGS.—Nothing in this section shall be con-  
8 strued to diminish the rights, privileges, or remedies of  
9 any employee who exercises rights under any Federal or  
10 State law or common law, or under any collective bar-  
11 gaining agreement.”.

12       (c) PUBLIC AVAILABILITY OF INFORMATION.—Sec-  
13 tion 203(b) of the Labor-Management Reporting and Dis-  
14 closure Act of 1959 (29 U.S.C. 433(b)) is amended in the  
15 matter following paragraph (2) by striking the period at  
16 the end and inserting “and shall make such information  
17 available to the public in a readily accessible and search-  
18 able electronic format, and through a secure software ap-  
19 plication for use on an electronic device.”.

## 20       **TITLE III—OTHER MATTERS**

### 21       **SEC. 301. ELECTRONIC VOTING IN UNION ELECTIONS.**

22       (a) IN GENERAL.—

23               (1) ELECTRONIC VOTING SYSTEM.—Notwith-  
24 standing any other provision of law, subject to the  
25 provisions of this section, not later than 1 year after



1 the date of the enactment of this Act, the National  
2 Labor Relations Board shall implement a system  
3 and procedures to conduct representation elections  
4 remotely using an electronic voting system.

5 (2) PROCEDURES.—The procedures under para-  
6 graph (1) shall ensure that each employee voting in  
7 a representation election may choose to cast a vote  
8 using either an internet voting system or a telephone  
9 voting system.

10 (b) REPORT.—Not later than 1 year after the date  
11 of the enactment of this Act, and in each subsequent re-  
12 port under section 3(c) of the National Labor Relations  
13 Act (29 U.S.C. 153(c)), the Board shall submit to Con-  
14 gress a report containing a description of the following:

15 (1) For each representation petition under sec-  
16 tion 9 of the National Labor Relations Act filed—

17 (A) the case name and case number;

18 (B) the number of days between the peti-  
19 tion and the election;

20 (C) the number of days between the stipu-  
21 lation or direction of election and the election;

22 (D) the method of the election;

23 (E) the results of the election; and

24 (F) the number of eligible voters, the num-  
25 ber of voters participating in the election, and

1 the method by which each of the voters sub-  
2 mitted their vote.

3 (2) The total cost of conducting all elections the  
4 Board conducted through the system and procedures  
5 required by subsection (a).

6 (c) DEFINITIONS.—In this section:

7 (1) ELECTRONIC VOTING SYSTEM.—The term  
8 “electronic voting system”—

9 (A) includes an internet voting system and  
10 a telephone voting system; and

11 (B) does not include machines used for  
12 casting votes at a polling site or an electronic  
13 tabulation system where votes are cast non-elec-  
14 tronically but counted electronically (such as a  
15 punch card or optical scanning system).

16 (2) INTERNET VOTING SYSTEM.—The term  
17 “internet voting system” means an internet-based  
18 voting system that allows a participant to cast a bal-  
19 lot remotely using a personal computer or other mo-  
20 bile electronic device that is connected to the inter-  
21 net.

22 (3) TELEPHONE VOTING SYSTEM.—The term  
23 “telephone voting system” means a voting system in  
24 which participants may cast a vote remotely using a  
25 telephone.

1           (4) REMOTELY.—The term “remotely”, used  
2           with respect to voting in a representation election,  
3           means a vote may be cast at any site chosen by a  
4           participant in such election.

5           (5) REPRESENTATION ELECTION.—The term  
6           “representation election” means a representation  
7           election under section 9 of the National Labor Rela-  
8           tions Act (29 U.S.C. 159).

9   **SEC. 302. GAO REPORT ON SECTORAL BARGAINING.**

10          (a) IN GENERAL.—Not later than 3 years after the  
11          date of enactment of this Act, the Comptroller General  
12          shall conduct a review of collective bargaining at the sec-  
13          toral level in a geographically diverse set of countries  
14          where sectoral bargaining is facilitated and prepare and  
15          submit to Congress a report with respect to such countries  
16          that—

17                  (1) identifies, analyzes, and compares—

18                          (A) the laws and policies governing or re-  
19                          lated to collective bargaining at the sectoral  
20                          level;

21                          (B) the administrative systems facilitating  
22                          such bargaining; and

23                          (C) the procedures involved in sectoral bar-  
24                          gaining;

1           (2) to the extent practicable, consider reported  
2 effects of the policies and procedures described in  
3 paragraph (1) on—

4           (A) the wages and compensation of em-  
5 ployees;

6           (B) the number of full-time and part-time  
7 employees;

8           (C) prices, sales, and revenues;

9           (D) employee turnover and retention;

10          (E) hiring and training costs;

11          (F) productivity and absenteeism; and

12          (G) the development of emerging indus-  
13 tries, including those that engage their  
14 workforces through technology; and

15          (3) describes the methodology used to generate  
16 the information in the report.

17 **SEC. 303. SEVERABILITY.**

18          If any provision of this Act or the application thereof  
19 to any person or circumstance is held invalid, the remain-  
20 der of this Act, or the application of that provision to per-  
21 sons or circumstances other than those as to which it is  
22 held invalid, is not affected thereby.

1 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums  
3 as may be necessary to carry out the provisions of this  
4 Act and the amendments made by this Act.

5 **SEC. 305. RULE OF CONSTRUCTION.**

6       The amendments made under this Act shall not be  
7 construed to amend section 274A of the Immigration and  
8 Nationality Act (8 U.S.C. 1324a).

9 **SEC. 306. RULE OF CONSTRUCTION.**

10       The amendments made by this Act shall not be con-  
11 strued to affect the jurisdictional standards of the Na-  
12 tional Labor Relations Board, including any standards  
13 that measure the size of a business with respect to reve-  
14 nues, that are used to determine whether an industry is  
15 affecting commerce for purposes of determining coverage  
16 under the National Labor Relations Act (29 U.S.C. 151  
17 et seq.).

18 **SEC. 307. RULE OF CONSTRUCTION.**

19       Nothing in this Act or the amendments made by this  
20 Act shall be construed to affect the privacy of employees  
21 with respect to voter lists provided to labor organizations  
22 by employers pursuant to elections directed by the Board.

23 **SEC. 308. RULE OF CONSTRUCTION.**

24       The amendments made under this Act shall not be  
25 construed to affect the definitions of “employer” or “em-  
26 ployee” under the laws of any State that govern the wages,

1 work hours, workers' compensation, or unemployment in-  
2 surance of employees.

3 **SEC. 309. GAO REPORT.**

4 (a) IN GENERAL.—The Comptroller General of the  
5 United States shall one year after the date of enactment  
6 of this Act commence a study on the impact of section  
7 101(a) and section 101(b) of this Act regarding—

8 (1) the effect on coverage of employees under of  
9 the National Labor Relations Act, and the impact  
10 from such change in coverage, on their capacity in  
11 various sectors to form unions and collectively bar-  
12 gain as a means to improve wages, benefits, work-  
13 place safety, and other working conditions; and

14 (2) the effect on employers and other enter-  
15 prises regarding the right of employees to organize  
16 and collectively bargain over wages, benefits, work-  
17 place safety, and other working conditions in such  
18 sectors.

19 (b) FACTORS.—Such study shall identify, compare,  
20 and analyze impacts from changes implicated by section  
21 101(a) and section 101(b) on—

22 (1) flexibility for employees with respect to  
23 hours, shifts, assignments and working arrange-  
24 ments;

1           (2) rates of compensation, health care, and em-  
2           ployee benefits;

3           (3) resolution of grievances and disputes, in-  
4           cluding employers' ability to terminate and employ-  
5           ees' right to due process;

6           (4) use of technology or algorithms, including  
7           the adoption of new technology and algorithms; and

8           (5) workplace safety and health.

9           (c) STAKEHOLDER INPUT.—In preparing the report,  
10          the Comptroller General of the United States shall gather  
11          information from impacted stakeholders, including various  
12          business enterprises and labor organizations. In devel-  
13          oping a list of stakeholders, the Comptroller General of  
14          the United States shall consult with the House Committee  
15          on Education and Workforce and the Senate Committee  
16          on Health, Education, Labor, and Pensions.

17          (d) CONGRESSIONAL REPORT.—Six months after the  
18          commencement of the study, the Comptroller General of  
19          the United States shall transmit the findings and report  
20          to the Committee on Education and Workforce of the  
21          House of Representatives and the Committee on Health,  
22          Education, Labor, and Pensions of the Senate, and con-  
23          sistent with the policies of the Comptroller General of the  
24          United States, make the findings and report available to  
25          the public.

1           (e) PRESIDENTIAL CONSIDERATION.—The President,  
2 in consultation with the Department of Labor and other  
3 agencies as the President deems appropriate, shall, subse-  
4 quent to the issuance of such report, consider such find-  
5 ings, and within 60 days may recommend that the House  
6 of Representatives and the Senate modify section 101(a)  
7 or section 101(b), or both or make no recommendations.  
8           (f) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that Congress shall consider whether to accept, re-  
10 ject, or modify any recommendations received under (e),  
11 as it deems appropriate.

○