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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

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting American Jobs Act''.

SEC. 2. AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.

(a) DUTIES OF THE GENERAL COUNSEL AND ADMINISTRATIVE LAW JUDGES.—The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended—

(1) in section 3(d), by striking ''and issuance of complaints under section 10, and in respect of the prosecution of such complaints before the Board''; and

(2) in section 4(a), by striking the fourth sentence.

(b) CLARIFICATION OF THE BOARD'S RULEMAKING AUTHORITY.—Section 6 of such Act (29 U.S.C. 156) is amended by adding at the end the following: ''Such rulemaking authority shall be limited to rules concerning the internal functions of the Board. The Board shall not promulgate rules or regulations that affect the substantive or procedural rights of any person, employer, employee, or labor organization, including rules and regulations concerning unfair labor practices and representation elections.''.

(c) INVESTIGATORY POWER AND ADJUDICATORY AUTHORITY OVER UNFAIR LABOR PRACTICE ALLEGATIONS.—Section 10 of such Act (29 U.S.C. 160) is amended—

(1) in subsection (a)—

(A) by striking ''prevent any person from engaging in'' and inserting ''investigate''; and

(B) by striking ''This power shall'' and all that follows through the end of the subsection;

(2) in subsection (b)—

(A) by striking ''Whenever it is charged'' and inserting ''Whenever it appears'';

(B) by striking ''or is engaging in'' and inserting '', is engaging in, or is about to engage in'';

(C) by striking ''the Board, or any agent'' and all that follows through ''*Provided,* That no complaint shall issue'' and inserting ''the aggrieved person may bring a civil action for such relief (including an injunction) as may be appropriate. Any such civil action may be brought in the district court of the United States where the violation occurred, or, at the option of the parties, in the United States District Court for the District of Columbia. No civil action may be brought'';

(D) by striking ''charge with the Board'' and all that follows through ''prevented from filing such charge'' and inserting ''civil action,

unless the person aggrieved thereby was prevented from filing such civil action''; and

(E) by striking ''Any such complaint may be amended'' and all that follows through ''Any such proceeding shall, so far as practicable,'' and inserting ''Any proceeding under this subsection shall'';

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

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

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

(A) by striking ''Whenever it is charged'' and inserting ''Whenever it is alleged'';

(B) in the first sentence, by striking ''charge'' and inserting ''allegation''; and

(C) by striking ''such charge is true and that a complaint should issue, he shall'' and all that follows through the end of the subsection and inserting ''such allegation is true, the officer or regional attorney shall, on behalf of the Board, submit a written summary of the findings to all parties involved in the alleged unfair labor practice.''; and

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

(A) by striking ''Whenever it is charged'' and inserting ''Whenever it is alleged'';

(B) by striking ''such charge'' and inserting ''such allegation''; and

(C) by striking ''and cases given priority under subsection (i)''.

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

(1) in section 9 (29 U.S.C. 159)—

(A) in subsection (c)(2), by striking ''and in no case shall the Board'' and all that follows through the end of such subsection and inserting a period;

(B) by striking subsection (d); and

(C) by redesignating subsection (e) as subsection (d);

(2) in section 3(b) (29 U.S.C. 153(b)), by striking ''or (e) of section 9'' and inserting ''or (d) of section 9'';

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

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

fect on the day before the date of enactment of the Protecting American Jobs Act,''.

SEC. 3. REGULATIONS.

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

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