

117TH CONGRESS
1ST SESSION

S. 882

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

MARCH 22, 2021

Mr. LEE (for himself, Mrs. BLACKBURN, Mr. BRAUN, and Mr. PAUL) 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) UNFAIR LABOR PRACTICES.—Section 8(a)(4) of
25 such Act (29 U.S.C. 158(a)(4)) is amended by striking
26 “charges” and inserting “a civil action”.

1 (d) INVESTIGATORY POWER AND ADJUDICATORY AU-
2 THORITY OVER UNFAIR LABOR PRACTICE ALLEGA-
3 TIONS.—Section 10 of such Act (29 U.S.C. 160) is amend-
4 ed—

5 (1) in subsection (a)—

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

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

10 (2) in subsection (b)—

11 (A) by striking “Whenever it is charged”
12 and inserting “Whenever it is alleged”;

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

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

1 the District of Columbia. No civil action may be
2 brought”;

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

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

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

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

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

17 (A) by striking “Whenever it is charged”
18 and inserting “Whenever it is alleged”;

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

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

1 Board, submit a written summary of the find-
2 ings to all parties involved in the alleged unfair
3 labor practice.”; and

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

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

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

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

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

13 (1) in section 9 (29 U.S.C. 159)—

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

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

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

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

1 (3) in section 8 (29 U.S.C. 158), by striking
2 “9(e)” each place it appears and inserting “9(d”;
3 and

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

9 **SEC. 3. REGULATIONS.**

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

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