

112TH CONGRESS  
1ST SESSION

# H. R. 2926

To abolish the National Labor Relations Board and to transfer its enforcement authority to the Department of Justice and its oversight of elections to the Office of Labor-Management Standards of the Department of Labor.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2011

Mr. GOWDY (for himself and Mr. MULVANEY) introduced the following bill;  
which was referred to the Committee on Education and the Workforce

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## A BILL

To abolish the National Labor Relations Board and to transfer its enforcement authority to the Department of Justice and its oversight of elections to the Office of Labor-Management Standards of the Department of Labor.

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 “National Labor Rela-  
5       tions Reorganization Act of 2011”.

6       **SEC. 2. REFERENCES.**

7       Whenever in this Act an amendment is expressed as  
8       an amendment to a section or other provision, the ref-

1 erence shall be considered to be made to a section or other  
2 provision of the National Labor Relations Act (29 U.S.C.  
3 151 et seq.).

4 **SEC. 3. ABOLISHMENT OF THE NATIONAL LABOR RELA-**  
5 **TIONS BOARD.**

6 (a) **ABOLISHMENT OF BOARD.**—Effective on the date  
7 provided in subsection (c), the National Labor Relations  
8 Board is abolished.

9 (b) **REPEAL OF AUTHORITY.**—Sections 3, 4, and 5  
10 of the Act are repealed.

11 (c) **EFFECTIVE DATE.**—This section shall take effect  
12 on the date that is 30 days after the date of enactment  
13 of this Act.

14 **SEC. 4. TRANSFER OF AUTHORITY FOR REPRESENTATIVE**  
15 **ELECTIONS TO OFFICE OF LABOR-MANAGE-**  
16 **MENT STANDARDS.**

17 (a) **TRANSFER OF AUTHORITY.**—The functions and  
18 responsibilities of the National Labor Relations Board for  
19 overseeing elections under section 9 of the National Labor  
20 Relations Act, and any related authorities and functions  
21 under that Act, are hereby transferred to the Secretary  
22 of Labor, to be carried out through the Office of Labor-  
23 Management Standards.

24 (b) **AMENDMENTS TO THE NLRA.**—

1           (1) DEFINITION.—Paragraph (10) of section 2  
2 (29 U.S.C. 152) is amended to read as follows:

3           “(10) The term ‘Secretary’ means the Secretary  
4 of Labor, acting through the office of Labor-Man-  
5 agement Standards of the Department of Labor.”.

6           (2) AUTHORITY FOR SUPERVISING ELEC-  
7 TIONS.—Section 9 (29 U.S.C. 159) is amended by  
8 striking “Board” each place it appears and inserting  
9 “Secretary”.

10          (3) RULES AND REGULATIONS.—

11           (A) AUTHORITY.—Section 6 (29 U.S.C.  
12 156) is amended by striking “Board” and in-  
13 sserting “Secretary”.

14           (B) PRESERVATION OF EXISTING REGULA-  
15 TIONS.—Rules and regulations issued under the  
16 National Labor Relations Act prior to and in  
17 effect on the day before the date of enactment  
18 of this Act shall continue in effect and shall be  
19 considered to be rules and regulations issued by  
20 the Secretary of Labor, acting through the of-  
21 fice of Labor-Management Standards of the De-  
22 partment of Labor, under section 6 of such Act,  
23 as amended by paragraph (1).

1           (4) CONFORMING AMENDMENTS.—Section 8  
2           (29 U.S.C. 158) is amended by striking “Board”  
3           each place it appears and inserting “Secretary”.

4 **SEC. 5. TRANSFER OF ENFORCEMENT AUTHORITY TO THE**  
5 **DEPARTMENT OF JUSTICE.**

6           (a) TRANSFER OF AUTHORITY.—The functions and  
7 responsibilities of the National Labor Relations Board for  
8 the prevention of unfair labor practices under section 10  
9 of the National Labor Relations Act, and any related au-  
10 thorities and functions under that Act, are hereby trans-  
11 ferred to the Bureau of Labor Relations Enforcement of  
12 the Department of Justice, established under subsection  
13 (b).

14           (b) ESTABLISHMENT OF ENFORCEMENT BUREAU.—

15           (1) ESTABLISHMENT AND PURPOSE.—There is  
16 established within the Department of Justice, under  
17 the general authority of the Attorney General, a Bu-  
18 reau of Labor Relations Enforcement, to carry out  
19 the enforcement duties and functions that were,  
20 prior to the date of enactment of this Act, carried  
21 out by the National Labor Relations Board under  
22 section 10 of the National Labor Relations Act.

23           (2) DIRECTOR.—The Bureau shall be headed  
24 by a Director appointed by the Attorney General.  
25 The Director shall have had experience in labor-

1 management relations and shall not engage in any  
2 other employment than that of serving as Director;  
3 nor shall the Director hold any office in, or act in  
4 any capacity for, any organization, agency, or insti-  
5 tution with which the Bureau makes any contract or  
6 other arrangement.

7 (c) AMENDMENTS TO THE NLRA.—

8 (1) DEFINITION.—Section 2 (29 U.S.C. 152) is  
9 further amended by adding at the end the following:

10 “(15) The term ‘Bureau’ means the Bureau of  
11 Labor Management Enforcement of the Department  
12 of Justice.”.

13 (2) AUTHORITY FOR THE PREVENTION OF UN-  
14 FAIR LABOR PRACTICES.—Section 10 (29 U.S.C.  
15 160) is amended—

16 (A) in subsections (a), (d), (f), (g), (h), (j),  
17 (k) and (l), by striking “Board” each place it  
18 appears and inserting “Bureau”;

19 (B) in subsection (b)—

20 (i) in the first sentence—

21 (I) by striking “Board” each  
22 place it appears and inserting “Bu-  
23 reau”; and

24 (II) by striking “or a member  
25 thereof”;

1 (ii) in the second sentence—

2 (I) by striking “member, agent,  
3 or agency” and inserting “agent or  
4 agency”; and

5 (II) by striking “Board” and in-  
6 sserting “Bureau”;

7 (iii) in the fourth sentence—

8 (I) by striking “member, agent,  
9 or agency” and inserting “agent or  
10 agency”; and

11 (II) by striking “Board” and in-  
12 sserting “Bureau”; and

13 (iv) in the last sentence, by striking  
14 “the Act of June 19, 1934” and all that  
15 follows and inserting “section 2072 of title  
16 29, United States Code.”;

17 (C) in subsection (c)—

18 (i) by striking “member, agent, or  
19 agency” and inserting “agent or agency”;

20 (ii) by striking “Board” each place it  
21 appears and inserting “Bureau”; and

22 (iii) by striking the last sentence; and

23 (D) in subsection (e)—

24 (i) by striking “Board” each place it  
25 appears and inserting “Bureau”; and

1 (ii) by striking “member, agent, or  
2 agency” each place it appears and insert-  
3 ing “agent or agency”.

4 **SEC. 6. APPLICATION OF TITLE 5 PROVISION WITH RE-**  
5 **SPECT TO EMPLOYEES.**

6 Section 3503 of title 5, United States Code, shall  
7 apply with respect to employees affected by the transfers  
8 of functions under sections 4 and 5.

9 **SEC. 7. INVESTIGATORY POWERS UNDER THE NLRA.**

10 Section 11 (29 U.S.C. 161) is amended—

11 (1) in the matter preceding paragraph (1)—

12 (A) by striking “Board” and inserting  
13 “Secretary or the Bureau, as the case may  
14 be,”; and

15 (B) by striking “it” and inserting “the  
16 Secretary or the Bureau, respectively,”;

17 (2) in paragraph (1)—

18 (A) in the first sentence, by striking “The  
19 Board, or its” and inserting “The Secretary  
20 and the Bureau, or their”;

21 (B) in the second sentence, by striking  
22 “Board, or any member thereof” and inserting  
23 “Secretary or the Bureau, as the case may be”;

24 (C) in the third sentence—

1 (i) by striking “Board” the first place  
2 it appears and inserting “Secretary or the  
3 Bureau”; and

4 (ii) by striking “Board” the second  
5 place it appears and inserting “Secretary  
6 or the Bureau, as the case may be,”; and  
7 (D) in the fourth sentence—

8 (i) by striking “Any member of the  
9 Board” and inserting “The Secretary and  
10 the Bureau”; and

11 (ii) by striking “Board” and inserting  
12 “Secretary or the Bureau”;

13 (3) in paragraph (2)—

14 (A) by striking “Board” each place it ap-  
15 pears and inserting “Secretary or the Bureau”;  
16 and

17 (B) by striking “member, agent, or agen-  
18 cy” both places it appears and inserting “agent  
19 or agency”;

20 (4) in paragraph (4), by striking “Board, its  
21 member, agent, or agency” both place it appears and  
22 inserting “Secretary or the Bureau, its agent or  
23 agency”; and

24 (5) in paragraph (6)—



1 (A) by striking “Board, upon its” both  
2 places it appears and inserting “Secretary or  
3 the Bureau”; and

4 (B) by striking “its”.

5 **SEC. 8. ADDITIONAL CONFORMING AMENDMENTS.**

6 The Act is further amended—

7 (1) in section 12, by striking “Board or any of  
8 its” and inserting “Secretary or the Bureau or any  
9 of their”;

10 (2) in section in section 14(c)—

11 (A) by striking “Board, in its discretion”  
12 and inserting “Secretary or the Bureau, as the  
13 case may be, in their discretion”; and

14 (B) by striking “Board” the second, third,  
15 and fourth places it appears and inserting “Sec-  
16 retary or the Bureau”; and

17 (3) in section 18, by striking “National Labor  
18 Relations Board” and inserting “Secretary”.

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