

112TH CONGRESS  
1ST SESSION

# H. R. 2978

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2011

Mr. AUSTIN SCOTT of Georgia (for himself, Mr. WESTMORELAND, Mrs. BLACKBURN, Mr. NUNNELEE, Mr. WILSON of South Carolina, Mr. MULVANEY, Mr. LONG, Mr. ROSS of Florida, Mr. BROUN of Georgia, Mr. FLEISCHMANN, Mrs. ELLMERS, Mr. CANSECO, Mr. LANDRY, Mr. DUNCAN of South Carolina, Mr. FLORES, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. FARENTHOLD, Mr. CRAWFORD, Mrs. BLACK, Mr. GINGREY of Georgia, Mr. BROOKS, Mrs. ROBY, Mr. PITTS, Mr. KINGSTON, Mr. PAUL, and Mr. RIBBLE) introduced the following bill; which was referred to the Committee on Education and the Workforce

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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.

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), by striking “and issuance of  
7 complaints under section 10, and in respect of the  
8 prosecution of such complaints before the Board”;  
9 and

10 (2) in section 4(a), by striking the fourth sen-  
11 tence.

12 (b) CLARIFICATION OF THE BOARD’S RULEMAKING  
13 AUTHORITY.—Section 6 of such Act (29 U.S.C. 156) is  
14 amended by adding at the end the following: “Such rule-  
15 making authority shall be limited to rules concerning the  
16 internal functions of the Board and the Board is prohib-  
17 ited from promulgating rules that affect the substantive  
18 rights of any person, employer, employee, or labor organi-  
19 zation.”.

20 (c) INVESTIGATORY POWER AND ADJUDICATORY AU-  
21 THORITY OVER UNFAIR LABOR PRACTICE ALLEGA-  
22 TIONS.—Section 10 of such Act (29 U.S.C. 60) is amend-  
23 ed—

24 (1) in subsection (a)—

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

1 (B) by striking “This power shall” and all  
2 that follows through the end of the subsection;  
3 (2) in subsection (b)—

4 (A) by striking “Whenever it is charged”  
5 and inserting “Whenever it appears”;

6 (B) by striking “or is engaging in” and in-  
7 serting “, is engaging in, or is about to engage  
8 in”;

9 (C) by striking “the Board, or any agent”  
10 and all that follows through “*Provided*, That no  
11 complaint shall be issued” and inserting “the  
12 aggrieved party may bring a civil action for  
13 such relief (including injunctions) as may be  
14 appropriate. Any such action may be brought in  
15 the district court of the United States where  
16 the violation occurred, or at the option of the  
17 parties, in the United States District Court for  
18 the District of Columbia. No civil action may be  
19 brought”;

20 (D) by striking “charge with the Board  
21 and the service of a copy thereof upon the per-  
22 son against whom such charge is made” and in-  
23 sert “civil action”; and

24 (E) by striking “Any such complaint may  
25 be amendment” and all that follows through

1 “Any such proceeding shall, so far as prac-  
2 ticable,” and insert “Any such proceeding  
3 shall”;

4 (3) by striking subsections (e) through (k) and  
5 redesignating subsection (l) as subsection (e); and

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

7 (A) by striking “Whenever it is charged”  
8 and inserting “Whenever it is alleged”;

9 (B) in the first sentence, by striking  
10 “charge” both places it appears and inserting  
11 “allegation”; and

12 (C) by striking “and that a complaint  
13 should issue, he shall” and all that follows  
14 through the end of the subsection and inserting  
15 “, the officer or regional attorney shall, on be-  
16 half of the Board, submit a written summary of  
17 the findings to all parties involved in the alleged  
18 unfair labor practice.”.

19 **SEC. 3. REGULATIONS.**

20 Not later than 6 months after the date of the enact-  
21 ment of this Act, the National Labor Relations Board  
22 shall review and revise all regulations promulgated before  
23 such date to implement the amendments made by this Act.

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