



AMENDMENT NO. 1

Calendar No. _____

Purpose: To accelerate workplace time-to-contract under the National Labor Relations Act.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 3097

To provide additional protections with respect to health information, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. HAWLEY

Viz:

1 On page 21, beginning on line 13, strike “this Act”
2 and all that follows through “such section” on line 14 and
3 insert “sections 2 through 5 in the same manner and to
4 the same extent as such section 160.203”.

5 At the end, add the following:

6 **SEC. 7. FASTER LABOR CONTRACTS.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Employees in the United States have a
9 right to organize collectively in order to secure high-
10 er wages and other benefits, and regularly exercise

1 that right by voting to be represented by a labor or-
2 ganization in their workplaces.

3 (2) A successful vote in favor of representation
4 by a labor organization does not immediately lead to
5 an agreement between the parties. Often the nego-
6 tiation process is difficult and protracted, taking a
7 year or longer.

8 (3) Research indicates that these contracting
9 delays are increasing over time. A Bloomberg Law
10 study from 2021 found that the average number of
11 days between a vote in favor of representation by a
12 labor organization and a contract entered into be-
13 tween the parties was 465 days.

14 (4) Delays in the processing of collective bar-
15 gaining contracts primarily benefit employers op-
16 posed to representation by the labor organization.
17 The employers can use those delays to sap labor or-
18 ganization resolve and secure more favorable terms
19 for the employer.

20 (5) In order for employees in the United States
21 to fully enjoy the benefits guaranteed to them by
22 Federal labor law, those employees must be able to
23 promptly secure a first contract following the legal
24 recognition or certification of a labor organization,

1 and Federal labor law ought to facilitate this expedi-
2 eney.

3 (b) FACILITATING INITIAL COLLECTIVE BARGAINING
4 AGREEMENTS.—Section 8 of the National Labor Rela-
5 tions Act (29 U.S.C. 158) is amended—

6 (1) in subsection (d)—

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

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

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

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

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

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

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

4 (II) by striking “section 8(d)(1)” and in-
5 serting “paragraph (1)(A)”;

6 (I) by striking “section 8(d)(3)” each place
7 it appears and inserting “paragraph (1)(C)”;

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

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

11 “(3) Whenever collective bargaining is for the pur-
12 pose of establishing an initial collective bargaining agree-
13 ment following certification or recognition of an individual
14 or labor organization as a representative as provided
15 under section 9(a), the following shall apply:

16 “(A) Not later than 10 days after receiving a
17 written request for collective bargaining from an in-
18 dividual or labor organization that has been newly
19 recognized or certified as a representative as pro-
20 vided under section 9(a), or within such further pe-
21 riod as the parties agree upon, the parties shall meet
22 and begin bargaining collectively, and shall make
23 every reasonable effort to conclude and sign a collec-
24 tive bargaining agreement.

1 “(B) If after the expiration of the 90-day pe-
2 riod beginning on the date on which bargaining is
3 commenced, or such additional period as the parties
4 may agree upon, the parties have failed to reach an
5 agreement, either party may notify the Federal Me-
6 diation and Conciliation Service that a dispute ex-
7 ists, and may request mediation. Whenever such a
8 request is received, the Service shall promptly com-
9 municate with the parties and use its best efforts, by
10 mediation and conciliation, to secure an agreement.

11 “(C) If after the expiration of the 30-day period
12 beginning on the date on which the request for me-
13 diation is made under subparagraph (B), or such ad-
14 ditional period as the parties may agree upon, the
15 Service is not able to bring the parties to agreement
16 by conciliation, the Service shall refer the dispute to
17 a 3-person arbitration panel established in accord-
18 ance with such regulations as may be prescribed by
19 the Service, with one member selected by the indi-
20 vidual or labor organization, one member selected by
21 the employer, and one neutral member mutually
22 agreed to by the parties. The individual or labor or-
23 ganization and the employer must each select the
24 members of the 3-person arbitration panel within 14
25 days of the Service’s referral; if the individual or

1 labor organization or the employer fail to do so, the
2 Service shall designate any members not selected by
3 the individual or labor organization or by the em-
4 ployer. A majority of the 3-person arbitration panel
5 shall render a decision settling the dispute and such
6 decision shall be binding upon the parties for a pe-
7 riod of 2 years, unless amended during such period
8 by written consent of the parties. Such decision shall
9 be based on—

10 “(i) the employer’s financial status and
11 prospects;

12 “(ii) the size and type of the employer’s
13 operations and business;

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

15 “(iv) the employees’ ability to sustain
16 themselves, their families, and their dependents
17 on the wages and benefits they earn from the
18 employer; and

19 “(v) the wages and benefits other employ-
20 ers in the same business provide their employ-
21 ees.”; and

22 (2) in subsection (g), by striking “clause (B) of
23 the last sentence of section 8(d) of this Act” and in-
24 serting “subsection (d)(2)(B)”.

1 (c) GAO REPORT EXAMINING AVERAGE WORKPLACE
2 TIME-TO-CONTRACT.—Not later than 1 year after the date
3 of enactment of this Act, the Comptroller General of the
4 United States shall submit to Congress a report examining
5 the average number of days between—

6 (1) the date on which an individual or labor or-
7 ganization is certified or recognized as the represent-
8 ative of employees under section 9(a) of the National
9 Labor Relations Act (29 U.S.C. 159(a)), following
10 the date of enactment of this Act; and

11 (2) the date on which the parties enter into an
12 initial collective bargaining agreement.

13 (d) CONFORMING AMENDMENT.—Section 213(a) of
14 the Labor Management Relations Act, 1947 (29 U.S.C.
15 183(a)) is amended by striking “clause (A) of the last sen-
16 tence of section 8(d) (which is required by clause (3) of
17 such section 8(d)), or within 10 days after the notice
18 under clause (B)” and inserting “subparagraph (A) of sec-
19 tion 8(d)(2) of the National Labor Relations Act (which
20 is required by subparagraph (C) of section 8(d)(1) of such
21 Act), or within 10 days after the notice under section
22 8(d)(2)(B) of such Act”.