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## Legislative Bulletin.....March 1, 2007

### Contents:

#### Amendments to H.R. 800—Employee Free Choice Act

H.R. 800, Employee Free Choice Act (sponsored by Rep. George Miller, D-CA), is scheduled to be considered on the House floor today, March 1, 2007, subject to a structured rule (H.Res. 203), making in order two perfecting amendments and one amendment in the nature of a substitute.

Below are the summaries of these three amendments, with debate time indicated parenthetically.

Note: summaries are based on RSC staff's review of *actual amendment text*. For a summary of the underlying bill, see a separate RSC document released yesterday. (Note: the rule allows for one motion to recommit, with or without instructions.)

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**1. King (R-IA):** Amends the National Labor Relations Act (NLRA) to provide that nothing in NLRA should be construed as requiring an employer to employ any person who seeks or has sought employment with the employer in furtherance of such worker's other employment or agency status (a practice commonly known as "salting"). In other words, this amendment would protect employers from feeling like they must hire or retain an employee who's sole intention for seeking employment there is to try to unionize the shop (or to bring an unfair labor practice against the employer).

The amendment would express a sense of Congress, including:

- "the tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace, a practice commonly referred to as "salting," has evolved into an aggressive form of harassment not contemplated when the National Labor Relations Act was enacted and threatens the balance of rights which is fundamental to our system of collective bargaining; and
- "increasingly, union organizers are seeking employment with nonunion employers not because of a desire to work for such employers but primarily to organize the employees of such employers or to inflict economic harm specifically designed to put nonunion competitors out of business, or to do both."

(10 minutes)

**2. Foxx (R-NC):** Requires the National Labor Relations Board (NLRB) to promulgate standards and a model notice by which an individual can request that a labor organization not communicate

with the individual—whether in person or by any other means—with respect to union representation or the individual’s collective bargaining rights. *(10 minutes)*

**3. McKeon (R-CA):** Strikes the entire text of H.R. 800 and inserts the text of H.R. 866, the Secret Ballot Protection Act, authored by the late Rep. Charlie Norwood (R-GA). The Secret Ballot Protection Act would prohibit NLRB certification of a union UNLESS a majority of employees selects such union in a private-ballot election conducted by the NLRB. Card check elections could not yield NLRB certification. *(30 minutes)*