

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

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**OFFERED BY MR. NORCROSS OF NEW JERSEY**

Add at the end of subtitle E of title VIII the following:

1 **SEC. 8\_\_ . RESOLUTION OF DEFENSE CONTRACTOR COL-**  
2 **LECTIVE BARGAINING DISPUTES.**

3 (a) IN GENERAL.—Notwithstanding any contrary  
4 provision of law, including the National Labor Relations  
5 Act (29 U.S.C. 151 et seq.), subparagraphs (b) through  
6 (e) shall apply only with respect to any contractor or sub-  
7 contractor of the Department who is an employer and any  
8 labor organization who represents employees of such a  
9 contractor or subcontractor.

10 (b) DUTY TO BARGAIN.—Not later than 10 days  
11 after receiving a written request for collective bargaining  
12 from an individual or labor organization that has been  
13 newly recognized or certified as a representative (as de-  
14 fined in section 9(a) of the National Labor Relations Act  
15 (29 U.S.C. 159)), or within such further period as the par-  
16 ties agree upon, the employer shall meet with the labor  
17 organization and commence to bargain collectively and

1 shall make every reasonable effort to conclude and sign  
2 a collective bargaining agreement.

3 (c) LABOR ORGANIZATION RECOGNITION.—

4 (1) IN GENERAL.—An employer shall recognize,  
5 for purposes of collective bargaining, a labor organi-  
6 zation that demonstrates that—

7 (A) a majority of the employees of such  
8 employer in a unit appropriate for collective  
9 bargaining who perform or will perform funded  
10 work have signed valid authorizations desig-  
11 nating the labor organization as the collective  
12 bargaining representative for such employees;  
13 and

14 (B) no other labor organization is cur-  
15 rently certified or recognized as the exclusive  
16 representative of any of the employees in the  
17 unit under the National Labor Relations Act  
18 (29 U.S.C. 151 et seq.).

19 (2) NOTIFICATION.—Upon a labor organization  
20 making a demonstration described in paragraph (1)  
21 to an employer, the employer shall notify the labor  
22 organization and the National Labor Relations  
23 Board that the employer—

24 (A) has determined that the labor organi-  
25 zation represents a majority of the employees in

1 the unit with respect to which the labor organi-  
2 zation made such demonstration; and

3 (B) is recognizing the labor organization  
4 as the exclusive representative of such employ-  
5 ees for the purposes of collective bargaining  
6 pursuant to Section 9 of the National Labor  
7 Relations Act (29 U.S.C. 159).

8 (3) DISPUTES.—

9 (A) IN GENERAL.—In the event of a dis-  
10 pute over majority status or the appropriate-  
11 ness of the unit arise between the employer and  
12 the labor organization, the National Labor Re-  
13 lations Board may, at the request of either the  
14 labor organization or the employer, investigate  
15 and resolve a dispute between the labor organi-  
16 zation and the employer regarding—

17 (i) the appropriateness of the unit for  
18 which the labor organization seeks to be  
19 recognized as the representative; or

20 (ii) whether the labor organization has  
21 signed valid authorizations from a majority  
22 of the employees of such employer who  
23 perform or will perform funded work in a  
24 unit appropriate for collective bargaining  
25 designating the labor organization as the

1 collective bargaining representative for  
2 such employees.

3 (B) RESOLUTION.—In resolving a dispute  
4 under subparagraph (A), the National Labor  
5 Relations Board shall, without an election, cer-  
6 tify the labor organization as the representative  
7 described in Section 9(a) of the National Labor  
8 Relations Act (29 U.S.C. 159(a)) if the Board  
9 finds that—

10 (i) a majority of the employees of the  
11 employer who perform or will perform  
12 funded work in a unit appropriate for col-  
13 lective bargaining has signed valid author-  
14 izations designating the labor organization  
15 as their collective bargaining representa-  
16 tive; and

17 (ii) no other individual or labor orga-  
18 nization is currently certified or recognized  
19 as the exclusive representative of any of  
20 the employees in the unit.

21 (4) FUNDED WORK DEFINED.—In this sub-  
22 section, the term “funded work” means work per-  
23 formed under a contract, cooperative agreement,  
24 grant, or other agreement with the Department.

1 (d) FEDERAL MEDIATION AND CONCILIATION SERV-  
2 ICE REFERRAL.—

3 (1) IN GENERAL.—If, after the expiration of  
4 the 90-day period beginning on the date on which  
5 collective bargaining is commenced between an em-  
6 ployer and a labor organization, or such additional  
7 period as such parties may agree upon, such parties  
8 have failed to agree to a collective bargaining agree-  
9 ment, either party may notify the Department,  
10 which may in turn refer the parties to the Federal  
11 Mediation and Conciliation Service and request me-  
12 diation.

13 (2) DUTIES.—Whenever such a request is re-  
14 ceived, the Service shall promptly begin commu-  
15 nicating with such parties and use best efforts, by  
16 mediation and conciliation, to bring such parties to  
17 agreement.

18 (e) MANDATORY ARBITRATION.—

19 (1) IN GENERAL.—If after the expiration of the  
20 30-day period beginning on the date on which the  
21 request for mediation is made under subsection (d),  
22 or such additional period as the parties may agree  
23 upon, the Service is not able to bring the parties to  
24 agreement by conciliation, the Service shall refer the  
25 parties to a tripartite arbitration panel (in this sub-

1 section referred to as the “Panel”) established in ac-  
2 cordance with this section and such regulations as  
3 may be prescribed by the Service.

4 (2) PANEL SELECTION.—

5 (A) IN GENERAL.—Except as provided in  
6 subparagraph (B)(ii), the Panel shall be com-  
7 posed of one member selected by the labor orga-  
8 nization, one member selected by the employer,  
9 and one neutral member who shall be mutually  
10 selected by the parties.

11 (B) TIMING.—

12 (i) IN GENERAL.—The labor organiza-  
13 tion and the employer shall select the  
14 members of the Panel with respect to a  
15 dispute referred in paragraph (1) not later  
16 than 14 days after the date on which the  
17 Service refers the dispute under such para-  
18 graph.

19 (ii) DEFAULT SELECTION.—The Serv-  
20 ice shall select each member of the Panel  
21 not selected prior to the expiration of the  
22 14-day period described in clause (i).

23 (3) PANEL DECISION.—

24 (A) IN GENERAL.—Except in the case of  
25 extraordinary circumstances or by agreement or

1 permission of the parties, not later than 120  
2 days after all members of a Panel are selected,  
3 a majority of the Panel shall, as soon as prac-  
4 ticable, render a decision settling the all dis-  
5 putes between the parties pertaining to collec-  
6 tive bargaining, and such decision shall be bind-  
7 ing upon the parties for a period of two years,  
8 unless amended during such period by written  
9 consent of the parties.

10 (B) CONSIDERATIONS.—The Panel shall  
11 base the decision described in subparagraph (A)  
12 on—

13 (i) the financial status and prospects  
14 of the employer;

15 (ii) the size and type of the operations  
16 and business of the employer;

17 (iii) the cost of living of the employ-  
18 ees;

19 (iv) the ability of the employees to  
20 sustain themselves, their families, and  
21 their dependents on the wages and benefits  
22 they earn from the employer; and

23 (v) the wages and benefits other em-  
24 ployers in the same business provide their  
25 employees.

1 (f) DEFINITIONS.—In this subsection:

2 (1) DEPARTMENT.—The term “Department”  
3 means the Department of Defense.

4 (2) EMPLOYEE; EMPLOYER; LABOR ORGANIZA-  
5 TION.—The terms “employee”, “employer”, and  
6 “labor organization” have the meanings given such  
7 terms in section 2 of the National Labor Relations  
8 Act (29 U.S.C. 152).

9 (3) SERVICE.—The term “Service” means the  
10 Federal Mediation and Conciliation Service.

