

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect.

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IN THE SENATE OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. GRAHAM, and Mr. DEMINT) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect.

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 “Job Protection Act”.

5 **SEC. 2. APPLICATION TO CERTAIN SPEECH, BUSINESS DE-**  
6 **CISIONS.**

7 (a) UNFAIR LABOR PRACTICES.—Section 8(a)(3) of  
8 the National Labor Relations Act (29 U.S.C. 158(a)(3))  
9 is amended by inserting before the semicolon at the end

1 the following: “: *Provided further*, That an employer’s ex-  
2 pression of any views, argument, or opinion related to the  
3 costs associated with collective bargaining, work stop-  
4 pages, or strikes, or the dissemination of such views, argu-  
5 ments, or opinions, whether in written, printed, graphic,  
6 digital, or visual form, shall not constitute or be evidence  
7 of antiunion animus or unlawful motive, if such expression  
8 contains no threat of reprisal or force or promise of ben-  
9 efit”.

10 (b) PREVENTION OF UNFAIR LABOR PRACTICES.—  
11 Section 10 of the National Labor Relations Act (29 U.S.C.  
12 160) is amended—

13 (1) in subsection (a), by inserting after the pe-  
14 riod at the end the following: “: *Provided further*,  
15 That the Board shall have no power to order any  
16 employer to relocate, shut down, or transfer any ex-  
17 isting or planned facility or work or employment op-  
18 portunity, or prevent any employer from making  
19 such relocations, transfers, or expansions to new or  
20 existing facilities in the future, or prevent any em-  
21 ployer from closing a facility, not developing a facil-  
22 ity, or eliminating any employment opportunity un-  
23 less and until the employer has been adjudicated fi-  
24 nally to have unlawfully undertaken such actions—

1           “(1) without advance notice to labor organiza-  
2           tion representing the bargaining unit of the affected  
3           employees, if any, of the economic reason(s) for the  
4           relocation, shut down, or transfer of existing or fu-  
5           ture work; or

6           “(2) as a primary and direct response to efforts  
7           by a labor organization to organize a previously un-  
8           represented workplace”; and

9           (2) by adding at the end the following:

10          “(n) Nothing in this Act shall prevent an employer  
11          from choosing where to locate, develop, or expand its busi-  
12          ness or facilities, or require any employer to move, trans-  
13          fer, or relocate any facility, production line, or employment  
14          opportunity, or require that an employer cease or refrain  
15          from doing so, or prevent any employer from closing a fa-  
16          cility or eliminating any employment opportunity unless  
17          the employer has been adjudicated finally to have unlaw-  
18          fully undertaken such actions—

19                 “(1) without advance notice to labor organiza-  
20                 tion representing the bargaining unit of the affected  
21                 employees, if any, of the economic reason(s) for the  
22                 relocation, shut down, or transfer of existing or fu-  
23                 ture work; or

1           “(2) and a primary and direct response to ef-  
2           forts by a labor organization to organize a previously  
3           unrepresented workplace.”.