

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 114

To amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. CLAY introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

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 referred to as the “Building and  
5 Construction Industry Labor Law Amendments of 1993”.

6 **SEC. 2. SINGLE EMPLOYERS AND PREHIRE AGREEMENTS**  
7 **IN THE CONSTRUCTION INDUSTRY.**

8 (a) DEFINITION OF SINGLE EMPLOYER.—Section  
9 2(2) of the National Labor Relations Act (29 U.S.C.  
10 152(2)) is amended by adding at the end thereof the fol-

1 lowing new sentence: “Any two or more business entities  
2 engaged primarily in the building and construction indus-  
3 try, performing work within the geographical area covered  
4 by a collective bargaining agreement to which any of the  
5 entities is a party, performing the type of work described  
6 in such agreement, and having, directly or indirectly—

7           “(1) substantial common ownership;

8           “(2) substantial common management; or

9           “(3) substantial common control;

10 shall be deemed a single employer *Provided*, That the  
11 terms and provisions of a contractor-subcontractor rela-  
12 tionship between any two or more business entities work-  
13 ing at a construction site shall not be deemed to create  
14 a single employer or be considered as evidence of direct  
15 or indirect common management or control, within the  
16 meaning of this sentence”.

17       (b) CONCERNING SCOPE OF DUTY TO BARGAIN.—

18 Section 8(d) of such Act (29 U.S.C. 158(d)) is amended  
19 by adding at the end thereof the following new sentence:

20 “Whenever the collective bargaining involves employees of  
21 a business entity comprising part of a single employer in  
22 the building and construction industry, as defined in sec-  
23 tion 2(2) of this Act, the duty to bargain collectively, for  
24 the purposes of this section, shall include the duty to apply  
25 the terms of a collective bargaining agreement between

1 such business entity and a labor organization to all other  
2 business entities comprising the single employer and per-  
3 forming the work described in the collective bargaining  
4 agreement within the geographical area covered by the  
5 agreement.”.

6 (c) PREHIRE AGREEMENTS.—Section 8(f) of such  
7 Act (29 U.S.C. 158(f)) is amended—

8 (1) by striking out the colon at the end of  
9 clause (4) and inserting in lieu thereof a period and  
10 the following: “An agreement lawfully made pursu-  
11 ant to this subsection shall impose the same obliga-  
12 tions under this Act as an agreement made with a  
13 majority representative pursuant to section 9(a);”;  
14 and

15 (2) by inserting before the period at the end of  
16 such section the following new proviso: “: *Provided*  
17 *further*, That any agreement lawfully made pursuant  
18 to this subsection may be repudiated only after the  
19 Board certifies the results of an election conducted  
20 pursuant to section 9(c), in which a majority of em-  
21 ployees in an appropriate bargaining unit either se-  
22 lects a bargaining representative other than the  
23 labor organization with which such agreement was  
24 made or chooses not to be represented by a labor or-  
25 ganization”.

1 **SEC. 3. EFFECTIVE DATES.**

2 (a) IN GENERAL.—Except as provided in subsection  
3 (b), the amendments made by section 2 shall take effect  
4 upon the date of the enactment of this Act.

5 (b) SPECIAL RULES.—The requirement imposed by  
6 the amendment made by section 2(b) shall take effect—

7 (1) one year after such date of enactment with  
8 respect to any building and construction project for  
9 which the contract was entered into by an employer  
10 before the date of the enactment of this Act; and

11 (2) on the date on which the contract is entered  
12 into with respect to any new building or construction  
13 project for which the contract is entered into by an  
14 employer on or after the date of the enactment of  
15 this Act.

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