

(2) Self-employment income.—

(A) In general.—The amendment made by subsection (g)(1)(C) shall apply to self-employment income derived in taxable years beginning after December 31, 2026, but only with respect to self-employment income generated after April 30, 2027.

(B) Safe harbor.—For purposes of subparagraph (A), two-thirds of self-employment income for a taxable year beginning before May 1, 2027, shall be presumed to be self-employment income generated after April 30, 2027. A taxpayer may rebut such presumption through books and records, invoices, receipts, accounting records, or other documentation sufficient to establish the amount of self-employment income generated after April 30, 2027.

Subtitle B—Worker Organization and Collective Bargaining

SEC. 821. NATIONAL LABOR RELATIONS ACT COVERAGE, BOARD ADMINISTRATION, AND REPRESENTATION ELECTIONS.

(a) Updating definitions under the National Labor Relations Act.—

(1) Joint-employer standard.—Section 2(2) of the National Labor Relations Act ([29 U.S.C. 152\(2\)](#)) is amended by adding at the end the following: "Two or more persons shall be employers with respect to an employee if each such person codetermines or shares control over the employee's essential terms and conditions of employment. In determining whether such control exists, the Board or a court of competent jurisdiction shall consider as relevant direct control and indirect control over such terms and conditions, reserved authority to control such terms and conditions, and control over such terms and conditions exercised by a person in fact: Provided, That nothing herein precludes a finding that indirect or reserved control standing alone can be sufficient given specific facts and circumstances.".

(2) Employee status and independent contractors.—Section 2(3) of the National Labor Relations Act ([29 U.S.C. 152\(3\)](#)) is amended by adding at the end the following: "An individual performing any service shall be considered an employee (except as provided in the previous sentence) and not an independent contractor, unless—

"(A) the individual is free from control and direction in connection with the performance of the service, both under the contract for the performance of service and in fact;

"(B) the service is performed outside the usual course of the business of the employer; and

"(C) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed.".

(3) Supervisor exclusion.—Section 2(11) of the National Labor Relations Act ([29 U.S.C. 152\(11\)](#)) is amended—

(A) by inserting "and for a majority of the individual's worktime" after "interest of the employer";

(B) by striking "assign,"; and

(C) by striking "or responsibly to direct them,".

(b) Board reports.—Section 3(c) of the National Labor Relations Act ([29 U.S.C. 153\(c\)](#)) is amended—

(1) by striking "The Board" and inserting "(1) The Board"; and

(2) by adding at the end the following:

"(2) Effective January 1, 2027, section 3003 of the Federal Reports Elimination and Sunset Act of 1995 ([Public Law 104-66](#); [31 U.S.C. 1113 note](#)) shall not apply with respect to reports required under this subsection.

"(3) Each report issued under this subsection shall—

"(A) include no less detail than reports issued by the Board prior to the termination of such reports under section 3003 of the Federal Reports Elimination and Sunset Act of 1995 ([Public Law 104-66](#); [31 U.S.C. 1113 note](#));

"(B) list each case in which the Designated Agency Ethics Official provided advice regarding whether a Member should be recused from participating in a case or rulemaking; and

"(C) list each case in which the Designated Agency Ethics Official determined that a Member should be recused from participating in a case or rulemaking.".

(c) Appointment.—Section 4(a) of the National Labor Relations Act ([29 U.S.C. 154\(a\)](#)) is amended by striking ", or for economic analysis".

(d) Representatives and elections.—Section 9 of the National Labor Relations Act ([29 U.S.C. 159](#)) is amended—

(1) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Board, by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a substantial number of employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 9(a), or (ii) assert that the individual or labor organization, which has been certified or is being recognized by their employer as the bargaining representative, is no longer a representative as defined in section 9(a), the Board shall investigate such petition and if it has reasonable cause to believe that a question of representation affecting commerce exists shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the regional office, who shall not make any recommendations with respect thereto. If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof. The Board shall find the labor organization's proposed unit to be appropriate if the employees in the proposed unit share a community of

interest, and if the employees outside the unit do not share an overwhelming community of interest with employees inside. At the request of the labor organization, the Board shall direct that the election be conducted through mail, electronically, at the work location, or at a location other than one owned or controlled by the employer. No employer shall have standing as a party or to intervene in any representation proceeding under this section.";

(B) in paragraph (3), by striking "an economic strike who are not entitled to reinstatement" and inserting "a strike";

(C) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (3) the following:

"(4) If the Board finds that, in an election under paragraph (1), a majority of the valid votes cast in a unit appropriate for purposes of collective bargaining have been cast in favor of representation by the labor organization, the Board shall certify the labor organization as the representative of the employees in such unit and shall issue an order requiring the employer of such employees to collectively bargain with the labor organization in accordance with section 8(d). This order shall be deemed an order under section 10(c) of this Act, without need for a determination of an unfair labor practice.

"(5) (A) If the Board finds that, in an election under paragraph (1), a majority of the valid votes cast in a unit appropriate for purposes of collective bargaining have not been cast in favor of representation by the labor organization, the Board shall certify the results of the election, subject to subparagraphs (B) and (C).

"(B) In any case in which a majority of the valid votes cast in a unit appropriate for purposes of collective bargaining have not been cast in favor of representation by the labor organization and the Board determines, following a post-election hearing, that the employer has committed a violation of this Act or otherwise interfered with a fair election, and the employer has not demonstrated that the violation or other interference is unlikely to have affected the outcome of the election, the Board shall, without ordering a new election, set aside the election and certify the labor organization as the representative of the employees in such unit and issue an order requiring the employer to bargain with the labor organization in accordance with section 8(d) if, at any time during the period beginning 1 year preceding the date of the commencement of the election and ending on the date upon which the Board makes the determination of a violation or other interference, a majority of the employees in the bargaining unit have signed authorizations designating the labor organization as their collective bargaining representative.

"(C) In any case where the Board determines that an election under this paragraph should be set aside, the Board shall direct a new election with appropriate additional safeguards necessary to ensure a fair election process, except in cases where the Board issues a bargaining order under subparagraph (B)."; and

(E) by inserting after paragraph (7), as so redesignated, the following:

"(8) Except under extraordinary circumstances—

"(A) a pre-election hearing under this subsection shall begin not later than 8 days after a notice of such hearing is served on the labor organization and shall continue from day to day until completed;

"(B) a regional director shall transmit the notice of election at the same time as the direction of election, and shall transmit such notice and such direction electronically (including transmission by email or facsimile) or by overnight mail if electronic transmission is unavailable;

"(C) not later than 2 days after the service of the notice of hearing, the employer shall—

"(i) post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted;

"(ii) if the employer customarily communicates with employees electronically, distribute such Notice electronically; and

"(iii) maintain such posting until the petition is dismissed or withdrawn or the Notice of Petition for Election is replaced by the Notice of Election;

"(D) regional directors shall schedule elections for the earliest date practicable, but not later than the 20th business day after the direction of election; and

"(E) a post-election hearing under this subsection shall begin not later than 14 days after the filing of objections, if any.";

(2) in subsection (d), by striking "(e) or" and inserting "(d) or"; and

(3) by adding at the end the following:

"(f) The Board shall dismiss any petition for an election with respect to a bargaining unit or any subdivision if, during the 12-month period ending on the date on which the petition is filed—

"(1) the employer has recognized a labor organization without an election and in accordance with this Act;

"(2) the labor organization and employer engaged in their first bargaining session following the issuance of a bargaining order by the Board; or

"(3) the labor organization and successor employer engaged in their first bargaining session following a succession.

"(g) The Board shall dismiss any petition for an election with respect to a bargaining unit or any subdivision if there is in effect a lawful written collective bargaining agreement between the employer and an exclusive representative covering any employees in the unit specified in the petition, unless the petition is filed—

"(1) on or after the date that is 3 years after the date on which the collective bargaining agreement took effect; or

"(2) during the 30-day period beginning on the date that is 90 days before the date that is 3 years after the date on which the collective bargaining agreement took effect.

"(h) The Board shall suspend the processing of any petition for an election with respect to a bargaining unit or any subdivision if a labor organization files an unfair labor practice charge alleging a violation of section 8(a) and requesting the suspension of a pending petition until the unlawful conduct, if any, is remedied or the charge is dismissed unless the Board determines that employees can, under the circumstances, exercise free choice in an election despite the unlawful conduct alleged in the charge."

(e) Electronic voting in union elections.—

(1) In general.—

(A) Electronic voting system.—Notwithstanding any other provision of law, subject to the provisions of this subsection, not later than 1 year after the date of the enactment of this Act, the National Labor Relations Board shall implement a system and procedures to conduct representation elections remotely using an electronic voting system.

(B) Procedures.—The procedures under subparagraph (A) shall ensure that each employee voting in a representation election may choose to cast a vote using either an internet voting system or a telephone voting system.

(2) Report.—Not later than 1 year after the date of the enactment of this Act, and in each subsequent report under section 3(c) of the National Labor Relations Act ([29 U.S.C. 153\(c\)](#)), the Board shall submit to Congress a report containing a description of the following:

(A) For each representation petition under section 9 of the National Labor Relations Act filed—

(i) the case name and case number;

(ii) the number of days between the petition and the election;

(iii) the number of days between the stipulation or direction of election and the election;

(iv) the method of the election;

(v) the results of the election; and

(vi) the number of eligible voters, the number of voters participating in the election, and the method by which each of the voters submitted their vote.

(B) The total cost of conducting all elections the Board conducted through the system and procedures required by paragraph (1).

(3) Definitions.—In this subsection:

(A) Electronic voting system.—The term "electronic voting system"—

(i) includes an internet voting system and a telephone voting system; and

(ii) does not include machines used for casting votes at a polling site or an electronic tabulation system where votes are cast non-electronically but counted electronically (such as a punch card or optical scanning system).

(B) Internet voting system.—The term "internet voting system" means an internet-based voting system that allows a participant to cast a ballot remotely using a personal computer or other mobile electronic device that is connected to the internet.

(C) Telephone voting system.—The term "telephone voting system" means a voting system in which participants may cast a vote remotely using a telephone.

(D) Remotely.—The term "remotely", used with respect to voting in a representation election, means a vote may be cast at any site chosen by a participant in such election.

(E) Representation election.—The term "representation election" means a representation election under section 9 of the National Labor Relations Act ([29 U.S.C. 159](#)).

SEC. 822. UNFAIR LABOR PRACTICES, STRIKE PROTECTIONS, AND COLLECTIVE BARGAINING DUTIES.

(a) Unfair labor practices and collective bargaining duties.—Section 8 of the National Labor Relations Act ([29 U.S.C. 158](#)) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking the period and inserting ";;" and

(B) by adding at the end the following:

"(6) to promise, threaten, or take any action—

"(A) to permanently replace an employee who participates in a strike as defined by section 501(2) of the Labor Management Relations Act, 1947 ([29 U.S.C. 142\(2\)](#));

"(B) to discriminate against an employee who is working or has unconditionally offered to return to work for the employer because the employee supported or participated in such a strike; or

"(C) to lockout, suspend, or otherwise withhold employment from employees in order to influence the position of such employees or the representative of such employees in collective bargaining prior to a strike; and

"(7) to communicate or misrepresent to an employee under section 2(3) that such employee is excluded from the definition of employee under section 2(3).";

(2) in subsection (b)—

(A) by striking paragraphs (4) and (7);

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(C) in paragraph (4), as so redesignated, by striking "affected;" and inserting "affected; and"; and

(D) in paragraph (5), as so redesignated, by striking ";" and inserting a period;

(3) in subsection (c), by striking the period at the end and inserting the following: " Provided, That it shall be an unfair labor practice under subsection (a)(1) for any employer to require or coerce an employee to attend or participate in such employer's campaign activities unrelated to the employee's job duties, including activities that are subject to the requirements under section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959 ([29 U.S.C. 433\(b\)](#)).";

(4) in subsection (d)—

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

(B) by striking "For the purposes of this section" and inserting "(1) For the purposes of this section";

(C) by inserting "(and to maintain current wages, hours, and terms and conditions of employment pending an agreement)" after "arising thereunder";

(D) by inserting ": Provided, That an employer's duty to collectively bargain shall continue absent decertification of the representative following an election conducted pursuant to section 9" after "making of a concession";

(E) by inserting "further" before ", That where there is in effect";

(F) by striking "The duties imposed" and inserting "(2) The duties imposed";

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

(H) by striking "section 8(d)(1)" and inserting "paragraph (1)(A)";

(I) by striking "section 8(d)(3)" each place it appears and inserting "paragraph (1)(C)";

(J) by striking "section 8(d)(4)" and inserting "paragraph (1)(D)"; and

(K) by adding at the end the following:

"(3) Whenever collective bargaining is for the purpose of establishing an initial collective bargaining agreement following certification or recognition of an individual or labor organization as a representative as provided under section 9(a), the following shall apply:

"(A) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly recognized or certified as a representative as provided under section 9(a), or within such further period as the parties agree upon, the parties shall meet and begin bargaining collectively, and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

"(B) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Federal Mediation and Conciliation Service that a dispute exists, and may request mediation. Whenever such

a request is received, the Service shall promptly communicate with the parties and use its best efforts, by mediation and conciliation, to secure an agreement.

"(C) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made under subparagraph (B), or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by conciliation, the Service shall refer the dispute to a 3-person arbitration panel established in accordance with such regulations as may be prescribed by the Service, with one member selected by the individual or labor organization, one member selected by the employer, and one neutral member mutually agreed to by the parties. The individual or labor organization and the employer must each select the members of the 3-person arbitration panel within 14 days of the Service's referral; if the individual or labor organization or the employer fail to do so, the Service shall designate any members not selected by the individual or labor organization or by the employer. A majority of the 3-person arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written consent of the parties. Such decision shall be based on—

"(i) the employer's financial status and prospects;

"(ii) the size and type of the employer's operations and business;

"(iii) the employees' cost of living;

"(iv) the employees' ability to sustain themselves, their families, and their dependents on the wages and benefits they earn from the employer; and

"(v) the wages and benefits other employers in the same business provide their employees.";

(5) by amending subsection (e) to read as follows:

"(e) Notwithstanding [chapter 1 of title 9](#), United States Code (commonly known as the 'Federal Arbitration Act'), or any other provision of law, it shall be an unfair labor practice under subsection (a)(1) for any employer—

"(1) to enter into or attempt to enforce any agreement, express or implied, whereby prior to a dispute to which the agreement applies, an employee undertakes or promises not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee in any forum that, but for such agreement, is of competent jurisdiction;

"(2) to coerce an employee into undertaking or promising not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee; or

"(3) to retaliate or threaten to retaliate against an employee for refusing to undertake or promise not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee: Provided, That any agreement that violates this subsection or results from a violation of this subsection shall be to such extent unenforceable and void: Provided further, That this subsection shall not apply to any agreement

embodied in or expressly permitted by a contract between an employer and a labor organization.";

(6) in subsection (g), by striking "clause (B) of the last sentence of section 8(d) of this Act" and inserting "subsection (d)(2)(B)"; and

(7) by adding at the end the following:

"(h) (1) The Board shall promulgate regulations requiring each employer to post and maintain, in conspicuous places where notices to employees and applicants for employment are customarily posted both physically and electronically, a notice setting forth the protections and remedies available to employees under this Act. The Board shall make available to the public the form and text of such notice. The Board shall promulgate regulations requiring employers to notify each new employee of the information contained in the notice described in the preceding two sentences and to ensure that such notice is provided to employees in a language spoken by such employees.

"(2) Whenever the Board directs an election under section 9(c) or approves an election agreement, the employer of employees in the bargaining unit shall, not later than 2 business days after the Board directs such election or approves such election agreement, provide a voter list to a labor organization that has petitioned to represent such employees. Such voter list shall include the names of all employees in the bargaining unit and such employees' home addresses, work locations, shifts, job classifications, and, if available to the employer, personal landline and mobile telephone numbers, work email addresses, and personal email addresses; the voter list must be provided in a searchable electronic format generally approved by the Board unless the employer certifies that the employer does not possess the capacity to produce the list in the required form. Not later than 9 months after the date of enactment of this Act, the Board shall promulgate regulations implementing the requirements of this paragraph.

"(i) The rights of an employee under section 7 include the right to use electronic communication devices and systems (including computers, laptops, tablets, internet access, email, cellular telephones, or other company equipment) of the employer of such employee to engage in activities protected under section 7 if such employer has given such employee access to such devices and systems in the course of the work of such employee, absent a compelling business rationale for denying or limiting such use."

(b) Strike protections.—Section 13 of the National Labor Relations Act ([29 U.S.C. 163](#)) is amended by striking the period at the end and inserting the following: ": Provided, That the duration, scope, frequency, or intermittence of any strike or strikes shall not render such strike or strikes unprotected or prohibited."

SEC. 823. REMEDIES, PENALTIES, INJUNCTIONS, AND ENFORCEMENT.

(a) Damages for unfair labor practices.—Section 10(c) of the National Labor Relations Act ([29 U.S.C. 160\(c\)](#)) is amended by striking "suffered by him" and inserting "suffered by such employee: Provided further, That if the Board finds that an employer has discriminated against an employee in violation of paragraph (3) or (4) of section 8(a) or has committed a violation of section 8(a) that results in the discharge of an employee or other serious economic harm to an employee, the Board shall award the employee back pay without any reduction (including any reduction based on the employee's interim earnings or failure to earn interim earnings), front pay (when appropriate), full

compensation for all direct or foreseeable pecuniary harms suffered as a result of the respondent's unfair labor practice, and an additional amount as liquidated damages equal to two times the amount of damages awarded: Provided further, no relief under this subsection shall be denied on the basis that the employee is, or was during the time of relevant employment or during the back pay period, an unauthorized alien as defined in section 274A(h)(3) of the Immigration and Nationality Act ([8 U.S.C. 1324a\(h\)\(3\)](#)) or any other provision of Federal law relating to the unlawful employment of aliens".

(b) Enforcing compliance with orders of the Board.—

(1) In general.—Section 10 of the National Labor Relations Act ([29 U.S.C. 160](#)) is further amended—

(A) by striking subsection (e);

(B) by redesignating subsection (d) as subsection (e);

(C) by inserting after subsection (c) the following:

"(d) (1) Each order of the Board shall be self-enforcing upon issuance of such order, unless otherwise directed by the Board, and shall remain self-enforcing unless modified by the Board or unless a court of competent jurisdiction issues a superseding order.

"(2) Any person who fails or neglects to obey an order of the Board shall forfeit and pay to the Board a civil penalty of not more than \$10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Board to the district court of the United States in which the unfair labor practice or other subject of the order occurred, or in which such person or entity resides or transacts business. No action by the Board under this paragraph may be made until 30 days following the issuance of an order. Each separate violation of such an order shall be a separate offense, except that, in the case of a violation in which a person fails to obey or neglects to obey a final order of the Board, each day such failure or neglect continues shall be deemed a separate offense.

"(3) If, after having provided a person or entity with notice and an opportunity to be heard regarding a civil action under paragraph (2) for the enforcement of an order, the court determines that the order was regularly made and duly served, and that the person or entity is in disobedience of the same, the court shall enforce obedience to such order by an injunction or other proper process, mandatory or otherwise, to—

"(A) restrain such person or entity or the officers, agents, or representatives of such person or entity, from further disobedience to such order; or

"(B) enjoin such person or entity, officers, agents, or representatives to obedience to the same.";

(D) in subsection (f)—

(i) by striking "proceed in the same manner as in the case of an application by the Board under subsection (e) of this section," and inserting "proceed as provided under paragraph (2) of this subsection";

(ii) by striking "Any" and inserting the following:

"(1) Within 30 days of the issuance of an order, any"; and

(iii) by adding at the end the following:

"(2) No objection that has not been urged before the Board, its member, agent, or agency shall be considered by a court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in [section 1254 of title 28](#), United States Code."; and

(E) in subsection (g), by striking "subsection (e) or (f) of this section" and inserting "subsection (d) or (f)".

(2) Conforming amendment.—Section 18 of the National Labor Relations Act ([29 U.S.C. 168](#)) is amended by striking "section 10(e) or (f)" and inserting "subsection (d) or (f) of section 10".

(c) Injunctions against unfair labor practices involving discharge or other serious economic harm.—Section 10 of the National Labor Relations Act ([29 U.S.C. 160](#)) is further amended—

(1) in subsection (j)—

(A) by striking "The Board" and inserting "(1) The Board"; and

(B) by adding at the end the following:

"(2) Notwithstanding subsection (m), whenever it is charged that an employer has engaged in an unfair labor practice within the meaning of paragraph (1), (3), or (4) of section 8(a) that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed under section 7, or involves discharge or other serious economic harm to an employee, the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer or regional attorney to whom the matter may be referred has reasonable cause to believe such charge is true and that a complaint should issue, such officer or attorney shall bring a petition for appropriate temporary relief or restraining order as set forth in paragraph (1). The district court shall grant the relief

requested unless the court concludes that there is no reasonable likelihood that the Board will succeed on the merits of the Board's claim."; and

(2) by repealing subsections (k) and (l).

(d) Penalties.—

(1) In general.—Section 12 of the National Labor Relations Act ([29 U.S.C. 162](#)) is amended—

(A) by striking "Sec. 12. Any person" and inserting the following:

"SEC. 12. PENALTIES.

"(a) Violations for Interference With Board.—Any person"; and

(B) by adding at the end the following:

"(b) Violations for Posting Requirements and Voter List.—If the Board, or any agent or agency designated by the Board for such purposes, determines that an employer has violated section 8(h) or regulations issued thereunder, the Board shall—

"(1) state the findings of fact supporting such determination;

"(2) issue and cause to be served on such employer an order requiring that such employer comply with section 8(h) or regulations issued thereunder; and

"(3) impose a civil penalty in an amount determined appropriate by the Board, except that in no case shall the amount of such penalty exceed \$500 for each such violation.

"(c) Civil Penalties for Violations.—

"(1) In general.—Any employer who commits an unfair labor practice within the meaning of section 8(a) shall, in addition to any remedy ordered by the Board, be subject to a civil penalty in an amount not to exceed \$50,000 for each violation, except that, with respect to an unfair labor practice within the meaning of paragraph (3) or (4) of section 8(a) or a violation of section 8(a) that results in the discharge of an employee or other serious economic harm to an employee, the Board shall double the amount of such penalty, to an amount not to exceed \$100,000, in any case where the employer has within the preceding 5 years committed another such violation.

"(2) Considerations.—In determining the amount of any civil penalty under this subsection, the Board shall consider—

"(A) the gravity of the unfair labor practice;

"(B) the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, and on the public interest; and

"(C) the gross income of the employer.

"(3) Director and officer liability.—If the Board determines, based on the particular facts and circumstances presented, that a director or officer's personal liability is warranted, a civil

penalty for a violation described in this subsection may also be assessed against any director or officer of the employer who directed or committed the violation, had established a policy that led to such a violation, or had actual or constructive knowledge of and the authority to prevent the violation and failed to prevent the violation.

"(d) Civil action.—

"(1) In general.—Any person who is injured by reason of a violation of paragraph (1), (3), or (4) of section 8(a) may, on or after the earlier of the date that is 60 days after the filing of a charge with the Board alleging an unfair labor practice or the date the Board notifies the person that no complaint shall issue, bring a civil action in the appropriate district court of the United States against the employer not later than 90 days after that earlier date, provided that the Board has not filed a petition under section 10(j) of this Act before the civil action is commenced. No relief under this subsection shall be denied on the basis that the employee is, or was during the time of relevant employment or during the back pay period, an unauthorized alien as defined in section 274A(h)(3) of the Immigration and Nationality Act ([8 U.S.C. 1324a\(h\)\(3\)](#)) or any other provision of Federal law relating to the unlawful employment of aliens.

"(2) Available relief.—Relief granted in an action under paragraph (1) may include—

"(A) back pay without any reduction, including any reduction based on the employee's interim earnings or failure to earn interim earnings;

"(B) front pay (when appropriate);

"(C) all direct or foreseeable pecuniary harms suffered as a result of the unfair labor practice;

"(D) an additional amount as liquidated damages equal to two times the cumulative amount of damages awarded under subparagraphs (A) through (C);

"(E) in appropriate cases, punitive damages in accordance with paragraph (4); and

"(F) any other relief authorized by section 706(g) of the Civil Rights Act of 1964 ([42 U.S.C. 2000e-5\(g\)](#)) or by section 1977A(b) of the Revised Statutes ([42 U.S.C. 1981a\(b\)](#)).

"(3) Attorney's fees.—In any civil action under this subsection, the court may allow the prevailing party a reasonable attorney's fee (including expert fees) and other reasonable costs associated with maintaining the action.

"(4) Punitive damages.—In awarding punitive damages under paragraph (2)(E), the court shall consider—

"(A) the gravity of the unfair labor practice;

"(B) the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, and on the public interest; and

"(C) the gross income of the employer."

(2) Conforming amendments.—Section 10(b) of the National Labor Relations Act ([29 U.S.C. 160\(b\)](#)) is amended—

(A) by striking "six months" and inserting "180 days"; and

(B) by striking "the six-month period" and inserting "the 180-day period".

SEC. 824. LABOR-MANAGEMENT REPORTING, PERSUADER DISCLOSURE, AND CONFORMING AMENDMENTS.

(a) Conforming amendments to the Labor Management Relations Act, 1947.—The Labor Management Relations Act, 1947, is amended—

(1) in section 213(a) ([29 U.S.C. 183\(a\)](#)), by striking "clause (A) of the last sentence of section 8(d) (which is required by clause (3) of such section 8(d)), or within 10 days after the notice under clause (B)" and inserting "section 8(d)(2)(A) of the National Labor Relations Act (which is required by section 8(d)(1)(C) of such Act), or within 10 days after the notice under section 8(d)(2)(B) of such Act"; and

(2) by repealing section 303 ([29 U.S.C. 187](#)).

(b) Persuader disclosure.—Section 203(c) of the Labor-Management Reporting and Disclosure Act of 1959 ([29 U.S.C. 433\(c\)](#)) is amended by striking the period at the end and inserting the following ": Provided, That this subsection shall not exempt from the requirements of this section any arrangement or part of an arrangement in which a party agrees, for an object described in subsection (b)(1), to plan or conduct employee meetings; train supervisors or employer representatives to conduct meetings; coordinate or direct activities of supervisors or employer representatives; establish or facilitate employee committees; identify employees for disciplinary action, reward, or other targeting; or draft or revise employer personnel policies, speeches, presentations, or other written, recorded, or electronic communications to be delivered or disseminated to employees.".

(c) Whistleblower protections.—The Labor-Management Reporting and Disclosure Act of 1959 ([29 U.S.C. 401 et seq.](#)) is amended—

(1) by redesignating section 611 ([29 U.S.C. 531](#)) as section 612; and

(2) by inserting after section 610 ([29 U.S.C. 530](#)), the following new section:

"SEC. 611. WHISTLEBLOWER PROTECTIONS.

"(a) In general.—No employer or labor organization shall terminate or in any other way discriminate against, or cause to be terminated or discriminated against, any applicant, covered employee, or former covered employee, of the employer or the labor organization by reason of the fact that such applicant, covered employee, or former covered employee does, or the employer or labor organization perceives the employee to do, any of the following:

"(1) Provide, cause to be provided, or is about to provide or cause to be provided, information to the labor organization, the employer, the Department of Labor, or any other State, local, or Federal Government authority or law enforcement agency relating to any

violation of, or any act or omission that such employee reasonably believes to be a violation of, any provision of this Act.

"(2) Testify or plan to testify or otherwise participate in any proceeding resulting from the administration or enforcement of any provision of this Act.

"(3) File, institute, or cause to be filed or instituted, any proceeding under this Act.

"(4) Assist in any activity described in paragraphs (1) through (3).

"(5) Object to, or refuse to participate in, any activity, policy, practice, or assigned task that such covered employee reasonably believes to be in violation of any provision of this Act.

"(b) Definition of covered employee.—For the purposes of this section, the term 'covered employee' means any employee or agent of an employer or labor organization, including any person with management responsibilities on behalf of the employer or labor organization.

"(c) Procedures and timetables.—

"(1) Complaint.—

"(A) In general.—An applicant, covered employee, or former covered employee who believes that they have been terminated or in any other way discriminated against by any person in violation of subsection (a) may file (or have any person file on their behalf) a complaint with the Secretary of Labor alleging such violation. Such a complaint must be filed not later than either—

"(i) 180 days after the date on which such alleged violation occurs; or

"(ii) 180 days after the date upon which the employee knows or should reasonably have known that such alleged violation in subsection (a) occurred.

"(B) Actions of Secretary of Labor.—Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint who is alleged to have committed the violation, of—

"(i) the filing of the complaint;

"(ii) the allegations contained in the complaint;

"(iii) the substance of evidence supporting the complaint; and

"(iv) opportunities that will be afforded to such person under paragraph (2).

"(2) Investigation by Secretary of Labor.—

"(A) In general.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1), and after affording the complainant and the person named in the complaint who is alleged to have committed the violation that is the basis for the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary of Labor to present statements from witnesses, the Secretary of Labor shall—

"(i) initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit; and

"(ii) notify the complainant and the person alleged to have committed the violation of subsection (a), in writing, of such determination.

"(B) Grounds for determination of complaints.—The Secretary of Labor shall dismiss a complaint filed under this subsection, and shall not conduct an investigation otherwise required under subparagraph (A), unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(3) Burdens of proof.—

"(A) Criteria for determination.—In making a determination or adjudicating a complaint pursuant to this subsection, the Secretary, an administrative law judge, or a court may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any conduct described in subsection (a) with respect to the complainant was a contributing factor in the adverse action alleged in the complaint.

"(B) Prohibition.—Notwithstanding subparagraph (A), a decision or order that is favorable to the complainant shall not be issued in any administrative or judicial action pursuant to this subsection if the respondent demonstrates by clear and convincing evidence that the respondent would have taken the same adverse action in the absence of such conduct.

"(C) Notice of relief available.—If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary of Labor shall, together with the notice under paragraph (2)(A)(ii), issue a preliminary order providing the relief prescribed by paragraph (4)(B).

"(D) Request for hearing.—Not later than 30 days after the date of receipt of notification of a determination of the Secretary of Labor under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously, and if a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(E) Procedures.—

"(i) In general.—A hearing requested under this paragraph shall be conducted expeditiously and in accordance with rules established by the Secretary for hearings conducted by administrative law judges.

"(ii) Subpoenas; production of evidence.—In conducting any such hearing, the administrative law judge may issue subpoenas. The respondent or complainant may request the issuance of subpoenas that require the deposition of, or the attendance and testimony of, witnesses and the production of any evidence (including any books, papers, documents, or recordings) relating to the matter under consideration.

"(4) Issuance of final orders; review procedures.—

"(A) Timing.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) Available relief.—

"(i) Order of Secretary of Labor.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation—

"(I) to take affirmative action to abate the violation;

"(II) to reinstate the complainant to their former position, together with compensation (including back pay with interest) and restore the terms, conditions, and privileges associated with their employment;

"(III) to provide compensatory damages to the complainant; and

"(IV) expungement of all warnings, reprimands, or derogatory references that have been placed in paper or electronic records or databases of any type relating to the actions by the complainant that gave rise to the unfavorable personnel action, and, at the complainant's direction, transmission of a copy of the decision on the complaint to any person whom the complainant reasonably believes may have received such unfavorable information.

"(ii) Costs and expenses.—If an order is issued under clause (i), the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued, a sum equal to the aggregate amount of all costs and expenses (including attorney fees and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

"(C) Frivolous claims.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer or labor organization a reasonable attorney fee, not exceeding \$1,000, to be paid by the complainant.

"(D) De novo review.—

"(i) Failure of the Secretary to act.—If the Secretary of Labor has not issued a final order within 270 days after the date of filing of a complaint under this subsection, or within 90 days after the date of receipt of a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States having jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

"(ii) Procedures.—A proceeding under clause (i) shall be governed by the same legal burdens of proof specified in paragraph (3). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

"(I) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

"(II) the amount of back pay, with interest;

"(III) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney fees; and

"(IV) expungement of all warnings, reprimands, or derogatory references that have been placed in paper or electronic records or databases of any type relating to the actions by the complainant that gave rise to the unfavorable personnel action, and, at the complainant's direction, transmission of a copy of the decision on the complaint to any person whom the complainant reasonably believes may have received such unfavorable information.

"(E) Other appeals.—Unless the complainant brings an action under subparagraph (D), any person adversely affected or aggrieved by a final order issued under subparagraph (A) may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation, not later than 60 days after the date of the issuance of the final order of the Secretary of Labor under subparagraph (A). Review shall conform to [chapter 7 of title 5](#), United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order. An order of the Secretary of Labor with respect to which review could have been obtained under this subparagraph shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) Failure to comply with order.—

"(A) Actions by the Secretary.—If any person has failed to comply with a final order issued under paragraph (4), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to have occurred, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including injunctive relief, compensatory and punitive damages.

"(B) Civil actions to compel compliance.—A person on whose behalf an order was issued under paragraph (4) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(C) Award of costs authorized.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

"(D) Mandamus proceedings.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under [section 1361 of title 28](#), United States Code.

"(d) Unenforceability of certain agreements.—Notwithstanding any other provision of law, the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

"(e) Savings.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee who exercises rights under any Federal or State law or common law, or under any collective bargaining agreement."

(d) Public availability of information.—Section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959 ([29 U.S.C. 433\(b\)](#)) is amended in the matter following paragraph (2) by striking the period at the end and inserting "and shall make such information available to the public in a readily accessible and searchable electronic format, and through a secure software application for use on an electronic device."

SEC. 825. APPROPRIATIONS, RULES OF CONSTRUCTION, AND REPORTS.

(a) Appropriations.—

(1) National Labor Relations Board.—In addition to amounts otherwise available, there is appropriated to the National Labor Relations Board, out of amounts in the Treasury not otherwise appropriated, \$300,000,000 for fiscal year 2027 and each of fiscal years 2028 through 2031, to remain available until expended, to carry out sections 821 through 823 and the amendments made by such sections.

(2) Federal Mediation and Conciliation Service.—In addition to amounts otherwise available, there is appropriated to the Federal Mediation and Conciliation Service, out of amounts in the Treasury not otherwise appropriated, \$100,000,000 for fiscal year 2027 and each of fiscal years 2028 through 2031, to remain available until expended, to carry out mediation, conciliation, arbitration, panel administration, training, outreach, data, and implementation responsibilities under section 8(d)(3) of the National Labor Relations Act, as amended by section 822.

(3) Department of Labor.—In addition to amounts otherwise available, there is appropriated to the Secretary of Labor, out of amounts in the Treasury not otherwise appropriated, \$75,000,000 for fiscal year 2027 and each of fiscal years 2028 through 2031, to remain available until expended, to carry out section 824 and the amendments made by such section, including persuader disclosure, public access, whistleblower enforcement, outreach, staffing, data systems, and related implementation.

(4) Government Accountability Office.—In addition to amounts otherwise available, there is appropriated to the Government Accountability Office, out of amounts in the Treasury not

otherwise appropriated, \$15,000,000 for fiscal year 2027, to remain available until expended, to carry out subsection (b).

(5) Additional authorization.—There are authorized to be appropriated such additional sums as may be necessary to carry out sections 821 through 825 and the amendments made by such sections.

(b) GAO reports.—

(1) Sectoral bargaining.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall conduct a review of collective bargaining at the sectoral level in a geographically diverse set of countries where sectoral bargaining is facilitated and prepare and submit to Congress a report with respect to such countries that—

(A) identifies, analyzes, and compares—

(i) the laws and policies governing or related to collective bargaining at the sectoral level;

(ii) the administrative systems facilitating such bargaining; and

(iii) the procedures involved in sectoral bargaining;

(B) to the extent practicable, considers reported effects of the policies and procedures described in subparagraph (A) on—

(i) the wages and compensation of employees;

(ii) the number of full-time and part-time employees;

(iii) prices, sales, and revenues;

(iv) employee turnover and retention;

(v) hiring and training costs;

(vi) productivity and absenteeism; and

(vii) the development of emerging industries, including those that engage their workforces through technology; and

(C) describes the methodology used to generate the information in the report.

(2) Average workplace time-to-contract.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report examining the average number of days between—

(A) the date on which an individual or labor organization is certified or recognized as the representative of employees under section 9(a) of the National Labor Relations Act ([29 U.S.C. 159\(a\)](#)), following the date of enactment of this Act; and

(B) the date on which the parties enter into an initial collective bargaining agreement.

(3) Coverage changes.—

(A) In general.—The Comptroller General of the United States shall 1 year after the date of enactment of this Act commence a study on the impact of section 821(a)(1) and section 821(a)(2) regarding—

(i) the effect on coverage of employees under the National Labor Relations Act, and the impact from such change in coverage, on their capacity in various sectors to form unions and collectively bargain as a means to improve wages, benefits, workplace safety, and other working conditions; and

(ii) the effect on employers and other enterprises regarding the ability of employees to organize and collectively bargain over wages, benefits, workplace safety, and other working conditions in such sectors.

(B) Factors.—Such study shall identify, compare, and analyze impacts from changes implicated by section 821(a)(1) and section 821(a)(2) on—

(i) flexibility for employees with respect to hours, shifts, assignments and working arrangements;

(ii) rates of compensation, health care, and employee benefits;

(iii) resolution of grievances and disputes, including employers' ability to terminate and employees' access to due process;

(iv) use of technology or algorithms, including the adoption of new technology and algorithms; and

(v) workplace safety and health.

(C) Stakeholder input.—In preparing the report, the Comptroller General of the United States shall gather information from impacted stakeholders, including various business enterprises and labor organizations. In developing a list of stakeholders, the Comptroller General of the United States shall consult with the House Committee on Education and Workforce and the Senate Committee on Health, Education, Labor, and Pensions.

(D) Congressional report.—6 months after the commencement of the study, the Comptroller General of the United States shall transmit the findings and report to the Committee on Education and Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and consistent with the policies of the Comptroller General of the United States, make the findings and report available to the public.

(E) Presidential consideration.—The President, in consultation with the Department of Labor and other agencies as the President deems appropriate, shall, subsequent to the issuance of such report, consider such findings, and within 60 days may recommend that the House of Representatives and the Senate modify section 821(a)(1) or section 821(a)(2), or both or make no recommendations.

(F) Sense of Congress.—It is the sense of Congress that Congress shall consider whether to accept, reject, or modify any recommendations received under subparagraph (E), as it deems appropriate.

(c) Rule of construction.—Nothing in sections 821 through 824 or the amendments made by such sections shall be construed—

(1) to amend section 274A of the Immigration and Nationality Act ([8 U.S.C. 1324a](#));

(2) to affect the jurisdictional standards of the National Labor Relations Board, including any standards that measure the size of a business with respect to revenues, that are used to determine whether an industry is affecting commerce for purposes of determining coverage under the National Labor Relations Act ([29 U.S.C. 151 et seq.](#));

(3) to affect the privacy of employees with respect to voter lists provided to labor organizations by employers pursuant to elections directed by the Board; or

(4) to affect the definitions of "employer" or "employee" under the laws of any State that govern the wages, work hours, workers' compensation, or unemployment insurance of employees.

Subtitle C—Workplace Standards and Worker Protections

SEC. 831. ABOLITION OF SUBMINIMUM WAGES.

(a) General rule.—Notwithstanding any other provision of law, no employer may pay any employee a wage less than the applicable minimum wage established under section 6 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 206](#)).

(b) Elimination of tipped minimum wage.—Section 3(m)(2)(A) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 203\(m\)\(2\)\(A\)](#)) is repealed.

(c) Repeal of disability subminimum wage.—Section 14(c) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 214\(c\)](#)) is repealed.

(d) Repeal of youth subminimum wage.—Section 6(g) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 206\(g\)](#)) is repealed.

(e) Repeal of student and learner subminimum wages.—Subsections (a), (b), and (d) of section 14 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 214](#)) are repealed.

(f) Prohibition on certificates and waivers.—The Secretary of Labor may not issue or renew any certificate, waiver, exemption, or authorization permitting the payment of wages below the applicable minimum wage.

(g) Enforcement.—A violation of this section shall be treated as a violation of section 15 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 215](#)) and shall be subject to the remedies, procedures, and penalties provided under section 16 of such Act ([29 U.S.C. 216](#)).

SEC. 832. WAGE THEFT PREVENTION AND WAGE RECOVERY.

(a) Definitions.—In this section:

(1) Community partner.—The term "community partner" means any stakeholder with a commitment to enforcing wage and hour laws and preventing abuses of such laws, including any—