

84TH CONGRESS  
1ST SESSION

# H. R. 4565

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 1955

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

---

### A BILL

To amend the Labor Management Relations Act, 1947, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the National Labor Relations Act, as amended, is  
4       hereby further amended as follows:

5       (a) Section 8 (b) (4) (A) of such Act is amended  
6       to read as follows:

7       “(A) forcing or requiring any employer or self-  
8       employed person to join any labor or employer organi-  
9       zation or any employer or other person (herein called  
10       secondary employer) to cease using, selling, handling,  
11       transporting, or otherwise dealing in the products of

1 and other producer, processor, or manufacturer, or to  
2 cease doing business with any other person (herein  
3 called primary employer), unless such secondary em-  
4 ployer is engaged together with the primary employer  
5 involved in a labor dispute, in a construction project  
6 or similar undertaking at the site of such concerted  
7 activity;”.

8 (b) Section 8 (b) (4) (B) of such Act is amended  
9 to read as follows:

10 “(B) forcing or requiring any other employer to  
11 recognize or bargain with a labor organization as the  
12 representative of his employees unless such employers  
13 are engaged together in a construction project or similar  
14 undertaking at the site of such concerted activity or  
15 unless such labor organization has been certified as the  
16 representative of such employees under the provisions  
17 of section 9.”

18 (c) After section 8 (d) insert the following new sub-  
19 section:

20 “(e) It shall not be an unfair labor practice under sub-  
21 sections (a) and (b) of this section for an employer en-  
22 gaged in a construction project or similar undertaking to  
23 make an agreement covering employees engaged (or who  
24 upon their employment will be engaged) in construction  
25 work with a labor organization (not established, maintained



1 or assisted by any action defined in section 8 (a) of this  
2 Act as an unfair labor practice and which at the time the  
3 agreement was executed or within the preceding twelve  
4 months has received from the Board a notice that it has  
5 complied with the requirements imposed by section 9 (f),  
6 (g), and (h) of the Act) because (1) the majority status  
7 of such labor organization has not been established under  
8 the provisions of section 9 of this Act prior to the making  
9 of such agreement, or (2) such agreement requires as a  
10 condition of employment, membership in such labor organ-  
11 ization after the seventh day following the beginning of such  
12 employment or the effective date of the agreement which-  
13 ever is later, or (3) such agreement requires the employer  
14 to notify such labor organization of opportunities for em-  
15 ployment with such employer, or gives such labor organiza-  
16 tion a reasonable opportunity to refer qualified applicants  
17 for such employment, or (4) such agreement specifies  
18 minimum training, apprenticeship or experience qualifica-  
19 tions for employment or provides for priority in opportunities  
20 for employment based upon length of service with such  
21 employer, in the industry, or in the particular geographical  
22 area: *Provided*, That nothing herein shall set aside the final  
23 proviso to section 8 (a) (3) of the Act: *Provided further*,  
24 That any agreement made pursuant to this subsection, not  
25 otherwise constituting a bar to a petition filed pursuant to

1 section 9 (c) or 9 (e), shall not become a bar to such  
2 petitions solely by reason of this subsection.

3 (d) Strike out all of section 10 (1) of such Act.

4 (e) Section 14 of such Act is amended by striking out  
5 the letter “(a)” after the numeral “14” and by striking out  
6 all of section 14 (b).

7 (f) Section 303 (a) of such Act is amended to read as  
8 follows:

9 “(a) It shall be unlawful, for the purposes of this section  
10 only, in an industry or activity affecting commerce, for any  
11 labor organization to engage in any activity or conduct  
12 defined as an unfair labor practice in section 8 (b) (4)  
13 of the National Labor Relations Act, as amended. Nothing  
14 contained in this subsection shall be construed to make un-  
15 lawful a refusal by any person to enter upon the premises  
16 of any employer (other than his own employer), if the em-  
17 ployees of such employer are engaged in a strike ratified  
18 or approved by a representative of such employees whom  
19 such employer is required to recognize under the National  
20 Labor Relations Act.”

84<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 4565**

---

---

**A BILL**

To amend the Labor Management Relations  
Act, 1947, and for other purposes.

---

---

By Mr. FOGARTY

MARCH 2, 1955

Referred to the Committee on Education and Labor