

**AMENDMENT TO LABOR/HHS/EDUCATION
APPROPRIATIONS BILL
OFFERED BY MR. HARRIS OF MARYLAND**

After section 408, insert the following:

1 SEC. 409. None of the funds made available by this
2 Act may be used to—

3 (1) implement, create, apply, or enforce through
4 prosecution, adjudication, rulemaking, or the issuing
5 of any interpretation, opinion, certification, decision,
6 or policy, any standard for initial bargaining unit
7 determinations that conflicts with the standard ar-
8 ticulated in the majority opinion in Wheeling Island
9 Gaming Inc. and United Food and Commercial
10 Workers International Union, Local 23, 355 NLRB
11 127 (August 27, 2010) (including the majority opin-
12 ion in footnote 2), except for unit determinations
13 governed by section 103.30 of title 34, Code of Fed-
14 eral Regulations, for employers covered by such sec-
15 tion; or

16 (2) implement, create, apply, or enforce through
17 prosecution, adjudication, rulemaking, or the issuing
18 of any interpretation, opinion, certification, decision,
19 or policy, any standard for initial bargaining unit

- 1 determinations that utilize the overwhelming com-
- 2 munity of interest test except in accretion cases.

