

118TH CONGRESS
1ST SESSION

H. R. 6745

To amend the National Labor Relations Act to permit certain employees to engage in independent negotiating.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2023

Mr. BURLISON (for himself, Mr. NEHLS, and Mr. GOOD of Virginia) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the National Labor Relations Act to permit certain employees to engage in independent negotiating.

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 “Worker’s Choice Act
5 of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In 1935, Congress passed the National
9 Labor Relations Act to protect the full freedom of
10 association for employees.

1 (2) The Bureau of Labor Statistics reports that
2 the labor organization representation in the private
3 sector was 6.8 percent in 2022. 93.2 percent of pri-
4 vate sector employees had the freedom to represent
5 themselves directly with their employer.

6 (3) Over half the States have right-to-work
7 laws, which guarantees an employee's right to re-
8 frain from paying labor organization fees as a condi-
9 tion of employment.

10 (4) Employees in right-to-work States who opt
11 out of a labor organization must still accept labor
12 organization negotiated compensation and terms of
13 employment depriving them of their freedom from
14 associating with the labor organization.

15 (5) These employees should have the right to
16 represent themselves in dealings with an employer.

17 (6) While no employee should be required to
18 pay a third party just to keep their job, labor orga-
19 nizations should be relieved of the requirement to
20 provide services to nonpaying employees in right-to-
21 work States that opt out of membership, refrain
22 from paying dues, and reject labor organization rep-
23 resentation.

1 **SEC. 3. INDEPENDENT NEGOTIATING.**

2 (a) UNFAIR LABOR PRACTICES.—Section 8 of the
3 National Labor Relations Act (29 U.S.C. 158) is amend-
4 ed—

5 (1) in subsection (a)(3)—

6 (A) by striking the “or” before “(B)”; and

7 (B) by striking “membership;” and insert-
8 ing “membership, or (C) if, in a covered State,
9 the employee has ceased to be a member of a
10 labor organization or pay an exclusive rep-
11 resentative”; and

12 (2) in subsection (b)—

13 (A) in paragraph (6), by striking “and” at
14 the end;

15 (B) in the matter following paragraph (7),
16 by striking the period at the end and inserting
17 a colon; and

18 (C) by inserting at the end the following:

19 “(8) in a covered State, to represent or bargain
20 on behalf of employees who have ceased to be a
21 member of a labor organization or pay an exclusive
22 representative;

23 “(9) in a covered State, to interfere with em-
24 ployees who have ceased to be a member of a labor
25 organization or pay an exclusive representative en-
26 gaged in independent negotiating; and

1 “(10) in a covered State, to restrain or coerce
2 employees who have ceased to be a member of a
3 labor organization or pay an exclusive representative
4 from engaging in independent negotiating.”.

5 (b) EXCLUSION OF WORKERS ENGAGED IN INDE-
6 PENDENT NEGOTIATING FROM REPRESENTATION.—Sec-
7 tion 9(a) of such Act (29 U.S.C. 159(a)) is amended—

8 (1) by inserting “(other than any employee who
9 has elected to engage in independent negotiating)”
10 after “all the employees”;

11 (2) by inserting “, in a State or Territory that
12 is not a covered State,” before “any individual”; and

13 (3) by inserting “and, in a covered State, an in-
14 dividual employee shall engage in independent nego-
15 tiating with their employer if such employee has
16 ceased to be a member of a labor organization or
17 pay an exclusive representative” after “in effect”.

18 (c) INDEPENDENT NEGOTIATING AND COVERED
19 STATE DEFINED.—Section 2 of such Act (29 U.S.C. 152)
20 is amended by adding at the end the following:

21 “(15) The term ‘independent negotiating’ means, in
22 a unit located in a covered State with an exclusive rep-
23 resentative for the purposes of collective bargaining, nego-
24 tiating between an employer and an individual employee
25 as though such employee were not in such a unit and with-

1 out regard to the existence of a collective-bargaining con-
2 tract or agreement.

3 “(16) The term ‘covered State’ means a State or Ter-
4 ritory which prohibits the execution or application of
5 agreements requiring membership in, or payment to, a
6 labor organization as a condition of employment.”.

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