

**AMENDMENT IN THE NATURE OF A SUBSTITUTE TO  
H.R. 1625  
OFFERED BY MR. FAWELL**

Strike all after the enacting clause, and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Worker Paycheck Fair-  
3 ness Act”.

**4 SEC. 2. FINDINGS.**

5       The Congress finds the following:

6           (1) Workers who pay dues or fees to a labor or-  
7 ganization may not, as a matter of law, be required  
8 to pay to that organization any dues or fees support-  
9 ing activities that are not necessary to performing  
10 the duties of the exclusive representative of the em-  
11 ployees in dealing with the employer on labor-man-  
12 agement issues.

13           (2) Many labor organizations use portions of  
14 the dues or fees they collect from the workers they  
15 represent for activities that are not necessary to per-  
16 forming the duties of the exclusive representative of  
17 the employees in dealing with the employer on labor-  
18 management issues. These dues may be used to sup-  
19 port political, social, or charitable causes or many

1 other noncollective bargaining activities. Unfortu-  
2 nately, many workers who pay such dues or fees  
3 have insufficient information both about their rights  
4 regarding the payment of dues or fees to a labor or-  
5 ganization and about how labor organizations spend  
6 employee dues or fees.

7 (3) It is a fundamental tenet of this Nation  
8 that all men and women have a right to make indi-  
9 vidual and informed choices about the political, so-  
10 cial, or charitable causes they support, and the law  
11 should protect that right to the greatest extent pos-  
12 sible.

13 **SEC. 3. PURPOSE.**

14 The purpose of this Act is to ensure that all workers  
15 have sufficient information about their rights regarding  
16 the payment of dues or fees to labor organizations and  
17 the uses of employee dues and fees by labor organizations  
18 and that the right of all workers to make individual and  
19 informed choices about the political, social, or charitable  
20 causes they support is protected to the greatest extent pos-  
21 sible.

22 **SEC. 4. WRITTEN CONSENT.**

23 (a) IN GENERAL.—

24 (1) AUTHORIZATION.—A labor organization ac-  
25 cepting payment of any dues or fees from an em-

1        ployee as a condition of employment pursuant to an  
2        agreement authorized by Federal law must secure  
3        from each employee prior, voluntary, written author-  
4        ization for any portion of such dues or fees which  
5        will be used for activities not necessary to perform-  
6        ing the duties of the exclusive representative of the  
7        employees in dealing with the employer on labor-  
8        management issues.

9            (2) REQUIREMENTS.—Such written authoriza-  
10        tion shall clearly state that an employee may not be  
11        required to provide such authorization and that if  
12        such authorization is provided, the employee agrees  
13        to allow any dues or fees paid to the labor organiza-  
14        tion to be used for activities which are not necessary  
15        to performing the duties of exclusive representation  
16        and which may be political, social, or charitable in  
17        nature.

18        (b) REVOCATION.—An authorization described in  
19        subsection (a) shall remain in effect until revoked. Such  
20        revocation shall be effective upon 30 days written notice.

21        (c) CIVIL ACTION BY EMPLOYEES.—

22            (1) LIABILITY.—Any labor organization which  
23        violates this section or section 7 shall be liable to the  
24        affected employee—

25            (A) for damages equal to—

1 (i) the amount of the dues or fees ac-  
2 cepted in violation of this section;

3 (ii) the interest on the amount de-  
4 scribed in clause (i) calculated at the pre-  
5 vailing rate; and

6 (iii) an additional amount as liq-  
7 uidated damages equal to the sum of the  
8 amount described in clause (i) and the in-  
9 terest described in clause (ii); and

10 (B) for such equitable relief as may be ap-  
11 propriate.

12 (2) RIGHT OF ACTION.—An action to recover  
13 the damages or equitable relief prescribed in para-  
14 graph (1) may be maintained against any labor or-  
15 ganization in any Federal or State court of com-  
16 petent jurisdiction by any one or more employees for  
17 and in behalf of—

18 (A) the employees; or

19 (B) the employees and other employees  
20 similarly situated.

21 (3) FEES AND COSTS.—The court in such ac-  
22 tion shall, in addition to any judgment awarded to  
23 the plaintiff, allow a reasonable attorney's fee, rea-  
24 sonable expert witness fees, and other costs of the  
25 action to be paid by the defendant.

1           (4) LIMITATION.—An action may be brought  
2           under this subsection not later than 2 years after  
3           the date the employee knew or should have known  
4           that dues or fees were accepted or spent by a labor  
5           organization in violation of this Act, except that  
6           such period shall be extended to 3 years in the case  
7           of a willful violation.

8   **SEC. 5. NOTICE.**

9           An employer whose employees are represented by a  
10          collective bargaining representative shall be required to  
11          post a notice, of such size and in such form as the Depart-  
12          ment of Labor shall prescribe, in conspicuous places in  
13          and about its plants and offices, including all places where  
14          notices to employees are customarily posted, informing  
15          employees that any labor organization accepting payment  
16          of any dues or fees from an employee as a condition of  
17          employment pursuant to an agreement authorized by Fed-  
18          eral law must secure from each employee prior, written  
19          authorization if any portion of such dues or fees will be  
20          used for activities not necessary to performing the duties  
21          of the exclusive representative of the employees in dealing  
22          with the employer on labor-management issues.

23   **SEC. 6. DISCLOSURE TO WORKERS.**

24          (a) EXPENSES REPORTING.—Section 201(b) of the  
25          Labor-Management Reporting and Disclosure Act of 1959

1 is amended by adding at the end the following new sen-  
2 tence: “Every labor organization shall be required to at-  
3 tribute and report expenses in such detail as necessary to  
4 allow members to determine whether such expenses were  
5 necessary to performing the duties of the exclusive rep-  
6 resentative of the employees in dealing with the employer  
7 on labor-management issues.”

8 (b) DISCLOSURE.—Section 201(c) of the Labor-Man-  
9 agement Reporting and Disclosure Act of 1959 is amend-  
10 ed—

11 (1) by inserting “and employees required to pay  
12 any dues or fees to such organization” after “mem-  
13 bers”; and

14 (2) inserting “or employee required to pay any  
15 dues or fees to such organization” after “member”  
16 each place it appears.

17 (c) WRITTEN REQUESTS.—Section 205(b) of the  
18 Labor-Management Reporting and Disclosure Act of 1959  
19 is amended by adding at the end the following new sen-  
20 tence: “Upon written request, the Secretary shall make  
21 available complete copies of any report or other document  
22 filed pursuant to section 201.”.

23 **SEC. 7. RETALIATION AND COERCION PROHIBITED.**

24 It shall be unlawful for any labor organization to co-  
25 erce, intimidate, threaten, interfere with, or retaliate

1 against any employee in the exercise of, or on account of  
2 having exercised, any right granted or protected by this  
3 Act.

4 **SEC. 8. REGULATIONS.**

5 The Secretary of Labor shall prescribe such regula-  
6 tions as are necessary to carry out the amendments made  
7 by section 5 not later than 60 days after the enactment  
8 of this Act and shall prescribe such regulations as are nec-  
9 essary to carry out the amendments made by section 6  
10 not later than 120 days after the enactment of this Act.

11 **SEC. 9. EFFECTIVE DATE AND APPLICATION.**

12 This Act shall be effective immediately upon enact-  
13 ment, except that sections 4 and 5 pertaining to worker  
14 consent and notice shall take effect 90 days after enact-  
15 ment and section 6 pertaining to disclosure shall take ef-  
16 fect 150 days after enactment.