

103^D CONGRESS
1ST SESSION

H. R. 2307

To restore certain political rights to workers.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1993

Mr. DELAY (for himself, Mr. ARCHER, Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BEREUTER, Mr. BOEHNER, Mr. COBLE, Mr. COMBEST, Mr. COX, Mr. CRANE, Mr. DOOLITTLE, Mr. DORNAN, Mr. DUNCAN, Mr. EMERSON, Mr. FAWELL, Mr. GALLEGLY, Mr. GILCHREST, Mr. GINGRICH, Mr. GOODLATTE, Mr. GOSS, Mr. GUNDERSON, Mr. HANCOCK, Mr. HANSEN, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. INHOFE, Mr. SAM JOHNSON of Texas, Mr. KOLBE, Mr. KYL, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. McMILLAN, Mr. MILLER of Florida, Mr. MOORHEAD, Mr. OXLEY, Mr. PACKARD, Mr. PORTER, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SCHAEFER, Mr. SHAW, Mr. SMITH of Texas, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. THOMAS of California, Mr. THOMAS of Wyoming, Mrs. VUCANOVICH, and Mr. WALKER) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To restore certain political rights to workers.

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 “Workers’ Political
5 Rights Act”.

1 **SEC. 2. LIMITATION ON CONTRIBUTIONS AND EXPENDI-**
2 **TURES BY LABOR ORGANIZATIONS.**

3 (a) CONTRIBUTIONS TO ALL POLITICAL COMMIT-
4 TEES INCLUDED.—Paragraph (2) of section 316(b) of the
5 Federal Election Campaign Act of 1971 (2 U.S.C.
6 441b(b)(2)) is amended by inserting “political commit-
7 tee,” after “campaign committee,”.

8 (b) APPLICABILITY OF REQUIREMENTS TO LABOR
9 ORGANIZATIONS.—Section 316(b) of the Federal Election
10 Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by
11 adding at the end thereof the following new paragraph:

12 “(8)(A) Subparagraphs (A), (B), and (C) of para-
13 graph (2) shall not apply to a labor organization unless
14 the organization meets the requirements of subparagraphs
15 (B), (C), and (D).

16 “(B) The requirements of this subparagraph are met
17 only if the labor organization provides, at least once annu-
18 ally, to all employees within the labor organization’s bar-
19 gaining unit or units (and to new employees within 30
20 days after commencement of their employment) written
21 notification presented in a manner to inform any such em-
22 ployee—

23 “(i) that an employee cannot be obligated to
24 pay, through union dues or any other mandatory
25 payment to a labor organization, for the political ac-
26 tivities of the labor organization, including, but not

1 limited to, the maintenance and operation of, or so-
2 licitation of contributions to, a political committee,
3 political communications to members, and voter reg-
4 istration and get-out-the-vote campaigns;

5 “(ii) that no employee may be required actually
6 to join any labor organization, but if a collective bar-
7 gaining agreement covering an employee purports to
8 require membership or payment of dues or other
9 fees to a labor organization as a condition of em-
10 ployment, the employee may elect instead to pay an
11 agency fee to the labor organization;

12 “(iii) that the amount of the agency fee shall be
13 limited to the employee’s pro rata share of the cost
14 of the labor organization’s exclusive representation
15 services to the employee’s collective bargaining unit,
16 including collective bargaining, contract administra-
17 tion, and grievance adjustment;

18 “(iv) that an employee who elects to be a full
19 member of the labor organization and pay member-
20 ship dues is entitled to a reduction of those dues by
21 the employee’s pro rata share of the total spending
22 by the labor organization for political activities;

23 “(v) that the cost of the labor organization’s ex-
24 clusive representation services, and the amount of
25 spending by such organization for political activities,

1 shall be computed on the basis of such cost and
2 spending for the immediately preceding fiscal year of
3 such organization; and

4 “(vi) of the amount of the labor organization’s
5 full membership dues, initiation fees, and assess-
6 ments for the current year; the amount of the re-
7 duced membership dues, subtracting the employee’s
8 pro rata share of the organization’s spending for po-
9 litical activities, for the current year; and the
10 amount of the agency fee for the current year.

11 “(C) The requirements of this subparagraph are met
12 only if the labor organization provides all represented em-
13 ployees an annual examination by an independent certified
14 public accountant of financial statements supplied by such
15 organization which attests that the expenditures which the
16 union claimed it made for certain expenses were actually
17 made for those expenses. Such examination shall be con-
18 ducted in accordance with generally accepted auditing
19 standards.

20 “(D) The requirements of this subparagraph are met
21 only if the labor organization—

22 “(i) maintains procedures to promptly deter-
23 mine the costs that may properly be charged to
24 agency fee payors as costs of exclusive representa-

1 tion, and explains such procedures in the written no-
2 tification required under subparagraph (B); and

3 “(ii) if any person challenges the costs which
4 may be properly charged as costs of exclusive rep-
5 resentation—

6 “(I) provides a mutually selected impartial
7 decisionmaker to hear and decide such chal-
8 lenge pursuant to rules of discovery and evi-
9 dence and subject to de novo review by the Na-
10 tional Labor Relations Board or an applicable
11 court; and

12 “(II) places in escrow amounts reasonably
13 in dispute pending the outcome of the chal-
14 lenge.

15 “(E)(i) A labor organization that does not satisfy the
16 requirements of subparagraphs (B), (C), and (D) shall fi-
17 nance any expenditures specified in subparagraphs (A),
18 (B), or (C) of paragraph (2) only with funds legally col-
19 lected under this Act for its separate segregated fund.

20 “(ii) For purposes of this paragraph, subparagraph
21 (A) of paragraph (2) shall apply only with respect to com-
22 munications expressly advocating the election or defeat of
23 any clearly identified candidate for elective public office.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 The amendments made by section 2 shall apply to
3 contributions and expenditures made after the date of the
4 enactment of this Act.

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