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To secure the rights of public employees to organize, act concertedly, and bargain collectively, which safeguard the public interest and promote the free and unobstructed flow of commerce, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2019

Ms. HIRONO (for herself, Mr. SCHUMER, Mrs. MURRAY, Mr. BROWN, Mr. SCHATZ, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. REED, Mr. WHITEHOUSE, Mr. DURBIN, Mr. BOOKER, Mr. CARDIN, Ms. SMITH, Ms. HASSAN, Mr. MENENDEZ, Ms. STABENOW, Ms. CANTWELL, Ms. BALDWIN, Ms. HARRIS, Mr. CASEY, Mrs. SHAHEEN, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Mr. COONS, Mr. CARPER, Mr. SANDERS, Ms. KLOBUCHAR, Mr. WYDEN, Mr. PETERS, Ms. WARREN, Mr. MERKLEY, Mr. MARKEY, Ms. ROSEN, Mr. UDALL, Ms. DUCKWORTH, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To secure the rights of public employees to organize, act concertedly, and bargain collectively, which safeguard the public interest and promote the free and unobstructed flow of commerce, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Public Service Free-
3 dom to Negotiate Act of 2019”.

4 **SEC. 2. DEFINITIONS.**

5 (a) IN GENERAL.—In this Act:

6 (1) AUTHORITY.—The term “Authority” means
7 the Federal Labor Relations Authority.

8 (2) APPROPRIATE UNIT.—The term “appro-
9 priate unit” means a bargaining unit of public em-
10 ployees or supervisory employees that share a com-
11 munity of interest, have a bargaining history or his-
12 tory of prior organization, and represent the desires
13 of employees seeking representation.

14 (3) COLLECTIVE BARGAINING.—The term “col-
15 lective bargaining”, used with respect to public em-
16 ployees, supervisory employees, and public employ-
17 ers, means the performance of the mutual obligation
18 of the representative of a public employer and the
19 exclusive representative of public employees and su-
20 pervisory employees in an appropriate unit of the
21 employer to meet at reasonable times and to consult
22 and bargain in a good-faith effort to reach agree-
23 ment with respect to wages, hours, and other terms
24 and conditions of employment affecting such employ-
25 ees and to execute, if requested by either party, a
26 written document incorporating any collective bar-

1 gaining agreement reached, but the obligation re-
2 ferred to in this paragraph does not compel either
3 party to agree to a proposal or to make a concession
4 (as described in section 8(d) of the National Labor
5 Relations Act (29 U.S.C. 158(d))).

6 (4) CONFIDENTIAL EMPLOYEE.—The term
7 “confidential employee” means an employee of a
8 public employer who acts in a confidential capacity
9 with respect to an individual who formulates or ef-
10 fectuates management policies in the field of labor-
11 management relations.

12 (5) COVERED PERSON.—The term “covered
13 person” means an individual or a labor organization.

14 (6) EMERGENCY SERVICES EMPLOYEE.—The
15 term “emergency services employee” means—

16 (A) a public employee providing out-of-hos-
17 pital emergency medical care, including an
18 emergency medical technician, paramedic, or
19 first responder; or

20 (B) a public employee providing other serv-
21 ices in response to emergencies that have the
22 potential to cause death or serious bodily in-
23 jury, including an employee in fire protection
24 activities (as defined in section 3 of the Fair
25 Labor Standards Act of 1938 (29 U.S.C. 203)).

1 (7) EMPLOY.—The term “employ” has the
2 meaning given the term in section 3 of the Fair
3 Labor Standards Act of 1938 (29 U.S.C. 203).

4 (8) LABOR ORGANIZATION.—The term “labor
5 organization” means any organization of any kind
6 that is not under the control directly or indirectly by
7 a public employer in which such employees partici-
8 pate and which exists for the purpose, in whole or
9 in part, of dealing with public employers concerning
10 grievances, labor disputes, wages, rates of pay, hours
11 of employment, or conditions of work.

12 (9) LAW.—The term “law”, used with respect
13 to a State or a political subdivision thereof, includes
14 the application of the laws of such State or such po-
15 litical subdivision, including any regulations or ordi-
16 nances issued by such State or such political subdivi-
17 sion.

18 (10) LAW ENFORCEMENT OFFICER.—The term
19 “law enforcement officer” has the meaning given
20 such term in section 1204 of the Omnibus Crime
21 Control and Safe Streets Act of 1968 (34 U.S.C.
22 10284).

23 (11) MANAGEMENT EMPLOYEE.—The term
24 “management employee” means an individual em-
25 ployed by a public employer in a position the duties

1 and responsibilities of which require the individual to
2 formulate or determine the policies of the employer.

3 (12) PUBLIC EMPLOYEE.—

4 (A) IN GENERAL.—The term “public em-
5 ployee”—

6 (i) means, except as provided in clause
7 (iii), an individual, employed by a public
8 employer, who in any workweek is engaged
9 in commerce or is employed in an enter-
10 prise engaged in commerce;

11 (ii) includes an individual described in
12 clause (i) who is temporarily transferred to
13 a supervisory or management position; and

14 (iii) does not include a supervisory
15 employee, management employee, or con-
16 fidential employee, or an elected official.

17 (B) COMMERCE; ENTERPRISE ENGAGED IN
18 COMMERCE.—For the purpose of this para-
19 graph, the terms “commerce” and “enterprise
20 engaged in commerce” have the meanings given
21 such terms in section 3 of the Fair Labor
22 Standards Act of 1938 (29 U.S.C. 203).

23 (13) PUBLIC EMPLOYER.—The term “public
24 employer” means any of the following that employs
25 individuals:

1 (A) A State or the political subdivision of
 2 a State, including a territory or political sub-
 3 division of a territory.

4 (B) Any authority, agency, school district,
 5 board or other entity controlled and operated by
 6 an entity described in subparagraph (A).

7 (14) STATE.—The term “State” means each of
 8 the several States of the United States, the District
 9 of Columbia, and any territory or possession of the
 10 United States (as defined in section 3 of the Fair
 11 Labor Standards Act of 1938 (29 U.S.C. 203)).

12 (15) SUBSTANTIALLY PROVIDE OR SUBSTAN-
 13 Tially PROVIDES.—The term “substantially pro-
 14 vide” or “substantially provides”, used with respect
 15 to the rights and procedures described in section
 16 3(b), means providing rights and procedures that
 17 are equivalent to or greater than each of the rights
 18 and procedures described in such section.

19 (16) SUPERVISORY EMPLOYEE.—

20 (A) IN GENERAL.—Except as provided in
 21 subparagraph (B), the term “supervisory em-
 22 ployee” means an individual, employed by a
 23 public employer, who in any workweek is en-
 24 gaged in commerce or is employed in an enter-
 25 prise engaged in commerce and who—

1 (i) has the authority in the interest of
 2 the employer, if the exercise of such au-
 3 thority is not merely routine or clerical in
 4 nature but requires the consistent exercise
 5 of independent judgment, to—

6 (I) hire, promote, reward, trans-
 7 fer, furlough, lay off, recall, suspend,
 8 discipline, or remove public employees;

9 (II) adjust the grievances of pub-
 10 lic employees; or

11 (III) effectively recommend any
 12 action described in subclause (I) or
 13 (II); and

14 (ii) devotes a majority of time at work
 15 to exercising the authority under clause (i).

16 (B) COMMERCE; ENTERPRISE ENGAGED IN
 17 COMMERCE.—For the purpose of this para-
 18 graph, the terms “commerce” and “enterprise
 19 engaged in commerce” have the meanings given
 20 such terms in section 3 of the Fair Labor
 21 Standards Act of 1938 (29 U.S.C. 203).

22 (b) STATE LAW.—If any term defined in this section
 23 has a substantially equivalent meaning to the term (or a
 24 substantially equivalent term) under applicable State law
 25 on the date of the enactment of this Act, such term (or

1 substantially equivalent term) and meaning under such
2 applicable State law shall apply with respect to the term
3 defined under this Act with respect to such State.

4 **SEC. 3. FEDERAL MINIMUM STANDARDS.**

5 (a) DETERMINATION.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this Act, the Author-
8 ity shall make a determination for each State as to
9 whether the laws of such State substantially provide
10 for each of the rights and procedures under sub-
11 section (b) and not later than 30 days after the en-
12 actment of this Act, the Authority shall establish
13 procedures for the implementation of this section.

14 (2) CONSIDERATION OF ADDITIONAL OPIN-
15 IONS.—In making the determination under para-
16 graph (1), the Authority shall consider the opinions
17 of affected public employees, supervisory employees,
18 labor organizations, and public employers. In the
19 case where the Authority is notified by an affected
20 public employer and labor organization that both
21 parties agree that the law applicable to such em-
22 ployer and labor organization substantially provides
23 for the rights and procedures described in subsection
24 (b), the Authority shall give such agreement weight

1 to the maximum extent practicable in making the
2 Authority's determination under paragraph (1).

3 (3) LIMITED CRITERIA.—In making the deter-
4 mination described in paragraph (1), the Authority
5 may consider the criteria described in subsection (b)
6 and not any other criteria.

7 (4) SUBSEQUENT DETERMINATIONS.—

8 (A) IN GENERAL.—A determination made
9 pursuant to paragraph (1) shall remain in ef-
10 fect unless and until the Authority issues a sub-
11 sequent determination, in accordance with the
12 procedures set forth in subparagraph (B).

13 (B) REQUEST.—A public employee, super-
14 visory employee, public employer, or labor orga-
15 nization may submit to the Authority a written
16 request for a subsequent determination under
17 paragraph (1) with respect to a State if a mate-
18 rial change of law in the State has occurred.

19 (C) ISSUANCE.—Not later than 30 days
20 after receipt of a request under subparagraph
21 (B), the Authority shall issue a subsequent de-
22 termination under paragraph (1) if satisfied
23 that a material change of law in the State has
24 occurred.

1 (5) JUDICIAL REVIEW.—Any covered person or
2 public employer aggrieved by a determination of the
3 Authority under paragraph (1) may, during the 60-
4 day period beginning on the date on which the deter-
5 mination was made, petition any United States
6 Court of Appeals, in the circuit in which the covered
7 person or public employer resides or transacts busi-
8 ness or in the Court of Appeals for the District of
9 Columbia Circuit, for judicial review. In any judicial
10 review of a determination made by the Authority
11 under paragraph (1), the procedures contained in
12 subsections (c) and (d) of section 7123 of title 5,
13 United States Code, shall be followed.

14 (b) FEDERAL MINIMUM STANDARD.—The collective
15 bargaining rights and procedures under this subsection
16 are as follows:

17 (1) A right of public employees and supervisory
18 employees—

19 (A) to self-organization;

20 (B) to form, join, or assist a labor organi-
21 zation or to refrain from any such activity;

22 (C) to bargain collectively through rep-
23 resentatives of their own choosing; and

24 (D) to engage in other concerted activities
25 for the purpose of collective bargaining or other

1 mutual aid (including the filing of joint class or
2 collective legal claims) or protection.

3 (2) A requirement for public employers to—

4 (A) recognize the labor organization of its
5 public employees (freely chosen in an election
6 by a majority of such employees voting in the
7 appropriate unit or chosen by voluntary rec-
8 ognition if that method is permitted under
9 State law), without requiring an election to re-
10 certify a labor organization that is already rec-
11 ognized as the representative of such employees,
12 unless not less than 30 percent of such employ-
13 ees in the appropriate unit freely sign a petition
14 to decertify such labor organization—

15 (i) not earlier than the date that is 1
16 year after the date of the election (or after
17 a voluntary recognition if permitted under
18 State law) of the representative;

19 (ii) if a valid collective bargaining
20 agreement covering such employees and
21 labor organization expires, not earlier than
22 the date that is 1 year after the expiration
23 of such agreement; and

24 (iii) not during the term of a valid col-
25 lective bargaining agreement covering such

1 employees and labor organization, except
2 for the 30-day period beginning on the
3 date that is 90 days before the expiration
4 of such agreement;

5 (B) collectively bargain with such recog-
6 nized labor organization; and

7 (C) commit any agreements with such rec-
8 ognized labor organization to writing in a con-
9 tract or memorandum of understanding.

10 (3) An interest impasse resolution mechanism
11 that includes a procedure for the settlement of griev-
12 ances (including fact-finding, mediation, and arbitra-
13 tion) and culminates in binding arbitration.

14 (4) Payroll deduction of labor organization fees
15 for any duly selected representative of public em-
16 ployees and supervisory employees pursuant to the
17 terms of an authorization executed by such public
18 employees.

19 (5) The enforcement of all relevant rights and
20 protections provided by the law in the applicable
21 State and enumerated in this section, and of any
22 written contract or memorandum of understanding
23 between a labor organization and a public employer,
24 through—

1 (A) a State administrative agency, if the
2 State so chooses;

3 (B) at the election of an aggrieved party,
4 the State courts; or

5 (C) in the case of an alleged violation, mis-
6 interpretation, or misapplication of the contract
7 or memorandum of understanding, a grievance
8 resolution procedure negotiated in such contract
9 or memorandum.

10 (c) COMPLIANCE WITH RIGHTS AND PROCE-
11 DURES.—If the Authority determines under subsection (a)
12 that the laws of a State substantially provide each of the
13 rights and procedures described in subsection (b), then
14 subsection (d) shall not apply.

15 (d) FAILURE TO SUBSTANTIALLY PROVIDE.—

16 (1) IN GENERAL.—If the Authority determines
17 under subsection (a) that the laws of a State do not
18 substantially provide for each of the rights and pro-
19 cedures described in subsection (b), then such State
20 shall be subject to the rules and activities of the Au-
21 thority under section 4 beginning on the later of—

22 (A) the date that is 2 years after the date
23 of enactment of this Act;

24 (B) the date that is the last day of the
25 first regular session of the legislature of the

1 State that begins after the date of the enact-
2 ment of this Act; or

3 (C) in the case of a State receiving a sub-
4 sequent determination under subsection (a)(4),
5 the date that is the last day of the first regular
6 session of the legislature of the State that be-
7 gins after the date the Authority made the de-
8 termination.

9 (2) PARTIAL FAILURE.—If the Authority makes
10 a determination that a State does not substantially
11 provide for each of the rights and procedures de-
12 scribed in subsection (b) because the State fails to
13 substantially provide for all of such rights and pro-
14 cedures with respect to all public employees or su-
15 pervisory employees, the Authority shall identify—

16 (A) the categories of public employees or
17 supervisory employees of such State that shall
18 be subject to the rules and activities of the Au-
19 thority under section 4, pursuant to section
20 7(b)(4), beginning on the applicable date under
21 paragraph (1);

22 (B) the categories of public employees and
23 supervisory employees of such State that shall
24 not be subject to the rules and activities of the
25 Authority under section 4;

1 (C) the categories of rights and procedures
 2 described in subsection (b) for which the State
 3 does not substantially provide for certain public
 4 employees and supervisory employees; and

5 (D) the categories of rights and procedures
 6 described in such subsection for which the State
 7 substantially provides for all employees.

8 **SEC. 4. MINIMUM STANDARDS ADMINISTERED BY THE FED-**
 9 **ERAL LABOR RELATIONS AUTHORITY.**

10 (a) IN GENERAL.—Not later than 1 year after the
 11 date of enactment of this Act, the Authority shall issue
 12 rules and take such actions that the Authority determines
 13 appropriate to establish and administer collective bar-
 14 gaining rights and procedures that substantially provide
 15 for the rights and procedures described in section 3(b) for
 16 States described in section 3(d).

17 (b) ROLE OF THE FEDERAL LABOR RELATIONS AU-
 18 THORITY.—In carrying out subsection (a), the Authority
 19 shall—

20 (1) protect the right of public employees—

21 (A) to self-organization;

22 (B) to form, join, or assist any labor orga-
 23 nization or to refrain from any such activity;

24 (C) to bargain collectively through rep-
 25 resentatives of their own choosing; and

1 (D) to engage in other concerted activities
2 for the purpose of collective bargaining or other
3 mutual aid (including the filing of joint class or
4 collective legal claims) or protection;

5 (2) supervise or conduct elections to determine
6 whether a labor organization has been selected as an
7 exclusive representative by a majority of the public
8 employees and supervisory employees voting in such
9 election in an appropriate unit;

10 (3) provide for the payroll deduction of labor
11 organization fees to any such duly elected exclusive
12 representative pursuant to the terms of an author-
13 ization executed by a public employee or supervisory
14 employee;

15 (4) determine the appropriateness of units for
16 labor organization representation;

17 (5) require public employers to—

18 (A) recognize the labor organization of its
19 public employees or supervisory employees
20 (freely chosen by a majority of such employees
21 voting in the appropriate unit) as the exclusive
22 representative of such employees;

23 (B) bargain in good faith with such labor
24 organization concerning public employees' or
25 supervisory employees' terms and conditions of

1 employment, which shall include a procedure for
2 the settlement of grievances culminating in
3 binding arbitration in any agreement and a pro-
4 cedure for resolving any impasses in collective
5 bargaining; and

6 (C) commit any agreements to writing in a
7 contract or memorandum of understanding;

8 (6) prohibit practices which interfere with, co-
9 erce, or intimidate public employees or supervisory
10 employees in the exercise of rights guaranteed in
11 paragraph (1) or regulations issued thereunder;

12 (7) conduct hearings and resolve complaints
13 concerning violations of any rule or order issued by
14 the Authority pursuant to this Act;

15 (8) resolve exceptions to the awards of arbitra-
16 tors that violate or exceed the scope of public policy;
17 and

18 (9) take such other actions as are necessary
19 and appropriate to effectively administer this Act,
20 including issuing subpoenas requiring the attendance
21 and testimony of witnesses and the production of
22 documentary or other evidence from any place in the
23 United States, administering oaths, taking or order-
24 ing the taking of depositions, ordering responses to

1 written interrogatories, and receiving and examining
2 witnesses.

3 (c) ENFORCEMENT.—

4 (1) IN GENERAL.—The Authority may issue an
5 order directing compliance by any covered person or
6 public employer found to be in violation of this sec-
7 tion, and may petition any United States Court of
8 Appeals with jurisdiction over the parties, or the
9 United States Court of Appeals for the District of
10 Columbia Circuit, to enforce any such final orders
11 issued pursuant to this section or pursuant to rules
12 issued under this section, and for appropriate tem-
13 porary relief or a restraining order. Any covered per-
14 son or public employer aggrieved by an order issued
15 by the Authority under this section may, during the
16 60-day period beginning on the date on which the
17 order was issued, petition any United States Court
18 of Appeals, in the circuit which the covered person
19 or public employer resides or transacts business or
20 in the Court of Appeals for the District of Columbia
21 Circuit, for judicial review. Any petition or appeal
22 under this section shall be conducted in accordance
23 with subsections (c) and (d) of section 7123 of title
24 5, United States Code.

25 (2) PRIVATE RIGHT OF ACTION.—

1 (A) FILING A CIVIL ACTION.—Unless the
2 Authority has filed an order of enforcement as
3 provided in paragraph (1), any party may, after
4 the 180-day period following the filing of a
5 charge with the Authority pursuant to the rules
6 issued by the Authority under this section, file
7 a civil action against any named State adminis-
8 trator in an appropriate district court of the
9 United States to enjoin such administrator to
10 enforce compliance—

11 (i) with this Act or the rules issued by
12 the Authority under this section; or

13 (ii) to enforce compliance with any
14 order issued by the Authority.

15 (B) TIMING.—Any civil action brought
16 under subparagraph (A) shall be brought not
17 later than the earlier of—

18 (i) the date that is 180 days after the
19 expiration of the 180-day period described
20 in subparagraph (A); or

21 (ii) the date that is 180 days after the
22 date that the Authority dismisses a charge
23 described in subparagraph (A).

24 (C) NOTICE.—A party filing a civil action
25 under subparagraph (A) shall provide notice of

1 such action to the Authority not later than the
2 date of the filing of such action.

3 (D) JURISDICTION AND ATTORNEYS'
4 FEES.—An appropriate district court of the
5 United States in which a civil action under sub-
6 paragraph (A) is filed shall have jurisdiction
7 over such action without regard to the amount
8 in controversy or the citizenship of the parties
9 and may award reasonable attorneys' fees.

10 **SEC. 5. LOCKOUTS AND EMPLOYEE STRIKES PROHIBITED**

11 **WHEN EMERGENCY OR PUBLIC SAFETY SERV-**
12 **ICES IMPERILED.**

13 (a) IN GENERAL.—Subject to subsection (b), any em-
14 ployer, emergency services employee, or law enforcement
15 officer subject to the rules and activities of the Authority
16 under section 4 may not engage in a lockout, strike, or
17 any other organized job action of which a reasonably prob-
18 able result is a measurable disruption of the delivery of
19 emergency or public safety services. No labor organization
20 may cause or attempt to cause a violation of this sub-
21 section.

22 (b) NO PREEMPTION.—Nothing in this section shall
23 be construed to preempt any law of any State or political
24 subdivision of any State with respect to strikes by emer-
25 gency services employees or law enforcement officers.

1 **SEC. 6. EXISTING COLLECTIVE BARGAINING UNITS AND**
2 **AGREEMENTS.**

3 The enactment of this Act shall not invalidate any
4 certification, recognition, result of an election, collective
5 bargaining agreement, or memorandum of understanding
6 that—

7 (1) has been issued, approved, or ratified by
8 any public employee relations board or commission,
9 or by any State or political subdivision or an agent
10 or management official of such State or political
11 subdivision; and

12 (2) is in effect on the day before the date of en-
13 actment of this Act.

14 **SEC. 7. EXCEPTIONS.**

15 (a) IN GENERAL.—The Authority shall not make a
16 determination under section 3(a) that the laws of a State
17 do not substantially provide for the rights and procedures
18 under section 3(b) on the basis that relevant laws in the
19 State—

20 (1) permit a public employee or supervisory em-
21 ployee to appear on the employee's own behalf with
22 respect to the relationship of the public employee or
23 supervisory employee with the public employer in-
24 volved;

25 (2) do not cover public employees or supervisory
26 employees of the State militia or national guard; or

1 (3) do not apply to a political subdivision of a
2 State if—

3 (A) such political subdivision has a popu-
4 lation of fewer than 5,000 people or employs
5 fewer than 25 public employees; and

6 (B) the State in which such political sub-
7 division is located notifies the Authority that
8 such subdivision is exempt from such laws be-
9 fore the date on which the Authority makes the
10 determination.

11 (b) COMPLIANCE.—

12 (1) ACTIONS OF STATES.—Nothing in this Act
13 shall be construed to require a State to rescind or
14 preempt the laws of any political subdivision of the
15 State if such laws substantially provide for the
16 rights and procedures described in section 3(b).

17 (2) ACTIONS OF THE DISTRICT OF COLUM-
18 BIA.—Nothing in this Act or in the rules issued
19 under this Act shall be construed—

20 (A) to require the District of Columbia to
21 rescind—

22 (i) section 501 of the District of Co-
23 lumbia Government Comprehensive Merit
24 Personnel Act of 1978 (1–605.01, D.C.
25 Official Code), establishing the Public Em-

1 ployee Relations Board of the District of
2 Columbia; or

3 (ii) section 502 of such Act (1–
4 605.02, D.C. Official Code), establishing
5 the power of the Board;

6 (B) to preempt the laws described in sub-
7 paragraph (A); or

8 (C) to limit or alter the powers of the gov-
9 ernment of the District of Columbia pursuant
10 to the District of Columbia Home Rule Act
11 (Public Law 93–198; 1–201.01 et seq., D.C.
12 Official Code).

13 (3) ACTIONS OF THE AUTHORITY.—Nothing in
14 this Act shall be construed to preempt—

15 (A) the laws of any State or political sub-
16 division of a State that substantially provide for
17 the rights and procedures described in section
18 3(b);

19 (B) the laws of any State or political sub-
20 division of a State that substantially provide for
21 the rights and procedures described in section
22 3(b), solely because such laws provide that a
23 contract or memorandum of understanding be-
24 tween a public employer and a labor organiza-
25 tion must be presented to a legislative body as

1 part of the process for approving such contract
2 or memorandum of understanding; or

3 (C) the laws of any State or political sub-
4 division of a State that permit or require a pub-
5 lic employer to recognize a labor organization
6 on the basis of signed authorizations executed
7 by employees designating the labor organization
8 as their representative.

9 (4) LIMITED ENFORCEMENT POWER.—In the
10 case of a law described in section 3(d)(2), the Au-
11 thority shall only exercise the authority under sec-
12 tion 4 with respect to the categories of public em-
13 ployees or supervisory employees for whom State law
14 does not substantially provide the rights and proce-
15 dures described in section 3(b).

16 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated such sums
18 as may be necessary to carry out this Act.

○