

119TH CONGRESS
1ST SESSION

S. 2984

To reform the labor laws of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2025

Mr. SCOTT of South Carolina (for himself, Mr. TUBERVILLE, Mr. CRAMER, Mr. BARRASSO, Mrs. HYDE-SMITH, Mr. CRAPO, Mr. RISCH, Mr. HOEVEN, and Mrs. BRITT) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To reform the labor laws of the United States, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Employee Rights Act”.

5 **SEC. 2. ENHANCED EMPLOYEE RIGHTS FOR LAWFUL WORK-**
6 **ERS.**

7 Section 9(a) of the National Labor Relations Act (29
8 U.S.C. 159(a)) is amended by striking “designated or se-
9 lected for the purposes of collective bargaining” and in-

1 serting “, for the purposes of collective bargaining selected
 2 by secret ballot of employees in an election conducted by
 3 the Board,”.

4 **SEC. 3. UNION VOTING FOR EMPLOYEES WHO DO NOT**
 5 **HAVE LAWFUL STATUS.**

6 (a) NATIONAL LABOR RELATIONS ACT.—Section 9
 7 of the National Labor Relations Act (29 U.S.C. 159) is
 8 amended by adding at the end the following:

9 “(f) Any employee who does not have lawful status
 10 under the immigration laws (as such term is defined in
 11 section 101 of the Immigration and Nationality Act (8
 12 U.S.C. 1101)) shall not—

13 “(1) be eligible to vote in any election (includ-
 14 ing an election by a secret ballot) conducted by the
 15 Board under this section, and any vote cast by such
 16 an employee in any such election shall not be valid;
 17 or

18 “(A) be considered an employee for the pur-
 19 poses of any petition described in subsection (c) or
 20 (e).”.

21 (b) LABOR MANAGEMENT RELATIONS ACT.—Section
 22 209(b) of the Labor Management Relations Act, 1947 (29
 23 U.S.C. 179(b)) is amended by adding at the end the fol-
 24 lowing: “Any such employee who does not have lawful sta-
 25 tus under the immigration laws (as such term is defined

1 in section 101 of the Immigration and Nationality Act (8
 2 U.S.C. 1101)) shall not be entitled to vote in any such
 3 secret ballot.”.

4 (c) LABOR-MANAGEMENT REPORTING AND DISCLO-
 5 SURE ACT.—Section 401 of the Labor-Management Re-
 6 porting and Disclosure Act of 1959 (29 U.S.C. 481) is
 7 amended by adding at the end the following:

8 “(j) Any employee who does not have lawful status
 9 under the immigration laws (as such term is defined in
 10 section 101 of the Immigration and Nationality Act (8
 11 U.S.C. 1101)) and who is a member of a labor organiza-
 12 tion shall not be entitled to vote in any election conducted
 13 by a labor organization under this section.”.

14 **SEC. 4. EMPLOYEE PRIVACY.**

15 (a) NOTICE OF RIGHTS AND PROTECTIONS; VOTER
 16 REGISTRATION LISTS.—Section 8 of the National Labor
 17 Relations Act (29 U.S.C. 158) is amended by adding at
 18 the end the following:

19 “(h)(1) Whenever the Board directs an election under
 20 section 9(c) or approves an election agreement, the em-
 21 ployer of employees in the bargaining unit shall, after the
 22 Board directs such election or approves such election
 23 agreement, provide a voter list to a labor organization that
 24 has petitioned to represent such employees. Such voter list
 25 shall include the names of all employees in the bargaining

1 unit and not more than one additional form of personal
 2 contact information for the employee (such as a telephone
 3 number, an email address, or a mailing address) chosen
 4 by the employee in writing. The voter list shall be provided
 5 in a searchable electronic format generally approved by the
 6 Board unless the employer certifies that the employer does
 7 not possess the capacity to produce the list in the required
 8 form. Not later than nine months after the date of enact-
 9 ment of the Employee Rights Act, the Board shall promul-
 10 gate regulations implementing the requirements of this
 11 paragraph.

12 “(2) It shall be an unfair labor practice for an em-
 13 ployer to violate any requirement under this subsection.”.

14 (b) LABOR ORGANIZATION USE OF PERSONAL IN-
 15 FORMATION.—Section 8(b) of the National Labor Rela-
 16 tions Act (29 U.S.C. 158(b)) is amended—

17 (1) in paragraph (6), by striking “and” at the
 18 end;

19 (2) in paragraph (7)(C), by striking “services.”
 20 and inserting “services;”;

21 (3) in the matter following paragraph (7)—

22 (A) by adjusting the margin two ems to
 23 the left; and

1 (B) by striking “Nothing in this para-
 2 graph” and inserting “Nothing in paragraph”;
 3 and

4 (4) by inserting after subparagraph (C) of
 5 paragraph (7), as so amended, the following:

6 “(8) to fail to protect the personal information
 7 of an employee received for an organizing drive, to
 8 use such information for any reason other than a
 9 representation proceeding, or to use such informa-
 10 tion after the conclusion of a representation pro-
 11 ceeding;”.

12 (c) RIGHT NOT TO SUBSIDIZE LABOR ORGANIZA-
 13 TION NONREPRESENTATIONAL ACTIVITIES.—Title I of
 14 the Labor-Management Reporting and Disclosure Act of
 15 1959 (29 U.S.C. 411 et seq.) is amended by adding at
 16 the end the following:

17 **“SEC. 106. RIGHT NOT TO SUBSIDIZE LABOR ORGANIZA-**
 18 **TION NONREPRESENTATIONAL ACTIVITIES.**

19 “No employee’s labor organization dues, fees, assess-
 20 ments, or other contributions shall be used or contributed
 21 to any person, organization, or entity for any purpose not
 22 directly related to the labor organization’s collective bar-
 23 gaining or contract administration functions on behalf of
 24 the represented unit employee unless the employee mem-
 25 ber, or nonmember required to make such payments as

1 a condition of employment, authorizes such expenditure in
 2 writing, after a notice period of not less than 35 days.
 3 An initial authorization provided by an employee under
 4 the preceding sentence shall expire not later than 1 year
 5 after the date on which such authorization is signed by
 6 the employee. There shall be no automatic renewal of an
 7 authorization under this section.”.

8 **SEC. 5. EMPLOYMENT RELATIONSHIPS.**

9 (a) CRITERIA FOR DETERMINING EMPLOYEE STA-
 10 TUS.—

11 (1) FAIR LABOR STANDARDS ACT OF 1938.—

12 Section 3(e) of the Fair Labor Standards Act of
 13 1938 (29 U.S.C. 203(e)) is amended—

14 (A) by redesignating paragraphs (2), (3),
 15 (4), and (5) as paragraphs (3), (4), (5), and
 16 (6), respectively;

17 (B) in paragraph (1), by striking “para-
 18 graphs (2), (3), and (4)” and inserting “para-
 19 graphs (3), (4), (5), and (6)”;

20 (C) by inserting after paragraph (1) the
 21 following:

22 “(2)(A) An individual shall be determined to be an
 23 independent contractor rather than an employee of an-
 24 other person if—

1 “(i) such other person does not exercise signifi-
2 cant control over the details of the way the work is
3 performed by the individual, without regard to any
4 control the other person may exercise over the final
5 result of the work performed; and

6 “(ii) while performing such work, the individual
7 has the opportunities and risks inherent with entre-
8 preneurship, such as the discretion to exercise mana-
9 gerial skill, business acumen, or professional judg-
10 ment.

11 “(B) The following factors may not be used in deter-
12 mining whether an individual is an employee of another
13 person:

14 “(i) Whether such other person requires the in-
15 dividual to comply with legal, statutory, or regu-
16 latory requirements.

17 “(ii) Whether such other person requires the in-
18 dividual to comply with health and safety standards
19 that are more stringent than otherwise applicable
20 health and safety standards.

21 “(iii) Whether such other person requires the
22 individual to carry insurance of any kind.

23 “(iv) Whether such other person requires the
24 individual to meet contractually agreed-upon per-
25 formance standards, such as deadlines.”.

1 (2) NATIONAL LABOR RELATIONS ACT.—Sec-
 2 tion 2(3) of the National Labor Relations Act (29
 3 U.S.C. 152(3)) is amended—

4 (A) by striking “(3) The term ‘employee’
 5 shall” and inserting the following:

6 “(3)(A) The term ‘employee’ shall”; and

7 (B) by adding at the end the following:

8 “(B) The standard applied in section 3(e)(2) of the
 9 Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2))
 10 shall be used in determining whether an individual is an
 11 independent contractor or an employee of another person
 12 under this Act, except that, in applying such standard to
 13 this Act, any reference to the term ‘employee’ in such sec-
 14 tion 3(e)(2) shall have the meaning given such term under
 15 this paragraph.”.

16 (b) CRITERIA FOR DETERMINING JOINT EMPLOYER
 17 STATUS.—

18 (1) NATIONAL LABOR RELATIONS ACT.—Sec-
 19 tion 2(2) of the National Labor Relations Act (29
 20 U.S.C. 152(2)) is amended—

21 (A) by striking “The term ‘employer’ ” and
 22 inserting “(A) The term ‘employer’ ”; and

23 (B) by adding at the end the following:

24 “(B) An employer may be considered a joint employer
 25 of the employees of another employer only if each employer

1 directly, actually, and immediately, and not in a limited
 2 and routine manner, exercises significant control over the
 3 essential terms and conditions of employment of the em-
 4 ployees of the other employer, such as hiring such employ-
 5 ees, discharging such employees, determining the rate of
 6 pay and benefits of such employees, supervising such em-
 7 ployees on a day-to-day basis, assigning such employees
 8 a work schedule, position, or task, or disciplining such em-
 9 ployees.”.

10 (2) FAIR LABOR STANDARDS ACT OF 1938.—

11 Section 3(d) of the Fair Labor Standards Act of
 12 1938 (29 U.S.C. 203(d)) is amended—

13 (A) by striking “‘Employer’ includes” and
 14 inserting “(1) ‘Employer’ includes”; and

15 (B) by adding at the end the following:

16 “(2) An employer may be considered a joint employer
 17 of the employees of another employer for purposes of this
 18 Act only if each employer meets the criteria set forth in
 19 section 2(2)(B) of the National Labor Relations Act (29
 20 U.S.C. 152(2)(B)) except that, for purposes of deter-
 21 mining joint-employer status under this Act, the terms
 22 ‘employee’ and ‘employer’ referenced in such section shall
 23 have the meanings given such terms in this section.”.

24 (c) PROVISION OF TECHNICAL ASSISTANCE.—Not-
 25 withstanding any other provision of law, under the Fair

1 Labor Standards Act of 1938 (29 U.S.C. 201 et seq.),
2 the National Labor Relations Act (29 U.S.C. 151 et seq.),
3 or any other Federal law, none of the following may be
4 construed, alone or in combination with any other factor,
5 as establishing an employer and employee relationship be-
6 tween a franchisor (or any employee of the franchisor) and
7 a franchisee (or any employee of the franchisee):

8 (1) The franchisor (or any employee of the
9 franchisor) provides the franchisee (or any employee
10 of the franchisee) with, or requires such franchisee
11 (or any employee of the franchisee) to use, a hand-
12 book, or other training, on sexual harassment,
13 human trafficking, workplace violence, discrimina-
14 tion, or opportunities for apprenticeships or scholar-
15 ships.

16 (2) The franchisor (or any employee of the
17 franchisor) requires the franchisee (or any employee
18 of the franchisee) to adopt a policy on sexual harass-
19 ment, human trafficking, workplace violence, dis-
20 crimination, opportunities for apprenticeships or
21 scholarships, child care, or paid leave, including a
22 requirement for such franchisee (or any employee of
23 the franchisee) to report to the franchisor (or any
24 employee of the franchisor) any violations or sus-
25 pected violations of such policy.

1 **SEC. 6. TRIBAL SOVEREIGNTY.**

2 Section 2 of the National Labor Relations Act (29
3 U.S.C. 152), as amended by section 5, is further amend-
4 ed—

5 (1) in paragraph (2), by inserting “or any In-
6 dian Tribe, or any enterprise or institution owned
7 and operated by an Indian Tribe and located on its
8 Indian lands,” after “subdivision thereof,”; and

9 (2) by adding at the end the following:

10 “(15) The term ‘Indian Tribe’ means any In-
11 dian Tribe, band, nation, pueblo, or other organized
12 group or community which is recognized as eligible
13 for the special programs and services provided by
14 the United States to Indians because of their status
15 as Indians.

16 “(16) The term ‘Indian’ means any individual
17 who is a member of an Indian Tribe.

18 “(17) The term ‘Indian lands’ means—

19 “(A) all lands within the limits of any In-
20 dian reservation;

21 “(B) any lands title to which is either held
22 in trust by the United States for the benefit of
23 any Indian Tribe or Indian or held by any In-
24 dian Tribe or Indian subject to restriction by
25 the United States against alienation; and

1 “(C) any lands in the State of Oklahoma
 2 that are within the boundaries of a former res-
 3 ervation (as defined by the Secretary of the In-
 4 terior) of a Federally recognized Indian Tribe.”.

5 **SEC. 7. INDEPENDENT NEGOTIATING.**

6 (a) UNFAIR LABOR PRACTICES.—Section 8 of the
 7 National Labor Relations Act (29 U.S.C. 158), as amend-
 8 ed by section 4, is further amended—

9 (1) in subsection (a)(3)—

10 (A) by striking “or (B)” and inserting
 11 “(B)”; and

12 (B) by striking “membership;” and insert-
 13 ing “membership, or (C) if, in a covered State,
 14 the employee has ceased to be a member of a
 15 labor organization or pay an exclusive rep-
 16 resentative”; and

17 (2) in subsection (b), by inserting after para-
 18 graph (8) the following:

19 “(9) 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 “(10) in a covered State, to interfere with em-
 24 ployees who have ceased to be a member of a labor

1 organization or pay an exclusive representative en-
 2 gaged in independent negotiating;

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

7 (b) EXCLUSION OF WORKERS ENGAGED IN INDE-
 8 PENDENT NEGOTIATING FROM REPRESENTATION.—Sec-
 9 tion 9(a) of the National Labor Relations Act (29 U.S.C.
 10 159(a)), as amended by section 2, is further amended—

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

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

16 (3) by striking “such adjustment.” and insert-
 17 ing “such adjustment: *Provided further*, That, in a
 18 covered State, an individual employee shall engage in
 19 independent negotiating with their employer if such
 20 employee has ceased to be a member of a labor orga-
 21 nization or pay an exclusive representative.”.

22 (c) INDEPENDENT NEGOTIATING AND COVERED
 23 STATE DEFINED.—Section 2 of the National Labor Rela-
 24 tions Act (29 U.S.C. 152), as amended by section 6, is
 25 further amended by adding at the end the following:

1 “(18) The term ‘independent negotiating’
2 means, in a unit that is located in a covered State
3 and is represented by a labor organization or other
4 exclusive representative for the purposes of collective
5 bargaining, negotiating between an employer and an
6 individual employee as though such employee were
7 not in such a unit and without regard to the exist-
8 ence of a collective-bargaining contract or agree-
9 ment.

10 “(19) The term ‘covered State’ means a State
11 or Territory which prohibits the execution or appli-
12 cation of agreements requiring membership in, or
13 payment to, a labor organization as a condition of
14 employment.”.

15 **SEC. 8. DIVERSITY, EQUITY, OR INCLUSION.**

16 Section 8(b) of the National Labor Relations Act (29
17 U.S.C. 158(b)), as amended by section 7(a), is further
18 amended by inserting after paragraph (11) the following:

19 “(12) to include any provision in a collective
20 bargaining agreement that mandates or promotes di-
21 versity, equity, or inclusion initiatives, including
22 preferences, mandates, policies, programs, activities,
23 or guidance related to personal characteristics of an
24 individual that are not related to the qualifications

1 or performance required for a job, unless such initia-
 2 tives are required by Federal, State, or local law.”.

3 **SEC. 9. FREEDOM FROM UNION VIOLENCE ACT.**

4 Section 1951 of title 18, United States Code, is
 5 amended to read as follows:

6 **“§ 1951. Interference with commerce by threats or vi-**
 7 **olence**

8 “(a) DEFINITIONS.—For purposes of this section—

9 “(1) the term ‘commerce’ means any—

10 “(A) commerce within the District of Co-
 11 lumbia, or any territory or possession of the
 12 United States;

13 “(B) commerce between any point in a
 14 State, territory, possession, or the District of
 15 Columbia and any point outside thereof;

16 “(C) commerce between points within the
 17 same State through any place outside that
 18 State; and

19 “(D) other commerce over which the
 20 United States has jurisdiction;

21 “(2) the term ‘extortion’ means the obtaining of
 22 property from any person, with the consent of that
 23 person, if that consent is induced—

24 “(A) by actual or threatened use of force
 25 or violence, or fear thereof;

1 “(B) by wrongful use of fear not involving
2 force or violence; or

3 “(C) under color of official right;

4 “(3) the term ‘labor dispute’ has the meaning
5 given that term in section 2(9) of the National
6 Labor Relations Act (29 U.S.C. 152(9)); and

7 “(4) the term ‘robbery’ means the unlawful tak-
8 ing or obtaining of personal property from the per-
9 son or in the presence of another, against his or her
10 will, by means of actual or threatened force or vio-
11 lence, or fear of injury, immediate or future—

12 “(A) to his or her person or property, or
13 property in his or her custody or possession; or

14 “(B) to the person or property of a relative
15 or member of his or her family, or of anyone in
16 his or her company at the time of the taking or
17 obtaining.

18 “(b) PROHIBITION.—Except as provided in sub-
19 section (c), whoever in any way or degree obstructs,
20 delays, or affects commerce or the movement of any article
21 or commodity in commerce, by robbery or extortion, or at-
22 tempts or conspires so to do, or commits or threatens
23 physical violence to any person or property in furtherance
24 of a plan or purpose to do anything in violation of this

1 section, shall be fined not more than \$100,000, imprisoned
 2 for a term of not more than 20 years, or both.

3 “(c) EXEMPTED CONDUCT.—

4 “(1) IN GENERAL.—Subsection (b) does not
 5 apply to any conduct that—

6 “(A) is incidental to otherwise peaceful
 7 picketing during the course of a labor dispute;

8 “(B) consists solely of minor bodily injury,
 9 or minor damage to property, or threat or fear
 10 of such minor injury or damage; and

11 “(C) is not part of a pattern of violent con-
 12 duct or of coordinated violent activity.

13 “(2) STATE AND LOCAL JURISDICTION.—Any
 14 violation of this section that involves any conduct de-
 15 scribed in paragraph (1) shall be subject to prosecu-
 16 tion only by the appropriate State and local authori-
 17 ties.

18 “(d) EFFECT ON OTHER LAW.—Nothing in this sec-
 19 tion shall be construed—

20 “(1) to repeal, amend, or otherwise affect—

21 “(A) section 6 of the Clayton Act (15
 22 U.S.C. 17);

23 “(B) section 20 of the Clayton Act (29
 24 U.S.C. 52);

1 “(C) any provision of the Norris-
2 LaGuardia Act (29 U.S.C. 101 et seq.);

3 “(D) any provision of the National Labor
4 Relations Act (29 U.S.C. 151 et seq.); or

5 “(E) any provision of the Railway Labor
6 Act (45 U.S.C. 151 et seq.); or

7 “(2) to preclude Federal jurisdiction over any
8 violation of this section, on the basis that the con-
9 duct at issue—

10 “(A) is also a violation of State or local
11 law; or

12 “(B) occurred during the course of a labor
13 dispute or in pursuit of a legitimate business or
14 labor objective.”.

15 **SEC. 10. UNLAWFUL HARASSMENT.**

16 Section 8(a)(3) of the National Labor Relations Act
17 (29 U.S.C. 158(a)(3)) is amended by adding after “*Pro-*
18 *vided,*” the following: “That nothing in this section shall
19 be construed to prevent an employer from taking action
20 to protect employees from discriminatory, harassing, or
21 demeaning language or conduct, including during orga-
22 nizing campaigns or strikes: *Provided further,*”.

○