

119TH CONGRESS  
1ST SESSION

# H. R. 2736

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2025

Mr. NORCROSS (for himself, Mr. FITZPATRICK, Mr. DELUZIO, Ms. ADAMS, Ms. ANSARI, Mr. BACON, Ms. BARRAGÁN, Mr. BEYER, Ms. BONAMICI, Mr. BOYLE of Pennsylvania, Ms. BROWN, Ms. BROWNLEY, Ms. BUDZINSKI, Ms. BYNUM, Mr. CARSON, Mr. CARTER of Louisiana, Mr. CASAR, Mr. CASE, Mr. CASTEN, Ms. CASTOR of Florida, Mrs. CHERFILUS-McCORMICK, Ms. CHU, Ms. CLARKE of New York, Mr. CLEAVER, Mr. CONAWAY, Mr. COURTNEY, Mr. DAVIS of Illinois, Ms. DEAN of Pennsylvania, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Ms. DEXTER, Mrs. DINGELL, Ms. ELFRETH, Mr. EVANS of Pennsylvania, Mrs. FLETCHER, Mr. FOSTER, Mrs. FOUSHEE, Ms. LOIS FRANKEL of Florida, Mr. FROST, Mr. GARAMENDI, Mr. GARBARINO, Mr. GARCIA of California, Mr. GARCÍA of Illinois, Ms. GILLEN, Ms. PEREZ, Mr. GOLDMAN of New York, Mr. GOMEZ, Ms. GOODLANDER, Mr. GOTTHEIMER, Mrs. HAYES, Mr. HORSFORD, Ms. HOULAHAN, Mr. HOYER, Mr. IVEY, Ms. JACOBS, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mr. KENNEDY of New York, Mr. KHANNA, Mr. KRISHNAMOORTHY, Mr. LARSON of Connecticut, Mr. LATIMER, Mr. LAWLER, Mr. LYNCH, Mr. MAGAZINER, Mr. MANNION, Mrs. MCBATH, Ms. MCBRIDE, Mrs. McCLAIN DELANEY, Ms. MCCOLLUM, Mr. MCGARVEY, Mrs. McIVER, Mr. MEEKS, Mr. MENENDEZ, Ms. MENG, Ms. MOORE of Wisconsin, Mr. MORELLE, Ms. MORRISON, Mr. MOSKOWITZ, Mr. MOULTON, Mr. MRVAN, Mr. MULLIN, Mr. NADLER, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. OLSZEWSKI, Ms. OMAR, Mr. PANETTA, Mr. PETERS, Ms. PETTERSEN, Mr. POCAN, Mr. QUIGLEY, Ms. ROSS, Ms. SÁNCHEZ, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHNEIDER, Ms. SCHOLTEN, Mr. SHERMAN, Ms. SHERRILL, Mr. SMITH of Washington, Mr. SORENSEN, Ms. STANSBURY, Mr. STANTON, Mr. SUBRAMANYAM, Mr. SUOZZI, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TITUS, Ms. TLAIB, Ms. TOKUDA, Mr. TONKO, Mr. TORRES of New York, Mrs. TORRES of California, Ms. UNDERWOOD, Mr. VARGAS, Mr. VEASEY, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mrs. WATSON COLEMAN, and Ms. WILLIAMS of Georgia) intro-

duced the following bill; which was referred to the Committee on Education and Workforce

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## 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,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Public Service Free-  
 5       dom to Negotiate Act of 2025”.

### 6   **SEC. 2. DEFINITIONS.**

7       (a) IN GENERAL.—In this Act:

8               (1) APPROPRIATE UNIT.—The term “appro-  
 9       prium unit” means a group of public employees or  
 10       a group of supervisory employees appropriate for  
 11       collective bargaining that share a community of in-  
 12       terest, as demonstrated by factors including whether  
 13       such group—

14               (A) has a bargaining history or history of  
 15       prior organization; and

16               (B) reflects the desires of the employees  
 17       who are seeking or proposing representation by

1 a labor organization regarding the employees to  
2 be included in such bargaining unit.

3 (2) AUTHORITY.—The term “Authority” means  
4 the Federal Labor Relations Authority.

5 (3) COLLECTIVE BARGAINING.—The term “col-  
6 lective bargaining”, used with respect to public em-  
7 ployees, supervisory employees, and public employ-  
8 ers, means the performance of the mutual obligation  
9 of the representative of a public employer and the  
10 exclusive representative of an appropriate unit of  
11 public and supervisory employees of the employer to  
12 meet at reasonable times and to consult and bargain  
13 in a good-faith effort to reach agreement with re-  
14 spect to wages, hours, and other terms and condi-  
15 tions of employment affecting such employees and to  
16 execute a written document incorporating any collec-  
17 tive bargaining agreement reached, but the obliga-  
18 tion referred to in this paragraph does not compel  
19 either party to agree to a proposal or to make a con-  
20 cession (as described in section 8(d) of the National  
21 Labor Relations Act (29 U.S.C. 158(d))).

22 (4) CONFIDENTIAL EMPLOYEE.—The term  
23 “confidential employee” means an employee of a  
24 public employer who acts in a confidential capacity  
25 with respect to an individual who formulates or ef-

1       fectuates management policies in the field of labor-  
2       management relations.

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

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

7           (A) a public employee providing out-of-hos-  
8       pital emergency medical care, including an  
9       emergency medical technician, paramedic, or  
10      first responder; or

11          (B) a public employee providing other serv-  
12      ices in response to emergencies that have the  
13      potential to cause death or serious bodily in-  
14      jury, including an employee in fire protection  
15      activities (as defined in section 3(y) of the Fair  
16      Labor Standards Act of 1938 (29 U.S.C.  
17      203(y))).

18          (7) LABOR ORGANIZATION.—The term “labor  
19      organization” means any organization of any kind  
20      that is not under the control directly or indirectly by  
21      a public employer in which such employees partici-  
22      pate and which exists for the purpose, in whole or  
23      in part, of dealing with public employers concerning  
24      grievances, labor disputes, wages, rates of pay, hours  
25      of employment, or conditions of work.

1           (8) LAW.—The term “law”, used with respect  
2           to a State or a political subdivision thereof, includes  
3           the application of the laws of such State or such po-  
4           litical subdivision, including any regulations or ordi-  
5           nances issued by such State or such political subdivi-  
6           sion.

7           (9) LAW ENFORCEMENT OFFICER.—The term  
8           “law enforcement officer” has the meaning given  
9           such term in section 1204 of the Omnibus Crime  
10          Control and Safe Streets Act of 1968 (34 U.S.C.  
11          10284).

12          (10) MANAGEMENT EMPLOYEE.—The term  
13          “management employee” means an individual em-  
14          ployed by a public employer in a position the duties  
15          and responsibilities of which require the individual to  
16          formulate or determine the policies of the public em-  
17          ployer.

18          (11) PUBLIC EMPLOYEE.—The term “public  
19          employee”—

20                (A) means an individual, employed by a  
21                public employer, who in any workweek is en-  
22                gaged in commerce or is employed in an enter-  
23                prise engaged in commerce;

1 (B) includes an individual who is tempo-  
2 rarily transferred to a supervisory or manage-  
3 ment position; and

4 (C) does not include—

- 5 (i) a supervisory employee;
- 6 (ii) a management employee;
- 7 (iii) a confidential employee; or
- 8 (iv) an elected official.

9 (12) PUBLIC EMPLOYER.—The term “public  
10 employer” means an entity that—

- 11 (A) employs not less than 1 individual;
- 12 (B) is engaged in commerce; and
- 13 (C) is either—
  - 14 (i) a State or the political subdivision
  - 15 of a State; or
  - 16 (ii) any authority, agency, school dis-
  - 17 trict, board or other entity controlled and
  - 18 operated by an entity described in clause
  - 19 (i).

20 (13) SUBSTANTIALLY PROVIDES.—The term  
21 “substantially provides”, used with respect to the  
22 rights and procedures described in section 3(b),  
23 means providing rights and procedures that are  
24 equivalent to or greater than each of the rights and  
25 procedures described in such section.

1           (14) SUPERVISORY EMPLOYEE.—The term “su-  
2       pervisory employee” means an individual, employed  
3       by a public employer, who in any workweek is en-  
4       gaged in commerce or is employed in an enterprise  
5       engaged in commerce and who—

6           (A) has the authority in the interest of the  
7       employer, if the exercise of such authority is  
8       not merely routine or clerical in nature but re-  
9       quires the consistent exercise of independent  
10      judgment, to—

11           (i) hire, promote, reward, transfer,  
12          furlough, lay off, recall, suspend, dis-  
13          cipline, or remove public employees;

14           (ii) adjust the grievances of public  
15          employees; or

16           (iii) effectively recommend any action  
17          described in clause (i) or (ii); and

18           (B) devotes a majority of time at work to  
19          exercising the authority under subparagraph  
20          (A).

21       (b) FAIR LABOR STANDARDS ACT OF 1938  
22       TERMS.—The terms “commerce”, “employ”, “enterprise  
23       engaged in commerce”, and “State” have the meanings  
24       given such terms in section 3 of the Fair Labor Standards  
25       Act of 1938 (29 U.S.C. 203).

1       (c) STATE LAW.—If any term defined in this section  
2 has a substantially equivalent meaning to a term (or a  
3 substantially equivalent term) under applicable State law  
4 on the date of the enactment of this Act, such term (or  
5 substantially equivalent term) and meaning under such  
6 applicable State law shall apply with respect to the term  
7 defined under this Act with respect to such State.

8   **SEC. 3. FEDERAL MINIMUM STANDARDS.**

9       (a) DETERMINATION.—

10           (1) IN GENERAL.—Not later than 180 days  
11 after the date of enactment of this Act (except as  
12 provided in paragraph (4)(C)), the Authority shall  
13 make a determination for each State as to whether  
14 the laws of such State substantially provide for each  
15 of the rights and procedures under subsection (b)  
16 and not later than 30 days after the enactment of  
17 this Act, the Authority shall establish procedures for  
18 the implementation of this section.

19           (2) CONSIDERATION OF ADDITIONAL OPIN-  
20 IONS.—In making the determination under para-  
21 graph (1), the Authority shall consider the opinions  
22 of affected public employees, supervisory employees,  
23 labor organizations, and public employers. In the  
24 case where the Authority is notified by an affected  
25 public employer and labor organization that both



1 parties agree that the law applicable to such em-  
2 ployer and labor organization substantially provides  
3 for the rights and procedures described in subsection  
4 (b), the Authority shall give such agreement weight  
5 to the maximum extent practicable in making the  
6 Authority's determination under paragraph (1).

7 (3) LIMITED CRITERIA.—In making the deter-  
8 mination described in paragraph (1), the Authority  
9 may only consider the criteria described in sub-  
10 section (b).

11 (4) SUBSEQUENT DETERMINATIONS.—

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

17 (B) REQUEST.—A public employee, super-  
18 visory employee, public employer, or a labor or-  
19 ganization may submit to the Authority a writ-  
20 ten request for a subsequent determination with  
21 respect to whether a material change of State  
22 law has occurred.

23 (C) ISSUANCE.—If satisfied that a mate-  
24 rial change in State law has occurred, the Au-  
25 thority shall issue a subsequent determination

1 described under paragraph (1) not later than  
2 30 days after receipt of such request.

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

16 (6) RULE OF CONSTRUCTION.—In making the  
17 determination described in paragraph (1), the Au-  
18 thority shall, as relevant, consider any requirement  
19 imposed by a consent decree entered into by the De-  
20 partment of Justice before, on, or after the date of  
21 enactment of this Act as substantially providing for  
22 the rights and procedures under subsection (b).

23 (b) FEDERAL MINIMUM STANDARD.—The collective  
24 bargaining rights and procedures under this subsection  
25 are as follows:

1           (1) A right of public employees and supervisory  
2 employees—

3                   (A) to self-organization;

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

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

8                   (D) to engage in other concerted activities  
9 for the purpose of collective bargaining or other  
10 mutual aid (including the filing of joint, class,  
11 or collective legal claims) or protection.

12           (2) A requirement for public employers to—

13                   (A) recognize the labor organization of its  
14 public employees and supervisory employees  
15 (freely chosen in an election by a majority of  
16 such employees voting in the appropriate unit  
17 or chosen by voluntary recognition if that meth-  
18 od is permitted under State law) without re-  
19 quiring an election to recertify or decertify a  
20 labor organization that is already recognized as  
21 the representative of such employees unless not  
22 less than 30 percent of such employees in the  
23 bargaining unit freely sign a petition to decer-  
24 tify such labor organization—

1 (i) not earlier than the date that is 1  
2 year after the date of the election (or after  
3 a voluntary recognition if permitted under  
4 State law) of the representative;

5 (ii) not earlier than 1 year after the  
6 expiration of a valid collective bargaining  
7 agreement;

8 (iii) not during the term of a valid col-  
9 lective bargaining agreement (except as  
10 permissible under clause (iv)); or

11 (iv) during the 30-day period begin-  
12 ning on the date that is 90 days before the  
13 end of a valid existing contract;

14 (B) collectively bargain with such recog-  
15 nized labor organization; and

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

19 (3) An interest impasse resolution mechanism,  
20 such as fact-finding, mediation, arbitration, or com-  
21 parable procedures that culminate in binding resolu-  
22 tion.

23 (4) Payroll deduction of labor organization fees  
24 for any duly chosen representative of a public em-  
25 ployee or supervisory employee pursuant to the

1 terms of an agreement between the labor organiza-  
2 tion and such public or supervisory employee, which  
3 shall remain in effect until revoked by such employee  
4 in accordance with its terms.

5 (5) The prohibition of practices that interfere  
6 with, restrain, or coerce public or supervisory em-  
7 ployees in the exercise of rights guaranteed in para-  
8 graph (1) or regulations issued thereunder.

9 (6) The enforcement of all relevant rights and  
10 procedures provided by State law and enumerated in  
11 this subsection.

12 (7) The enforcement of all rights and proce-  
13 dures provided by any written contract or memo-  
14 randum of understanding between a labor organiza-  
15 tion and a public employer, through—

16 (A) a State agency, if the State so chooses;

17 (B) at the election of an aggrieved party,  
18 the State courts, if so permitted under State  
19 law; or

20 (C) a grievance resolution procedure culmi-  
21 nating in binding arbitration negotiated in such  
22 contract or memorandum.

23 (c) COMPLIANCE WITH RIGHTS AND PROCE-  
24 DURES.—If the Authority determines under subsection  
25 (a)(1) that the laws of a State substantially provide each

1 of the rights and procedures described in subsection (b),  
2 then subsection (d) shall not apply and this Act shall not  
3 preempt the laws of such State.

4 (d) FAILURE TO SUBSTANTIALLY PROVIDE.—

5 (1) IN GENERAL.—If the Authority determines  
6 under subsection (a)(1) that the laws of a State do  
7 not substantially provide for each of the rights and  
8 procedures described in subsection (b), then such  
9 State shall be subject to the rules and activities of  
10 the Authority under section 4 beginning on the later  
11 of—

12 (A) the date that is 2 years after the date  
13 of enactment of this Act;

14 (B) the date that is the last day of the  
15 first regular session of the legislature of the  
16 State that begins after the date of the enact-  
17 ment of this Act; or

18 (C) in the case of a State receiving a sub-  
19 sequent determination described under sub-  
20 section (a)(4), the date that is the last day of  
21 the first regular session of the legislature of the  
22 State that begins after the date the Authority  
23 made the determination.

24 (2) PARTIAL FAILURE.—If the Authority deter-  
25 mines under subsection (a)(1) that a State does not

1 substantially provide for each of the rights and pro-  
2 cedures described in subsection (b) because the  
3 State fails to substantially provide for all of such  
4 rights and procedures with respect to any public or  
5 supervisory employees, the Authority shall identify—

6 (A) the categories of public or supervisory  
7 employees of such State that shall be subject to  
8 the rules and activities of the Authority under  
9 section 4, pursuant to section 7(b)(4), begin-  
10 ning on the applicable date under paragraph  
11 (1);

12 (B) the categories of public employees and  
13 supervisory employees of such State that shall  
14 not be subject to the rules and activities of the  
15 Authority under section 4;

16 (C) the categories of rights and procedures  
17 described in subsection (b) for which the State  
18 does not substantially provide for certain public  
19 employees and supervisory employees; and

20 (D) the categories of rights and procedures  
21 described in such subsection for which the State  
22 substantially provides for all employees.

1 **SEC. 4. MINIMUM STANDARDS ADMINISTERED BY THE FED-**  
2 **ERAL LABOR RELATIONS AUTHORITY.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the Authority shall issue  
5 rules and take such actions that the Authority determines  
6 appropriate to establish and administer collective bar-  
7 gaining rights and procedures that substantially provide  
8 for the minimum standards described in section 3(b) for  
9 States described in section 3(d).

10 (b) ROLE OF THE FEDERAL LABOR RELATIONS AU-  
11 THORITY.—

12 (1) IN GENERAL.—In carrying out subsection

13 (a), the Authority shall—

14 (A) provide for the rights and procedures  
15 described in paragraphs (1) through (5) of sec-  
16 tion 3(b);

17 (B) supervise or conduct elections to deter-  
18 mine whether a labor organization has been  
19 chosen as an exclusive representative by a ma-  
20 jority of the public employees and supervisory  
21 employees voting in such election in an appro-  
22 priate unit;

23 (C) determine the appropriateness of units  
24 for labor organization representation;

25 (D) conduct hearings and resolve com-  
26 plaints concerning violations of this Act or any



1 rule or order issued by the Authority pursuant  
2 to this Act;

3 (E) resolve exceptions to the awards of ar-  
4 bitrators that violate or exceed the scope of  
5 public policy of this Act; and

6 (F) take such other actions as are nec-  
7 essary and appropriate to effectively administer  
8 this Act, including issuing subpoenas requiring  
9 the attendance and testimony of witnesses and  
10 the production of documentary or other evi-  
11 dence from any place in the United States, ad-  
12 ministering oaths, taking or ordering the taking  
13 of depositions, ordering responses to written in-  
14 terrogatories, and receiving and examining wit-  
15 nesses.

16 (2) RULE OF CONSTRUCTION.—In providing for  
17 the rights and procedures under paragraph (1)(A),  
18 nothing in this Act shall be construed as super-  
19 seding, or creating or imposing any requirement in  
20 conflict with, any consent decree entered into by the  
21 Department of Justice before, on, or after the date  
22 of enactment of this Act.

23 (c) ENFORCEMENT.—

24 (1) IN GENERAL.—The Authority may issue an  
25 order directing compliance by any covered person or

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

20 (2) PRIVATE RIGHT OF ACTION.—

21 (A) FILING A CIVIL ACTION.—Unless the  
22 Authority has filed an order of enforcement as  
23 provided in paragraph (1), any party may, after  
24 the 180-day period following the filing of a  
25 charge with the Authority pursuant to the rules

1 of the Authority under this section, file a civil  
2 action against any named State administrator  
3 in an appropriate district court of the United  
4 States to enjoin such administrator to enforce  
5 compliance—

6 (i) with this Act or the rules issued by  
7 the Authority under this section; or

8 (ii) to enforce compliance with any  
9 order issued by the Authority.

10 (B) TIMING.—Any civil action brought  
11 under subparagraph (A) shall be brought not  
12 later than the earlier of—

13 (i) the date that is 180 days after the  
14 expiration of the 180-day period in sub-  
15 paragraph (A); or

16 (ii) the date that is 180 days after the  
17 date that the Authority dismisses a charge  
18 described in subparagraph (A).

19 (C) NOTICE.—The party shall serve notice  
20 of the Federal lawsuit to the Authority.

21 (D) JURISDICTION AND ATTORNEYS'  
22 FEES.—A district court shall have jurisdiction  
23 over the civil action filed under subparagraph  
24 (A) without regard to the amount in con-

1           troversy or the citizenship of the parties and  
2           may award reasonable attorneys' fees.

3 **SEC. 5. LOCKOUTS AND EMPLOYEE STRIKES PROHIBITED**  
4                   **WHEN EMERGENCY OR PUBLIC SAFETY SERV-**  
5                   **ICES IMPERILED.**

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

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

19 **SEC. 6. EXISTING COLLECTIVE BARGAINING UNITS AND**  
20                   **AGREEMENTS.**

21          The enactment of this Act shall not invalidate any  
22  certification, recognition, result of an election, collective  
23  bargaining agreement, or memorandum of understanding  
24  that—

1           (1) has been issued, approved, or ratified by  
2           any public employee relations board or commission,  
3           or by any State or political subdivision or an agent  
4           or management official of such State or political  
5           subdivision; and

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

8   **SEC. 7. EXCEPTIONS.**

9           (a) IN GENERAL.—The Authority shall not make a  
10          determination under section 3(a)(1) that the laws of a  
11          State do not substantially provide for the rights and proce-  
12          dures under section 3(b) on the basis that relevant State  
13          laws—

14               (1) permit a public or supervisory employee to  
15               appear on the employee’s own behalf with respect to  
16               the relationship of the public employee with the pub-  
17               lic employer involved;

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

20               (3) do not apply to a political subdivision of a  
21          State if—

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

1 (B) the State in which such political sub-  
2 division is located notifies the Authority that  
3 such subdivision is exempt from such laws be-  
4 fore the date on which the Authority makes the  
5 determination; or

6 (4) do not require bargaining with respect to  
7 pension or retirement income benefits.

8 (b) COMPLIANCE.—

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

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

17 (A) to require the District of Columbia to  
18 rescind—

19 (i) section 501 of the District of Co-  
20 lumbia Government Comprehensive Merit  
21 Personnel Act of 1978 (1–605.01, D.C.  
22 Official Code), establishing the Public Em-  
23 ployee Relations Board of the District of  
24 Columbia; or

1 (ii) section 502 of such Act (1–  
2 605.02, D.C. Official Code), establishing  
3 the power of the Board;

4 (B) to preempt the laws described in sub-  
5 paragraph (A); or

6 (C) to limit or alter the powers of the gov-  
7 ernment of the District of Columbia pursuant  
8 to the District of Columbia Home Rule Act  
9 (Public Law 93–198; 87 Stat. 774).

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

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

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

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

7 (4) LIMITED ENFORCEMENT POWER.—In the  
8 case of a law described in section 3(d)(2), the Au-  
9 thority shall only exercise the authority under sec-  
10 tion 4 with respect to the categories of public or su-  
11 pervisory employees for whom State law does not  
12 substantially provide the rights and procedures de-  
13 scribed in section 3(b).

14 **SEC. 8. SEVERABILITY.**

15 If any provision of this Act or the application thereof  
16 to any person or circumstance is held invalid, the remain-  
17 der of this Act, or the application of that provision to per-  
18 sons or circumstances other than those as to which it is  
19 held invalid, is not affected thereby.

20 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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