

117TH CONGRESS  
1ST SESSION

# H. R. 5178

To amend the National Labor Relations Act to clarify employer rights with regard to hiring.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2021

Mr. ALLEN (for himself, Mr. NORMAN, Mr. PERRY, and Mr. AUSTIN SCOTT of Georgia) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the National Labor Relations Act to clarify employer rights with regard to hiring.

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 “Truth in Employment  
5 Act of 2021”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) An atmosphere of trust and civility in labor-  
9 management relationships is essential to a produc-  
10 tive workplace and a healthy economy.

1           (2) The tactic of using professional union orga-  
2           nizers and agents to infiltrate a targeted employer’s  
3           workplace, a practice commonly referred to as “salt-  
4           ing” has evolved into an aggressive form of harass-  
5           ment not contemplated when the National Labor Re-  
6           lations Act was enacted and threatens the balance of  
7           rights.

8           (3) Increasingly, union organizers are seeking  
9           employment with nonunion employers not because of  
10          a desire to work for such employers but primarily to  
11          organize the employees of such employers or to in-  
12          flict economic harm specifically designed to put non-  
13          union competitors out of business, or to do both.

14          (4) While no employer may discriminate against  
15          employees based upon the views of employees con-  
16          cerning collective bargaining, an employer should  
17          have the right to expect job applicants to be pri-  
18          marily interested in utilizing the skills of the appli-  
19          cants to further the goals of the business of the em-  
20          ployer.

21          (b) PURPOSES.—The purposes of this Act are—

22                (1) to preserve the balance of rights between  
23                employers, employees, and labor organizations; and

24                (2) to alleviate pressure on employers to hire  
25                individuals who seek or gain employment in order to

1        disrupt the workplace of the employer or otherwise  
2        inflict economic harm designed to put the employer  
3        out of business.

4        **SEC. 3. PROTECTION OF EMPLOYER RIGHTS.**

5        Section 8(a) of the National Labor Relations Act (29  
6        U.S.C. 158(a)) is amended by adding after and below  
7        paragraph (5) the following:  
8        “Nothing in this subsection shall be construed as requir-  
9        ing an employer to employ any person who seeks or has  
10       sought employment with the employer in furtherance of  
11       other employment or agency status.”.

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