

**AMENDMENT TO H.R. 417, AS REPORTED**  
**OFFERED BY MR. GOODLING OF PENNSYLVANIA**

Strike section 501 and insert the following (and conform the table of contents accordingly):

**1 SEC. 501. WORKER PAYCHECK FAIRNESS.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Workers who pay dues or fees to a labor or-  
4 ganization may not, as a matter of law, be required  
5 to pay to that organization any dues or fees support-  
6 ing activities that are not necessary to performing  
7 the duties of the exclusive representative of the em-  
8 ployees in dealing with the employer on labor-man-  
9 agement issues.

10 (2) Many labor organizations use portions of  
11 the dues or fees they collect from the workers they  
12 represent for activities that are not necessary to per-  
13 forming the duties of the exclusive representative of  
14 the employees in dealing with the employer on labor-  
15 management issues. These dues may be used to sup-  
16 port political, social, or charitable causes or many  
17 other noncollective bargaining activities. Unfortu-  
18 nately, many workers who pay such dues or fees  
19 have insufficient information both about their rights  
20 regarding the payment of dues or fees to a labor or-

1 organization and about how labor organizations spend  
2 employee dues or fees.

3 (3) It is a fundamental tenet of this Nation  
4 that all men and women have a right to make indi-  
5 vidual and informed choices about the political, so-  
6 cial, or charitable causes they support, and the law  
7 should protect that right to the greatest extent pos-  
8 sible.

9 (b) PURPOSE.—The purpose of this section is to en-  
10 sure that all workers have sufficient information about  
11 their rights regarding the payment of dues or fees to labor  
12 organizations and the uses of employee dues and fees by  
13 labor organizations and that the right of all workers to  
14 make individual and informed choices about the political,  
15 social, or charitable causes they support is protected to  
16 the greatest extent possible.

17 (c) WRITTEN CONSENT.—

18 (1) IN GENERAL.—

19 (A) AUTHORIZATION.—A labor organiza-  
20 tion accepting payment of any dues or fees  
21 from an employee as a condition of employment  
22 pursuant to an agreement authorized by Fed-  
23 eral law must secure from each employee prior,  
24 voluntary, written authorization for any portion  
25 of such dues or fees which will be used for ac-

1           activities not necessary to performing the duties  
2           of the exclusive representative of the employees  
3           in dealing with the employer on labor-manage-  
4           ment issues.

5           (B) REQUIREMENTS.—Such written au-  
6           thorization shall clearly state that an employee  
7           may not be required to provide such authoriza-  
8           tion and that if such authorization is provided,  
9           the employee agrees to allow any dues or fees  
10          paid to the labor organization to be used for ac-  
11          tivities which are not necessary to performing  
12          the duties of exclusive representation and which  
13          may be political, social, or charitable in nature.

14          (2) REVOCATION.—An authorization described  
15          in paragraph (1) shall remain in effect until revoked.  
16          Such revocation shall be effective upon 30 days writ-  
17          ten notice.

18          (3) CIVIL ACTION BY EMPLOYEES.—

19                  (A) LIABILITY.—Any labor organization  
20                  which violates this subsection or subsection (f)  
21                  shall be liable to the affected employee—

22                          (i) for damages equal to—

23                                  (I) the amount of the dues or  
24                                  fees accepted in violation of this sec-  
25                                  tion;

1 (II) the interest on the amount  
2 described in subclause (I) calculated  
3 at the prevailing rate; and

4 (III) an additional amount as liq-  
5 uidated damages equal to the sum of  
6 the amount described in subclause (I)  
7 and the interest described in sub-  
8 clause (II); and

9 (ii) for such equitable relief as may be  
10 appropriate.

11 (B) RIGHT OF ACTION.—An action to re-  
12 cover the damages or equitable relief prescribed  
13 in subparagraph (A) may be maintained against  
14 any labor organization in any Federal or State  
15 court of competent jurisdiction by any one or  
16 more employees for and in behalf of—

17 (i) the employees; or

18 (ii) the employees and other employ-  
19 ees similarly situated.

20 (C) FEES AND COSTS.—The court in such  
21 action shall, in addition to any judgment  
22 awarded to the plaintiff, allow a reasonable at-  
23 torney's fee, reasonable expert witness fees, and  
24 other costs of the action to be paid by the de-  
25 fendant.

1           (D) LIMITATION.—An action may be  
2 brought under this paragraph not later than 2  
3 years after the date the employee knew or  
4 should have known that dues or fees were ac-  
5 cepted or spent by a labor organization in viola-  
6 tion of this section, except that such period  
7 shall be extended to 3 years in the case of a  
8 willful violation.

9           (d) NOTICE.—An employer whose employees are rep-  
10 resented by a collective bargaining representative shall be  
11 required to post a notice, of such size and in such form  
12 as the Department of Labor shall prescribe, in conspicu-  
13 ous places in and about its plants and offices, including  
14 all places where notices to employees are customarily post-  
15 ed, informing employees that any labor organization ac-  
16 cepting payment of any dues or fees from an employee  
17 as a condition of employment pursuant to an agreement  
18 authorized by Federal law must secure from each em-  
19 ployee prior, written authorization if any portion of such  
20 dues or fees will be used for activities not necessary to  
21 performing the duties of the exclusive representative of the  
22 employees in dealing with the employer on labor-manage-  
23 ment issues.

24           (e) DISCLOSURE TO WORKERS.—

1           (1) EXPENSES REPORTING.—Section 201(b) of  
2 the Labor-Management Reporting and Disclosure  
3 Act of 1959 is amended by adding at the end the  
4 following new sentence: “Every labor organization  
5 shall be required to attribute and report expenses in  
6 such detail as necessary to allow members to deter-  
7 mine whether such expenses were necessary to per-  
8 forming the duties of the exclusive representative of  
9 the employees in dealing with the employer on labor-  
10 management issues.”

11           (2) DISCLOSURE.—Section 201(c) of the Labor-  
12 Management Reporting and Disclosure Act of 1959  
13 is amended—

14           (A) by inserting “and employees required  
15 to pay any dues or fees to such organization”  
16 after “members”; and

17           (B) inserting “or employee required to pay  
18 any dues or fees to such organization” after  
19 “member” each place it appears.

20           (3) WRITTEN REQUESTS.—Section 205(b) of  
21 the Labor-Management Reporting and Disclosure  
22 Act of 1959 is amended by adding at the end the  
23 following new sentence: “Upon written request, the  
24 Secretary shall make available complete copies of

1 any report or other document filed pursuant to sec-  
2 tion 201.”.

3 (f) RETALIATION AND COERCION PROHIBITED.—It  
4 shall be unlawful for any labor organization to coerce, in-  
5 timidate, threaten, interfere with, or retaliate against any  
6 employee in the exercise of, or on account of having exer-  
7 cised, any right granted or protected by this section.

8 (g) REGULATIONS.—The Secretary of Labor shall  
9 prescribe such regulations as are necessary to carry out  
10 subsection (d) not later than 60 days after the enactment  
11 of this Act and shall prescribe such regulations as are nec-  
12 essary to carry out the amendments made by subsection  
13 (e) not later than 120 days after the enactment of this  
14 Act.

15 (h) EFFECTIVE DATE AND APPLICATION.—This sec-  
16 tion shall be effective immediately upon enactment, except  
17 that subsections (c) and (d) pertaining to worker consent  
18 and notice shall take effect 90 days after enactment and  
19 subsection (e) pertaining to disclosure shall take effect  
20 150 days after enactment.