

117TH CONGRESS  
1ST SESSION

# S. 406

To preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2021

Mr. PAUL (for himself, Mr. SCOTT of South Carolina, Ms. ERNST, Mr. MARSHALL, Mr. GRASSLEY, Mr. BARRASSO, Mr. CORNYN, Mr. BOOZMAN, Mr. SCOTT of Florida, Mr. CRAMER, Mr. WICKER, Mr. BRAUN, Mr. BURR, Mr. CRUZ, Mr. INHOFE, and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

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 “National Right-to-  
5 Work Act”.

1 **SEC. 2. AMENDMENTS TO THE NATIONAL LABOR RELA-**  
 2 **TIONS ACT.**

3 (a) RIGHTS OF EMPLOYEES.—Section 7 of the Na-  
 4 tional Labor Relations Act (29 U.S.C. 157) is amended  
 5 by striking “except to” and all that follows through “au-  
 6 thorized in section 8(a)(3)”.

7 (b) UNFAIR LABOR PRACTICES.—Section 8 of the  
 8 National Labor Relations Act (29 U.S.C. 158) is amend-  
 9 ed—

10 (1) in subsection (a)(3), by striking “: *Provided,*  
 11 *That*” and all that follows through “retaining mem-  
 12 bership”;

13 (2) in subsection (b)—

14 (A) in paragraph (2), by striking “or to  
 15 discriminate” and all that follows through “re-  
 16 taining membership”; and

17 (B) in paragraph (5), by striking “covered  
 18 by an agreement authorized under subsection  
 19 (a)(3)”;

20 (3) in subsection (f)—

21 (A) by striking clause (2) and redesignig-  
 22 nating clauses (3) and (4) as clauses (2) and  
 23 (3), respectively; and

24 (B) by striking “*Provided, That* nothing in  
 25 this subsection shall set aside the final proviso

1 to section 8(a)(3) of this Act: *Provided further*,”  
2 and inserting “*Provided*,”.

3 (c) ADDITIONAL CONFORMING AMENDMENTS.—

4 (1) NATIONAL LABOR RELATIONS ACT.—The  
5 National Labor Relations Act (29 U.S.C. 151 et  
6 seq.) is amended—

7 (A) in section 9 (29 U.S.C. 159), by strik-  
8 ing subsection (e);

9 (B) in section 3(b) (29 U.S.C. 153(b)), by  
10 striking “or (e)”; and

11 (C) in section 8(f) (29 U.S.C. 158(f)), as  
12 amended by subsection (b)(3), by striking “or  
13 9(e)”.

14 (2) OTHER LAWS.—Section 453A(a)(2)(B)(ii)  
15 of the Social Security Act (42 U.S.C.  
16 653a(a)(2)(B)(ii)) is amended by striking “section  
17 8(f)(3)” and inserting “section 8(f)(2)”.

18 **SEC. 3. AMENDMENT TO THE RAILWAY LABOR ACT.**

19 Section 2 of the Railway Labor Act (45 U.S.C. 152)  
20 is amended—

21 (1) by striking the Eleventh paragraph under  
22 the heading for general duties; and

23 (2) by redesignating the Twelfth paragraph  
24 under the heading for general duties as the Eleventh  
25 paragraph.

1 **SEC. 4. EFFECTIVE DATE.**

2       This Act, and the amendments made by this Act,  
3 shall apply to any agreement entered into or renewed after  
4 the date of enactment of this Act.

○