

117TH CONGRESS  
2D SESSION

# H. R. 6557

To prohibit an employer from terminating the coverage of an employee under a group health plan while the employee is engaged in a lawful strike, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2022

Mrs. AXNE (for herself, Mr. COHEN, Mr. HIGGINS of New York, Mr. LEVIN of Michigan, Mr. MCGOVERN, Mr. PASCRELL, Ms. SÁNCHEZ, and Ms. WILLIAMS of Georgia) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To prohibit an employer from terminating the coverage of an employee under a group health plan while the employee is engaged in a lawful strike, 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 “Striking Workers  
5       Healthcare Protection Act”.

1 **SEC. 2. CONTINUATION OF COVERAGE UNDER A GROUP**  
2 **HEALTH PLAN DURING A LAWFUL STRIKE.**

3 (a) IN GENERAL.—Section 8(a) of the National  
4 Labor Relations Act (29 U.S.C. 158(a)) is amended—

5 (1) in paragraph (5), by striking the period and  
6 inserting “; and”; and

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

8 “(6) to terminate or significantly alter the cov-  
9 erage of an employee under a group health plan dur-  
10 ing the period that such employee is engaged in a  
11 lawful strike.”.

12 (b) DEFINITIONS.—Section 2 of the National Labor  
13 Relations Act (29 U.S.C. 152) is amended by adding at  
14 the end the following:

15 “(15) The term ‘group health plan’ has the  
16 meaning given the term under section 607(1) of the  
17 Employee Retirement Income Security Act of 1974  
18 (29 U.S.C. 1167(1)).”.

19 (c) PENALTIES.—Section 12 of the National Labor  
20 Relations Act (29 U.S.C. 162) is amended—

21 (1) by striking “SEC. 12. Any person” and in-  
22 serting the following:

23 “PENALTIES

24 “SEC. 12. (a) VIOLATIONS FOR INTERFERENCE  
25 WITH THE BOARD.—Any person”; and

26 (2) by adding the following:

1       “(b) CIVIL PENALTIES FOR UNFAIR LABOR PRAC-  
2 TICES.—Any employer who commits an unfair labor prac-  
3 tice within the meaning of section 8(a)(6) shall be subject  
4 to a civil penalty in an amount not to exceed \$50,000 for  
5 each such violation, except that, with respect to an unfair  
6 labor practice within the meaning of section 8(a)(6) that  
7 relates to the discharge of an employee or other serious  
8 economic harm to an employee, the Board shall double the  
9 amount of such penalty, to an amount not to exceed  
10 \$100,000, in any case where the employer has within the  
11 preceding 5 years committed another such violation of sec-  
12 tion 8(a)(6). A civil penalty under this subsection shall  
13 be in addition to any other remedy ordered by the Board.

14       “(c) CONSIDERATIONS.—In determining the amount  
15 of any civil penalty under this section, the Board shall con-  
16 sider—

17               “(1) the gravity of the actions of the employer  
18       resulting in the penalty, including the impact of such  
19       actions on the charging party or on other persons  
20       seeking to exercise rights guaranteed by the Act;

21               “(2) the size of the employer;

22               “(3) the history of previous unfair labor prac-  
23       tices or other actions by the employer resulting in a  
24       penalty; and

25               “(4) the public interest.

1       “(d) DIRECTOR AND OFFICER LIABILITY.—If the  
2 Board determines, based on the particular facts and cir-  
3 cumstances presented, that a director or officer’s personal  
4 liability is warranted, a civil penalty for a violation de-  
5 scribed in this section may also be assessed against any  
6 director or officer of the employer who directed or com-  
7 mitted the violation, or had actual or constructive knowl-  
8 edge of and the authority to prevent the violation and  
9 failed to prevent the violation.”.

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