



# IN THE UNITED STATES SENATE

January 13th, 2022

Mr. Lilburne (for himself) introduced the following bill;

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## A BILL

To end State Legislatures' ability to ban union security agreements

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the 'Freedom of Association Act'

### SEC. 2. FINDINGS.

Congress finds that—

- (a) The ability to ban union security agreements is explicitly granted to state legislatures by statute under the US Code.
- (b) That the Supreme Court clearly ruled that Congress has the constitutional power, under the Commerce Clause, to regulate labor relations in *National Labor Relations Board v Jones & Laughlin Steel Corporation*, 301 U.S. 1 (1937)
- (c) Enshrining state prohibition of such agreements in the US Code is contrary to the principle that Federal Law should regard trade unions with neutrality

### SEC. 3. AMENDMENT TO US CODE

~~(a) To strike §164. b of the U.S.C., which currently states:~~

~~**Agreements requiring union membership in violation of State law**~~

~~(b) Nothing in this subchapter shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.~~

**In General. — Section 164(b) of Title 29 of the United States Code is Hereby Repealed.**

### SEC. 5. ENACTMENT.

**EFFECTIVE DATE.**— The provisions of this Act shall come into force immediately upon passage.

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