

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To secure the rights of public employees to organize, act concertedly, and bargain collectively, which safeguard the public interest and promote the free and unobstructed flow of commerce, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Ms. HIRONO (for herself, Ms. ALSOBROOKS, Ms. BALDWIN, Mr. BLUMENTHAL, Ms. BLUNT ROCHESTER, Mr. BOOKER, Ms. CANTWELL, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Mr. FETTERMAN, Mr. GALLEG0, Mrs. GILLIBRAND, Mr. HEINRICH, Mr. KAINE, Mr. KIM, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PADILLA, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Ms. SLOTKIN, Mr. SCHATZ, Mr. SCHIFF, Mr. SCHUMER, Ms. SMITH, Mr. VAN HOLLEN, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To secure the rights of public employees to organize, act concertedly, and bargain collectively, which safeguard the public interest and promote the free and unobstructed flow of commerce, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Public Service Free-  
3 dom to Negotiate Act of 2025”.

4 **SEC. 2. DEFINITIONS.**

5 (a) IN GENERAL.—In this Act:

6 (1) APPROPRIATE UNIT.—The term “appro-  
7 priate unit” means a group of public employees or  
8 a group of supervisory employees appropriate for  
9 collective bargaining that share a community of in-  
10 terest, as demonstrated by factors including whether  
11 such group—

12 (A) has a bargaining history or history of  
13 prior organization; and

14 (B) reflects the desires of the employees  
15 who are seeking or proposing representation by  
16 a labor organization regarding the employees to  
17 be included in such bargaining unit.

18 (2) AUTHORITY.—The term “Authority” means  
19 the Federal Labor Relations Authority.

20 (3) COLLECTIVE BARGAINING.—The term “col-  
21 lective bargaining”, used with respect to public em-  
22 ployees, supervisory employees, and public employ-  
23 ers, means the performance of the mutual obligation  
24 of the representative of a public employer and the  
25 exclusive representative of an appropriate unit of  
26 public and supervisory employees of the employer to

1 meet at reasonable times and to consult and bargain  
2 in a good-faith effort to reach agreement with re-  
3 spect to wages, hours, and other terms and condi-  
4 tions of employment affecting such employees and to  
5 execute a written document incorporating any collec-  
6 tive bargaining agreement reached, but the obliga-  
7 tion referred to in this paragraph does not compel  
8 either party to agree to a proposal or to make a con-  
9 cession (as described in section 8(d) of the National  
10 Labor Relations Act (29 U.S.C. 158(d))).

11 (4) CONFIDENTIAL EMPLOYEE.—The term  
12 “confidential employee” means an employee of a  
13 public employer who acts in a confidential capacity  
14 with respect to an individual who formulates or ef-  
15 fectuates management policies in the field of labor-  
16 management relations.

17 (5) COVERED PERSON.—The term “covered  
18 person” means an individual or a labor organization.

19 (6) EMERGENCY SERVICES EMPLOYEE.—The  
20 term “emergency services employee” means—

21 (A) a public employee providing out-of-hos-  
22 pital emergency medical care, including an  
23 emergency medical technician, paramedic, or  
24 first responder; or

1 (B) a public employee providing other serv-  
2 ices in response to emergencies that have the  
3 potential to cause death or serious bodily in-  
4 jury, including an employee in fire protection  
5 activities (as defined in section 3(y) of the Fair  
6 Labor Standards Act of 1938 (29 U.S.C.  
7 203(y))).

8 (7) LABOR ORGANIZATION.—The term “labor  
9 organization” means any organization of any kind  
10 that is not under the control directly or indirectly by  
11 a public employer in which such employees partici-  
12 pate and which exists for the purpose, in whole or  
13 in part, of dealing with public employers concerning  
14 grievances, labor disputes, wages, rates of pay, hours  
15 of employment, or conditions of work.

16 (8) LAW.—The term “law”, used with respect  
17 to a State or a political subdivision thereof, includes  
18 the application of the laws of such State or such po-  
19 litical subdivision, including any regulations or ordi-  
20 nances issued by such State or such political subdivi-  
21 sion.

22 (9) LAW ENFORCEMENT OFFICER.—The term  
23 “law enforcement officer” has the meaning given  
24 such term in section 1204 of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (34 U.S.C.  
2 10284).

3 (10) MANAGEMENT EMPLOYEE.—The term  
4 “management employee” means an individual em-  
5 ployed by a public employer in a position the duties  
6 and responsibilities of which require the individual to  
7 formulate or determine the policies of the public em-  
8 ployer.

9 (11) PUBLIC EMPLOYEE.—The term “public  
10 employee”—

11 (A) means an individual, employed by a  
12 public employer, who in any workweek is en-  
13 gaged in commerce or is employed in an enter-  
14 prise engaged in commerce;

15 (B) includes an individual who is tempo-  
16 rarily transferred to a supervisory or manage-  
17 ment position; and

18 (C) does not include—

- 19 (i) a supervisory employee;  
20 (ii) a management employee;  
21 (iii) a confidential employee; or  
22 (iv) an elected official.

23 (12) PUBLIC EMPLOYER.—The term “public  
24 employer” means an entity that—

25 (A) employs not less than 1 individual;

1 (B) is engaged in commerce; and

2 (C) is either—

3 (i) a State or the political subdivision  
4 of a State; or

5 (ii) any authority, agency, school dis-  
6 trict, board or other entity controlled and  
7 operated by an entity described in clause  
8 (i).

9 (13) SUBSTANTIALLY PROVIDES.—The term  
10 “substantially provides”, used with respect to the  
11 rights and procedures described in section 3(b),  
12 means providing rights and procedures that are  
13 equivalent to or greater than each of the rights and  
14 procedures described in such section.

15 (14) SUPERVISORY EMPLOYEE.—The term “su-  
16 pervisory employee” means an individual, employed  
17 by a public employer, who in any workweek is en-  
18 gaged in commerce or is employed in an enterprise  
19 engaged in commerce and who—

20 (A) has the authority in the interest of the  
21 employer, if the exercise of such authority is  
22 not merely routine or clerical in nature but re-  
23 quires the consistent exercise of independent  
24 judgment, to—

1 (i) hire, promote, reward, transfer,  
2 furlough, lay off, recall, suspend, dis-  
3 cipline, or remove public employees;

4 (ii) adjust the grievances of public  
5 employees; or

6 (iii) effectively recommend any action  
7 described in clause (i) or (ii); and

8 (B) devotes a majority of time at work to  
9 exercising the authority under subparagraph  
10 (A).

11 (b) FAIR LABOR STANDARDS ACT OF 1938  
12 TERMS.—The terms “commerce”, “employ”, “enterprise  
13 engaged in commerce”, and “State” have the meanings  
14 given such terms in section 3 of the Fair Labor Standards  
15 Act of 1938 (29 U.S.C. 203).

16 (c) STATE LAW.—If any term defined in this section  
17 has a substantially equivalent meaning to a term (or a  
18 substantially equivalent term) under applicable State law  
19 on the date of the enactment of this Act, such term (or  
20 substantially equivalent term) and meaning under such  
21 applicable State law shall apply with respect to the term  
22 defined under this Act with respect to such State.

23 **SEC. 3. FEDERAL MINIMUM STANDARDS.**

24 (a) DETERMINATION.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of this Act (except as  
3 provided in paragraph (4)(C)), the Authority shall  
4 make a determination for each State as to whether  
5 the laws of such State substantially provide for each  
6 of the rights and procedures under subsection (b)  
7 and not later than 30 days after the enactment of  
8 this Act, the Authority shall establish procedures for  
9 the implementation of this section.

10           (2) CONSIDERATION OF ADDITIONAL OPIN-  
11 IONS.—In making the determination under para-  
12 graph (1), the Authority shall consider the opinions  
13 of affected public employees, supervisory employees,  
14 labor organizations, and public employers. In the  
15 case where the Authority is notified by an affected  
16 public employer and labor organization that both  
17 parties agree that the law applicable to such em-  
18 ployer and labor organization substantially provides  
19 for the rights and procedures described in subsection  
20 (b), the Authority shall give such agreement weight  
21 to the maximum extent practicable in making the  
22 Authority's determination under paragraph (1).

23           (3) LIMITED CRITERIA.—In making the deter-  
24 mination described in paragraph (1), the Authority



1       may only consider the criteria described in sub-  
2       section (b).

3               (4) SUBSEQUENT DETERMINATIONS.—

4                       (A) IN GENERAL.—A determination made  
5       pursuant to paragraph (1) shall remain in ef-  
6       fect unless and until the Authority issues a sub-  
7       sequent determination, in accordance with the  
8       procedures set forth in subparagraph (B).

9                       (B) REQUEST.—A public employee, super-  
10      visory employee, public employer, or a labor or-  
11      ganization may submit to the Authority a writ-  
12      ten request for a subsequent determination with  
13      respect to whether a material change of State  
14      law has occurred.

15                      (C) ISSUANCE.—If satisfied that a mate-  
16      rial change in State law has occurred, the Au-  
17      thority shall issue a subsequent determination  
18      described under paragraph (1) not later than  
19      30 days after receipt of such request.

20               (5) JUDICIAL REVIEW.—Any covered person or  
21      public employer aggrieved by a determination of the  
22      Authority under this paragraph (1) may, during the  
23      60-day period beginning on the date on which the  
24      determination was made, petition any United States  
25      Court of Appeals in the circuit in which the covered

1 person or public employer resides or transacts busi-  
2 ness or in the Court of Appeals for the District of  
3 Columbia Circuit, for judicial review. In any judicial  
4 review of a determination made by the Authority de-  
5 scribed in paragraph (1), the procedures contained  
6 in subsections (c) and (d) of section 7123 of title 5,  
7 United States Code, shall be followed.

8 (6) RULE OF CONSTRUCTION.—In making the  
9 determination described in paragraph (1), the Au-  
10 thority shall, as relevant, consider any requirement  
11 imposed by a consent decree entered into by the De-  
12 partment of Justice before, on, or after the date of  
13 enactment of this Act as substantially providing for  
14 the rights and procedures under subsection (b).

15 (b) FEDERAL MINIMUM STANDARD.—The collective  
16 bargaining rights and procedures under this subsection  
17 are as follows:

18 (1) A right of public employees and supervisory  
19 employees—

20 (A) to self-organization;

21 (B) to form, join, or assist a labor organi-  
22 zation or to refrain from any such activity;

23 (C) to bargain collectively through rep-  
24 resentatives of their own choosing; and

1 (D) to engage in other concerted activities  
2 for the purpose of collective bargaining or other  
3 mutual aid (including the filing of joint, class,  
4 or collective legal claims) or protection.

5 (2) A requirement for public employers to—

6 (A) recognize the labor organization of its  
7 public employees and supervisory employees  
8 (freely chosen in an election by a majority of  
9 such employees voting in the appropriate unit  
10 or chosen by voluntary recognition if that meth-  
11 od is permitted under State law) without re-  
12 quiring an election to recertify or decertify a  
13 labor organization that is already recognized as  
14 the representative of such employees unless not  
15 less than 30 percent of such employees in the  
16 bargaining unit freely sign a petition to decer-  
17 tify such labor organization—

18 (i) not earlier than the date that is 1  
19 year after the date of the election (or after  
20 a voluntary recognition if permitted under  
21 State law) of the representative;

22 (ii) not earlier than 1 year after the  
23 expiration of a valid collective bargaining  
24 agreement;

1 (iii) not during the term of a valid col-  
2 lective bargaining agreement (except as  
3 permissible under clause (iv)); or

4 (iv) during the 30-day period begin-  
5 ning on the date that is 90 days before the  
6 end of a valid existing contract;

7 (B) collectively bargain with such recog-  
8 nized labor organization; and

9 (C) commit any agreements with such rec-  
10 ognized labor organization to writing in a con-  
11 tract or memorandum of understanding.

12 (3) An interest impasse resolution mechanism,  
13 such as fact-finding, mediation, arbitration, or com-  
14 parable procedures that culminate in binding resolu-  
15 tion.

16 (4) Payroll deduction of labor organization fees  
17 for any duly chosen representative of a public em-  
18 ployee or supervisory employee pursuant to the  
19 terms of an agreement between the labor organiza-  
20 tion and such public or supervisory employee, which  
21 shall remain in effect until revoked by such employee  
22 in accordance with its terms.

23 (5) The prohibition of practices that interfere  
24 with, restrain, or coerce public or supervisory em-

1 employees in the exercise of rights guaranteed in para-  
2 graph (1) or regulations issued thereunder.

3 (6) The enforcement of all relevant rights and  
4 procedures provided by State law and enumerated in  
5 this subsection.

6 (7) The enforcement of all rights and proce-  
7 dures provided by any written contract or memo-  
8 randum of understanding between a labor organiza-  
9 tion and a public employer, through—

10 (A) a State agency, if the State so chooses;

11 (B) at the election of an aggrieved party,  
12 the State courts, if so permitted under State  
13 law; or

14 (C) a grievance resolution procedure culmi-  
15 nating in binding arbitration negotiated in such  
16 contract or memorandum.

17 (c) COMPLIANCE WITH RIGHTS AND PROCE-  
18 DURES.—If the Authority determines under subsection  
19 (a)(1) that the laws of a State substantially provide each  
20 of the rights and procedures described in subsection (b),  
21 then subsection (d) shall not apply and this Act shall not  
22 preempt the laws of such State.

23 (d) FAILURE TO SUBSTANTIALLY PROVIDE.—

24 (1) IN GENERAL.—If the Authority determines  
25 under subsection (a)(1) that the laws of a State do

1 not substantially provide for each of the rights and  
2 procedures described in subsection (b), then such  
3 State shall be subject to the rules and activities of  
4 the Authority under section 4 beginning on the later  
5 of—

6 (A) the date that is 2 years after the date  
7 of enactment of this Act;

8 (B) the date that is the last day of the  
9 first regular session of the legislature of the  
10 State that begins after the date of the enact-  
11 ment of this Act; or

12 (C) in the case of a State receiving a sub-  
13 sequent determination described under sub-  
14 section (a)(4), the date that is the last day of  
15 the first regular session of the legislature of the  
16 State that begins after the date the Authority  
17 made the determination.

18 (2) PARTIAL FAILURE.—If the Authority deter-  
19 mines under subsection (a)(1) that a State does not  
20 substantially provide for each of the rights and pro-  
21 cedures described in subsection (b) because the  
22 State fails to substantially provide for all of such  
23 rights and procedures with respect to any public or  
24 supervisory employees, the Authority shall identify—

1 (A) the categories of public or supervisory  
2 employees of such State that shall be subject to  
3 the rules and activities of the Authority under  
4 section 4, pursuant to section 7(b)(4), begin-  
5 ning on the applicable date under paragraph  
6 (1);

7 (B) the categories of public employees and  
8 supervisory employees of such State that shall  
9 not be subject to the rules and activities of the  
10 Authority under section 4;

11 (C) the categories of rights and procedures  
12 described in subsection (b) for which the State  
13 does not substantially provide for certain public  
14 employees and supervisory employees; and

15 (D) the categories of rights and procedures  
16 described in such subsection for which the State  
17 substantially provides for all employees.

18 **SEC. 4. MINIMUM STANDARDS ADMINISTERED BY THE FED-**

19 **ERAL LABOR RELATIONS AUTHORITY.**

20 (a) IN GENERAL.—Not later than 1 year after the  
21 date of enactment of this Act, the Authority shall issue  
22 rules and take such actions that the Authority determines  
23 appropriate to establish and administer collective bar-  
24 gaining rights and procedures that substantially provide

1 for the minimum standards described in section 3(b) for  
2 States described in section 3(d).

3 (b) ROLE OF THE FEDERAL LABOR RELATIONS AU-  
4 THORITY.—

5 (1) IN GENERAL.—In carrying out subsection  
6 (a), the Authority shall—

7 (A) provide for the rights and procedures  
8 described in paragraphs (1) through (5) of sec-  
9 tion 3(b);

10 (B) supervise or conduct elections to deter-  
11 mine whether a labor organization has been  
12 chosen as an exclusive representative by a ma-  
13 jority of the public employees and supervisory  
14 employees voting in such election in an appro-  
15 priate unit;

16 (C) determine the appropriateness of units  
17 for labor organization representation;

18 (D) conduct hearings and resolve com-  
19 plaints concerning violations of this Act or any  
20 rule or order issued by the Authority pursuant  
21 to this Act;

22 (E) resolve exceptions to the awards of ar-  
23 bitrators that violate or exceed the scope of  
24 public policy of this Act; and



1           (F) take such other actions as are nec-  
2           essary and appropriate to effectively administer  
3           this Act, including issuing subpoenas requiring  
4           the attendance and testimony of witnesses and  
5           the production of documentary or other evi-  
6           dence from any place in the United States, ad-  
7           ministering oaths, taking or ordering the taking  
8           of depositions, ordering responses to written in-  
9           terrogatories, and receiving and examining wit-  
10          nesses.

11          (2) RULE OF CONSTRUCTION.—In providing for  
12          the rights and procedures under paragraph (1)(A),  
13          nothing in this Act shall be construed as super-  
14          seding, or creating or imposing any requirement in  
15          conflict with, any consent decree entered into by the  
16          Department of Justice before, on, or after the date  
17          of enactment of this Act.

18          (c) ENFORCEMENT.—

19          (1) IN GENERAL.—The Authority may issue an  
20          order directing compliance by any covered person or  
21          public employer found to be in violation of this sec-  
22          tion, and may petition any United States Court of  
23          Appeals with jurisdiction over the parties, or the  
24          United States Court of Appeals for the District of  
25          Columbia Circuit, to enforce any such final orders

1 issued pursuant to this section or pursuant to rules  
2 issued under this section, and for appropriate tem-  
3 porary relief or a restraining order. Any covered per-  
4 son or public employer aggrieved by an order issued  
5 by the Authority under this section may, during the  
6 60-day period beginning on the date on which the  
7 order was issued petition any United States Court of  
8 Appeals in the circuit which the covered person or  
9 public employer resides or transacts business or in  
10 the Court of Appeals for the District of Columbia  
11 Circuit, for judicial review. Any petition or appeal  
12 under this section shall be conducted in accordance  
13 with subsections (c) and (d) of section 7123 of title  
14 5, United States Code.

15 (2) PRIVATE RIGHT OF ACTION.—

16 (A) FILING A CIVIL ACTION.—Unless the  
17 Authority has filed an order of enforcement as  
18 provided in paragraph (1), any party may, after  
19 the 180-day period following the filing of a  
20 charge with the Authority pursuant to the rules  
21 of the Authority under this section, file a civil  
22 action against any named State administrator  
23 in an appropriate district court of the United  
24 States to enjoin such administrator to enforce  
25 compliance—

1 (i) with this Act or the rules issued by  
2 the Authority under this section; or

3 (ii) to enforce compliance with any  
4 order issued by the Authority.

5 (B) TIMING.—Any civil action brought  
6 under subparagraph (A) shall be brought not  
7 later than the earlier of—

8 (i) the date that is 180 days after the  
9 expiration of the 180-day period in sub-  
10 paragraph (A); or

11 (ii) the date that is 180 days after the  
12 date that the Authority dismisses a charge  
13 described in subparagraph (A).

14 (C) NOTICE.—The party shall serve notice  
15 of the Federal lawsuit to the Authority.

16 (D) JURISDICTION AND ATTORNEYS'  
17 FEES.—A district court shall have jurisdiction  
18 over the civil action filed under subparagraph  
19 (A) without regard to the amount in con-  
20 troversy or the citizenship of the parties and  
21 may award reasonable attorneys' fees.

1 **SEC. 5. LOCKOUTS AND EMPLOYEE STRIKES PROHIBITED**  
2 **WHEN EMERGENCY OR PUBLIC SAFETY SERV-**  
3 **ICES IMPERILED.**

4 (a) IN GENERAL.—Subject to subsection (b), any em-  
5 ployer, emergency services employee, or law enforcement  
6 officer, subject to the rules and activities of the Authority  
7 under section 4, may not engage in a lockout, strike, or  
8 any other organized job action of which a reasonably prob-  
9 able result is a measurable disruption of the delivery of  
10 emergency or public safety services. No labor organization  
11 may cause or attempt to cause a violation of this sub-  
12 section.

13 (b) NO PREEMPTION.—Nothing in this section shall  
14 be construed to preempt any law of any State or political  
15 subdivision of any State with respect to strikes by emer-  
16 gency services employees or law enforcement officers.

17 **SEC. 6. EXISTING COLLECTIVE BARGAINING UNITS AND**  
18 **AGREEMENTS.**

19 The enactment of this Act shall not invalidate any  
20 certification, recognition, result of an election, collective  
21 bargaining agreement, or memorandum of understanding  
22 that—

23 (1) has been issued, approved, or ratified by  
24 any public employee relations board or commission,  
25 or by any State or political subdivision or an agent

1 or management official of such State or political  
2 subdivision; and

3 (2) is in effect on the day before the date of en-  
4 actment of this Act.

5 **SEC. 7. EXCEPTIONS.**

6 (a) IN GENERAL.—The Authority shall not make a  
7 determination under section 3(a)(1) that the laws of a  
8 State do not substantially provide for the rights and proce-  
9 dures under section 3(b) on the basis that relevant State  
10 laws—

11 (1) permit a public or supervisory employee to  
12 appear on the employee's own behalf with respect to  
13 the relationship of the public employee with the pub-  
14 lic employer involved;

15 (2) do not cover public or supervisory employees  
16 of the State militia or national guard;

17 (3) do not apply to a political subdivision of a  
18 State if—

19 (A) such political subdivision has a popu-  
20 lation of fewer than 5,000 people or employs  
21 fewer than 25 public employees; and

22 (B) the State in which such political sub-  
23 division is located notifies the Authority that  
24 such subdivision is exempt from such laws be-

1 fore the date on which the Authority makes the  
2 determination; or

3 (4) do not require bargaining with respect to  
4 pension or retirement income benefits.

5 (b) COMPLIANCE.—

6 (1) ACTIONS OF STATES.—Nothing in this Act  
7 shall be construed to require a State to rescind or  
8 preempt the laws of any political subdivision of the  
9 State if such laws substantially provide for the  
10 rights and procedures described in section 3(b).

11 (2) ACTIONS OF THE DISTRICT OF COLUM-  
12 BIA.—Nothing in this Act or in the rules issued  
13 under this Act shall be construed—

14 (A) to require the District of Columbia to  
15 rescind—

16 (i) section 501 of the District of Co-  
17 lumbia Government Comprehensive Merit  
18 Personnel Act of 1978 (1–605.01, D.C.  
19 Official Code), establishing the Public Em-  
20 ployee Relations Board of the District of  
21 Columbia; or

22 (ii) section 502 of such Act (1–  
23 605.02, D.C. Official Code), establishing  
24 the power of the Board;

1 (B) to preempt the laws described in sub-  
2 paragraph (A); or

3 (C) to limit or alter the powers of the gov-  
4 ernment of the District of Columbia pursuant  
5 to the District of Columbia Home Rule Act  
6 (Public Law 93–198; 87 Stat. 774).

7 (3) ACTIONS OF THE AUTHORITY.—Nothing in  
8 this Act shall be construed to preempt—

9 (A) the laws of any State or political sub-  
10 division of a State that substantially provide for  
11 the rights and procedures described in section  
12 3(b);

13 (B) the laws of any State or political sub-  
14 division of a State that substantially provide for  
15 the rights and procedures described in section  
16 3(b), solely because such laws provide that a  
17 contract or memorandum of understanding be-  
18 tween a public employer and a labor organiza-  
19 tion must be presented to a legislative body as  
20 part of the process for approving such contract  
21 or memorandum of understanding; or

22 (C) the laws of any State or political sub-  
23 division of a State that permit or require a pub-  
24 lic employer to recognize a labor organization  
25 on the basis of signed authorizations executed

1           by employees designating the labor organization  
2           as their representative.

3           (4) LIMITED ENFORCEMENT POWER.—In the  
4           case of a law described in section 3(d)(2), the Au-  
5           thority shall only exercise the authority under sec-  
6           tion 4 with respect to the categories of public or su-  
7           pervisory employees for whom State law does not  
8           substantially provide the rights and procedures de-  
9           scribed in section 3(b).

10 **SEC. 8. SEVERABILITY.**

11         If any provision of this Act or the application thereof  
12         to any person or circumstance is held invalid, the remain-  
13         der of this Act, or the application of that provision to per-  
14         sons or circumstances other than those as to which it is  
15         held invalid, is not affected thereby.

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17         There are authorized to be appropriated such sums  
18         as may be necessary to carry out this Act.