

Members of the US House of Representatives

Dear Representative:

The Coalition for a Democratic Workplace (CDW) and the undersigned organizations, representing industries across the country, urge you to oppose the Faster Labor Contracts Act (H.R. 5408) (FLCA), being brought to the House floor via a discharge petition (H.Res. 1140). The FLCA would empower the federal government to dictate the terms of contracts between unions and companies. It runs counter to President Trump's effort to rein in the federal bureaucracy, threatens the economic viability of businesses, forces contract terms without the consent of employees or employers, and amounts to an unconstitutional taking.

Under the FLCA, employers and unions would have to begin bargaining within 10 days of a union certification request and reach a first contract within 90 days. At that point, either party could invoke mediation through the Federal Mediation and Conciliation Service (FMCS), an obscure agency the Trump administration has targeted for downsizing and eventual elimination. If no agreement is reached after 30 days of mediation, binding interest arbitration is triggered, and the resulting contract is binding for two years. Neither party may appeal it, and workers do not get to ratify or reject it.

In practice, the FLCA gives a federally authorized arbitration panel power to dictate wages, benefits, safety procedures, leave policies, and nearly every other condition of employment for newly organized workers. The bill is nearly identical to a provision in Senator Bernie Sanders's Protecting the Right to Organize (PRO) Act and similar to one included in the Employee Free Choice Act (EFCA), both of which Congress has rejected on a bipartisan basis.

Arbitrators need not have any knowledge of the industry over which they exercise this power, and the bill includes no "ability-to-pay" floor. Arbitrators are not obligated to ensure the contract they impose is financially viable, and parties have no recourse against the government or arbitrator if the mandated terms result in lost jobs, bankruptcy, or closure.

Neither the federal government nor arbitrators are equipped to set the terms of a private contract. As former FMCS Director Peter Hurtgen told Congress during the EFCA debate, "No outside agency, whether arbitration, courts, or government entity has the skill, knowledge, or expertise to create a collective bargaining agreement... There are no standards for arbitrators to apply. There is no skill set for arbitrators to use. Solomon is simply unavailable."

The bill also raises serious constitutional concerns. Mandatory arbitration would deprive employers and employees of property rights without due process. The government would impose binding first contracts unbounded by Fifth Amendment protections or any statutory guidelines, running "smack into the takings clause." A mandated contract could force a thin-margin employer to overhaul facilities, change subcontractors, or alter promotion policies without judicial oversight. It could likewise cut employee wages with no consideration of fairness.

The FLCA eviscerates the voluntary-agreement principle that underpins federal labor relations policy. As the Supreme Court has explained, the object of the NLRA “was not to allow governmental regulation of the terms and conditions of employment, but rather to ensure that employers and their employees could work together to establish mutually satisfactory conditions... it was never intended that the Government would... step in, become a party to the negotiations, and impose its own views of a desirable settlement.” Federal courts have repeatedly confirmed that the NLRA’s “fundamental premise” is “private bargaining under governmental supervision of the procedure alone, without any official compulsion over the actual terms of the contract.” The FLCA obliterates this principle.

Most critically, workers themselves would be shut out of the process and forfeit the right to vote on the contract that governs their wages and working conditions. At an October 2025 Senate HELP Committee hearing, IAM shop steward Josh Arnold testified that a contract workers could not ratify or reject “would be removing the democracy in the workplace, which is the whole point of the union — giving the worker a say.” The FLCA prioritizes speed over the workers’ fundamental right to a voice.

The bill would also require a sweeping expansion of the federal government at a time when the administration is reducing agency footprints. President Trump has called for the FMCS to “be eliminated to the maximum extent consistent with applicable law,” and the agency’s FY 2026 budget request sought funding for only 18 employees. This obscure agency would suddenly be required to mediate first contracts across the entire economy. Proponents have not explained who would hire and train the thousands of new federal employees this would require or how taxpayers would pay for it.

Sponsors also have not made the case that existing law is inadequate. The NLRA already requires both parties to bargain in good faith on mandatory subjects, meet at reasonable times, refrain from surface or piecemeal bargaining, and provide relevant information. The National Labor Relations Board enforces these obligations and assesses penalties for violations. Yet the bill has not been scored by the Congressional Budget Office and has not received a hearing in any committee of jurisdiction. Its proponents are using a discharge petition precisely because they do not want their colleagues or the public to weigh its true cost and consequences.

This legislation is bad for workers, businesses, and the economy. The opinion pieces attached to this letter, drawn from outlets across the country, illustrate the consequences the FLCA could have in your district. We strongly urge you to oppose H.R. 5408.

Sincerely,

Coalition for a Democratic Workplace