

119TH CONGRESS
1ST SESSION

S. 511

To amend chapter 71 of title 5, United States Code, to charge labor organizations for the agency resources and employee time used by such labor organizations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2025

Ms. ERNST (for herself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend chapter 71 of title 5, United States Code, to charge labor organizations for the agency resources and employee time used by such labor organizations, 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 “Protecting Taxpayers’
5 Wallets Act of 2025”.

1 **SEC. 2. CHARGING LABOR ORGANIZATIONS FOR USE OF**
 2 **FEDERAL RESOURCES.**

3 (a) IN GENERAL.—Subchapter IV of chapter 71 of
 4 title 5, United States Code, is amended by inserting after
 5 section 7135 the following:

6 **“§ 7136. Charging labor organizations for use of Fed-**
 7 **eral resources**

8 “(a) DEFINITIONS.—In this section:

9 “(1) AGENCY BUSINESS.—The term ‘agency
 10 business’ means work performed by employees on
 11 behalf of an agency or under the direction and con-
 12 trol of the agency.

13 “(2) AGENCY RESOURCES PROVIDED FOR
 14 UNION USE.—The term ‘agency resources provided
 15 for union use’—

16 “(A) means the resources of an agency,
 17 other than the time of employees in a duty sta-
 18 tus, that such agency provides to labor rep-
 19 resentatives for purposes pertaining to matters
 20 covered by this chapter, including agency office
 21 space, parking space, equipment, and reim-
 22 bursement for expenses incurred while on union
 23 time or otherwise performing non-agency busi-
 24 ness; and

1 “(B) does not include any resource to the
2 extent that the resource is used for agency busi-
3 ness.

4 “(3) LABOR ORGANIZATION.—Notwithstanding
5 section 7103, the term ‘labor organization’ means a
6 labor organization recognized as an exclusive rep-
7 resentative of employees of an agency under this
8 chapter or as a representative of agency employees
9 under any system established by the Transportation
10 Security Administration Administrator pursuant to
11 section 111(d) of the Aviation and Transportation
12 Security Act (49 U.S.C. 44935 note).

13 “(4) HOURLY RATE OF PAY.—The term ‘hourly
14 rate of pay’ means the total cost to an agency of em-
15 ploying an employee in a pay period or pay periods,
16 including wages, salary, and other cash payments,
17 agency contributions to employee health and retire-
18 ment benefits, employer payroll tax payments, paid
19 leave accruals, and the cost to the agency for other
20 benefits, divided by the number of hours that em-
21 ployee worked in that pay period or pay periods.

22 “(5) INTEREST RATE.—The term ‘interest rate’
23 means the average market yield of outstanding mar-
24 ketable obligations of the United States having ma-
25 turities of 30 years, plus 1 percentage point.

1 “(6) LABOR REPRESENTATIVE.—The term
 2 ‘labor representative’ means an employee of an agen-
 3 cy serving in any official or other representative ca-
 4 pacity for a labor organization (including as any of-
 5 ficer or steward of a labor organization) that is the
 6 exclusive representative of employees of such agency
 7 under this chapter or is the representative of em-
 8 ployees under any system established by the Trans-
 9 portation Security Administration Administrator
 10 pursuant to section 111(d) of the Aviation and
 11 Transportation Security Act (49 U.S.C. 44935
 12 note).

13 “(7) UNION TIME.—The term ‘union time’
 14 means the time an employee of an agency who is a
 15 labor representative for a labor organization spends
 16 performing non-agency business while on duty, ei-
 17 ther in service of that labor organization or other-
 18 wise acting in the capacity as an employee represent-
 19 ative, including official time authorized under sec-
 20 tion 7131.

21 “(b) FEES FOR USE OF AGENCY RESOURCES.—

22 “(1) IN GENERAL.—Notwithstanding any other
 23 provision of this chapter, the head of each agency
 24 shall charge each labor organization recognized as
 25 an exclusive representative of employees of that

1 agency a fee each calendar quarter for the use of the
2 resources of that agency during that quarter.

3 “(2) FEE CALCULATION.—The amount of the
4 fee the head of an agency charges a labor organiza-
5 tion under paragraph (1) with respect to a calendar
6 quarter shall be equal to the amount that is the sum
7 of—

8 “(A) the value of the union time of each
9 labor representative for that labor organization
10 while employed by that agency in that quarter;
11 and

12 “(B) the value of agency resources pro-
13 vided for union use to that labor organization
14 by that agency in that quarter.

15 “(3) TIMING.—

16 “(A) NOTICE.—Not later than 30 days
17 after the end of each calendar quarter, the head
18 of each agency shall submit to each labor orga-
19 nization charged a fee by that agency head
20 under paragraph (1) with respect to that cal-
21 endar quarter a notice stating the amount of
22 that fee.

23 “(B) DUE DATE.—Payment of a fee
24 charged under paragraph (1) is due not later
25 than 60 days after the date on which the labor

1 organization charged the fee receives a notice
 2 under subparagraph (A) with respect to that
 3 fee.

4 “(4) PAYMENT.—

5 “(A) IN GENERAL.—Payment of a fee
 6 charged under paragraph (1) shall be made to
 7 the head of the agency that charged the fee.

8 “(B) TRANSFER TO GENERAL FUND.—The
 9 head of an agency shall transfer each payment
 10 of a fee charged under paragraph (1) that the
 11 agency head receives to the general fund of the
 12 Treasury.

13 “(c) VALUE DETERMINATIONS.—

14 “(1) IN GENERAL.—The head of an agency
 15 charging a labor organization a fee under subsection
 16 (b) shall determine the value of union time used by
 17 labor representatives and the value of agency re-
 18 sources provided for union use for the purposes of
 19 paragraph (2) of that subsection in accordance with
 20 this subsection.

21 “(2) VALUES.—For the purposes of paragraph
 22 (2) of subsection (b), with respect to a fee charged
 23 to a labor organization by the head of an agency
 24 under paragraph (1) of that subsection—

“(A) the value of the union time of a labor representative during a calendar quarter is equal to amount that is the product of the hourly rate of pay of that labor representative paid by that agency and the number of hours of union time of that labor representative during that calendar quarter during which that labor representative was on duty as an employee of that agency; and

“(B) that agency head shall determine the value of agency resources provided for union use during a calendar quarter using rates established by the General Services Administration, where applicable, or to the extent that those rates are inapplicable to the use of those resources, the market rate for the use of those resources, except that with respect to resources used for both agency business and for purposes pertaining to matters covered by this chapter, only the value of the portion of the use of those resources for the business of that labor organization shall be included.

“(3) DETERMINATIONS NOT SUBJECT TO REVIEW.—No determination of the head of an agency described in paragraph (1) may be determined to be

1 an unfair labor practice or subject to collective bar-
 2 gaining or grievance procedures under this chapter,
 3 or otherwise contested or appealed.

4 “(d) ENFORCEMENT AND PENALTIES.—

5 “(1) PENALTIES.—

6 “(A) IN GENERAL.—If a labor organization
 7 does not pay a fee charged to that labor organi-
 8 zation under subsection (b)(1) on or before the
 9 date on which payment for that fee becomes
 10 due, during the period beginning on the date on
 11 which that payment becomes due and ending on
 12 the date on which every fee charged to that
 13 labor organization under that subsection is fully
 14 paid—

15 “(i) the amount of that fee shall be
 16 increased at a rate equal to the interest
 17 rate;

18 “(ii) the head of each agency shall—

19 “(I) beginning on the date that is
 20 90 days after the date on which that
 21 period begins—

22 “(aa) deny that labor orga-
 23 nization and the labor represent-
 24 atives for that labor organization
 25 any further union time;

1 “(bb) cease providing and
2 the deny further use of agency
3 resources provided for union use
4 by that labor representatives for
5 the business of that labor organi-
6 zation; and

7 “(cc) not be subject to—

8 “(AA) any grievance
9 procedures or binding arbi-
10 tration invoked by that labor
11 organization under section
12 7121; or

13 “(BB) any unfair labor
14 practice complaints or pro-
15 ceedings under this chapter
16 pertaining to that labor or-
17 ganization or employees rep-
18 resented by that labor orga-
19 nization;

20 “(II) beginning on the date that
21 is 180 days after the date on which
22 that period begins—

23 “(aa) terminate all allot-
24 ments made by or on behalf of
25 the agency with respect to that

1 labor organization under section
2 7115; and

3 “(bb) not authorize any al-
4 lotments described in item (aa)
5 with respect to that labor organi-
6 zation; and

7 “(III) on the date that is 365
8 days after the date on which that pe-
9 riod begins, inform the Authority and
10 that labor organization that such pe-
11 riod has reached a duration of 365
12 days; and

13 “(iii) on the date that is 380 days
14 after the date on which that period begins,
15 the Authority shall terminate the certifi-
16 cation of that labor organization as the ex-
17 clusive representative of employees of that
18 agency.

19 “(B) EXCLUSIVE REPRESENTATIVE PROHI-
20 BITION.—A labor organization for which the
21 Authority terminates a certification as the ex-
22 clusive representatives of employees of an agen-
23 cy under subparagraph (A)(iii) may not be cer-
24 tified as the exclusive representative of any em-
25 ployee of that agency unless that labor organi-

1 zation pays all fees charged to that labor orga-
 2 nization by the head of that agency under sub-
 3 section (b)(1), including any increases to those
 4 fees under subparagraph (A)(i).

5 “(C) RULE OF CONSTRUCTION.—Subpara-
 6 graph (A)(ii)(I)(cc) may not be construed as—

7 “(i) tolling any statutory or contrac-
 8 tual deadline for the filing of a grievance,
 9 complaint of an unfair labor practice, or
 10 proceeding to binding arbitration; or

11 “(ii) preventing or limiting an agency
 12 from filing any grievance against a labor
 13 organization or advancing such a grievance
 14 to binding arbitration.

15 “(2) TIME TRACKING.—

16 “(A) IN GENERAL.—Each agency shall
 17 track the use of union time by labor representa-
 18 tives using the applicable time and attendance
 19 tracking system of that agency.

20 “(B) FAILURE TO RECORD.—

21 “(i) IN GENERAL.—A labor represent-
 22 ative who uses union time and fails to
 23 record that use in the applicable time and
 24 attendance tracking system shall be consid-

1 ered absent without leave and subject to
2 appropriate adverse action.

3 “(ii) WILLFUL OR REPEATED FAIL-
4 URES.—A failure of a labor representative
5 described in clause (i) shall constitute an
6 impairment to the efficient of the service if
7 that failure is willful or occurs in the same
8 fiscal year as another such failure by that
9 labor representative.

10 “(iii) LIMITED REVIEW.—Adverse ac-
11 tion taken against an employee under
12 clause (i)—

13 “(I) may not be determined to be
14 an unfair labor practice or subject to
15 grievance procedures or binding arbi-
16 tration under section 7121; and

17 “(II) notwithstanding any other
18 provision of law, shall be sustained on
19 appeal if the determination of the
20 agency to take that adverse action
21 against that employee is supported by
22 substantial evidence.

23 “(3) PAYMENT REQUIRED.—The head of an
24 agency may not forgive, reimburse, waive, or in any

1 other manner reduce any fee charged under this sec-
 2 tion.

3 “(4) COMPLIANCE.—Not later than 2 years
 4 after the date of enactment of this section, and every
 5 2 years thereafter, the Inspector General of each
 6 agency shall—

7 “(A) conduct an evaluation of the compli-
 8 ance of that agency and each relevant labor or-
 9 ganization with the requirements of this section,
 10 including the accuracy with which labor rep-
 11 resentatives recorded the use of union time, the
 12 promptness with which fees under subsection
 13 (b) were charged and paid, and the valuation of
 14 agency resources provided for union use by that
 15 agency pursuant to subsection (c)(2)(B); and

16 “(B) submit to the head of that agency,
 17 the Committee on Homeland Security and Gov-
 18 ernmental Affairs of the Senate, and the Com-
 19 mittee on Oversight and Government Reform of
 20 the House of Representatives a report on the
 21 findings of the evaluation required by subpara-
 22 graph (A).”.

23 (b) CLERICAL AMENDMENT.—The table of sections
 24 for subchapter IV of chapter 71 of title 5, United States

- 1 Code, is amended by inserting after the item relating to
- 2 section 7135 the following:

“7136. Charging labor organizations for use of Federal resources.”.

