

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—

1           “(A) the value of the union time of a labor  
2           representative during a calendar quarter is  
3           equal to amount that is the product of the  
4           hourly rate of pay of that labor representative  
5           paid by that agency and the number of hours  
6           of union time of that labor representative dur-  
7           ing that calendar quarter during which that  
8           labor representative was on duty as an em-  
9           ployee of that agency; and

10           “(B) that agency head shall determine the  
11           value of agency resources provided for union  
12           use during a calendar quarter using rates es-  
13           tablished by the General Services Administra-  
14           tion, where applicable, or to the extent that  
15           those rates are inapplicable to the use of those  
16           resources, the market rate for the use of those  
17           resources, except that with respect to resources  
18           used for both agency business and for purposes  
19           pertaining to matters covered by this chapter,  
20           only the value of the portion of the use of those  
21           resources for the business of that labor organi-  
22           zation shall be included.

23           “(3) DETERMINATIONS NOT SUBJECT TO RE-  
24           VIEW.—No determination of the head of an agency  
25           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.”.

