

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9594
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Taxpayers’
3 Wallets Act of 2024”.

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

6 (a) IN GENERAL.—Chapter 71 of title 5, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section:

9 **“§ 7136. Charging labor organizations for use of Fed-
10 eral resources**

11 **“(a) FEES FOR USE OF AGENCY RESOURCES.—**

12 **“(1) IN GENERAL.—**Notwithstanding any other
13 provision of this chapter, the head of each agency
14 shall charge each labor organization recognized as
15 an exclusive representative of employees of such
16 agency a fee each calendar quarter for the use of the
17 resources of such agency during such quarter.

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

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

10 “(B) the value of agency resources pro-
11 vided for union use to such labor organization
12 by such agency in such quarter.

13 “(3) TIMING.—

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

20 “(B) DUE DATE.—Payment of a fee
21 charged under paragraph (1) is due not later
22 than 60 days after the date on which the labor
23 organization charged such fee receives a notice
24 under paragraph (A) with respect to such fee.

25 “(4) PAYMENT.—

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

4 “(B) TRANSFER TO GENERAL FUND.—The
5 head of an agency shall transfer each payment
6 of a fee charged under paragraph (1) that such
7 head receives to the general fund of the Treas-
8 ury.

9 “(b) VALUE DETERMINATIONS.—

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

17 “(2) VALUES.—For the purposes of paragraph
18 (2) of subsection (a), with respect to a fee charged
19 to a labor organization by the head of an agency
20 under paragraph (1) of such subsection—

21 “(A) the value of the union time of a labor
22 representative during a calendar quarter is
23 equal to amount that is the product of the
24 hourly rate of pay of such labor representative
25 paid by such agency and the number of hours

1 of union time of such labor representative dur-
2 ing such calendar quarter during which such
3 labor representative was on duty as an em-
4 ployee of such agency; and

5 “(B) such head of such agency shall deter-
6 mine the value of agency resources provided for
7 union use during a calendar quarter using rates
8 established by the General Services Administra-
9 tion, where applicable, or to the extent that
10 such rates are inapplicable to such the use of
11 such resources, the market rate for the use of
12 such resources, except that with respect to re-
13 sources used for both agency business and for
14 purposes pertaining to matters covered by this
15 chapter, only the value of the portion of the use
16 of such resources for the business of such labor
17 organization shall be included.

18 “(3) DETERMINATIONS NOT SUBJECT TO RE-
19 VIEW.—No determination of the head of an agency
20 described in paragraph (1) may be determined to be
21 an unfair labor practice or subject to collective bar-
22 gaining or grievance procedures under this chapter,
23 or otherwise contested or appealed.

24 “(c) ENFORCEMENT AND PENALTIES.—

25 “(1) PENALTIES.—

1 “(A) IN GENERAL.—If a labor organization
2 does not pay a fee charged to such labor orga-
3 nization under subsection (a)(1) on or before
4 the date on which payment for such fee be-
5 comes due, during the period beginning on the
6 date on which such payment becomes due and
7 ending on the date on which every fee charged
8 to such labor organization under such sub-
9 section is fully paid—

10 “(i) the amount of such fee shall be
11 increased at a rate equal to the interest
12 rate;

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

14 “(I) beginning on the date that is
15 90 days after the date on which such
16 period begins—

17 “(aa) deny such labor orga-
18 nization and the labor represent-
19 atives for such labor organization
20 any further union time;

21 “(bb) cease providing and
22 the deny further use of agency
23 resources provided for union use
24 by such labor representatives for

1 the business of such labor organi-
2 zation; and

3 “(cc) not be subject to—

4 “(AA) any grievance
5 procedures or binding arbi-
6 tration invoked by such
7 labor organization under
8 section 7121; or

9 “(BB) any unfair labor
10 practice complaints or pro-
11 ceedings under this chapter
12 pertaining to such labor or-
13 ganization or employees rep-
14 resented by such labor orga-
15 nization; and

16 “(II) beginning on the date that
17 is 180 days after the date on which
18 such period begins—

19 “(aa) terminate all allot-
20 ments made by or on behalf of
21 the agency with respect to such
22 labor organization under section
23 7115; and

1 “(bb) not authorize any such
2 allotments with respect to such
3 labor organization; and

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

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

16 “(B) EXCLUSIVE REPRESENTATIVE PROHI-
17 BITION.—A labor organization for which the
18 Authority terminates a certification as the ex-
19 clusive representatives of employees of an agen-
20 cy under subparagraph (A)(iii) may not be cer-
21 tified as the exclusive representative of any em-
22 ployee of such agency unless such labor organi-
23 zation pays all fees charged to such labor orga-
24 nization by the head of such agency under sub-

1 section (a)(1), including any increases to such
2 fees under subparagraph (A)(i).

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

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

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

13 “(2) TIME TRACKING.—

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

18 “(B) FAILURE TO RECORD.—

19 “(i) IN GENERAL.—A labor represent-
20 ative who uses union time and fails to
21 record such use in the applicable time and
22 attendance tracking system shall be consid-
23 ered absent without leave and subject to
24 appropriate adverse action.

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

8 “(iii) LIMITED REVIEW.—Adverse ac-
9 tion take against an employee under clause
10 (i)—

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

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

21 “(3) PAYMENT REQUIRED.—The head of an
22 agency may not forgive, reimburse, waive, or in any
23 other manner reduce any fee charged under this sec-
24 tion.

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

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

14 “(B) submit to the head of such agency,
15 the Committee on Oversight and Accountability
16 of the House of Representatives, and the Com-
17 mittee on Homeland Security and Govern-
18 mental Affairs of the Senate a report on the
19 findings of the evaluation required by subpara-
20 graph (A).

21 “(d) DEFINITIONS.—In this section:

22 “(1) AGENCY BUSINESS.—The term ‘agency
23 business’ means work performed by employees on
24 behalf of an agency, or under the direction and con-
25 trol of the agency.

1 “(2) AGENCY RESOURCES PROVIDED FOR
2 UNION USE.—The term ‘agency resources provided
3 for union use’ means the resources of an agency,
4 other than the time of employees in a duty status,
5 that such agency provides to labor representatives
6 for purposes pertaining to matters covered by this
7 chapter, including agency office space, parking
8 space, equipment, and reimbursement for expenses
9 incurred while on union time or otherwise per-
10 forming non-agency business, except that this term
11 does not include any resource to the extent that such
12 resource is used for agency business.

13 “(3) LABOR ORGANIZATION.—The term ‘labor
14 organization’ means a labor organization recognized
15 as an exclusive representative of employees of an
16 agency under this chapter or as a representative of
17 agency employees under any system established by
18 the Transportation Security Administration Admin-
19 istrator pursuant to section 111(d) of the Aviation
20 and Transportation Security Act (49 U.S.C. 44935
21 note).

22 “(4) HOURLY RATE OF PAY.—The term ‘hourly
23 rate of pay’ means the total cost to an agency of em-
24 ploying an employee in a pay period or pay periods,
25 including wages, salary, and other cash payments,

1 agency contributions to employee health and retire-
2 ment benefits, employer payroll tax payments, paid
3 leave accruals, and the cost to the agency for other
4 benefits, divided by the number of hours such em-
5 ployee worked in such pay period or pay periods.

6 “(5) INTEREST RATE.—The term ‘interest rate’
7 means the average market yield of outstanding mar-
8 ketable obligations of the United States having ma-
9 turities of 30 years plus one percentage point.

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

22 “(7) UNION TIME.—The term ‘union time’
23 means the time an employee of an agency who is a
24 labor representative for a labor organization spends
25 performing non-agency business while on duty, ei-

1 ther in service of such labor organization or other-
2 wise acting in the capacity as an employee represent-
3 ative, including official time authorized under sec-
4 tion 7131.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 71 of title 5, United States Code, is amended
7 by adding at the end the following new item:

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

