

AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H.R. 5749

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 “Official Time Report-
3 ing Act of 2025”.

4 SEC. 2. REPORTING REQUIREMENT.

5 (a) IN GENERAL.—Section 7131 of title 5, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(e)(1)(A) Not later than March 31 of each calendar
9 year, the Director of the Office of Personnel Management,
10 in consultation with the Director of the Office of Manage-
11 ment and Budget, shall submit to the Committee on Over-
12 sight and Government Reform of the House of Represent-
13 atives and Committee on Homeland Security and Govern-
14 mental Affairs of the Senate, and make publicly available
15 on a website of the Office of Personnel Management, a
16 report covering the activities under this section during the
17 most recently completed fiscal year prior to such calendar
18 year, including each explanation submitted to the Director

1 under subparagraph (C) and summarizing information re-
2 ceived under subparagraph (B).

3 “(B) Not later than December 31 of each
4 calendar year, the head of each agency shall
5 submit to the Director of the Office of Per-
6 sonnel Management the information which the
7 Director requires, with respect to such agency,
8 for purposes of the report which is next due
9 under subparagraph (A) in accordance with the
10 guidance issued by the Director, including any
11 standardized format for the submission of such
12 information included in such guidance.

13 “(C) If the average aggregate official time
14 rate of an agency for a fiscal year is greater
15 than the average aggregate official time rate for
16 such agency for the previous fiscal year, the
17 head of such agency shall include an expla-
18 nation for such increase in the information sub-
19 mitted to the Director of the Office of Per-
20 sonnel Management under subparagraph (B)
21 for the purposes of the report required under
22 subparagraph (A) covering such fiscal year.

23 “(2) Each report submitted by the Director of
24 the Office of Personnel Management under para-
25 graph (1)(A) shall include, with respect to the fiscal

1 year covered by the report, the following informa-
2 tion:

3 “(A) The total amount of official time
4 granted to employees.

5 “(B) The average amount of official time
6 expended per employee in a bargaining unit and
7 the total number of employees in a bargaining
8 unit.

9 “(C) For each agency, the average aggre-
10 gate official time rate.

11 “(D) The agency or subdivision of an
12 agency in which employees in a bargaining unit
13 are employed.

14 “(E) The total amount withheld from the
15 pay of employees in a bargaining unit using the
16 payroll systems of agencies for the payment of
17 the regular and periodic dues of the exclusive
18 representative of the unit, and the total number
19 of such employees that paid such dues through
20 such payroll systems.

21 “(F) The specific types of activities or pur-
22 poses for which official time was granted, and
23 the effects on agency operations of such grants
24 of official time for such activities or purposes.

1 “(G) The total number of employees to
2 whom official time was granted and the number
3 of such employees who as an employee, engaged
4 in only activities or purposes involving the use
5 of official time.

6 “(H) The amount paid by the Federal
7 Government to employees granted official time
8 with respect to the activities or purposes for
9 which such employees were granted such official
10 time, disaggregated by the costs of the com-
11 pensation and fringe benefits of such employees
12 and any travel, per diem, or other expense.

13 “(I) For each agency, a description of any
14 room or space designated at the agency (or its
15 subcomponent) as a room or space where em-
16 ployees of the agency conducted activities for
17 which official time was granted, including the
18 square footage of any such room or space, and,
19 if the agency allowed a labor organization or in-
20 dividuals on official time the free or discounted
21 use of property of the Government, the total
22 fair market value of such free or discounted use
23 and the amount, if any, paid by the labor orga-
24 nization to the agency for the use of such prop-
25 erty.

1 “(3) The Director of the Office of Personnel
2 Management shall—

3 “(A) provide the information required
4 under paragraph (2) to be included in a report
5 submitted by the Director under paragraph
6 (1)(A) in the aggregate for all agencies and
7 disaggregated by agency; and

8 “(B) include in each such report, other
9 than the first such report submitted by the Di-
10 rector under paragraph (1)(A), comparisons of
11 the information for the fiscal year covered by
12 the report with the corresponding information
13 for the previous fiscal year contained in the re-
14 port submitted by the Director under paragraph
15 (1)(A) covering such previous fiscal year, in-
16 cluding such analysis of such comparisons as
17 determined appropriate by the Director.

18 “(4) For the purposes of this subsection—

19 “(A) the term ‘agency bargaining unit’
20 means a group of employees of an agency rep-
21 resented by an exclusive representative in an
22 appropriate unit for collective bargaining under
23 subchapter II of this chapter;

24 “(B) the term ‘average aggregate official
25 time rate’, with respect to an agency, means the

1 average of the official time rates for each agen-
2 cy bargaining unit of such agency for a fiscal
3 year, weighted by the number of employees in
4 each such agency bargaining unit as of the end
5 of such fiscal year;

6 “(C) the term ‘bargaining unit’ means a
7 group of employees represented by an exclusive
8 representative in an appropriate unit for collec-
9 tive bargaining under subchapter II of this
10 chapter;

11 “(D) the term ‘official time’ means the
12 time an employee of an agency who is a labor
13 representative for a labor organization spends
14 performing non-agency business while on duty,
15 either in service of such labor organization or
16 otherwise acting in the capacity as an employee
17 representative, including official time authorized
18 under this section; and

19 “(E) the term ‘official time rate’ means
20 the total number of duty hours during a fiscal
21 year that employees in an agency bargaining
22 unit used for official time, divided by the num-
23 ber of employees in such agency bargaining unit
24 as of the end of such fiscal year.”.

1 (b) GUIDANCE.—Not later than 180 days after the
2 date of enactment of this Act, the Director of the Office
3 of Personnel Management shall—

4 (1) issue guidance to agencies (as defined in
5 section 7103(a) of title 5, United States Code) re-
6 garding the submission of information under sub-
7 paragraphs (B) and (C) of section 7131(e)(1) of
8 title 5, United States Code, as added by subsection
9 (a), which may include a standardized format for the
10 submission of such information; and

17 (c) APPLICABILITY.—The amendment made by sub-
18 section (a) take effect on the first April 1 that is not less
19 than six months after the date of the enactment of this
20 Act.

