

119<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1210

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2025

Mr. PERRY introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## 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.—Chapter 71 of title 5, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

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

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

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

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

20 “(A) the value of the union time of each  
21 labor representative for such labor organization  
22 while employed by such agency in such quarter;  
23 and

24 “(B) the value of agency resources pro-  
25 vided for union use to such labor organization  
26 by such agency in such quarter.

1 “(3) TIMING.—

2 “(A) NOTICE.—Not later than 30 days  
3 after the end of each calendar quarter, the head  
4 of each agency shall submit to each labor orga-  
5 nization charged a fee by such head under  
6 paragraph (1) with respect to such calendar  
7 quarter a notice stating the amount of such fee.

8 “(B) DUE DATE.—Payment of a fee  
9 charged under paragraph (1) is due not later  
10 than 60 days after the date on which the labor  
11 organization charged such fee receives a notice  
12 under paragraph (A) with respect to such fee.

13 “(4) PAYMENT.—

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

17 “(B) TRANSFER TO GENERAL FUND.—The  
18 head of an agency shall transfer each payment  
19 of a fee charged under paragraph (1) that such  
20 head receives to the general fund of the Treas-  
21 ury.

22 “(b) VALUE DETERMINATIONS.—

23 “(1) IN GENERAL.—The head of an agency  
24 charging a labor organization a fee under subsection  
25 (a) shall determine the value of union time used by

1 labor representatives and the value of agency re-  
2 sources provided for union use for the purposes of  
3 paragraph (2) of such subsection in accordance with  
4 this subsection.

5 “(2) VALUES.—For the purposes of paragraph  
6 (2) of subsection (a), with respect to a fee charged  
7 to a labor organization by the head of an agency  
8 under paragraph (1) of such subsection—

9 “(A) the value of the union time of a labor  
10 representative during a calendar quarter is  
11 equal to amount that is the product of the  
12 hourly rate of pay of such labor representative  
13 paid by such agency and the number of hours  
14 of union time of such labor representative dur-  
15 ing such calendar quarter during which such  
16 labor representative was on duty as an em-  
17 ployee of such agency; and

18 “(B) such head of such agency shall deter-  
19 mine the value of agency resources provided for  
20 union use during a calendar quarter using rates  
21 established by the General Services Administra-  
22 tion, where applicable, or to the extent that  
23 such rates are inapplicable to such the use of  
24 such resources, the market rate for the use of  
25 such resources, except that with respect to re-

1 sources used for both agency business and for  
2 purposes pertaining to matters covered by this  
3 chapter, only the value of the portion of the use  
4 of such resources for the business of such labor  
5 organization shall be included.

6 “(3) DETERMINATIONS NOT SUBJECT TO RE-  
7 VIEW.—No determination of the head of an agency  
8 described in paragraph (1) may be determined to be  
9 an unfair labor practice or subject to collective bar-  
10 gaining or grievance procedures under this chapter,  
11 or otherwise contested or appealed.

12 “(c) ENFORCEMENT AND PENALTIES.—

13 “(1) PENALTIES.—

14 “(A) IN GENERAL.—If a labor organization  
15 does not pay a fee charged to such labor orga-  
16 nization under subsection (a)(1) on or before  
17 the date on which payment for such fee be-  
18 comes due, during the period beginning on the  
19 date on which such payment becomes due and  
20 ending on the date on which every fee charged  
21 to such labor organization under such sub-  
22 section is fully paid—

23 “(i) the amount of such fee shall be  
24 increased at a rate equal to the interest  
25 rate;

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

2 “(I) beginning on the date that is  
3 90 days after the date on which such  
4 period begins—

5 “(aa) deny such labor orga-  
6 nization and the labor represent-  
7 atives for such labor organization  
8 any further union time;

9 “(bb) cease providing and  
10 the deny further use of agency  
11 resources provided for union use  
12 by such labor representatives for  
13 the business of such labor organi-  
14 zation; and

15 “(cc) not be subject to—

16 “(AA) any grievance  
17 procedures or binding arbi-  
18 tration invoked by such  
19 labor organization under  
20 section 7121; or

21 “(BB) any unfair labor  
22 practice complaints or pro-  
23 ceedings under this chapter  
24 pertaining to such labor or-  
25 ganization or employees rep-

1                   resented by such labor orga-  
2                   nization; and

3                   “(II) beginning on the date that  
4                   is 180 days after the date on which  
5                   such period begins—

6                   “(aa) terminate all allot-  
7                   ments made by or on behalf of  
8                   the agency with respect to such  
9                   labor organization under section  
10                  7115; and

11                  “(bb) not authorize any such  
12                  allotments with respect to such  
13                  labor organization; and

14                  “(III) on the date that is 365  
15                  days after the date on which such pe-  
16                  riod begins, inform the Authority and  
17                  such labor organization that such pe-  
18                  riod has reached a duration of 365  
19                  days; and

20                  “(iii) on the date that is 380 days  
21                  after the date on which such period begins,  
22                  the Authority shall terminate the certifi-  
23                  cation of such labor organization as the ex-  
24                  clusive representative of employees of such  
25                  agency.

1           “(B) EXCLUSIVE REPRESENTATIVE PROHI-  
2           BITION.—A labor organization for which the  
3           Authority terminates a certification as the ex-  
4           clusive representatives of employees of an agen-  
5           cy under subparagraph (A)(iii) may not be cer-  
6           tified as the exclusive representative of any em-  
7           ployee of such agency unless such labor organi-  
8           zation pays all fees charged to such labor orga-  
9           nization by the head of such agency under sub-  
10          section (a)(1), including any increases to such  
11          fees under subparagraph (A)(i).

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

14                 “(i) tolling any statutory or contrac-  
15                 tual deadline for the filing of a grievance,  
16                 complaint of an unfair labor practice, or  
17                 proceeding to binding arbitration; or

18                 “(ii) preventing or limiting an agency  
19                 from filing any grievance against a labor  
20                 organization or advancing such grievances  
21                 to binding arbitration.

22          “(2) TIME TRACKING.—

23                 “(A) IN GENERAL.—Each agency shall  
24                 track the use of union time by labor representa-



1           tives using the applicable time and attendance  
2 tracking system of such agency.

3           “(B) FAILURE TO RECORD.—

4           “(i) IN GENERAL.—A labor represent-  
5 ative who uses union time and fails to  
6 record such use in the applicable time and  
7 attendance tracking system shall be consid-  
8 ered absent without leave and subject to  
9 appropriate adverse action.

10           “(ii) WILLFUL OR REPEATED FAIL-  
11 URES.—A failure of a labor representative  
12 described in clause (i) shall constitute an  
13 impairment to the efficient of the service if  
14 such failure is willful or occurs in the same  
15 fiscal year as another such failure by such  
16 labor representative.

17           “(iii) LIMITED REVIEW.—Adverse ac-  
18 tion take against an employee under clause  
19 (i)—

20           “(I) may not be determined to be  
21 an unfair labor practice or subject to  
22 grievance procedures or binding arbi-  
23 tration under section 7121; and

24           “(II) notwithstanding any other  
25 provision of law, shall be sustained on

1                   appeal if the determination of the  
2                   agency to take such adverse action  
3                   against such employee is supported by  
4                   substantial evidence.

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

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

13                         “(A) conduct an evaluation of the compli-  
14                         ance of such agency and each relevant labor or-  
15                         ganization with the requirements of this section,  
16                         including the accuracy with which labor rep-  
17                         resentatives recorded the use of union time, the  
18                         promptness with which fees under subsection  
19                         (a) were charged and paid, and the valuation of  
20                         agency resources provided for union use by such  
21                         agency pursuant to subsection (b)(2)(B); and

22                         “(B) submit to the head of such agency,  
23                         the Committee on Oversight and Government  
24                         Reform of the House of Representatives, and  
25                         the Committee on Homeland Security and Gov-

1           ernmental Affairs of the Senate a report on the  
2           findings of the evaluation required by subpara-  
3           graph (A).

4           “(d) DEFINITIONS.—In this section:

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

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

21          “(3) LABOR ORGANIZATION.—The term ‘labor  
22          organization’ means a labor organization recognized  
23          as an exclusive representative of employees of an  
24          agency under this chapter or as a representative of  
25          agency employees under any system established by

1 the Transportation Security Administration Admin-  
2 istrator pursuant to section 111(d) of the Aviation  
3 and Transportation Security Act (49 U.S.C. 44935  
4 note).

5 “(4) HOURLY RATE OF PAY.—The term ‘hourly  
6 rate of pay’ means the total cost to an agency of em-  
7 ploying an employee in a pay period or pay periods,  
8 including wages, salary, and other cash payments,  
9 agency contributions to employee health and retire-  
10 ment benefits, employer payroll tax payments, paid  
11 leave accruals, and the cost to the agency for other  
12 benefits, divided by the number of hours such em-  
13 ployee worked in such pay period or pay periods.

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

18 “(6) LABOR REPRESENTATIVE.—The term  
19 ‘labor representative’ means an employee of an agen-  
20 cy serving in any official or other representative ca-  
21 pacity for a labor organization (including as any of-  
22 ficer or steward of a labor organization) that is the  
23 exclusive representative of employees of such agency  
24 under this chapter or is the representative of em-  
25 ployees under any system established by the Trans-

1 portation Security Administration Administrator  
2 pursuant to section 111(d) of the Aviation and  
3 Transportation Security Act (49 U.S.C. 44935  
4 note).

5 “(7) UNION TIME.—The term ‘union time’  
6 means the time an employee of an agency who is a  
7 labor representative for a labor organization spends  
8 performing non-agency business while on duty, ei-  
9 ther in service of such labor organization or other-  
10 wise acting in the capacity as an employee represent-  
11 ative, including official time authorized under sec-  
12 tion 7131.”.

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

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

