

119TH CONGRESS
1ST SESSION

S. _____

To require the heads of Federal agencies to submit to Congress an annual report regarding official time authorized under title 5, United States Code, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. ERNST (for herself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To require the heads of Federal agencies to submit to Congress an annual report regarding official time authorized under title 5, United States Code, 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 “Taxpayer-Funded
5 Union Time Transparency Act”.

6 **SEC. 2. ANNUAL REPORT REGARDING LABOR MATTERS.**

7 (a) **DEFINITIONS.**—In this section:

1 (1) AGENCY; COLLECTIVE BARGAINING AGREE-
2 MENT; EMPLOYEE; LABOR ORGANIZATION.—The
3 terms “agency”, “collective bargaining agreement”,
4 “employee”, and “labor organization” have the
5 meanings given those terms in section 7103 of title
6 5, United States Code.

7 (2) SECTION 7131.—The term “section 7131”
8 means section 7131 of title 5, United States Code.

9 (b) ANNUAL REPORT.—Not later than June 30 of
10 each year that begins after the year in which this Act is
11 enacted, the head of each agency shall submit to Congress,
12 and post on the public website of the agency, a report that
13 details the following for the year covered by the report:

14 (1) The total cost to the agency of official time
15 authorized under section 7131.

16 (2) A detailed explanation of the purpose for
17 which the agency made each authorization of official
18 time under section 7131.

19 (3) With respect to each employee of the agency
20 for whom official time was authorized under section
21 7131—

22 (A) the position and annual rate of basic
23 pay of the employee;

24 (B) the value of any bonus awarded to the
25 employee;

1 (C) the cost to the agency of providing
2 benefits (including health insurance, retirement
3 contributions, and any other financial benefit
4 other than basic pay and a bonus) to the em-
5 ployee;

6 (D) the total number of hours the em-
7 ployee spent on activities for which the official
8 time was authorized; and

9 (E) the exact percentage that the number
10 of hours described in subparagraph (D) rep-
11 resented with respect to the total number of
12 hours worked by the employee for the applicable
13 year.

14 (4) The total amount of compensation paid to
15 employees of the agency to—

16 (A) negotiate collective bargaining agree-
17 ments;

18 (B) negotiate agreements between the
19 agency and a labor organization to address
20 matters of employment with respect to which a
21 collective bargaining agreement does not apply;

22 (C) process grievances pursuant to proce-
23 dures established under a collective bargaining
24 agreement; and

1 (D) engage in mediation, arbitration, or
2 impasse resolution in connection with collective
3 bargaining disputes.

4 (5) The total amount of fees paid by the agency
5 to arbitrators hearing grievances pursuant to proce-
6 dures described in paragraph (4)(C).

7 (6) The total amount paid by the agency for
8 travel and lodging expenses incurred by agency staff
9 (including employees for whom official time was au-
10 thorized under section 7131 and representatives of
11 the agency) who were traveling for the purposes of
12 negotiating a collective bargaining agreement.

13 (7) The total amount of expenses paid the
14 agency (or with respect to which a labor organiza-
15 tion has requested reimbursement from the agency)
16 for retaining experts to assist in the negotiation of
17 a collective bargaining agreement.

18 (8) The total amount of expenses paid by the
19 agency (or with respect to which a labor organiza-
20 tion has requested reimbursement from the agency)
21 for retaining factfinders, mediators, or arbitrators to
22 settle a dispute arising under a collective bargaining
23 agreement.

24 (9) The total number of hours for which the
25 agency permitted labor organizations, or employees

1 of the agency for whom official time was authorized
2 under section 7131, to use agency property at no
3 cost or at a discounted rate.

4 (10) The amount of real estate made available
5 by the agency to labor organizations, which shall be
6 measured by square footage and in consultation with
7 the Administrator of General Services.

8 (11) The total monetary value of the uses de-
9 scribed in paragraphs (9) and (10), which shall in-
10 clude—

11 (A) the cost of maintaining real estate
12 made available to a labor organization; and

13 (B) the cost of acquiring each asset made
14 available to a labor organization.

15 (12) The amount of each reimbursement col-
16 lected by the agency with respect to a use described
17 in paragraph (9) or (10).

18 (13) The total amount of the expenses (includ-
19 ing the cost of administrative support and the cost
20 of acquiring technology) incurred by the agency for
21 purposes of activities conducted by a labor organiza-
22 tion or a private individual with respect to official
23 time authorized by the agency under section 7131.

24 (14) An explanation of any increase, as com-
25 pared to the report submitted in the previous year,

1 in the amount of official time authorized by the
2 agency under section 7131.

3 (15) The total amount of penalties levied
4 against the agency relating to collective bargaining
5 with a labor organization, including the value of ar-
6 bitration awards paid to, or monetary settlements
7 with, a labor organization or a member of a labor
8 organization.

9 (c) GAO AUDITS.—The Comptroller General of the
10 United States shall, not less frequently than once every
11 4 years—

12 (1) audit the accounting practices that each
13 agency uses to document the items described in sub-
14 section (b); and

15 (2) if the Comptroller General finds, in carrying
16 out paragraph (1), that an agency is not using gen-
17 erally accepted accounting principles, at minimum,
18 brief the relevant authorizing committees of Con-
19 gress regarding that failure by the agency.