

S.L.C.


AMENDMENT NO. _____

Calendar No. _____

Purpose: To limit the use of Federal taxpayer-funded union time for political activity, to exclude certain Federal taxpayer-funded union time from eligibility as creditable service under CSRS and FERS, and for other purposes.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

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AMENDMENT intended to be proposed by Mr. JOHNSON

Viz:

- 1 At the end of subtitle G of title X, add the following:
- 2 **SEC. 1088. FEDERAL TAXPAYER-FUNDED UNION TIME.**
- 3 (a) IN GENERAL.—
- 4 (1) AMENDMENT.—Section 7131 of title 5,
- 5 United States Code, is amended—
- 6 (A) in the section heading, by striking
- 7 “**Official time**” and inserting “**Federal**
- 8 **taxpayer-funded union time**”;

1 (B) in subsection (a), by striking “official
2 time” each place it appears and inserting “Fed-
3 eral taxpayer-funded union time”;

4 (C) in subsection (c), by striking “official
5 time” and all that follows through “duty sta-
6 tus” and inserting “Federal taxpayer-funded
7 union time for such purpose during the time
8 the employee otherwise would be in a duty sta-
9 tus as intended upon appointment to a position
10 in the civil service”; and

11 (D) in subsection (d), in the matter fol-
12 lowing paragraph (2), by striking “official
13 time” and inserting “Federal taxpayer-funded
14 union time”.

15 (2) TECHNICAL AND CONFORMING AMEND-
16 MENTS.—

17 (A) Section 1018(d) of the Foreign Service
18 Act of 1980 (22 U.S.C. 4118(d)) is amended—

19 (i) by striking “official time” each
20 place it appears and inserting “Federal
21 taxpayer-funded union time”; and

22 (ii) in paragraph (3), by inserting “as
23 intended upon appointment to a position in
24 the civil service or foreign service” before
25 the period at the end.

1 (B) The table of sections for chapter 71 of
2 title 5, United States Code, is amended by
3 striking the item relating to section 7131 and
4 inserting the following:

“7131. Federal taxpayer-funded union time.”.

5 (b) LIMITATION ON USE OF FEDERAL TAXPAYER-
6 FUNDED UNION TIME FOR POLITICAL ACTIVITY.—

7 (1) IN GENERAL.—Section 7131 of title 5,
8 United States Code, is amended—

9 (A) in subsection (d) by inserting “and
10 subsection (e)” after “preceding subsections”;
11 and

12 (B) by adding at the end the following:

13 “(e) An employee may not be granted Federal tax-
14 payer-funded union time under this section for any time
15 such employee would otherwise be in a duty status for pur-
16 poses of engaging in any political activity, including lob-
17 bying activity.”.

18 (2) APPLICABILITY.—The amendment made by
19 this subsection shall apply on and after the date of
20 enactment of this Act, regardless of whether an em-
21 ployee is covered by a collective bargaining agree-
22 ment in effect on such date.

23 (c) EXCLUSION OF CERTAIN DURATIONS OF FED-
24 ERAL TAXPAYER-FUNDED UNION TIME FROM CRED-
25 ITABLE SERVICE.—

(1) CSRS.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

4 “(p)(1) An employee may not be allowed credit under
5 this section for service performed during any year during
6 which the service of the employee is spent principally on
7 Federal taxpayer-funded union time, as described under
8 paragraph (2).

9 “(2) For purposes of this subsection, the service of
10 an employee during a year is spent principally on Federal
11 taxpayer-funded union time if at least 80 percent of the
12 hours such employee would otherwise be in a duty status
13 during such year are spent on Federal taxpayer-funded
14 union time granted under section 7131.

15 “(3) Notwithstanding paragraph (1), any service de-
16 scribed under paragraph (1) for which an employee is not
17 allowed credit under this subsection shall be treated as
18 creditable service for purposes of calculating the average
19 pay of the employee under section 8331(4).”.

(2) FERS.—Section 8411 of title 5, United States Code, is amended by—

(A) striking “(i)(1) Upon application” and
inserting “(j)(1) Upon application”; and

24 (B) by adding at the end the following:

1 “(m)(1) An employee may not be allowed credit under
2 this section for service performed during any year during
3 which the service of the employee is spent principally on
4 Federal taxpayer-funded union time, as described under
5 paragraph (2).

6 “(2) For purposes of this subsection, the service of
7 an employee during a year is spent principally on Federal
8 taxpayer-funded union time if at least 80 percent of the
9 hours such employee would otherwise be in a duty status
10 during such year are spent on Federal taxpayer-funded
11 union time granted under section 7131.

12 “(3) Notwithstanding paragraph (1), any service de-
13 scribed under paragraph (1) for which an employee is not
14 allowed credit under this subsection shall be considered
15 service for purposes of calculating the average pay of the
16 employee under section 8401(3).”.

17 (3) APPLICABILITY.—The amendments made
18 by this subsection shall apply to any applicable an-
19 nuity calculated on or after January 1, 2019.

20 (d) LIMITATION ON CERTAIN BONUSES.—

21 (1) RECRUITMENT AND RELOCATION BO-
22 NUSES.—

23 (A) IN GENERAL.—Section 5753 of title 5,
24 United States Code, is amended—

1 (i) in subsection (g) by inserting “or
2 the bonus is subject to retraction under
3 subsection (h)” before the period at the
4 end; and

5 (ii) by adding at the end the fol-
6 lowing:

7 “(h) A bonus awarded under this section shall be re-
8 tracted and subject to repayment under subsection (g) in
9 any case in which an employee has spent at least 80 per-
10 cent of the hours such employee would otherwise be in a
11 duty status on Federal taxpayer-funded union time grant-
12 ed under section 7131 during the period ending on the
13 date that is 6 months after the appointment or relocation
14 of such employee, as applicable.”.

15 (B) APPLICABILITY.—The amendment
16 made by subparagraph (A) shall apply with re-
17 spect to any applicable bonus awarded on or
18 after January 1, 2018.

19 (2) RETENTION BONUSES.—Section 5754(d) of
20 title 5, United States Code, is amended by adding
21 at the end the following:

22 “(5)(A) A retention bonus may not be paid to an em-
23 ployee who, for a period of 6 consecutive months of service
24 associated with the bonus, has spent at least 80 percent
25 of the hours such employee would otherwise be in a duty

1 status on Federal taxpayer-funded union time granted
2 under section 7131.

3 “(B) Subparagraph (A) shall apply with respect to
4 any 6 consecutive months of service beginning on or after
5 January 1, 2018.”.