

114TH CONGRESS
2D SESSION

H. R. 4461

To amend title 5, United States Code, to provide that agencies may not deduct labor organization dues from the pay of Federal employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2016

Mr. TOM PRICE of Georgia (for himself, Mr. ALLEN, Mrs. BLACKBURN, Mr. BRAT, Mr. BUCK, Mr. BURGESS, Mr. COLLINS of Georgia, Mr. CRAMER, Mr. DESJARLAIS, Mr. DUNCAN of South Carolina, Mr. FRANKS of Arizona, Mr. GOSAR, Mr. GRAVES of Georgia, Mr. HUDSON, Mr. KING of Iowa, Mr. LAMALFA, Mr. PALAZZO, Mr. PALMER, Mr. PEARCE, Mr. RATCLIFFE, Mr. ROKITA, Mr. ROUZER, Mr. SALMON, Mr. STEWART, Mr. STUTZMAN, Mr. WESTERMAN, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. YOHO, Mrs. LUMMIS, and Mr. MICA) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to provide that agencies may not deduct labor organization dues from the pay of Federal employees, 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 “Federal Employee
5 Rights Act”.

1 **SEC. 2. LABOR ORGANIZATION DUES.**

2 (a) DUES NOT DEDUCTIBLE FROM PAY.—Chapter
3 71 of title 5, United States Code, is amended by striking
4 section 7115 and inserting the following:

5 **“§ 7115. Labor organization dues**

6 “(a) DUES NOT DEDUCTIBLE FROM PAY.—

7 “(1) IN GENERAL.—An agency may not deduct
8 any amount from the pay of an employee for the
9 dues of a labor organization.

10 “(2) RESTRICTION.—Appropriated funds may
11 not be used to pay an employee who makes deduc-
12 tions described in paragraph (1).

13 “(3) DEFINITION.—For purposes of this sub-
14 section, the term ‘agency’ means—

15 “(A) an Executive agency (as defined in
16 section 105), the United States Postal Service,
17 and the Postal Regulatory Commission;

18 “(B) an office, agency, or other establish-
19 ment in the legislative branch;

20 “(C) an office, agency, or other establish-
21 ment in the judicial branch; and

22 “(D) the government of the District of Co-
23 lumbia.

24 “(b) PROHIBITION ON USE OF DUES FOR POLITICAL
25 PURPOSES.—

1 “(1) IN GENERAL.—Employee dues collected by
2 a labor organization pursuant to this chapter may
3 not be used for any purpose not directly related to
4 the organization’s collective bargaining activities on
5 behalf of the employee under this chapter unless,
6 after a notice period of not less than 35 days, the
7 employee authorizes such use in writing.

8 “(2) EXPIRATION.—An authorization under
9 paragraph (1) shall—

10 “(A) expire not later than 1 year after the
11 date on which such authorization is signed by
12 the employee; and

13 “(B) not provide for an automatic renewal
14 of any authorization under this subsection.”.

15 (b) POSTAL SERVICE AMENDMENT.—Section 1205 of
16 title 39, United States Code, is amended to read as fol-
17 lows:

18 **“§ 1205. Prohibition on use of dues for political pur-**
19 **poses**

20 “(a) Employee dues collected by a labor organization
21 pursuant to this chapter may not be used for any purpose
22 not directly related to the organization’s collective bar-
23 gaining activities on behalf of the employee under this
24 chapter unless, after a notice period of not less than 35
25 days, the employee authorizes such use in writing.

1 “(b) An authorization under subsection (a) shall—

2 “(1) expire not later than 1 year after the date
3 on which such authorization is signed by the em-
4 ployee; and

5 “(2) not provide for an automatic renewal of
6 any authorization under this subsection.”.

7 (c) CLERICAL AMENDMENTS.—

8 (1) TITLE 5.—The table of sections at the be-
9 ginning of chapter 71 of title 5, United States Code,
10 is amended by striking the item relating to section
11 7115 and inserting the following:

“7115. Labor organization dues.”.

12 (2) TITLE 39.—The table of sections at the be-
13 ginning of chapter 12 of title 39, United States
14 Code, is amended by striking the item relating to
15 section 1205 and inserting the following:

“1205. Prohibition on use of dues for political purposes.”.

16 (d) EFFECTIVE DATES; TRANSITION PROVISIONS.—

17 (1) EFFECTIVE DATE.—The amendments made
18 by this section shall take effect on the date of enact-
19 ment of this section.

20 (2) TRANSITION PROVISIONS.—

21 (A) CURRENT DEDUCTIONS FOR DUES OF
22 AN EXCLUSIVE REPRESENTATIVE.—Nothing in
23 this section shall, in the case of an assignment
24 received before the date of enactment of this

1 section under subsection (a) of section 7115 of
2 title 5, United States Code (as then in effect),
3 cause the termination of such assignment be-
4 fore—

5 (i) the date on which such assignment
6 is revoked, in accordance with the last sen-
7 tence of such subsection (a) (as last in ef-
8 fect before such date of enactment); or

9 (ii) if earlier, the date determined
10 under paragraph (1) or (2) of subsection
11 (b) of such section 7115 (as last in effect
12 before such date of enactment).

13 (B) CURRENT DEDUCTIONS FOR DUES OF
14 OTHER LABOR ORGANIZATIONS.—Nothing in
15 this section shall, in the case of a voluntary al-
16 lotment made before the date of enactment of
17 this section under subsection (c) of section
18 7115 of title 5, United States Code (as then in
19 effect), cause the termination of such allotment
20 before the date on which the underlying agree-
21 ment (under authority of which such allotment
22 is being made) ceases to have effect, whether by
23 reason of section 7115(c)(2)(B) of such title 5
24 (as last in effect before such date of enactment)
25 or otherwise.

1 (C) CURRENT DEDUCTIONS FOR DUES OF
2 A LABOR ORGANIZATION FROM POSTAL SERVICE
3 EMPLOYEES.—Nothing in this section shall, in
4 the case of a written assignment received before
5 the date of enactment of this section under sec-
6 tion 1205 of title 39, United States Code (as
7 then in effect), cause the termination of such
8 assignment before the date on which such as-
9 signment—

10 (i) is revoked in accordance with such
11 section (as last in effect before such date
12 of enactment); or

13 (ii) otherwise expires.

14 (3) NONRENEWABILITY.—

15 (A) IN GENERAL.—An agreement between
16 an agency and a labor organization, entered
17 into before the date of enactment of this section
18 under subsection (a) or (c) of section 7115 of
19 such title 5 (as then in effect), shall not, to the
20 extent that it relates to deductions for the pay-
21 ment of dues of such labor organization, be
22 subject to renewal or extension.

23 (B) POSTAL SERVICE.—A written assign-
24 ment received by the United States Postal Serv-
25 ice under section 1205 of title 39, United

1 States Code (as then in effect) or an agreement
2 between the United States Postal Service and
3 any organization of employees in effect pursu-
4 ant to 1205(b) of such title (as then in effect),
5 shall not, to the extent that it relates to deduc-
6 tions for the payment of dues of such organiza-
7 tion, be subject to renewal or extension.

8 (4) DEFINITIONS.—For purposes of this sub-
9 section, the terms “agency”, “exclusive representa-
10 tive”, and “labor organization” have the respective
11 meanings given such terms in section 7103 of title
12 5, United States Code.

13 **SEC. 3. REQUIRE MAJORITY VOTE OF EMPLOYEES IN A**
14 **UNIT TO JOIN UNION.**

15 (a) IN GENERAL.—Section 7111 of title 5, United
16 States Code, is amended—

17 (1) in subsection (a), by striking “who cast
18 valid ballots in the election”;

19 (2) in subsection (b)(1)(A), by striking “30 per-
20 cent” and inserting “more than 50 percent”; and

21 (3) in subsection (f)(4), by striking “voting”
22 and insert “in the appropriate unit”.

23 (b) POSTAL SERVICE AMENDMENTS.—Section 1203
24 of title 39, United States Code, is amended—

1 (1) in subsection (c)(1), by striking “a substan-
2 tial number of employees” and inserting “a majority
3 of employees in a unit”; and

4 (2) in subsection (d), by striking “30 percent”
5 and inserting “more than 50 percent”.

6 (c) APPLICATION.—The amendments made by sub-
7 sections (a) and (b) shall apply to any applicable election
8 or petition filed after the date of enactment of this Act.

9 **SEC. 4. USE OF PERSONAL INFORMATION.**

10 (a) IN GENERAL.—Section 7111 of title 5, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 “(h) During any organizing activity conducted under
14 this chapter, an employee may elect, in writing, to with-
15 hold the employee’s personal information from a labor or-
16 ganization.”.

17 (b) POSTAL SERVICE AMENDMENT.—Section 1203 of
18 title 39, United States Code, is further amended by adding
19 at the end the following:

20 “(f) During any organizing activity conducted under
21 this chapter, an employee may elect, in writing, to with-
22 hold the employee’s personal information from a labor or-
23 ganization.”.

1 **SEC. 5. REQUIREMENT FOR SECRET PAPER BALLOT ELEC-**
2 **TIONS.**

3 (a) **IN GENERAL.**—Section 7111(d) of title 5, United
4 States Code, is amended by adding at the end after the
5 period the following: “Any election under this chapter
6 shall be a secret paper ballot election.”.

7 (b) **POSTAL SERVICE AMENDMENT.**—Section
8 1204(a) of title 39, United States Code, is amended by
9 adding at the end after the period the following: “Any
10 election under this chapter shall be a secret paper ballot
11 election.”.

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