

116TH CONGRESS  
2D SESSION

# S. 3583

To provide that certain Executive orders and Presidential memorandum with respect to Federal employee collective bargaining shall have no force or effect, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 25, 2020

Mr. CARDIN (for himself, Mr. BROWN, Mr. VAN HOLLEN, Mr. SANDERS, Mr. DURBIN, Mr. KAINE, Mr. CASEY, Mr. WARNER, Mrs. GILLIBRAND, Ms. HIRONO, Mr. SCHATZ, Mr. BOOKER, Ms. KLOBUCHAR, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To provide that certain Executive orders and Presidential memorandum with respect to Federal employee collective bargaining shall have no force or effect, 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 Collective  
5 Bargaining and Official Time for Federal Workers Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Federal unions play a critical role in pro-  
2           tecting the rights of Federal workers by allowing  
3           members to have a collective voice on the job and in  
4           the legislative process, advance issues for working  
5           families, ensure equal opportunities for all workers,  
6           and raise the standards by which all professional  
7           and technical workers are employed.

8           (2) Collective bargaining is essential to the  
9           union process, because it provides mutual agreement  
10          between all parties that fosters harmonious relation-  
11          ships between the Federal Government and its em-  
12          ployees and protects the interest of both parties.

13          (3) The current administration has acted  
14          through Executive orders and official memorandums  
15          to dismantle Federal unions and undermine their  
16          collective bargaining rights across the Federal work-  
17          force and these directives have already negatively  
18          impacted labor contracts, both signed and under ac-  
19          tive negotiation.

20          (4) These orders set an aggressive schedule for  
21          unions to engage in collective bargaining, while also  
22          slashing the unions official time for performing  
23          union duties by over 91 percent in some cases.  
24          These actions are limiting the ability for unions to

1 prepare for negotiations and perform their legally re-  
2 quired employee representational duties.

3 (5) Section 7101(a) of title 5, United States  
4 Code, states that Congress finds that “labor organi-  
5 zations and collective bargaining in the civil service  
6 are in the public interest.”. Attempting to eliminate  
7 the union by eliminating almost all its official time  
8 repudiates the statutory position that unions are in  
9 the public interest.

10 (6) Through these orders, agencies are required  
11 to comply with artificial bargaining schedules, which  
12 undermine good faith negotiations and divert the de-  
13 cision making to an impasse panel, which has no  
14 union representation on it and does not represent  
15 both parties.

16 (7) Collectively, the administration’s actions  
17 have violated congressional intent, undermined the  
18 ability of unions to engage in collective bargaining,  
19 and threatened the rights and benefits of millions of  
20 Federal workers.

1 **SEC. 3. NULLIFICATION OF EXECUTIVE ORDERS AND PRES-**  
2 **IDENTIAL MEMORANDUM RELATING TO FED-**  
3 **ERAL EMPLOYEE COLLECTIVE BARGAINING.**

4 Each of the following Executive orders and Presi-  
5 dential memorandum are rescinded and shall have no force  
6 or effect:

7 (1) Executive Order 13837 (83 Fed. Reg.  
8 25335; relating to the use of official time).

9 (2) Executive Order 13836 (83 Fed. Reg.  
10 25329; relating to Federal collective bargaining).

11 (3) Executive Order 13839 (83 Fed. Reg.  
12 25343; relating to the Merit Systems Protection  
13 Board).

14 (4) The Presidential Memorandum on the Dele-  
15 gation of Certain Authority under the Federal Serv-  
16 ice Labor-Management Relations Statute, issued to  
17 the Secretary of Defense on January 29, 2020.

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