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93D CONGRESS
1ST SESSION

H. R. 1281

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1973

MR. CHARLES H. WILSON of California introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 5, United States Code, to protect civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights, to prevent unwarranted governmental invasions of their privacy, 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 That (a) chapter 71 of title 5, United States Code, is
4 amended by adding at the end thereof the following new
5 subchapter III:

6 "SUBCHAPTER III—EMPLOYEE RIGHTS

7 **"§ 7171. Policy**

8 "It is the policy of the United States, as an employer,
9 to assure that those officials of Executive agencies charged

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1 with administrative or supervisory responsibility recognize
2 and protect the personal and individual rights, entitlements,
3 and benefits of employees of, and applicants for employment
4 in, Executive agencies.

5 **"§ 7172. Definition**

6 "For the purpose of this subchapter, 'official of an
7 Executive agency' means—

8 "(1) an officer of an Executive agency;

9 "(2) an 'officer' of any of the 'uniformed services'
10 as such terms are defined under section 101 of title
11 37; and

12 "(3) an individual acting or purporting to act
13 under the authority of an officer referred to in para-
14 graph (1) or (2) of this section.

15 **"§ 7173. Employee rights**

16 "(a) An official of an Executive agency may not—

17 "(1) require or request, or attempt to require
18 or request, an employee of an Executive agency or an
19 applicant for employment in an Executive agency to
20 disclose his race, religion, or national origin, or the race,
21 religion, or national origin of any of his forebears. This
22 paragraph does not prohibit inquiry concerning—

23 "(A) the citizenship of an employee or appli-
24 cant;

25 "(B) the national origin of an employee or

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1 applicant when that inquiry is considered necessary
2 or advisable to determine suitability for assign-
3 ment to activities or undertakings related to the
4 national security of the United States or to law
5 enforcement or to activities or undertakings of any
6 nature outside the United States;
7 "(C) the race, religion, or national origin of an
8 employee or applicant when that matter is in issue
9 in an allegation or complaint of discrimination; or
10 "(D) the race, religion, or national origin of an
11 employee or applicant when (i) that matter is di-
12 rectly related to or an integral part of scientific re-
13 search or program evaluation, (ii) appropriate safe-
14 guards have been instituted to preserve both the
15 voluntary participation and the anonymity of the
16 employee or applicant, and (iii) the inquiry has
17 been approved by the Civil Service Commission.
18 This paragraph does not prohibit an inquiry made to
19 satisfy the requirements of law providing preference for
20 Indians in connection with functions or services affect-
21 ing Indians;
22 "(2) coerce, require, or request, or attempt to
23 coerce, require, or request, an employee of an Executive
24 agency to attend or participate in a formal or informal
25 meeting, assemblage, or other group activity held to

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1 present, advocate, develop, explain, or otherwise cover
2 in any way, by lecture, discussion, discourse, instruction,
3 visual presentation, or otherwise, any matter or subject
4 other than—
5 "(A) the performance of official duties to
6 which that employee is or may be assigned in the
7 Executive agency; or
8 "(B) the development of skills, knowledge, or
9 abilities that qualify him for the performance of
10 those official duties;
11 "(3) coerce, require, or request, or attempt to
12 coerce, require, or request, an employee of an Executive
13 agency to—
14 "(A) participate in any way in an activity or
15 undertaking unless it is related to the performance
16 of official duties to which the employee is or may
17 be assigned in the Executive agency or related to
18 the development of skills, knowledge, or abilities
19 that qualify him for the performance of those official
20 duties; or
21 "(B) make any report concerning any activity
22 or undertaking of the employee not involving his
23 official duties, except—
24 "(i) when there is reason to believe that
25 the activity or undertaking conflicts with, or

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1 adversely affects the performance of, his official
2 duties; or
3 "(ii) as authorized to the contrary under
4 paragraph (6) of this subsection.
5 This paragraph does not prohibit the use of appropriate
6 publicity to inform employees of requests for assistance
7 from public service programs or organizations;
8 "(4) require or request, or attempt to require or
9 request, an employee of an Executive agency or an ap-
10 plicant for employment in an Executive agency to submit
11 to an interrogation or examination or to take a polygraph
12 or psychological test designed to elicit from the employee
13 or applicant information concerning his personal relation-
14 ship with any individual related to him by blood or mar-
15 riage, his religious beliefs or practices, or his attitude or
16 conduct with respect to sexual matters. This paragraph
17 does not prohibit—
18 "(A) a physician from eliciting this informa-
19 tion or authorizing these tests in the diagnosis or
20 treatment of an employee or applicant in individual
21 cases and not pursuant to general practice or regu-
22 lation governing the examination of employees or
23 applicants, when the physician considers the infor-
24 mation necessary to enable him to determine

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1 whether or not the employee or applicant is suffer-
2 ing from mental illness;
3 "(B) an official of an Executive agency from
4 advising an employee or applicant of a specific
5 charge of sexual misconduct made against the em-
6 ployee or applicant and giving him a full oppor-
7 tunity to refute the charge; or
8 "(C) an official of an Executive agency from
9 eliciting, from an employee or applicant, in individ-
10 ual cases and not pursuant to general practice or
11 regulation, information concerning the personal re-
12 lationship of the employee or applicant with any
13 individual related to him by blood or marriage, when
14 that official considers the information necessary in
15 the interest of national security;
16 "(5) coerce or require, or attempt to coerce or
17 require, an employee of an Executive agency to invest
18 his earnings in bonds or other obligations or securities
19 issued by the United States or by an Executive agency,
20 or to make donations to any institution or cause of any
21 kind. This paragraph does not prohibit an official of an
22 Executive agency from calling meetings and taking any
23 action appropriate to inform an employee of the op-
24 portunity—
25 "(A) voluntarily to invest his earnings in

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1 bonds or other obligations or securities issued by
2 the United States or by an Executive agency; or
3 "(B) voluntarily to make donations to any
4 institution or cause;
5 "(6) require or request, or attempt to require or
6 request, an employee of an Executive agency (other
7 than a Presidential appointee) to disclose his property or
8 the property of any member of his family or household.
9 This paragraph does not prohibit—
10 "(A) the Department of the Treasury or any
11 other Executive agency from requiring an employee
12 to make such reports as may be necessary or appro-
13 priate for the determination of his liability for taxes,
14 tariffs, customs duties, or similar obligations to the
15 United States; or
16 "(B) an official of an Executive agency from
17 requiring an employee who participates (other than
18 in a clerical capacity) in any determination with re-
19 spect to—
20 "(i) a Government contract or grant;
21 "(ii) the regulation of non-Federal enter-
22 prise;
23 "(iii) the tax or other liability of any per-
24 son to the United States; or

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1 "(iv) a claim that requires expenditure of
2 money of the United States;
3 from disclosing specific items of the property of
4 that employee, or specific items of the property of
5 any member of his family or household, which
6 may tend to indicate a conflict of interest with re-
7 spect to the performance of any of the official duties
8 to which the employee is or may be assigned.
9 As used in this paragraph, 'property' includes items
10 of property, income, and other assets, and the source
11 thereof, liabilities, and personal and domestic expendi-
12 tures;
13 "(7) prohibit or restrict, or attempt to prohibit
14 or restrict, the exercise by an employee of an Executive
15 agency of the right of reasonable communication with
16 any official of his agency; or
17 "(8) remove, suspend or furlough from duty with-
18 out pay, demote, reduce in rank, seniority, status, pay,
19 or performance or efficiency rating, deny promotion to,
20 relocate, reassign, discipline, or discriminate in regard
21 to any employment right, entitlement, or benefit or any
22 term or condition of employment of, an employee of an
23 Executive agency, or threaten to commit any of those
24 acts, by reason of—
25 "(A) the refusal or failure of the employee

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1 to submit to or comply with any requirement, re-
2 quest, or action prohibited by this subsection; or
3 "(B) the exercise by the employee of any
4 right, entitlement, benefit, or other protection
5 granted or secured by this section and section 7175
6 of this title.
7 "(b) The provisions of subsection (a) of this section do
8 not apply to—
9 "(1) the Central Intelligence Agency;
10 "(2) the National Security Agency;
11 "(3) the Federal Bureau of Investigation; or
12 "(4) any other Executive agency, or part thereof,
13 as the President, in the interest of national security,
14 may recommend to the Congress.
15 The exemption recommended by the President and trans-
16 mitted to the Congress under paragraph (4) of this sub-
17 section shall become effective at the end of the first period
18 of 30 calendar days of continuous session of the Congress
19 after the date on which the recommendation is transmitted
20 unless, between the date of transmittal and the end of the
21 30-day period, either the committee of the House of Repre-
22 sentatives or the committee of the Senate to which the recom-
23 mendation has been referred adopts a resolution which specifi-
24 cally disapproves the exemption so recommended and trans-

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1 mitted. The continuity of a session is broken only by an ad-
2 journment of the Congress sine die. The days on which
3 either House is not in session because of an adjournment of
4 more than 3 days to a day certain are excluded in the compu-
5 tation of the 30-day period.

6 "(c) (1) An employee of, or an applicant for employ-
7 ment in, an Executive agency who claims to be aggrieved by
8 a violation or threatened violation of subsection (a) of this
9 section is entitled to file a grievance with the agency con-
10 cerned not later than 15 days after the date of the violation
11 or threatened violation.

12 "(2) If—

13 "(A) the decision on the grievance by the Execu-
14 tive agency is adverse to the employee or applicant; or

15 "(B) after 60 days from the date the grievance is
16 filed the Executive agency has not issued a decision on
17 the grievance;

18 the employee or applicant is entitled to file a complaint with
19 the Board on Employee Rights not later than 15 days after
20 the adverse decision or the expiration of the 60-day period,
21 as the case may be.

22 **"§ 7174. Board on Employee Rights**

23 "(a) There is hereby established a Board on Employee
24 Rights composed of three members appointed by the Presi-
25 dent, by and with the advice and consent of the Senate, one

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1 of whom shall be a representative of a labor organization,
2 or association of supervisors, representing employees. Not
3 more than two members of the Board may be adherents of the
4 same political party and none of the members of the Board
5 may hold another office or position in the Government of the
6 United States. The President shall from time to time desig-
7 nate one of the members as chairman.

8 "(b) The term of office of each member of the Board
9 is 6 years. A member appointed to fill a vacancy occurring
10 before the end of the term of office of his predecessor serves
11 for the remainder of that term. When the term of office of a
12 member ends, he may continue to serve until his successor
13 is appointed and has qualified. The President may remove
14 a member only for inefficiency, neglect of duty, or mal-
15 feasance in office.

16 "(c) Two members of the Board constitute a quorum
17 for the transaction of business.

18 "(d) The Board may appoint and fix the pay of such
19 officers, attorneys, and employees, and make such expendi-
20 tures, as may be necessary to carry out its functions.

21 "(e) The Board shall prescribe rules and regulations
22 necessary and proper to carry out its functions under this
23 subchapter. To the extent consistent with efficient and eco-
24 nomical administration and the attainment and achievement
25 of justice in the consideration and disposition of matters be-

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1 fore the Board, the rules and regulations shall provide for the
2 use of depositions of witnesses. The rules and regulations
3 shall also prescribe the maximum attorney's remuneration
4 which may be awarded under section 7176 (c) of this title
5 for services performed in connection with any matter before
6 the Board, or the court, or both, under this subchapter. The
7 Board may require, by subpena or otherwise, the attendance
8 and testimony of witnesses, and the production of such
9 books, records, correspondence, memoranda, papers, and
10 documents, as it considers necessary.

11 "(f) (1) The Board shall receive and investigate written
12 complaints, filed under section 7173 (c) of this title, from
13 or on behalf of an employee or applicant claiming to be
14 aggrieved by a violation or threatened violation of section
15 7173 (a) of this title. On receipt of such a complaint, the
16 Board forthwith shall transmit a copy thereof to the head
17 of the Executive agency concerned.

18 "(2) If the Board determines, within 10 days after
19 its receipt of the complaint, that the facts alleged in the
20 complaint do not constitute a violation or threatened viola-
21 tion of section 7173 (a) of this title with respect to the
22 employee or applicant, it may dismiss the complaint without
23 a hearing. If the Board dismisses the complaint, it shall
24 notify all interested parties of the dismissal.

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1 "(3) If the Board does not dismiss the complaint with-
2 in 10 days after its receipt thereof, it shall—
3 "(A) conduct a hearing on the complaint within
4 30 days after its receipt of the complaint; and
5 "(B) furnish notice of the time, place, and nature
6 of the hearing thereon to all interested parties.
7 If a hearing on the complaint is to be conducted—
8 "(i) the Executive agency concerned shall file an
9 answer to the complaint and participate as a party in
10 the hearing; and
11 "(ii) any official of that agency, who is alleged,
12 in the complaint or during the course of the hearing,
13 to have committed a violation or threatened viola-
14 tion of section 7173 (a) of this title, is entitled, in his
15 individual capacity, to file an answer to the allegation
16 and participate as a party in the hearing.
17 "(4) The Board shall render its final decision with re-
18 spect to any complaint within 30 days after the conclusion
19 of its hearing thereon.
20 "(g) With the written consent of the employee or ap-
21 plicant concerned, filed with the Board, an officer or repre-
22 sentative of not more than one labor organization, or asso-
23 ciation of supervisors, representing employees shall be given
24 an opportunity to participate in each hearing conducted un-

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1 der this section, through submission of written data, views, or
2 arguments, and, in the discretion of the Board, with oppor-
3 tunity for oral presentation.
4 "(h) Insofar as consistent with the purposes of this sec-
5 tion, the provisions of subchapter II of chapter 5 of this
6 title apply to the rulemaking, hearing, and adjudication
7 functions of the Board under this section.
8 "(i) If, after hearing, the Board determines that a vio-
9 lation of section 7173 (a) of this title has not occurred or is
10 not threatened, the Board shall state its determination and
11 notify all interested parties of the determination. Each such
12 determination, including a dismissal by the Board of the
13 complaint without a hearing, constitutes a final decision of
14 the Board for purposes of judicial review.
15 "(j) If, after hearing, the Board determines that a vio-
16 lation of section 7173 (a) of this title has been committed
17 or threatened by an official of an Executive agency not sub-
18 ject to chapter 47 of title 10, the Board—
19 "(1) shall immediately issue and cause to be served
20 on the official an order requiring him to cease and desist
21 from the unlawful act or practice which constitutes a
22 violation;
23 "(2) shall immediately endeavor to eliminate any
24 such unlawful act or practice by informal methods of
25 conference, conciliation, and persuasion; and

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1 "(3) may, without regard to chapter 75 of this
2 title—
3 "(A) (i) in the case of the first offense by
4 such an official, other than any official appointed
5 by the President, by and with the advice and con-
6 sent of the Senate, issue an official reprimand against
7 the official or order the suspension without pay of
8 the official from the position or office held by him
9 for a period of not to exceed 15 days; and
10 "(ii) in the case of a second or subsequent
11 offense by such official, order the suspension with-
12 out pay of the official from the position or office
13 held by him for a period of not less than 15 nor
14 more than 60 days or, when the Board considers
15 such second or subsequent offense to be sufficiently
16 serious to warrant such action, order the removal
17 of the official from the position or office; and
18 "(B) in the case of any offense by such an
19 official appointed by the President, by and with
20 the advice and consent of the Senate, transmit a
21 report concerning the violation to the President and
22 the Congress.
23 A reprimand or order under subparagraph (3) (A) of this
24 subsection shall not become effective until the expiration of
25 the period within which the official aggrieved by the repri-

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1 mand or order may file a petition for review or complaint
2 for trial de novo or, if such a petition or complaint is filed,
3 until the court makes a final disposition of the case.
4 "(k) If, after hearing, the Board determines that a
5 violation of section 7173(a) of this title has been com-
6 mitted or threatened by an official of an Executive agency
7 subject to chapter 47 of title 10, the Board shall—
8 "(1) submit a report thereon to the Secretary of
9 the military department concerned;
10 "(2) endeavor to eliminate any unlawful act or
11 practice which constitutes such a violation by informal
12 methods of conference, conciliation, and persuasion; and
13 "(3) refer its determination and the record in the
14 case to the Secretary concerned, as defined in section
15 101 of title 10, who shall take immediate steps to dis-
16 pose of the matter under chapter 47 of title 10.
17 However, the immediate steps referred to in paragraph (3)
18 of this subsection shall not be taken by the Secretary con-
19 cerned until the expiration of the period within which the
20 official aggrieved by the reference to the Secretary by the
21 Board under that paragraph may file a petition for review or
22 complaint for trial de novo or, if such a petition or complaint
23 is filed, until the court makes a final disposition of the case.
24 "(l) (1) The Board shall submit, not later than March
25 31 of each year, to the President for transmittal to the Con-

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1 gress a report on its activities under this subchapter during
2 the immediately preceding calendar year, including—
3 "(A) the types and kinds of complaints filed with
4 the Board;
5 "(B) the determinations, orders, and actions of the
6 Board with respect to those complaints;
7 "(C) the name of each official of an Executive
8 agency with respect to whom any action was taken or
9 penalty imposed under subsection (j) of this section;
10 "(D) the nature of that action or penalty; and
11 "(E) such other matters as the Board considers
12 relevant and appropriate to provide full and complete
13 information with respect to the operation and administra-
14 tion of this subchapter.
15 "(2) The Secretary of each military department shall
16 submit, not later than March 31 of each year, to the Presi-
17 dent for transmittal to the Congress, a report on his activities
18 under this subchapter during the immediately preceding
19 calendar year, including—
20 "(A) the disposition, under chapter 47 of title 10,
21 of matters referred to the Secretary under paragraph
22 (3) of subsection (k) of this section;
23 "(B) the name of each official of an Executive
24 agency with respect to whom any action was taken or
25 penalty imposed under such chapter;

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1 "(C) the nature of that action or penalty; and
2 "(D) such other matters as the Secretary con-
3 siders relevant and appropriate to provide full and com-
4 plete information with respect to his activities under
5 this subchapter.

6 **"§ 7175. Judicial review**

7 "(a) An employee, or applicant for employment, ag-
8 grieved by a final determination or order of the Board on
9 Employee Rights may file, within 30 days after the date
10 of that determination or order, in the district court of the
11 United States for the judicial district in which the alleged
12 violation or threatened violation of section 7173 (a) of this
13 title occurred or in which his official duty station was located
14 at the time of the alleged violation or threatened violation—
15 "(1) a petition for a review of the determination or
16 order; or
17 "(2) a complaint for a trial de novo on the viola-
18 tion or threatened violation of section 7173 (a) of this
19 title, which was the subject of the determination or order
20 of the Board.
21 The petition or complaint shall name as defendant both the
22 Executive agency concerned and the Board on Employee
23 Rights. An official, or former official, of an Executive
24 agency—
25 "(A) with respect to whom, in connection with the

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1 petition for review, there is involved an alleged viola-
2 tion or threatened violation by him of section 7173 (a)
3 of this title;

4 "(B) with respect to whom the complaint for a
5 trial de novo, or the trial pursuant to the complaint, in-
6 volves an alleged violation or threatened violation by
7 him of section 7173 (a) of this title; or

8 "(C) aggrieved by a final determination or order
9 of the Board, or part or application thereof, in connec-
10 tion with such alleged violation or threatened violation;
11 is entitled, in his individual capacity, to file an answer with
12 respect to such violation or threatened violation and partici-
13 pate as a party in the proceedings.

14 "(b) If, after the expiration of 30 days after the date
15 of a final determination or order of the Board, a petition or
16 complaint with respect to such determination or order has
17 not been filed under subsection (a) of this section, an official
18 or former official of an Executive agency aggrieved by that
19 determination or order, or part or application thereof, may
20 file, within 30 days after the expiration of such 30-day
21 period, in the district court of the United States for the judi-
22 cial district in which the alleged violation or threatened vio-
23 lation of section 7173 (a) of this title occurred or in which
24 his official duty station was located at the time of the alleged

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1 violation or threatened violation, a petition for review of
2 the determination or order, or part or application thereof.
3 "(c) A petition for review or complaint for trial de
4 novo filed under subsection (a) or (b) of this section shall
5 name as defendant both the Executive agency concerned and
6 the Board, and a copy thereof shall be served on the Execu-
7 tive agency concerned and the Board.
8 "(d) When a copy of a petition for review is served on
9 the Board, a certified copy of the record on which the final
10 determination or order of the Board is based shall be filed
11 with the court. On filing of a petition with the court, and
12 in its consideration of the petition, the court shall have
13 jurisdiction to—
14 "(1) issue such restraining order, interlocutory
15 injunction, permanent injunction, or mandatory injunc-
16 tion, as may be necessary and appropriate with respect
17 to any determination or order, or part or application
18 thereof, made by the Board which is under review;
19 "(2) affirm, modify, or set aside any such deter-
20 mination or order, or part or application thereof;
21 "(3) require the Board to make any determination
22 or order which it is authorized to make under section
23 7174(j) of this title, but which it has failed or refused
24 to make; and
25 "(4) remand the matter to the Board for appropri-

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1 ate action by the Board and the Executive agency
2 concerned in accordance with the decision of the court.
3 The reviewing court shall set aside any finding, conclusion,
4 determination, or order of the Board as to which a com-
5 plaint is made that is unsupported by substantial evidence
6 on the record considered as a whole.
7 "(e) On the filing of a complaint for a trial de novo,
8 the court shall have jurisdiction to—
9 "(1) try and determine the action, irrespective of
10 the existence or amount of pecuniary injury done or
11 threatened; and
12 "(2) issue such restraining order, interlocutory in-
13 junction, permanent injunction, or mandatory injunction,
14 or enter such other judgment or decree, as may be neces-
15 sary or appropriate to prevent the threatened violation
16 or to afford the plaintiff and others similarly situated
17 complete relief against the consequences of any violation.
18 The court shall decide all questions of law in any action
19 under this subsection. The court, upon application by either
20 party, shall order a trial by jury of the issues in any action
21 under this subsection.
22 "(f) With the written consent, filed with the court, of
23 an employee, applicant for employment, official of an Execu-
24 tive agency, or former official of an Executive agency ag-
25 grieved by a final determination or order of the Board, who

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1 is entitled to file a petition for review, a complaint for a
2 trial de novo, or answer, or to participate as a party in any
3 proceeding, under this section, not more than one labor
4 organization, or association of supervisors, representing em-
5 ployees may intervene in connection with the review or the
6 trial de novo.

7 **"§ 7176. General provisions**

8 "(a) An individual called on to participate in any phase
9 of an administrative or judicial proceeding under this sub-
10 chapter shall be free from restraint, coercion, interference,
11 intimidation, or reprisal in the course of, or because of, his
12 participation.

13 "(b) An employee or an official of an Executive agency
14 who is a party to the action, summoned, or assigned by
15 his agency to appear, including an appearance to give his
16 deposition, before the Board on Employee Rights, or before
17 the appropriate court, in connection with any matter before
18 the Board or the court under this subchapter, shall not incur
19 a loss of or reduction in any right, entitlement, or benefit as
20 an employee or official of that agency. A period of such
21 absence within his regularly scheduled tour of duty is service
22 performed by the employee or official while on official busi-
23 ness. Travel by the employee or official during a period of
24 such absence, whether or not performed within his regularly
25 scheduled tour of duty, is travel on official business.

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1 "(c) On written application certifying his expenses and
2 charges filed with the Board on Employee Rights by an
3 attorney representing a party to the action who has appeared
4 before the Board, or the appropriate court, in connection
5 with any matter before the Board, or the court, or both, un-
6 der this subchapter, which has been determined by the Board
7 or the court, in favor of the party represented by the at-
8 torney, the Board may allow, at the conclusion of the rep-
9 resentation and in accordance with the regulations prescribed
10 under section 7174 (e) of this title, such remuneration to the
11 attorney as it considers reasonable and proper and shall cer-
12 tify to the Executive agency concerned the amount of the
13 attorney's remuneration granted by it. The agency shall pay
14 the certified amount of such remuneration, in accordance
15 with the following provisions:
16 "(1) the agency shall charge against such certi-
17 fied amount of remuneration all sums previously paid
18 to the attorney by the party represented;
19 "(2) if the sums previously paid to the attorney
20 by that party for such representation equal or exceed
21 the certified amount of the attorney's remuneration, the
22 agency shall reimburse that party in that certified
23 amount; and
24 "(3) if the sums previously paid to the attorney
25 by that party for such representation are less than that

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1 certified amount, the agency shall reimburse that party
2 in the amount paid by that party and shall pay to the
3 attorney an amount equal to the difference between the
4 certified amount of the attorney's remuneration and the
5 aggregate of the sums previously paid by that party to
6 the attorney.".

7 (b) The analysis of chapter 71 of title 5, United States
8 Code, is amended by adding the following at the end thereof:

"SUBCHAPTER III—EMPLOYEE RIGHTS

"Sec.
"7171. Policy.
"7172. Definition.
"7173. Employee rights.
"7174. Board on Employee Rights.
"7175. Judicial review.
"7176. General provisions.".

9 (c) Section 5316 of title 5, United States Code, is
10 amended by adding at the end thereof:

11 "(131) Members of the Board on Employee
12 Rights (3).".

13 SEC. 2. Subchapter III of chapter 71 of title 5, United
14 States Code, as added by this Act, shall apply only with re-
15 spect to acts, violations, threatened violations, grievances,
16 and other similar matters covered by such subchapter which
17 arise or occur on or after such date following the date of
18 enactment of this Act as the Board on Employee Rights,
19 established by the amendments made by the first section
20 of this Act, shall prescribe but in no event later than the

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1 one hundred and eightieth day following such date of enact-
2 ment.

3 SEC. 3. Notwithstanding section 7174 of title 5, United
4 States Code, as added by the first section of this Act, the
5 terms of office of the three members first appointed to the
6 Board on Employee Rights shall end, as designated by the
7 President, one at the end of 2 years, one at the end of 4
8 years, and one at the end of 6 years.

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93D CONGRESS
1ST SESSION

H. R. 1281

A BILL

To amend title 5, United States Code, to protect civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights, to prevent unwarranted governmental invasions of their privacy, and for other purposes.

By Mr. CHARLES H. WILSON of California

JANUARY 3, 1973

Referred to the Committee on Post Office and Civil Service

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