

103D CONGRESS
1ST SESSION

H. R. 20

AMENDMENT

In the Senate of the United States,

July 20 (legislative day, June 30), 1993.

Resolved, That the bill from the House of Representatives (H.R. 20) entitled “An Act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That this Act may be cited as the “Hatch Act Reform*
2 *Amendments of 1993”.*

3 ***SEC. 2. POLITICAL ACTIVITIES.***

4 *(a) Subchapter III of chapter 73 of title 5, United*
5 *States Code, is amended to read as follows:*

6 *“SUBCHAPTER III—POLITICAL ACTIVITIES*

7 ***“§ 7321. Political participation***

8 *“It is the policy of the Congress that employees should*
9 *be encouraged to exercise fully, freely, and without fear of*

1 *penalty or reprisal, and to the extent not expressly prohib-*
2 *ited by law, their right to participate or to refrain from*
3 *participating in the political processes of the Nation.*

4 **“§ 7322. Definitions**

5 *“For the purpose of this subchapter—*

6 *“(1) ‘employee’ means any individual, other*
7 *than the President and the Vice President, employed*
8 *or holding office in—*

9 *“(A) an Executive agency other than the*
10 *General Accounting Office;*

11 *“(B) a position within the competitive serv-*
12 *ice which is not in an Executive agency; or*

13 *“(C) the government of the District of Co-*
14 *lumbia, other than the Mayor or a member of the*
15 *City Council or the Recorder of Deeds;*

16 *but does not include a member of the uniformed*
17 *services;*

18 *“(2) ‘partisan political office’ means any office*
19 *for which any candidate is nominated or elected as*
20 *representing a party any of whose candidates for*
21 *Presidential elector received votes in the last preced-*
22 *ing election at which Presidential electors were se-*
23 *lected, but shall exclude any office or position within*
24 *a political party or affiliated organization; and*

25 *“(3) ‘political contribution’—*

1 “(A) means any gift, subscription, loan, ad-
2 vance, or deposit of money or anything of value,
3 made for any political purpose;

4 “(B) includes any contract, promise, or
5 agreement, express or implied, whether or not le-
6 gally enforceable, to make a contribution for any
7 political purpose;

8 “(C) includes any payment by any person,
9 other than a candidate or a political party or af-
10 filiated organization, of compensation for the
11 personal services of another person which are
12 rendered to any candidate or political party or
13 affiliated organization without charge for any
14 political purpose; and

15 “(D) includes the provision of personal serv-
16 ices for any political purpose.

17 **“§ 7323. Political activity authorized; prohibitions**

18 “(a) Subject to the provisions of subsection (b), an em-
19 ployee may take an active part in political management
20 or in political campaigns, except an employee may not—

21 “(1) use his official authority or influence for the
22 purpose of interfering with or affecting the result of
23 an election;

1 “(2) knowingly solicit, accept, or receive a politi-
2 cal contribution from any person, unless such person
3 is—

4 “(A) a member of the same Federal labor
5 organization as defined under section 7103(4) of
6 this title or a Federal employee organization
7 which as of the date of enactment of the Hatch
8 Act Reform Amendments of 1993 had a
9 multicandidate political committee (as defined
10 under section 315(a)(4) of the Federal Election
11 Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

12 “(B) not a subordinate employee; and

13 “(C) the solicitation is for a contribution to
14 the multicandidate political committee (as de-
15 fined under section 315(a)(4) of the Federal
16 Election Campaign Act of 1971 (2 U.S.C.
17 441a(a)(4))) of such Federal labor organization
18 as defined under section 7103(4) of this title or
19 a Federal employee organization which as of the
20 date of the enactment of the Hatch Act Reform
21 Amendments of 1993 had a multicandidate polit-
22 ical committee (as defined under section
23 315(a)(4) of the Federal Election Campaign Act
24 of 1971 (2 U.S.C. 441a(a)(4))); or

1 “(3) run for the nomination or as a candidate
2 for election to a partisan political office; or

3 “(4) knowingly solicit or discourage the partici-
4 pation in any political activity of any person who—

5 “(A) has an application for any compensa-
6 tion, grant, contract, ruling, license, permit, or
7 certificate pending before the employing office of
8 such employee; or

9 “(B) is the subject of or a participant in an
10 ongoing audit, investigation, or enforcement ac-
11 tion being carried out by the employing office of
12 such employee.

13 “(b)(1) An employee of the Federal Election Commis-
14 sion (except one appointed by the President, by and with
15 the advice and consent of the Senate), may not request or
16 receive from, or give to, an employee, a Member of Congress,
17 or an officer of a uniformed service a political contribution.

18 “(2)(A) No employee described under subparagraph
19 (B) (except one appointed by the President, by and with
20 the advice and consent of the Senate), may take an active
21 part in political management or political campaigns.

22 “(B) The provisions of subparagraph (A) shall apply
23 to—

24 “(i) an employee of—

25 “(I) the Federal Election Commission;

1 “(II) the Federal Bureau of Investigation;

2 “(III) the Secret Service;

3 “(IV) the Central Intelligence Agency;

4 “(V) the National Security Council;

5 “(VI) the National Security Agency;

6 “(VII) the Defense Intelligence Agency;

7 “(VIII) the Merit Systems Protection
8 Board;

9 “(IX) the Office of Special Counsel;

10 “(X) the Office of Criminal Investigation of
11 the Internal Revenue Service;

12 “(XI) the Office of Investigative Programs
13 of the United States Customs Service; or

14 “(XII) the Office of Law Enforcement of the
15 Bureau of Alcohol, Tobacco, and Firearms; or

16 “(ii) a person employed in a position described
17 under section 3132(a)(4), 5372, or 5372a of title 5,
18 United States Code.

19 “(3) No employee of the Criminal Division of the De-
20 partment of Justice (except one appointed by the President,
21 by and with the advice and consent of the Senate), may
22 take an active part in political management or political
23 campaigns.

24 “(4) For purposes of this subsection, the term ‘active
25 part in political management or in a political campaign’

1 *means those acts of political management or political cam-*
2 *paigning which were prohibited for employees of the com-*
3 *petitive service before July 19, 1940, by determinations of*
4 *the Civil Service Commission under the rules prescribed by*
5 *the President.*

6 “(c) *An employee retains the right to vote as he chooses*
7 *and to express his opinion on political subjects and can-*
8 *didates.*

9 **“§ 7324. Political activities on duty; prohibition**

10 “(a) *An employee may not engage in political*
11 *activity—*

12 “(1) *while the employee is on duty;*

13 “(2) *in any room or building occupied in the*
14 *discharge of official duties by an individual employed*
15 *or holding office in the Government of the United*
16 *States or any agency or instrumentality thereof;*

17 “(3) *while wearing a uniform or official insignia*
18 *identifying the office or position of the employee; or*

19 “(4) *using any vehicle owned or leased by the*
20 *Government of the United States or any agency or in-*
21 *strumentality thereof.*

22 “(b)(1) *An employee described in paragraph (2) of this*
23 *subsection may engage in political activity otherwise pro-*
24 *hibited by subsection (a) if the costs associated with that*

1 *political activity are not paid for by money derived from*
2 *the Treasury of the United States.*

3 *“(2) Paragraph (1) applies to an employee—*

4 *“(A) the duties and responsibilities of whose po-*
5 *sition continue outside normal duty hours and while*
6 *away from the normal duty post; and*

7 *“(B) who is—*

8 *“(i) an employee paid from an appropria-*
9 *tion for the Executive Office of the President; or*

10 *“(ii) an employee appointed by the Presi-*
11 *dent, by and with the advice and consent of the*
12 *Senate, whose position is located within the*
13 *United States, who determines policies to be pur-*
14 *sued by the United States in relations with for-*
15 *foreign powers or in the nationwide administration*
16 *of Federal laws.*

17 **“§ 7325. Political activity permitted; employees resid-**
18 **ing in certain municipalities**

19 *“The Office of Personnel Management may prescribe*
20 *regulations permitting employees, without regard to the*
21 *prohibitions in paragraphs (2) and (3) of section 7323(a)*
22 *of this title, to take an active part in political management*
23 *and political campaigns involving the municipality or*
24 *other political subdivision in which they reside, to the ex-*

1 tent the Office considers it to be in their domestic interest,
2 when—

3 “(1) the municipality or political subdivision is
4 in Maryland or Virginia and in the immediate vicin-
5 ity of the District of Columbia, or is a municipality
6 in which the majority of voters are employed by the
7 Government of the United States; and

8 “(2) the Office determines that because of special
9 or unusual circumstances which exist in the munici-
10 pality or political subdivision it is in the domestic
11 interest of the employees and individuals to permit
12 that political participation.

13 **“§ 7326. Penalties**

14 “An employee or individual who violates section 7323
15 or 7324 of this title shall be removed from his position, and
16 funds appropriated for the position from which removed
17 thereafter may not be used to pay the employee or individ-
18 ual. However, if the Merit System Protection Board finds
19 by unanimous vote that the violation does not warrant re-
20 moval, a penalty of not less than 30 days’ suspension with-
21 out pay shall be imposed by direction of the Board.”.

22 (b)(1) Section 3302(2) of title 5, United States Code,
23 is amended by striking out “7203, 7321, and 7322” and
24 inserting in lieu thereof “and 7203”.

1 (2) *The table of sections for subchapter III of chapter*
 2 *73 of title 5, United States Code, is amended to read as*
 3 *follows:*

“SUBCHAPTER III—POLITICAL ACTIVITIES

“7321. *Political participation.*

“7322. *Definitions.*

“7323. *Political activity authorized; prohibitions.*

“7324. *Political activities on duty; prohibition.*

“7325. *Political activity permitted; employees residing in certain municipalities.*

“7326. *Penalties.*”.

4 **SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED**
 5 **STATES CODE.**

6 *Section 1216(c) of title 5, United States Code, is*
 7 *amended to read as follows:*

8 “(c) *If the Special Counsel receives an allegation con-*
 9 *cerning any matter under paragraph (1), (3), (4), or (5)*
 10 *of subsection (a), the Special Counsel may investigate and*
 11 *seek corrective action under section 1214 and disciplinary*
 12 *action under section 1215 in the same way as if a prohib-*
 13 *ited personnel practice were involved.”.*

14 **SEC. 4. AMENDMENTS TO TITLE 18, UNITED STATES CODE.**

15 (a) *Section 602 of title 18, United States Code, relat-*
 16 *ing to solicitation of political contributions, is amended—*

17 (1) *by inserting “(a)” before “It”;*

18 (2) *in paragraph (4) by striking out all that fol-*
 19 *lows “Treasury of the United States” and inserting*
 20 *in lieu thereof a semicolon and “to knowingly solicit*
 21 *any contribution within the meaning of section*
 22 *301(8) of the Federal Election Campaign Act of 1971*

1 *from any other such officer, employee, or person. Any*
2 *person who violates this section shall be fined under*
3 *this title or imprisoned not more than 3 years, or*
4 *both.”; and*

5 *(3) by adding at the end thereof the following*
6 *new subsection:*

7 *“(b) The prohibition in subsection (a) shall not apply*
8 *to any activity of an employee (as defined in section*
9 *7322(1) of title 5) or any individual employed in or under*
10 *the United States Postal Service or the Postal Rate Com-*
11 *mission, unless that activity is prohibited by section 7323*
12 *or 7324 of such title.”.*

13 *(b) Section 603 of title 18, United States Code, relating*
14 *to making political contributions, is amended by adding*
15 *at the end thereof the following new subsection:*

16 *“(c) The prohibition in subsection (a) shall not apply*
17 *to any activity of an employee (as defined in section*
18 *7322(1) of title 5) or any individual employed in or under*
19 *the United States Postal Service or the Postal Rate Com-*
20 *mission, unless that activity is prohibited by section 7323*
21 *or 7324 of such title.”.*

22 *(c)(1) Chapter 29 of title 18, United States Code, relat-*
23 *ing to elections and political activities is amended by add-*
24 *ing at the end thereof the following new section:*

1 **“§ 610. Coercion of political activity**

2 *“It shall be unlawful for any person to intimidate,*
3 *threaten, command, or coerce, or attempt to intimidate,*
4 *threaten, command, or coerce, any employee of the Federal*
5 *Government as defined in section 7322(1) of title 5, United*
6 *States Code, to engage in, or not to engage in, any political*
7 *activity, including, but not limited to, voting or refusing*
8 *to vote for any candidate or measure in any election, mak-*
9 *ing or refusing to make any political contribution, or work-*
10 *ing or refusing to work on behalf of any candidate. Any*
11 *person who violates this section shall be fined not more than*
12 *\$5,000 or imprisoned not more than three years, or both.”.*

13 *(2) The table of sections for chapter 29 of title 18,*
14 *United States Code, is amended by adding at the end there-*
15 *of the following:*

“610. Coercion of political activity.”.

16 **SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.**

17 *Section 6 of the Voting Rights Act of 1965 (42 U.S.C.*
18 *1973d) is amended by striking out “the provisions of section*
19 *9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i),*
20 *prohibiting partisan political activity” and by inserting in*
21 *lieu thereof “the provisions of subchapter III of chapter 73*
22 *of title 5, United States Code, relating to political*
23 *activities”.*

1 **SEC. 6. AMENDMENTS RELATING TO APPLICATION OF**
2 **CHAPTER 15 OF TITLE 5, UNITED STATES**
3 **CODE.**

4 *Section 675(e) of the Community Services Block Grant*
5 *Act (42 U.S.C. 9904(e)) is repealed.*

6 **SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.**

7 *The amendments made by this Act (except for the*
8 *amendments made by section 8), and any regulations there-*
9 *under, shall apply with respect to employees of the United*
10 *States Postal Service and the Postal Rate Commission, pur-*
11 *suant to sections 410(b) and 3604(e) of title 39, United*
12 *States Code.*

13 **SEC. 8. POLITICAL RECOMMENDATIONS.**

14 *(a) Section 3303 of title 5, United States Code, is*
15 *amended to read as follows:*

16 **“§ 3303. Political recommendations**

17 *“(a) For the purposes of this section—*

18 *“(1) ‘agency’ means—*

19 *“(A) an Executive agency; and*

20 *“(B) an agency in the legislative branch*
21 *with positions in the competitive service;*

22 *“(2) ‘applicant’ means an individual who has*
23 *applied for appointment to be an employee;*

24 *“(3) ‘employee’ means an employee of an agency*
25 *who is—*

26 *“(A) in the competitive service;*

1 “(B) a career appointee in the Senior Exec-
2 utive Service or an employee under a similar
3 appointment in a similar executive service; or

4 “(C) in the excepted service other than—

5 “(i) an employee who is appointed by
6 the President; or

7 “(ii) an employee whose position has
8 been determined to be of a confidential, pol-
9 icy-determining, policy-making, or policy-
10 advocating character; and

11 “(4) ‘personnel action’ means any action de-
12 scribed under clauses (i) through (x) of section
13 2302(a)(2)(A).

14 “(b) Except as provided under subsection (f), each per-
15 sonnel action with respect to an employee or applicant shall
16 be taken without regard to any recommendation or state-
17 ment, oral or written, with respect to any employee or ap-
18 plicant who requests or is under consideration for such per-
19 sonnel action, made by—

20 “(1) any Member of Congress or congressional
21 employee;

22 “(2) any elected official of the government of any
23 State (including the District of Columbia and the
24 Commonwealth of Puerto Rico), county, city, or other
25 subdivision thereof;

1 “(3) any official of a political party; or

2 “(4) any other individual or organization mak-
3 ing such recommendation or statement on the basis of
4 the party affiliation of the employee or applicant.

5 “(c) Except as provided under subsection (f), a person
6 or organization referred to under subsection (b) (1) through
7 (4) is prohibited from making or transmitting to any officer
8 or employee of an agency, any recommendation or state-
9 ment, oral or written, with respect to any employee or ap-
10 plicant who requests or is under consideration for any per-
11 sonnel action in such agency. Except as provided under sub-
12 section (f), the agency, or any officer or employee of the
13 agency—

14 “(1) shall not solicit, request, consider, or accept
15 any such recommendation or statement; and

16 “(2) shall return any such written recommenda-
17 tion or statement, appropriately marked as in viola-
18 tion of this section, to the person or organization
19 transmitting the same.

20 “(d) Except as provided under subsection (f), an em-
21 ployee or applicant who requests or is under consideration
22 for a personnel action in an agency is prohibited from
23 requesting or soliciting from a person or organization re-
24 ferred to under subsection (b) (1) through (4) a rec-
25 ommendation or statement.

1 “(e) Under regulations prescribed by the Office of Per-
2 sonnel Management, the head of each agency shall ensure
3 that employees and applicants are given notice of the provi-
4 sions of this section.

5 “(f) An agency, or any authorized officer or employee
6 of an agency, may solicit, accept, and consider, and any
7 other individual or organization may furnish or transmit
8 to the agency or such authorized officer or employee, any
9 statement with respect to an employee or applicant who re-
10 quests or is under consideration for a personnel action, if—

11 “(1) the statement is furnished pursuant to a re-
12 quest or requirement of the agency and consists solely
13 of an evaluation of the work performance, ability, ap-
14 titude, and general qualifications of the employee or
15 applicant;

16 “(2) the statement relates solely to the character
17 and residence of the employee or applicant;

18 “(3) the statement is furnished pursuant to a re-
19 quest made by an authorized representative of the
20 Government of the United States solely in order to de-
21 termine whether the employee or applicant meets
22 suitability or security standards;

23 “(4) the statement is furnished by a former em-
24 ployer of the employee or applicant pursuant to a
25 request of an agency, and consists solely of an evalua-

1 *tion of the work performance, ability, aptitude, and*
2 *general qualifications of such employee or applicant*
3 *during employment with such former employer; or*

4 *“(5) the statement is furnished pursuant to a*
5 *provision of law or regulation authorizing consider-*
6 *ation of such statement with respect to a specific posi-*
7 *tion or category of positions.*

8 *“(g) An agency shall take any action it determines*
9 *necessary and proper under subchapter I or II of chapter*
10 *75 to enforce the provisions of this section.*

11 *“(h) The provisions of this section shall not affect the*
12 *right of any employee to petition Congress as authorized*
13 *by section 7211.”.*

14 *(b) The table of sections for chapter 33 of title 5, Unit-*
15 *ed States Code, is amended by amending the item relating*
16 *to section 3303 to read as follows:*

“3303. Political recommendations.”.

17 *(c) Section 2302(b)(2) of title 5, United States Code,*
18 *is amended to read as follows:*

19 *“(2) solicit or consider any recommendation or*
20 *statement, oral or written, with respect to any indi-*
21 *vidual who requests or is under consideration for any*
22 *personnel action except as provided under section*
23 *3303(f);”.*

1 **SEC. 9. GARNISHMENT OF FEDERAL EMPLOYEES' PAY.**

2 (a) Subchapter II of chapter 55 of title 5, United
3 States Code, is amended by adding at the end thereof the
4 following new section:

5 **“§ 5520a. Garnishment of pay**

6 “(a) For purposes of this section—

7 “(1) ‘agency’ means each agency of the Federal
8 Government, including—

9 “(A) an executive agency, except for the
10 General Accounting Office;

11 “(B) the United States Postal Service and
12 the Postal Rate Commission;

13 “(C) any agency of the judicial branch of
14 the Government; and

15 “(D) any agency of the legislative branch of
16 the Government, including the General Account-
17 ing Office, each office of a Member of Congress,
18 a committee of the Congress, or other office of the
19 Congress;

20 “(2) ‘employee’ means an employee of an agency
21 (including a Member of Congress as defined under
22 section 2106);

23 “(3) ‘legal process’ means any writ, order, sum-
24 mons, or other similar process in the nature of gar-
25 nishment, that—

1 “(A) is issued by a court of competent juris-
2 diction within any State, territory, or possession
3 of the United States, or an authorized official
4 pursuant to an order of such a court or pursuant
5 to State or local law; and

6 “(B) orders the employing agency of such
7 employee to withhold an amount from the pay of
8 such employee, and make a payment of such
9 withholding to another person, for a specifically
10 described satisfaction of a legal debt of the em-
11 ployee, or recovery of attorney’s fees, interest, or
12 court costs; and

13 “(4) ‘pay’ means—

14 “(A) basic pay, premium pay paid under
15 subchapter V, any payment received under sub-
16 chapter VI, VII, or VIII, severance and back pay
17 paid under subchapter IX, sick pay, incentive
18 pay, and any other compensation paid or pay-
19 able for personal services, whether such com-
20 pensation is denominated as wages, salary, com-
21 mission, bonus pay or otherwise; and

22 “(B) does not include awards for making
23 suggestions.

24 “(b) Subject to the provisions of this section and the
25 provisions of section 303 of the Consumer Credit Protection

1 *Act (15 U.S.C. 1673) pay from an agency to an employee*
2 *is subject to legal process in the same manner and to the*
3 *same extent as if the agency were a private person.*

4 *“(c)(1) Service of legal process to which an agency is*
5 *subject under this section may be accomplished by certified*
6 *or registered mail, return receipt requested, or by personal*
7 *service, upon—*

8 *“(A) the appropriate agent designated for receipt*
9 *of such service of process pursuant to the regulations*
10 *issued under this section; or*

11 *“(B) the head of such agency, if no agent has*
12 *been so designated.*

13 *“(2) Such legal process shall be accompanied by suffi-*
14 *cient information to permit prompt identification of the*
15 *employee and the payments involved.*

16 *“(d) Whenever any person, who is designated by law*
17 *or regulation to accept service of process to which an agency*
18 *is subject under this section, is effectively served with any*
19 *such process or with interrogatories, such person shall re-*
20 *spond thereto within thirty days (or within such longer pe-*
21 *riod as may be prescribed by applicable State law) after*
22 *the date effective service thereof is made, and shall, as soon*
23 *as possible but not later than fifteen days after the date*
24 *effective service is made, send written notice that such proc-*
25 *ess has been so served (together with a copy thereof) to the*

1 *affected employee at his or her duty station or last-known*
2 *home address.*

3 “(e) *No employee whose duties include responding to*
4 *interrogatories pursuant to requirements imposed by this*
5 *section shall be subject to any disciplinary action or civil*
6 *or criminal liability or penalty for, or on account of, any*
7 *disclosure of information made by such employee in connec-*
8 *tion with the carrying out of any of such employee’s duties*
9 *which pertain directly or indirectly to the answering of any*
10 *such interrogatory.*

11 “(f) *Agencies affected by legal process under this sec-*
12 *tion shall not be required to vary their normal pay and*
13 *disbursement cycles in order to comply with any such legal*
14 *process.*

15 “(g) *Neither the United States, an agency, nor any dis-*
16 *bursing officer shall be liable with respect to any payment*
17 *made from payments due or payable to an employee pursu-*
18 *ant to legal process regular on its face, provided such pay-*
19 *ment is made in accordance with this section and the regu-*
20 *lations issued to carry out this section. In determining the*
21 *amount of any payment due from, or payable by, an agency*
22 *to an employee, there shall be excluded those amounts which*
23 *would be excluded under section 462(g) of the Social Secu-*
24 *rity Act (42 U.S.C. 662(g)).*

1 “(h)(1) Subject to the provisions of paragraph (2), if
2 an agency is served under this section with more than one
3 legal process with respect to the same payments due or pay-
4 able to an employee, then such payments shall be available,
5 subject to section 303 of the Consumer Credit Protection Act
6 (15 U.S.C. 1673), to satisfy such processes in priority based
7 on the time of service, with any such process being satisfied
8 out of such amounts as remain after satisfaction of all such
9 processes which have been previously served.

10 “(2) A legal process to which an agency is subject
11 under sections 459, 461, and 462 of the Social Security Act
12 (42 U.S.C. 659, 661, and 662) for the enforcement of the
13 employee’s legal obligation to provide child support or make
14 alimony payments, shall have priority over any legal proc-
15 ess to which an agency is subject under this section.

16 “(i) The provisions of this section shall not modify or
17 supersede the provisions of sections 459, 461, and 462 of
18 the Social Security Act (42 U.S.C. 659, 661, and 662) con-
19 cerning legal process brought for the enforcement of an indi-
20 vidual’s legal obligations to provide child support or make
21 alimony payments.

22 “(j)(1) Regulations implementing the provisions of this
23 section shall be promulgated—

24 “(A) by the President or his designee for each ex-
25 ecutive agency, except with regard to employees of the

1 *United States Postal Service, the President or, at his*
2 *discretion, the Postmaster General shall promulgate*
3 *such regulations;*

4 *“(B) jointly by the President pro tempore of the*
5 *Senate and the Speaker of the House of Representa-*
6 *tives, or their designee, for the legislative branch of*
7 *the Government; and*

8 *“(C) by the Chief Justice of the United States or*
9 *his designee for the judicial branch of the Govern-*
10 *ment.*

11 *“(2) Such regulations shall provide that an agency’s*
12 *administrative costs in executing a garnishment action*
13 *may be added to the garnishment, and that the agency may*
14 *retain costs recovered as offsetting collections.*

15 *“(k)(1) No later than 180 days after the date of the*
16 *enactment of this Act, the Secretaries of the Executive de-*
17 *partments concerned shall promulgate regulations to carry*
18 *out the purposes of this section with regard to members of*
19 *the uniformed services.*

20 *“(2) Such regulations shall include provisions for—*

21 *“(A) the involuntary allotment of the pay of a*
22 *member of the uniformed services for indebtedness*
23 *owed a third party as determined by the final judg-*
24 *ment of a court of competent jurisdiction, and as fur-*
25 *ther determined by competent military or executive*

1 *authority, as appropriate, to be in compliance with*
2 *the procedural requirements of the Soldiers' and Sail-*
3 *ors' Civil Relief Act of 1940 (50 App. U.S.C. 501 et*
4 *seq.); and*

5 *“(B) consideration for the absence of a member*
6 *of the uniformed service from an appearance in a ju-*
7 *dicial proceeding resulting from the exigencies of*
8 *military duty.*

9 *“(3) The Secretaries of the Executive departments con-*
10 *cerned shall promulgate regulations under this subsection*
11 *that are, as far as practicable, uniform for all of the uni-*
12 *formed services. The Secretary of Defense shall consult with*
13 *the Secretary of Transportation with regard to the promul-*
14 *gation of such regulations that might affect members of the*
15 *Coast Guard when the Coast Guard is operating as a serv-*
16 *ice in the Navy.”.*

17 *(b)(1) The table of chapters for chapter 55 of title 5,*
18 *United States Code, is amended by inserting after the item*
19 *relating to section 5520 the following:*

“5520a. Garnishment of pay.”.

20 *(2) Section 410(b) of title 39, United States Code, is*
21 *amended—*

22 *(A) by redesignating the second paragraph (9)*
23 *(relating to the Inspector General Act of 1978) as*
24 *paragraph (10); and*

1 (B) by adding at the end thereof the following
2 new paragraph:

3 “(11) section 5520a of title 5.”.

4 **SEC. 10. SENSE OF THE SENATE RELATING TO FEDERAL EM-**
5 **PLOYEE SOLICITATION OF FUNDS AND CAN-**
6 **DIDACIES.**

7 *It is the sense of the Senate that Federal employees*
8 *should not be authorized to—*

9 (1) *solicit political contributions from the gen-*
10 *eral public; or*

11 (2) *run for the nomination or as a candidate for*
12 *a local partisan political office, except as expressly*
13 *provided under current law.*

14 **SEC. 11. SENSE OF THE SENATE RELATING TO ASSISTANCE**
15 **TO NICARAGUA.**

16 (a) *FINDINGS.—The Senate finds the following:*

17 (1) *On May 23, 1993, an explosion in Managua,*
18 *Nicaragua exposed a cache of weapons, including 19*
19 *surface-to-air missiles, hundreds of AK-47 assault ri-*
20 *fls, machine guns, rocket propelled grenades, tons of*
21 *ammunition and explosives.*

22 (2) *Investigations of the explosions have uncov-*
23 *ered 310 passports from 21 different countries, in-*
24 *cluding seven United States passports.*

1 (3) Documents in the possession of those appre-
2 hended in connection with the February 26, 1993,
3 bombing of the World Trade Center have been traced
4 to Nicaragua.

5 (4) The acquisition and storage of these weapons
6 and documents could not have been accomplished
7 without the knowledge and cooperation of the Sandi-
8 nista National Liberation Front and ministries of the
9 Government of Nicaragua under its control.

10 (5) The Sandinista National Liberation Front
11 has a history of subversion and links to international
12 terrorism.

13 (6) The recent discovery demonstrates the inabil-
14 ity of the legitimate Government of Nicaragua to con-
15 trol all of its ministries.

16 (7) This lack of authority makes uncertain the
17 ability of the Government of Nicaragua to prevent the
18 export of terrorism by the Sandinista National Lib-
19 eration Front.

20 (b) SENSE OF SENATE.—It is the sense of the Senate
21 that—

22 (1) no further United States foreign assistance to
23 Nicaragua should be obligated pending investigation
24 by an appropriate international body, with the par-

1 *icipation of United States Federal agencies, of the*
2 *Sandinista National Liberation Front; and*

3 *(2) such investigation should focus on the rela-*
4 *tionship of the Sandinista National Liberation Front*
5 *to acts of terrorism which threaten to undermine the*
6 *security of the United States and the political stabil-*
7 *ity and economic prosperity of the Western Hemi-*
8 *sphere.*

9 **SEC. 12. EFFECTIVE DATE.**

10 *(a) The amendments made by this Act shall take effect*
11 *120 days after the date of the enactment of this Act, except*
12 *that the authority to prescribe regulations granted under*
13 *section 7325 of title 5, United States Code (as added by*
14 *section 2 of this Act), shall take effect on the date of the*
15 *enactment of this Act.*

16 *(b) Any repeal or amendment made by this Act of any*
17 *provision of law shall not release or extinguish any penalty,*
18 *forfeiture, or liability incurred under that provision, and*
19 *that provision shall be treated as remaining in force for*
20 *the purpose of sustaining any proper proceeding or action*
21 *for the enforcement of that penalty, forfeiture, or*
22 *liability.*

23 *(c) No provision of this Act shall affect any proceed-*
24 *ings with respect to which the charges were filed on or before*
25 *the effective date of the amendments made by this Act. Or-*

- 1 *ders shall be issued in such proceedings and appeals shall*
- 2 *be taken therefrom as if this Act had not been enacted.*

Attest:

Secretary.

HR 20 EAS—2

HR 20 EAS—3

HR 20 EAS—4

HR 20 EAS—5