Public Law 95-610
95th Congress

An Act

Nov. 8, 1978
[S. 274]

To amend title 10, United States Code, to prohibit union organization of the armed forces, membership in military labor organizations by members of the armed forces, and recognition of military labor organizations by the Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Armed Forces, union organizations, prohibition.
10 USC 975 note.

SECTION 1. (a) The Congress makes the following findings:

(1) Members of the armed forces of the United States must be prepared to fight and, if necessary, to die to protect the welfare, security, and liberty of the United States and of their fellow citizens.

(2) Discipline and prompt obedience to lawful orders of superior officers are essential and time-honored elements of the American military tradition and have been reinforced from the earliest articles of war by laws and regulations prohibiting conduct detrimental to the military chain of command and lawful military authority.

(3) The processes of conventional collective bargaining and labor-management negotiation cannot and should not be applied to the relationships between members of the armed forces and their military and civilian superiors.

(4) Strikes, slowdowns, picketing, and other traditional forms of job action have no place in the armed forces.

(5) Unionization of the armed forces would be incompatible with the military chain of command, would undermine the role, authority, and position of the commander, and would impair the morale and readiness of the armed forces.

(6) The circumstances which could constitute a threat to the ability of the armed forces to perform their mission are not comparable to the circumstances which could constitute a threat to the ability of Federal civilian agencies to perform their functions and should be viewed in light of the need for effective performance of duty by each member of the armed forces.

(b) The purpose of this Act is to promote the readiness of the armed forces to defend the United States.

SEC. 2. (a) Chapter 49 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 975. Membership in military unions, organizing of military unions, and recognition of military unions prohibited

10 USC 975.

"(a) In this section:

Definitions.

"(1) 'Member of the armed forces' means (A) a member of the armed forces who is serving on active duty, or (B) a member of a Reserve component while performing inactive-duty training.

"(2) 'Military labor organization' means any organization that engages in or attempts to engage in—

"(A) negotiating or bargaining with any civilian officer or employee, or with any member of the armed forces, on behalf of members of the armed forces, concerning the terms or conditions of military service of such members in the armed forces;

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"(B) representing individual members of the armed forces before any civilian officer or employee, or any member of the armed forces, in connection with any grievance or complaint of any such member arising out of the terms or conditions of military service of such member in the armed forces; or

"(C) striking, picketing, marching, demonstrating, or any other similar form of concerted action which is directed against the Government of the United States and which is intended to induce any civilian officer or employee, or any member of the armed forces, to—

"(i) negotiate or bargain with any person concerning the terms or conditions of military service of any member of the armed forces,

"(ii) recognize any organization as a representative of individual members of the armed forces in connection with complaints and grievances of such members arising out of the terms or conditions of military service of such members in the armed forces, or

"(iii) make any change with respect to the terms or conditions of military service of individual members of the armed forces.

"(3) 'Civilian officer or employee' means an employee, as such term is defined in section 2105 of title 5.

"(b) It shall be unlawful for a member of the armed forces, knowing of the activities or objectives of a particular military labor organization—

"(1) to join or maintain membership in such organization; or

"(2) to attempt to enroll any other member of the armed forces as a member of such organization.

"(c) It shall be unlawful for any person—

"(1) to enroll in a military labor organization any member of the armed forces or to solicit or accept dues or fees for such an organization from any member of the armed forces; or

"(2) to negotiate or bargain, or attempt through any coercive act to negotiate or bargain, with any civilian officer or employee, or any member of the armed forces, on behalf of members of the armed forces, concerning the terms or conditions of service of such members;

"(3) to organize or attempt to organize, or participate in, any strike, picketing, march, demonstration, or other similar form of concerted action involving members of the armed forces that is directed against the Government of the United States and that is intended to induce any civilian officer or employee, or any member of the armed forces, to—

"(A) negotiate or bargain with any person concerning the terms or conditions of service of any member of the armed forces,

"(B) recognize any military labor organization as a representative of individual members of the armed forces in connection with any complaint or grievance of any such member arising out of the terms or conditions of service of such member in the armed forces, or

"(C) make any change with respect to the terms or conditions of service in the armed forces of individual members of the armed forces; or

"(4) to use any military installation, facility, reservation, vessel, or other property of the United States for any meeting, march, picketing, demonstration, or other similar activity for the purpose of engaging in any activity prohibited by this subsection or by subsection (b) or (d).

"(d) It shall be unlawful for any military labor organization to represent, or attempt to represent, any member of the armed forces before any civilian officer or employee, or any member of the armed forces, in connection with any grievance or complaint of any such member arising out of the terms or conditions of service of such member in the armed forces.

"(e) No member of the armed forces, and no civilian officer or employee, may—

"(1) negotiate or bargain on behalf of the United States concerning the terms or conditions of military service of members of the armed forces with any person who represents or purports to represent members of the armed forces, or

"(2) permit or authorize the use of any military installation, facility, reservation, vessel, or other property of the United States for any meeting, march, picketing, demonstration, or other similar activity which is for the purpose of engaging in any activity prohibited by subsection (b), (c), or (d).

Nothing in this subsection shall prevent commanders or supervisors from giving consideration to the views of any member of the armed forces presented individually or as a result of participation on command-sponsored or authorized advisory councils, committees, or organizations.

"(f) Whoever violates subsection (b), (c), or (d) shall, in the case of an individual, be fined not more than $10,000 or imprisoned not more than five years, or both, and in the case of an organization or association, be fined not less than $25,000 and not more than $250,000. Penalties.

"(g) Nothing in this section shall limit the right of any member of the armed forces—

"(1) to join or maintain membership in any organization or association not constituting a 'military labor organization' as defined in subsection (a) (2) of this section;

"(2) to present complaints or grievances concerning the terms or conditions of the service of such member in the armed forces in accordance with established military procedures;

"(3) to seek or receive information or counseling from any source;

"(4) to be represented by counsel in any legal or quasi-legal proceeding, in accordance with applicable laws and regulations;

"(5) to petition the Congress for redress of grievances; or

"(6) to take such other administrative action to seek such administrative or judicial relief, as is authorized by applicable laws and regulations.".

(b) The table of sections at the beginning of chapter 49 of title 10, United States Code, is amended by adding at the end thereof the following new item:

"975. Membership in military unions, organizing of military unions, and recognition of military unions prohibited.".

Approved November 8, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-894, Pt. I (Comm. on Armed Services) and Pt. II (Comm. on Post Office and Civil Service).
SENATE REPORT No. 95-411 (Comm. on Armed Services).
CONGRESSIONAL RECORD:
Vol. 123 (1977): Sept. 16, considered and passed Senate.
Vol. 124 (1978): Sept. 26, considered and passed House, amended.
Oct. 15, Senate concurred in House amendment.