

Calendar No. 339

104TH CONGRESS
2D SESSION**H. R. 782**

IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 1995

Received; read twice and referred to the Committee on the Judiciary

MARCH 5, 1996

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

AN ACT

To amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government.

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 Representation Improvement Act of 1995”.

1 **SEC. 2. REPRESENTATION BY FEDERAL OFFICERS AND EM-**
2 **PLoyEES.**

3 (a) EXTENSION OF EXEMPTION TO PROHIBITION.—
4 Subsection (d) of section 205 of title 18, United States
5 Code, is amended to read as follows:

6 “(d)(1) Nothing in subsection (a) or (b) prevents an
7 officer or employee, if not inconsistent with the faithful
8 performance of that officer’s or employee’s duties, from
9 acting without compensation as agent or attorney for, or
10 otherwise representing—

11 “(A) any person who is the subject of discipli-
12 nary, loyalty, or other personnel administration pro-
13 ceedings in connection with those proceedings; or

14 “(B) except as provided in paragraph (2), any
15 cooperative, voluntary, professional, recreational, or
16 similar organization or group not established or op-
17 erated for profit, if a majority of the organization’s
18 or groups’s members are current officers or employ-
19 ees of the United States or of the District of Colum-
20 bia, or their spouses or dependent children.

21 “(2) Paragraph (1)(B) does not apply with respect
22 to a covered matter that—

23 “(A) is a claim under subsection (a)(1) or
24 (b)(1);

25 “(B) is a judicial or administrative proceeding
26 where the organization or group is a party; or

1 “(C) involves a grant, a contract, or other
2 agreement (including a request for any such grant,
3 contract, or agreement) providing for the disburse-
4 ment of Federal funds to the organization or
5 group.”.

6 (b) ~~APPLICATION TO LABOR-MANAGEMENT RELA-~~
7 ~~TIONS.~~—Section 205 of title 18, United States Code, is
8 amended by adding at the end the following:

9 “(i) Nothing in this section prevents an employee
10 from acting pursuant to chapter 71 of title 5 or section
11 1004 or chapter 12 of title 39.”.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Federal Employee Rep-*
14 *resentation Improvement Act of 1996”.*

15 **SEC. 2. REPRESENTATION BY FEDERAL OFFICERS AND EM-**
16 **PLOYEES.**

17 (a) *EXTENSION OF EXEMPTION TO PROHIBITION.*—
18 *Subsection (d) of section 205 of title 18, United States Code,*
19 *is amended to read as follows:*

20 “(d)(1) *Nothing in subsection (a) or (b) prevents an*
21 *officer or employee, if not inconsistent with the faithful per-*
22 *formance of that officer’s or employee’s duties, from acting*
23 *without compensation as agent or attorney for, or otherwise*
24 *representing—*

1 “(A) any person who is the subject of discipli-
2 nary, loyalty, or other personnel administration pro-
3 ceedings in connection with those proceedings; or

4 “(B) except as provided in paragraph (2), any
5 cooperative, voluntary, professional, recreational, or
6 similar organization or group not established or oper-
7 ated for profit, if a majority of the organization’s or
8 groups’s members are current officers or employees of
9 the United States or of the District of Columbia, or
10 their spouses or dependent children.

11 “(2) Paragraph (1)(B) does not apply with respect to
12 a covered matter that—

13 “(A) is a claim under subsection (a)(1) or (b)(1);

14 “(B) is a judicial or administrative proceeding
15 where the organization or group is a party; or

16 “(C) involves a grant, contract, or other agree-
17 ment (including a request for any such grant, con-
18 tract, or agreement) providing for the disbursement of
19 Federal funds to the organization or group.”.

20 (b) *APPLICATION TO LABOR-MANAGEMENT RELA-*
21 *TIONS.*—Section 205 of title 18, United States Code, is
22 amended by adding at the end the following:

23 “(i) Nothing in this section prevents an employee from
24 acting pursuant to—

25 “(1) chapter 71 of title 5;

1 “(2) section 1004 or chapter 12 of title 39;
2 “(3) section 3 of the Tennessee Valley Authority
3 Act of 1933 (16 U.S.C. 831b);
4 “(4) chapter 10 of title I of the Foreign Service
5 Act of 1980 (22 U.S.C. 4104 et seq.); or
6 “(5) any provision of any other Federal or Dis-
7 trict of Columbia law that authorizes labor-manage-
8 ment relations between an agency or instrumentality
9 of the United States or the District of Columbia and
10 any labor organization that represents its employ-
11 ees.”.

Passed the House of Representatives October 24,
1995.

Attest:

ROBIN H. CARLE,
Clerk.

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