Calendar No. 339

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 italic]

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.

104TH CONGRESS
2D SESSION

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