

## Calendar No. 339

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 782**

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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*]

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**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           “(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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