

Public Law 104-177
104th Congress
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.

Aug. 6, 1996
[H.R. 782]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Employee Representation Improvement Act of 1996”.

SEC. 2. REPRESENTATION BY FEDERAL OFFICERS AND EMPLOYEES.

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

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

“(A) any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings; or

“(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization’s or group’s members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

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

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

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

“(C) involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group.”.

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

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

“(1) chapter 71 of title 5;

“(2) section 1004 or chapter 12 of title 39;

“(3) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b);

Federal
Employee
Representation
Improvement Act
of 1996.
18 USC 201 note.

“(4) chapter 10 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4104 et seq.); or

“(5) any provision of any other Federal or District of Columbia law that authorizes labor-management relations between an agency or instrumentality of the United States or the District of Columbia and any labor organization that represents its employees.”.

Approved August 6, 1996.

LEGISLATIVE HISTORY—H.R. 782:

HOUSE REPORTS: No. 104-230 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 141 (1995): Oct. 24, considered and passed House.

Vol. 142 (1996): July 25, considered and passed Senate, amended.
Aug. 1, House concurred in Senate amendment.