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TO: NATIONAL COUNCIL SSMA OFFICERS & EXECUTIVE COMMITTEE
MAUREEN McCONAGHY, NATIONAL GRASSROOTS COORDINATOR
WILLIAM DIXON, EDITOR 'MASS MEDIA'

RE: Legislative Report #28

H.R. 782 PASSED BY SENATE:

The long-awaited good news is that the bill introduced by Rep. Wolf (R-Va) to clarify that federal employees will not be in violation of criminal law when they express the views of their federal management and professional associations within the Executive Branch was passed in the Senate by "unanimous consent" late Thursday night, July 25th. (I wanted to see the official record of the vote in writing before I passed the good news along!) Senator Warner's (R-Va) support, encouragement and assistance with this bill was a critical factor in its successful Senate floor consideration. The NC has conveyed its gratitude and appreciation both to Rep. Wolf and Sen. Warner for their leadership on this issue.

In addition, we owe thanks to all the House co-sponsors and those who signed on last week to a letter sent by Rep. Wolf to Senate Majority Leader Lott urging floor action on the bill. These were Ackerman (D-NY), Bateman (R-Va), Calvert (R-Ca), Canady (R-Fla), Cardin (D-Md), Clayton (D-NC), Cummings (D-Md), Davis (R-Va), DeFazio (D-Ore), Evans (D-Ill), Fazio (D-Ca), Filner (D-Ca), Frank (D-Mass), Geren (D-TX), Tony Hall (D-OH), Hilliard (D-Ala), Hoke (R-Ohio), Hoyer (D-Md), Horn (R-Ca), Jacobs (D-Ind), Johnston (D-Fla), Jerry Lewis (R-Ca), Lofgren (D-Ca), Mascara (D-Pa), McDermott (D-Wash), McKinney (D-Ga), Millender-McDonald (D-Ca), George Miller (D-Ca), Moran (D-Va), Morella (R-Md), Nadler (D-NY), Parker (D-Miss), Pickett (D-Va), Poshard (D-Ill), Richardson (D-NM), Riggs (R-Ca), Rose (D-NC), Skelton (D-Mo), Solomon (R-NY), Woolsey (D-Ca), Wynn (D-Md). I am delivering thanks personally to those offices I visited seeking signatures for the Wolf letter. There are additional Members who would likely have signed on if we the need had not arisen on short notice and with a short timeframe.

NOW Rep. Wolf must shepherd the bill once again to the House floor (because it was amended by the Senate Judiciary Committee) before it goes to the President for signature. Whether the House will take it up this week is uncertain, but, if not, it should be scheduled with other non-controversial measures during the first days of floor activity after the August recess.

Since the Dept. of Justice is on record with a statement of support for this clarification of Title 18 U.S.C. Sec. 205 (which prohibits federal employees from acting as "agents or attorneys" for any person or organization having outside interests in matters before U.S. agencies or courts), and since OPM Director Jim King recently expressed to the Coalition for Effective Change the Administration's apology for the DOJ interpretation and advisory which precipitated the need for the amendment in the first place, we do not anticipate any obstacles to Presidential approval of this bill.

After H.R. 782 becomes law, OPM plans to publish an amendment to the recently finalized rules regarding "Agency Relationships with Organizations Representing Federal Employees and Other Organizations." OPM will modify language in section 251.101(f) which currently explains Title 18 U.S.C. Sec. 205 and advises consultation with a designated ethics official for guidance regarding potential "conflicts of interest" which might have arisen because of the DOJ advisory. The potential for "conflicts of interest" will virtually be eliminated once H.R. 782 codifies that the restrictions under Sec. 205 do not apply to federal employees involved in activities of their federal management and professional associations.

(NOTE: Let me clarify again that H.R. 782 is NOT related to the issue of federal employees' expressing their own or their associations' views before the U.S. Congress. That right remains unequivocal and has never been in question as a result of the DOJ advisory on Sec. 205. H.R. 782 relates only to an employee's right to express their associations' views within the Executive Branch.)

Brief notes:

Awards:

Rumors that Social Security Subcommittee Chairman Bunning is considering prohibiting SSA from paying awards for FY 96 (or FY 97, depending on the rumor) are unfounded. Chairman Bunning states his support for the hard work of employees in the field and hopes employees do not feel confused by his objection to awards for employees involved in union work 100% of the time or his inquiries about the status of regional plans for awards. He supports awards for employees making meritorious or outstanding contributions to the public service work of the agency.

Keep in mind, however, that awards come under attack by both parties in Congress when they are perceived to be paid "routinely" to too many employees or to be unrelated to truly outstanding contributions. Restrictions on awards, if not self-imposed by agencies, could arise at any time from any one of many Committees or Members. (No, I do not know of any such proposals at this time.) A prohibition against paying awards at all, however, is neither under consideration now nor a likely future scenario.