

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 17, 2020

The Honorable Colleen Duffy Kiko
Chairman
Federal Labor Relations Authority
1400 K Street, N.W.
Washington, D.C. 20424

Dear Chairman Kiko:

We write to urge the Federal Labor Relations Authority (FLRA) to reject proposed guidance that would bar federal employee unions' use of official time to directly communicate with Members of Congress.

It is unacceptable FLRA and the Trump Administration would take this radical and unprecedented action to restrict the rights of federal employees as they work around the clock to keep our country safe amid this global coronavirus pandemic. The proposed guidance would thwart decades of labor-management relations precedent and wrongfully restricts the ability of unions and federal employees to share their views with their Members to Congress on critical issues that affect the health and safety of the federal workforce.

In the notice issued on March 25, 2020, FLRA cited a request to issue this guidance from the National Right to Work Legal Defense Foundation, a known anti-labor advocacy group.¹ Unsurprisingly, the guidance would subject federal union representatives' use of official time to the Anti-Lobbying Act's prohibitions on using federal funds for lobbying purposes.

Over decades and multiple administrations of both political parties, the FLRA firmly established and upheld the right of federal employees, acting as union representatives, to use official time to lobby Congress on representational matters.²

In its 1997 decision on *U.S. Department of the Army, Corps of Engineers, Memphis District, Memphis, Tennessee*, the FLRA explicitly stated that the use of official time in

¹ Federal Labor Relations Authority, *Notice of Opportunity to Comment on a Request for a General Statement of Policy or Guidance on Official Time for Certain Lobbying Activities*, 85 Fed. Reg. 16915 (Mar. 25, 2020) (proposed issuance of a general statement of policy or guidance) (online at www.govinfo.gov/content/pkg/FR-2020-03-25/pdf/2020-05992.pdf)

² See 11 FLRA 7 (1983); 47 FLRA 1118, 1126-27 (1993); 49 FLRA 176, 207 (1994); 52 FLRA 920 (1997)

accordance with Federal Service Labor-Management Relations Statute is “excepted from the sanctions in statute 18 U.S.C. § 1913 [Anti-Lobbying Act]”.³

The proposed guidance would infringe on the rights of federal employees acting as union representatives to communicate directly with Congress. These rights are guaranteed to federal employees under the Civil Service Reform Act and allow union members to serve as a voice for federal employees when working with Congress on policies and laws that directly affect their work environments.⁴

The precedent and legislative history supporting federal employees’ rights to use official time to directly communicate with Members of Congress is unequivocal and dates back more than a century.⁵

Our nation is in the midst of an unprecedented national health crisis that is affecting millions of Americans, including federal employees who continue to serve on the frontlines screening travelers, providing medical services to veterans, and researching potential coronavirus vaccines. It is times like this that demonstrate the critical need for federal workers to have direct lines of communication to Congress to articulate concerns about staffing shortages, lack of proper medical equipment, or other critical issues that hinder their ability to serve the public efficiently and safely.

For these reasons, we urge you to adhere to FLRA precedent and reject this proposed guidance.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Gerald E. Connolly
Chairman
Subcommittee on Government Operations

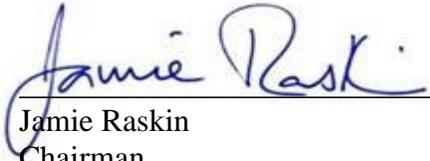


Stephen F. Lynch
Chairman
Subcommittee on National Security

³ 52 FLRA 920 (1997)

⁴ See 5 U.S.C. § 7102

⁵ See Statement of Representative James William Good, Congressional Record, H404 (May 29, 1919) (online at www.govinfo.gov/content/pkg/GPO-CRECB-1919-pt1-v58/pdf/GPO-CRECB-1919-pt1-v58-10-2.pdf).



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cc: The Honorable Jody B. Hice, Ranking Member
Subcommittee on National Security

The Honorable Chip Roy, Ranking Member
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