

Don't Get Caught in Congressional Crosshairs:

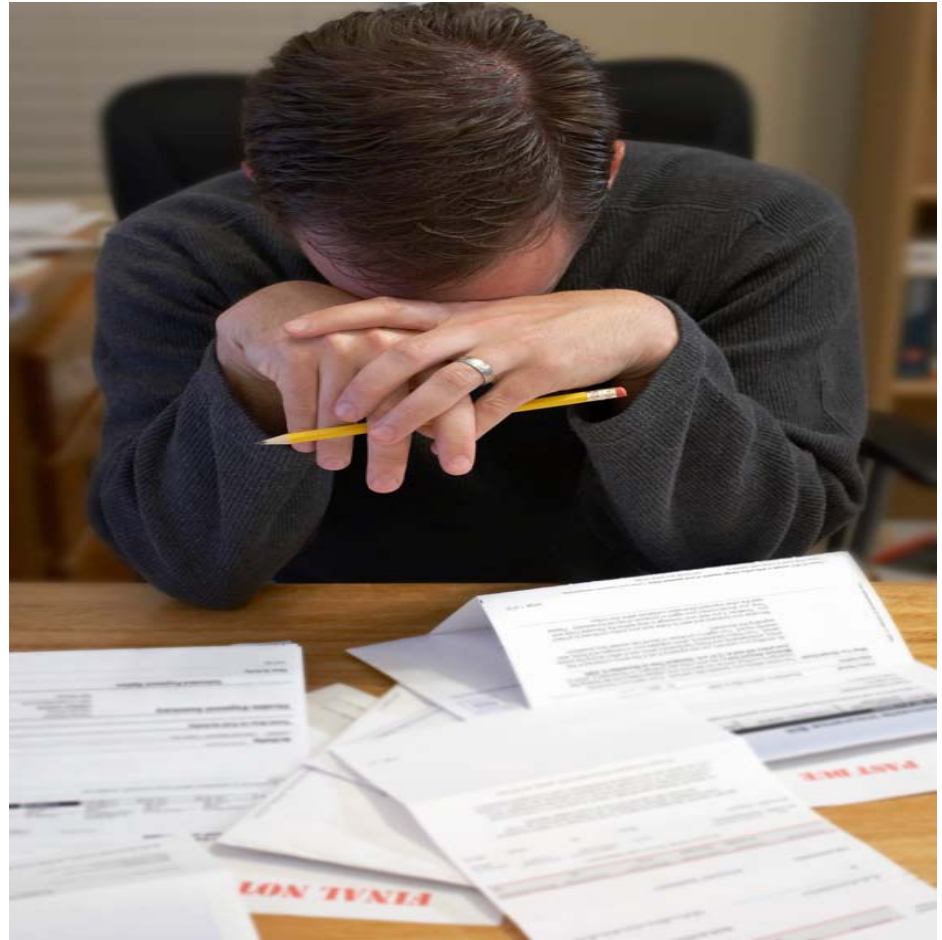
What You Need to Know about the
Legislative Process and How OGE
Can Help



Why you care: ignorance is risk

Ethics issue
+ Media headlines
+ Congress acts
+ Agency not
engaged

= unwelcome
changes to your
ethics program

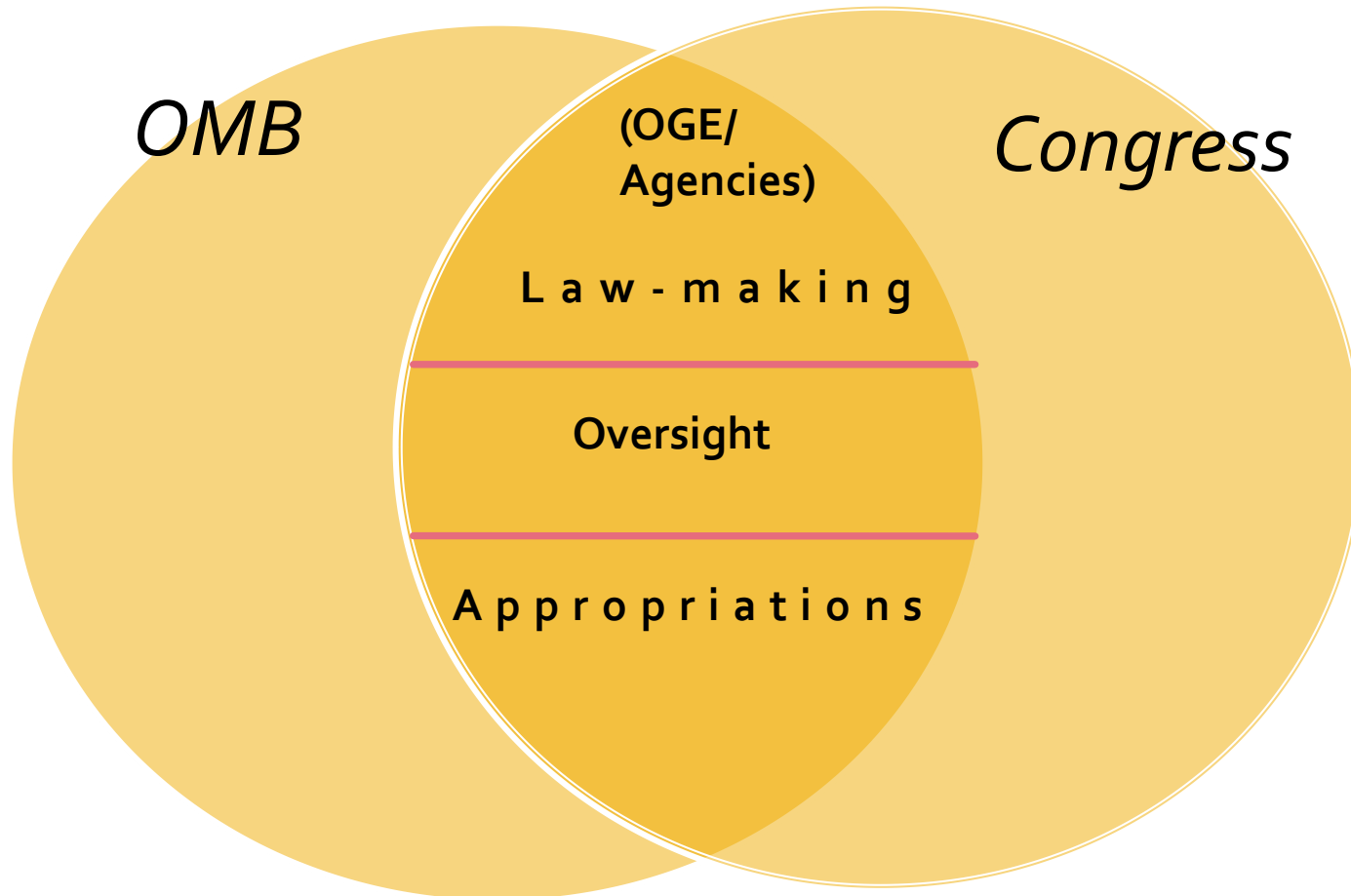


Knowledge is Power: The Roadmap



- Culture Shock
- Legislative process
101
- How OGE helps
- Case study discussion
- Resources

Overlap of the two branches in the legislative process



Speaking for the ethics community in OMB legislative clearance process

- Who: OMB Legislative Review Division
- What: Any and all materials to or from the Hill
- When: Anytime. Deadlines 2 hours to 2 weeks
- Where: Email account
- Why: Uniform Executive Branch position
- How: Email with materials for review attached

Congressional Culture Shock

- Co-equal/powerful branch of government that differs significantly from executive branch in:
 - Pace
 - Power
 - Politics
 - Personnel
 - Perception

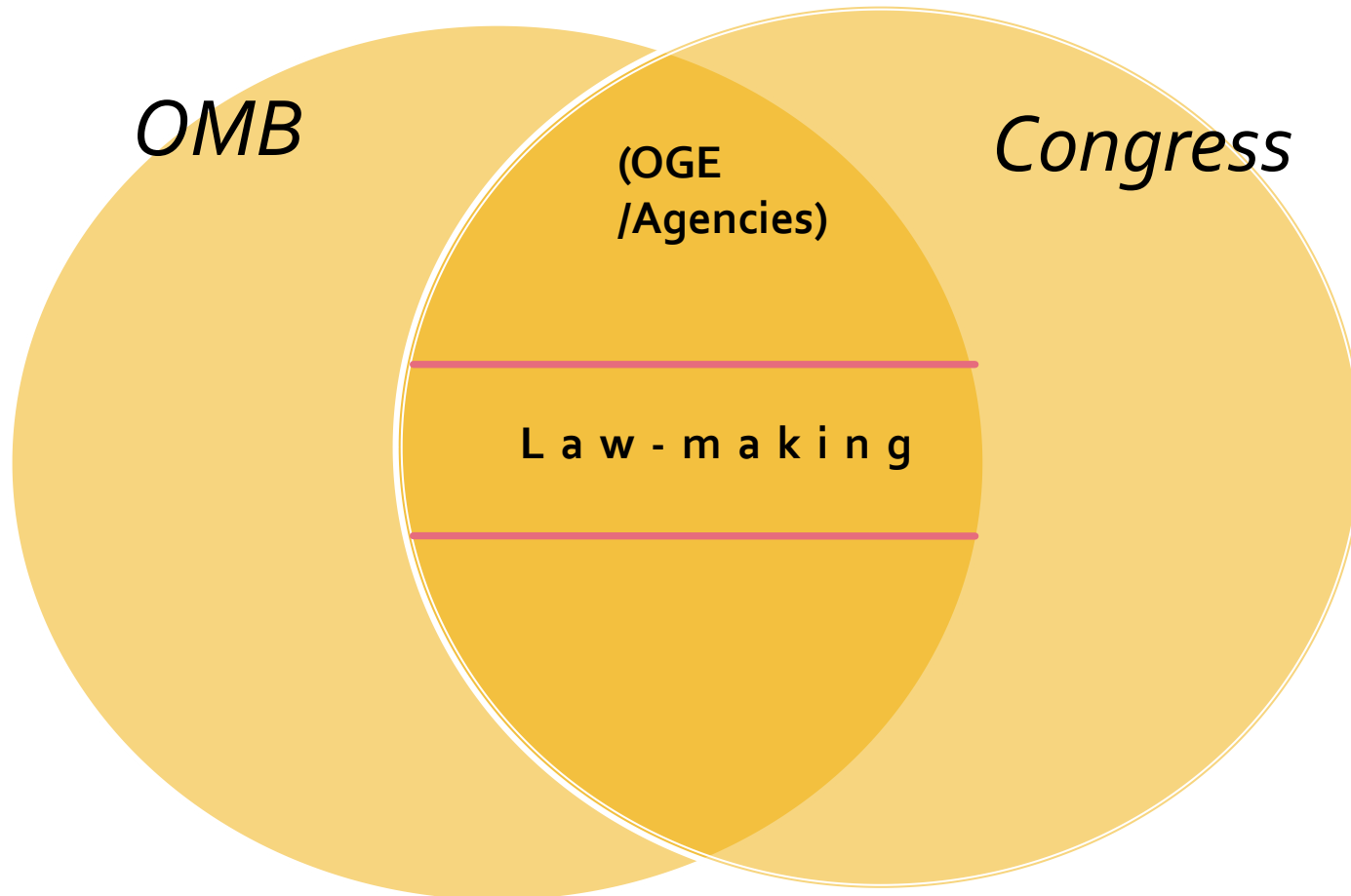


Congressional Calendar

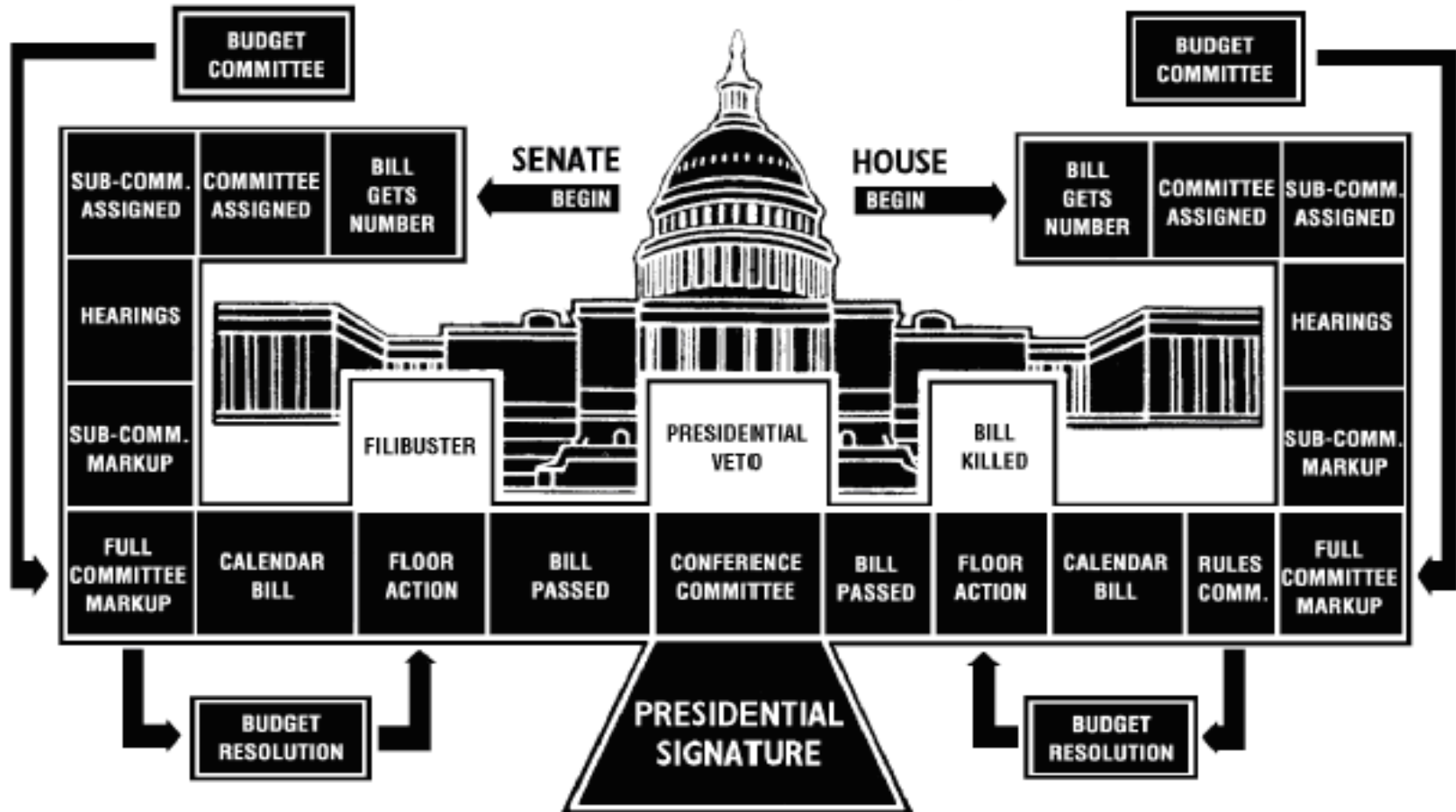
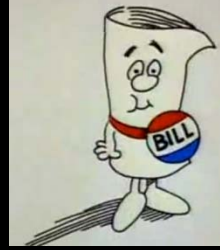


- Congress – 2 years
 - Composed of two 1-year sessions
 - Election cycle
 - Recesses and adjournment
 - Leadership

Intersecting with Congress

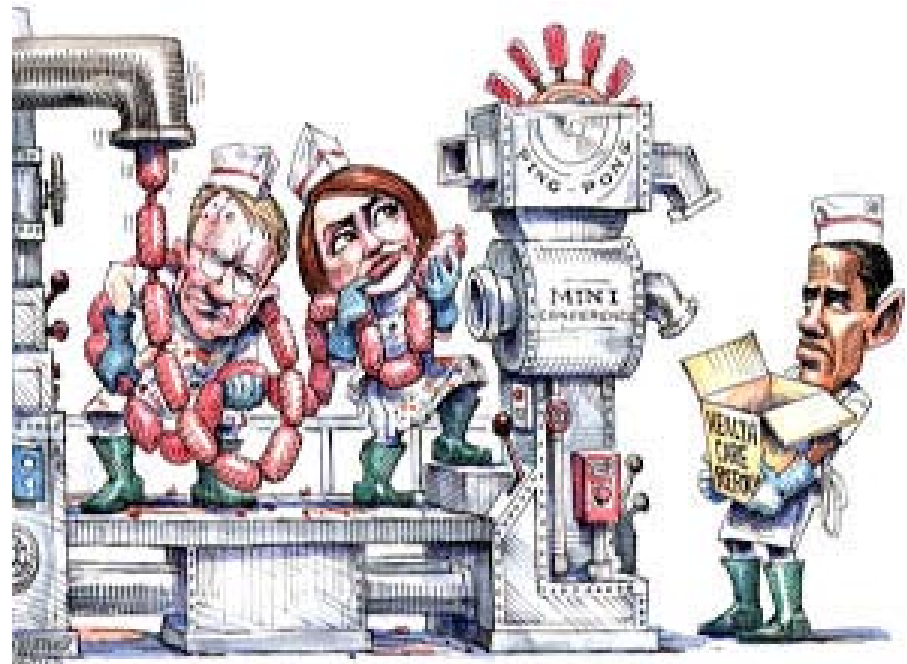


Legislative Process Flowchart



Legislation: Making sausage

- Introduction (who and motivation)
- Types
 - Bills
 - Resolutions
- Referral
 - Committees
 - Types of Referral



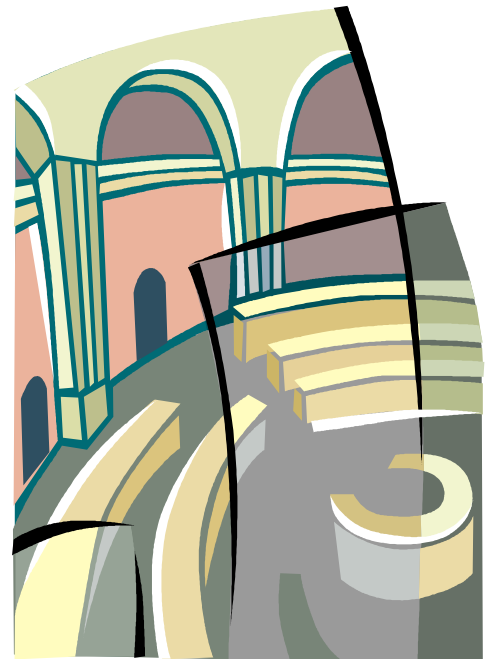
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Committee Process (Subcommittees)

- Hearings
 - Testimony/ briefings
- Report
 - Requirements
 - Elements
- Mark-up
 - Amendment process
- Staff
 - Reliance
 - Portfolios

Floor Action

- House (majority rules)
 - Rules Committee
 - Suspension of the Rules
- Senate (minority power)
 - Unanimous consent
 - Motion to proceed
 - **Cloture: 60 vote reality**
- Amendments



Reconciling differences between the chambers

- Amendments between the chambers
 - Limits on the ping pong game
- Conference committees
 - Conferees
 - Negotiations
 - Vote on conference report

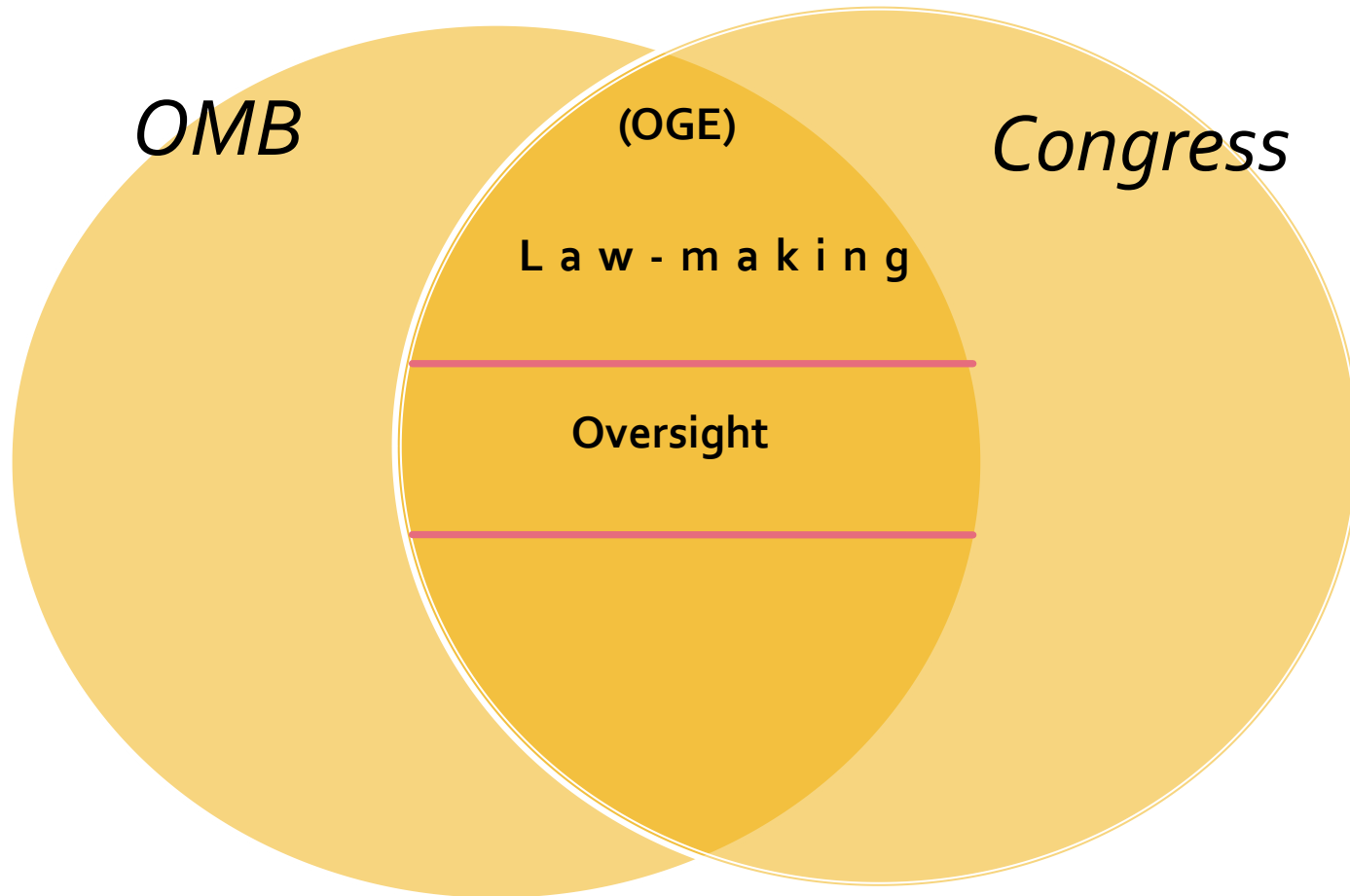


Presidential Action



- Sign into law
- Allow to become law without signature
- Veto
- Pocket Veto

Intersecting with Congress

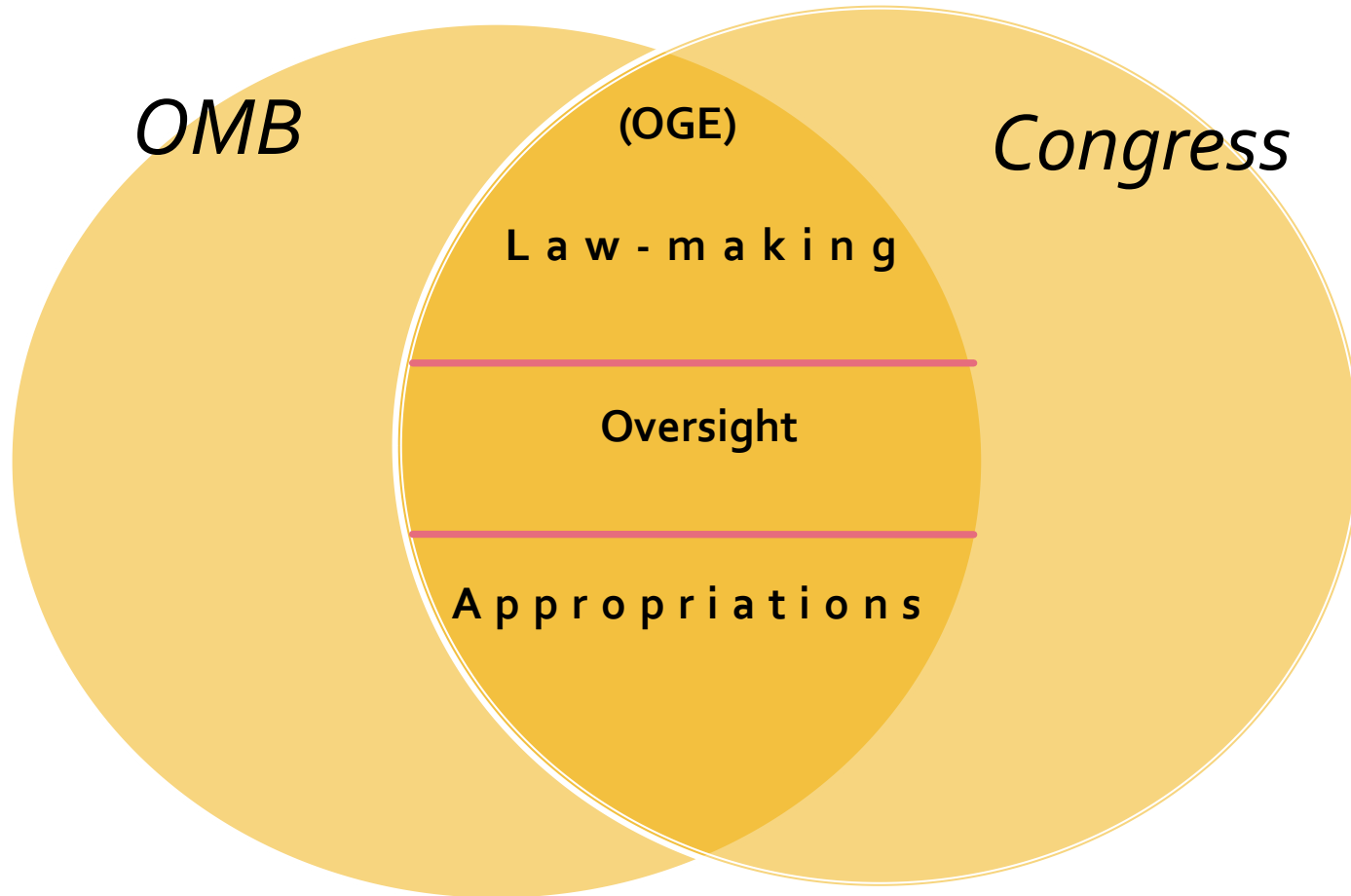


Congressional Oversight

- Oversight Hearings
 - Testimony
 - Questions for the Record
- Briefings/Technical Assistance
- Government Accountability Office



When OGE intersects with the legislative process



Power of the Purse



- Appropriations
- Policy riders
- Committee report language

How OGE's Legislative Program Helps You

- Finding and monitoring ethics-related legislative proposals and activity
- Working with Committees of Jurisdiction
 - Senate: Homeland Security and Gov Affairs, Judiciary
 - House: Oversight and Government Reform, Judiciary
 - BUT proposals can arise in any committee where ethics concerns surface

How OGE's Legislative Program Helps You

- Providing ethics expertise on proposals
 - Congressional staff
 - OMB legislative review process
 - Congressional agencies
- Developing our own legislative proposals

How OGE's Legislative Program Helps You

- Keeping you informed of key changes
 - Revised Compilation of Federal Ethics Laws
 - OGE Legislative legal advisories
 - OGE Legislative web pages

Now you know: what should you do?

- Ethics issue → Media → Congressional Action = changes to your ethics program
- How should you get out of the congressional crosshairs?
- Let's Discuss

Case study – Think



- What is my goal/the problem I am trying to address?
- Do I need to know more information about the situation?
- What resources do I have that may help achieve the goal?

Fact Scenario



- Your agency is the subject of a newspaper article about the findings in an IG report.
- The IG report details instances of possible conflicts of interest between agency employees and regulated entities as well as finding fault with the agency.
- The newspaper account calls this a “scandal,” saying that the agency regulators were “in bed” with the manufacturers the agency is supposed to regulate.
- The article creates a public outcry for reform.

Additional Facts



- New article quoting committee chair: “I am deeply concerned about the safety of widgets because the agency seems to care more about taking care of the big manufacturers than it cares about the health of America’s children.”
- Phone call from committee expressing concern is NOT a committee with ethics jurisdiction.

Additional Facts

- Subsequently, an OGE internet search finds proposed legislation that would prohibit all agency employees from working for widget manufacturers for 3 years after leaving government and contains a gift prohibition with no exceptions.
- Then a congressional committee calls a hearing on the matter.



Additional Facts



- An LRM comes in from OMB/ 2-day deadline
- OGE also received the LRM, flagged the relevant section, and told OMB it did this.
- Agency comments on proposed bill sent to the Hill through the LRM process
- There is a committee markup of the bill
- Then there is a vote on the floor & passed
- The passed version is circulated to agency through the LRM process

Staying out of the crosshairs: Tips and tricks

■ Keep an eye out

- Thomas.loc.gov
- Hill publications
- Search engines

■ Introduce yourself

- Legislative affairs office
- OGE legislative staff
- Hill staff, as permitted
- OMB analyst

■ Know the process

- Timing
- Players
- Information

■ Anticipate and act

- Issues to headlines
- Headlines to hearings
- Hearings to legislation

We're from OGE and we're here to help

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