From: Eugene Freedman [mailto:efreedman@natcadc.org]

Sent: Sunday, November 13, 2011 7:52 PM

To: USOGE

Cc: Eugene Freedman

Subject: Proposed Amendments to Part 2635, Office of Government Ethics RIN 3209-

AA04

Importance: High

National Air Traffic Controllers Association -AFL-CIO 1325 Massachusetts Ave., NW Washington, DC 20005 November 13, 2011

Richard M. Thomas Associate General Counsel Office of Government Ethics Suite 500 1201 New York Ave, NW Washington, DC 20005-3917

RE: Office of Government Ethics RIN 3209-AA04

Dear Mr. Thomas,

The National Air Traffic Controllers Association – AFL-CIO (NATCA) submits the following comments in reference to Federal Register Notice Vol. 76, No. 177, dated September 13, 2011 regarding Proposed Amendments to Part 2635.

NATCA does not believe that it and other Federal sector labor organizations certified or organizing employees under 5 USC Chapter 71 qualify as prohibited sources under Part 2635 regardless of whether or not they employ lobbyists. Therefore, we believe we may continue providing benefits to our dues paying members as well as provide meals, travel, and other things of value to those acting on behalf of the organization as elected and appointed representatives as well as those participating in membership and organizational events. Further, we believe we may continue providing meals and other things of value to Federal employees who we are attempting to organize.

Even so, NATCA felt that it was imperative that it respond to the proposed changes in regulations because we recognize that it is possible for a future administration to misconstrue or intentionally misapply Part 2635, prohibiting labor organizations from providing benefits, meals, travel, or other things of value to our members in furtherance of our organizational goals and legal responsibilities. For that reason, NATCA requests that the Office of Government Ethics amend the proposed regulation in order to clarify that with respect to the large and diverse class of career and other employees who are within certified bargaining units as well as those bargaining unit eligible that there is no prohibition against accepting gifts from labor organizations that: 1) are certified to represent them under 5 USC Chapter 71, or 2) who may be seeking to represent them. There are already significant restrictions under law, rule, and regulation promulgated by the Federal Labor Relations Authority and Department of Labor regarding union representation, organizing, and expenditures. NATCA

believes this change should be in the actual regulation rather than in the implementation guidance.

Thank you for your consideration.

Sincerely,

Eugene R. Freedman, Esq Deputy General Counsel ph: (202) 220-9822 efreedman@natcadc.org