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THE WHITE HOUSE

WASHINGTON

April 10, 1982

MEMORANDUM FOR RICHARD G. DARMAN

FROM: *for* EDWIN L. HARPER *by E. Ruck*

SUBJECT: S. 2333 - Gifts from charitable organizations to Federal employees injured during assassination attempts

The Office of Policy Development recommends approval of S. 2333.

THE WHITE HOUSE

WASHINGTON

April 10, 1982

ACTION

MEMORANDUM FOR EDWIN L. HARPER

FROM: ROGER B. PORTER /...

SUBJECT: S. 2333 - Gifts from charitable organizations
to Federal employees injured during
assassination attempts

S. 2333 would permit an officer or employee of the United States during certain assassination attempts to receive and accept contributions from charitable organizations. The first beneficiary of the enrolled bill will be Jim Brady.

Mike Uhlmann has reviewed the enrolled bill report and recommends approval.

Recommendation: That you sign the attached memorandum to Dick Darman recommending approval of S. 2333

Go!

OFFICE OF POLICY DEVELOPMENT STAFFING MEMORANDUM

DATE: 4/9/82 ACTION/CONCURRENCE/COMMENT DUE BY: cob 4/12/82

SUBJECT: ENROLED BILL S. 2333 - Gifts from Charitable Organization to Federal Employees Injured During Assassination Attempts (BRADY BILL)

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SMITH	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	UHLMANN	<input type="checkbox"/>	<input type="checkbox"/>
BANDOW	<input type="checkbox"/>	<input type="checkbox"/>	✓ ADMINISTRATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>	GRAY	<input type="checkbox"/>	<input type="checkbox"/>
FRANKUM	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
HEMEL	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
KASS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MALOLEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

MIKE UHLMANN FOR ACTION

May I please have your recommendation by noon, Monday 4/12

Judy Johnston 4/9

cc: Roger Porter

EDWIN L. HARPER
ASSISTANT TO THE PRESIDENT
FOR POLICY DEVELOPMENT
(X6515)

WHITE HOUSE STAFFING MEMORANDUM

DATE: 4/8/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/12/82

SUBJECT: ENROLLED BILL S. 2333 - Gifts from Charitable Organizations to Federal Employees Injured During Assassination Attempts (BRADY BILL)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CLARK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

May we have your comments by c.o.b. April 12. Thank you.

Signing ceremony scheduled for 10:30 a.m. Tuesday, April 13.

Richard G. Darman
Assistant to the President
(x2702)

Response:



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

April 8, 1982

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2333 - Gifts from charitable organizations to Federal employees injured during assassination attempts
Sponsor - Senator Roth (R) Delaware

Last Day for Action

April 16, 1982 - Friday

Purpose

To permit an officer or employee of the United States who is injured during certain assassination attempts to receive and accept contributions from charitable organizations.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management	Approval
Department of Justice	No objection
Department of the Treasury	No objection

Discussion

Current law generally prohibits a Federal officer or employee from receiving any salary or other compensation from a source other than the Federal Government for services rendered to the Government. A person who receives such compensation is subject to a prison term of no more than one year or a fine of up to \$5,000, or both.

There are a few minor exceptions to this general rule, however. For example, a person participating in an executive interchange or fellowship program may lawfully receive actual relocation expenses from a source other than the Federal Government. Similarly, certain contributions and awards made under the Government Employees Training Act (P.L.85-507) are not subject to the generally applicable prohibition on receipt of compensation from non-Federal sources.

The enrolled bill creates another limited exception to the general prohibition. It would permit a Federal officer or employee to receive and accept contributions and payments from a non-Federal source if -

- the organization making the payment or contribution is exempt from tax under the Internal Revenue Code and qualifies as a charitable organization under the Code; and
- the employee is injured during the commission of an assassination, kidnaping or assault on the President, the President-elect, the Vice President, the Vice President-elect, a Member of Congress, or a Member of Congress-elect.

According to the debate in the Senate, the first beneficiary of the enrolled bill will be Press Secretary James Brady, who cannot, it is believed, accept certain donations that may be offered to him as a result of his injury.

In its views letter, the Department of the Treasury advises that an organization established to collect donations to be given to persons covered by the enrolled bill must satisfy the requirements of the Internal Revenue Code and applicable regulations in order to qualify as a charitable organization. In this connection, we have been told by the Office of the Counsel to the President that such an organization may qualify as a charitable organization as long as it is established to assist the category of persons covered by the enrolled bill and not just a single beneficiary. The Department of Justice advises that the enrolled bill does not address the possible conflicts a contribution made to a Federal employee might have with the Standards of Ethical Conduct and regulations issued under Executive Order 11222. We understand that appropriate modifications may be made to the Executive Order and regulations, if necessary, to permit the operation of the exemption established by the enrolled bill.

* * * * *

S. 2333 passed both Houses by voice votes.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 08 1982

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

Pursuant to your request, I have examined a facsimile of enrolled bill S. 2333, a bill "[t]o amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations.

To the extent that it was previously unclear whether or to what extent Federal employees who are victims of assassination attempts could receive such contributions under §209 of title 18, we believe that this bill resolves that ambiguity and clearly permits such receipt.

We would note that this bill does not purport to address the effect of such contributions on the Standards of Conduct applicable to Government employees, except as those Standards are addressed to the prohibitions of §209. Individual agency regulations should therefore be applied on a case-by-case basis. The Office of Legal Counsel of this Department has previously supplied comments concerning that subject to the Office of the Counsel to the President.

The Department of Justice has no objection to enactment of this legislation.

Sincerely,

ROBERT A. McCONNELL
Assistant Attorney General
Office of Legislative Affairs



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

APR 7 1982

Director, Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for Legislative Reference

Dear Sir:

This replies to your request for the views of the Department of the Treasury on S. 2333, an enrolled bill, "To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations."

Under current law, Federal employees are prohibited from receiving contributions or remuneration for services performed in the course of official business from sources outside of the United States Government.

The enrolled bill would make it possible for any Federal officer or employee injured during the commission of an offense involving assassination, kidnapping, or assault on certain Government officials, such as the President, Vice-President or a Member of Congress, to receive outside remuneration from an organization which is exempt from taxation under the Internal Revenue Code.

The Department wishes to make clear our understanding that this provision does not affect the statutory and regulatory requirements necessary for an organization to qualify for tax exempt status under section 501(c)(3) of the Code and thereby its eligibility as a recipient of deductible contributions.

The Department of the Treasury does not object to the President signing the enrolled bill.

Sincerely yours,

Margery Waxman
Acting General Counsel



United States
**Office of
Personnel Management**

Washington, D.C. 20415

April 8, 1982

In Reply Refer To:

Your Reference:

Honorable David Stockman
Director
Office of Management and Budget
17th and Pennsylvania Avenue
Room 252
Washington, D.C. 20503

Dear Mr. Stockman:

We recommend that the President sign S. 2333, a bill that amends section 209 of title 18, United States Code, to permit any federal officer or employee injured during an assassination attempt on the President, Vice-President or a member of the Congress to receive contributions from charitable organizations by removing the so-called dual compensation bars to the giving and receiving of such contributions that might otherwise apply.

This bill was passed by the Congress on April 1, 1982 and, as Congressman Foley said during floor debate, "It is obvious ... that this is directed to the tragic situation of the Press Secretary of the President, James Brady, who was so terribly injured in the assassination attempt on the President last year."

S. 2333 is a good bill that should become law as soon as possible.

Sincerely,

Donald Devine
Director

S. 2333

Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January,
one thousand nine hundred and eighty-two*

An Act

To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 209 of title 18, United States Code, is amended by adding a new subsection as follows:

"(f) This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1954 and which is exempt from taxation under section 501(a) of such Code."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

W2004

OFFICE OF POLICY DEVELOPMENT STAFFING MEMORANDUM

DATE: 4/9/82 ACTION/CONCURRENCE/COMMENT DUE BY: cob 4/12/82

SUBJECT: ENROLED BILL S. 2333 - Gifts from Charitable Organization to Federal Employees

Injured During Assassination Attempts (BRADY BILL)

	ACTION	FYI		ACTION	FYI
✓ HARPER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SMITH	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	UHLMANN	<input type="checkbox"/>	<input type="checkbox"/>
BANDOW	<input type="checkbox"/>	<input type="checkbox"/>	ADMINISTRATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>	GRAY	<input type="checkbox"/>	<input type="checkbox"/>
FRANKUM	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
HEMEL	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
KASS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MALOLEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

EDWIN L. HARPER
 ASSISTANT TO THE PRESIDENT
 FOR POLICY DEVELOPMENT
 (X6515)

WHITE HOUSE STAFFING MEMORANDUM

DATE: 4/8/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/12/82

SUBJECT: ENROLLED BILL S. 2333 - Gifts from Charitable Organizations to Federal Employees Injured During Assassination Attempts (BRADY BILL)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CLARK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

May we have your comments by c.o.b. April 12. Thank you.

Signing ceremony scheduled for 10:30 a.m. Tuesday, April 13.

Richard G. Darman
Assistant to the President
(x2702)

Response:

OFFICE OF POLICY DEVELOPMENT STAFFING MEMORANDUM

WEOO4

DATE: 4/9/82 ACTION/CONCURRENCE/COMMENT DUE BY: cob 4/12/82

SUBJECT: ENROLLED BILL S. 2333 - Gifts from Charitable Organization to Federal Employees

Injured During Assassination Attempts (BRADY BILL)

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SMITH	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	UHLMANN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BANDOW	<input type="checkbox"/>	<input type="checkbox"/>	ADMINISTRATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>	GRAY	<input type="checkbox"/>	<input type="checkbox"/>
FRANKUM	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
HEMEL	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
KASS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
MALOLEY	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

EDWIN L. HARPER
 ASSISTANT TO THE PRESIDENT
 FOR POLICY DEVELOPMENT
 (X6515)

WHITE HOUSE STAFFING MEMORANDUM

DATE: 4/8/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/12/82

SUBJECT: ENROLLED BILL S. 2333 - Gifts from Charitable Organizations to Federal Employees Injured During Assassination Attempts (BRADY BILL)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CLARK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
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Remarks:

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Signing ceremony scheduled for 10:30 a.m. Tuesday, April 13.

Richard G. Darman
Assistant to the President
(x2702)

Response:



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

April 8, 1982

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2333 - Gifts from charitable organizations to Federal employees injured during assassination attempts
Sponsor - Senator Roth (R) Delaware

Last Day for Action

April 16, 1982 - Friday

Purpose

To permit an officer or employee of the United States who is injured during certain assassination attempts to receive and accept contributions from charitable organizations.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management	Approval
Department of Justice	No objection
Department of the Treasury	No objection

Discussion

Current law generally prohibits a Federal officer or employee from receiving any salary or other compensation from a source other than the Federal Government for services rendered to the Government. A person who receives such compensation is subject to a prison term of no more than one year or a fine of up to \$5,000, or both.

There are a few minor exceptions to this general rule, however. For example, a person participating in an executive interchange or fellowship program may lawfully receive actual relocation expenses from a source other than the Federal Government. Similarly, certain contributions and awards made under the Government Employees Training Act (P.L.85-507) are not subject to the generally applicable prohibition on receipt of compensation from non-Federal sources.

The enrolled bill creates another limited exception to the general prohibition. It would permit a Federal officer or employee to receive and accept contributions and payments from a non-Federal source if -

- the organization making the payment or contribution is exempt from tax under the Internal Revenue Code and qualifies as a charitable organization under the Code; and
- the employee is injured during the commission of an assassination, kidnaping or assault on the President, the President-elect, the Vice President, the Vice President-elect, a Member of Congress, or a Member of Congress-elect.

According to the debate in the Senate, the first beneficiary of the enrolled bill will be Press Secretary James Brady, who cannot, it is believed, accept certain donations that may be offered to him as a result of his injury.

In its views letter, the Department of the Treasury advises that an organization established to collect donations to be given to persons covered by the enrolled bill must satisfy the requirements of the Internal Revenue Code and applicable regulations in order to qualify as a charitable organization. In this connection, we have been told by the Office of the Counsel to the President that such an organization may qualify as a charitable organization as long as it is established to assist the category of persons covered by the enrolled bill and not just a single beneficiary. The Department of Justice advises that the enrolled bill does not address the possible conflicts a contribution made to a Federal employee might have with the Standards of Ethical Conduct and regulations issued under Executive Order 11222. We understand that appropriate modifications may be made to the Executive Order and regulations, if necessary, to permit the operation of the exemption established by the enrolled bill.

* * * * *

S. 2333 passed both Houses by voice votes.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 08 1982

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

Pursuant to your request, I have examined a facsimile of enrolled bill S. 2333, a bill "[t]o amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations.

To the extent that it was previously unclear whether or to what extent Federal employees who are victims of assassination attempts could receive such contributions under §209 of title 18, we believe that this bill resolves that ambiguity and clearly permits such receipt.

We would note that this bill does not purport to address the effect of such contributions on the Standards of Conduct applicable to Government employees, except as those Standards are addressed to the prohibitions of §209. Individual agency regulations should therefore be applied on a case-by-case basis. The Office of Legal Counsel of this Department has previously supplied comments concerning that subject to the Office of the Counsel to the President.

The Department of Justice has no objection to enactment of this legislation.

Sincerely,

ROBERT A. McCONNELL
Assistant Attorney General
Office of Legislative Affairs



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

APR 7 1982

Director, Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for Legislative Reference

Dear Sir:

This replies to your request for the views of the Department of the Treasury on S. 2333, an enrolled bill, "To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations."

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The Department wishes to make clear our understanding that this provision does not affect the statutory and regulatory requirements necessary for an organization to qualify for tax exempt status under section 501(c)(3) of the Code and thereby its eligibility as a recipient of deductible contributions.

The Department of the Treasury does not object to the President signing the enrolled bill.

Sincerely yours,

Margery Waxman
Acting General Counsel



United States
**Office of
Personnel Management**

Washington, D.C. 20415

April 8, 1982

In Reply Refer To:

Your Reference:

Honorable David Stockman
Director
Office of Management and Budget
17th and Pennsylvania Avenue
Room 252
Washington, D.C. 20503

Dear Mr. Stockman:

We recommend that the President sign S. 2333, a bill that amends section 209 of title 18, United States Code, to permit any federal officer or employee injured during an assassination attempt on the President, Vice-President or a member of the Congress to receive contributions from charitable organizations by removing the so-called dual compensation bars to the giving and receiving of such contributions that might otherwise apply.

This bill was passed by the Congress on April 1, 1982 and, as Congressman Foley said during floor debate, "It is obvious ... that this is directed to the tragic situation of the Press Secretary of the President, James Brady, who was so terribly injured in the assassination attempt on the President last year."

S. 2333 is a good bill that should become law as soon as possible.

Sincerely,

Donald Devine
Director

S. 2333

Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January,
one thousand nine hundred and eighty-two*

An Act

To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 209 of title 18, United States Code, is amended by adding a new subsection as follows:

“(f) This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1954 and which is exempt from taxation under section 501(a) of such Code.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

MDT

re: Jim Brady

Document No. 064804SS

WEDDY

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 4/8/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/12/82

SUBJECT: ENROLLED BILL S. 2333 - Gifts from Charitable Organizations to Federal Employees Injured During Assassination Attempts (BRADY BILL)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CLARK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

May we have your comments by c.o.b. April 12. Thank you.

Signing ceremony scheduled for 10:30 a.m. Tuesday, April 13.

Richard G. Darman
Assistant to the President
(x2702)

Response:

KE
JAB READING FILE
PLEASE - FYI
4/12
MDT



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

April 8, 1982

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2333 - Gifts from charitable organizations to Federal employees injured during assassination attempts
Sponsor - Senator Roth (R) Delaware

Last Day for Action

April 16, 1982 - Friday

Purpose

To permit an officer or employee of the United States who is injured during certain assassination attempts to receive and accept contributions from charitable organizations.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management	Approval
Department of Justice	No objection
Department of the Treasury	No objection

Discussion

Current law generally prohibits a Federal officer or employee from receiving any salary or other compensation from a source other than the Federal Government for services rendered to the Government. A person who receives such compensation is subject to a prison term of no more than one year or a fine of up to \$5,000, or both.

There are a few minor exceptions to this general rule, however. For example, a person participating in an executive interchange or fellowship program may lawfully receive actual relocation expenses from a source other than the Federal Government. Similarly, certain contributions and awards made under the Government Employees Training Act (P.L.85-507) are not subject to the generally applicable prohibition on receipt of compensation from non-Federal sources.

The enrolled bill creates another limited exception to the general prohibition. It would permit a Federal officer or employee to receive and accept contributions and payments from a non-Federal source if -

- the organization making the payment or contribution is exempt from tax under the Internal Revenue Code and qualifies as a charitable organization under the Code; and
- the employee is injured during the commission of an assassination, kidnaping or assault on the President, the President-elect, the Vice President, the Vice President-elect, a Member of Congress, or a Member of Congress-elect.

According to the debate in the Senate, the first beneficiary of the enrolled bill will be Press Secretary James Brady, who cannot, it is believed, accept certain donations that may be offered to him as a result of his injury.

In its views letter, the Department of the Treasury advises that an organization established to collect donations to be given to persons covered by the enrolled bill must satisfy the requirements of the Internal Revenue Code and applicable regulations in order to qualify as a charitable organization. In this connection, we have been told by the Office of the Counsel to the President that such an organization may qualify as a charitable organization as long as it is established to assist the category of persons covered by the enrolled bill and not just a single beneficiary. The Department of Justice advises that the enrolled bill does not address the possible conflicts a contribution made to a Federal employee might have with the Standards of Ethical Conduct and regulations issued under Executive Order 11222. We understand that appropriate modifications may be made to the Executive Order and regulations, if necessary, to permit the operation of the exemption established by the enrolled bill.

* * * * *

S. 2333 passed both Houses by voice votes.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 08 1982

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

Pursuant to your request, I have examined a facsimile of enrolled bill S. 2333, a bill "[t]o amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations.

To the extent that it was previously unclear whether or to what extent Federal employees who are victims of assassination attempts could receive such contributions under §209 of title 18, we believe that this bill resolves that ambiguity and clearly permits such receipt.

We would note that this bill does not purport to address the effect of such contributions on the Standards of Conduct applicable to Government employees, except as those Standards are addressed to the prohibitions of §209. Individual agency regulations should therefore be applied on a case-by-case basis. The Office of Legal Counsel of this Department has previously supplied comments concerning that subject to the Office of the Counsel to the President.

The Department of Justice has no objection to enactment of this legislation.

Sincerely,

ROBERT A. McCONNELL
Assistant Attorney General
Office of Legislative Affairs



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

APR 7 1982

Director, Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for Legislative Reference

Dear Sir:

This replies to your request for the views of the Department of the Treasury on S. 2333, an enrolled bill, "To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations."

Under current law, Federal employees are prohibited from receiving contributions or remuneration for services performed in the course of official business from sources outside of the United States Government.

The enrolled bill would make it possible for any Federal officer or employee injured during the commission of an offense involving assassination, kidnapping, or assault on certain Government officials, such as the President, Vice-President or a Member of Congress, to receive outside remuneration from an organization which is exempt from taxation under the Internal Revenue Code.

The Department wishes to make clear our understanding that this provision does not affect the statutory and regulatory requirements necessary for an organization to qualify for tax exempt status under section 501(c)(3) of the Code and thereby its eligibility as a recipient of deductible contributions.

The Department of the Treasury does not object to the President signing the enrolled bill.

Sincerely yours,

Margery Waxman
Acting General Counsel



United States
**Office of
Personnel Management**

Washington, D.C. 20415

April 8, 1982

In Reply Refer To:

Your Reference:

Honorable David Stockman
Director
Office of Management and Budget
17th and Pennsylvania Avenue
Room 252
Washington, D.C. 20503

Dear Mr. Stockman:

We recommend that the President sign S. 2333, a bill that amends section 209 of title 18, United States Code, to permit any federal officer or employee injured during an assassination attempt on the President, Vice-President or a member of the Congress to receive contributions from charitable organizations by removing the so-called dual compensation bars to the giving and receiving of such contributions that might otherwise apply.

This bill was passed by the Congress on April 1, 1982 and, as Congressman Foley said during floor debate, "It is obvious ... that this is directed to the tragic situation of the Press Secretary of the President, James Brady, who was so terribly injured in the assassination attempt on the President last year."

S. 2333 is a good bill that should become law as soon as possible.

Sincerely,

Donald Devine
Director

S. 2333

Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January,
one thousand nine hundred and eighty-two*

An Act

To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 209 of title 18, United States Code, is amended by adding a new subsection as follows:

"(f) This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1954 and which is exempt from taxation under section 501(a) of such Code."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

ID # 06480455

WE004

ldg

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: Richard G. Narman

MI Mail Report

User Codes: (A) (B) (C)

Subject: Enrolled Bill S. 2333 - Gifts from Charitable Organizations to Federal Employees Injured During Assassination Attempts (BRADY BILL)

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>W Holland</u>	<u>ORIGINATOR</u>	<u>82,04,08</u>		<u>C</u>	<u>82,04,12</u> <u>Dg</u>
<u>W ATO7</u>	<u>D</u>	<u>82,04,08</u>		<u>C</u>	<u>82,04,12</u> <u>Dg</u>
<u>W FIBL</u>	<u>S</u>	<u>82,04,12</u>		<u>FF A</u>	<u>82,04,12</u> <u>Dg</u>
		<u> / / </u>			<u> / / </u>
		<u> / / </u>			<u> / / </u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

April 12, 1982

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 2333

I have reviewed the referenced Bill which will permit federal employees injured in assassination attempts to accept assistance from organizations defined in § 501(c)(3) of the Internal Revenue Code and exempt from taxation under § 501(a) of the Code. I have no legal objection to the President signing the measure.

FFF:JML:aw 4/12/82

cc: FFFielding
JMLuttig
Subj.
Chron

WHITE HOUSE STAFFING MEMORANDUM

DATE: 4/8/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/12/82

SUBJECT: ENROLLED BILL S. 2333 - Gifts from Charitable Organizations to Federal Employees Injured During Assassination Attempts (BRADY BILL)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CLARK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

May we have your comments by c.o.b. April 12. Thank you.
Signing ceremony scheduled for 10:30 a.m. Tuesday, April 13.

Richard G. Darman
Assistant to the President
(x2702)

Response:



EXECUTIVE OFFICE OF THE PRESIDENT .

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

April 8, 1982

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2333 - Gifts from charitable organizations to Federal employees injured during assassination attempts
Sponsor - Senator Roth (R) Delaware

Last Day for Action

April 16, 1982 - Friday

Purpose

To permit an officer or employee of the United States who is injured during certain assassination attempts to receive and accept contributions from charitable organizations.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management	Approval
Department of Justice	No objection
Department of the Treasury	No objection

Discussion

Current law generally prohibits a Federal officer or employee from receiving any salary or other compensation from a source other than the Federal Government for services rendered to the Government. A person who receives such compensation is subject to a prison term of no more than one year or a fine of up to \$5,000, or both.

There are a few minor exceptions to this general rule, however. For example, a person participating in an executive interchange or fellowship program may lawfully receive actual relocation expenses from a source other than the Federal Government. Similarly, certain contributions and awards made under the Government Employees Training Act (P.L.85-507) are not subject to the generally applicable prohibition on receipt of compensation from non-Federal sources.

The enrolled bill creates another limited exception to the general prohibition. It would permit a Federal officer or employee to receive and accept contributions and payments from a non-Federal source if -

- the organization making the payment or contribution is exempt from tax under the Internal Revenue Code and qualifies as a charitable organization under the Code; and
- the employee is injured during the commission of an assassination, kidnaping or assault on the President, the President-elect, the Vice President, the Vice President-elect, a Member of Congress, or a Member of Congress-elect.

According to the debate in the Senate, the first beneficiary of the enrolled bill will be Press Secretary James Brady, who cannot, it is believed, accept certain donations that may be offered to him as a result of his injury.

In its views letter, the Department of the Treasury advises that an organization established to collect donations to be given to persons covered by the enrolled bill must satisfy the requirements of the Internal Revenue Code and applicable regulations in order to qualify as a charitable organization. In this connection, we have been told by the Office of the Counsel to the President that such an organization may qualify as a charitable organization as long as it is established to assist the category of persons covered by the enrolled bill and not just a single beneficiary. The Department of Justice advises that the enrolled bill does not address the possible conflicts a contribution made to a Federal employee might have with the Standards of Ethical Conduct and regulations issued under Executive Order 11222. We understand that appropriate modifications may be made to the Executive Order and regulations, if necessary, to permit the operation of the exemption established by the enrolled bill.

* * * * *

S. 2333 passed both Houses by voice votes.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 08 1982

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

Pursuant to your request, I have examined a facsimile of enrolled bill S. 2333, a bill "[t]o amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations.

To the extent that it was previously unclear whether or to what extent Federal employees who are victims of assassination attempts could receive such contributions under §209 of title 18, we believe that this bill resolves that ambiguity and clearly permits such receipt.

We would note that this bill does not purport to address the effect of such contributions on the Standards of Conduct applicable to Government employees, except as those Standards are addressed to the prohibitions of §209. Individual agency regulations should therefore be applied on a case-by-case basis. The Office of Legal Counsel of this Department has previously supplied comments concerning that subject to the Office of the Counsel to the President.

The Department of Justice has no objection to enactment of this legislation.

Sincerely,

ROBERT A. McCONNELL
Assistant Attorney General
Office of Legislative Affairs



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

APR 7 1982

Director, Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for Legislative Reference

Dear Sir:

This replies to your request for the views of the Department of the Treasury on S. 2333, an enrolled bill, "To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations."

Under current law, Federal employees are prohibited from receiving contributions or remuneration for services performed in the course of official business from sources outside of the United States Government.

The enrolled bill would make it possible for any Federal officer or employee injured during the commission of an offense involving assassination, kidnapping, or assault on certain Government officials, such as the President, Vice-President or a Member of Congress, to receive outside remuneration from an organization which is exempt from taxation under the Internal Revenue Code.

The Department wishes to make clear our understanding that this provision does not affect the statutory and regulatory requirements necessary for an organization to qualify for tax exempt status under section 501(c)(3) of the Code and thereby its eligibility as a recipient of deductible contributions.

The Department of the Treasury does not object to the President signing the enrolled bill.

Sincerely yours,

Margery Waxman
Acting General Counsel



United States
**Office of
Personnel Management**

Washington, D.C. 20415

April 8, 1982

In Reply Refer To:

Your Reference:

Honorable David Stockman
Director
Office of Management and Budget
17th and Pennsylvania Avenue
Room 252
Washington, D.C. 20503

Dear Mr. Stockman:

We recommend that the President sign S. 2333, a bill that amends section 209 of title 18, United States Code, to permit any federal officer or employee injured during an assassination attempt on the President, Vice-President or a member of the Congress to receive contributions from charitable organizations by removing the so-called dual compensation bars to the giving and receiving of such contributions that might otherwise apply.

This bill was passed by the Congress on April 1, 1982 and, as Congressman Foley said during floor debate, "It is obvious ... that this is directed to the tragic situation of the Press Secretary of the President, James Brady, who was so terribly injured in the assassination attempt on the President last year."

S. 2333 is a good bill that should become law as soon as possible.

Sincerely,

Donald Devine
Director

S. 2333

Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January,
one thousand nine hundred and eighty-two*

An Act

To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 209 of title 18, United States Code, is amended by adding a new subsection as follows:

"(f) This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1954 and which is exempt from taxation under section 501(a) of such Code."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

W6 (Maseng/AB) 06480455
April 12, 1982 —
6:00 p.m. WE004
SP

SIGNING CEREMONY FOR JIM BRADY BILL
APRIL 13, 1982

Once again Jim Brady has been the catalyst for righting a wrong, for inspiring people to improve the lot of others. I am pleased to be able to sign today a bill that will ease restrictions on aid to officials hurt during events such as the one at the Hilton a year ago March 30.

Jim's ordeal in the year that has passed has focused our attention on a real injustice -- a quirk in our laws that prohibits charitable organizations from helping, in these cases, with the high costs of medical treatment. But this legislation is not just for Jim. Others who, God forbid, should find themselves in similar circumstances, will not find the Government for which they have sacrificed standing in the way of their relief. They will be able to accept the support of grateful Americans ready to help.

The speed with which this bill was passed and the unanimous support for it in the Congress is a tribute to Jim and Sarah Brady. Their courage, spirit and determination in the face of long months of adversity continue to be an inspiration to millions of Americans, and to me.

I know Senator Roth, for whom Jim once worked, and Congressman Michel join me in my prayers that Jim will soon be working among us again. I know they miss, as I do, his humor and

his sage counsel. I have come to rely on his insight, integrity and judgment, and look forward to when he will be at my side, again. I believe in Jim, and I believe the Bear will be back. I hope this bill can hasten the day.

MEMORANDUM

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WED04

THE WHITE HOUSE
WASHINGTON

INFORMATION

April 12, 1982

MEMORANDUM FOR RICHARD G. DARMAN

FROM: WILLIAM P. CLARK *WPC*

SUBJECT: S-2333 (Brady Bill)

We recommend that the President sign S-2333 (Tab A).

Attachment

Tab A S-2333

WHITE HOUSE STAFFING MEMORANDUM

DATE: 4/8/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/12/82

SUBJECT: ENROLLED BILL S. 2333 - Gifts from Charitable Organizations to Federal Employees Injured During Assassination Attempts (BRADY BILL)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CLARK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

May we have your comments by c.o.b. April 12. Thank you.

Signing ceremony scheduled for 10:30 a.m. Tuesday, April 13.

Richard G. Darman
Assistant to the President
(x2702)

Response:



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

April 8, 1982

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2333 - Gifts from charitable organizations to Federal employees injured during assassination attempts
Sponsor - Senator Roth (R) Delaware

Last Day for Action

April 16, 1982 - Friday

Purpose

To permit an officer or employee of the United States who is injured during certain assassination attempts to receive and accept contributions from charitable organizations.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management	Approval
Department of Justice	No objection
Department of the Treasury	No objection

Discussion

Current law generally prohibits a Federal officer or employee from receiving any salary or other compensation from a source other than the Federal Government for services rendered to the Government. A person who receives such compensation is subject to a prison term of no more than one year or a fine of up to \$5,000, or both.

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- the organization making the payment or contribution is exempt from tax under the Internal Revenue Code and qualifies as a charitable organization under the Code; and
- the employee is injured during the commission of an assassination, kidnaping or assault on the President, the President-elect, the Vice President, the Vice President-elect, a Member of Congress, or a Member of Congress-elect.

According to the debate in the Senate, the first beneficiary of the enrolled bill will be Press Secretary James Brady, who cannot, it is believed, accept certain donations that may be offered to him as a result of his injury.

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* * * * *

S. 2333 passed both Houses by voice votes.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 08 1982

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

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The Department of Justice has no objection to enactment of this legislation.

Sincerely,

ROBERT A. McCONNELL
Assistant Attorney General
Office of Legislative Affairs



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

APR 7 1982

Director, Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for Legislative Reference

Dear Sir:

This replies to your request for the views of the Department of the Treasury on S. 2333, an enrolled bill, "To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations."

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The Department wishes to make clear our understanding that this provision does not affect the statutory and regulatory requirements necessary for an organization to qualify for tax exempt status under section 501(c)(3) of the Code and thereby its eligibility as a recipient of deductible contributions.

The Department of the Treasury does not object to the President signing the enrolled bill.

Sincerely yours,

Margery Waxman
Acting General Counsel



United States
**Office of
Personnel Management**

Washington, D.C. 20415

April 8, 1982

In Reply Refer To:

Your Reference:

Honorable David Stockman
Director
Office of Management and Budget
17th and Pennsylvania Avenue
Room 252
Washington, D.C. 20503

Dear Mr. Stockman:

We recommend that the President sign S. 2333, a bill that amends section 209 of title 18, United States Code, to permit any federal officer or employee injured during an assassination attempt on the President, Vice-President or a member of the Congress to receive contributions from charitable organizations by removing the so-called dual compensation bars to the giving and receiving of such contributions that might otherwise apply.

This bill was passed by the Congress on April 1, 1982 and, as Congressman Foley said during floor debate, "It is obvious ... that this is directed to the tragic situation of the Press Secretary of the President, James Brady, who was so terribly injured in the assassination attempt on the President last year."

S. 2333 is a good bill that should become law as soon as possible.

Sincerely,

Donald Devine
Director

S. 2333

Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January,
one thousand nine hundred and eighty-two*

An Act

To amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 209 of title 18, United States Code, is amended by adding a new subsection as follows:

"(f) This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1954 and which is exempt from taxation under section 501(a) of such Code."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

MW

MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION

April 12, 1982

SIGNED

MEMORANDUM FOR WILLIAM P. CLARK

FROM: ROBERT M. KIMMITT *Bob*

SUBJECT: S-2333 (Brady Bill)

Dick Darman requests your comment on S-2333 (Tab A), a bill that would permit USG employees injured in assassination attempts to accept contributions from charitable organizations. This bill would directly benefit Jim Brady.

At Tab I for your signature is a memorandum of concurrence.

RECOMMENDATION

That you sign the memorandum at Tab I.

Approve *[Signature]*

Disapprove _____

Attachment(s)

- Tab I Proposed memorandum to Darman
- Tab A S-2333

National Security Council
The White House

123

URGENT

Package # 2352

'82 APR 12 P5:44

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	_____	_____	_____
Bud McFarlane	_____	_____	_____
Jacque Hill	_____	_____	_____
Judge Clark	_____	_____	_____
John Poindexter	<u>1</u>	<u>HP</u>	_____
Staff Secretary	<u>2</u>	_____	<u>D</u>
Sit Room	_____	_____	_____

I-Information A-Action R-Retain D-Dispatch

DISTRIBUTION

cc: VP Meese Baker Deaver

Other _____

URGENT COMMENTS

DUE COB TODAY

RECEIVED 09 APR 82 18

TO CLARK

FROM DARMAN, R

DOCDATE 08 APR 82

FREY, J

08 APR 82

KEYWORDS: ENROLLED BILLS

DARMAN REFERRAL

TERRORISM

LEGAL ISSUES

SUBJECT: S-2333 BRADY BILL RE ELIGIBILITY OF FEDERAL EMPLOYEES TO ACCEPT GIFTS FM CHARITIES IF INJURED DURING ASSASSINATION ATTEMPT

ACTION: MEMO CLARK TO DARMAN

DUE: 12 APR 82 STATUS S FILES

FOR ACTION

FOR CONCURRENCE

FOR INFO

KIMMITT

SHOEMAKER

NORTH

DEGRAFFENREID

COMMENTS LOGGED TO KIMMITT PER WHEELER INSTRUCTIONS

pls note urgency!

REF# 064804SS

LOG

NSCIFID

(D /)

ACTION OFFICER (S)

ASSIGNED

ACTION REQUIRED

DUE

COPIES TO

<i>Clark</i>	<i>4/12</i>	<i>In Signature</i>	<i>4/12</i>	<i>RK</i>
<i>C</i>	<i>4/13</i>	<i>Pointexter sysd</i>		<i>RK ✓</i>

DISPATCH

ed mmm (1000)

W/ATTCH FILE

W/O (C) 14

WHITE HOUSE STAFFING MEMORANDUM

4.10.82 IV 1004

DATE: 4/8/82 ACTION/CONCURRENCE/COMMENT DUE BY: 4/12/82

SUBJECT: ENROLLED BILL S. 2333 - Gifts from Charitable Organizations to Federal Employees Injured During Assassination Attempts (BRADY BILL)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CLARK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

May we have your comments by c.o.b. April 12. Thank you.

Signing ceremony scheduled for 10:30 a.m. Tuesday, April 13.

Richard G. Darman
Assistant to the President

need 4-9

50:7d 61 APR 19 4:05 PM '82

Response:

*D. Darman discussed w/ (on 4-8 night)
Darman
QB.*