



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

April 19, 1994
DO-94-018

MEMORANDUM

TO: Designated Agency Ethics Officials, General Counsels and Inspectors General

FROM: Stephen D. Potts
Director

SUBJECT: Honoraria

On April 18, 1994, the Supreme Court granted the petition for certiorari filed by the Department of Justice asking the Court to review the decision of the Court of Appeals for the District of Columbia Circuit in *NTEU v. United States*, 990 F.2d 1271 (D.C. Cir. 1993). The effect of this decision is that the Supreme Court will hear the NTEU case. The parties will file their briefs during the summer and oral argument before the Court will probably take place during the Court's fall term, which begins in October. The Court is likely to issue its decision from two to eight months after it hears oral argument.

In the interim, the Justice Department's enforcement policy remains as outlined in our DAEOgram of February 2, 1994. Even if the Supreme Court eventually reverses the decision of the Court of Appeals striking down the honoraria ban as applied to executive branch employees, the Justice Department will not request remedies under 5 U.S.C. App. § 504 with respect to executive branch employees who receive honoraria between September 28, 1993, when the mandate of the Court of Appeals issued, and the date on which the Supreme Court issues its decision in this case.