

From: [Seth Kaufman](#)
To: [2635 Modernization](#)
Subject: Proposed Amendments to Standards of Conduct
Date: Saturday, April 22, 2023 10:19:46 PM

I submit the following comments on the notice of proposed rulemaking to amend part 2635. In general, I support the proposed rule's changes to modernize the language and citations, to reduce surplusage, and reduce confusion. I have a few suggestions.

First, the term "nominal" in Subpart C should be further defined. OGE has established clear and objective standards for the value of gifts from outside sources and non-solicited gifts between employees. In contrast, OGE proposes to continue to have a standard for the amount of voluntary contributions for special, infrequent occasions in response to a solicitation. "Nominal" is subject to multiple interpretations. Ideally, OGE should set an outer limit. At the very least, if OGE intends for "nominal" to mean different amounts based on the context, it should set forth some factors to consider. I recommend eliminating the term "nominal" and setting the maximum amount to \$10 to be consistent with gifts between employees that are not solicited. It will be easy to remember and fulfills the intent of OGE's rule in that group gifts would enable groups of Federal employees to express appreciation for and solidarity with colleagues as they experience life's joys and tragedies without pressure to contribute onerous sums of money.

Second, OGE should provide an example in the impartiality rule where an employee has a covered relationship with an entity whose financial interests can be affected by a particular matter of general applicability. If I understand the rule correctly, a covered relationship is only relevant when the particular matter involves specific parties. The impartiality question, when an employee may participate in a particular matter of general applicability, should be analyzed by applying the factors in paragraph (d). Example 2 comes close to explaining how this situation would be resolved. However, the situation in that example involves a mere matter, not a particular matter. I suggest changing the scenario or adding a new example with a particular matter of general applicability.

Finally, OGE should implement core provisions of recent Presidential ethics pledges required of certain noncareer employees into the Code of Federal Regulations. Make this fake law into real law.

Sincerely,

Seth Kaufman
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