



# COALITION FOR EFFECTIVE CHANGE

1100 Connecticut Ave, NW • Suite 900 • Washington, DC 20036 • 202-331-0004 • [contact@effectivechange.org](mailto:contact@effectivechange.org) • [www.coalition4effectivechange.org](http://www.coalition4effectivechange.org)

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November 13, 2011

Mr. Richard M. Thomas  
Associate General Counsel  
Office of Government Ethics  
1201 New York Avenue, NW, Suite 500  
Washington, D.C. 20005

Dear Mr. Thomas:

The Coalition for Effective Change (CEC) is a non-partisan alliance of associations representing current and former federal managers, executives, and professionals. CEC provides an avenue for these public employees to contribute to the success of improving government. CEC has a long history of providing information and insight on a variety of good-government issues. On behalf of CEC, I would like to offer comments on the Office of Government Ethics (OGE) proposed rule to amend 5 C.F.R. Part 2635 to prevent federal employees from using the current exemptions for widely attended gatherings (WAG) and de minimis gifts. As written, CEC is concerned that this proposed rule will hamper information sharing and relationship building that is critical to a strong workforce.

CEC is unaware of any pattern of lobbyists using social events or de minimis gifts to improperly influence career federal employees. In Section II A of the proposed rules, OGE states that for federal employees, it “has determined that there is no demonstrated need for a new general prohibition against accepting gifts from lobbyists” that are already included in the current definition of prohibited source. As OGE further notes, “prohibited source” is already broadly defined to cover most instances where accepting a gift would be prohibited for federal employees. It is unclear what issue this proposed rule is addressing in the absence of a history of concrete problems.

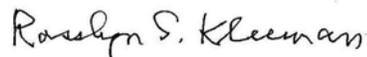
In terms of social gatherings, it appears that OGE is concerned about possible influence over federal employees by lobbyists who have informal opportunities to build a relationship at these events. This concern fails to account for the legitimate relationship building and information sharing that occurs between the federal and private sectors that serves a business purpose and can be of assistance to a federal employee in the course of their work as much as to the lobbyist. Even OGE notes that social gatherings can “provide an opportunity for government employees and others to interact in a more relaxed social setting.” Not every social gathering is the setting for a sinister plot by lobbyists to curry undue influence over federal employees, although this proposed rule makes it seem that such interaction is inherently unethical. CEC encourages OGE to update guidance provided in 2007 to encourage employees and agency ethics officials to closely examine invitations to events to make a case-by-case determination as to the ethics implications of each event.

Of further concern to CEC is the confusing application and definition of an exemption for certain organizations (ex: 501(c)(3), learned societies, professional associations) that may host events that would be considered appropriate for employees to attend. The exemptions are confusing and could unintentionally cause federal employees to break the proposed rule. The proposed rules place a strong burden on federal employees to ensure what type of event an invitation would qualify, what type of organization is issuing the invitation, and whether the event and organization are exempt under the proposed rules. Such decisions could be considered subjective and leave many grey areas for federal employees to consider. Ensuring strong ethical standards and transparency in government is a worthwhile goal. Promulgating rules that serve to confuse and potentially harm federal employees does not serve this goal or the efforts to promote good government.

CEC encourages OGE to carefully consider the necessity of the proposed rules and the unintended and harmful consequences that could result from their implementation. As currently written, CEC believes that the proposed rules are a solution in search of a problem and will make ethics rules more complex, rather than providing a clear line for federal employees to follow.

Thank you for your consideration of CEC's concerns. We look forward to working with OGE to ensure strong and transparent ethics guidance for federal employees.

Sincerely,



Rosslyn S. Kleeman  
Chair