

Proposed Amendments to Part 2635
[REDACTED]

Sent: Mon 11/21/2011 10:44 AM
To: USOGE

Comment is attached.

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JD Candidate 2013
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11.20.2011

Standards of Ethical Conduct for Employees of the Executive Branch: Limits on Gifts from Registered Lobbyists and Lobbying Organizations (Document ID GEO-2011-0010-0001)

AGENCY: Office of Government Ethics (OGE).

ACTION: Proposed rulemaking

COMMENTS:

It is commendable that both Congress and the Executive Branch have taken steps to curb the influence of lobbyists and their private interests on the Executive Branch of our government. Lobbying government officials has become its own industry, and an industry that potentially has considerable power and influence should be closely regulated. There is always a need for additional transparency within the government, and this rule is a step in the right direction. Many ethical concerns arise from the members of the Executive Branch receiving gifts from lobbyists, therefore any limitation on this practice is beneficial.

The nature of the Executive Branch is the reason this rule must be implemented. Most employees of the Executive Branch are not directly responsible to American voters. This allows

these employees more potential to be influenced by the private interests of lobbying groups. Executive Branch employees can influence the law with rulemaking, interpretive rules and certain adjudications within their own agencies, and thus are vulnerable to many outside influences. Gifts from certain lobbying groups could influence these agency laws in a way that is not most beneficial for the country as a whole.

Also, agencies are bestowed with the expectation that they are the experts in promulgating and administering rules concerning what their agency is responsible for overseeing. If private interests are allowed to influence the management of this area of expertise, that expertise becomes irrelevant. The lobbyists influences are harmful because they can obstruct the agency from acting in a way that is predominantly based on their unique expertise in that particular field.

There are however some criticisms of this propose rule:

This rule does not go far enough. This proposed rule still has many exceptions and loopholes that can easily be taken advantage of by executive branch employees. A more proper rule would place a complete ban on all gifts from lobbyists to employees of the executive branch. Banning all gifts is the only way to truly ensure the goals of this proposed rule are accomplished. If there are no exceptions to the rule, the loopholes will not be taken advantage of by both lobbyists and employees of the executive branch and the purpose of promulgating this rule will have been served.

The proposed rule maintains several existing exceptions for both political and career employee. For instance, the proposed rule allows and exception both political and career employees to receive “gifts based on a personal relationship,” this relationship includes either a “family relationship or personal friendship.” This loophole enables executive branch employees

to receive gifts from a lobbyist providing that the lobbyist is considered a “personal friend.” This loophole is fatal to this rule as it is very likely to be taken advantage of by both lobbyists and executive branch employees. If this loophole is allowed to stand the potential benefits of this rulemaking become unlikely.

In conclusion, the efforts of the OGE are both important and appreciated. The OGE has taken a significant step towards greater transparency in the executive branch. I strongly support OGE’s ongoing efforts to curb the influence of the lobbying industry on the executive branch, and I urge OGE to adopt the proposed rule.