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

June 20, 2007

The Honorable Tom Coburn
United States Senate
172 Russell Senate Office Building
Washington, DC 20510

Dear Senator Coburn:

I am writing to follow up on inquiries from your legislative assistant, Sean Davis, regarding the origins of a letter we sent to you and others on June 5, 2007, offering our comments on an amendment you sponsored to S. 761, the "America COMPETES Act."

As we explained in our earlier letter, the Office of Government Ethics (OGE) is charged with overseeing and setting policy for the executive branch ethics program, including providing guidance and interpretation of the financial disclosure requirements under the Ethics in Government Act, 5 U.S.C. app. § 101 et seq., and the criminal conflict of interest laws in chapter 11 of title 18, United States Code. As a general matter, OGE's role in this process is intended to ensure the consistent application of a uniform set of rules and requirements for the executive branch ethics program.

One of the ways in which OGE fulfills its responsibilities is by monitoring legislation as it goes through the Congressional process. We conduct this review to stay abreast of proposed changes that could affect the executive branch ethics program. To assist us in this effort, OGE uses a computerized legislative search service which tells us when bills contain certain search terms we utilize to identify bills that might be of interest. When a bill or amendment is identified through this process, OGE reviews it more closely to determine whether it would have an impact on the executive branch ethics program. If so,

OGE's analysis focuses on issues such as whether the proposed change would conflict with other ethics laws or might present implementation problems.

If OGE believes that legislation could raise issues of concern for the executive branch ethics program, and wishes to bring those issues to Congress' attention, we are required to seek clearance through the Office of Management and Budget (OMB) before forwarding those comments. In the case of your amendment, adding section 1504 to S. 761, we brought this language to OMB's attention when we discovered it through our automated search process. OGE decided to write a letter commenting on this provision and submitted it through OMB for clearance. When we received this clearance, we transmitted the letter.

At no time during this process did OGE receive any suggestion or direction from anyone outside the Agency to raise concerns about this provision. All of the decisions were made within the Agency and were made in furtherance of our efforts to promote consistent ethics policies in the executive branch.

I hope this explanation assists you in your understanding of OGE's decision to provide comments. Please feel free to contact me at 202-482-9292 if you have any additional questions.

Sincerely,

Susan E. Propper

Susan E. Propper
Deputy General Counsel