

FOR AGENCIES PROPOSING TO REVISE AN EXISTING SUPPLEMENTAL: SUGGESTED TEMPLATE AND EXAMPLE CHART

This chart (template on p. 1, example on p. 2) notes helpful information an agency can provide OGE when proposing to revise an existing supplemental regulation. This information can help facilitate a streamlined and productive consultation process with OGE, and can be incorporated as appropriate in the preamble discussion of the proposed regulatory revision.

SIDE-BY-SIDE COMPARISON OF CURRENT & PROPOSED SUPPLEMENTAL ETHICS REGULATIONS

CURRENT LANGUAGE	PROPOSED LANGUAGE	RATIONALE (INCLUDING REFERENCE TO OTHER AGENCIES' SUPPLEMENTAL ETHICS REGULATIONS, AS APPLICABLE)
<p><i>For any section for which revision is contemplated, provide the current regulatory language.</i></p> <p><i>Each row should have just one section/paragraph.</i></p>	<p><i>Provide the proposed regulatory language for any section for which revision is contemplated.</i></p> <p><i>It is generally most useful to show the proposed revisions using "Track Changes" or in redline format.</i></p>	<p><i>Provide the rationale for the proposed change(s). As relevant, discuss:</i></p> <ul style="list-style-type: none"> - <i>Problems or concerns with the current regulatory language.</i> - <i>Facts that have changed since the time the current language was developed, which prompted the need for revision.</i> - <i>Other factors that have prompted the interest in revising the current regulatory language.</i> - <i>The goals of the proposed revisions/what the agency seeks to accomplish by the revisions.</i> - <i>The way in which the proposed regulatory language is consistent with (or departs from) language used by other agencies in their supplemental regulations and/or OGE in its regulations.</i> - <i>Any other information to help OGE understand and contextualize the proposed revision.</i> - <i>Any potential concerns about the proposed revision, and how the agency plans to respond to/address the same.</i>

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<p>§ XXXX.102 Definitions.</p> <p>For purposes of this part:</p> <p><u>AAA</u> means aaaaaa</p> <p><u>BBB</u> means bbbbbb</p> <p><u>CCC</u> means ccccc</p> <p><u>DDD</u> means dddddd</p>	<p>§ XXXX.102 Definitions.</p> <p>For purposes of this part:</p> <p><u>AAA</u> means aaaaaa</p> <p><u>BBB</u> means bbbbbb</p> <p><u>CCC</u> means eeeee <u>zzzzzz</u></p> <p><u>DDD</u> means dddddd. <u>For purposes of this part, the term “DDD” also means xxxxxxx.</u></p> <p><u>EEE means eeeee</u></p> <p><u>FFF means fffff</u></p>	<p>We are proposing to change the definition of CCC to be more consistent with the meaning of CCC as used by OGE and other agencies in their supplemental regulations.</p> <p>Regarding DDD, given recent changes to [<i>statute relevant to agency mission</i>], we are including a clarifying statement that for purposes of this part, the term DDD also means xxxxxx. This change will provide clarity to the term and avoid inconsistent application of [<i>relevant rules, etc.</i>].</p> <p>We are adding definitions for the terms EEE and FFF because in our experience, agency employees have difficulty understanding these terms, and the ethics office has received multiple inquiries as to their meaning. For the ease of administration and enforcement, we adopt the definition used by [<i>agency with a similar mission</i>]. Although the definitions are slightly broader than [<i>other agency's</i>] definition, on balance, we believe that it offers a brighter line that will be easier for agency employees to understand, and [<i>discussion of why downside is minimal/mitigated/etc.</i>].</p>
<p>§ XXXX.301 Prohibited Financial Interests.</p> <p>Except as provided in this section, no employee of [Agency]</p>	<p>§ XXXX.301 Prohibited Financial Interests.</p> <p>Except as provided in this section, no employee of [Agency] may own, directly or indirectly, the following property:</p>	<p>We are proposing to delete [<i>property type 2</i>] from the list of prohibited financial interests, and add [<i>property type 3</i>] and [<i>property type 4</i>]. When [Agency]'s supplemental was first promulgated, [<i>property type 2</i>] was considered to be a conflicting interest because [<i>rationale</i>]. Since that time, however, the work of the agency in [<i>old area</i>] has shifted, such that assets of [<i>property type 2</i>] are no longer inherently problematic.</p>

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may own, directly or indirectly, the following property: - [property type 1] - [property type 2]	- [property type 1] — [property type 2] - [property type 3] - [property type 4]	By contrast, following the passage of [legislation relating to agency mission], [Agency] now engages in core mission functions in [new area], making assets of [property type 3] problematic. Additionally, since [Agency]'s supplemental regulation was first adopted, it has been ethics officials' experience that [property type 4] tends to be problematic for [Agency] employees, and cause reasonable persons to question the objectivity and impartiality with which [Agency] programs are administered. [Additional rationale.] This proposed prohibition is also consistent with restrictions upon employees of [similar agencies].