

FOR AGENCIES PROPOSING A NEW SUPPLEMENTAL ETHICS REGULATION: 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 a new 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 regulation.

SECTION-BY-SECTION ANALYSIS OF PROPOSED SUPPLEMENTAL ETHICS REGULATION

SECTION NUMBER & TITLE	PROPOSED LANGUAGE	BRIEF EXPLANATION OF THE PROVISION, INCLUDING THE RATIONALE	REFERENCE/COMPARISON TO OTHER AGENCIES' SUPPLEMENTAL ETHICS REGULATIONS
<i>Each row should have just one section.</i>	<i>Provide the proposed regulatory language.</i>	<p><i>Provide a brief explanation of the agency's rationale for the proposed provision; this analysis/explanation will give OGE insight into the agency's thought process and needs, and will also be a helpful starting point for the preamble discussion that will accompany the ultimate language that will be proposed.</i></p> <p><i>As relevant, discuss:</i></p> <ul style="list-style-type: none"><i>- Problems or concerns with the status quo.</i><i>- The goals of the proposed language/what the agency seeks to accomplish through that provision.</i><i>- Any other information to help OGE understand and contextualize the proposed provision.</i><i>- Any potential concerns about the proposed provision, and how the agency plans to respond to/address the same.</i>	<p><i>Provide information regarding how the proposed regulatory language is derived from or consistent with other agencies' supplemental regulations. To the extent that the proposed language deviates from language used by other/similar agencies, please highlight and explain the different treatment.</i></p>

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§ XXXX.102 Definitions.	[<i>TEXT</i>]	This section defines terms used throughout the supplemental regulations, to clarify the regulatory provisions.	<p>Many definitions cross-reference OGE's Standards of Conduct and financial disclosure regulations.</p> <p>We used the definition of "aaaaa" from Agency Z's supplemental regulations at § XXXX.102. We also chose to add a defined term of "bbbb," which no other agency has done. We did this because our agency's general understanding of the term is slightly different from the standard dictionary definition, and we wanted to be abundantly clear what that term means as used in the regulation.</p> <p>We chose to slightly modify the definition of "cccc" as used by other agencies because [<i>explanation</i>].</p>
§ XXXX.201 Outside Activities.	[<i>TEXT</i>]	<p>This section requires an employee to obtain written approval prior to engaging in certain outside employment and activities. The prior approval requirement is necessary to ensure that an employee's participation in certain outside employment or activities does not adversely affect agency operations or place the employee at risk of violating applicable federal conduct statutes and regulations.</p> <p>In addition, prior approval is necessary to avoid the appearance that an outside employment or activity was obtained through a misuse of the employee's official position and to address a number of other ethics concerns.</p>	<p>We used language from Agency Z's regulations at § XXXX.301. Unlike Agency Z, we did not include a description of the procedure for requesting approval. We plan to describe this procedure in internal guidance documents, which will provide us greater flexibility in the event we wish to change the procedure in the future.</p>