

5 July 2011

Richard M. Thomas
Associate General Counsel
Office of Government Ethics
1201 New York Avenue, N.W.
Suite 500
Washington, DC 20005–3917

RE: RIN 3209–AA09
[Proposed Rule Exemption and Amendment Under 18 U.S.C. 208(b)(2)]

Dear Mr. Thomas,

The American Geophysical Union strongly endorses this proposed rule, which will support and facilitate the ability of Federal employees to serve on the boards of directors of professional and scientific societies and nonprofit organizations. This rule would acknowledge that such service does not in general represent a conflict of interest to their duty as a federal employee.

AGU and its members are dedicated to promoting discovery in the Earth and space sciences for the benefit of humanity. One of the primary ways this happens is through the facilitation of dialogue between AGU members and their colleagues, as well as with the public. This dialogue helps to disseminate the most current research findings to the broader scientific community, which in turn helps inform decisions made by policy leaders and the public.

The ability of a scientist working for a federal agency to actively participate in – and in some cases lead – such discussions is greatly advantageous to the agency for which they work and to the public for which that agency is ultimately responsible. Participation in scientific societies gives a scientist better and freer access to current research, and the ability to share ideas with and learn from colleagues. It also supports their long-term professional development, which benefits the agency when it comes to retention of skilled scientific staff – something that represents a major concern for every agency, not just at the federal level.

The proposed change will bring numerous benefits to all involved by expanding the scientists' ability to fully participate in their professional and scientific organizations, supporting agency staff retention, and providing agencies with better access to findings from cutting-edge research. For the scientist, the agency, and the professional/scientific organization, the benefits of full participation far outweigh the remote possibility that financial or other personal interests would, in any significant way, affect the integrity of the employee's service. There are legitimate bounds on federal employees' participation in certain kinds of decisions (e.g., those made by a society or organization that involve or affect their own agency). But clear conflict of interest guidelines that identify such situations wherein federal employees must recuse themselves can be formulated to protect the integrity of the organization, the federal employee, and the government.

To ensure that all agencies and department heads follow the leadership example you have set when managing their own policies and practices—thus improving the access, process, and benefits for all involved—we strongly encourage you to work closely with officers from the Attorney General, the Office of Personnel Management, and the White House Office of Science and Technology Policy, as well as with

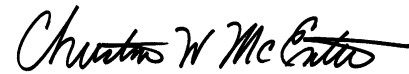
counsel in the various involved agencies. To eliminate any possible confusion or differing interpretations, we also encourage you to further clarify and simplify the instructions relating to any difference in lobbying limits versus what currently applies to all federal agency staff, as well as the different roles a scientist may play when serving as a volunteer versus serving as an assigned representative of an agency. Perhaps most importantly, we also encourage you to include clarification that this change is to be applied uniformly across all agencies—something that has been significantly lacking in previous interpretations.

We thank OGE for its consideration and work on this important issue, and for the opportunity to contribute comments on behalf of the Earth and space science community.

Sincerely,



Michael J. McPhaden, Ph.D.
President
American Geophysical Union



Christine W. McEntee, MHA
Executive Director/CEO
American Geophysical Union