August 21, 2013


Dear Ms. Stein:

On behalf of the Section of Public Contract Law of the American Bar Association ("the Section"), I am submitting comments on the U.S. Office of Government Ethics ("OGE") Strategic Plan (FY 2014-2017) (the "Strategic Plan"), published in the Federal Register on July 25, 2013.1 The Section consists of attorneys and associated professionals in private practice, industry, and Government service.2 The Section’s governing Council and substantive committees have members representing these three segments, to ensure that all points of view are considered. By presenting their consensus view, the Section seeks to improve the process of public contracting for needed supplies, services, and public works. The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, therefore, should not be construed as representing the policy of the American Bar Association.3

The Section fully endorses the OGE’s Strategic Plan, which encompasses goals and objectives that we believe are essential to the OGE’s ability to fulfill its central mission of preventing conflicts of interest and its vision of achieving a high level of public confidence in the integrity of executive branch programs and operations. In

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2 The Honorable Mary Ellen Coster Williams, the Section Delegate to the ABA House of Delegates, did not participate in the Section’s consideration of these comments and abstained from the voting to approve and send this letter.
3 This letter is available in pdf format at http://www.abanet.org/contract/regscomm/home.html under the topic “Ethics and Compliance.”
particular, the Section endorses the OGE’s focus on advancing a “strong uniform executive branch ethics program” that is comprehensive and transcends baseline compliance with laws, rules, and regulations. While compliance is important, cultivating and promoting an ethical culture is critical. A comprehensive ethics program—including training, advice, and guidance—is the most effective way to uphold the highest levels of integrity in any organization, especially one as large and varied as the Executive Branch.

The Section also strongly supports the OGE’s commitment, as reflected in the Strategic Plan, to promote transparency. Making ethics information publicly available is important to raise awareness of the Government’s ethics program and the steps that the Government is taking to ensure its continued commitment to upholding its own highest standards of integrity. Such transparency also promotes a culture of sharing best practices in the ethics arena across the Government and industry.

Finally, we note that the Section has worked with the OGE in the past, inviting OGE officials to speak at meetings of our committees and commenting on the OGE’s formal rulemakings, among other things. The Section looks forward to continuing and strengthening its relationship with the OGE. To that end, we are willing to assist the OGE in implementing and achieving the goals and objectives of its Strategic Plan in any way that the OGE deems appropriate.

The Section appreciates the opportunity to provide these comments and is available to provide additional information as you may require.

Sincerely,

Sharon L. Larkin
Chair, Section Public Contract Law

cc:
Stuart B. Nibley
David G. Ehrhart
James A. Hughes
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