

13 WAYS TO IMPROVE GOVERNMENT ETHICS

Proposals seek to strengthen the ethics program with increased independence, transparency and oversight

In November 2017, Walter Shaub, CLC's Senior Director, Ethics, publicly released 13 recommendations to strengthen the government ethics program. Shaub met with House Oversight and Government Reform Committee Chairman Trey Gowdy and Ranking Member Elijah Cummings to discuss these proposals. The full proposals are available on CLC's website at <https://goo.gl/WfYE8D>.

Each of the 13 proposals, which can be considered individually, fits into one of the following four categories:

- Independence of the U.S. Office of Government Ethics (OGE)
- Effectiveness of Oversight
- Transparency
- Substantive Ethics Requirements

Independence of OGE

CLC made two proposals to increase OGE's independence. The first proposal would allow removal of the Director of OGE only for cause and only with 30 days advance notice to Congress. The second proposal would give OGE additional authority to communicate directly with Congress, without needing the administration's permission.

Effectiveness of Oversight

CLC made five proposals to increase the effectiveness of OGE's oversight of the executive branch. The most important of the five was a proposal to create a new Inspector General's office that, in coordination with OGE, could conduct ethics investigations of executive branch officials, including White House appointees. Another proposal was to increase OGE's authority to compel executive branch officials to comply with the OGE Director's demands for records and information.

Transparency

CLC made four proposals to increase transparency in the executive branch and among presidential candidates. One proposal would require presidential candidates to release written conflict of interest plans early in the election cycle. The release of these plans would create public pressure on candidates to commit to resolving their conflicts of interest. A key feature of this proposal is that candidates would have to release their conflict of interest plans before their party's first primary. This would inject the subject of ethics into the public discourse at a time when voters are comparing candidates for their party's nomination. (Releasing the information after the parties have already selected their nominees could leave voters with a choice between prioritizing ethics or supporting their party's nominee, *a potentially losing proposition for ethics in our polarized society*.) Another feature is that candidates would be allowed to change their plans any time before their party selects a nominee, which might encourage an ethical race to the top in order to attract voters.

Another proposal would require OGE and agency ethics officials to create written records related to ethics issues and post those records on a government website. Additionally, in response to the abuse of government aircraft and charter planes by cabinet officials, CLC proposed to require the General Services Administration to post on its website records of senior officials' non-commercial air travel.

Substantive Ethics Requirements

CLC made two additional substantive proposals. One of them is aimed at discouraging the practice of employers giving large payments to employees who leave in order to accept senior government positions. The proposal would require any incoming government official who accepted a discretionary payment from a former employer to stay out of a broad range of matters affecting that former employer, thereby eliminating the incentive for employers who make these kinds of payments in the hope of receiving preferential treatment while the employee serves in government. A second proposal would limit the use “special government employees,” who are not covered by the full range of government ethics rules. The proposal would require the automatic termination of any special government employee after 130 days of service in a one-year period.

ABOUT THE CAMPAIGN LEGAL CENTER

Campaign Legal Center (CLC) is a nonpartisan, nonprofit organization based in Washington, D.C. Through litigation, policy analysis and public education, CLC works to protect and strengthen the U.S. democratic process across all levels of government. CLC is adamantly nonpartisan, holding candidates and government officials accountable regardless of political affiliation.

CLC was founded in 2002 and is a recipient of the prestigious MacArthur Award for Creative and Effective Institutions. Our work today is more critical than ever as we fight the current threats to our democracy in the areas of campaign finance, voting rights, redistricting, and ethics.

Most recently, CLC argued *Gill v. Whitford*, the groundbreaking Supreme Court case seeking to end extreme partisan gerrymandering. In addition, CLC plays a leading watchdog role on ethics issues, providing expert analysis and helping journalists uncover ethical violations. CLC participates in legal proceedings across the country to defend the right to vote.