

**David L. Kanagy**  
Executive Director

*kanagy@smenet.org*  
**303-948-4210**

June 7, 2011

Richard M. Thomas  
Office of Government Ethics  
Suite 500 1201 New York Avenue, NW  
Washington, DC 20005-3917

Regulation Identifier Number 3209-AA09

Dear Mr. Thomas:

Society for Mining, Metallurgy and Exploration (SME) supports the Office of Government Ethics' May 3, 2011 proposed rule exemption and amendment that would clarify and allow U.S. government employees to serve as officers, directors or trustees on scientific nonprofit society boards and other activities in their official government capacity.

SME is an international society of professionals in the minerals and mining industry. The SME membership is more than 13,000 strong, with members in nearly 100 countries. As a 501(c) (3), SME operates as a public nonprofit scientific and educational charity under the IRS tax code.

SME's primary focus is on professional development and information exchange through a range of programs and services such as peer-reviewed publications and technical papers, professional registration, college accreditation programs, meetings and exhibits, public education, and short courses.

Local and international involvement is also a distinguishing feature in the structure and character of SME as a professional society. More than 70 local SME sections facilitate the exchange of information and increase grassroots participation in SME programs and services. SME also has an international committee, which provides valuable input to SME programming and strengthens the SME presence in the international community. A number of local SME sections, in fact, are located outside the United States.

It should be apparent from this background how SME depends on the varied experience and expertise of its membership to carry out the national and international mission of the society. SME also depends on the volunteer leadership of the Board of Directors to oversee the finances of the society and direct them to appropriate programs as mentioned above.

Of the 13,000 SME members, over 170 are U.S. federal government employees. An equal number are state government employees. Many of these government-based volunteers are well qualified to serve in leadership roles of SME and would provide a great benefit to the society if they could freely participate in particular matters affecting the financial interests of our nonprofit organization.

There has been at times some confusion regarding the policy for the capacity in which Federal employees may serve on professional and scientific society boards. This has created unfortunate barriers to professional development and meaningful exchange between federal and non-federal experts in certain professions and areas of expertise within non-profits and societies, like SME.

Due to this on-going confusion, SME has often by-passed certain qualified federal employees for leadership roles with the society because of perceived conflicts of fiduciary duties and responsibilities to the society which may conflict with the primary duty of loyalty that federal employees owe to the U.S.

Participation and leadership on nonprofit Boards greatly enhances the volunteer's professional stature in his or her respective field. However, an arbitrary restriction on government employee participation hurts not only the professional development of qualified federal employees but also the industry in which they serve and have specific applied expertise.

The OGE proposal is both appropriate and constructive and would benefit professional development and the science community. Once again, SME stands in full support of this proposal.

Please contact me directly at (303) 948-4210 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "David L. Kanagy". The signature is written in a cursive style with a large, sweeping initial "D".

David L. Kanagy, CAE  
Executive Director

cc: SME Board of Directors  
Linda Rowan, Director of Government Affairs, AGI