

Federal Reserve

**Monday
May 13, 1996**

Part XXXIV

**Office of
Government Ethics**

Semiannual Regulatory Agenda

OFFICE OF GOVERNMENT ETHICS (OGE)

OFFICE OF GOVERNMENT ETHICS

5 CFR Ch. XVI

Semiannual Regulatory Agenda, April 1996

AGENCY: Office of Government Ethics.
ACTION: Semiannual regulatory agenda.

SUMMARY: The following Office of Government Ethics (OGE) substantive and procedural regulations are scheduled for development or review during the period from April 1, 1996, through March 31, 1997. This agenda fulfills OGE's responsibility to publish a semiannual regulatory agenda under

Executive Order 12866 "Regulatory Planning and Review" and has been prepared in accordance with guidance received from the Office of Management and Budget. None of the OGE regulations in this April 1996 agenda will have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. chapter 6. In addition, none of the listed OGE regulatory actions is procurement-related.

This publication in the Federal Register does not impose a binding obligation on the Office of Government Ethics with respect to any particular

item on its agenda. The dates shown for the future steps of each action are estimates and not commitments to act by the date shown. Moreover, other OGE regulatory actions, in addition to the entries listed, are not precluded.

FOR FURTHER INFORMATION CONTACT: William E. Gressman, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917; telephone: 202-208-8000, extension 1110; FAX: 202-208-8036.

Approved: March 19, 1996.

Stephen D. Potts,

Director, Office of Government Ethics.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3702	Privacy Act Rules	3209-AA18
3703	Limitations on Outside Employment; Confidential Reporting of Payments to Charities in Lieu of Honoraria	3209-AA13
3704	Executive Agency Ethics Training Programs	3209-AA07

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3705	Public Financial Disclosure, Conflicts of Interest, and Certificates of Divestiture for Executive Branch Officials	3209-AA06
3706	Standards of Ethical Conduct for Employees of the Executive Branch	3209-AA04
3707	Interpretation, Exemptions, and Waiver Guidance Concerning 18 USC 208 (Acts Affecting a Personal Financial Interest)	3209-AA09
3708	Post-Employment Conflict of Interest Restrictions	3209-AA14

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3709	Financial Disclosure, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees	3209-AA00
3710	Executive Agency Supplemental Financial Disclosure Regulations Issued Jointly With the Concurrence of the Office of Government Ethics	3209-AA16
3711	Executive Agency Supplemental Standards of Ethical Conduct Regulations Issued Jointly With the Concurrence of the Office of Government Ethics	3209-AA15
3712	Interpretation of 18 USC 209, the Constraint Against Private Supplementation of Salaries of Executive Branch Officials and Employees	3209-AA12

OFFICE OF GOVERNMENT ETHICS (OGE)

Proposed Rule Stage

3702. PRIVACY ACT RULES**Priority:** Other Significant**Legal Authority:** 5 USC 552a; 5 USC app (Ethics in Government Act of 1978)**CFR Citation:** 5 CFR 2606 (New)**Legal Deadline:** None

Abstract: This proposed rule would establish for the Office of Government Ethics (OGE) regulatory procedures to implement the Privacy Act of 1974, including requests for access and amendment and appeals, and would reference certain OGE systems of records (which will also be updated and revised).

Timetable:

Action	Date	FR Cite
NPRM	10/00/96	
NPRM Comment Period End	12/00/96	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Heather N. Sigrist, Attorney Advisor, Office of Government Ethics, 1201 New York Avenue NW., Washington, DC 20005-3917
Phone: 202 208-8000

RIN: 3209-AA18**3703. LIMITATIONS ON OUTSIDE EMPLOYMENT; CONFIDENTIAL REPORTING OF PAYMENTS TO CHARITIES IN LIEU OF HONORARIA****Priority:** Other Significant**Legal Authority:** 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12671**CFR Citation:** 5 CFR 2636**Legal Deadline:** None

Abstract: Regulation implemented, effective January 1, 1991, the prohibition on honoraria (now declared unconstitutional by the courts as to most rank and file executive branch employees and hence determined to be eviscerated as to all other Federal employees by the Office of Legal Counsel of the Justice Department), as

well as the new limitations on outside employment as provided in the 1989 Ethics Reform Act revisions to the Ethics in Government Act, as amended. A separate provision (not yet effective) of the regulation will govern reports by certain executive branch officials of payments, in lieu of honoraria, donated on their behalf to charities. The regulation will be amended in light of the above-noted litigation and any other pertinent developments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/17/91	56 FR 1721
Deferral of Effective Date of 5 CFR 2636.205	05/10/91	56 FR 21589
Deferral of Effective Date of 5 CFR 2636.205	10/11/91	56 FR 51319
Revision of Honorarium Definition in 5 CFR 2636.203(a)	01/08/92	57 FR 601
Deferral of Effective Date of 5 CFR 2636.205	02/14/92	57 FR 5369
Technical Correction to Interim Final Rule	12/30/93	58 FR 69176
Technical (Paperwork) Amendments to Interim Final Rule	07/07/94	59 FR 34755
Make 5 CFR 2636.205 Effective and Revise Section	09/00/96	
Final Action	11/00/96	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Stuart D. Rick, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917
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RIN: 3209-AA13**3704. EXECUTIVE AGENCY ETHICS TRAINING PROGRAMS****Priority:** Other Significant**Legal Authority:** 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731**CFR Citation:** 5 CFR 2638.701 to 2638.704**Legal Deadline:** None

Abstract: Regulation specifying the responsibilities of executive branch agencies and their designated agency ethics officials to develop and implement orientation and annual ethics training courses and to distribute appropriate guidance materials to their employees under sections 301(b) and (c) of E.O. 12674, as modified by E.O. 12731.

Timetable:

Action	Date	FR Cite
NPRM	09/18/90	55 FR 38335
NPRM Comment Period End	11/17/90	
Final Rule on Executive Agency Ethics Training Programs	04/07/92	57 FR 11886
Correction	04/27/92	57 FR 15219
Amendment	12/10/92	57 FR 58399
Correction	12/28/92	57 FR 61612
Interim Amendments to Liberalize Certain Training Requirements	03/16/94	59 FR 12145
Interim Final Rule Comment Period End	05/16/94	59 FR 12145
Final Amendments To Refine Certain Training Requirements	08/00/96	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: John C. Condray, Attorney Advisor, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917
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RIN: 3209-AA07

OFFICE OF GOVERNMENT ETHICS (OGE)

Final Rule Stage

3705. PUBLIC FINANCIAL DISCLOSURE, CONFLICTS OF INTEREST, AND CERTIFICATES OF DIVESTITURE FOR EXECUTIVE BRANCH OFFICIALS**Priority:** Other Significant**Legal Authority:** 5 USC app (Ethics in Government Act of 1978); 26 USC 1043**CFR Citation:** 5 CFR 2634.1001 to 2634.1004**Legal Deadline:** None

Abstract: Regulation implementing a provision of the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended by Pub. L. 101-280, providing for tax deferral if sale of property by an executive branch official (or related person) is deemed necessary to comply with conflict of interest requirements pursuant to a certificate of divestiture issued by the Office of Government Ethics.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/18/90	55 FR 14407
Final Action	09/00/96	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Norman B. Smith, Senior Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917
Phone: 202 208-8000

RIN: 3209-AA06**3706. STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH****Priority:** Other Significant**Legal Authority:** 5 USC 7301; 5 USC 7351; 5 USC 7353; 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731**CFR Citation:** 5 CFR 2635**Legal Deadline:** None

Abstract: Regulation implementing certain provisions of Executive Order 12674 on Principles of Ethical Conduct, as modified by EO 12731, and the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended. Effective February 3, 1993, this new ethical conduct standards regulation generally superseded executive branch employee conduct and gifts rules, as well as pertinent portions of agency-specific

conduct regulations issued thereunder. For certain existing agency regulatory standards setting forth financial interest prohibitions and prior approval for outside employment/activities, an extended grace period is in effect until August 7, 1996, or until individual concerned agencies issue supplemental regulations, with Office of Government Ethics concurrence.

Timetable:

Action	Date	FR Cite
NPRM	07/23/91	56 FR 33778
NPRM Comment Period End	09/20/91	
Final Overall Regulation on Standards of Ethical Conduct	08/07/92	57 FR 35006
Correction	10/27/92	57 FR 48557
Correction	11/04/92	57 FR 52583
5 CFR 2635.403(a) and 2635.803 Grace Period Extension	02/02/94	59 FR 4779
Additional 5 CFR 2635.403(a) and 2635.803 Grace Period Extension	02/02/95	60 FR 6390
NPRM on Widely Attended Gatherings	06/15/95	60 FR 31415
Minor Correction to One Citation	10/03/95	60 FR 51667
Further 5 CFR 2635.403(a) and 2635.803 Grace Period Extension	12/27/95	60 FR 66857
Final Rule on Widely Attended Gatherings	07/00/96	
Interim Rule on Travel Expenses for Certain Unofficial Teaching, Speaking, and Writing	10/00/96	
NPRM on Gifts From Political Organizations	10/00/96	
NPRM on Participation in Professional Associations	10/00/97	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Stuart D. Rick, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917
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RIN: 3209-AA04**3707. INTERPRETATION, EXEMPTIONS, AND WAIVER GUIDANCE CONCERNING 18 USC 208 (ACTS AFFECTING A PERSONAL FINANCIAL INTEREST)****Priority:** Other Significant**Legal Authority:** 18 USC 208; 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731**CFR Citation:** 5 CFR 2640 (New)**Legal Deadline:** None

Abstract: Proposed regulation to interpret section 208(a) of title 18, U.S.C., which prohibits officers and employees of the executive branch from officially participating personally and substantially in a particular matter in which there is a personal financial interest or a financial interest of a related person or organization (absent a waiver under 18 U.S.C. 208(b)). It also lists and describes interests proposed to be considered too remote or too inconsequential to affect the integrity of the services of executive branch officers or employees, in accordance with 18 U.S.C. 208(b)(2). Such interests will be exempt from the restrictions of 18 U.S.C. 208(a), generally requiring disqualification. The proposed regulation also would provide guidance to executive branch agencies as to the kinds of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from an employee and which, therefore, may be waived from the general rule of disqualification under 18 U.S.C. 208(a) pursuant to 18 U.S.C. 208(b)(1). In addition, proposed guidance is provided concerning the issuance of waivers to special Government employee advisory committee members pursuant to 18 U.S.C. 208(b)(3). A separate interim final rule has been published exempting certain financial interests arising from Federal Government executive branch employment as well as from Social Security or veterans' benefits, from the general prohibition in section 208(a).

Timetable:

Action	Date	FR Cite
Govt. Interests and Social Security or Veterans' Benefits Exemptions	08/28/95	60 FR 44706
NPRM	09/11/95	60 FR 47208
NPRM Comment Period End	11/13/95	
Final Action	11/00/96	

OGE

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 3209-AA09

3708. POST-EMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS

Priority: Other Significant

Legal Authority: 5 USC app (Ethics in Government Act of 1978); 18 USC 207; EO 12674; EO 12731

CFR Citation: 5 CFR 2641; 5 CFR 2637 (Continuation)

Legal Deadline: None

Abstract: Interpretive regulation giving guidance for the executive branch on the various substantive restrictions of the current version of the post-Government employment conflict of interest statute 18 U.S.C. 207, which became effective January 1, 1991, pursuant to title I of the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended. Parts of the regulation,

dealing with procedures for waivers by the Office of Government Ethics of certain senior official constraints (based on executive agency hardship), designated senior employees, and separate agency designations, have already been published in the Federal Register; such designations are periodically updated by the Office of Government Ethics. The Office of Government Ethics also has continued to publish in the CFR the interpretive regulation, 5 CFR part 2637 (but now without the no-longer-effective former Senior Employee and old agency component designation listings), under the lifetime bar of the prior version of the post-employment law which still applies to executive branch employees who left the Government before January 1, 1991. Once a complete current post-employment law regulation is published, the old part 2637 regulation will be removed from the CFR.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/01/91	56 FR 3951
Designation of Senior Employees and Separate Agency Components	01/28/92	57 FR 3115

Action	Date	FR Cite
Designation of Additional Separate Agency Component	04/07/92	57 FR 11673
Amendment to Prior Post-employment Regulation (Part 2637)	12/31/92	57 FR 62467
Amendment to Interim Final Rule (Part 2641)	06/21/93	58 FR 33755
Technical Amendment to Authority Citation of 5 CFR Part 2637	12/30/93	58 FR 69176
Technical Amendments to Interim Final Rule	07/07/94	59 FR 34755
Agency Separate Component Designations Update	06/00/96	
Interim Final Rule	02/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Julia Loring Eirinberg, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917

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RIN: 3209-AA14

OFFICE OF GOVERNMENT ETHICS (OGE)

Long-Term Actions

3709. FINANCIAL DISCLOSURE, QUALIFIED TRUSTS, AND CERTIFICATES OF DIVESTITURE FOR EXECUTIVE BRANCH EMPLOYEES

Priority: Other Significant

Legal Authority: 5 USC app (Ethics in Government Act of 1978); 26 USC 1043; EO 12674; EO 12731

CFR Citation: 5 CFR 2634

Legal Deadline: None

Abstract: Regulation revising the executive branch public and confidential financial disclosure report systems for high-level officials and certain mid-level employees, respectively, in light of the changes to the Ethics in Government Act effected by the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended. These disclosure provisions apply to public reports filed since January 1, 1991. Subpart I of the regulation, effective October 5, 1992, superseded prior executive branchwide and agency-

specific regulations and established a revised system of confidential reporting, modeled generally on the public reporting system, for executive branch agency mid-level employees with sensitive duties and special Government employees.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43359
Interim Final Rule	04/07/92	57 FR 11800
Correction	05/22/92	57 FR 21854
Correction	12/31/92	57 FR 62605
Revised Interim Final Rule	07/21/93	58 FR 38911
Proposed Amendment to Interim Final Rule	09/01/93	58 FR 46096
Technical Amendments to Interim Final Rule	11/30/93	58 FR 63023
Technical (Paperwork) Amendments to Interim Final Rule	07/07/94	59 FR 34755
Final Action	06/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: G. Sid Smith, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917

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RIN: 3209-AA00

3710. EXECUTIVE AGENCY SUPPLEMENTAL FINANCIAL DISCLOSURE REGULATIONS ISSUED JOINTLY WITH THE CONCURRENCE OF THE OFFICE OF GOVERNMENT ETHICS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 7301; 5 USC app (Ethics in Government Act of 1978); 26 USC 1043; EO 12674; EO 12731; 5 CFR 2634.103

CFR Citation: 5 CFR 2634; 5 CFR ch XXI et seq

Legal Deadline: None

OGE

Long-Term Actions

Abstract: The supplemental executive agency financial disclosure regulations, once issued jointly with the concurrence of the Office of Government Ethics (OGE) at agency expense in new chapters at the end of 5 CFR, after OGE approval, supplement for each individual agency concerned the new OGE executive branch financial disclosure regulations, as codified in 5 CFR part 2634. The supplemental regulations, as they are issued in accordance with sections 201(d) and 301(a) of EO 12674, as modified by EO 12731, will set forth those agency-specific provisions as are needed under particular laws and regulations for certain agencies in order to complement the executive branchwide financial disclosure provisions.

Timetable:

Action	Date	FR Cite
Final Action	12/00/97	
FDIC Employees (5 CFR Ch. XXII)		
Interim Final Rule 07/26/93 (58 FR 39625)		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: G. Sid Smith, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917
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RIN: 3209-AA16

3711. EXECUTIVE AGENCY SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT REGULATIONS ISSUED JOINTLY WITH THE CONCURRENCE OF THE OFFICE OF GOVERNMENT ETHICS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 7301; 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731; 5 CFR 2635.105

CFR Citation: 5 CFR 2635; 5 CFR ch XXI et seq

Legal Deadline: None

Abstract: The supplemental executive agency standards of ethical conduct regulations, once issued jointly with the concurrence of the Office of Government Ethics (OGE) at agency expense in new chapters at the end of 5 CFR, after OGE approval, supplement for each individual agency concerned the new OGE executive branch

standards of ethical conduct, as codified at 5 CFR part 2635. The supplemental regulations, as they are issued in accordance with section 201(a) and 301(a) of EO 12674, as modified by EO 12731, set forth those agency-specific provisions under applicable law and regulation, such as regulatory restrictions on holding certain financial interests and designation of departmental subunits, which are needed for certain agencies to round out the executive branchwide ethical standards for employees of particular departments and agencies.

Timetable:

Action	Date	FR Cite
5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	02/02/94	59 FR 4779
NASA Employees (5 CFR Ch. LIX)	09/28/94	59 FR 49335
FRTIB Employees (5 CFR Ch. LXXXIV)	10/06/94	59 FR 50816
Education Employees (5 CFR Ch. LIII)	01/30/95	60 FR 5816
Additional 5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	02/02/95	60 FR 6390
USPS Employees (5 CFR Ch. LX)	03/27/95	60 FR 15700
Eximbank Employees (5 CFR Ch. LII)	04/07/95	60 FR 17625
FDIC Employees (5 CFR Ch. XXII)	04/25/95	60 FR 20171
Treasury Employees (5 CFR Ch. XXI)(Final Rule)	05/05/95	60 FR 22249
FCA Employees (5 CFR Ch. XXXI)	06/12/95	60 FR 30778
FCSIC Employees (5 CFR Ch. XXX)	06/12/95	60 FR 30773
HUD Employees (5 CFR Ch. LXV)	06/30/95	60 FR 34420
OPIC Employees (5 CFR Ch. XXXIII)(Final Rule)	07/21/95	60 FR 37555
USPS Employees (5 CFR Ch. LX)(Final Rule)	09/11/95	60 FR 47240
FCA Employees (5 CFR Ch. XXXI)(Final Rule)	09/13/95	60 FR 47453
OGE Concurrence in FCA Employees (5 CFR Ch. XXXI)(Final Rule)	12/06/95	60 FR 62319
BGFRS Employees (5 CFR Ch. LVIII)	12/19/95	60 FR 65249

Action	Date	FR Cite
Further 5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	12/27/95	60 FR 66857
FCSIC Employees (5 CFR Ch. XXX)(Final Rule)	02/06/96	61 FR 4349
EEOC Employees (5 CFR Ch. LXII)	02/26/96	61 FR 7065
Final Action	12/00/97	
CFTC Employees (5 CFR Ch. XLI)		
Final Rule 10/12/93 (58 FR 52637)		
DoD Employees (5 CFR Ch. XXVI)		
Interim Final Rule 09/10/93 (58 FR 47619)		
FDIC Employees (5 CFR Ch. XXII)		
NPRM 07/12/94 (59 FR 35480)		
FTC Employees (5 CFR Ch. XLVII)		
Interim Final Rule 05/27/93 (58 FR 30695)		
IAF Employees (5 CFR Ch. LXIII)		
Final Rule 01/27/94 (59 FR 3771)		
ICC Employees (5 CFR Ch. XL)		
Final Rule 08/06/93 (58 FR 41989)		
NRC Employees (5 CFR Ch. XLVIII)		
Final Rule 04/13/94 (59 FR 17457)		
OMB Employees (5 CFR Ch. LXXVII)		
Final Rule 03/07/95 (60 FR 12396)		
OPIC Employees (5 CFR Ch. XXXIII)		
Interim Final Rule 06/17/93 (58 FR 33319)		
PRC Employees (5 CFR Ch. XLVI)		
Final Rule 08/12/93 (58 FR 42839)		
Treasury Employees (5 CFR Ch. XXI)		
NPRM 08/03/93 (58 FR 41193)		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stuart D. Rick, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917
Phone: 202 208-8000

RIN: 3209-AA15

3712. INTERPRETATION OF 18 USC 209, THE CONSTRAINT AGAINST PRIVATE SUPPLEMENTATION OF SALARIES OF EXECUTIVE BRANCH OFFICIALS AND EMPLOYEES

Priority: Other Significant

Legal Authority: 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731

CFR Citation: 5 CFR 2639 (New)

Legal Deadline: None

Abstract: Proposed regulation to interpret section 209 of title 18, U.S.C., prohibiting the private supplementation of the Government salary of executive branch officers and employees.

OGE**Long-Term Actions**

Timetable:

Action	Date	FR Cite
NPRM	06/00/97	
NPRM Comment Period End	08/00/97	

Agency Contact: Stephen J. McCleary,
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Small Entities Affected: None

RIN: 3209-AA12

Government Levels Affected: Federal

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