

Friday November 29, 1996

Part XXXII

Office of Government Ethics

Semiannual Regulatory Agenda

OFFICE OF GOVERNMENT ETHICS (OGE)

OFFICE OF GOVERNMENT ETHICS

5 CFR Ch. XVI

Semiannual Regulatory Agenda, October 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 October 1, 1996, through September 30, 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 October 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. Furthermore, the Office of Government Ethics rulemakings are not included in The Regulatory Plan.

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: 202-208-8037.

Approved: September 30, 1996. F. Gary Davis, Deputy Director, Office of Government Ethics.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4013 4014 4015	Office of Government Ethics Gift Acceptance Authority and Organizational Update Privacy Act Rules Executive Agency Ethics Training Programs	3209-AA21 3209-AA18 3209-AA07

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4016 4017	Revisions to the Office of Government Ethics' Rules on Implementation of the Equal Access to Justice Act	3209-AA20 3209-AA04
4018	Limitations on Outside Employment; Confidential Reporting of Payments to Charities in Lieu of Honoraria	3209-AA13
4019	Interpretation, Exemptions, and Waiver Guidance Concerning 18 USC 208 (Acts Affecting a Personal Financial Interest)	3209-AA09
4020	Post-Employment Conflict of Interest Restrictions	3209-AA14

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4021	Financial Disclosure, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees	3209-AA00
4022	Executive Agency Supplemental Standards of Ethical Conduct Regulations Issued Jointly With the Concurrence of the Office of Government Ethics	3209-AA15
4023	Interpretation of 18 USC 209, the Constraint Against Private Supplementation of Salaries of Executive Branch Offi-	
	cials and Employees	3209-AA12

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4024 4025	Public Financial Disclosure, Conflicts of Interest, and Certificates of Divestiture for Executive Branch Officials Executive Agency Supplemental Financial Disclosure Regulations Issued Jointly With the Concurrence of the Of-	3209-AA06
4023	fice of Government Ethics	3209-AA16

OFFICE OF GOVERNMENT ETHICS (OGE)

Proposed Rule Stage

4013. ● OFFICE OF GOVERNMENT ETHICS GIFT ACCEPTANCE AUTHORITY AND ORGANIZATIONAL UPDATE

Priority: Other Significant

Legal Authority: 5 USC app (Ethics in

Government Act of 1978)
CFR Citation: 5 CFR 2600
Legal Deadline: None

Abstract: This regulation will implement the new agency gift acceptance authority of the Office of Government Ethics as set forth in the 1996 OGE Authorization Act. In addition, various provisions of OGE's part 2600 organization and functions regulations will be updated to reflect recent changes in OGE's organizational structure.

Timetable:

Action	Date	FR Cite
NPRM	09/00/97	
NPRM Comment	11/00/97	
Period End		

Small Entities Affected: None Government Levels Affected: Federal

Agency Contact: James P. O'Sullivan, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington,

Phone: 202 208-8000 TDD: 202 208-8025 Fax: 202 208-8037 **RIN:** 3209-AA21

DC 20005-3917

4014. 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 NPRM Comment	06/00/97 08/00/97	
Period End	00/00/97	

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 TDD: 202 208-8025 Fax: 202 208-8037 **RIN:** 3209–AA18

4015. 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
Proposed Amendments To Refine Certain Training Requirements	05/00/97	

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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OFFICE OF GOVERNMENT ETHICS (OGE)

Final Rule Stage

4016. ● REVISIONS TO THE OFFICE OF GOVERNMENT ETHICS' RULES ON IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT

Priority: Other Significant

Legal Authority: 5 USC 504(c)(1); 5 USC app (Ethics in Government Act of

1978)

CFR Citation: 5 CFR 2610 Legal Deadline: None Abstract: This amendatory rulemaking will implement for OGE the changes made to the Equal Access to Justice Act by subtitle C of the 1996 Small Business Regulatory Enforcement Fairness Act under the Contract with America Advancement Act of 1996.

Timetable:

Action	Date	FR Cite
Final Action	01/00/97	
Final Action Effective	01/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: In prior years, OGE's interim and Final Equal Access to Justice Act rules were assigned RIN 3209-A A 19

3209-AA19.

Agency Contact: William E. Gressman, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917 **OGE** Final Rule Stage

Phone: 202 208-8000 TDD: 202 208-8025 Fax: 202 208-8037 RIN: 3209-AA20

4017. 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 was in effect until November 1, 1996, or until individual concerned agencies issued supplemental regulations, with Office of Government Ethics concurrence.

Timetable:

Action	Date	FR Cite	
NPRM	07/23/91	56 FR 3377	'8
NPRM Comment Period End	09/20/91		
Final Overall Regulation on Standards of Ethical Conduct	08/07/92	57 FR 3500)6
Correction	10/27/92	57 FR 4855	57
Correction	11/04/92	57 FR 5258	33
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 3141	5
Minor Correction to One Citation	10/03/95	60 FR 5166	37

Action	Date	FR Cite	
Further 5 CFR 2635.403(a) and 2635.803 Grace Period Extension	12/27/95	60 FR 66857	
Further Additional 5 CFR 2635.403(a) and 2635.803 Grace Period Extension	08/07/96	61 FR 40950	
Final Rule on Widely Attended Gatherings	08/20/96	61 FR 42965	
Correction to Final Rule on Widely Attended Gatherings	09/16/96	61 FR 48733	
Interim Rule on Gifts From Political Organizations	09/27/96	61 FR 50689	
Interim Rule on Travel Expenses for Certain Unofficial Teaching, Speaking, and Writing	04/00/97		
NPRM on Participation in Professional Associations	04/00/98		
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

TDD: 202 208-8025 Fax: 202 208-8037 RIN: 3209-AA04

4018. 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: The regulation had, in pertinent part, 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). In addition, the regulation continues to implement the limitation 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	01/08/92	57 FR 601
Honorarium Definition in 5 CFR 2636.203(a)		
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	02/00/97	

Small Entities Affected: None Government Levels Affected: Federal

02/00/97

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 TDD: 202 208-8025 Fax: 202 208-8037 RIN: 3209-AA13

Final Action

4019. 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: This final regulation (a proposed rule was published in 1995) OGE Final Rule Stage

will interpret section 208(a) of title 18, USC, 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 USC 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 USC 208(b)(2). Such interests will be exempt from the restrictions of 18 USC 208(a), generally requiring disqualification. The regulation also will 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 USC 208(a) pursuant to 18 USC 208(b)(1). In addition, guidance is to be provided concerning the issuance of waivers to special Government employee advisory committee members pursuant to 18 USC 208(b)(3). A separate interim final rule, published in 1995 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), will be incorporated in the overall final rule.

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	12/00/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marilyn L. Glynn, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington,

Phone: 202 208-8000 TDD: 202 208-8025 Fax: 202 208-8037 **RIN:** 3209–AA09

DC 20005-3917

4020. 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 Governments 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
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	12/00/96	
Interim Final Rule	08/00/97	

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

4021. 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 agencyspecific 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	12/00/97	

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

Phone: 202 208-8000 TDD: 202 208-8025 Fax: 202 208-8037 **RIN:** 3209–AA00 4022. 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

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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
FTC Employees (5 CFR Ch. XLVII) Interim Final Rule	05/27/93	58 FR 30695
OPIC Employees (5 CFR Ch. XXXIII) Interim Final Rule	06/17/93	58 FR 33319
Treasury Employees (5 CFR Ch. XXI) NPRM	08/03/93	58 FR 41193
ICC Employees (5 CFR Ch. XL) Final Rule	08/06/93	58 FR 41989
PRC Employees (5 CFR Ch. XLVI) Final Rule	08/12/93	58 FR 42839
DoD Employees (5 CFR Ch. XXVI) Interim Final Rule	09/10/93	58 FR 47619
CFTC Employees (5 CFR Ch. XLI) Final Rule	10/12/93	58 FR 52637

Action	Date	FR Cite
IAF Employees (5 CFR Ch. LXIII) Final Rule	01/27/94	59 FR 3771
5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	02/02/94	59 FR 4779
NRC Employees (5 CFR Ch. XLVIII) Final Rule	04/13/94	59 FR 17457
FDIC Employees (5 CFR Ch. XXII) NPRM	07/12/94	59 FR 35480
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	02/02/95	60 FR 6390
(by OGE) OMB Employees (5 CFR Ch. LXXVII) Final Rule	03/07/95	60 FR 12396
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
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

OGE Long-Term Actions

Date

FR Cite

Action	Date	FR Cite
TVA Employees (15 CFR Ch. LXIX)	05/06/96	61 FR 20117
DOE Employees (5 CFR Ch. XXIII)	07/05/96	61 FR 35085
FDIC Employees (5 CFR Ch. XXII)(Amendment)	07/09/96	61 FR 35915
HUD Employees (5 CFR Ch. LXV)	07/09/96	61 FR 36246
OPM Employees (5 CFR Ch. XXXV)	07/16/96	61 FR 36993
HHS Employees (5 CFR Ch. XLV)	07/30/96	61 FR 39756
DOT Employees (5 CFR Ch. L)	07/31/96	61 FR 39901
FMSHRC Employees (5 CFR Ch. LXXIV)	07/31/96	61 FR 39869
EPA Employees (5 CFR Ch. LIV)	08/02/96	61 FR 40500
NARA Employees (5 CFR Ch. LXVI)	08/05/96	61 FR 40505
Further Additional (5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	08/07/96	61 FR 40950

FERC Employees (5 CFR Ch. XXIV)	08/23/96	61 FR 4341
Final Action	12/00/97	
Small Entities Affe	ected: No	ne
Government Level	s Affecte	d: Federal
Agency Contact: S Associate General Government Ethics New York Avenue DC 20005-3917 Phone: 202 208-802 TDD: 202 208-8025 Fax: 202 208-8037 RIN: 3209-AA15	Counsel, s, Suite 50 NW., Wa	Office of 00, 1201

4023. 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

Action

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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/97	
NPRM Comment	02/00/98	
Period End		

Small Entities Affected: None

Government Levels Affected: Federal

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

Phone: 202 208-8000 TDD: 202 208-8025 Fax: 202 208-8037 **RIN:** 3209-AA12

OFFICE OF GOVERNMENT ETHICS (OGE)

Completed Actions

4024. 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	06/25/96	61 FR 32633

Action	Date	FR Cite
Correction to Final Rule on Certificates of Divestiture	07/08/96	61 FR 35589
Final Action Effective	07/25/96	
Additional Correction to Final Rule on Certificates of Divestiture	08/01/96	61 FR 40145

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 TDD: 202 208-8025 Fax: 202 208-8037

RIN: 3209-AA06

4025. 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

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

OGE Completed Actions

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. On September 30, 1996, OGE decided to discontinue this "umbrella" RIN because to date only one agency had issued such a supplemental regulation (which has now been removed); Further, few if any additional agencies are expected to issue (with OGE) such regulations in

the future (any who do may have a RIN assigned for their own regulations).

Timetable:

Abstract

Action	Date	FR Cite
Interim Final Rule - FDIC Employees (5 CFR Ch. XXII)	07/26/93	58 FR 39625
FDIC Employees (5 CFR Ch. XXII, 3202)(Removal)	09/30/96	61 FR 50947
Agency Determination (OGE) - See	09/30/96	

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,

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[FR Doc. 96-26275 Filed 11-27-96; 8:45 am]

BILLING CODE 6345-01-F

RIN: 3209-AA16