



# Federal Register

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**Monday,  
December 9, 2002**

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**Part XXXVI**

## **Office of Government Ethics**

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**Semiannual Regulatory Agenda**

**OFFICE OF GOVERNMENT ETHICS (OGE)**

**OFFICE OF GOVERNMENT ETHICS**

**5 CFR Ch. XVI**

**Semiannual Regulatory Agenda; Fall 2002**

**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, 2002 through September 30, 2003. 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 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 that is published each fall.

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, Senior Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917; Telephone: (202) 208-8000, ext. 1110; TDD: (202) 208-8025; Fax: (202) 208-8037.

**Approved:** September 19, 2002.  
**Amy L. Comstock,**  
*Director, Office of Government Ethics.*

**Office of Government Ethics—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
3656	Office of Government Ethics Gift Acceptance Authority and Organizational Update .....	3209-AA21
3657	Privacy Act Rules of the Office of Government Ethics .....	3209-AA18
3658	Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture .....	3209-AA00
3659	Interpretation, Exemptions, and Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting a Personal Financial Interest) .....	3209-AA09

**Office of Government Ethics—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
3660	Standards of Ethical Conduct for Employees of the Executive Branch .....	3209-AA04
3661	Limitations on Outside Earned Income, Employment, and Affiliations for Certain Noncareer Employees .....	3209-AA13
3662	Executive Agency Ethics Training Programs .....	3209-AA07
3663	Post-Employment Conflict of Interest Restrictions .....	3209-AA14

**Office of Government Ethics—Long-Term Actions**

Sequence Number	Title	Regulation Identification Number
3664	Executive Agency Supplemental Standards of Ethical Conduct Regulations Issued Jointly With the Concurrence of the Office of Government Ethics .....	3209-AA15

**Office of Government Ethics—Completed Actions**

Sequence Number	Title	Regulation Identification Number
3665	Testimony by OGE Employees and Production of Official Records in Legal Proceedings .....	3209-AA23

## Office of Government Ethics (OGE)

## Proposed Rule Stage

**3656. 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 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 regulation will be updated to reflect changes in OGE's organizational structure. This regulation will be written in "plain language."

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

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**RIN:** 3209-AA21**3657. PRIVACY ACT RULES OF THE OFFICE OF GOVERNMENT ETHICS****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 (including two Governmentwide executive branch systems, which will also be updated and revised, with the addition of internal systems).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

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**RIN:** 3209-AA18**3658. EXECUTIVE BRANCH FINANCIAL DISCLOSURE, QUALIFIED TRUSTS, AND CERTIFICATES OF DIVESTITURE****Priority:** Other Significant

**Legal Authority:** 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731; 26 USC 1043; 28 USC 2461 note; PL 101-410; PL 104-134, sec 31001

**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. This regulation also has a subpart dealing with certificates of divestiture.

**Timetable:**

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43359
Interim Final Rule	04/07/92	57 FR 11800

Action	Date	FR Cite
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
Proposed Amendments-Certificates of No New Interests for Confidential Filers	01/15/97	62 FR 2048
Final Amendment-Certificates of No New Interests for Confidential Filers	06/24/97	62 FR 33972
Updating Amendment to Part 2634	09/17/97	62 FR 48746
Clarifying Amendment to Section 2634.906	03/31/98	63 FR 15273
Minor Amdt. to Part 2634 (Transfer of Inactive in Lieu of Honoraria Charitable Paymts. Reporting)	08/12/98	63 FR 43067
Paperwork Revisions to Appendixes A, B, and C	11/02/98	63 FR 58619
Technical Amendments to Part 2634	12/18/98	63 FR 69991
Technical Corrections to Part 2634	01/14/99	64 FR 2421
Proposed Gifts Reporting Waiver Amendments	05/13/99	64 FR 25849
Inflation Adjustments to Civil Monetary Penalties as Reflected in Part 2634	08/30/99	64 FR 47095
Final Gifts Reporting Waiver Amendments	09/14/99	64 FR 49639
Technical Amendments to Categories of Value Reporting and Gifts/Reimbursements Thresholds	11/20/00	65 FR 69655
Final Rule Amendment to Confer Additional Agency Confidential Report Filing Extension Authority	11/05/01	66 FR 55871
Final Rule Amendments to Qualified Trusts Certificates Notices	05/03/02	67 FR 22348

## OGE

## Proposed Rule Stage

Action	Date	FR Cite
Final Rule Clarifying Amendment on Revocable Inter Vivos Trust Interpretation	05/31/02	67 FR 37965
Final Rule Amendments on Filing Exts. & Fee Waivers Delegations	08/01/02	67 FR 49856
Final Rule Amendment on Reporting Period for Public Reports	09/13/02	67 FR 57937
Final Rule Amendment on Increased Reporting Thresholds for Gifts & Reimbursements	10/02/02	67 FR 61761
Proposed Rule Amendment Re: Excepted Investment Funds	12/00/02	
Proposed Rule Amendments to Certificates of Divestiture Provisions (Subpart J)	01/00/03	
Final Rule Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.	02/00/03	
Proposed Rule Amendments to Qualified Trust Provisions	03/00/03	
Final Rule Removal of Obsolete In Lieu/Honoraria Provisions	05/00/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 3209-AA00

**3659. INTERPRETATION, EXEMPTIONS, AND WAIVER GUIDANCE CONCERNING 18 U.S.C. 208 (ACTS AFFECTING A PERSONAL FINANCIAL INTEREST)**

**Priority:** Other Significant

**Legal Authority:** 5 USC app, Ethics in Government Act of 1978; EO 12674; EO 12731; 18 USC 208

**CFR Citation:** 5 CFR 2640

**Legal Deadline:** None

**Abstract:** This regulation interprets section 208(a) of title 18, U.S. Code, 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 or exemption under 18 U.S.C. 208(b)). It also lists and describes interests 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 are exempt from the restrictions of 18 U.S.C. 208(a), generally requiring disqualification. The regulation also provides 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, 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, 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), was incorporated in the overall final rule. Additional exemptions are considered for development from time to time as appropriate.

**Timetable:**

Action	Date	FR Cite
Govt. Interests and Social Security and Veterans' Benefits Exemptions Interim Final Rule	08/28/95	60 FR 44706
Overall NPRM	09/11/95	60 FR 47208
Overall NPRM Comment Period End	11/13/95	
Overall Final Rule	12/18/96	61 FR 66830
Correction	01/09/97	62 FR 1361
Overall Final Rule Effective	01/17/97	
Correction	04/29/97	62 FR 23127
Interim Census Exemption Amendment	03/29/00	65 FR 16511
Final Census Exemption Amendment	08/04/00	65 FR 47830
Proposed Additional Exemption Amendments	09/06/00	65 FR 53942
Proposed Amendments Comment Period End	12/05/00	
Final Additional Exemption Amendments	03/19/02	67 FR 12443
Proposed Rule Amendment Re: Excepted Investment Funds	12/00/02	
Final Rule Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 3209-AA09

## Office of Government Ethics (OGE)

## Final Rule Stage

**3660. 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 Executive Order 12731, and the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended. Effective February 3, 1993, this ethical conduct standards regulation generally superseded executive branch employee conduct and gifts rules, as well as pertinent portions of agency-specific conduct regulations issued under prior Executive Order 11222. 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), whichever occurred first.

**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

Action	Date	FR Cite
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
Final Rule on Gifts From Political Organizations	03/17/97	62 FR 12531
Updating Amendments to Part 2635	09/17/97	62 FR 48746
Proposed Amendments Re: Gifts (Subpart B)	08/04/98	63 FR 41476
Further Minor Proposed Amendments to Part 2635 / Seeking Employment and Outside Activities	08/26/98	63 FR 45415
Amendments to Subpart B Gifts From Outside Sources	12/18/98	63 FR 69992
Technical Corrections to Part 2635	01/14/99	64 FR 2421
Final Amendments to Part 2635 / Seeking Employment and Outside Activities	03/17/99	64 FR 13063
Interim Rule on Travel Expenses for Certain Unofficial Teaching, Speaking, and Writing	09/05/00	65 FR 53650
Correction	09/12/00	65 FR 55076
Final Technical Amendment to Nonsponsor Widely Attended Gathering Gift Dollar Ceiling	11/20/00	65 FR 69655
Final Rule on Travel Expenses for Certain Unofficial Teaching, Speaking, and Writing	11/30/01	66 FR 59673
Final Rule Amend. - Increased Dollar Ceiling Except. for Nonsponsor Widely Attended Gatherings Gifts	10/02/02	67 FR 61761

Action	Date	FR Cite
Final Rule Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.	02/00/03	
Final Rule Removal of Obsolete In Lieu/Honoraria Provisions	05/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

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**RIN:** 3209-AA04**3661. LIMITATIONS ON OUTSIDE EARNED INCOME, EMPLOYMENT, AND AFFILIATIONS FOR CERTAIN NONCAREER EMPLOYEES****Priority:** Other Significant**Legal Authority:** 5 USC app, Ethics in Government Act of 1978; EO 12674; EO 12731; 28 USC 2461 note; PL 101-410; PL 104-134, sec 31001**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. The regulation has now been amended in light of the above-noted litigation and 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

## OGE

## Final Rule Stage

Action	Date	FR Cite
Additional 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
Further 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
Removal of Subpart B of Part 2636	08/12/98	63 FR 43067
Technical Corrections to Part 2636	01/14/99	64 FR 2421
Inflation Adjustment to Civil Monetary Penalty As Reflected in Part 2636	08/30/99	64 FR 47095
Final Rule Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.	02/00/03	
Final Rule Removal of Obsolete In Lieu/Honoraria Provisions	05/00/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Amy E. Braud, Attorney Advisor, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917

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**RIN:** 3209-AA13**3662. 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 section 301(b) and (c) of Executive Order 12674, as modified by Executive Order 12731. The Office of Government Ethics is proposing to rewrite the entire training regulation in "plain language" and to restructure its provisions.

**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	
Interim Amendments to Refine Certain Training Requirements	03/12/97	62 FR 11307
Correction to Interim Training Reg. Amendments	03/19/97	62 FR 13213
Correction to Interim Training Reg. Amendments	03/27/97	62 FR 14737
Interim Amendments to Refine Certain Training Requirements Comment Period End	04/11/97	62 FR 11307
Most Interim Amendments to Refine Certain Training Requirements Effective	06/10/97	62 FR 13213
Interim Amendment to Rewrite Regulation in "Plain Language" and Restructure Its Provisions	02/14/00	65 FR 7275
Final Rule Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.	02/00/03	

Action	Date	FR Cite
New Proposed Amendment to Rewrite Regulation in "Plain Language" and Restructure Its Provisions	07/00/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Carolyn W. Chapman, Associate Director, Education Division, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917  
Phone: 202 208-8000  
TDD Phone: 202 208-8025  
Fax: 202 208-8037**RIN:** 3209-AA07**3663. POST-EMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS****Priority:** Other Significant**Legal Authority:** 5 USC app, Ethics in Government Act of 1978; EO 12674; EO 12731; 18 USC 207**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-

## OGE

## Final Rule Stage

employment law final regulation is published, the old part 2637 regulation will be removed from the CFR.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule for One-Year Restriction of Section 207(c)	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

Action	Date	FR Cite
Technical Amendments to Interim Final Rule	07/07/94	59 FR 34755
Exempted Senior Employee and Agency Separate Component Designation Update	05/16/97	62 FR 26915
Correction: Post-Employment Reg. Update	06/11/97	62 FR 31865
Agency Separate Component Designation Update	02/05/99	64 FR 5709
Agency Separate Component Designation Update Final Rule	11/00/02	
Final Rule Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.	02/00/03	

Action	Date	FR Cite
Overall NPRM	02/00/03	
Overall NPRM Comment Period End	05/00/03	

**Regulatory Flexibility Analysis Required: No****Government Levels Affected:** Federal

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**RIN:** 3209-AA14

## Office of Government Ethics (OGE)

## Long-Term Actions

### 3664. 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 OGE executive branch standards of ethical conduct, as codified at 5 CFR part 2635. The supplemental regulations, as they are issued in accordance with sections 201(a) and 301(a) of Executive Order 12674, as modified by Executive Order 12731, set forth those agency-specific provisions under applicable law and regulation, such as regulatory restrictions on

holding certain financial interests, designation of subunits and prior approval for outside employment, which are needed for certain agencies to round out the executive branchwide ethical standards for their employees.

**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
IAF Employees (5 CFR Ch. LXIII) Final Rule	01/27/94	59 FR 3771

Action	Date	FR Cite
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. LXXIV)	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
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

## OGE

## Long-Term Actions

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
FCSIC Employees (5 CFR Ch. XXX)	06/12/95	60 FR 30773	Further Additional 5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	08/07/96	61 FR 40950	DOI Employees (5 CFR Ch. XXV) Final Rule	06/24/98	63 FR 34258
FCA Employees (5 CFR Ch. XXXI)	06/12/95	60 FR 30778	FERC Employees (5 CFR Ch. XXIV)	08/23/96	61 FR 43411	FTC Employees (5 CFR Ch. XLVII) Final Rule Amendments	08/12/98	63 FR 43069
HUD Employees (5 CFR Ch. LXV)	06/30/95	60 FR 34420	BGFRS Employees (5 CFR Ch. LVIII) Final Rule	10/16/96	61 FR 53827	DOL Employees (5 CFR Ch. XLII) Final Rule	12/30/99	64 FR 73852
OPIC Employees (5 CFR Ch. XXXIII) Final Rule	07/21/95	60 FR 37555	FCC Employees (5 CFR Ch. XXIX)	10/31/96	61 FR 56109	USDA Employees (5 CFR Ch. LXXIII) Interim Final Rule	03/24/00	65 FR 15825
USPS Employees (5 CFR Ch. LX) Final Rule	09/11/95	60 FR 47240	GSA Employees (5 CFR Ch. LVII)	11/01/96	61 FR 56399	USDA Employees (5 CFR Ch. LXXIII) Interim Final Rule Correction	04/20/00	65 FR 21239
FCA Employees (5 CFR Ch. XXXI) Final Rule	09/13/95	60 FR 47453	DOL Employees (5 CFR Ch. XLII)	11/06/96	61 FR 57281	USDA Employees (5 CFR Ch. LXXIII) Final Rule	10/02/00	65 FR 58635
OGE Concurrence in FCA Employees (5 CFR Ch. XXXI) Final Rule	12/06/95	60 FR 62319	DOJ Employees (5 CFR Ch. XXVIII)	11/25/96	61 FR 59811	Treasury Employees (5 CFR Ch. XXI) Final Rule Amendments	02/01/01	66 FR 8505
BGFRS Employees (5 CFR Ch. LVIII)	12/19/95	60 FR 65249	NSF Employees (5 CFR Ch. XLIII)	11/25/96	61 FR 59815	NASA Employees (5 CFR Ch. LIX) Final Rule Amendments	11/27/01	66 FR 59135
Further 5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	12/27/95	60 FR 66857	CPSC Employees (5 CFR Ch. LXXI)	12/13/96	61 FR 65457	DOT (FAA) Employees (5 CFR Ch. L) Final Rule Amendments	12/03/01	66 FR 60139
FCSIC Employees (5 CFR Ch. XXX) Final Rule	02/06/96	61 FR 4349	FDIC Employees (5 CFR Ch. XXII) Amendment	01/27/97	62 FR 3771	Treasury (OCC) Employees (5 CFR Ch. XXI) Final Rule Amendments	07/17/02	67 FR 46840
EEOC Employees (5 CFR Ch. LXII)	02/26/96	61 FR 7065	NLRB Employees (5 CFR Ch. LXI)	02/12/97	62 FR 6445	USDA (FSA) Employees (5 CFR Ch. LXXIII) Final Rule Amendments	09/16/02	67 FR 58319
TVA Employees (5 CFR Ch. LXIX)	05/06/96	61 FR 20117	DOJ Employees (5 CFR Ch. XXVIII) Final Rule	05/02/97	62 FR 23941	Final Action	12/00/03	
DOE Employees (5 CFR Ch. XXIII)	07/05/96	61 FR 35085	DOJ Employees (5 CFR Ch. XXVIII) Final Rule Correction	06/11/97	62 FR 31865			
FDIC Employees (5 CFR Ch. XXII) Amendment	07/09/96	61 FR 35915	OPM Employees (5 CFR Ch. XXXV) Interim Rule Correction	06/17/97	62 FR 32859			
HUD Employees (5 CFR Ch. LXV)	07/09/96	61 FR 36246	EEOC Employees (5 CFR Ch. LXII) Final Rule	07/08/97	62 FR 36447			
OPM Employees (5 CFR Ch. XXXV) Final Rule	07/16/96	61 FR 36993	OPM Employees (5 CFR Ch. XXXV) Final Rule	08/11/97	62 FR 42897			
HHS Employees (5 CFR Ch. XLV)	07/30/96	61 FR 39756	DOI Employees (5 CFR Ch. XXV)	10/16/97	62 FR 53713			
FMSHRC Employees (5 CFR Ch. LXXIV)	07/31/96	61 FR 39869	DOI Employees (5 CFR Ch. XXV) Interim Final Rule Correction	04/15/98	63 FR 18501			
DOT Employees (5 CFR Ch. L)	07/31/96	61 FR 39901	DOI Employees (5 CFR Ch. XXV) Interim Final Rule Correction	04/24/98	63 FR 20447			
EPA Employees (5 CFR Ch. LIV)	08/02/96	61 FR 40500						
NARA Employees (5 CFR Ch. LXVI)	08/05/96	61 FR 40505						

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

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**RIN:** 3209-AA15



## Office of Government Ethics (OGE)

## Completed Actions

**3665. TESTIMONY BY OGE EMPLOYEES AND PRODUCTION OF OFFICIAL RECORDS IN LEGAL PROCEEDINGS****Priority:** Other Significant**Legal Authority:** 5 USC app, Ethics in Government Act of 1978**CFR Citation:** 5 CFR 2608 (New)**Legal Deadline:** None**Abstract:** This final rule set forth OGE procedures for responding to subpoenas and other requests and demands for

testimony by OGE employees and documentary production relating to official OGE information and records in legal proceedings in which OGE is not a party (Touhy regulations).

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/01	66 FR 48824
NPRM Comment Period End	11/23/01	
Final Rule	05/21/02	67 FR 35709

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** William E. Gressman, Senior Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917  
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Fax: 202 208-8037**RIN:** 3209-AA23

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