

**OFFICE OF GOVERNMENT ETHICS**

**AGENCY: Office of Government Ethics (OGE)**

**5 CFR Part 2641**

**Post-Employment Conflict of Interest Restrictions;  
Revision of Agency Component Designations for the  
Executive Branch**

**RIN 3209-AA14**

**58 FR 33755**

**Monday, June 21, 1993**

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**ACTION:** Final rule; amendments.

**SUMMARY:** At the request of two agencies, the Office of Government Ethics is issuing this rule to revoke the designation of an agency component and to change the name of another agency's component for purposes of the one-year statutory post-employment restriction applicable to former "senior" employees of the executive branch. These changes reflect the current organizational structure of the two agencies.

**EFFECTIVE DATE:** This rule is effective June 21, 1993, except for the removal of the listing for the Federal Emergency Management Agency which will be effective September 20, 1993.

**FOR FURTHER INFORMATION CONTACT:** Julia Loring Eirinberg, Office of Government Ethics, telephone (202/FTS) 523-5757, FAX (202/FTS) 523-6325.

## **SUPPLEMENTARY INFORMATION:**

### **A. Substantive Discussion**

The Director of OGE is authorized by 18 U.S.C. 207(h) to designate separate departmental and agency components in the executive branch for purposes of 18 U.S.C. 207(c), the one-year post-employment restriction applicable to former "senior" employees of the executive branch. The representational bar of 18 U.S.C. 207(c) usually extends to any department or agency in which a former senior employee served in any capacity during the one-year period prior to termination from senior service. However, eligible before components of their former department or agency if those components have been designated as separate agencies or bureaus by OGE. Relevant criteria relating to designation are set forth in section 2641.201(e)(6).

Section 2641.201(e)(3)(ii) provides that a designated agency ethics official may recommend to the Director of OGE that a current component designation be revoked. Section 2641.201(e)(iii) states that the Director "shall by rule... revoke a component designation after considering the recommendation of the designated agency ethics official."

By letter of November 24, 1992, the designated agency ethics official for the Federal Emergency Management Agency (FEMA) recommended the revocation of the separate component status of the United States Fire Administration, FEMA's sole separate designated component. After reviewing FEMA's request in light of the criteria set forth in section 2641.201(e)(6), the Director of OGE has determined to revoke the designation of the United States Fire Administration as a distinct and separate FEMA component. As provided in section 2641.201(e)(4), the revocation of this designation shall be effective 90 days after the effective date of this rule, but shall not be effective as to any individuals who terminate senior service prior to the expiration of that 90-day period.

At the request of the Department of Transportation, appendix B of this part has also been amended to indicate that the name of the Urban Mass Transit Administration has been changed to the Federal Transit Administration.

### **B. Matters of Regulatory Procedure**

#### **Administrative Procedure Act**

Pursuant to 5 U.S.C. 553, the Director of OGE finds that good cause exists for waiving the general notice of proposed rulemaking and 30-day delayed effective date. It is important that the designation or revocation by OGE of separate agency components be published in the **Federal Register** as promptly as possible. Furthermore, since this rule is interpretive in nature, it is exempt from the notice and delayed effectiveness requirements of 5 U.S.C. 553.

### **E.O. 12291, Federal Regulation**

As Director of the OGE, I have determined that this is not a major rule as defined under section 1(b) of Executive Order 12291.

### **Regulatory Flexibility Act**

As Director of the OGE, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects current and former Federal employees.

### **Paperwork Reduction Act**

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rule does not contain an information collection requirement that requires the approval of the Office of Management and Budget.

### **List of Subjects in 5 CFR Part 2641**

Conflict of interests, Government employees.

Approved: May 11, 1993.

**Stephen D. Potts,**  
**Director, Office of Government Ethics.**