



# 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<br>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<br>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  
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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<br>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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