

OFFICE OF GOVERNMENT ETHICS

AGENCY: Office of Government Ethics

5 CFR Part 2641

**Post-Employment Conflict of Interest; Designation of
Additional Agency Component for the Executive Branch**

RIN 3209-AA14

57 FR 11673

April 7, 1992

ACTION: Final rule.

SUMMARY: The Office of Government Ethics is issuing this rule to designate the U.S. Savings Bonds Division as an additional separate component within the Department of the Treasury, as authorized by 18 U.S.C. 207(h). This designation will have the effect of limiting the scope of the one-year post-employment restriction set forth in 18 U.S.C. 207(c) in the case of certain former senior employees of that Department.

EFFECTIVE DATE: April 7, 1992.

FOR FURTHER INFORMATION CONTACT: Julia S. Loring, 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 "senior" employees. 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 year prior to termination from senior service. However, eligible senior employees may be permitted to communicate to or appear before components of their former department or agency if those components have been designated as separate agencies or bureaus by OGE.

By letter dated January 3, 1992 and pursuant to procedures prescribed in 5 CFR 2641.201(e), the Designated Agency Ethics Official at the Department of the Treasury requested designation of the United States Savings Bonds Division as an additional distinct and separate component of that Department. After carefully reviewing Treasury's request in light of the criteria set forth in 5 CFR 2641.201(e)(6), the Director of OGE has determined to designate that Division as a distinct and separate Treasury component. As indicated in 5 CFR 2641.201(e)(4), a designation "shall be effective as of the effective date of the rule that creates the designation, but shall not be effective as to employees who terminated senior service prior to that date." The effective date of the designation of the United States Savings Bonds Division as a distinct and separate component is indicated in Appendix B of this part.

B. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553, the Director of the Office of Government Ethics 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 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.

EO 12291, Federal Regulation

As Director of the Office of Government Ethics, 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 Office of Government Ethics, I certify 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: March 10, 1992.

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

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics is amending part 2641 of subchapter B of chapter XVI of title 5 of the Code of Federal Regulations as follows:

PART 2641 -- [AMENDED]

1. The authority citation for part 2641 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978, secs. 402 and 404); 18 U.S.C. 207; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

2. In Appendix B is amended to revise the listing for the Department of the Treasury as follows:

Appendix B to 5 CFR Part 2641 -- Agency Components for Purposes of 18 U.S.C. 207(c)

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Parent: Department of the Treasury

Components:

Bureau of Alcohol, Tobacco and Firearms

Bureau of Engraving and Printing

Bureau of the Mint

Bureau of the Public Debt

Comptroller of the Currency

Federal Law Enforcement Training Center

Financial Management Center

Internal Revenue Service

Office of Thrift Supervision

United States Customs Service

United States Savings Bonds Division

(effective April 7, 1992)

United States Secret Service