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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 185

RIN 3206-AF43

Implementation of the Program Fraud Civil Remedies Act of 1986

AGENCY: Office of Personnel Management.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to the final regulations which were published on Friday, February 10, 1995, (60 FR 7891). The regulations provide procedures to implement the Program Fraud Civil Remedies Act of 1986.

EFFECTIVE DATE: March 13, 1995.

FOR FURTHER INFORMATION CONTACT: Murray M. Meeker, Attorney, Office of the General Counsel, (202) 606-1980.

SUPPLEMENTARY INFORMATION: On February 10, 1995, OPM published final regulations to implement the Program Fraud Civil Remedies Act of 1986. On April 12, 1995, OPM was advised by an official from the West Publishing Company that a typographical error had resulted in the omission of a portion of one of the sections. This document corrects that omission.

Correction

In rule document 95-3347 beginning on page 7891 in the issue of Friday, February 10, 1995, make the following correction:

On page 7899, in the second column, correct § 185.139(g) to read as follows:

§ 185.139 Appeal to authority head.

* * * * *

(g) In reviewing the initial decision, the authority head shall not consider any objection that was not raised before the ALJ unless the objecting party can demonstrate extraordinary

circumstances causing the failure to raise the objection.

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Office of Personnel Management.

Lorraine A. Green,
Deputy Director.

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DEPARTMENT OF THE TREASURY

5 CFR Chapter XXI

RIN 3209-AA15

Supplemental Standards of Ethical Conduct for Employees of the Department of the Treasury

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (Department), with the concurrence of the Office of Government Ethics (OGE), is issuing a final rule establishing uniform supplemental standards of ethical conduct for the officers and employees of the Department. The final rule is a necessary supplement to the Executive Branch-wide Standards because it addresses ethical issues unique to the Department. The final rule is effective upon publication and establishes regulations relating to: The designation of agency components for purposes of the rules concerning gifts and teaching, speaking and writing; prohibitions on the ownership of certain financial interests; prohibitions on certain forms of borrowing and extensions of credit; prohibitions on recommendations concerning certain securities and services of certain types of professionals; limitations on purchases of assets controlled by the Department or related to Department operations; and restrictions on outside employment and business activities.

EFFECTIVE DATE: May 5, 1995.

FOR FURTHER INFORMATION CONTACT: Stephen J. McHale, Henry H. Booth, or R. Peter Rittling, Office of the Assistant General Counsel (General Law and Ethics), Department of the Treasury, telephone (202) 622-0450, FAX (202) 622-1176, e-mail Peter.Rittling@treas.sprint.com.

SUPPLEMENTARY INFORMATION:

I. Rulemaking Background

On Tuesday August 3, 1993, the Department, with OGE's concurrence, published for comment a proposed rule to establish supplemental standards of ethical conduct for all Treasury Department employees (58 FR 41193-41203). The proposed rule was intended to supplement the Standards of Ethical Conduct for Employees of the Executive Branch published by OGE on August 7, 1992, and effective February 3, 1993 (5 CFR Part 2635; *see also* the grace period extensions at 59 FR 4779-4780, Feb. 2, 1994, and 60 FR 6390-6391, Feb. 2, 1995). The proposed rule was issued pursuant to 5 CFR 2635.105, which authorizes executive branch agencies to publish agency-specific supplemental regulations necessary to implement their respective ethics programs. The Department, with OGE's concurrence, determined that the supplemental regulations contained in the proposed rule were necessary to implement the Department's ethics program successfully, considering the Department's unique programs and operations.

The proposed rule prescribed a 30-day comment period and invited comments from all interested parties. The Department received timely comments from six sources, considered each comment carefully, and made appropriate modifications to the rule. The Department, with OGE's concurrence, is now publishing as a final rule the Supplemental Standards of Ethical Conduct for Employees of the Department of the Treasury, to be codified at a new part 3101, Title 5 of the Code of Federal Regulations.

In a separate rule making, the Department is issuing as an interim rule the Department of the Treasury Employee Rules of Conduct. The Rules of Conduct will be codified at 31 CFR Part 0 and will prescribe Department-specific employee rules of conduct and procedure.

II. Summary of the Comments

The Department received comments from two Department employees, two private financial institutions and two bureaus of the Department. The comments, discussed more fully below, fall into two general categories. The comments received from the Department employees and the financial