

Office of Government Ethics (OGE)

**OFFICE OF GOVERNMENT ETHICS**

**5 CFR Ch. XVI**

**Semiannual Regulatory Agenda, October 1999**

**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, 1999, through September 30, 2000. 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 October 1999 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.

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, extension 1110; TDD: 202-208-8025; FAX: 202-208-8037.

**Approved:** August 24, 1999.

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

Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3899	Office of Government Ethics Gift Acceptance Authority and Organizational Update .....	3209-AA21
3900	Privacy Act Rules of the Office of Government Ethics .....	3209-AA18
3901	Interpretation of 18 USC 209, the Constraint Against Private Supplementation of Salaries of Executive Branch Officials and Employees .....	3209-AA12
3902	Interpretation, Exemptions, and Waiver Guidance Concerning 18 USC 208 (Acts Affecting a Personal Financial Interest) .....	3209-AA09
3903	Post-Employment Conflict of Interest Restrictions .....	3209-AA14

Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3904	Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture .....	3209-AA00
3905	Standards of Ethical Conduct for Employees of the Executive Branch .....	3209-AA04
3906	Executive Agency Ethics Training Programs .....	3209-AA07

Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3907	Office of Government Ethics Procedures on Requests for Testimony by OGE Employees and Documentary Production Relating to Official Information and Records .....	3209-AA23
3908	Executive Agency Supplemental Standards of Ethical Conduct Regulations Issued Jointly With the Concurrence of the Office of Government Ethics .....	3209-AA15
3909	Limitations on Outside Earned Income, Employment and Affiliations for Certain Noncareer Employees .....	3209-AA13

Completed Actions

Sequence Number	Title	Regulation Identification Number
3910	Office of Government Ethics Electronic Freedom of Information Act Updating Amendments .....	3209-AA22

## Office of Government Ethics (OGE)

## Proposed Rule Stage

**3899. 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	06/00/00	
NPRM Comment	08/00/00	
Period End		

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

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**RIN:** 3209-AA21**3900. 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 (which will also be updated and revised).

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	
NPRM Comment	08/00/00	
Period End		

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

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**RIN:** 3209-AA18**3901. INTERPRETATION OF 18 USC 209, THE CONSTRAINT AGAINST PRIVATE SUPPLEMENTATION OF SALARIES OF EXECUTIVE BRANCH OFFICIALS AND EMPLOYEES****Priority:** Other Significant**Legal Authority:** 5 USC app (Ethics in Government Act of 1978); 18 USC 209; EO 12674; EO 12731**CFR Citation:** 5 CFR 2639 (New)**Legal Deadline:** None

**Abstract:** Proposed regulation to interpret section 209 of title 18, USC, prohibiting the private supplementation of the Government salary of executive branch officers and employees. This regulation is being written in "plain language."

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/00	
NPRM Comment	03/00/00	
Period End		

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

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**RIN:** 3209-AA12**3902. INTERPRETATION, EXEMPTIONS, AND WAIVER GUIDANCE CONCERNING 18 USC 208 (ACTS AFFECTING A PERSONAL FINANCIAL INTEREST)****Priority:** Other Significant**Legal Authority:** 5 USC app (Ethics in Government Act of 1978); 18 USC 208; EO 12674; EO 12731**CFR Citation:** 5 CFR 2640**Legal Deadline:** None

**Abstract:** This regulation interprets section 208(a) of title 18, USC, 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 under 18 USC 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 USC 208(b)(2). Such interests are exempt from the restrictions of 18 USC 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 USC 208(a) pursuant to 18 USC 208(b)(1). In addition, guidance is provided concerning the issuance of waivers to special Government employee advisory committee members pursuant to 18 USC 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. A set of additional proposed exemptions will be issued.

**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

## OGE

## Proposed Rule Stage

Action	Date	FR Cite
Overall NPRM Comment Period End	11/13/95	
Overall Final Rule Correction	12/18/96	61 FR 66830
Overall Final Rule Effective	01/09/97	62 FR 1361
Correction	01/17/97	
Correction	04/29/97	62 FR 23127
Proposed Exemption Amendments	12/00/99	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** Federal

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**RIN:** 3209-AA09

**3903. POST-EMPLOYMENT CONFLICT  
OF INTEREST RESTRICTIONS**

**Priority:** Other Significant

**Legal Authority:** 5 USC app (Ethics in  
Government Act of 1978); 18 USC 207;  
EO 12674; EO 12731

**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-  
employment law 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

Action	Date	FR Cite
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
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
Overall NPRM	06/00/00	
Overall NPRM Comment Period End	08/00/00	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** Federal

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**RIN:** 3209-AA14

## Office of Government Ethics (OGE)

## Final Rule Stage

**3904. EXECUTIVE BRANCH  
FINANCIAL DISCLOSURE, QUALIFIED  
TRUSTS, AND CERTIFICATES OF  
DIVESTITURE**

**Priority:** Other Significant

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

**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
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

## OGE

## Final Rule Stage

Action	Date	FR Cite
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	12/00/99	
Certificates of Divestiture Revisions (Subpart J)	12/00/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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RIN: 3209-AA00

**3905. 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 EO 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 thereunder. 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.

**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	12/00/99	
Final Technical Amendment to Nonsponsor Widely Attended Gathering Gift Dollar Ceiling	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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RIN: 3209-AA04

## OGE

## Final Rule Stage

**3906. 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 E.O. 12674, as modified by E.O. 12731. The Office of Government Ethics is rewriting the entire training regulation in "plain language."

**Timetable:**

Action	Date	FR Cite
NPRM	09/18/90	55 FR 38335
NPRM Comment Period End	11/17/90	

Action	Date	FR Cite
Final Rule on Executive Agency Ethics Training Programs	04/07/92	57 FR 11886
Correction Amendment	04/27/92	57 FR 15219
Correction	12/10/92	57 FR 58399
Interim Amendments to Liberalize Certain Training Requirements	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	04/11/97	62 FR 11307
Interim Amendments To Refine Certain Training Requirements Comment Period End		

Action	Date	FR Cite
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	01/00/00	

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

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**RIN:** 3209-AA07

## Office of Government Ethics (OGE)

## Long-Term Actions

**3907. OFFICE OF GOVERNMENT ETHICS PROCEDURES ON REQUESTS FOR TESTIMONY BY OGE EMPLOYEES AND DOCUMENTARY PRODUCTION RELATING TO OFFICIAL INFORMATION AND RECORDS****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 proposed rule would set forth proposed 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 (Touhy regulations).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment Period End	02/00/01	

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

**Agency Contact:** Karen Kimball, Attorney Advisor, Office of Government Ethics, Suite 500, 1201 New York Avenue NW, Washington, DC 20005-3917

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**RIN:** 3209-AA23**3908. 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 EO 12674, as modified by EO 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.

## OGE

## Long-Term Actions

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>						
			USPS Employees (5 CFR Ch. LX) Final Rule	09/11/95	60 FR 47240	NLRB Employees (5 CFR Ch. LXI)	02/12/97	62 FR 6445
FTC Employees (5 CFR Ch. XLVII) Interim Final Rule	05/27/93	58 FR 30695	FCA Employees (5 CFR Ch. XXXI) Final Rule	09/13/95	60 FR 47453	DOJ Employees (5 CFR Ch. XXVIII) Final Rule	05/02/97	62 FR 23941
OPIC Employees (5 CFR Ch. XXXIII) Interim Final Rule	06/17/93	58 FR 33319	OGE Concurrence in FCA Employees (5 CFR Ch. XXXI) Final Rule	12/06/95	60 FR 62319	DOJ Employees (5 CFR Ch. XXVIII) Final Rule Correction	06/11/97	62 FR 31865
Treasury Employees (5 CFR Ch. XXI) NPRM	08/03/93	58 FR 41193	BGFRS Employees (5 CFR Ch. LVIII)	12/19/95	60 FR 65249	OPM Employees (5 CFR Ch. XXXV) Interim Rule Correction	06/17/97	62 FR 32859
ICC Employees (5 CFR Ch. XL) Final Rule	08/06/93	58 FR 41989	Further 5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	12/27/95	60 FR 66857	EEOC Employees (5 CFR Ch. LXII) Final Rule	07/08/97	62 FR 36447
PRC Employees (5 CFR Ch. XLVI) Final Rule	08/12/93	58 FR 42839	FCSIC Employees (5 CFR Ch. XXX) Final Rule	02/06/96	61 FR 4349	OPM Employees (5 CFR Ch. XXXV) Final Rule	08/11/97	62 FR 42897
DoD Employees (5 CFR Ch. XXVI) Interim Final Rule	09/10/93	58 FR 47619	EEOC Employees (5 CFR Ch. LXII)	02/26/96	61 FR 7065	DOI Employees (5 CFR Ch. XXV)	10/16/97	62 FR 53713
CFTC Employees (5 CFR Ch. XLI) Final Rule	10/12/93	58 FR 52637	TVA Employees (15 CFR Ch. LXIX)	05/06/96	61 FR 20117	DOI Employees (5 CFR Ch. XXV) Interim Final Rule Correction	04/15/98	63 FR 18501
IAF Employees (5 CFR Ch. LXIII) Final Rule	01/27/94	59 FR 3771	DOE Employees (5 CFR Ch. XXIII)	07/05/96	61 FR 35085	DOI Employees (5 CFR Ch. XXV) Interim Final Rule Correction	04/24/98	63 FR 20447
5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	02/02/94	59 FR 4779	FDIC Employees (5 CFR Ch. XXII) Amendment	07/09/96	61 FR 35915	DOI Employees (5 CFR Ch. XXV) Final Rule	06/24/98	63 FR 34258
NRC Employees (5 CFR Ch. XLVIII) Final Rule	04/13/94	59 FR 17457	HUD Employees (5 CFR Ch. LXV)	07/09/96	61 FR 36246	FTC Employees (5 CFR Ch. XLVII) Final Rule Amendments	08/12/98	63 FR 43069
FDIC Employees (5 CFR Ch. XXII) NPRM	07/12/94	59 FR 35480	OPM Employees (5 CFR Ch. XXXV)	07/16/96	61 FR 36993	Final Action	01/00/01	
NASA Employees (5 CFR Ch. LIX)	09/28/94	59 FR 49335	HHS Employees (5 CFR Ch. XLV)	07/30/96	61 FR 39756	<b>Regulatory Flexibility Analysis Required: No</b>		
FRTIB Employees (5 CFR Ch. LXXIV)	10/06/94	59 FR 50816	FMSHRC Employees (5 CFR Ch. LXXIV)	07/31/96	61 FR 39869	<b>Government Levels Affected: Federal</b>		
Education Employees (5 CFR Ch. LIII)	01/30/95	60 FR 5816	DOT Employees (5 CFR Ch. L)	07/31/96	61 FR 39901	<b>Agency Contact: Robert W. Cobb, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW, Washington, DC 20005-3917</b>		
Additional 5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	02/02/95	60 FR 6390	EPA Employees (5 CFR Ch. LIV)	08/02/96	61 FR 40500	<b>Phone: 202 208-8000</b>		
OMB Employees (5 CFR Ch. LXXVII) Final Rule	03/07/95	60 FR 12396	NARA Employees (5 CFR Ch. LXVI)	08/05/96	61 FR 40505	<b>TDD Phone: 202 208-8025</b>		
USPS Employees (5 CFR Ch. LX)	03/27/95	60 FR 15700	Further Additional 5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	08/07/96	61 FR 40950	<b>Fax: 202 208-8037</b>		
Eximbank Employees (5 CFR Ch. LII)	04/07/95	60 FR 17625	FERC Employees (5 CFR Ch. XXIV)	08/23/96	61 FR 43411	<b>RIN: 3209-AA15</b>		
FDIC Employees (5 CFR Ch. XXII)	04/25/95	60 FR 20171	BGFRS Employees (5 CFR Ch. LVIII) Final Rule	10/16/96	61 FR 53827	<b>3909. LIMITATIONS ON OUTSIDE EARNED INCOME, EMPLOYMENT AND AFFILIATIONS FOR CERTAIN NONCAREER EMPLOYEES</b>		
Treasury Employees (5 CFR Ch. XXI) Final Rule	05/05/95	60 FR 22249	FCC Employees (5 CFR Ch. XXIX)	10/31/96	61 FR 56109	<b>Priority: Other Significant</b>		
FCSIC Employees (5 CFR Ch. XXX)	06/12/95	60 FR 30773	GSA Employees (5 CFR Ch. LVII)	11/01/96	61 FR 56399	<b>Legal Authority: 5 USC app (Ethics in Government Act of 1978); PL 101-410; 28 USC 2461 note; PL 104-134, sec 31001; EO 12674; EO 12731</b>		
FCA Employees (5 CFR Ch. XXXI)	06/12/95	60 FR 30778	DOL Employees (5 CFR Ch. XLII)	11/06/96	61 FR 57281	<b>CFR Citation: 5 CFR 2636</b>		
HUD Employees (5 CFR Ch. LXV)	06/30/95	60 FR 34420	DOJ Employees (5 CFR Ch. XXVIII)	11/25/96	61 FR 59811	<b>Legal Deadline: None</b>		
OPIC Employees (5 CFR Ch. XXXIII) Final Rule	07/21/95	60 FR 37555	NSF Employees (5 CFR Ch. XLIII)	11/25/96	61 FR 59815	<b>Abstract: The regulation had, in pertinent part, implemented, effective</b>		
			CPSC Employees (5 CFR Ch. LXXI)	12/13/96	61 FR 65457			
			FDIC Employees (5 CFR Ch. XXII) Amendment	01/27/97	62 FR 3771			

OGE

Long-Term Actions

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

Action	Date	FR Cite
Deferral of Effective Date of 5 CFR 2636.205	05/10/91	56 FR 21589
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

Action	Date	FR Cite
Inflation Adjustment to Civil Monetary Penalty As Reflected in Part 2636	08/30/99	64 FR 47095
Final Action	10/00/00	

**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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**RIN:** 3209-AA13

Office of Government Ethics (OGE)

Completed Actions

**3910. OFFICE OF GOVERNMENT ETHICS ELECTRONIC FREEDOM OF INFORMATION ACT UPDATING AMENDMENTS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC app (Ethics in Government Act of 1978)

**CFR Citation:** 5 CFR 2604

**Legal Deadline:** None

**Abstract:** This amendatory rule implemented for OGE the changes made to the Freedom of Information

Act (FOIA) by the 1996 Electronic FOIA Amendments as well as made certain other updating revisions to the OGE FOIA regulation.

**Timetable:**

Action	Date	FR Cite
Proposed Amendments to OGE FOIA Regulation	12/03/98	63 FR 66769
Final Action	05/25/99	64 FR 28089

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 3209-AA22

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