



# Federal Register

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**Monday,  
May 16, 2005**

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**Part XXXV**

## **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; Spring 2005**

**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 six-month period following publication. 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 are procurement-related.

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) 482-9300; TDD: (202) 482-9293; Fax: (202) 482-9237.

**Approved:** March 17, 2005.

**Marilyn L. Glynn,**  
*Acting Director.*

Office of Government Ethics—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3372	Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture .....	3209-AA00
3373	Executive Agency Supplemental Standards of Ethical Conduct Regulations Issued Jointly With the Concurrence of the Office of Government Ethics .....	3209-AA15
3374	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 Identifier Number
3375	Standards of Ethical Conduct for Employees of the Executive Branch .....	3209-AA04
3376	Limitations on Outside Earned Income, Employment, and Affiliations for Certain Noncareer Employees .....	3209-AA13
3377	Executive Agency Ethics Training Programs .....	3209-AA07
3378	Post-Employment Conflict of Interest Restrictions .....	3209-AA14

**Office of Government Ethics (OGE)**

**Proposed Rule Stage**

**3372. 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. 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
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

## OGE

## Proposed Rule Stage

Proposed	01/15/97	62 FR 2048	Effective Date	09/06/02	67 FR 57063	Fax: 202 482-9237
Amendments— Certificates of No New Interests for Confidential Filers			Correction to Final Rule Amendments on Filing Exts. & Fee Waivers			<b>RIN:</b> 3209-AA00
Final Amendment— Certificates of No New Interests for Confidential Filers	06/24/97	62 FR 33972	Delegations			
Updating Amendment to Part 2634	09/17/97	62 FR 48746	Final Rule	09/13/02	67 FR 57937	
Clarifying Amendment to Section 2634.906	03/31/98	63 FR 15273	Amendment on Reporting Period for Public Reports			
Minor Amdt. to Part 2634 (Transfer of Inactive in Lieu of Honoraria Charitable Paymts. Reporting)	08/12/98	63 FR 43067	Final Rule	10/02/02	67 FR 61761	
Paperwork Revisions to Appendixes A, B, and C	11/02/98	63 FR 58619	Amendment on Increased Reporting Thresholds for Gifts & Reimbursements			
Technical Amendments to Part 2634	12/18/98	63 FR 69991	Proposed Rule	01/13/04	69 FR 1954	
Technical Corrections to Part 2634	01/14/99	64 FR 2421	Amendments to Certificates of Divestiture Provisions (Subpart J)			
Proposed Gifts Reporting Waiver Amendments	05/13/99	64 FR 25849	Final Rule	07/28/04	69 FR 44893	
Inflation Adjustments to Civil Monetary Penalties as Reflected in Part 2634	08/30/99	64 FR 47095	Amendment to Certificates of Divestiture Provisions (Subpart J)			
Final Gifts Reporting Waiver Amendments	09/14/99	64 FR 49639	Final Rule	03/11/05	70 FR 12111	
Technical Amendments to Categories of Value Reporting and Gifts/ Reimbursements Thresholds	11/20/00	65 FR 69655	Amendment on Increased Reporting Thresholds for Gifts & Reimbursements			
Final Rule Amendment to Confer Additional Agency Confidential Report Filing Extension Authority	11/05/01	66 FR 55871	Proposed Rule	06/00/05		
Final Rule Amendments to Qualified Trusts Certificates Notices	05/03/02	67 FR 22348	Amendments to Confidential Financial Disclosure Provisions			
Final Rule Clarifying Amendment on Revocable Inter Vivos Trust Interpretation	05/31/02	67 FR 37965	Proposed Rule Amendments Re: Excepted Investment Funds	09/00/05		
Final Rule Amendments on Filing Exts. & Fee Waivers Delegations	08/01/02	67 FR 49856	Final Rule	11/00/05		
			Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.			
			Final Rule Removal of Obsolete In Lieu/Honoraria Provisions	12/00/05		
			Proposed Rule Amendments to Qualified Trust Provisions	01/00/06		
			Final Action	12/00/06		
			<b>Regulatory Flexibility Analysis</b>			
			<b>Required:</b> No			
			<b>Government Levels Affected:</b> Federal			
			<b>Agency Contact:</b> Judith A. Kim, Deputy General Counsel for Financial Disclosure, Office of Government Ethics, Suite 500, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917 Phone: 202 482-9300 TDD Phone: 202 482-9293			
			<b>3373. EXECUTIVE AGENCY SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT REGULATIONS ISSUED JOINTLY WITH THE CONCURRENCE OF THE OFFICE OF GOVERNMENT ETHICS</b>			
			<b>Priority:</b> Substantive, Nonsignificant			
			<b>Legal Authority:</b> 5 USC 7301; 5 USC app, Ethics in Government Act of 1978; EO 12674; EO 12731; 5 CFR 2635.105			
			<b>CFR Citation:</b> 5 CFR 2635; 5 CFR ch XXI et seq			
			<b>Legal Deadline:</b> None			
			<b>Abstract:</b> The supplemental executive agency standards of ethical conduct regulations, once issued jointly with the concurrence of the Office of Government Ethics (OGE) in new chapters at the end of 5 CFR, 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. These supplementals are issued and revised on an ongoing basis when needed by agencies concerned.			
			<b>Timetable:</b>			
			<b>Action</b>	<b>Date</b>	<b>FR Cite</b>	
			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	

## OGE

## Proposed Rule Stage

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
CFTC Employees (5 CFR Ch. XLI) Final Rule	10/12/93	58 FR 52637	FCSIC Employees (5 CFR Ch. XXX) Final Rule	02/06/96	61 FR 4349	EEOC Employees (5 CFR Ch. LXII) Final Rule	07/08/97	62 FR 36447
IAF Employees (5 CFR Ch. LXIII) Final Rule	01/27/94	59 FR 3771	EEOC Employees (5 CFR Ch. LXII)	02/26/96	61 FR 7065	OPM Employees (5 CFR Ch. XXXV) Final Rule	08/11/97	62 FR 42897
5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	02/02/94	59 FR 4779	TVA Employees (5 CFR Ch. LXIX)	05/06/96	61 FR 20117	DOI Employees (5 CFR Ch. XXV)	10/16/97	62 FR 53713
NRC Employees (5 CFR Ch. XLVIII) Final Rule	04/13/94	59 FR 17457	DOE Employees (5 CFR Ch. XXIII)	07/05/96	61 FR 35085	DOI Employees (5 CFR Ch. XXV) Interim Final Rule Correction	04/15/98	63 FR 18501
FDIC Employees (5 CFR Ch. XXII) NPRM	07/12/94	59 FR 35480	FDIC Employees (5 CFR Ch. XXII) Amendment	07/09/96	61 FR 35915	DOI Employees (5 CFR Ch. XXV) Interim Final Rule Correction	04/24/98	63 FR 20447
NASA Employees (5 CFR Ch. LIX)	09/28/94	59 FR 49335	HUD Employees (5 CFR Ch. LXV)	07/09/96	61 FR 36246	DOI Employees (5 CFR Ch. XXV) Final Rule	06/24/98	63 FR 34258
FRTIB Employees (5 CFR Ch. LXXIV)	10/06/94	59 FR 50816	OPM Employees (5 CFR Ch. XXXV)	07/16/96	61 FR 36993	FTC Employees (5 CFR Ch. XLVII) Final Rule Amendments	08/12/98	63 FR 43069
Education Employees (5 CFR Ch. LIII)	01/30/95	60 FR 5816	HHS Employees (5 CFR Ch. XLV)	07/30/96	61 FR 39756	BGFRS Employees (5 CFR Ch. LVIII) Final Rule Amendments	12/08/99	64 FR 68615
Additional 5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	02/02/95	60 FR 6390	DOT Employees (5 CFR Ch. L)	07/31/96	61 FR 39901	DOL Employees (5 CFR Ch. XLII) Final Rule	12/30/99	64 FR 73852
OMB Employees (5 CFR Ch. LXXVII) Final Rule	03/07/95	60 FR 12396	FMSHRC Employees (5 CFR Ch. LXXIV)	07/31/96	61 FR 39869	USDA Employees (5 CFR Ch. LXXIII) Interim Final Rule	03/24/00	65 FR 15825
USPS Employees (5 CFR Ch. LX)	03/27/95	60 FR 15700	EPA Employees (5 CFR Ch. LIV)	08/02/96	61 FR 40500	USDA Employees (5 CFR Ch. LXXIII) Interim Final Rule Correction	04/20/00	65 FR 21239
Eximbank Employees (5 CFR Ch. LII)	04/07/95	60 FR 17625	NARA Employees (5 CFR Ch. LXVI)	08/05/96	61 FR 40505	USDA Employees (5 CFR Ch. LXXIII) Final Rule	10/02/00	65 FR 58635
FDIC Employees (5 CFR Ch. XXII)	04/25/95	60 FR 20171	Further Additional 5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	08/07/96	61 FR 40950	Treasury Employees (5 CFR Ch. XXI) Final Rule Amendments	02/01/01	66 FR 8505
Treasury Employees (5 CFR Ch. XXI) Final Rule	05/05/95	60 FR 22249	FERC Employees (5 CFR Ch. XXIV)	08/23/96	61 FR 43411	NASA Employees (5 CFR Ch. LIX) Final Rule Amendments	11/27/01	66 FR 59135
FCA Employees (5 CFR Ch. XXXI)	06/12/95	60 FR 30778	BGFRS Employees (5 CFR Ch. LVIII) Final Rule	10/16/96	61 FR 53827	DOT (FAA) Employees (5 CFR Ch. L) Final Rule Amendments	12/03/01	66 FR 60139
FCSIC Employees (5 CFR Ch. XXX)	06/12/95	60 FR 30773	FCC Employees (5 CFR Ch. XXIX)	10/31/96	61 FR 56109	Treasury (OCC) Employees (5 CFR Ch. XXI) Final Rule Amendments	07/17/02	67 FR 46840
HUD Employees (5 CFR Ch. LXV)	06/30/95	60 FR 34420	GSA Employees (5 CFR Ch. LVII)	11/01/96	61 FR 56399	USDA (FSA) Employees (5 CFR Ch. LXXIII) Final Rule Amendments	09/16/02	67 FR 58319
OPIC Employees (5 CFR Ch. XXXIII) Final Rule	07/21/95	60 FR 37555	DOL Employees (5 CFR Ch. XLII)	11/06/96	61 FR 57281	USDA (FSA) Employees (5 CFR Ch. LXXIII) Final Rule Amendments	11/04/02	67 FR 67089
USPS Employees (5 CFR Ch. LX) Final Rule	09/11/95	60 FR 47240	DOJ Employees (5 CFR Ch. XXVIII)	11/25/96	61 FR 59811	FDIC Employees (5 CFR Ch. XXII) Interim Final Rule Correction	06/17/97	62 FR 32859
FCA Employees (5 CFR Ch. XXXI) Final Rule	09/13/95	60 FR 47453	NSF Employees (5 CFR Ch. XLIII)	11/25/96	61 FR 59815	OPM Employees (5 CFR Ch. XXXV) Interim Rule Correction		
OGE Concurrence in FCA Employees (5 CFR Ch. XXXI) Final Rule	12/06/95	60 FR 62319	CPSC Employees (5 CFR Ch. LXXI)	12/13/96	61 FR 65457			
BGFRS Employees (5 CFR Ch. LVIII)	12/19/95	60 FR 65249	FDIC Employees (5 CFR Ch. XXII) Amendment	01/27/97	62 FR 3771			
Further 5 CFR 2635.403(a) and 2635.803 Grace Period Extension (by OGE)	12/27/95	60 FR 66857	NLRB Employees (5 CFR Ch. LXI)	02/12/97	62 FR 6445			
			DOJ Employees (5 CFR Ch. XXVIII) Final Rule	05/02/97	62 FR 23941			
			DOJ Employees (5 CFR Ch. XXVIII) Final Rule Correction	06/11/97	62 FR 31865			

## OGE

## Proposed Rule Stage

Action	Date	FR Cite
IMLS Employees (5 CFR Ch. LXVII) Interim Final Rule	04/14/03	68 FR 17877
EEOC Employees (5 CFR Ch. LXII) Final Rule Amendments	09/04/03	68 FR 52485
NEA Employees (5 CFR Ch. LV) Interim Final Rule	09/05/03	68 FR 52681
NEH Employees (5 CFR Ch. LVI) Interim Final Rule	09/05/03	68 FR 52682
DOD Employees (5 CFR Ch. XXVI) Final Rule Amendments	11/18/03	68 FR 64979
HHS Employees (5 CFR Ch. XLV) Interim Rule Amendments	02/03/05	70 FR 5543
SSA Employees (5 CFR Ch. LXXXI) NPRM	02/11/05	70 FR 7192
SSA Employees (5 CFR Ch. LXXXI) NPRM, Reopening of Comment Period	05/00/05	
Final Action	To Be Determined	

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

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**RIN:** 3209-AA15

**3374. 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.C., 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

Action	Date	FR Cite
Overall NPRM	09/11/95	60 FR 47208
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
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	09/00/05	
Final Rule Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.	11/00/05	
Proposed Additional Exemption Amendment	12/00/05	

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

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**RIN:** 3209-AA09

## Office of Government Ethics (OGE)

## Final Rule Stage

**3375. 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 Amend.—Increased Dollar Ceiling Except. for Nonsponsor Widely Attended Gatherings Gifts	03/11/05	70 FR 12111
Final Rule Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.	11/00/05	
Final Rule Removal of Obsolete In Lieu/Honoraria Provisions	12/00/05	
Overall Proposed Amendments to Standards of Ethical Conduct Regulation	03/00/06	

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

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**RIN:** 3209-AA04**3376. 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

## OGE

## Final Rule Stage

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
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.	11/00/05	
Final Rule Removal of Obsolete In Lieu/Honoraria Provisions	12/00/05	
Final Action	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 3209-AA13

**3377. 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.

**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 Restructure Regulation Provisions	02/14/00	65 FR 7275
Final Rule Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 3209-AA07

**3378. 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:** This interpretive regulation will give 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 final regulation is published, the old part 2637 regulation will be removed from the CFR.

## OGE

## Final Rule Stage

## Timetable:

Timetable:			Action	Date	FR Cite	Action	Date	FR Cite
<b>Action</b>	<b>Date</b>	<b>FR Cite</b>						
Interim Final Rule for One-Year Restriction of Section 207(c)	02/01/91	56 FR 3951	Exempted Senior Employee and Agency Separate Component Designation Update	05/16/97	62 FR 26915	Overall Final Rule	09/00/05	
Designation of Senior Employees and Separate Agency Components	01/28/92	57 FR 3115	Correction: Post-Employment Reg. Update	06/11/97	62 FR 31865	Final Rule Amendment to Clarify OGE Intent on Sole & Exclusive Agency Authority Conferred Under Reg.	11/00/05	
Designation of Additional Separate Agency Component	04/07/92	57 FR 11673	Agency Separate Component Designation Update	02/05/99	64 FR 5709			
Amendment to Prior Post-Employment Regulation (Part 2637)	12/31/92	57 FR 62467	Agency Separate Component Designation Update Final Rule	01/30/03	68 FR 4681	<b>Regulatory Flexibility Analysis Required:</b> No		
Amendment to Interim Final Rule (Part 2641)	06/21/93	58 FR 33755	Overall NPRM	02/18/03	68 FR 7843	<b>Government Levels Affected:</b> Federal		
Technical Amendment to Authority Citation of 5 CFR Part 2637	12/30/93	58 FR 69176	Correction to Overall NPRM	03/31/03	68 FR 15385	<b>Agency Contact:</b> Richard M. Thomas, Associate General Counsel, Office of Government Ethics, Suite 500, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917		
Technical Amendments to Interim Final Rule	07/07/94	59 FR 34755	Overall NPRM Comment Period End	05/19/03		Phone: 202 482-9300		
			Agency Separate Component Designation Update Final Rule	11/23/04	69 FR 68053	TDD Phone: 202 482-9293		
			Agency Separate Component Designation Update Final Rule	06/00/05		Fax: 202 482-9237		
						<b>RIN:</b> 3209-AA14		
						[FR Doc. 05-6001 Filed 05-13-05; 8:45 am]		
						<b>BILLING CODE</b> 6345-02-S		