

Rules and Regulations

Federal Register

Vol. 64, No. 177

Tuesday, September 14, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

ADVISORY COMMITTEE ON FEDERAL PAY

5 CFR Chapter IV

Removal of CFR chapter

Effective January 25, 1991, the Advisory Committee on Federal Pay was terminated. Therefore, the **Office of the Federal Register** is removing ACFP regulations pursuant to its authority to maintain an orderly system of codification under 44 U.S.C. 1510 and 1 CFR part 8.

Accordingly, 5 CFR is amended by removing parts 1400 through 1499 and vacating Chapter IV.

[FR Doc. 99-55530 Filed 9-13-99; 8:45 am]
BILLING CODE 1505-01-D

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2634

RIN 3209-AA00

Revisions to the Public Financial Disclosure Gifts Waiver Provision

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule amendments.

SUMMARY: The Office of Government Ethics is amending portions of the executive branch regulation which allows the OGE Director to grant a waiver of certain gift disclosure requirements for filers of the public financial disclosure report form, SF 278. The amendments permit the grant of a waiver in appropriate cases, if the basis of the relationship between the grantor and grantee of a gift and the motivation behind a gift are personal. The changes also clarify that the cover letter requesting a waiver will be publicly available if the Director of OGE approves the waiver request, either in whole or in part. Additionally, the

amendments expressly require that a description of the gift and its value be included in a waiver request. Finally, the changes explicitly require that the information required to be in a waiver request pertaining to the donor must include the necessary information for each donor when a gift has multiple donors.

EFFECTIVE DATE: October 14, 1999.

FOR FURTHER INFORMATION CONTACT: Judy H. Mann, Attorney-Advisor, or Norman B. Smith, Senior Associate General Counsel, Office of Government Ethics; telephone: 202-208-8000; TDD: 202-208-8025; FAX: 202-208-8037.

SUPPLEMENTARY INFORMATION: On May 13, 1999, OGE published proposed minor amendments to the executive branch regulation which requires the disclosure of certain gifts received by the filers of the Standard Form (SF) 278 Public Financial Disclosure Report forms, their spouses, and their dependent children. See 64 FR 25849-25851. After a 60-day comment period, no outside comments from the public or agencies were received. Therefore, OGE is publishing the proposed amendments, subject to a few minor modifications that OGE has decided to make, as a final rule, effective October 14, 1999. A summary of the amendments follows.

Under 5 CFR 2634.304, and 5 U.S.C. app., section 102(a)(2) of the Ethics in Government Act, a person who files an SF 278 is required to report certain gifts that he, his spouse, or his dependent child receives. Section 2634.304, as authorized by the Ethics Act, permits a filer not to disclose certain gifts if the filer receives a waiver from OGE. These final rule amendments to OGE's financial disclosure regulation permit the OGE Director to grant a waiver of reporting if he determines that the basis of the relationship between the grantor and the grantee and the motivation behind the gift are "personal," rather than "entirely personal," provided that no countervailing public purpose requires public reporting. In addition, the final amendments will provide a few technical clarifications. First, the amendments clarify at § 2634.304(f)(2) that the public can access the cover letter of a waiver request for which the Director of OGE has granted full or partial approval. Second, new § 2634.304(f)(3)(ii)(D) will require the filer explicitly to include both a

description of the gift and its value in the waiver request. Finally, under § 2634.304(f)(3)(iii) as revised, a filer must provide the required information with respect to each donor of the gift.

The Office of Government Ethics has determined on its own to make a few minor adjustments which will further clarify the rule. First, we are now amending the passage in the introductory text of § 2634.304(f)(1), which states that a gift for which a waiver is granted "need not be aggregated under this section by public filers," to state that "the value of a gift as defined in § 2634.105(h) need not be aggregated for reporting threshold purposes under this section by public filers, and therefore the gift need not be reported on an SF 278" if a waiver is granted. The revised language will help clarify the relationship between aggregation and reporting by stating that the waiver of the requirement for SF 278 filers to aggregate a gift has the effect of waiving the requirement to report the gift, since gifts are only reportable if they aggregate more than the dollar value threshold from any single source. The new wording also reemphasizes that the waiver procedure applies to filers of SF 278s rather than filers of the OGE Form 450. Because the OGE Form 450 is nonpublic, no purpose would be served by a procedure for waiving public disclosure of information which they contain. In the final minor technical modification, the language as proposed in paragraph ii of the new example to paragraph (f)(1) of § 2634.304 will be changed from stating that "the Director of OGE will consider a request for a waiver of reporting for each of these gifts" to "the Director of OGE may grant a request for a waiver of the requirement to aggregate and report on an SF 278 each of these gifts." This new language will clarify that the waiver is for the requirement to aggregate and report on an SF 278 and that the Director, depending on the facts, may grant a waiver request for each particular gift.

Matters of Regulatory Procedure

Executive Order 12866

In promulgating these final rule amendments, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866,