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OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2600

Organization and Functions of the Office of Government Ethics

AGENCY: Office of Government Ethics.

ACTION: Final rule.

SUMMARY: This rule describes the basic organization and functions of the Office of Government Ethics (OGE). It is necessitated because OGE, which was formerly a part of the Office of Personnel Management (OPM), became a separate executive branch agency on October 1, 1989. The purpose of this rule is to make information related to the fundamental organization and functions of OGE readily available to the public and to other Federal agencies.

EFFECTIVE DATE: September 28, 1990.

ADDRESSES: Any comments on this document may be sent to: the Office of Government Ethics, suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, Attention: Ms. Powell.

FOR FURTHER INFORMATION CONTACT: Laurie A. Powell, Office of Government Ethics, telephone (202/FTS) 523-5757, FAX (202/FTS) 523-6325.

SUPPLEMENTARY INFORMATION:

A. Substantive Discussion

On October 1, 1989, in accordance with sections 3 and 10(b) of its 1988 reauthorization legislation (Pub. L. 100-598, 102 Stat. 3031, 3035), the Office of Government Ethics became a separate agency in the executive branch of the United States Government. See 5 U.S.C. appendix IV, section 401. OGE was formerly part of the Office of Personnel Management. In December 1989, OGE established its own chapter XVI of title 5 of the Code of Federal Regulations, as assigned by the Office of the Federal Register, for OGE's rules, regulations

and general statements of policy. See 54 FR 50229-50231 (Dec. 5, 1989).

In this document, the Office of Government Ethics is issuing a short rule describing its basic organization and functions as a separate executive agency. The rule consists of three sections. Section 2600.101 briefly describes the origin and purpose of OGE in the 1978 Ethics in Government Act and its recent separate agency status. In section 2600.102, the current Washington, DC office address of OGE is given, and the fact that OGE does not have any regional offices is stated. The last section, § 2600.103 of this rule, describes the functions of the five OGE offices—the Office of the Director, the Office of the General Counsel, the Office of Monitoring and Compliance, the Office of Education, and the Office of Administration.

B. Procedural Matters

Administrative Procedure Act

As Director of the Office of Government Ethics, I have determined that this regulation solely concerns matters of Federal agency organization and procedure. Thus, it is exempt from the notice and opportunity for public comment and delayed effective date requirements of the Administrative Procedure Act, 5 U.S.C. 553.

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. Thus, no Regulatory Flexibility Act (5 U.S.C. chapter 6) analysis is required.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply since this regulation does not impose any information collection requirements requiring Office of Management and Budget approval thereunder.

List of Subjects in 5 CFR Part 2600

Conflict of interests, Government employees, Organization and functions (Government agencies).

Approved: September 24, 1990.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, pursuant to its authority under the Ethics in Government Act, the Office of Government Ethics is adding

the text of and an authority citation for 5 CFR part 2600, previously reserved, and is revising the title thereof to read as follows:

PART 2600—ORGANIZATION AND FUNCTIONS OF THE OFFICE OF GOVERNMENT ETHICS

Sec.

2600.101 Statement of the history and purpose of the Office of Government Ethics.

2600.102 Office of Government Ethics address.

2600.103 Office of Government Ethics divisions; functions.

Authority: 5 U.S.C. appendixes III, IV; E.O. 12874.

§ 2600.101 Statement of the history and purpose of the Office of Government Ethics.

The U.S. Office of Government Ethics (OGE) is an executive branch agency which is responsible for overseeing and providing guidance on Government ethics for the executive branch, including the ethics programs of executive departments and agencies. OGE was created by the Ethics in Government Act ("the Act") of 1978, Public Law No. 95-521, as amended. OGE was originally part of the Office of Personnel Management (OPM). Public Law No. 100-598 of November 3, 1988, provided for OGE's separate agency status, effective October 1, 1989. The Act created OGE to provide overall direction for executive branch policies designed to prevent conflicts of interest and to help insure high ethical standards on the part of agency officers and employees. Pursuant to the Ethics Reform Act of 1989 (Public Law No. 101-194), as revised by the technical amendments of May 4, 1990 (Public Law No. 101-280), OGE is the "supervising ethics office" for the executive branch for various purposes, including public and confidential financial disclosure reporting by executive agency officials. OGE also has various Government ethics guidance responsibilities under Executive Order 12874 of April 12, 1989, "Principles of Ethical Conduct for Government Officers and Employees" (3 CFR 1989 Compilation, pp. 215-218).

§ 2600.102 Office of Government Ethics address.

The Office of Government Ethics is located at suite 500, 1201 New York

Avenue NW., Washington, DC 20005-3917. OCE has no regional offices.

§ 2600.103 Office of Government Ethics divisions; functions.

(a) The Office of Government Ethics is divided into the following offices:

- (1) The Office of the Director;
- (2) The Office of the General Counsel;
- (3) The Office of Monitoring and Compliance;

- (4) The Office of Education; and
- (5) The Office of Administration.

(b) *The Office of the Director.* The Director of the Office of Government Ethics is appointed by the President and confirmed by the Senate. The responsibilities of the OGE Director include: Advising the White House and executive branch Presidential appointees on Government ethics matters; maintaining ethics liaison with and providing guidance on ethics to executive branch departments and agencies; providing ethics liaison to the Congress; responding to public and press inquiries on ethics; and overseeing and coordinating all OGE rules, regulations, formal advisory opinions and major policy decisions. The OGE Deputy Director is also attached to this office and assists the Director in carrying out OGE's responsibilities, including serving as Acting Director in the absence of the Director.

(c) *The Office of the General Counsel.* The responsibilities of the OGE Office of the General Counsel include: Developing regulations and approving executive agency implementation under conflict of interest laws, administrative standards of conduct, post-Government employment restrictions, and public and confidential financial disclosure reporting; initiating executive branch administrative ethics corrective actions; reviewing public financial disclosure statements of advice-and-consent Presidential executive branch nominees, to identify and resolve conflicts; advising the OGE Director whether to approve and reviewing the ongoing administration of executive branch Ethics in Government Act qualified trusts; issuing certificates of divestiture; providing informal ethics advisory opinions/advice; participating in training and public forums on ethics; monitoring and providing technical assistance on legislative Government ethics initiatives; making Freedom of Information Act and Privacy Act determinations for OGE; facilitating executive agency referrals of criminal conflict of interest violations to the Department of Justice; and advising on executive agency exemptions and designations under 18 U.S.C. 207 and 208.

(d) *The Office of Monitoring and Compliance.* The responsibilities of the OGE Office of Monitoring and Compliance include: auditing the ethics programs in executive branch departments and agencies, regional offices and military bases to insure compliance with ethics regulations and requirements; monitoring compliance with ethics agreements made by Presidential executive branch appointees requiring Senate advice and consent, and reviewing their annual and termination SF 278 financial disclosure reports, as well as assisting in the review of their nominee reports; reviewing executive agency designations pursuant to 18 U.S.C. 207; participating in training and public forums on ethics; and providing advice, review and liaison to the executive agencies on all ethics administrative matters pursuant to a desk officer system which the office operates.

(e) *The Office of Education.* The responsibilities of the OGE Office of Education include: providing information on and promoting understanding of ethical standards through training courses for executive agency ethics practitioners and development of instructional materials, such as the *Government Ethics Newsgram*, handbooks and videotapes; carrying out the mandate of Executive Order 12874 to develop and disseminate an ethics reference manual for executive branch employees; coordinating on required annual executive agency ethics training plans and annual agency ethics program reports, including a yearly ethics survey; and providing liaison with the public and outside groups such as non-profit and educational organizations, as well as officials of state, local and foreign governments to promote understanding of Government ethics.

(f) *The Office of Administration.* The Office of Administration is responsible for providing and coordinating essential administrative support services to all OGE operating programs and divisions. These intra-agency functions include: Personnel; payroll; fiscal resource management; facilities management; procurement, records and property management; publishing and distribution; printing; management information systems support; library; personnel security; and funding mandatory overhead expenses necessary for the operation of OGE.

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document amends the delegations of authority from the Secretary of Agriculture to the Assistant Secretary for Administration and from the Assistant Secretary for Administration to the Director, Office of Operations, to facilitate reporting information to the Internal Revenue Service in accordance with section 6050M of the Internal Revenue Code of 1986.

EFFECTIVE DATE: September 28, 1990.

FOR FURTHER INFORMATION CONTACT: Joseph J. Daragan, Procurement Analyst, Procurement Division, Office of Operations, United States Department of Agriculture, Washington, DC 20250, 202-447-5729.

SUPPLEMENTARY INFORMATION: The delegations of authority of the Department of Agriculture are amended to facilitate reporting information to the Internal Revenue Service in accordance with 26 U.S.C. 6050M and 26 CFR 1.6050M-1.

Section 6050M of the Internal Revenue Code of 1986 (26 U.S.C. 6050M) requires the head of every Federal executive agency to file an information return with the Department of the Treasury reporting the name, address, and Taxpayer Identification Number (TIN) of each person with whom the executive agency enters into a contract, together with any other information required by the Secretary of the Treasury. This return shall be made at such time and in such a manner as the Secretary of the Treasury may by regulation prescribe. By final rule dated December 8, 1989, the Internal Revenue Service prescribed reporting requirements governing the submission of such information returns. The regulations provide that the authority to submit the return and to execute the written verification ("jurat") which accompanies the return may be delegated by the agency head. 26 CFR 1.6050M-1(a); 26 CFR 1.6050M-1(d)(5).

Federal executive agencies may elect to have the Director of the Federal Procurement Data Center (FPDC) make information returns to the Internal Revenue Service on their behalf. The regulations allow this alternate method of filing if the agency reports all the information required for the information