



United States  
**Office of Government Ethics**  
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MEMORANDUM FOR DESIGNATED AGENCY ETHICS OFFICIALS

FROM: STEPHEN D. POTTS  
DIRECTOR

SUBJECT: Developing written procedures for the public and confidential financial disclosure systems

Pursuant to Section 402(d) (1) of the Ethics in Government Act of 1978, as amended, the Director of OGE is required to ensure that each executive branch agency establish written procedures for collecting, reviewing, evaluating, and where applicable, making publicly available, financial disclosure reports filed by the agency's officers and employees. This memorandum provides guidelines for developing written procedures required by that section.

Written procedures must be consistent with the new uniform regulation on financial disclosure (57 FR 11800-11830, of April 7, 1992). Agencies may develop a single set of procedures covering the public and confidential financial disclosure systems, or separate procedures for each system. The procedures should also cover any alternative or supplemental reporting formats approved by OGE. Additionally, agencies should describe any special procedures to be used by component organizations, bureaus, regional and field offices. Agencies should address the following topics in these written procedures:

- Identifying incumbent, new entrant and termination (public reports only) report filers, including a determination of who will be responsible for identifying filers and maintaining and updating master listings of filers. For the confidential system, identifying officials who will designate positions for filing and how the designations will be documented.
- Distributing blank report forms (SF 278 and SF 450).
- Filing instructions. (Where and when to file reports, including any internal agency due dates).
- Identifying who filers should contact for assistance in completing the reports.
- Requesting and granting individual filing extensions from the agency and OGE and announcing blanket extensions for groups of employees or the entire agency.
- Granting exclusions from the filing requirements, including how to obtain approval from OGE for exclusions from the public financial disclosure requirements.
- Designating officials authorized to review and certify reports.

- Reviewing process (i.e. for completeness, conflicts of interest, violations of law, regulation or executive order).
- Levels of review and approval.
- Obtaining additional information from the filer when the report is incomplete, ambiguous, or raises conflict of interest issues and establishing an allowable timeframe within which the filer must provide the additional information.
- Amending and revising reports based on additional information obtained from the filer.
- Maintaining custody of reports.
- Providing for public access to public financial disclosure reports and security for confidential financial disclosure reports.
- Requiring remedial actions to resolve conflicts of interest or violations of laws, regulations or executive orders.
- Pursuing administrative or disciplinary actions where appropriate.
- Following-up on delinquent reports.
- Collecting the \$200 late filing fee and requesting waivers of the \$200 late filing fee (public reports only).

Agencies are not required to submit these procedures for OGE review or approval. Additionally, because these written procedures should establish the agency's internal procedural guidance, they should not be submitted to OGE as part of any agency supplemental regulations to the uniform financial disclosure regulation to be codified at 5 C.F.R. Part 2634 (57 FR 11800-11830, April 7, 1992) or the standards of conduct to be codified at 5 C.F.R. Part 2635 (57 FR 35006-35067, August 7, 1992). In most cases, these written procedures should eliminate the need for supplemental regulations.

Please note that each agency's written procedures will be examined during OGE's agency ethics program reviews in order to ensure that they are in conformance with all applicable laws, regulations and executive orders as required by the Act. However, each agency will determine who will issue these procedures, the format that will be used and who should receive them. You may direct any questions on developing these internal written procedures to your OGE desk officer.