



United States
Office of Government Ethics
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May 10, 1994
DO-94-026

MEMORANDUM

TO: Designated Agency Ethics Officials and General Counsels

FROM: Stephen D. Potts
Director

SUBJECT: Reporting Period For Incumbent Public Financial Disclosure Reports

For the incumbent SF 278 reports due May 15, 1994, the statute and instructions to the form specify that the applicable reporting period is generally the entire previous calendar year, 1993. There are exceptions. For Schedule B (relating to transactions and gifts) the reporting period does not include the portion of the previous calendar year during which the filer was not a Government employee. Further, for Schedule C Part II (relating to agreements or arrangements) and Schedule D Part I (relating to positions) the reporting period runs from the beginning of the preceding calendar year until the date of filing.

Recently, however, questions have been raised concerning the wording of 5 C.F.R. § 2634.308(a) (relating to reporting by incumbents). The wording of that provision is unsatisfactory and has at times been interpreted in a manner at variance with the reporting period summary contained in the preceding paragraph. OGE will revise section 308(a) so that it clearly reflects applicable law.

During the interim period, and particularly in light of the fast approach of May 15, we wish to lessen any inconvenience this regulation may have caused any affected reporting individuals. Accordingly, Designated Agency Ethics Officials are encouraged to liberally grant a 45-day extension for filing to any reporting individual who filed a new entrant report during 1993 and requests an extension due to misunderstandings concerning the application of rules relating to reporting periods for incumbent reports. Alternatively, a reporting individual who filed a new entrant report during 1993 may, for this reporting cycle, use a reporting period that begins on the day following the date on which the reporting period for the individual's new entrant report ended. A report filed under this alternative, when read in conjunction with the individual's new entrant report filed in 1993, will still provide the required information for calendar year 1993, albeit in a slightly different format. Further the May 15th filing must clearly indicate in the "Calendar Year Covered" box on page 1 of the form, the exact dates of the reporting period used.

In the case of this partial calendar-year alternative, reviewing officials should examine the new entrant report in conjunction with their review of the May 15th filing and those requesting public access to that filing should, in addition, be given notice that they might wish to request a copy of the new entrant report, because both are needed to have financial information covering the entire calendar year period.