

plans a more thorough revision of the form in the next year or two.

**DATES:** Comments by the agencies and the public on this proposal are invited and must be received by July 28, 2003.

**ADDRESSES:** Comments should be sent to Ms. Allison Eydt, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503; Telephone: 202-395-7316; FAX 202-395-6974.

**FOR FURTHER INFORMATION CONTACT:**

Mary T. Donovan at the Office of Government Ethics; Telephone: 202-208-8000, ext. 1185; TDD: 202-208-8025; FAX: 202-208-8037. A copy of a blank SF 278 and the rest of the OGE submission package to OMB may be obtained, without charge, by contacting Ms. Donovan. Also, a copy of a blank SF 278 is available through the Forms, Publications & Other Ethics Documents section of OGE's Web site at [www.usoge.gov](http://www.usoge.gov).

**SUPPLEMENTARY INFORMATION:** The Office of Government Ethics has submitted to OMB the unmodified Standard Form 278 Executive Branch Personnel Public Financial Disclosure Report (OMB control number 3209-0001) for extension of OMB approval for three years under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The current paperwork approval for the SF 278 is scheduled to expire at the end of June 2003. Since, for now, no modification to this standard form is being proposed, OGE will not seek any General Services Administration (GSA) standard forms clearance for this extension.

The Office of Government Ethics, as the supervising ethics office for the executive branch of the Federal Government under the Ethics in Government Act (the Ethics Act), is the sponsoring agency for the Standard Form 278. In accordance with section 102 of the Ethics Act, 5 U.S.C. app. § 102, and OGE's implementing financial disclosure regulations at 5 CFR part 2634, the SF 278 collects pertinent financial information from certain officers and high-level employees in the executive branch for conflicts of interest review and public disclosure. The financial information collected under the statute and regulations relate to: assets and income; transactions; gifts, reimbursements and travel expenses; liabilities; agreements or arrangements; outside positions; and compensation over \$5,000 paid by a source—all subject to various reporting thresholds and exclusions.

The Office of Government Ethics notes two changes (discussed below)

affecting the content of SF 278s. The first change concerns the recent adjustments in the gifts/reimbursements reporting thresholds. The second change involves the routine uses as paraphrased in the Privacy Act Statement of the form that have been revised in 2003. *See* 68 FR 2923-2929 (January 22, 2003) and 68 FR 3097-3109 (pt. II) (January 22, 2003), as corrected at 68 FR 24744 (May 8, 2003). For now, OGE is proposing no revisions to the SF 278, but rather asks that executive branch departments and agencies inform SF 278 filers, through cover memorandum or otherwise, of these two changes when the existing March 2000 edition of SF 278 report forms are provided for completion. In addition, information regarding these changes is being posted on OGE's Web site.

Effective January 1, 2002, GSA raised "minimal value" under the Foreign Gifts and Decorations Act, 5 U.S.C. 7342, to \$285 or less for the three-year period 2002-2004. *See* 67 FR 56495-56496 (September 4, 2002). As a result, OGE has advised agencies and revised its financial disclosure regulations to reflect the increase in the thresholds for SF 278 reporting of gifts and travel reimbursements received from any one source to "more than \$285" for the aggregation level for reporting and to "\$114 or less" for the *de minimis* aggregation exception threshold. These Ethics Act reporting thresholds are tied to any adjustment in foreign gifts minimal value over \$250 (*see* 5 U.S.C. app. § 102(a)(2)(A) & (B)). *See* OGE's September 27, 2002 memorandum to designated agency ethics officials (DO-02-021) and 67 FR 61761-61762 (October 2, 2002). Both the GSA and OGE rulemakings and OGE's memorandum are posted on the OGE Web site.

In addition, OGE updated the OGE/GOVT-1 system of records notice (covering SF 278 Public Financial Disclosure Reports and other name-retrieved ethics program records). As a result, the Privacy Act Statement, which includes paraphrases of the routine uses on page 11 of the instructions on the SF 278 is affected. A summary of the changes relevant to that SF 278 statement has been prepared for inclusion with the paperwork clearance submission to OMB. OGE will advise departments and agencies of the Privacy Act Statement changes without further paperwork clearance.

During the 107th Congress, a bill (S. 1811) was introduced to amend the Ethics in Government Act of 1978 (5 U.S.C. app.) to streamline the financial disclosure process for executive branch employees. Congress did not enact S.

1811. A new bill (S. 765), similar to S. 1811, has been introduced in the 108th Congress. If Congress enacts S. 765 or like legislation, the public financial disclosure requirements will change, and the SF 278 report form will have to be revised accordingly. At that time, OGE would seek paperwork renewal from OMB and standard form clearance from GSA for a revised SF 278.

For now, OGE will continue to make the unmodified SF 278 available to departments and agencies and their reporting employees through the Forms, Publications & Other Ethics Documents section of OGE's Web site. This allows employees two different fillable options for preparing their report on a computer (in addition to a downloadable blank form), although a printout and manual signature of the form are still required unless specifically approved otherwise by OGE. The SF 278 form is also available for purchase by agencies from GSA Customer Supply Centers (*see* OGE's November 15, 2000 memorandum to designated agency ethics officials (DO-00-042)) and fillable versions are now posted on the forms library of GSA's own Web site at [www.gsa.gov](http://www.gsa.gov).

The SF 278 is completed by candidates, nominees, new entrants, incumbents and terminees of certain high-level positions in the executive branch of the Federal Government. The Office of Government Ethics, along with the agencies concerned, conducts the review of the SF 278 reports of Presidential nominees subject to Senate confirmation. This group of nominee reports, together with those of terminees from such positions who may file after leaving the Government and private citizen candidates for President and Vice President, form the basis for OGE's paperwork estimates in this notice.

In light of OGE's experience over the past three years (1999-2001), the estimate of the total number, on average, of such filers' SF 278 forms expected to be filed annually at OGE by private citizens (as opposed to current Federal employees) is 449. (The 2002 figures are not yet available.) This estimated number is based on the forms processed at OGE by private citizen Presidential nominees to positions subject to Senate confirmation (and their private representatives—lawyers, accountants, brokers and bankers) and those who file termination reports from such positions after their Government service ends, as well as Presidential and Vice Presidential candidates who are private citizens. The OGE estimate covers the next three years, 2003-2005, including a significant increase in reports anticipated with the fall 2004