**Summary of OGE Form 278e Comments**

In the last review and clearance for the OGE Form 278e, the Office of Management and Budget, Office of Information and Regulatory Affairs (OIRA), directed the Office of Government Ethics (OGE) to incorporate public feedback that will improve the clarity and efficiency of this collection and update OIRA every six months until OGE makes a final determination, in consultation with OMB, regarding updates to the collection.

OGE created an action plan to capture and evaluate public and stakeholder feedback from a variety of sources. During the implementation of this plan, OGE received comments from OGE employees, agency ethics officials, a member of the public, a good government group, and a Senator’s office.

OGE thoroughly considered each comment submitted. OGE accepted those suggested changes that improve clarity and efficiency of this collection. OGE rejected other suggested changes due to a lack of statutory or regulatory authority, adequate budget resources, or agency support.

The following is a summary of the comments received and their disposition:

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| **Commenter** | **Suggestion** | | **Disposition** |
| Project on Government Oversight (POGO) | A field should be added to the OGE Form 278e indicating if a filer has been provided a “Conflict of Interest Waiver.” The rationale is that, although the statute grants the public access to written waivers exempting executive branch employees from certain restrictions (18 USC § 208) it is difficult for the public to exercise this right without knowing who has received a waiver. | | OGE declines to make this change due to OGE’s lack of regulatory authority. Alternatively, OGE has revised OGE GOVT-1 to allow OGE to list the names of certain conflicts of interest waiver recipients to address this transparency concern. |
| Project on Government Oversight (POGO) | A field should be added to the OGE Form 278e that assigns each filer with a unique ID code that is displayed on the form that would follow the filer across positions/agencies. The rationale is that this ID code is a way to help the public quickly find all reports for a particular filer. | | OGE declines to make this change because it is not required by statute, commentors raised privacy concerns, and it would be complicated to implement on an executive branch-wide scale.  OGE received many negative responses to the suggestion during the public sessions. Respondents noted that the STOCK Act of 2012 originally provided for a searchable database and the ability to cross reference a filer’s reports, however, these provisions were later rescinded based on privacy concerns. |
| Project on Government Oversight (POGO) | A field should be added to the OGE Form 278e that displays the type of appointment on the cover. The change would enhance the public’s understanding of what they might expect to see on a report. (e.g. Senior non-career employees are subject to restrictions that limit outside earned income, and in some cases prohibit it altogether). | OGE accepts this change because it is beneficial to the public. The added field appears on the cover of the revised form. | |
| Project on Government Oversight (POGO) | A field should be added to the OGE Form 278e that displays the date of appointment. This change would reveal when a filer was serving in a public filing position. | OGE accepts this change because it is beneficial to the public. The field appears on the cover of the revised form. | |
| Senator’s inquiry and individual briefing | A request was made to identify the purchaser when a business is sold. | OGE declines to make this change because it would require a change to the statute. However, if the filer is owed money from the sale of a business, the receivable of that money and the identity of the debtor would be reportable as an asset. OGE has added an example of the [sale of a business in exchange for a note](https://www.oge.gov/web/278eGuide.nsf/Part_2#Small_Business_installment_sale:~:text=for%20such%20interests.-,Small%20Business%20(installment%20sale),-Report%20in%20Part) to the reporting guidance on the OGE website. | |
| Agency comments during public and agency sessions | Clarify the definition of “Excepted Investment Fund (EIF)” as it pertains to mutual funds and exchange traded funds. This change would provide added clarity to the public and lessen the burden for agency reviewers and filers. | OGE accepts this change because it is beneficial to the public. The revised form includes added language to the definition of EIF that states, “All mutual funds and exchange traded funds are excepted investment funds.” | |
| Agency written comments and comments received during public and agency sessions | Clarify the definition of “received” as it applies to EIFs. This change would provide added clarity to the public. | OGE declines to make this change. The issue is too complicated to be covered in the limited space of the form instructions. However, OGE provides comprehensive guidance in the [Public Financial Disclosure Guide](https://www.oge.gov/web/278eGuide.nsf/Introduction), “[Received](https://www.oge.gov/web/278eGuide.nsf/Definitions#:~:text=search%20engine%2C%20EDGAR.-,Received,-General%20Rule)”. | |
| Agency written comments and comments received during public and agency sessions | Clarify instructions as they pertain to the reporting requirements of a filer’s employment assets and income, retirement accounts and exclusion of personal identifiable information (PII) in Part 2 reporting. This change would provide added clarity and lessen the burden for filers and agency reviewers during the reporting and review process. | OGE accepts this change and adds clarifying instructions of what to report and the value threshold as they pertain to a filer’s IRA and employment retirement plans. OGE also adds a reminder of what specific PII should be excluded while reporting: “Do not include account numbers or family member’s names.” | |
| Agency written comments and comments received during public and agency sessions | Clarifying instructions as it pertains to the reporting requirements of a Spouse’s employment assets and income, retirement accounts and exclusion of PII in Part 5 reporting. This change would provide added clarity and lessen the burden for filers and agency reviewers during the reporting and review process. | OGE accepts this change and adds a clarifying instruction of what to report and the value threshold as it pertains to a filer’s IRA and employment retirement plans. OGE also adds a reminder of what specific PII should be excluded while reporting: “Do not include account numbers or family member’s names.” | |
| Agency written comments and comments received during public and agency sessions | Clarifying instructions that specific types of assets **are not reportable,** such as inventions, patents, and other intellectual property that a filer may have assigned to the Federal government. This change would provide added clarity and lessen the burden for filers and agency reviewers during the reporting and review processes. | OGE declines to make this change as it is too specific and could lead to underreporting of certain assets. | |
| Agency written comments and comments received during public and agency sessions | OGE has solicited and previously received comments concerning returning to the binary format “Yes or No” and eliminating “N/A” as it pertains to identifying an asset as an EIF. This change may provide some clarity to the public and agency reviewers. | OGE declines to make this change based on the financial and filing burden to current filers who would have to update their prepopulated reports based on new guidance and the financial and training burden to OGE and the agencies to update both guidance and electronic filing systems. | |
| Agency written comment | Restructuring OGE Form 278e to the pre-2012 (SF-278) in which Parts 2, 5 and 6 are combined into one Part. The rationale is that reverting the form back would provide filers some privacy as to whether an asset is owned by the filer, the spouse or dependent child and would eliminate any confusion as to where retirement plans and accounts should be reported. The agency asserts that separation of the assets into specific parts does not impact the overall conflicts analysis. | OGE declines to make this change because of the benefits of the current reporting structure and the financial burden that would result from the change. OGE believes it is helpful to reviewers and the public to have separate sections for the filer and the spouse for employment and retirement assets and income. In addition, it is cost prohibitive to update any electronic filing system for the form, including OGE’s governmentwide system *Integrity*. | |
| Agency written comment | Clarify the instructions for Part 6 of the necessary requirement to identify underlying holdings of 529 plans, brokerage, and managed accounts.  This change would ease the burden for agency reviewers and provide additional guidance to filers. | OGE accepts this change and adds a specific directive note to the instructions for Part 6. | |
| Agency written comment | Change the *Integrity* format as it pertains to Part 7 to identify both electronically and in hard copy whether the filer or the filer’s spouse initiated a transaction. This change would provide clarity to the public. | OGE declines to make this change as the information sought is not required by statute and raises considerable privacy concerns. | |