U. S. OFFICE OF GOVERNMENT ETHICS
SUPPORTING STATEMENT FOR OGE FORM 278E
EXECUTIVE BRANCH PERSONNEL PUBLIC FINANCIAL DISCLOSURE REPORT
JULY 2024

A. Justification

1.-2. Explain the circumstances that make the collection of information necessary. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The OGE Form 278e collects information from certain officers and high-level employees in the executive branch for conflicts of interest review and public disclosure. The form also collects information from individuals who are nominated by the President for high-level executive branch positions requiring Senate confirmation and individuals entering into and departing from other public reporting positions in the executive branch. The information is collected in accordance with 5 U.S.C. 13104 and OGE's implementing financial disclosure regulations at 5 CFR part 2634. The information collected relates 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.

OGE has approval for five versions of the Form 278e: a PDF version, an Excel version, an electronic version called *Integrity*, a Chinese language version, and a Spanish language version. The translated versions are intended to be informational only, to allow more members of the public to understand the content of filers' public reports. The version of the Form 278e that is produced by *Integrity* is a streamlined output report format that presents only the filer's inputs in given categories and does not report other categories not selected by the filer. It is this output report that is made available to the public in PDF form. Most public disclosure filers now use *Integrity* to file the OGE Form 278e. However, OGE also continues to maintain an Excel version of the form and a 508 compliant PDF version accessible to users who use screen readers to access and interact with digital information.

OGE seeks renewal of the OGE Form 278e with several modifications. OGE sought and received input from a variety of stakeholders before proposing these modifications. Comments submitted by the public in response to the Federal Register notices published during the last renewal in 2021 were reconsidered. In addition, OGE solicited and received additional comments from OGE employees, agency ethics officials (who are the individuals responsible for reviewing the completed forms for potential conflicts of interest), interested Congressional offices, and the public. On January 19, 2023, OGE held a public meeting to discuss potential changes to the OGE Forms 450 and 278e and accepted written comments in lieu of appearing in-person. See 87 FR 73766 (Dec. 1, 2022).

OGE considered each comment submitted. The proposed modifications discussed below incorporate the suggested changes that OGE believes will provide added clarity and value to the financial disclosure process. OGE is declining to make other suggested changes at this time due to OGE's lack of regulatory authority to make such changes, lack of interest by the affected agencies, and/or the associated costs to *Integrity*.

The proposed modifications are described below. These changes apply to the English language versions of the form only; OGE will update its Spanish and Chinese instructional versions at a later date.

Changes to all English Versions (Excel, PDF, and Integrity)

OGE proposes to add a question for all filers regarding their type of appointment. The options offered are "PAS," "Non-Career," and "Career." The information may be provided by the filer or by their agency. This information will appear on the cover page. This change was requested by a good government group in order to help the public understand the filer's potential conflicts. One of the primary purposes of the public financial disclosure report is to allow the public to understand any potential conflicts of interest the filer might have. Knowing the filer's type of appointment is important to this understanding because different types of officials have different ethics requirements.

OGE also proposes to identify the date of appointment on the cover page of reports for all filers other than nominees (who have not yet been appointed at the time they complete the form). *Integrity* currently identifies the date of appointment on the cover page of a new entrant report only. The Excel and PDF versions currently have one field for both date of appointment and date of termination, which OGE proposes separating into two fields. The purpose is to benefit the public's understanding of the time period during which the individual was in a public filing position.

Lastly, OGE proposes to add a link to its online Public Financial Disclosure Guide, the most widely used resource for completing and reviewing public financial disclosure reports.

Changes to the Excel and PDF versions only

OGE proposes instructional changes to the Excel and PDF versions to provide better guidance to those filers who do not use the *Integrity* application. OGE does not propose any changes to the information collected on the Excel and PDF versions of the form, beyond the addition of "appointment type" discussed above.

OGE proposes two changes to the initial instructions page to improve clarity: (1) changing the topic headings to plain language questions (e.g. changing "Late Filing" to "What Happens if I File Late?"); and (2) consolidating the guidance on which parts to complete into a new section headed "What Parts Must I Complete?"

In the rest of the instructions, OGE proposes to add clarifying guidance on reporting requirements, exceptions to reporting requirements, and definitions. OGE also proposes to add specific instructions to avoid reporting unnecessary personal information. Finally, OGE proposes to add a note indicating that the reporting thresholds for gifts are

applicable for calendar years 2023-2025 and that the amounts are adjusted every three years.

Finally, OGE corrected a few typos and made some minor stylistic changes to ensure consistent language and punctuation throughout the text.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

As noted above, most public disclosure filers now use the electronic *Integrity* system to file the OGE Form 278e. *Integrity* uses sophisticated filing "wizards" that ask questions about a filer's specific financial interests in order to improve the ease and accuracy of filing. Other key features include auto-complete for over 13,000 asset names, comment and endnote features, variable workflows that can be tailored to the needs of each agency, key notices and reminders, and convenient web-based access. It greatly reduces the reporting burden for repeat filers by preloading the filer's previous report. The application automatically renders information submitted by the filer in the format of an OGE Form 278e. OGE also continues to maintain an Excel version of the form and a 508 compliant PDF version accessible to users who use screen readers to access and interact with digital information.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

Not applicable. The OGE Form 278e is the only executive branchwide form used for employee public financial disclosure reports.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Not applicable. This collection of information does not involve small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing the burden.

Not applicable. The collection, including its frequency, is required by Title I of the Ethics in Government Act, as amended, and OGE's implementing regulations.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secrets or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No such special circumstances exist.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.

A Federal Register Notice with a 60-day comment period soliciting comments on this information collection was published on February 26, 2024 (89 FR 14071). OGE received one response to that notice. The commenter sought an edit to the instructions for reporting liabilities as they apply to Presidentially-appointed, Senate-confirmed (PAS) uniformed service members reporting mortgages. As a result of this comment, OGE is making clarifying edits to the instructions and summary instructions for reporting liabilities. First, a paragraph formerly entitled “Additional Exception for Certain Mortgages” will be retitled “Mortgage Reporting.” Its language will be simplified and reorganized to clarify exactly who is required to report a mortgage on a personal residence, the exceptions to that requirement, and who is not required to report a mortgage. Second, minor language changes will be made to the Summary Instructions for the liabilities section to make it clear that certain PAS are required to report all mortgages.

OGE published a second round *Federal Register* notice soliciting comments to be directed to OMB on July 3, 2024. *See* 89 FR 55270.

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 6 months until the agency 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 good government group and one Senator's office. OGE considered each comment submitted. OGE had extensive discussions and accepted suggested changes OGE determined will provide added clarity and value. OGE rejected suggested changes in which OGE lacks statutory or regulatory authority, are cost prohibitive, or lacked agency support. A chart of all comments received during this outreach effort is included in the ICR as a supplementary document.

OGE continually seeks comments from persons outside the agency concerning the impact of its information collection instruments upon filers and agency ethics programs. OGE provides opportunities for comment at ethics symposia and other events. OGE routinely alerts professionals in the ethics community to recently published OGE Federal Register notices via its listserv, various social media applications, and Advisory Memoranda. Visitors to the OGE Website are provided the opportunity to contact OGE with comments or suggestions. In addition, OGE has remained open to any suggestions for improvement received in the first and second round paperwork notices published in the Federal Register. Any ongoing comments received by OGE as a result of these various means of availability will be considered by OGE before the next Paperwork Reduction Act renewal cycle.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable. Respondents receive no payments or gifts.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality to the filers of this financial disclosure report form. The OGE Form 278e is a public financial disclosure form, available to the public for a six-year period upon the submission of a proper Ethics in Government Act access request form (OGE Form 201) in compliance with the provisions of section 105 of the Act and OGE's implementing regulations at 5 CFR § 2634.603.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

All of the information required on this report form and in the underlying regulation is specified by current law for financial disclosure reporting by filing individuals and conflict of interest review by executive branch departments and agencies.

12. Provide estimates of the hour burden of the collection of information.

OGE estimates that an average of approximately 4257 OGE Form 278e reports will be filed each year by private citizen filers. This number was calculated based on OGE records regarding nominees for Presidential appointments requiring Senate confirmation and annual agency ethics program questionnaire responses. (Private citizen filers are potential incoming employees or appointees whose positions are designated for public financial disclosure reporting, those who file termination reports from such positions after their Government service ends, and non-incumbent Presidential and Vice-Presidential candidates.)

OGE estimates that ten hours is the average time required to complete the form. The time to complete an OGE Form 278e varies greatly depending on the personal finances of the filer. The ten hour figure is an average based on the estimated burden on all types of filers, including those with complicated financial holdings and those with simpler financial holdings. While OGE recognizes that the burden for a filer with extensive or complicated financial holdings may be significantly more than ten hours, the estimated burden for the majority of filers is fewer than five hours.

Based on the above, the annual reporting burden for private citizen filers is estimated to be 42,570 burden hours. The estimated annualized hour burden cost to private citizen filers is $4,257,000. This estimate is based on the average annual number of private citizen filers multiplied by an estimated average filer wage rate of $100 per hour.

13. Provide an estimate for the total annual cost burden to respondents or record-keepers resulting from the collection of information.

For the OGE Form 278e, OGE estimates annual burden hours and annual burden hours cost, not annual cost burden to the respondents.

14. Provide an estimate of annualized costs to the Federal Government.

OGE previously reported that the estimated total annual cost of the OGE Form 278e to the Federal Government was $6,163,900. This estimate was based on the cost to administer the program to private citizen filers only, not the entire public financial disclosure program (private citizen filers constitute approximately 17% of all public financial disclosure filers). Based on adjustments for inflation since the previous estimate, the new estimated total annual cost is approximately $6,552,226.

15. Explain the reasons for any program changes or adjustments reported in items 12 through 14.

The estimated hour burden has changed because the estimated number of filers has changed since our previous submission. OGE bases the number of estimated filers on recent data on actual filers. For 14, the estimate of annualized costs to the Federal Government has been adjusted for inflation since the previous estimate.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

Not applicable. The procedures for disclosing this information are mandated by the Ethics in Government Act, as amended.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

OGE continues to request a partial exemption from the requirement to display the expiration date within the user interface of the Integrity version of the OGE Form 278e. The expiration date already appears on the exported PDF that is produced from the data entered into the Integrity system. Adding the expiration date to the user interface would require paying contractors to modify the system and create an unnecessary cost for OGE.

18. Explain each exception to the topics of the certification statement identified in Certification for Paperwork Reduction Act Submissions.

Certification items (c), (f) and (i) are not applicable to this information collection.

B. Collections of Information Employing Statistical Methods

Not applicable. This collection of information does not employ statistical methods.