U. S. OFFICE OF GOVERNMENT ETHICS
SUPPORTING STATEMENT FOR THE OGE FORM 450
EXECUTIVE BRANCH CONFIDENTIAL 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 450 collects information from covered executive branch employees as required under OGE's executive branch wide regulatory provisions in subpart I of 5 CFR part 2634. The basis for the OGE reporting regulation is section 201(d) of Executive Order 12674 of April 12, 1989 (as modified by Executive Order 12731 of October 17, 1990) and 5 U.S.C. 13109. The purpose of collecting this information is to allow agencies to identify and address potential financial conflicts of interest among covered employees. The information collected relates to: assets and income; liabilities; outside positions; agreements and arrangements; and gifts, reimbursements and travel expenses—all subject to various reporting thresholds and exclusions. OGE currently maintains the form in three formats on its website: a PDF version, a 508 compliant PDF version accessible to users who use screen readers to access and interact with digital information, and an Excel version.

OGE seeks renewal of the OGE Form 450 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 agencies’ electronic financial disclosure filing systems.

The proposed modifications are described below:

On the instruction page, OGE simplified the navigation to OGEs website for filers who need instructions on completing the form and added a hyperlink.

On the cover page, OGE proposes to delete the field for mailing address and to add a question regarding whether the filer has a spouse who has paid employment outside the federal government. The yes/no question would be added to the current list of yes/no questions. Filers are required by regulation to report their spouses' employment income. In OGE's listening sessions with agency ethics officials, they felt strongly that the addition of this yes/no question would permit agency reviewers to better identify potential inadvertent omissions elsewhere on the form. OGE believes that the minor impact to the filers of answering this additional yes/no question is outweighed by the benefit to the efficiency and effectiveness of the financial disclosure review process. OGE also clarified the definition of "special government employee" on the cover page based on feedback regarding the current explanatory language.

In the main body of the form, OGE proposes to make a number of changes to the instructions to increase their clarity. Guidance would be added to make it clearer what is and is not reportable. A note would be added indicating that the reporting thresholds for gifts are applicable for calendar years 2023-2025 and that the amounts are adjusted every three years. Additional examples would be added to the Examples page and each section, further demonstrating how particular information should be reported, and some definitions would be removed to make room for additional examples and other clarifying changes. The information that had been provided in the removed definitions is more clearly addressed on other parts of the form.

These changes would not modify the confidential financial disclosure reporting requirements in any way. They are intended to help ensure that filers report all required information in the proper manner, without overreporting unnecessary personally identifiable information.

OGE plans to discontinue use of the PDF version of the form that is not accessible to users who use screen readers (i.e. it is not "508 compliant"). This version has a feature that allows users to add additional blank pages. This feature is no longer technologically supported. OGE proposes to discontinue use of the nonaccessible PDF version and instead add additional blank lines to the 508 compliant PDF version. Going forward, therefore, OGE seeks approval only for two versions of the form—the 508 compliant PDF version and the Excel version.

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.

The OGE Form 450 is available on OGE's website at http://www.oge.gov. The form is downloadable, fillable, and printable in both PDF and Excel format, providing a locally reproducible form for use as needed by agencies and the public.

OGE allows agencies to electronically duplicate the OGE Form 450, provided that the electronic versions precisely duplicate the paper original. The basis for these electronic initiatives is to lessen burden and to facilitate dissemination to and use of the form by agencies and filers. However, this information collection request covers only the OGE-maintained PDF and Excel versions of the form, not any electronic version maintained by another agency.

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 450 is the only executive branchwide form used for employee confidential financial disclosure, though individual agencies have obtained OGE approval for the collection of alternative forms or have separate or supplemental disclosures of information based on independent statutory authorities or other unique circumstances.

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.

The collection, including its frequency, is required by 5 CFR part 2634, subpart I, which OGE has promulgated under the cited statutory and executive order authority.

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. The confidentiality of the information collected is protected according to the requirements of the Ethics in Government Act, the Privacy Act, and other applicable laws and regulations.

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 14073). OGE received no responses to that notice.

OGE published a second round *Federal Register* notice soliciting comments to be directed to OMB on July 3, 2024. *See* 89 FR 55269.

In the last review and clearance for the OGE Form 450, 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.

Assurance of confidentiality is provided to respondents directly in the instructions to the OGE Form 450. That confidentiality is guaranteed by section 5 U.S.C. 13109 (the Ethics in Government Act of 1978), OGE's regulation at 5 CFR 2634.604, and the OGE/GOVT-2 Executive Branch Confidential Financial Disclosure Reports Privacy Act system of records.

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 personal financial information required to be reported on the OGE Form 450, as provided in 5 CFR part 2634, is deemed necessary by OGE to permit sufficient agency review for conflict of interest purposes. No sensitive non-financial personal information is collected.

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

OGE estimates that an average of approximately 31,654 OGE Form 450 reports will be filed each year by private citizen filers. This number was calculated based on OGE's annual agency ethics program questionnaire responses. (Private citizen filers are potential incoming employees whose positions are designated for confidential financial disclosure reporting).

OGE estimates that three hours is the average time required to complete the form. The time to complete an OGE Form 450 varies depending on the personal finances of the filer. The three hour figure is an average based on the estimated burden on all types of filers. This figure has not changed since the last ICR, the change in total annual reporting burden is due to the change in the estimated number of respondents.

Based on the above, the annual reporting burden for private citizen filers is estimated to be 94,962 burden hours. The estimated annualized hour burden cost to private citizen filers is $ 7,122,150. This estimate is based on the average annual number of private citizen filers multiplied by an estimated average filer wage rate of $75 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 450, 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 450 to the Federal Government was $3,624,068. This estimate was based on the cost to administer the program to private citizen filers only, not the entire confidential financial disclosure program (private citizen filers constitute approximately 7% of all confidential financial disclosure filers). Based on a 3.6% adjustment for inflation since the previous estimate, the new estimated total annual cost is approximately $3,852,384.

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

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. This is a confidential financial disclosure reporting form.

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.

Not applicable.

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

There are no exceptions. 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.