

From: [Megan Duffy](#)
To: [USOGE](#)
Subject: OGE Form 278e paperwork comment from CREW
Date: Monday, August 2, 2021 10:12:54 AM
Attachments: [CREW-OGE-Form-278e-Comment.pdf](#)

Dear U.S. Office of Government Ethics,

Citizens for Responsibility and Ethics in Washington (CREW) respectfully submits this attached public comment in response to the U.S. Office of Government Ethics' request for comment on OGE Form 278e Executive Branch Personnel Public Financial Disclosure Report. Please let us know if you have any difficulty opening the document. CREW looks forward to collaborating with OGE to ensure our government is ethical, accountable, and open.

Best regards,
Duffy

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From: [WALDROP, ELIZABETH S GS-14 USAF ACC 15 AF/JA](#)
To: [USOGE](#)
Cc: [DONAHOE, BRENDAN M GS-14 USAF ACC ACC JA/ACC/JA](#); [MARTIN, BENJAMIN F Lt Col USAF ACC 15 AF/JA](#); [Waldrop, Elizabeth S CIV USAF AFCENT JA/9AF/JA](#)
Subject: OGE Form 278e paperwork comment
Date: Tuesday, July 20, 2021 1:29:31 PM

OGE-

Please accept this comment on the Form 278e in Integrity.

Comment: Recommend clarifying in Integrity which section of the 278e filers should use to enter their non-employment-related IRAs, section 2 or section 6.

Rationale: Clarity. There is confusion based on the instructions as currently posted.

Discussion:

In the Integrity system, on the menu the filers click on (on the left side of the screen), the Section 2 is titled "Filer's Employment-related assets and income." This implies that all items input into this section should be related to employment. Most IRAs we have seen are not related to the filer's employment.

The heading for Part 2 within the Integrity Program looks like this:

Part 2: Filer's Employment Assets & Income and Retirement Accounts

The instructions then say this:

Each asset **related to your business, employment, or other income-generating activities** [.....] e.g., equity in business or partnership, stock options, retirement plans/accounts...

The types of assets disclosed in this Part of the report include:

- deferred compensation
- defined benefit pension plan
- defined contribution plan (e.g., 401(k) plan, 403(b) plan, 457 plan, TIAA-CREF account)
- employee stock ownership plan
- employee stock purchase plan
- employer stock obtained through employment (e.g., by exercising a stock option)
- farm operated as a business (i.e., not a passive investment)
- incentive stock option
- **individual retirement account (IRA)**
- intellectual property
- investment fund created by an employer solely for employees
- phantom stock
- restricted stock

- restricted stock unit
- self-funded defined benefit plan
- split-dollar life insurance
- stock appreciation right

The instructions for Part 6 say this, again looking like only employment-related assets should be entered in Part 2:

Part 6: Other Assets and Income

In the previous sections, you reported **employment-related assets and income** for you and your spouse. Now, you will report any other assets and investment income that we have not yet collected.

The types of assets disclosed in this Part of the report include:

- 529 plan (college savings plan or prepaid tuition plan)
- American depositary receipt
- annuity (fixed or variable) purchased on the market
- bank account
- beneficial interest in a trust
- brokerage account
- collectible item
- common trust fund of a bank
- corporate bond (not acquired through employment)
- equity index-linked note
- exchange-traded fund
- foreign exchange position (forex)
- futures contract
- government agency security
- **investment fund (not acquired through employment)**
- life insurance (universal, variable, or whole)
- loan made to another party
- managed account
- money market account

Thank you for the opportunity to comment.

V/R- Elizabeth
ELIZABETH S. WALDROP, GS-14, DAF
Attorney-Advisor and Ethics Counselor
Fifteenth Air Force/JA
Office commercial 803-895-3299

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From: News and Info for Ethics Officials <oge-ethicsinfo@LISTSERV.GSA.GOV> **On Behalf Of** Ethics Mailinglist

Sent: Wednesday, June 23, 2021 3:11 PM

To: OGE-ETHICSINFO@LISTSERV.GSA.GOV

Subject: [Non-DoD Source] Opportunity to Comment: Paperwork Reduction Act Renewal of OGE Forms 278e & 450

OGE is in the process of renewing OGE Forms 278e & 450 under the Paperwork Reduction Act.

If you have ideas to streamline or improve the forms, you can submit comments here:

[OGE Form 278e](#)

[OGE Form 450](#)

The comment periods close August 2, 2021.

After this first round notice and public comment period, OGE intends to request that the Office of Management and Budget (OMB) renews its approval under the Paperwork Reduction Act for existing information collections, entitled the OGE Form 278e Executive Branch Personnel Public Financial Disclosure Report and the OGE Form 450 Executive Branch Confidential Financial Disclosure Report.

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From: [Reintjes, Christopher M LCDR USN USFFC \(USA\)](#)
To: [USOGE](#)
Subject: OGE Form 278e paperwork comment
Date: Thursday, June 24, 2021 6:27:54 AM

The following are personal comments regarding the subject request for comments:

Background: I have served as ethics counselor and 278 portfolio manager for active-duty military filers and SES filers for the last 7 years. I have worked at the deputy DAEO level and at subordinate levels, but my smallest portfolio of filers still ranged in size to the mid to upper 20s.

- (1) 10 hours per filer, is likely an accurate number with some coming in way below this number, and some way above. Between the filer filing, reviewing, questioning the filer regarding reporting errors or changes, and then drafting and signing cautionary letters, each report can be quite time consuming. For the military filer, because of our rapid (2-3 year) rotation cycle, tracking filers becomes burdensome, and the Integrity system could be more agile and capable. For instance, a new filer may move into a new unit in Integrity, but the new ethics counselor will not have access to previous years reports without higher level intervention. This should be corrected.
- (2) Routing in Integrity should provide an option to route the report to the ethics counselor (EC) before the report goes to the supervisor. I have found that the majority of supervisors prefer the EC to review the reports for accuracy and technical compliance prior to supervisory review. The supervisors are uncomfortable with changes occurring after their signature, and would prefer for their review and signature to come after the EC review.
 - a. Relatedly, it would be helpful to place a prominent disclaimer for supervisors when they begin to review a report that says something to the effect of “your primary responsibility is to conduct a substantive review — i.e., to identify potential conflicts of interest with your employee’s job duties and financial interest as shown on this form. The filer’s assigned EC will conduct a more thorough review to ensure technical compliance — i.e., fix clerical, mathematical, or formatting mistakes that have no bearing on your ability to identify potential conflicts.”
- (3) For military filers, the STOCK Act requires the reporting of mortgages on

personal, non-rental, residences. This is in direct conflict with the instructions on the OGE 278e. Updating the instructions to include this STOCK Act caveat for O-7s and above would ensure greater compliance with the filing requirement and avoid having to remind filers to include this information.

- (4) The number 1 error I have seen in my review of nearly 100s of reports, is the failure to properly report underlying holdings in IRAs, 401Ks, etc. Additionally, people are confused by what to put next to and parent asset that is simply a description (i.e., Vanguard IRA). Is this an “EIF, No, or N/A.” If the instructions could clearly provide direction and include an example, one is more likely to get compliance with the reporting requirements.
- (5) This is bigger than the form requirements, but from a programmatic standpoint, I recommend reconsidering the requirement for reporting of transactions for EIFs. Since EIFs will not cause a conflicts of interest by definition, why is it required to report their purchase and sale?
- (6) With regard to asset value and income band reporting, consider why this needs to be so stratified. There is the \$1,001 / \$200 reporting threshold, the de minimis threshold for conflicts, and the \$50,000 threshold for sector mutual funds. Is there any good reason to include the various ranges of value since value does not provide insights into conflicts? The mathematical discrepancies these income bands produce during the review process takes up significant time. Often, filers reports show a change in overall value, without a corresponding purchase or sale, and the market can't be assumed to make up for the difference. This requires clarifying conversations with the filers over value changes, often marked in error, that have no substantive bearing on the conduct of the conflicts analysis.
- (7) One very positive feature of Integrity is the ability to update the forms after filer's signature, and without the need to re-route to the filer. This has greatly reduced the admin burden and increased the accuracy of reports since we are more likely to make them right and not overlook small errors that would burden the filer to fix, but that had no substantive bearing on the reports.

Very Respectfully,
Chris

From: [Nanette Oppenheimer](#)
To: [USOGE](#)
Subject: Fwd: [Non-DoD Source] Opportunity to Comment: Paperwork Reduction Act Renewal of OGE Forms 278e & 450
Date: Wednesday, June 23, 2021 3:54:34 PM
Attachments: [smime.p7s](#)

Hello,

Below is my recommendation with respect to the OGE 278e report.

Similar to the OGE 450 report, eliminate the requirement to report diversified mutual funds on parts 2, 5, 6 and 7 of the report. Since the purpose of the form is to identify actual/potential conflicts, and since diversified mutual funds are exempt pursuant to 18 USC 208(b)(2), under 5 CFR 2640.201, the collection of this information on the OGE 278e report is unnecessary.

While sometime filers are unsure whether a mutual fund is a diversified or a sector fund, additional guidance can be provided to the filers to ensure they understand the need to report sector funds.

Please note that I am writing this in my individual capacity, not on behalf of any government agency.

v/r,

Nanette Oppenheimer

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