



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

October 16, 1996
DO-96-038

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Stephen D. Potts
Director

SUBJECT: Paperwork Renewal of OGE Form 201 Access Form (Revised) and SF 278 Public Financial Disclosure Report

The Office of Government Ethics (OGE) recently obtained from the Office of Management and Budget (OMB) renewed approval for three years under the Paperwork Reduction Act for two of the forms it sponsors.

Revised OGE Form 201

The first form is a revised version of the OGE Form 201, "Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Report or Other Covered Record." This new July 1996 edition of the OGE Form 201 is being distributed to all executive departments and agencies as an attachment to this memorandum. The form is also available on OGE's electronic bulletin board TEBBS (telephone: 202-208-8030), on OGE's new World Wide Web Site via the Internet (address: <http://www.access.gpo.gov/usoge>), and will be included in the next edition of the ethics CD-ROM. The new edition of the OGE Form 201 should be used in lieu of the prior July 1993 edition. See also the OGE paperwork notices for this form, as published in the Federal Register at 61 FR 357-358 (January 4, 1996) and 61 FR 24796-24798 (May 16, 1996).

The OGE Form 201 continues to serve as the standardized form for seeking access to SF 278 reports and certain other publicly available materials under the provisions of section 105 of the Ethics in Government Act and 5 C.F.R. § 2634.603 of OGE's regulations thereunder. The revised form now includes in Part III (Other Covered Records) a listing of publicly available qualified trust documents that can be requested (i.e., the trust instruments for both qualified blind and qualified diversified trusts, the list of assets transferred to such trusts, the list of assets sold in the case of a qualified blind trust, and the certificates of independence and compliance). In addition, Part II.C of the form now includes a newly mandated notification under the amended Paperwork Reduction Act and implementing OMB regulations to the effect that: "an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number is displayed in the upper right-hand corner of the front page of this OGE Form 201)."

Departments and agencies are encouraged to use the OGE Form 201, which is locally reproducible. Alternatively, departments and agencies may develop and use their own access forms, provided all the statutorily mandated information (i.e., name, address and occupation of the requester, name and address of any other person on whose behalf access is sought, and a statement of prohibited uses) is contained thereon. In such case, proper Paperwork Reduction Act and Privacy Act approvals and notifications have to be obtained by the department or agency concerned.

SF 278

The second form for which OGE has secured renewed paperwork clearance is the Standard Form (SF) 278 Executive Branch Personnel Public Financial Disclosure Report. This form has not been modified. However, in the next year or two OGE will undertake a review of this report form to identify any possible improvements for the future as well as to reflect the new requirements noted below. For now, OGE is asking agencies to inform filers of certain higher value categories for major assets, income and liabilities over \$1,000,000 as required under amendments to the Ethics in Government Act enacted as part of the Lobbying Disclosure Act of 1995. See the discussion in the OGE paperwork notices for this form as published in the Federal Register at 61 FR 8941-8942 (March 6, 1996) and 61 FR 41162-41164 (August 7, 1996) and OGE DAEOgrams DO-96-006 (January 29, 1996) and DO-96-023 (April 25, 1996). In addition, as required under the revised Paperwork Reduction Act and OMB regulations, OGE asks that agencies inform SF 278 filers in writing of the new paperwork notification as follows: "An agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number is displayed in the upper right-hand corner of the first page of the SF 278)." This paperwork notification can accompany the supplementary instructions regarding reporting for higher value categories noted above that OGE has asked departments and agencies to provide all filers by memorandum at the time blank SF 278 report forms are distributed. Departments and agencies should continue to order the SF 278 report forms from the Customer Supply Centers of the Federal Supply Service, General Services Administration (the National Stock Number (NSN) for the form is 7540-01-070-8444).

Any questions about the forms matters discussed in this memorandum can be directed to William E. Gressman in the OGE General Counsel's Office (telephone: 202-208-8000, extension 1110).

Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Report or Other Covered Record

I. Application		Agency Use Only
1. Applicant's name and address (please print):		2. Date:
1a. Office Telephone Number: () _____ ext. _____ (Optional)		3. Occupation:
4. If application is for or on behalf of any other person or organization, give the other's name:	4a. Address of the other person or organization:	
5. <input type="checkbox"/> Copy of the Public Financial Disclosure Report Form SF 278 requested for the following named individual(s): Certain other types of records ("covered records") can also be requested using this form (See Part III below); if you are requesting another covered record, check this box <input type="checkbox"/> and specify which type of record(s): _____		
a. _____	d. _____	
b. _____	e. _____	
c. _____	f. _____	
6. Applicant's signature:		

II. Notice of Action

- Copies of the report(s) or other covered record(s) you requested are enclosed. See the **Important Notice below**.
- Your request does not comply with the requirements of the statute. Please complete **Part I** of this form and return so we may comply with your request.
- Other. Explanation:
- Fees. If applicable, amount: _____ (when fees are required, make out a check payable to the U.S. Treasury and send it to the executive branch agency processing this request form).

A. Important Notice

The law and implementing OGE regulations require that a report or other covered record not be available to any person except upon written application by such person stating his or her name, occupation and address, and that the person be aware of the prohibitions on improper use, set forth below.

Section 105(c) of the Ethics in Government Act of 1978, as amended and 5 C.F.R. 2634.603(f) of the implementing OGE regulations provide that it is unlawful for any person to obtain or use a report:

- (1) for any unlawful purpose;
- (2) for any commercial purpose, other than by news and communications media for dissemination to the general public;
- (3) for determining or establishing the credit rating of any individual; or
- (4) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

The Attorney General may bring a civil action against any person who obtains or uses a report for any such prohibited purpose as set forth above. The court may assess against such a person a penalty in any amount not to exceed \$10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(form continued on reverse side)

B. Privacy Act Statement

Section 105 of the Ethics in Government Act of 1978, as amended (5 U.S.C. App.) and 5 C.F.R. 2634.603 authorize the solicitation of the information requested in this form. The primary use of the information on this form is to permit officials of the recipient agency to consider and process your request for inspection or receipt of a copy(ies) of the SF 278 Executive Branch Personnel Public Financial Disclosure Report form(s) or other covered record(s) to which you seek access. Failure to furnish the information, except for your office telephone number (which is an optional item of information to be used to assist in contacting you about your request), will result in this agency's inability to allow access to, or to provide copies of, the financial disclosure report form(s) or other record(s) requested. Otherwise, furnishing the requested information is voluntary. The information on this form itself may be publicly disclosed pursuant to proper request under section 105(b) of the Ethics Act or as otherwise authorized by law.

Additional disclosures of the information on this form may be made:

- (1) to a Federal, State or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation;
- (2) to a court or party in a court or Federal administrative proceeding if the Government is a party or in order to comply with a judge - issued subpoena;
- (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or decision;
- (4) to the National Archives and Records Administration or the General Services Administration in records management inspections;
- (5) to the Office of Management and Budget during legislative coordination on private relief legislation; and
- (6) in response to a discovery request or for the appearance of a witness in pending judicial or administrative proceeding, if the information is relevant to the subject matter.

See also the OGE/GOVT - 1 executive branchwide Privacy Act system of records.

C. Public Burden Information

Public burden reporting for this collection of information is estimated to take approximately ten minutes per response, including time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Associate Director for Administration, U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington DC 20005-3917; and to the Office of Management and Budget, Paperwork Reduction Project (3209-0002), Washington, DC 20503. **Do not** file this form with these offices; rather, file it with the appropriate office of the executive branch department or agency from which you are seeking access to a financial disclosure report or other covered records.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number is displayed in the upper right-hand corner of the front page of this OGE Form 201).

III. Other Covered Records

In addition to requests for access to public SF 278 reports, this form can also be used to request access to certain other agency records which are covered under the access procedures of section 105 of the Ethics Act and the implementing OGE regulations ("covered records"). Such other covered records are certificates of divestiture; Ethics Act - qualified blind trust and qualified diversified trust instruments, the list of assets transferred to such trusts (& of assets sold in the case of a qualified blind trust), and the certificates of independence and compliance with respect to such trusts; 18 U.S.C. 208(b)(1) & (3) waivers granted by the recipient agency (after deletion of any material withholdable pursuant to the Freedom of Information Act, 5 U.S.C. 552 (see 18 U.S.C. 208(d)(1))); and other OGE Form 201s. If you seek access to any such additional record(s), check the second box in Part I.5 on the front page and specify the record(s) sought.