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LEGAL ADVISORY

TO: Designated Agency Ethics Officials

FROM: David J. Apol
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SUBJECT: Increased Gifts and Travel Reimbursements Reporting Threshold for Financial Disclosure Reports and Nonsponsor Widely Attended Gatherings Gift Exception Ceiling

A. Gifts and Travel Reimbursements Reporting Threshold

The Office of Government Ethics (OGE) has issued final rule amendments that revise the executive branch financial disclosure regulation at 5 C.F.R. §§ 2634.304 and 2634.907(g) to reflect the retroactive increase, applicable as of January 1, 2017, of the threshold for reporting of gifts, reimbursements and travel expenses for both the public and confidential report systems. *See* 82 Fed. Reg. 22,735 (May 18, 2017). The new aggregation threshold for the reporting of gifts and reimbursements received from any one source on financial disclosure reports is “more than \$390”; items worth “\$156 or less” do not need to be counted towards that overall threshold.¹ The Ethics in Government Act and OGE regulations tie these increases to the increase in January by the General Services Administration of “minimal value” for purposes of the Foreign Gifts and Decorations Act to \$390 for the three-year period 2017-2019. *See* Gen. Servs. Admin., FMR B-41, Foreign Gift and Decoration Minimal Value (2017).

The calendar year 2016 Public and Confidential Financial Disclosure Reports (OGE Form 278s and OGE Form 450s) being filed this year are not affected by this change, because the new gifts and reimbursements threshold became applicable only as of the beginning of 2017. Any newly filed termination OGE Form 278 public reports will be affected for the portion of 2017 covered, but it is not necessary to contact termination filers regarding such reports already filed this year.

Departments and agencies should promptly notify their report filers of this new threshold. OGE will include the new threshold in future editions of the two report forms and post a notice

¹ The prior reporting amounts were more than \$375 for the aggregation threshold and \$150 or less for excepted items.



thereof in the forms section of its website (www.oge.gov). OGE will also update the Public Financial Disclosure Guide and the Confidential Disclosure Guide on its website.

B. Nonsponsor Widely Attended Gatherings Gift Exception Ceiling

Similarly, in the branchwide standards of ethical conduct regulation at 5 C.F.R. § 2635.204(g)(3), OGE has raised from \$375 to \$390 the widely attended gathering gift exception ceiling for nonsponsor gifts of free attendance. That exception ceiling is based in part on the aggregate gifts and reimbursements reporting threshold. OGE made this regulatory revision effective May 18, 2017, when the amendatory rulemaking was published in the Federal Register.