

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



April 21, 2016
PA-16-01

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Walter M. Shaub, Jr.
Director

SUBJECT: Deadlines and Procedures for Annual Public Financial Disclosure Reports of Executive Branch Employees (2016 Filing Cycle)

This program advisory announces deadlines for the public financial disclosure reports of executive branch employees and procedures for the public financial disclosure reports of executive branch employees whose reports agencies are required to transmit to the U.S. Office of Government Ethics (OGE). At the end of this program advisory is a consolidated list of the deadlines. This program advisory does not apply to candidates for the office of President of the United States.

As used in this program advisory, the term “2016 annual report” refers to a public financial disclosure report of an executive branch employee that is due in May 2016 and covers calendar year 2015. The term “2015 annual report” refers to a public financial disclosure report of an executive branch employee that was due in May 2015 and covered calendar year 2014. As used in this program advisory, the term “public filers” refers only to current and former executive branch employees who are subject to requirements for public financial disclosure pursuant to 5 U.S.C. app. § 101(d) and does not refer to candidates for the office of President of the United States.

I. Deadlines and Procedures for Submitting Filer Information

Designated Agency Ethics Officials (DAEOs) need to provide OGE with relevant information regarding public filers whose 2016 annual reports are required to be submitted to OGE as soon as practicable but not later than **Wednesday, June 8, 2016**. DAEOs need to submit this information electronically by e-mail to 278Tracking@oge.gov.

The submission should include the following elements:

1. **2016 FILER LIST.** A list of all current employees whose 2016 annual reports the agency is required to transmit to OGE. OGE will use this list for the purpose of tracking its receipt of 2016 annual reports.
2. **LEVELS I & II LIST.** A list of those employees who currently occupy positions for which the pay is set at Level I or Level II of the Executive Schedule. OGE will use this list for the purpose of identifying filers who are covered by the publication requirements of the STOCK Act.
3. **NO LONGER COVERED LIST.** A list of current and former employees who were covered by the requirement to obtain OGE's certification of a 2015 annual report but who, for any reason, are not covered by the requirement to obtain OGE's certification of a 2016 annual report. OGE will use the NO LONGER COVERED LIST to account for public filers whose names appeared in the 2015 FILER LIST but whose names are not included in the 2016 FILER LIST. OGE will contact the agency for more information regarding any public filer whose name appeared in the 2015 FILER LIST but whose name does not appear in either the 2016 FILER LIST or the NO LONGER COVERED LIST.

II. Requests to Post Executive Schedule Level I and II Reports on OGE's Website

As a reminder, please note that the STOCK Act requires agencies to post the reports of Executive Schedule Level I and II filers on their websites by **Friday, June 24, 2016**, or, in the case of a filer who receives an extension, within 30 days of the agency's receipt of the filed report. Pub. L. No.112-105§11(a)(1). In order to assist agencies in meeting this deadline, OGE has offered that agencies may forward the filed report of any Level I or II filer to OGE for posting prior to the agency's certification, with the understanding that OGE will later replace the uncertified report with the certified report on its website.

To request posting of an uncertified Level I or II report on OGE's website, the DAEO needs to send an email to 278Tracking@oge.gov as soon as possible after the report is filed, using the following subject line: "LEVEL I OR II UNCERTIFIED REPORT FOR POSTING ON OGE'S WEBSITE." Agencies using *Integrity* or an OGE-authorized legacy electronic filing system may print an uncertified report as a PDF and attach it to the request email. In the case of *Integrity*, the system will automatically transmit the final report to OGE after the agency has certified it.

III. Deadlines for 2016 Annual Reports

This year is the first year in which most public filers must use the new OGE Form 278e; it is also the first year in which over 13,000 filers will use the new executive branch-wide electronic filing system. As a result, OGE is adjusting the filing deadline to provide additional time for agency ethics officials to assist filers in completing their reports. Unless an extension is granted, public filers must file their 2016 annual reports with their agencies on or before

Wednesday, May 25, 2016. DAEOs are required to ensure that their agency's certification process for each 2016 annual report is completed within 60 days of receipt, except in unusual circumstances in which acquiring additional information needed for certification takes longer than 60 days.

Thereafter, agencies must promptly transmit to OGE copies of the 2016 annual reports of all DAEOs and certain Presidentially appointed Senate-confirmed (PAS) employees, pursuant to 5 U.S.C. app. § 103. OGE will complete its second-level review of nearly all of these reports in 60 days, except in unusual circumstances in which acquiring additional information needed for certification takes longer than 60 days. Even with regard to reports involving unusual circumstances, OGE generally expects agencies to finalize work on the reports and submit them to OGE by no later than **Monday, October 24, 2016**, in order to ensure that OGE's review of the reports and collection of any additional information needed for certification from agencies is completed, at the latest, by the end of the calendar year.

The deadlines for 2016 annual reports of executive branch employees whose reports are required to be submitted to OGE are listed immediately below. These deadlines do not apply to candidates for the office of President of the United States.

Without an extension

Wednesday, May 25 – deadline for filing the report
Monday, July 25 – deadline for certifying the report
Wednesday, July 27 – deadline for submitting the report to OGE

With a 45-day extension

Monday, July 11 – deadline for filing the report
Friday, September 9 – deadline for certifying the report
Tuesday, September 13 – deadline for submitting the report to OGE

With a 90-day extension

Tuesday, August 23 – deadline for filing the report
Monday, October 24 – deadline for certifying the report
Wednesday, October 26 – deadline for submitting the report to OGE

IV. 30-Day Deadline for Responses to OGE's Requests for Additional Information

If additional information is needed for OGE's certification of a 2016 annual report after its submission to OGE, OGE will promptly notify agency ethics officials. Agency ethics officials are required to respond to requests from OGE for additional information regarding these reports as soon as practicable but **not later than 30 days** after OGE's request.

V. Year-End Status Reports

As soon as practicable in 2017, but not later than **Friday, January 13, 2017**, OGE will provide agency heads with year-end status reports regarding the processing of 2016 annual reports required to be submitted to OGE. OGE will provide copies of these reports to DAEOs.

These year-end status reports will advise each agency head if any of the following is the case as of **Friday, December 30, 2016**:

- (1) The agency has not transmitted required financial disclosure reports,
- (2) The agency has not responded to any outstanding requests for information, or
- (3) OGE has declined to certify any financial disclosure report that the agency submitted to OGE.

In the event of any of these circumstances, the year-end reports will normally name the filers whose reports are at issue, except when OGE determines that identifying the filer is not in the interests of the executive branch ethics program (e.g., due to a pending investigation, a filer's incapacitation, OGE's subsequent receipt of a report needing little additional work, or OGE's receipt of an adequate response prior to issuance of the year-end status report, etc.).

The year-end status report also will advise agency heads that OGE will decline to certify any reports that OGE has not certified by **Tuesday, January 31, 2017**. Please bear in mind the following:

- (1) This policy requires certification by OGE on or before January 31, 2017, which necessarily means that the agency is responsible for submitting the report and such other information as OGE may request sufficiently in advance to provide OGE enough time to review and certify the report by that date.
- (2) In the event that OGE notifies the agency that it will decline to certify a report, the agency will remain responsible for collecting the report, reviewing the report, transmitting the report to OGE, and obtaining any additional information needed by OGE to evaluate conflicts of interest.

If you have any questions about this program advisory or the 2016 filing cycle, please contact Lori Kelly at 202-482-9306 or lkelly@oge.gov.

On the next page is a list of deadlines for the 2016 filing cycle.

**DEADLINES FOR THE 2016 FILING CYCLE (FOR
REPORTS OF EXECUTIVE BRANCH EMPLOYEES ONLY)¹**

- May 25 – Deadline for filing a 2016 annual report (if filed without an extension)
- June 8 – Deadline for submitting the 2016 FILER LIST, the LEVELS I AND II LIST, and the NO LONGER COVERED LIST
- June 24 – Deadline for posting the report of an Executive Schedule Level I or II filer’s report on a website, unless the filer has received a filing extension
- July 11 – Deadline for filing a 2016 annual report (if filed with a 45-day extension)
- July 25 – Deadline for certifying a 2016 annual report (if filed without an extension)
- July 27 – Deadline for submitting a 2016 annual report to OGE (if filed without an extension)
- August 23 – Deadline for filing a 2016 annual report (if filed with a 90-day extension)
- September 9 – Deadline for certifying a 2016 annual report (if filed with a 45-day extension) and
- September 13 – Deadline for submitting a 2016 annual report to OGE (if filed with a 45-day extension)
- October 24 – Deadline for certifying a 2016 annual report (if filed with a 90-day extension)
- October 26 – Deadline for submitting a 2016 annual report to OGE (if filed with a 90-day extension)
- December 30 – Normal deadline for obtaining OGE’s certification of a public financial disclosure report (meaning the report has been submitted to OGE, additional information has been provided to OGE upon request, and OGE’s review has been completed), except in unusual circumstances
- January 13 – Deadline for OGE’s year-end reports
- January 31 – Last day on which OGE will certify a 2016 annual report
- 30 days after –* Deadline to respond to a request by OGE for additional information
OGE’s request

¹ These deadlines do not apply to the reports of candidates for the office of President of the United States.