

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 843

RIN 3206-AN16

#### Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a proposed rule to revise the table of reduction factors for early commencing dates of survivor annuities for spouses of separated employees who die before the date on which they would be eligible for unreduced deferred annuities. This rule is necessary to ensure that the tables conform to demographic assumptions adopted by the Board of Actuaries and published in the *Federal Register* on March 20, 2015, as required by 5 U.S.C. 8461(i).

**DATES:** We must receive your comments by June 2, 2015.

**ADDRESSES:** You may submit comments, identified by docket number and/or RIN number RIN 3206-AN16 by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [combox@opm.gov](mailto:combox@opm.gov). Include RIN number 3206-AN16 in the subject line of the message.
- *Mail:* Jim Giuseppe, Retirement Policy, Retirement Services, Office of Personnel Management, 1900 E. Street NW., Washington, DC 20415-3200.

**FOR FURTHER INFORMATION CONTACT:** Roxann Johnson, (202) 606-0299.

**SUPPLEMENTARY INFORMATION:** On March 20, 2015, OPM published a notice in the *Federal Register* to revise the normal cost percentages under the Federal Employees' Retirement System (FERS) Act of 1986, Public Law 99-335, 100 Stat. 514, as amended, based on

demographic factors adopted by the Board of Actuaries of the Civil Service Retirement System. 80 FR 15,036 (March 20, 2015). By statute under 5 U.S.C. 8461(i), the demographic factors require corresponding changes in factors used to produce actuarially equivalent benefits when required by the FERS Act.

Section 843.311 of title 5, Code of Federal Regulations, regulates the benefits for the survivors of separated employees under 5 U.S.C. 8442(c). This section provides a choice of benefits for eligible current and former spouses. If the current or former spouse is the person entitled to the unexpended balance under the order of precedence at 5 U.S.C. 8424, he or she may elect to receive the unexpended balance instead of an annuity.

Alternatively, an eligible current or former spouse may elect to receive an annuity commencing on the day after the employee's death or on the deceased separated employee's 62nd birthday. If the annuity commences on the deceased separated employee's 62nd birthday, the annuity will equal 50 percent of the annuity that the separated employee would have received had he or she attained age 62. If the current or former spouse elects the earlier commencing date, the annuity is reduced using the factors in Appendix A to subpart C of part 843 to make the annuity actuarially equivalent to the present value of the annuity that the spouse or former spouse would have received if the annuity had commenced on the retiree's 62nd birthday. These rules amend that appendix to conform to the revised demographic assumptions.

#### Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order (E.O.) 12866, as amended by E.O. 13258 and E.O. 13422.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect retirement payments to surviving current and former spouses of former employees and Members who separated from Federal service with title to a deferred annuity.

#### List of Subjects in 5 CFR Part 843

Air traffic controllers, Disability benefits, Firefighters, Government employees, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management.

**Katherine Archuleta,**  
*Director.*

For the reasons stated in the preamble, the Office of Personnel Management proposes to amend 5 CFR part 843 as follows:

#### PART 843—FEDERAL EMPLOYEES RETIREMENT SYSTEM—DEATH BENEFITS AND EMPLOYEE REFUNDS

■ 1. The authority citation for part 843 continues to read as follows:

**Authority:** 5 U.S.C. 8461; §§ 843.205, 843.208, and 843.209 also issued under 5 U.S.C. 8424; § 843.309 also issued under 5 U.S.C. 8442; § 843.406 also issued under 5 U.S.C. 8441.

#### Subpart C—Current and Former Spouse Benefits

■ 2. Revise Appendix A to subpart C of part 843 to read as follows:

#### Appendix A to Subpart C of Part 843—Present Value Conversion Factors for Earlier Commencing Date of Annuities of Current and Former Spouses of Deceased Separated Employees

With at least 10 but less than 20 years of creditable service—

Age of separated employee at birthday before death	Multiplier
26	.0726
27	.0792
28	.0859
29	.0930
30	.1002
31	.1081
32	.1165
33	.1252
34	.1343
35	.1443
36	.1550
37	.1664
38	.1786
39	.1914
40	.2053
41	.2200
42	.2358
43	.2528
44	.2710
45	.2905
46	.3114
47	.3337
48	.3580

Age of separated employee at birthday before death	Multiplier
49	.3839
50	.4118
51	.4419
52	.4745
53	.5097
54	.5477
55	.5889
56	.6336
57	.6822
58	.7350
59	.7926
60	.8556
61	.9244

With at least 20, but less than 30 years of creditable service—

Age of separated employee at birthday before death	Multiplier
36	.1810
37	.1943
38	.2086
39	.2236
40	.2398
41	.2570
42	.2754
43	.2953
44	.3166
45	.3394
46	.3638
47	.3899
48	.4182
49	.4485
50	.4812
51	.5164
52	.5545
53	.5955
54	.6400
55	.6881
56	.7404
57	.7972
58	.8590
59	.9264

With at least 30 years of creditable service—

Age of separated employee at birthday before death	Multiplier by separated employee's year of birth	
	After 1966	From 1950 through 1966
46	.4561	.4910
47	.4889	.5264
48	.5244	.5646
49	.5624	.6055
50	.6035	.6497
51	.6476	.6973
52	.6954	.7487
53	.7469	.8042
54	.8027	.8643
55	.8631	.9294
56	.9287	1.0000

**OFFICE OF GOVERNMENT ETHICS**

**5 CFR Part 2600, 2601, 2604**

**RIN 3209-AA40, 3209-AA41, 3209-AA39**

**Organization and Functions; Implementation of Statutory Gift Acceptance Authority; Freedom of Information Act**

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Office of Government Ethics is updating and streamlining its organization and functions regulation and its statutory gift acceptance authority implementation. OGE is also updating and streamlining its Freedom of Information Act (FOIA) regulation to reflect OGE's existing policy and practice and to implement changes to the FOIA. Finally, the proposed revisions make administrative changes and update cost figures for calculating and charging fees.

**DATES:** Written comments are invited and must be received on or before June 2, 2015.

**ADDRESSES:** You may submit written comments to OGE on the proposed rule by any of the following methods:

- *Email: usoge@oge.gov.* Include the appropriate Regulation Identifier Number in the subject line of the message.
- *Fax: (202) 482-9237.*
- *Mail/Hand Delivery/Courier:* U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, Attention: Jennifer Matis, Assistant Counsel.

*Instructions:* All submissions must include OGE's agency name and the appropriate Regulation Identifier Number. Use RIN 3209-AA40 to submit comments on the proposed changes to 5 CFR part 2600; RIN 3209-AA41 to submit comments on the proposed changes to 5 CFR part 2600; and RIN 3209-AA39 to submit comments on the proposed changes to 5 CFR part 2604. OGE will post all comments on its Web site ([www.oge.gov](http://www.oge.gov)). All comments received will be posted without change; OGE generally does not edit a commenter's personal identifying information from submissions. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Matis, Assistant Counsel, 202-482-9216.

**SUPPLEMENTARY INFORMATION:**

**A. Substantive Discussion**

The rule proposes revisions to standardize, update, and streamline the language of 5 CFR parts 2600, 2601, and 2604. In addition, the proposed revisions to 5 CFR part 2600 remove out-of-date information regarding OGE's organizational structure and instead refer individuals to its Web site for current information. Likewise, the proposed revisions to 5 CFR part 2601 reflect changes to OGE's organizational structure.

The primary purpose of the proposed revisions to 5 CFR part 2604 is to reflect changes to the FOIA under the Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007, Public Law 110-175, and to incorporate principles established by the 2009 FOIA memorandum. OGE is committed to operating transparently and has been administratively adhering to the developments in FOIA law and to the President's directive. Except as noted below, the proposed revisions reflect OGE's existing policies and practices.

The following is a subpart-by-subpart analysis of the proposed changes to 5 CFR part 2604:

*Subpart A—General Provisions.* The definition of "duplication" has been updated in accordance with changes in technology. The definition of "representative of the news media" has been revised to incorporate amendments to the FOIA under the OPEN Government Act. Section 2604.104 has been added to inform FOIA requesters about OGE's obligations regarding the preservation of records. Section 2604.105 has been added to clarify that OGE's FOIA regulation does not create an entitlement to additional rights or services beyond those conferred by the FOIA.

*Subpart B—FOIA Public Reading Room Facility and Web site; Index Identifying Information for the Public.* Section 2604.201(a)(2) was revised to reflect OGE's existing practice of proactively identifying and posting on its Web site records of interest to the public, in accordance with the principles set forth by the 2009 FOIA memorandum. Section 2604.201(b)(5) was revised to parallel the language of the FOIA. After consideration, OGE decided not to revise § 2604.202(b), which contains a notice that the Director of OGE has determined that it is unnecessary and impracticable to publish and distribute a quarterly index of materials available under 5 U.S.C. 552(a)(2). However, OGE will consider whether it would be feasible to publish