

PART 2045 - GENERAL

Subpart EE - Executive Branch Confidential Financial Disclosure Report
(OGE Form 450)

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PART 2045 - GENERAL

Subpart EE - Executive Branch Confidential Financial Disclosure Report
(OGE Form 450)

§ 2045.1501 General.

This Instruction provides procedures for using the Executive Branch Confidential Financial Disclosure Report (OGE Form 450).

§ 2045.1502 Filing Requirements.

Subpart I of Part 2634 of Title 5, Code of Federal Regulations (CFR) states that the OGE Form 450 must be completed by executive branch employees who hold positions which have been determined to involve duties requiring personal and substantial participation through decision making or exercise significant judgment in: contracting or procurement; administering or monitoring grants, subsidies, licenses, or other benefits; regulating or auditing non-Federal entities; or performing other activities having a direct and substantial economic effect on non-Federal entities.

- (a) Positions requiring the OGE Form 450. See Exhibit A of this Instruction.
- (b) New entrant filing requirements. Employees appointed to a designated position are required to file an OGE Form 450 within 30 days of appointment.
- (c) Annual filing requirements. Employees in designated positions must file incumbent reports no later than October 31 annually.

Note: An annual report is not required from an employee who does not work more than 60 days during the reporting period. For example, a covered employee who joins Rural Development on August 20, must file a new entrant OGE Form 450 within 30 days of appointment, but not an annual OGE Form 450 for the annual filing cycle. The same principle applies to employees who transfer from a non-covered position to a covered position.

- (d) Reporting periods. For new entrants, the reporting period covers the 12 months preceding the date of filing. For annual filers, the reporting period is the 12 months preceding September 30.

Distribution: WSAL

Personnel
General

(e) Availability of the OGE Form 450.

(1) Stock copies of the OGE Form 450 are only available electronically. The OGE Form 450 may be obtained at the USDA's Office of Ethics website, <http://www.usda-ethics.net/forms/index.htm>.

(f) Distribution of the OGE Form 450.

(1) The OGE Form 450 must be distributed to new entrant filers no later than the first day of appointment and no later than October 5th to annual filers.

(2) The State Ethics Advisor notifies State employees, the Headquarters Personnel Services Branch staff notifies National Office employees, and the St. Louis Field Services Branch Ethics Advisor notifies the St. Louis employees of the OGE Form 450 filing requirement.

(3) The OGE Form 450 may be distributed either electronically, or in hard copy.

(g) Execution of the OGE Form 450.

(1) Employees completing the form by hand must use blue or black ink. All form fillable electronic versions must be signed in blue or black ink.

(2) If there is nothing to report for a section, the filer must check the "None" box.

(3) The filer must certify the report by signing and dating in the "Signature of Employee" block, which is located on the cover page of the OGE Form 450.

(4) The employee should retain a completed copy of the OGE Form 450 for future reference.

(h) Transmission of the OGE Form 450.

(1) The original OGE Form 450 must be placed in a double sealed envelope. The inner envelope must be marked: "For Official Use Only," and indicate the employee's name.

(2) The outer envelope must be clearly marked: "TO BE OPENED BY ADDRESSEE ONLY Contains OGE Form 450," and addressed to the:

§ 2045.1502(h)(2) (Con.)

- (i) State Ethics Advisor for State employees;
- (ii) Ethics Advisor for Policy for National Office employees;
or
- (iii) St. Louis Field Services Branch Ethics Advisor for St. Louis employees.

§ 2045.1503 Review and Certification of the OGE Form 450.

(a) Officials responsible for the review of the OGE Form 450. The following officials are authorized to review and certify the OGE Form 450:

- (1) State Ethics Advisors for State employees;
- (2) Ethics Advisor for Policy for National Office employees; and
the
- (3) St. Louis Field Services Branch Ethics Advisor for St. Louis employees and for State Ethics Advisors who do not have a designated co-Ethics Advisor in their State to review their form.

(b) Initial review.

- (1) The officials indicated in paragraph (a) of this section must indicate the date of receipt in the "Date Received by Agency" block at the top left-hand corner of the first page of the OGE Form 450 or date stamp on the reverse.
- (2) All correspondence concerning outstanding questions must be documented on the OGE Form 450 or as a memorandum to the file.
- (3) For additional guidance, refer to the *OGE Form 450: A Review Guide* at www.usoge.gov.
- (4) If necessary, the State Ethics Advisors may request assistance from the St. Louis Field Services Branch Ethics Advisor. The St. Louis Field Services Branch Ethics Advisor may request assistance from the Ethics Advisor for Policy, National Office.

(c) Request and approval of extensions for filing the OGE Form 450. Officials listed in paragraph (a) of this section may grant an extension (not to exceed 90 days) for filing the OGE Form 450. Requests for extensions must be in writing and received prior to the due date.

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§ 2045.1503 (Con.)

(d) Officials responsible for final certification. Upon final review, the officials listed in paragraph (a) of this section must certify the OGE Form 450 by signing and dating the form in the "Agency's Final Reviewing Official and Title" block.

§ 2045.1504 Utilization of the Confidential Certificate of No New Interests (OGE Optional Form 450-A).

(a) The OGE Optional Form 450-A may be used by an incumbent filer in lieu of the OGE Form 450 if the filer can certify that he/she, his/her spouse or dependent children have not acquired new reportable interests and that the filer has not had a significant change in duties or change of position description assignment.

(b) This form may be used for a maximum of three consecutive years. However, each presidential election year all employees in designated positions must file the OGE Form 450.

(c) Employees completing the OGE Optional Form 450-A by hand must use blue or black ink. All form fillable electronic versions must be signed in blue or black ink.

(d) The officials identified in section 2045.1503 (a) of this instruction must indicate the date of receipt and place his/her initial, upon final review, in the lower right-hand corner of the OGE Optional Form 450-A.

(e) The availability, distribution, transmission, custody, control, quarterly reporting and transmission of the OGE Optional Form 450-A is identical to the OGE Form 450 process as outlined in this instruction.

§ 2045.1505 Custody of the OGE Form 450.

(a) Officials listed in § 2045.1503 (a) are responsible for the custody and safe keeping of the OGE Form 450.

(b) All OGE Forms 450 must be maintained in a locked file cabinet separate from the Official Personnel Folder.

§ 2045.1506 Control and record system of the OGE Form 450.

The National Office, all State Offices and the St. Louis Office must abide by the General Records Schedule as found at http://www.archives.gov/records_management/ardor/grs25.html, for all ethics records.

§ 2045.1507 Quarterly reporting requirements.

(a) All State Ethics Advisors must submit a status report outlining the receipt and review of OGE Form 450s and OGE Optional Form 450-As to the St. Louis Field Services Branch on the 15th of December, March and June or at any time prior to those dates if all of the forms are received and certified for their State. The St. Louis Services Branch must forward the combined report to the Ethics Advisor for Policy, National Office by the 20th of December, March and June.

(b) The Ethics Advisor for Policy, National Office, must submit a report outlining the receipt and review of all OGE Form 450s and OGE Optional Form 450-As to the USDA's Office of Ethics by December 30th, March 31st, and June 30th, or at any time prior to those dates if all of the forms from the National Office, State Offices and St. Louis Office are collected and reviewed.

§§ 2045.1508 - 2045.1550 [Reserved]

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Positions Requiring the OGE Form 450

National Office and St. Louis

All Special Government Employees

Rural Housing Service

- (1) Directors.
- (2) Deputy Directors.
- (3) Supervisors/Managers, GS-14.
- (4) All Loan Program Employees, GS-13 and above.
- (5) Employees with contracting officer authority.
- (6) Any employee who is officially acting in one of the above mentioned positions for more than 60 days.

Rural Utilities Service

- (1) Program Managers (Directors), GS-15.
- (2) Program Managers (Deputy Directors), GS-14.
- (3) Supervisors/Managers, GS-14 and 15.
- (4) Employees with contracting officer authority.
- (5) Employees with responsibility for communicating with manufacturers and recommending approval of equipment.
- (6) Water and Environmental Programs Loan Specialists, GS-12 and above.
- (7) Any employee who is officially acting in one of the above mentioned positions for more than 60 days.

Rural Business-Cooperative Service

- (1) Assistant Deputy Administrators.
- (2) Directors.
- (3) Branch Chiefs.
- (4) Supervisors/Managers.
- (5) All Loan Program Employees (with exceptions as determined by the work of the position), GS-9 and above.
- (6) Employees with contracting officer authority.
- (7) Employees who manage, administer or monitor grants or subsidies.
- (8) Any employee who is officially acting in one of the above mentioned positions for more than 60 days.

Office of Community Development

- (1) Assistant Deputy Administrator.
- (2) Directors.
- (3) Supervisors/Managers.
- (4) Rural Development Specialists, GS-13 and above.
- (5) Employees who have contracting officer authority.
- (6) Any employee who is officially acting in one of the above mentioned positions for more than 60 days.

Operations and Management

- (1) Assistant Administrator for Procurement and Administrative Services
Director, Procurement Management Division
Branch Chiefs
Contract Specialists and Procurement Analysts
Purchasing Agents.
Director, Support Services Division
Chief, Property & Space Management Branch
Chief, General Services Branch
Purchasing Agents.
- (2) Office of the Chief Financial Officer
Division Directors
Branch Chiefs
Supervisors/Managers, GS-14 and above.
- (3) Assistant Administrator for Human Resources
Director and Deputy Director, Human Resources Training Division
Safety and Occupational Health Manager.
- (4) Employees who have contracting officer authority
- (5) Employees who manage, administer or monitor grants or subsidies (including cooperative agreements).
- (6) Any employee who is officially acting in one of the above mentioned positions for more than 60 days.

NOTE: The Ethics Advisor for Policy in the National Office has the authority to identify additional positions that require an OGE Form 450 if he/she feels the position meets the reporting requirements as defined by the Office of Government Ethics at 5 CFR § 2634.904.

State Offices

- (1) All employees at GS/GM-13 and above.
- (2) All State, Area and Local Office Specialists, who are involved with loan, grant and guarantee programs.
- (3) Administrative Program Director, GS-12 and above.
- (4) Contract Program Managers, Contract Specialists, Procurement and Small Purchase Specialists, Purchasing Agents, and Procurement Clerks/Assistants.
- (5) Civil Engineer, GS-11 and above.
- (6) Architect, GS-11 and above.
- (7) Appraiser, GS-11 and above.
- (8) Any employee who is officially acting in one of the above mentioned positions for more than 60 days.

NOTE: The State Ethics Advisor has the authority to identify additional positions that require an OGE Form 450 if he/she believes the position meets the reporting requirements as defined by the Office of Government Ethics at 5 CFR § 2634.904.

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