

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice PM-2749

For: FSA Employees

2010 Annual Filing of OGE Form 450, Confidential Financial Disclosure Report

Approved by: Acting Deputy Administrator, Management



1 Overview

A Background

According to 5 CFR, Part 2634, Subpart I, and to avoid possible conflict-of-interest situations, employees within the Executive Branch of the Federal Government engaged in certain duties are required to report their outside activities, and personal financial interest, on an annual basis.

B Purpose

This notice:

- advises all employees, who are designated to file an annual OGE Form 450, of their requirement to file by **COB February 16, 2010**
- advises that **OGE Form 450** has been **revised** to incorporate the new \$335 reporting threshold for gifts and travel reimbursements received from 1 source
- advises that **OGE Optional Form 450-A** may be used for calendar year **(CY) 2010**
- provides guidance and instructions to management about their responsibility to ensure compliance by designated filers under their supervision
- provides an update on the annual ethics training requirement.

Note: Instructions about STC's will be provided in a forthcoming PM notice.

Disposal Date	Distribution
April 1, 2010	All FSA employees; State Offices relay to County Offices

1 Overview (Continued)

C Employees Required to File Annual OGE Form 450

Employees required to file OGE Form 450 are employees who are assigned duties that entail personal and substantial involvement in making official decisions, using significant judgment in making a Government decision, or taking a Government action in relation to any or all of the following:

- contracting or procurement
- administering or monitoring grants, subsidies, licenses, or other benefits
- regulating or auditing any non-Federal entity
- performing other activities in which the decision or action will have a direct and substantial economic effect on a non-Federal entity
- serving in any other position that FSA determines requires filing to avoid a conflict of interest, appearance of favoritism, or loss of impartiality; that is a real or apparent conflict of interest.

Questions about whether an employee is required to file OGE Form 450 shall be directed according to the following.

IF the employee is located in...	THEN contact...
Washington, DC, area	the servicing Classification Specialist, HRD, Domestic Operations Branch.
• APFO • Kansas City • St. Louis • State Office	KCHRO, Operations Section at 816-823-1957.
the County Office	State Office, Administrative Section.

Note: Servicing administrative offices seeking ethics guidance about the criteria for whether an employee should be required to file should contact Tonya Willis, Ethics Specialist at 202-720-0055.

D 2010 Annual Ethics Training Requirement

A separate PM notice will be issued outlining the annual ethics training requirement for 2010. Employees shall not complete the training before the notice is issued. This year's training will be placed directly on the designated employees' AgLearn Lesson Plan.

2 OGE Form 450 Annual Filing Requirement (Continued)

A Filing Deadline

All annual OGE Form 450's are usually due in the Office of Ethics (OE) by February 15; however, because February 15 falls on a holiday, the annual OGE Form 450 from FSA filers **must** be submitted by **COB February 16, 2010**.

B Reporting Period

The annual confidential financial disclosure reporting period covers the preceding CY, January 1, 2009, through December 31, 2009.

C OGE Optional Form 450-A

OGE Optional Form 450-A may be used for CY 2010. CY 2010 is **not** an election year; therefore, filers may use OGE Optional Form 450-A this filing season provided they meet the filing criteria.

D Revised OGE Form 450 (June 2008)

OE updated OGE Form 450 to incorporate in Part V, the reporting threshold for gifts and travel reimbursements received from 1 source, which was increased January 1, 2008, to more than \$335, with a \$134 or less *de minimis* aggregation exception.

The June 2008, OGE Form 450 revision is the **only** approved version and should be used during for the 2010 filing season. All previous versions are **obsolete**.

E Accessing OGE Form 450 (June 2008) and OGE Optional Form 450-A

To obtain OGE Form 450 (June 2008), go to www.usoge.gov, CLICK "**Forms Library**", and CLICK "**Financial Disclosure Form 450**". Scroll down, an electronically fillable PDF version of **OGE Form 450 (June 2008)** will be displayed to be used through Adobe Reader Version 7.0 and then printed.

Notes: Although OGE Form 450 (June 2008) is capable of accepting digital signatures, OGE has **not** authorized any agency to accept forms with digital signatures. Therefore, each filer **must** print OGE Form 450 (June 2008), place an actual signature on OGE Form 450 (June 2008), and submit the original, signed, OGE Form 450 paper copy.

It is critical that employees do the following:

- **read through the entire OGE Form 450 (June 2008)**
- **gather their financial records that contain the information requested by OGE Form 450 (June 2008)**
- **complete OGE Form 450 (June 2008).**

2 OGE Form 450 Annual Filing Requirement (Continued)

F Requests for Extensions

Extensions of the filing due date generally will **not** be granted **except** for the following extenuating circumstances:

- active military duty
- medical emergency
- natural disaster.

Each request **must** include a written justification and be received **before** February 16, 2010.

- National Office and Kansas City Regional Field Administrative Offices should forward requests to the Office of Ethics, Farm, Conservation, and Rural Programs Division (OE-Farm).
- SED, or acting, may issue individual extensions up to 14 calendar days for good cause shown; this authority **cannot** be redelegated.
- The Branch Chief, OE-Farm, through SED, may issue extensions for more than 14 calendar days.
- Group extension **cannot** be granted without the written concurrence of the Branch Chief, OE-Farm.

G Additional Information for Filers

OGE has created the online course, “Completing the OGE Form 450”, to assist filers with completing OGE Form 450. To access the course, go to **www.usoge.gov**, CLICK “**Training**”, and CLICK “**Training Modules**”. Scroll down to view descriptions of training modules available with links to begin modules. This web site also provides a link to information that addresses some of the OGE Form 450 filers’ more common issues, frequently asked questions, and other information about the Federal ethics laws and regulations.

3 Responsibilities

A Directors and Administrative Officers Responsibilities

Washington, DC, and Kansas City, MO, Directors; and AO's shall:

- designate a representative to serve as a collection point for submitted OGE Form 450's

Note: Washington, DC, Directors **must** encourage their employees to submit OGE Form 450's to the **designated representative** allowing time for submission to OE-Farm by the **February 16, 2010, deadline**.

- inform covered employees of their requirement to complete and submit their OGE Form 450 according to Exhibit 1

Note: A list of designated filers may be obtained from the servicing Administrative Office.

- provide covered employees access to privacy, pre-addressed envelopes, labeled according to the following:
 - employee name
 - office or division
 - "For Official Use Only: Contains OGE Form 450 - To Be Opened by Addressee Only"
- submit all completed and collected OGE Form 450's according to subparagraph C.

B Employee Responsibilities

All employees designated to file OGE Form 450 shall:

- complete OGE Form 450 (use blue or black ink)
- attach any prior approval memo of outside employment, if applicable
- sign and date OGE Form 450
- seal completed OGE Form 450 in privacy envelope and return to designated representative.

3 Responsibilities (Continued)

C Filing OGE Form 450

Washington, DC, and Kansas City, MO, Directors; AO's; or ethics contacts shall submit received OGE Form 450's according to the following.

IF the OGE Form 450's filer is...	THEN submit OGE Form 450 to the following for review and certification...
located in Washington, DC, area	by interoffice mail to: USDA, OE, OE-Farm Attn: Tonya Willis STOP 2120 Room 6840 South Building.
- located in any of the following: - Kansas City, MO - St. Louis, MO - APFO - AO, Executive Officer (EO), or Administrative Specialist located in the State Office	Kansas City Human Resources Office Attn: ELRS Mail Stop 8398 P.O. Box 419205 Kansas City MO 64141-6205.
located in the State or County Office	AO in the State Office.
an APFO employee	APFO Management Operations Officer.

D Reviewing and Certifying OGE Form 450's

OGE Form 450's:

- submitted **directly** OE-Farm according to subparagraph C **do not** require any supervisory or intermediate review
- should be forwarded directly to OE-Farm according to subparagraph C.

OE-Farm Ethics assistants will receive, review, and certify OGE Form 450's.

3 Responsibilities (Continued)

D Reviewing and Certifying OGE Form 450's (Continued)

KCHRO, EO, and AO's shall review and certify received OGE Form 450's according to the following.

Step	Reviewing and Processing Instructions for OGE Form 450's
1	At the top of OGE Form 450, in the "Date Received by Agency" box, stamp the date received.
2	Review for completeness and accuracy.
3	Check to determine if any non-Federal entities listed in Part I: Assets and Income or Part III: Outside Positions does any business with FSA. If so, the reviewer must notate the back of OGE Form 450.
4	Initial and date all notations.
5	Sign and date the "Signature and Title of Supervisor/Other Intermediate Reviewer" box.
6	Ensure that the following documentation has been provided with filers' OGE Form 450: • position description, if it has been updated • outside employment approval memo, if filer holds an outside position • prior approval of outside employment requests according to 3-PM, paragraph 131, if filer does not have an approval attached to OGE Form 450 • extension request, if applicable.
7	Compile a list of annual OGE Form 450 filers using the electronic Excel spreadsheet that was provided to each servicing administrative office in 2009.
8	After conducting the intermediate review, attach any pertinent documentation described in step 6 .

3 Responsibilities (Continued)

E Forwarding 2010 OGE Form 450 Reports to OE-Farm

AO, EO, or ethics contacts, shall forward intermediately reviewed OGE Form 450's to OE using the following instructions.

Step	OGE Form 450 Forwarding and Shipping Instructions
1	Complete and send an electronic copy of the Excel spreadsheet listing, in alphabetical order, the names and requested information of all current OGE Form 450 filers to tonya.willis@usda.da.gov .
2	Bundle OGE Form 450's, in alphabetical order, as they appeared on the electronic Excel spreadsheet provided in step 1.
3	Using boxes from a secure provider with a tracking system; such as USPS, FedEx, or UPS, ship bundled OGE Form 450's by express mail, no later than COB Monday, March 15, 2010 , to: United States Department of Agriculture Farm, Conservation, and Rural Programs Office of Ethics Attn: Tonya Willis 1400 Independence Avenue, SW Room 6840-South Building Washington DC 20250-2120.

4 Contact

A Questions About OGE Form 450

Employees shall direct questions about OGE Form 450, according to the following.

IF the employee is...	THEN direct questions to...
- located in the Washington, DC, area - Management Operations Manager, APFO - AO, EO, or Administrative Specialist located in the State Office	Tonya Willis, Ethics Specialist, at 202-720-0055.
located in Kansas City or St. Louis, MO	the servicing Human Resources Specialist in KCHRO, ELRS at 816-926-6643.
located in State or County Office	AO in the State Office.
an APFO employee	APFO Management Operations Officer.

Employee Notification Letter to Complete OGE Form 450

[Date]

SUBJECT: Confidential Financial Disclosure Report and Annual Ethics Training

TO: [Designated Employee Who Is Required to Submit the OGE Form 450]

FROM: [Name and Title]

Due to the nature and responsibilities of your position with the Farm Service Agency, you are required to submit a Confidential Financial Disclosure Report (OGE Form 450) on an annual basis. Employees within the Executive Branch of the Federal Government engaged in certain duties are required to report their outside activities, and personal financial interests on OGE Form 450. Specific duties and responsibilities requiring disclosure include, but are not limited to, those involving the exercise of judgment in making a Government decision or in taking a Government action on:

- contracting or procurement
- administering or monitoring grants subsidies
- regulating or auditing private or other non-Federal enterprises; or
- other activities where the decision or action has an economic impact on the interest of any non-Federal enterprise.

You can find the fillable, newly revised OGE Form 450 (June 2008) and Optional Form 450-A on the U.S. Office of Government Ethics web site at <http://www.usoge.gov/> CLICK “Forms Library”, then CLICK “Financial Disclosure form 450”. This site will also answer any questions you may have about the Federal ethics laws and regulations and will make your reporting more convenient.

If you are an annual filer, located in the field, your OGE Form 450, along with any request for approval of outside employment, is due to the [KCHRO/State Office] by February 15, 2010. If you are a first-time filer or a filer whose position and/or responsibilities have changed, your OGE Form 450 is due to your servicing personnel office within 30 calendar days of notification to file.

Our address is [KCHRO/State Office address]. If you have any questions regarding your OGE Form 450, you may contact us at [KCHRO/State Office phone number]. If you anticipate not being able to mail or deliver the OGE Form 450 to the address above on or before the due date, please send an email to [Servicing Administrative Office] before the due date to request an extension.

As a reminder, annual ethics training must be completed by June 30, 2010. Please do so by completing the assigned ethics training modules in your AgLearn lesson plan at <http://www.aglearn.usda.gov/>.