

U.S. Department of Energy
Washington, D.C.

ORDER

DOE O 326.1A

Approved: 12-27-2016

SUBJECT: CONFIDENTIAL FINANCIAL DISCLOSURE REPORTS (OGE 450)

1. **OBJECTIVES.** The purpose of this Order is to establish Department of Energy (DOE) requirements and responsibilities for Departmental elements and employees regarding filing Confidential Financial Disclosure Reports (OGE Form 450) in accordance with the Ethics in Government Act of 1978, as amended.
2. **CANCELLATIONS.** DOE O 326.1, *Confidential Financial Disclosure Reports (OGE 450)*, dated 12-9-2008.
3. **APPLICABILITY.** These requirements apply to career GS/GM and prevailing rate system and administratively determined employees, employees serving in excepted service positions designated EJ, EK, EN, ER, ET and NNSA employees in pay bands.
 - a. **All Departmental Elements.** Except for the exclusions in paragraph 3c, this Order applies to all Departmental elements, including those created after the Order is issued.

The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees comply with their respective responsibilities under this Order.
 - b. **DOE Contractors.** None.
 - c. **Exclusions.** None.
4. **REQUIREMENTS.**
 - a. **Who Must File.**
 - (1) All employees of the Department of Energy (including those in the National Nuclear Security Administration) who are GS-15/GM-15 or below, prevailing rate system, administratively determined employees, Excepted Service, or NNSA pay band IV and below, unless the employee is required to file a Public Financial Disclosure Report (OGE 278e) or the employee occupies a position that is exempt from filing as indicated on the Office of the Assistant General Counsel for General Law webpage.
 - (2) All employees working at the Department pursuant to an Interagency Personnel Act agreement unless the employee occupies a position the incumbent of which is required to file an OGE 278e.
 - (3) Employees who perform duties that require an Office of Government Ethics (OGE) Form 450 in accordance with 5 C.F.R. 2634.904(a), regardless of whether such employee occupies a position on the exempt

list, on the Office of the Assistant General Counsel for General Law webpage.

- (4) All special Government employees, as defined in 18 U.S.C. 202, when appointed.

b. Who is Exempt from Filing.

- (1) Any position may be exempted from all or a portion of the confidential filing requirements when the Designated Agency Ethics Official, or his designee, determines that the duties of a position make remote the possibility that the employee will be involved in a real or apparent conflict of interest.
- (2) All positions exempt from filing the OGE Form 450 can be found on the Office of the Assistant General Counsel for General Law webpage.

c. When to File.

- (1) Annual OGE Form 450 must be completed, signed, and submitted after January 1 of a calendar year and no later than February 15 of the same calendar year.
- (2) A person must complete, sign and submit a New Entrant OGE Form 450 within 30 days of the person entering a position subject to the reporting requirement.
- (3) A special Government employee must file an OGE Form 450 when appointed to his or her position and, thereafter, only on his respective anniversary/reappointment date.
- (4) If the Annual or New Entrant report is due on a weekend or Federal holiday, the report will be due on the next Federal workday.

d. Where to File.

- (1) Unless otherwise instructed, employees duty stationed at DOE Headquarters and all employees of the Office of the Inspector General must submit their OGE Form 450 directly to the Office of the Assistant General Counsel for General Law, GC-56, Room 6A-211, Forrestal Building.
- (2) Unless otherwise instructed, employees duty stationed in the field must submit their OGE Form 450 directly to their respective Field Counsel.

e. Reporting Period.

- (1) The reporting period covered by the Annual OGE Form 450 is the previous calendar year.

- (2) The reporting period covered by New Entrant OGE Form 450 is the preceding 12 months prior to filing the form or for any portion of this period not covered by a previous confidential or public financial disclosure report.

f. Forms Required.

- (1) All employees serving in positions subject to the filing requirements or required to file pursuant to 5 C.F.R. 2634.904(a) must file OGE Form 450, available from the Internet on the OGE website. (<https://www2.oge.gov/>)
- (2) If an employee meets the criteria, an abbreviated OGE Form 450A may be submitted in non-Presidential election years. The complete OGE Form 450 must be submitted in Presidential election years. Both forms may be obtained directly from the OGE website.
- (3) All special Government employees appointed to serve as members of advisory committees under the Federal Advisory Committee Act may use the Confidential Conflict of Interest Statement for DOE Advisory Committee Members (HQ F 515.5) which is available from the respective Committee's Designated Federal Officer (DFO).

g. Information Required.

- (1) OGE Form 450 contains instructions regarding the information required to be disclosed.
- (2) Filers must provide a "yes" or "no" answer to the five statements in the middle of page 1 of OGE Form 450. If the answer is "yes" to any of the statements, the filer must complete the corresponding section of OGE Form 450.
- (3) Additional guidance can be obtained from the Office of the Assistant General Counsel for General Law, 202-586-1522, StandardsOfConduct@hq.doe.gov, or respective Field Counsel.

h. Nonexempt Positions. Regardless of whether an employee's position is otherwise exempt, see the Office of the Assistant General Counsel for General Law webpage, an employee in the following categories must file an OGE Form 450:

- (1) Employee holding a contracting officer's warrant,
- (2) Employee who serves as a contracting officer's representative or contracting officer's technical representative,
- (3) Employee is a purchase card holder (see Office of the Assistant General Counsel for General Law webpage for transactional limit), or

- (4) Employee is deemed to be a Confidential filer pursuant to the regulatory provisions at 5 C.F.R. 2634.904 by the Designated Agency Ethics Official or his designee.

i. Exempted Positions.

- (1) Unless the employee is in one of the nonexempt categories listed above, all other exempted positions are listed on the Office of the General Counsel website in numerical order by occupational series, with the respective exempted grade levels.
- (2) Unless the employee is in one of the nonexempt categories listed above, all employees who occupy wage grade positions in occupational series 02601 and higher are exempt.
- (3) Certain employees occupying an Excepted Service position (EJ, EK and EN) may be exempt from filing OGE Form 450, depending on his or her pay band and occupational series. Please see the Office of the Assistant General Counsel for General Law webpage to determine if the employee is exempt.

5. RESPONSIBILITIES.

a. Office of the General Counsel, NNSA General Counsel, and Field Counsel.

- (1) Reviews OGE Form 450 upon employee submission.
- (2) Ensures that all deadlines for receipt and review of OGE Form 450 are met.
- (3) Answers questions regarding OGE Form 450 if necessary.

b. Office of Chief Human Capital Officer.

- (1) As appropriate, advises employees they must file an OGE Form 450 within 30 days of entering into a position subject to the filing requirements.
- (2) Directs covered employees where to file their reports and to contact the Office of the Assistant General Counsel for General Law or appropriate Field Counsel with questions.

c. Heads of Departmental Elements. Ensure that employees comply with the reporting requirements as described above.

d. Designated Agency Ethics Official. Manages the Department's Confidential Financial Disclosure system, including advising heads of Departmental elements regarding employees who have not complied with the reporting requirements.

e. Employees serving in positions required to file OGE Form 450.

- (1) Ensure compliance with reporting requirements.
- (2) Remain aware of their nonexempt status.
- (3) Ensure all deadlines are met.

6. DEFINITIONS.

- a. Annual OGE Form 450. Same form as the Confidential Financial Disclosure Report (OGE Form 450) except the report is due on February 15 for the preceding calendar year.
- b. Confidential Financial Disclosure Report (OGE Form 450). Standardized form promulgated by the Office of Government Ethics that must be completed by DOE employees regarding their financial situation.
- c. Employee. An employee whose position is not listed as an exempt position on the Office of the Assistant General Counsel for General law webpage, or falls into one of the nonexempt categories of paragraph 4h.
- d. New Entrant OGE Form 450. Same form as the Confidential Financial Disclosure Report (OGE Form 450) except the form must be filed not later than 30 days after an employee enters a position subject to the filing requirements. The reporting period is the preceding 12 months prior to the report date.

7. REFERENCES.

- a. Title XXXII of P.L. 106-65, National Nuclear Security Administration Act, as amended, which established a separately organized agency within the Department of Energy.
- b. Ethics in Government Act of 1978, 5 U.S.C. App., as amended.
- c. Confidential Financial Disclosure Reports, 5 C.F.R. § 2634.901.
- d. United States Code, 18 U.S.C. § 202.
- e. Federal Advisory Committee Act, 5 U.S.C. App. § 3(2).

8. CONTACT. Questions concerning this Order should be addressed to the Office of the Assistant General Counsel for General Law, Standards of Conduct, at 202-586-1522.

BY ORDER OF THE SECRETARY OF ENERGY:



ELIZABETH SHERWOOD-RANDALL
Deputy Secretary