



Federal Aviation Administration

Memorandum

Date: January 7, 2013
To: All FAA Managers/Supervisors and Ethics Program Coordinators (EPCs)
From: Senior Managing Attorney for Ethics, AGC-440
Subject: Confidential Financial Disclosure Report (OGE-450) Filers

In November 2009, the Office of the Chief Counsel issued a guidance memo on confidential financial disclosure filers (OGE-450). The guidance memo, signed by then Chief Counsel David Grizzle, has been rescinded effective December 26, 2012 and replaced with this memo which identifies more specifically the positions, job series and employees who must file or are excluded from filing a financial disclosure report pursuant to FAA Order 3750.7 (3750.7A, as amended October 24, 2011). FAA Order 3750.7A implements the Office of Government Ethics' regulations and sets forth the procedures and responsibilities for administering the agency's financial disclosure program.

The following designations cover all employees, including bargaining unit employees, and should be applied consistently across agency organizations.

Who Must File:

1. All FAA Managers/Supervisors, unless they have received a waiver to file from AGC-440.
2. All FAA procurement officials, regardless of Pay Band.
3. All purchase card holders with a single transactional limit above \$2,500.
4. Job Series #0344 (Pay band F only).
5. Employees whose duties require them to participate personally and substantially through decision or judgment without substantial supervision and in-
 - (i) administering grants, subsidies, licenses, or other federal-conferred financial or operational benefits;
 - (ii) regulating or auditing any non-federal entity (e.g., including but not limited to aviation safety and drug abatement inspectors);
 - (iii) other activity in which the final decision or action will have a direct and substantial economic effect on the interests of a non-federal entity;
 - (iv) investigating or prosecuting violations of criminal or civil laws (e.g., including but not limited to hazardous materials investigators);
 - (v) representing the U.S. in litigation or other proceedings (e.g., including but not limited to agency attorneys); or
 - (vi) scientific or social science research, when the research will have a direct and substantial effect on the financial interests of non-federal entities (e.g., including but not limited to principal investigators on cooperative research and development agreements).
6. Employees serving in any other position that an agency designated ethics counselor determines require the incumbent to file to prevent a conflict of interest, appearance of favoritism, or loss of impartiality.

Excluded from Filing based on agency review:

1. Purchase card holders with a single transactional limit of \$2,500 and below
2. Pay band positions E and below
3. Job Series #0341
4. Job Series #0344 (Pay bands D & E only)

Important Note: Employees in these positions or exercising these duties would be required to file IF they are also authorized to perform any of the other duties that require filing.

The above lists are not all inclusive. Positions not included above which management has determined would require the employee to exercise duties of significant independent judgment over matters that could impact the integrity of the agency should also file an OGE-450 report.

In determining positions that should be excluded from filing, management should review the position description(s) and job series as well as consult with a designated ethics counselor prior to making a final determination that the employee need not file an OGE-450 report. [Note: This paragraph does not authorize management reconsideration of positions/series identified above as required to file.]

This memo is scheduled to be reviewed and updated every two years, unless otherwise noted. If you have any questions regarding the information contained in this memo, please contact your ethics counselor located in the Headquarters, Region, or Center legal office.


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