

Department
of the
Treasury

Internal
Revenue
Service

Office of
Chief Counsel

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CC-2003-004

January 6, 2003

Upon Incorporation

Subject: Confidential Financial Disclosure Cancellation Date: Into CCDM

Purpose:

The purpose of this notice is to review the positions in Counsel that require the filing of a Confidential Financial Disclosure Report (OGE Form 450) and the procedures for reviewing and processing the forms. This notice is to replace CCDM 30.4.8.13 (April 22, 1992).

Discussion:

1. The Office of Government Ethics (OGE) Form 450, "Confidential Financial Disclosure Report," is required to be filed by certain officers and employees of the executive branch by regulations issued by the Office of Government Ethics found at Title 5 Code of Federal Regulations (CFR), Part 2634. The confidential financial disclosure complements public financial disclosure in avoiding financial conflicts of interest.

2. Confidential filers ("covered" positions) in Counsel include:

(a) all GS-15 positions;

(b) all positions, regardless of grade, which have been delegated signature authority for tax and revenue rulings, accounting periods and methods, or for contracting warrants;

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To: All Personnel X Attorneys ___ In: all offices

RO: Circulate ___ Distribute X to: All Personnel ___ Attorneys ___ In: all offices

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(c) employees who participate personally and substantially in: contracting/procurement, administering/monitoring federal grants, etc.; regulating or auditing non-federal entities; or other activities having a direct and substantial economic effect on the interests of a non-federal entity; or whose official duties require such disclosure in order to avoid a conflict of interest;

(d) all non-SES positions which have supervisory authority over a covered position; and

(e) any Special Government Employees.

3. New entrants. Employees covered by the filing requirement generally must file an OGE Form 450 within 30 days of entering a covered position

4. Incumbents. Those employees occupying a covered position on September 30 of the filing year and who have served for more than 60 days in that position or in one or more covered positions during the preceding year (October 1 through September 30), must file an annual OGE Form 450 by October 31. (The 60 days in a covered position do not have to be consecutive days.)

5. Annual reports cover the period from October 1 through September 30, and therefore, an annual report may not be submitted prior to October 1 of the filing year.

6. Normally, eligible annual filers may file an abbreviated annual report, the OGE Optional Form 450-A (Confidential Certificate of No New Interests), three out of every four years. On the fourth year (i.e., 2000, 2004, etc.), all annual filers must complete the OGE Form 450. To be eligible to file the OGE Optional Form 450-A, an annual filer must have on file a OGE Form 450, from the previous filing period; must not have changed jobs since filing the OGE Form 450; and must have no new reportable changes in financial interests.

7. Review.

(a) Employees will submit their report to their first line supervisor who is responsible for conducting a review of the report. The reviewer will examine the report to ensure it is properly completed, ensure the date of receipt is noted, compare disclosures to filer's duties in order to help the filer avoid conflicts of interest, take any remedial action necessary, and then certify the report by signing it.

(b) Once the first line supervisor has completed the review and signed the report as the reviewer, the report should be forwarded to the second line supervisor who will serve as the Final Reviewing Official. Following the review, the Final Reviewing Official will sign the report and forward it to the Executive Resources

