DEPARTMENT OF THE NAVY
GENERAL COUNSEL OF THE NAVY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

DEC 14

MEMORANDUM FOR DISTRIBUTION

Subj: DETERMINATION CONCERNING EXCLUSIONS FROM FILING THE CONFIDENTIAL FINANCIAL DISCLOSURE REPORT (OGE 450)

I have determined that more Department of the Navy (DON) officers, employees, and enlisted personnel are filing the Confidential Financial Disclosure Report (OGE Form 450), than is necessary to protect the integrity of DON programs. Supervisors are reminded that, when subordinates are unlikely to be involved in a real or apparent conflict of interest; when they are subject to a substantial degree of supervision; or when they exercise control over matters that would be inconsequential to DON integrity, they should not be required to file this disclosure report.

In a General Counsel Memorandum dated September 28, 1999, this office specifically exempted from filing requirements micro-purchasers who make annual purchases totaling less than the simplified acquisition threshold, as defined in the Federal Acquisition Regulation (currently $100,000).

The 1999 memorandum stated that certifying officers (also called Approving Officials) for micro-purchasers were still required to file. I have determined that micro-purchase certifying officers who annually approve amounts below the simplified acquisition threshold, and are not otherwise involved in government procurement are no longer required to file. This determination is based on the unlikely occurrence of any impairment to the integrity of the Federal Government.

This determination does not preclude individual supervisors from requiring subordinates to file the form when, in the supervisor's judgment, the subordinate has duties involving the exercise of significant independent judgment over matters that will have a substantial impact on the integrity of DON operations and relationships with non-Federal entities.

Further, this determination does not apply to individuals who hold contracting warrants or otherwise fall within the categories defined in 5 C.F.R. § 2634.904(a) (1) and JER

§ 7-300a. Finally, although this determination excludes this class of personnel from the filing requirement, these individuals remain subject to all statutory and regulatory conflict of interest restrictions (18 U.S.C. § 208 and 5 C.F.R. Part 2635, Subparts D, E, and F).

Alberto J. Mora